



# Pearmtree Hill Solar Farm

## Response to the Examining Authority's First Written Questions (ExQ1)

Document Ref: EN010157/APP/8.5

August 2025

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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 The purpose of this document is to provide the responses of RWE (the Applicant) to the Examining Authority's first written questions (ExQ1) issued on 29 July 2025, relating to Peartree Hill Solar Farm (the Proposed Development).
- 1.1.2 The response to questions directed to the Applicant can be found in Table 1 below. Where the responses refer to other documentation, these are either provided separately as part of the Deadline 1 submission, or as an appendix to this document. This is made clear in the written response.

## 2 Responses to the Examining Authority's First Written Questions

**Table 1: Applicant's response to the Examining Authority's first written questions**

ExQ1	Question to	Question	Applicants Response
<b>1.General and cross-topic</b>			
<b>1.1.1</b>	The applicant, East Riding of Yorkshire Council (ERYC)	<p><b>Local Plan</b></p> <p>The ExA understands that ERYC recently adopted its Local Plan Update (as is noted in [RR-005]). Does this have any implications for the proposed development?</p>	<p>The DCO Application is supported by Policy Accordance Tables at Appendix 1 to the <b>Planning Statement [APP-147]</b>, Table 5 which includes the East Riding Local Plan and addresses both the adopted (at the time) 2016 Local Plan as well as the Emerging Local Plan, an iteration of which has since been adopted. The Applicant has reviewed the adopted version of the Updated Local Plan and does not consider there are any material differences to the text included in the Policy Accordance Table or the conclusions which accompany them.</p> <p>The Applicant has provided a response to [RR-005] confirming this, within <b>Response to Relevant Representations [EN010157/APP/8.3]</b>.</p>

ExQ1	Question to	Question	Applicants Response
1.1.2	The applicant	<p><b>National Policy Statements</b></p> <p>Are there any implications for the proposed development as a result of the government's recent consultation on proposed revisions to the Overarching National Policy Statement (NPS) for Energy (NPS EN-1), the NPS for Renewable Energy Infrastructure (NPS EN-3) and the NPS for Electricity Networks Infrastructure (NPS EN-5)?</p>	<p>The Applicant does not consider that there is any material change to the conclusions at 9.2 of the <b>Planning Statement [APP-147]</b> as a result of the of the revised draft NPS'.</p> <p>The revised draft NPSs update the currently designated NPSs to reference government's energy policy. In doing so they confirm that the benefits arising from clean power projects which can help achieve Clean Power before 2030, and/or sustain Clean Power beyond 2030 should be afforded significant weight.</p> <p>Clean Power 2030 and other relevant policy have already been addressed as part of the <b>Planning Statement [APP-147]</b></p>
1.1.3	The applicant	<p><b>Solar roadmap</b></p> <p>The Solar roadmap: United Kingdom powered by solar was issued by the Department for Energy Security and Net Zero on 30 June 2025. Please set out how the proposed development would align with this, including in respect of all aspects of Chapter 5 (supply chain and innovation (including</p>	<p>The Government's June 2025, Solar Roadmap reconfirms that "Solar is at the heart of [the Government's] mission to make the United Kingdom a clean energy superpower. It is one of the cheapest and quickest to build power sources we have ... Solar offers huge potential to boost our energy independence, bring down bills and tackle the climate crisis" [p3].</p> <p>The roadmap outlines practical actions for industry and government to overcome the challenges to delivering the Clean Power 2030 capacity ranges for solar as well</p>

ExQ1	Question to	Question	Applicants Response
		tackling modern slavery/ forced labour)), Chapter 6 (skills) and Chapter 8 (working together).	<p>as setting the stage for longer-term solar capacity growth beyond 2030.</p> <p>In the roadmap, Government has set out plans to support the delivery of a ‘rooftop revolution’ for smaller scale solar, as well as deliver the large-scale projects.</p> <p>The roadmap includes deployment scenarios to 2035 [Figure 1] and an illustrative future capacity breakdown by size of scheme, [Figure 2] which shows that under current policies, 60-65% of capacity installed by 2030 could be large-scale projects. Given that the current policy range for solar deployment in 2035 is c.45% higher than the 2030 figure, it is clear that large-scale projects will contribute a significant proportion of capacity increases beyond 2030. Government estimates that rooftop capacity could increase by removing barriers to deployment, however an increase in smaller-scale deployment does not reduce Government’s projections for large-scale capacity installations because of the unsatiated need for new schemes to come forward to deliver a pathway to Net Zero.</p> <p>The Solar Roadmap therefore sets the stage for longer-term growth beyond 2030, clarifying that new large-scale solar schemes are urgently needed in the UK, both before and after 2030. The roadmap signposts policy and process streamlining opportunities to support</p>

ExQ1	Question to	Question	Applicants Response
			<p>such large-scale schemes, as well as seeking an additional increase in operational capacity through an acceleration of rooftop installations.</p> <p>In respect of Chapter 5 ((supply chain and innovation (including tackling modern slavery/ forced labour)), the Applicant supports in principle the UK Government's desire to maximise opportunities across solar and related infrastructure within the UK, while acknowledging the existing dominance of overseas markets in panel construction.</p> <p>The Applicant will actively seek to use domestically produced or derived materials and products, where practicable, and has committed to seeking to use locally sourced materials within the <b>Outline Construction Environmental Management Plan (CEMP) [EN10157/APP/7.2 Revision 2]</b>. The Applicant further notes that a potential use for the Community Fund could relate to the support of innovation /skills/training locally to help deliver on some of the objectives and support the Government Actions set out within Chapter 5 of the Roadmap. Please also see the Applicant's response to Written Question 1.12.2 for further context/information.</p> <p>In regard to tackling modern slavery in supply chains, the Applicant is committed to upholding human rights and labour rights in accordance with both national and</p>

ExQ1	Question to	Question	Applicants Response
			<p>international law. The Applicant requires its own teams as well as all its business partners and suppliers, to adhere to these laws and have a zero-tolerance policy to human rights violations.</p> <p>The Applicant is a signatory of the United Nations Global Compact, and as such is committed to upholding human rights and following international standards. The Applicant selects PV modules suppliers carefully and targets suppliers with a product qualification process, which includes selective manufacturing site visits.</p> <p>Additionally, the Applicant is a member of the Solar Stewardship Initiative (SSI) and sources PV modules from SSI-aligned manufacturers.</p> <p>In relation to Section 6, the Applicant acknowledges the shortages and gaps within the UK and directs the Examining Authority's attention to the written evidence by RWE for the Education Committee on Further Education and Skills<sup>1</sup> in which the Applicant has contributed to a greater understanding of some of the issues faced within the industry.</p> <p>The Applicant employs approximately 3,100 staff in the UK and has a well established apprenticeship programme. As with the response to the intentions of Chapter 5 of the Roadmap, the Applicant notes that the</p>

<sup>1</sup> <https://committees.parliament.uk/writtenevidence/138822/pdf/>



ExQ1	Question to	Question	Applicants Response
			<p>proposed Community Fund could potentially be used to contribute to training/upskilling appropriate areas of the industry to help deliver on the Roadmap's objectives.</p> <p>The Applicant's published ED&amp;I policy states that "RWE commits to furthering our inclusive culture, ensuring equal employment opportunities and non-discrimination for all candidates, employees and suppliers". The full text of the statement is at Appendix 1 to this document.</p> <p>In response to Chapter 8 (Working with Others to Deliver our Ambition) the Applicant is committed to delivering a Community Benefit Fund should consent be granted. It has also set out, in response to Written Question 1.12.8 how a future Community Liaison Group may look and work and is committed to discussing the matter further with EYRC in upcoming engagement.</p>
1.1.4	The applicant, ERYC	<p><b>Community benefit fund</b></p> <p>Planning Statement section 3.9 [APP-147] states that there would be a community benefit fund, though this would sit outside of the development consent process and should thus be afforded no weight in the overall planning balance. Please clarify why this is the</p>	<p>The Applicant considers that the Community Benefit Fund sits outside the development consent process, and this is consistent with the well-established principle that community benefits are not a material consideration in planning decision making. This position was confirmed by the Supreme Court in <i>R (Wright) v Resilient Energy Severndale Ltd and Forest of Dean</i></p>

ExQ1	Question to	Question	Applicants Response
		case, what any such fund might be used for, the likelihood of it materialising, and whether the applicant has been liaising with any parties, such as ERYC, on the matter.	<p><i>District Council</i> [2019]<sup>2</sup> UKSC 53 and this reflects the law as it currently stands.</p> <p>The Government has also endorsed the principle in its recent Work Paper ‘<i>Community Benefits and Shared Ownership for Low Carbon Energy Infrastructure</i>’ (May 2025<sup>3</sup>), where it said on p7 (emphasis added):</p> <p><i>“It is critical the planning process remains a robust system through which communities can continue to have a say on any proposals in their area. <u>That is why community benefits are legally immaterial to planning decisions and cannot be considered when deciding whether to grant planning consent.</u>”</i></p> <p>Accordingly, the Applicant reaffirms its position that the Community Benefit Fund should not be afforded any weight in the planning balance.</p> <p>The Applicant is open minded about what the funding may be used for. Examples from other Community funds for the Applicant’s other projects have contributed towards:</p> <ul style="list-style-type: none"> <li>• Solar panels on a community hub</li> </ul>

<sup>2</sup> <https://www.bailii.org/uk/cases/UKSC/2019/53.html>

<sup>3</sup> <https://assets.publishing.service.gov.uk/media/682b5647010c5c28d1c7e7ff/community-benefits-and-shared-ownership-working-paper.pdf>

ExQ1	Question to	Question	Applicants Response
			<ul style="list-style-type: none"> <li>• An electric van used by a food poverty charity</li> <li>• Contribution towards staffing costs for carers/community projects</li> <li>• Studies to investigate and promote wellbeing and local amenities</li> <li>• Community travel schemes</li> <li>• Development of community gardens and amenities</li> <li>• Local heritage projects</li> <li>• Educational opportunities</li> <li>• Supporting new families who are most at need</li> </ul> <p>The Applicant has committed to the Community Fund since the outset of the project and throughout its consultations. Its commitment to delivering the Community Fund is absolute should consent be granted.</p> <p>Outside of the reference to the Community Fund in the context of both non-statutory and statutory consultation, the Applicant has not directly engaged with parties on this matter. Typically, Community Benefit Funds provided by the Applicant are managed by an independent third party to ensure that the funds are as accessible as possible, and they would recruit a panel of local people to make decisions on fund allocations.</p>

ExQ1	Question to	Question	Applicants Response
1.1.5	The applicant, ERYC	<p><b>Planning history</b></p> <p>Would there be any implications for the projects/ applications listed in Planning Statement Table 2 [APP-147] should development consent be granted?</p>	<p>The Proposed Development took into account surrounding projects/applications, including those set out in Table 2 of the <b>Planning Statement [APP-147]</b>, throughout its design development.</p> <p>An assessment of the cumulative impact of the Proposed Development and other surrounding development, in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ], (including relevant applications listed in Table 2) are presented in <b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> and is supported by a detailed cumulative Landscape and Visual impact assessment, at <b>ES Volume 4, Appendix 15.2: Detailed Cumulative Landscape and Visual Impact Assessment [APP-144]</b>.</p>
1.1.6	The applicant	<p><b>Grid connection</b></p> <p>Relevant representation (RR) [RR-044] suggests there is a lack of capacity to accommodate the proposed development at Creyke Beck substation. Whilst the ExA understands that there is a grid connection agreement in place for the proposed development</p>	<p>As noted in the question, the Applicant's grid connection offer is for 320MW at National Grid Creyke Beck Substation. When the Applicant secured its Grid Connection Offer, capacity existed within the existing National Grid Creyke Beck Substation and the Applicant has had no indication from NGET that there is or will be insufficient capacity to accommodate the Proposed Development.</p>

ExQ1	Question to	Question	Applicants Response
		for up to 320 megawatts (MW) connecting to this substation [APP-152], please respond to this point. Please also further clarify whether the grid connection agreement is reliant on any future extensions to the Creyke Beck substation.	The Proposed Development is not reliant on future extensions to the existing substation or the construction of a new substation.
1.1.7	The applicant	<p><b>Grid connection</b></p> <p>ES Chapter 3 paragraph 3.3.2 [APP-039] states that the earliest the proposed development could be connected to the national electricity network and operational is 'Q3 2028'. However, the Planning Statement Appendix 3, paragraph 2.13.15 [APP-147], states that the connection agreement is for connection in 2033. Please clarify:</p> <p>a) the earliest date for connection;</p>	<p>Please also see Applicant's response to question 1.4.4 for wider context.</p> <p>In response to part a), the earliest date for connection under the current connection agreement is 2033.</p> <p>In response to part b), the latest date under the current connection agreement (also known as the backstop date) is 2035. In either scenario, the Proposed Development must begin no later than the expiration of five years beginning from the date the Order comes into force, in accordance with Schedule 2, requirement 2 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. This means that material operations, as defined by section 155 of the Planning Act 2008, comprised in or carried out for the purposes of the Proposed Development must take place within the period of five years. It does not require the Proposed Development to be</p>

ExQ1	Question to	Question	Applicants Response
		<p>b) the latest date for connection (noting that the dDCO makes provision for a five-year commencement period); and</p> <p>c) if connection and thus operation were to be beyond 2030, and noting that the intended lifetime is 40 years and that decommissioning is cited to take between 18-24 months (taking it beyond 2070), whether this has any implications for any assessments (such as the Flood Risk Assessment Part 1 [PDA-021] which states at paragraphs 1.1.3 and 5.11.15 that the assessment is based on decommissioning</p>	<p>substantially completed or operational within those timescales.</p> <p>Part (c) <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4 Revision 3]</b> and its supporting modelling is based on more severe flow increases than the climate change allowances in the period 2070-2125. Consequently, should the lifetime of the Proposed Development extend marginally into the 2080s epoch, the FRA concludes that the Proposed Development is resilient to anticipated flood risk for that short period. At the time of submitting the Decommissioning Environmental Management Plan to the local planning authority for approval, the assessments and any mitigation would be based on the flood risk profile and guidance at that time.</p>

ExQ1	Question to	Question	Applicants Response
		commencing before 2070).	
1.1.8	ERYC		
<b>2. Draft Development Consent Order (Draft DCO) and other consents</b>			
<b>Note: Questions/ comments relate to dDCO revision 3 [PDA-012] (clean)/ [PDA-013] (tracked)</b>			
<b>General</b>			
1.2.1	The applicant	<b>Contents page</b> Add an 's' to the word 'order' in '46. Trees subject to tree preservation order' to reflect the title of Article 46 on page 32.	The requested amendment has been made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
1.2.2	The applicant	<b>Terminology</b> There are various references to 'land plan' and 'land plans' throughout the dDCO – ensure consistency of terms throughout (the ExA notes that the document [PDA-006] is titled 'land plans').	The Applicant has updated the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1 to refer to the 'land plans' throughout.

ExQ1	Question to	Question	Applicants Response
1.2.3	The applicant	<b>Terminology</b> There are various references to 'works plan' and 'works plans' throughout the dDCO – ensure consistency of terms throughout (the ExA notes that the document [PDA-004] is titled 'works plans').	The Applicant has updated the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1 to refer to the 'works plans' throughout.
1.2.4	The applicant	<b>Terminology</b> There are various references to 'special category land plan' and 'special category land plans' throughout the dDCO – ensure consistency of terms throughout (the ExA notes that the document [APP-011] is titled 'special category land plans').	The Applicant has updated the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1 to refer to the 'special category land plans' throughout. The Applicant has also added a definition of 'special category land plans' to article 2 (Interpretation).
1.2.5	The applicant	<b>Cross referencing</b> The applicant should carry out a thorough check of all cross references in the dDCO for accuracy (also, going forward, to ensure that any are	The Applicant has undertaken a thorough check of cross-referencing throughout the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> . All changes are reflected in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.



ExQ1	Question to	Question	Applicants Response
		amended as necessary should any changes be made to the dDCO during the examination which may affect paragraph/ article/ requirement numbering). For example, the ExA notes that articles 28(3) and 34(9) cross refer to 'article 52 (no double recovery)' though the correct article number for 'no double recovery' is article 53.	
1.2.6	The applicant	<p><b>Explanatory note (page 92 of the dDCO)</b></p> <p>a) This refers to the 'compulsory purchase of land' and, for clarity, should be amended to refer to the 'compulsory acquisition of land'; and</p> <p>b) Given the document inspection address relates to a third party, provide evidence to show that the party has agreed to</p>	<p>In response to a), the Applicant has updated the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> at Deadline 1 to refer to the 'compulsory acquisition of land' in the explanatory note.</p> <p>In response to b), the Applicant is discussing this matter with East Riding of Yorkshire Council and will provide a further update in due course.</p>

ExQ1	Question to	Question	Applicants Response
		this.	
1.2.7	The applicant	<p><b>Requirements</b></p> <p>Do you consider whether any further requirements are needed, such as relating to/ to secure the following: proposed permissive paths; proposed community accessible areas; biodiversity net gain; foul and surface water drainage; skills, employment and supply chain (noting NPS EN-1 paragraph 5.13.12); and pre-construction protected species surveys. Please justify your answer and provide preferred wording of any requirements you consider necessary.</p>	<p>The Applicant does not consider that further requirements are necessary. The requirements included in Schedule 2 to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> represent a comprehensive set of measures to control the effects of construction, operation and maintenance of the Proposed Development.</p> <p>In relation to the specific matters identified:</p> <ul style="list-style-type: none"> <li>the implementation of the permissive path, community accessible land and biodiversity net gain proposals is, in each case, secured and detailed within the <b>Outline Landscape and Ecological Management Plan (LEMP) [EN010157/APP/7.5];</b></li> <li><b>Revision 3]</b> and <b>ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [APP-058].</b> The <b>Outline LEMP [EN010157/APP/7.5 Revision 2]</b> and the Indicative Environmental Masterplan (which is included as Appendix 4 to the <b>Outline LEMP [EN010157/APP/7.5 Revision 2]</b>) are secured by requirement 9 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. Access to the permissive paths during the operational phase of the Proposed Development is secured through the</li> </ul>

ExQ1	Question to	Question	Applicants Response
			<p><b>Outline Operational Environmental Management Plan (OEMP) [EN010157/APP/7.3 Revision 2];</b></p> <ul style="list-style-type: none"> <li>• details of any foul and surface water drainage would be submitted to the local planning authority for approval in accordance with Requirement 3 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. The Applicant has also updated Table 5-1 of the <b>Outline OEMP [EN010157/APP/7.3 Revision 2]</b> at Deadline 1 to outline the maintenance activities to be undertaken in relation to proposed drainage infrastructure. In relation to foul water drainage, paragraph 4.8.9 of the <b>Outline OEMP [EN010157/APP/7.3 Revision 2]</b> confirms that “self-contained independent welfare units which are not connected to the mains and which store foul/wastewater for collection/emptying by specialist licenced contractors will be used”. The equivalent commitment has also been added as paragraph 4.2.6 of the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> submitted at Deadline 1.</li> <li>• in relation to local employment and skills, <b>Environmental Statement (ES) Volume 2, Chapter 13: Population [APP-049]</b> sets out the Applicant’s ambition to work with partners and the</li> </ul>

ExQ1	Question to	Question	Applicants Response
			<p>local and regional construction supply chain to enhance the proportion of activities that can be accessed by local people (both in employment, unemployed and economically inactive or outside the current labour market) and firms with relevant experience and competencies. The Applicant is committed to working with East Riding of Yorkshire Council following the appointment of a contractor, should consent be granted, to maximise local job and skills opportunities. Within this context, the Applicant does not consider that it is necessary for any further express measure or control to be included within the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> or its control documents. In relation to the supply chain, a number of commitments are secured by the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. These are listed in the <b>Commitments Register [EN010157/APP/6.4 Revision 2]</b> under the following references: 172, 568 and 573; and</p> <ul style="list-style-type: none"> <li>• as regards pre-construction protected species surveys, the requirement for these is secured by the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>. The <b>Outline CEMP [EN010157/APP/7.2 Revision</b></li> </ul>

ExQ1	Question to	Question	Applicants Response
			<b>2]</b> is secured by Requirement 4 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> .
<b>Questions / comments relating to articles (A)</b>			
<b>1.2.8</b>	The applicant	A2 “the Order land” - please review the definition and consider whether it could be more precisely defined to align with the approach used in other made solar DCOs, such as by reference to the different colouring on the Land Plans.	The Applicant considers the definition of “Order land” in article 2 to be sufficiently precise. The Land Plans show the relevant colouring and it is not considered necessary to refer to this in the definition. Article 2 of The Byers Gill Solar Order 2025 adopts the same definition.
<b>1.2.9</b>	The applicant	A2 “permitted preliminary works” – this allows for works such as (f) the diversion and laying of apparatus, (b) the making of boreholes and (j) site clearance. Given this could occur before the discharge of certain requirements, what implications might this have, for example, for archaeology and ecology (including protected species)?	<p>The Applicant is satisfied that the "permitted preliminary works" as defined in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> would not be likely to give rise to significant environmental effects, and therefore no amendments are proposed.</p> <p>The "permitted preliminary works" are consistent with those routinely permitted under DCOs prior to "commencement", and are consistent with those authorised pursuant to The Oaklands Farm Solar Park Order 2025 and The East Yorkshire Solar Farm Order 2025.</p>

ExQ1	Question to	Question	Applicants Response
			<p>The Applicant would draw the ExA's attention to those requirements where it has expressly restricted the carrying out of the permitted preliminary works. The Applicant has done this by providing that certain preliminary works form part of the term "commence" for the purposes of the relevant requirement. This can be seen with Requirement 11 (Fencing and other means of enclosure), which ensures that written details of any fencing as part of permitted preliminary works requires approval from the local planning authority. Similarly, Requirement 13 (Archaeology) ensures that a written scheme of investigation would need to be approved ahead of any intrusive archaeological surveys (including trenching).</p>
<b>1.2.10</b>	The applicant	<p>A2 "environmental statement" – please check and confirm whether both sub-paragraphs (a) and (b) should refer to the 'environmental statement addendum' as it does, as by doing this, the main environmental statement would not appear to be covered.</p>	<p>Paragraph (a) of the definition has been amended to remove the reference to "addendum" in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1. This ensures the main <b>Environmental Statement</b> would be covered.</p>

ExQ1	Question to	Question	Applicants Response
1.2.11	The applicant	<p>A3(1) - The ExA notes the explanation in the Explanatory Memorandum (EM) for omitting the words 'within the Order limits' from this article. However, to enable to ExA to fully consider the matter, please clarify the following:</p> <ul style="list-style-type: none"> <li>a) The specific buildings and land which may fall under the provisions of A21 (protective works to buildings) and A22 (authority to survey and investigate the land) and the reasons for this;</li> <li>b) How such works could be construed to be within, or where they are shown as falling within the definition of the 'authorised development';</li> <li>c) Examples of any other</li> </ul>	<p>The <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> contains a number of articles which enable, subject to conditions, works and other operations to be carried out on land outside of the Order Limits, namely article 21 (protective works to buildings) (now article 20), article 22 (authority to survey and investigate the land) (now article 21), and article 45 (felling or lopping of trees and removal of hedgerows) (now article 44). The rationale for these powers is set out in the <b>Explanatory Memorandum (EM) [EN010157/APP/3.2 Revision 3]</b>.</p> <p>In response to (a), it is not reasonably practicable to define specific buildings or land which could be subject to the exercise of the powers in articles 21 and 22 (now articles 20 and 21), given the power to survey and investigate land relates to the need to survey and investigate additional land during the construction of the development, and the protective works power is included on a precautionary basis. The power has been included to embrace currently unforeseen circumstances, in which there may be a need to carry out protective works and surveys in relation to land which may be affected by the Proposed Development. The power will ensure that the Applicant can take appropriate action to avoid or reduce potential adverse impacts on land and buildings even where those are located outside the Order Limits. The powers therefore</p>

ExQ1	Question to	Question	Applicants Response
		<p>'works' which may be required outside of the Order limits and the reasons for this;</p> <p>d) Any implications for the definition of "the Order limits" in A2, which states 'means the limits shown on the land plans and works plan within which the authorised development may be carried out and land acquired or used'; and</p> <p>e) The reasons why such works in a) and c) above could not be carried out were the words 'within the Order limits' included within A3(1).</p>	<p>operate for the benefit and protection of such land and buildings.</p> <p>In response to (b), works covered by articles 21, 22 and 45 (now articles 20, 21 and 44) would, where they amount to development within the meaning of section 55 of the Town and Country Planning Act 1990, be covered by the following component of the definition of "authorised development" in article 2(1) of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>: "<i>'authorised development' means ... and other development authorised by this Order</i>".</p> <p>In response to (c), the Applicant refers to the confirmation provided in the preamble to this response.</p> <p>In response to (d), the Applicant does not consider that there are implications for the definition of "the Order Limits" in article 2. The definition of that term states that the authorised development <i>may</i> be carried out within the Order Limits, and not that the authorised development must be carried out within those limits. Accordingly, no conflict with articles 21, 22 or 45 arises (now articles 20, 21, or 44).</p> <p>In response to (e), if development consent for the authorised development was limited to land within the Order Limits, insofar as works or other operations within the scope of articles 21, 22 and 45 (now articles 20, 21 and 44) amount to "<i>other development</i>" for the</p>



ExQ1	Question to	Question	Applicants Response
			<p>purposes of the definition of authorised development, such works and operations would only be authorised to the extent they relate to land within the Order Limits. This would stymie the full intended purpose of those provisions, for the reasons explained.</p> <p>The Applicant would note that the Secretary of State has explicitly endorsed the removal of the phrase “<i>within the Order limits</i>” in the A303 Amesbury to Berwick Down Correction Order (a link to which can found in response to WQ 1.2.82) “<i>in recognition that the Order provides powers to carry out limited activities beyond the Order limits</i>”. Whilst this related to a highways Order, the Applicant considers that the same principle applies in this case.</p>
1.2.12	The applicant	A5 - In a similar manner to ExQ1.2.11 above, further justify the reasons for omitting the words ‘within the Order limits’ from this article.	<p>The addition of the words “<i>within the Order limits</i>” would create uncertainty as to the Applicant’s ability (under the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>) to maintain works constructed outside the Order Limits, for example protective works carried out to buildings or structures which may be affected by the Proposed Development under article 21 (now article 20).</p> <p>It is also important to note that the Applicant’s power to maintain the Proposed Development is subject to the condition that maintenance works must not give rise to any materially new or materially different environmental</p>

ExQ1	Question to	Question	Applicants Response
			<p>effects in comparison to those reported in the <b>Environmental Statement</b>.</p> <p>For these reasons, it is not considered necessary or appropriate to limit the scope of the Applicant's maintenance powers to land within the Order Limits.</p>
1.2.13	The applicant	<p>A5 – from the ExA's reading of this article and noting the definition of 'maintain' in A2, it appears that A2 could, in theory, allow for the near total removal, reconstruction or replacement of the authorised development at the same time. This could potentially result in, for example, considerable HGV movements during the operational phase, notwithstanding the content in, for example, ES Chapter 14: Traffic and Transport paragraphs 14.4.7 and 14.4.8 [APP-050].</p> <p>Please therefore suggest any ways, such as amendments to the dDCO or perhaps to the</p>	<p>Any works of maintenance carried out by the Applicant would be subject to the condition in article 2 that "<i>such works do not give rise to any materially new or materially different environmental effects in comparison to those reported in the environmental statement</i>".</p> <p>The Applicant considers that it highly likely that the substantial removal, reconstruction or replacement of the Proposed Development at the same time would fall foul of this provision (on the basis that this would be likely to give rise to new significant visual effects not reported in the <b>Environmental Statement</b> - the <b>Environmental Statement</b> does not contemplate the removal and reintroduction of likely significant visual effects during the operation of the Proposed Development).</p> <p>However, the Applicant considers that it is appropriate, and consistent with established precedent (please see articles 2 and 4 of the Byers Gill Solar Order 2025 and articles 2 and 4 of the Oaklands Farm Solar Park Order 2025), that this assessment be carried out by the</p>

ExQ1	Question to	Question	Applicants Response
		outline Operational Environmental Management Plan (oOEMP), to give the ExA a greater degree of certainty that this would not occur and thus that any works to maintain the authorised development in the context of the definition of 'maintain' would, with certainty, not give rise to any materially new or materially different environmental effects?	Applicant at the time that maintenance works are contemplated, to reflect prevailing environmental conditions.
1.2.14	The applicant	A7(1) – this article appears to make provision for works to be carried out beyond the limits of deviation in certain circumstances. The Works Plans [PDA-004] show those limits of deviation. Given that the limits of deviation for most Work Nos. extend either up to or close to the Order limits, this article would appear to allow for works beyond them, thus likely requiring additional land to that shown on the Works Plans and Land Plans [PDA-	<p>The Applicant has reflected on the inclusion of this provision and has decided to remove it from the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1, as it is considered to be duplicative of Requirement 3, which also controls the parameters of the Proposed Development.</p> <p>A number of changes consequential upon the removal of article 7 have been made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1. These are detailed in the <b>Schedule of Changes to the Draft Development Consent Order [EN010157/APP/8.1 Revision 3]</b> submitted at Deadline 1.</p>

ExQ1	Question to	Question	Applicants Response
		<p>006] (and all other plans which show the Order limits). Given this:</p> <p>a) Further justify such a provision (noting s153 of the Planning Act 2008 (PA2008) and the procedures for making any post consent (material or non-material) amendments to schemes as set out in the government's guidance 'Planning Act 2008: changes to Development Consent Orders'); and</p> <p>b) Provide your view on the extent to which the application, if including this article in the dDCO, complies with s122 and s123 of PA2008.</p>	
<b>1.2.15</b>	The applicant	A8 and A9 - please provide full justification as to why powers to transfer the benefit of the	The Applicant considers that the limited exceptions to the requirement for Secretary of State approval for a transfer or grant of the benefit of the Order are

ExQ1	Question to	Question	Applicants Response
		Order without the benefit of SoS consent (to those listed in 9(3)) are necessary. Where the purpose of the provision is to enable such person(s) to undertake specific works authorised by the DCO, the transfer of benefit should be restricted to those works. If the provision seeks to permit transfer of compulsory acquisition powers the applicant should provide evidence to satisfy the Secretary of State that such person has sufficient funds to meet the compensation costs of the acquisition.	<p>reasonable, proportionate and consistent with precedent. In the case of article 9(3)(a) (now article 8(3)(a)), the transfer or grant would be to a body holding a licence under section 6(2) of the Electricity Act 1989 (the 1989 Act). That is, a body subject to a wide range of regulatory and financial obligations, having a particular status and standing reflective of the highly regulated context in which it operates.</p> <p>For this reason, the Applicant considers that the Secretary of State can be confident that a body holding a licence under the 1989 Act would have sufficient funds to meet the compensation costs of any compulsory acquisition arising under the Order.</p> <p>In the case of a transfer or grant pursuant to article 9(3)(b) (now article 8(3)(b)), the transfer or grant would be to a body in circumstances where the time limits for compensation in respect of the compulsory acquisition of land have elapsed. The concern about adequacy of funding for compulsory acquisition would not therefore arise in this case.</p> <p>Finally, in the case of article 9(3)(c) (now article 8(3)(c)), the transfer would be to Northern Powergrid Holding Company for the purposes of undertaking Works Nos. 4A, 4B and 6 <i>only</i>. Northern Powergrid Holding Company is the parent company of Northern Powergrid (Yorkshire) plc, which is an electricity distribution</p>

ExQ1	Question to	Question	Applicants Response
			<p>licence holder under section 6(2) of the 1989 Act. The justification provided above, in respect of transfers or grants to a body under article 9(1)(a), therefore applies to a transfer under article 9(1)(c) (articles 8(1)(a) and (c) respectively).</p> <p>It should also be noted that, in the case of a transfer or grant pursuant to article 9(3), article 9(4) (now articles 8(3) and (4)) provides that the Applicant must still notify the Secretary of State in writing prior to the transfer or grant.</p>
1.2.16	The applicant	Article 9(6) - this provides for a notification period of five business days in the event of a transfer of the benefit of the Order in circumstances where the consent of the SoS is not required. The ExA notes that other made solar DCOs include a minimum period of 14 working days for the undertaker to notify the SoS of a transfer not requiring consent. Consider amending this provision so that it accords with the majority of other made solar DCOs, or provide an	<p>The Applicant has amended the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1 to provide for a minimum period of 10 business days' notice under article 9(6) (now article 8(6)). While two made solar DCOs provide for 14 working days: the Longfield Solar Farm Order 2023 and the Cottam Solar Project Order 2024, the most recent solar DCOs provide for 10 working days: the Gate Burton Energy Park Order 2024, the West Burton Solar Project Order 2025, the East Yorkshire Solar Farm Order 2024, Oaklands Farm Solar Park Order 2025 and Byers Gill Solar Order 2025 (in this case the Applicant notes the Secretary of State amended the period from 5 to 10 working days). The Applicant therefore considers 10 business days (note this is the term used in the <b>Draft</b></p>

ExQ1	Question to	Question	Applicants Response
		explanation as to why, in the context of this particular application, a shorter period should be applied.	<b>DCO [EN010157/APP/3.1 Revision 4]</b> , it has the same meaning as ‘working’ days) is appropriate.
<b>1.2.17</b>	The applicant	A11 – reliance is placed on the measures within certain outline management documents and detailed versions of these to manage matters relating to statutory nuisance. Please clarify which measures are of particular relevance.	<p>The Applicant has explicitly referred to the construction environment management plan and decommissioning environmental management plan as those are the plans that are considered relevant to controlling the potential nuisances of dust and noise, as set out in paragraph (d) or (g) of section 79(1) of the Environmental Protection Act 1990.</p> <p>The measures considered relevant in relation to controlling the potential for nuisance arising from dust are set out in the Air Quality section (pages 20-25) of the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> and those in the Air Quality section (pages 12-14) of the <b>Outline DEMP [EN010157/APP/7.4 Revision 2]</b>.</p> <p>The measures considered relevant in relation to controlling the potential for nuisance arising from noise are set out in the Noise and vibration section (pages 38-41) of the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> and those in the Noise and vibration section (pages 25-26) of the <b>Outline DEMP [EN010157/APP/7.4 Revision 2]</b>.</p>

ExQ1	Question to	Question	Applicants Response
			<p>The <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>, via Requirement 4 and 15 of Schedule 2, ensures that the final versions of these plans must be substantially in accordance with the outline versions and ensures that approval is required to be obtained from the local planning authority before commencement of construction.</p> <p>As such, the measures to control these nuisances will be set out in a plan that is approved by the local authority. The Applicant does not consider it reasonable or appropriate for potential claims in respect of statutory nuisance circumstances where the Applicant has complied with plans which have been approved by the local planning authority, and which provide appropriate controls for dust and noise impacts.</p>
<b>1.2.18</b>	The applicant	A12 – please clarify why this wide power is necessary and consider whether it should be limited to identified streets such as those listed in Schedule 4.	<p>The Applicant does not consider article 12 (now article 11) to be a wide power when benchmarked against approaches in other DCOs. It is limited to streets within the Order Limits and is therefore geographically limited in scope. The list of activities in (a)-(f) is a precedented list of powers found in many recently made solar DCOs, including article 9(1) of the Byers Gill Solar Order 2025, article 8(1) of the Oaklands Farm Solar Park Order 2025, and article 8(1) of the Mallard Pass Solar Farm Order 2024.</p>



ExQ1	Question to	Question	Applicants Response
			<p>The Applicant has not drafted article 12 (now article 11) so that it applies only to streets identified in Schedule 4. This is because Schedule 4 read with article 14 (now article 13) performs a different function to article 12 (now article 11).</p> <p>However, to address the Examining Authority's concern, the Applicant has amended the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> to provide that the exercise of the power in article 12 (now article 11) shall be subject to obtaining the prior consent of the street authority.</p>
<b>1.2.19</b>	The applicant	A16(7) – clarify whether, and when, you intend to add the relevant date during the course of the examination.	<p>The Applicant has added the date '18 December 2025' to article 16(7) of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1 (now article 15(7)). This is the relevant deadline for submission of the final Draft DCO, as set out in the <b>Rule 8 – Notification of timetable for the Examination [PD-009]</b>. The Applicant would have no reasonable opportunity to make appropriate provision within the Draft DCO for public rights of way added to the definitive map and statement on or after that date.</p>
<b>1.2.20</b>	The applicant	A18 – clarify/ define 'private road' and identify, for example on a plan, the relevant roads.	<p>The Applicant does not propose to define "private road" within the Draft DCO because the Applicant is also concerned that a definition which identified specific roads would potentially cause some private roads to be</p>

ExQ1	Question to	Question	Applicants Response
			<p>overlooked, given that it is capable of applying to a wide range of or for some private roads to come into existence after the Order is made which cannot be used, potentially frustrating in the process the Applicant's ability to adopt a better solution. Identifying private roads on a plan would also not be appropriate for this reason.</p> <p>The limitation to the Order limits is sufficient to provide clarity about the geographical limitations of the provision. Appropriate provision is made for those affected by the exercise of the provision to be compensated.</p> <p>This drafting is precededented in the recently granted East Yorkshire Solar Farm Order 2025, which also did not specify any roads in the DCO.</p>
1.2.21	The applicant	A19(2)(e) – should there be a comma after the word 'Act'?	This has been added to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
1.2.22	The applicant	A23(2) – should this article also be subject to A36 (statutory undertakers)?	The Applicant does not consider that this is necessary. Article 36 (now article 35) does not limit the exercise of article 23 (now article 22).

ExQ1	Question to	Question	Applicants Response
1.2.23	The applicant	A20 - please explain any implications of s146 of PA2008 on this provision	<p>The Applicant has had regard to section 146 of the Planning Act 2008. The effect of that provision is to provide that the person to whom an order granting development consent authorising the discharge of water into inland waters or underground strata is granted, does not acquire the right to take water or require discharges to be made from that source of water. Article 20 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> (now article 19) would authorise the Applicant to use watercourses or public sewers or drains for the drainage of water in connection with the carrying out or maintenance or use of the authorised development. That provision does not authorise water to be taken or discharges to be made from such watercourses, consent for which would where appropriate be sought separately.</p> <p>Article 20 (now article 19) is widely precededented in made solar and other infrastructure Development Consent Orders, including article 15 of the Gate Burton Energy Park Order 2024, article 16 of the Mallard Pass Solar Farm Order 2024 and article 14 of the Oaklands Farm Solar Park Order 2025.</p>
1.2.24	The applicant	A29(3) to (14) – should these rather be sub-paragraphs of	<p>The Applicant considers that either approach is acceptable. However, a review of recently made Orders shows that the approach taken within the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> reflects that</p>

ExQ1	Question to	Question	Applicants Response
		A29(2) (and if so, A29(15) would become A29(3))?	consistently adopted and accepted by the Secretary of State.  The Applicant has not therefore amended the <b>Draft DCO</b> at Deadline 1 in this respect.
1.2.25	The applicant	A32 – a) the ‘2017 Regulations’ referred to (and in Schedule 9) do not appear to be defined anywhere in the dDCO; b) there appears to be information missing from the three lots of square brackets in A32(2); and c) please direct the ExA to any made solar farm DCOs which includes this article, and if this is not possible, and notwithstanding the information provided in the EM, provide further justification for its inclusion in the dDCO.	In response to a), an appropriate definition has been added to Article 2 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.  In response to b), this provision relates to Form 1 (Form of General Vesting Declaration) set out in the Schedule to the Compulsory Purchase of Land (Vesting Declarations) (England) Regulation 2017. This is the prescribed form of vesting declaration for the purposes of section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. The missing information would be inserted when the “acquiring authority” executes the general vesting declaration, at the point that the land or rights to be the subject of a general vesting declaration are known. See by way of example article 32 of The A122 (Lower Thames Crossing) Development Consent Order 2025.  In response to c), the Applicant does not understand the provision has been included in a made solar farm DCO. Detailed justification for the inclusion of the provision has been included in the <b>EM</b>

ExQ1	Question to	Question	Applicants Response
			<p><b>[EN010157/APP/3.2 Revision 3]</b>. The provision complements article 26 (now article 25) and paragraphs (3), (5), (11), (12) and (13) of article 29 (now article 28), which are intended to provide confirmation that the 1981 Act can be used to acquire rights and land on behalf of third parties, without the need to acquire the land or rights in favour of the Applicant and then transfer such land or rights to those who are intended to benefit from such acquisition. As well as the Lower Thames Crossing Order referenced, this approach is preceded in article 33 of The Cambridge Waste Water Treatment Relocation Order 2025.</p> <p>As set out in the <b>EM [EN010157/APP/3.2 Revision 3]</b>, the Applicant is proposing to vest land and rights in third parties pursuant to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. This is anticipated to include rights in respect of the 132kV cable route connecting the on-site substations (Work No. 4) to the National Grid Creyke Beck Substation (Work No. 6), which would, as set out in the <b>Grid Connection Statement [APP-152]</b>, be adopted by the Distribution Network Operator following its construction by the Applicant. Article 32 (now article 31) would enable the transfer of rights in these circumstances to take place without unnecessary delay.</p>

ExQ1	Question to	Question	Applicants Response
1.2.26	The applicant	A34(10) – amend, for clarity and for consistency with numerous other made DCOs, to make provision for the undertaker to not acquire rights and restrictive covenants in addition to not acquiring land.	This amendment has been made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
1.2.27	The applicant	A40(2) – add the word ‘and’ after the semi-colon.	This amendment has been made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
1.2.28	The applicant	A45(1) – this refers to ‘[...] any tree or shrub near the Order limits [...]’. However, the term ‘near’ is imprecise. Also, as the Order limits are effectively the red line boundary, would the wording of the article provide adequate scope for any tree works that may be necessary? Would it be more precise and appropriate for the article to be worded ‘[...] any tree or shrub within or encroaching on land within the Order limits [...]’?	<p>There is no definition of ‘near’ in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. It’s plain and ordinary meaning applies in the Applicant’s view. The Applicant does not accept that the term is imprecise. A reasonable judgement is capable of being formed of what, in any given case, constitutes a tree or shrub which is near the Order Limits.</p> <p>The article is considered necessary to ensure that trees or shrubs do not obstruct the construction, operation, maintenance and decommissioning of this nationally significant infrastructure, in particular in order to maintain sight lines for construction traffic. It should be noted in this regard that sub-paragraph (7) provides that the Applicant may not fell or lop a tree within the extent</p>

ExQ1	Question to	Question	Applicants Response
			<p>of the publicly maintainable highway without the prior consent of the highway authority.</p> <p>The Applicant has therefore not amended the article in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>.</p> <p>The drafting of article 45(1) (now article 44(1)) is precededented in made DCOs including article 23(1) of the A122 (Lower Thames Crossing) Development Consent Order 2025, article 23(1) of the Boston Alternative Energy Facility Order 2023 and article 17(1) of the A303 (Amesbury to Berwick Down) Development Consent Order 2023. The term “near” is also used in a number of solar DCOs including in article 38 of The Byers Gill Solar order 2025, article 35 of The Heckington Fen Solar Park Order 2025, article 38 of The West Burton Solar Project order 2025 and article 36 of the Oaklands Farm Solar Park Order 2025.</p>
<b>1.2.29</b>	The applicant	A45(4) – on the basis that Schedule (Sch) 13 lists hedgerows proposed for removal, as referred to in A45(5), please further justify this wide power to allow for the removal of any hedgerow within the Order limits.	<p>The list of hedgerows in Schedule 13 reflects the Applicant’s current assessment of hedgerows which would need to be subject to removal in connection with the Proposed Development.</p> <p>However, article 45(5) (now article 44(5)) is expressed to be <i>without prejudice to the generality of</i> article 45(4). This reflects the fact that, as detailed design progresses, it is possible that further hedgerows could</p>

ExQ1	Question to	Question	Applicants Response
			<p>be identified for removal or works. The general power in article 45(4) provides flexibility to respond to this situation. Without the benefit of the general power, the Applicant's ability to efficiently carry out the Proposed Development could be compromised.</p> <p>However, the Applicant has made an amendment to article 45(4) in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1 (now article 44(4)). There are two features to the amendment. First, the amendment clarifies that paragraph (2) of article 45 (now article 44) applies to any hedgerow works or removal under paragraph 45(4). This makes it explicit that no unnecessary damage must be caused to a hedgerow in the exercise of the general power.</p> <p>Second, the amendment clarifies that the exercise of the general power in paragraph (4) would be subject to requirement 9, therefore clarifying that any additional hedgerow works and removal would be subject to definition in a landscape and ecology management plan to be approved by the local planning authority.</p>
1.2.30	The applicant	A49 – as with other made DCOs, should provision be made in this article for, words to the effect of 'For the avoidance of doubt, any matter for which the consent or	The Applicant has amended the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> at Deadline 1 to include this provision.



ExQ1	Question to	Question	Applicants Response
		approval of the Secretary of State is required under any provision of this Order is not subject to arbitration.'?	
<b>1.2.31</b>	The applicant	A49 – the ExA notes that other made solar DCOs (such as The West Burton Solar Project Order and The East Yorkshire Solar Farm Order) include a separate schedule for 'arbitration rules'. Please clarify why the dDCO in this case does not include such a schedule and explain how, without this, there would be clarity of any arbitration process for parties involved.	<p>In Article 49 (now article 48), the Applicant has sought not to be prescriptive about the procedures to be followed in circumstances where there is a reference to arbitration. The Arbitration Act 1996 would apply to arbitration proceedings, and this enables an arbitrator to manage proceedings as they see appropriate, without their discretion being fettered by a one size fits all approach mandated by the Development Consent Order. The current drafting affords flexibility to the arbitrator and the parties to establish a dispute resolution procedure that is appropriate and proportionate to the matter in dispute.</p> <p>An appointed arbitrator would be competent to make decisions depending on the facts of the case.</p> <p>Precedent for this approach can be found in the London Luton Airport Expansion Development Consent Order 2025, the National Grid (Bramford to Twinstead Reinforcement) Order 2024 and the Boston Alternative Energy Facility Order 2023.</p>

ExQ1	Question to	Question	Applicants Response
			The Applicant has not therefore amended the drafting in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> at Deadline 1.
<b>1.2.32</b>	The applicant	A52(2) – should this also include other articles, such as A28 (easements and other rights), A34 (temporary use of land for carrying out the authorised development) and A35 (temporary use for maintaining the authorised development), given that these articles also make provision for compensation?	The Applicant has made these additions to article 52(2) (now 51(2)) in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
<b>Questions/ comments relating to Schedule (Sch) 2, Part 1 - requirements (R); and Sch 2, Part 2 – procedure for discharge of requirements</b>			
<b>1.2.33</b>	The applicant	Various Rs – there is a slight difference in terminology used in Rs including ‘No part of the authorised development may commence...’ and ‘No part of the authorised development is to be commenced...’. Please clarify whether these terms mean the same thing, and if	There is no intended difference in meaning between the two terms. The <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1 has been amended so that the wording ‘ <i>No part of the authorised development may commence...</i> ’ is used throughout for consistency.

ExQ1	Question to	Question	Applicants Response
		so, consider, for clarity, whether one term should be used consistently.	
<b>1.2.34</b>	ERYC		
<b>1.2.35</b>	The applicant	The EA [RR-005] suggests wording for an additional R relating to unsuspected contamination. Please add this or provide justification should you not consider this necessary.	<p>The Applicant has added a commitment relating to unsuspected contamination to <b>Environmental Statement Volume 4, Commitments Register [EN010157/APP/6.4 Revision 2]</b> based on the wording provided by the Environment Agency in its Relevant Representation <b>[RR-005]</b>.</p> <p>This commitment has been secured through updates to the following management plans at Deadline 1: the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>, <b>Outline OEMP [EN010157/APP/7.3 Revision 2]</b>, and <b>Outline DEMP [EN010157/APP/7.4 Revision 2]</b>. These plans are secured by requirements in Schedule 2 to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>.</p> <p>As such, an additional requirement is not considered necessary.</p>
<b>1.2.36</b>	The applicant	R1 “design parameters document” – delete the ‘s’ in ‘design parameters documents’ on second line.	This amendment has been made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.

ExQ1	Question to	Question	Applicants Response
1.2.37	The applicant	R1 “outline LEMP” – this should refer to ‘ecological’ rather than ‘ecology’ to reflect the name of the document [PDA-018].	This amendment has been made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
1.2.38	The applicant	R1 “outline site waste management plan” – add the word ‘and’ after the semi-colon at the end of the sentence.	This amendment has been made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
1.2.39	The applicant, ERYC	R2 - should this include provision for details around phasing of the proposed development to be submitted to and approved by the local planning authority and for works to comply with approved details, noting for example that ES Non-Tech Summary paragraph 3.2.1 [APP-094] sets out proposed phases?	The Applicant considers that the programming of works is subject to appropriate controls. In this regard, it should be noted that the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> includes a commitment to implement a programme of community liaison, which would include provision for the notification of works (see Table 5-1 of the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> ). The <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> is secured by requirement 4 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> . The Applicant does not therefore consider that an amendment to article 2 is necessary in addition to this.

ExQ1	Question to	Question	Applicants Response
1.2.40	The applicant	R2(2) and (3) – the EM does not provide justification for these provisions of R2 – please provide justification and direct the ExA to any other made solar DCOs which include such provisions.	<p>This provision has not been included in any made solar DCOs, as far as the Applicant is aware, however it is preceded in the recent National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (Schedule 3, Requirement 2).</p> <p>There have been a number of challenges to the grant of DCOs for Nationally Significant Infrastructure Projects (NSIPs), which delay the ability of undertakers to commence construction free of the risk of legal challenge. The Applicant notes that the risk of legal challenge is viewed as a significant cause of delay in bringing forward NSIPs as recognised by the proposed amendments to judicial review in the Planning and Infrastructure Bill.</p> <p>Without the wording in sub-paragraphs (2) and (3) of Requirement 2 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>, the five year time limit would continue to run whilst any challenge is ongoing. The Applicant does not consider that it should be penalised, under Requirement 2, where a legal challenge is ultimately dismissed but potentially significant time has been incurred in legal proceedings (especially where there is an appeal).</p> <p>The Applicant does not consider that to implement the Proposed Development under the shadow of legal proceedings is a reasonable answer to the risk against</p>

ExQ1	Question to	Question	Applicants Response
			which paragraphs (2) and (3) of Requirement 2 seeks to protect.
1.2.41	The applicant	R3(1)(f) – should the word ‘and’ be added after the semi-colon?	This amendment has been made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
1.2.42	The applicant, ERYC	R3(1)(g) – should this also include ‘electrical cables’ given that these are cited in Sch 1?	The Applicant considers this is already provided for because paragraph (1)(g) of requirement 3 requires the provision of details of power and communication cables to be submitted to and approved by the local planning authority.
1.2.43	The applicant, ERYC, EA	R4, R6, R7, R8, R14 and R15 – should these requirements for a CEMP, SMP, BSMP, SWMP, OEMP and DEMP make provision for the local planning authority to consult any other parties as part of the approval process, or for any parties to be consulted by the undertaker prior to the submission of details to be discharged by the relevant planning authority (noting for example that the EA has	<p>As set out in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b>, the Applicant has agreed to add the Environment Agency (EA) as a consultee in respect of Requirement 4 and Requirement 8.</p> <p>In response to the EA’s request to be added as a consultee on Requirement 6, as set out in the Applicant’s Response to Relevant Representations, the mechanism to manage/prevent groundwater contamination is contained within the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>. The EA has, as noted, been added as a consultee in relation to Requirement 4 in the version of the <b>Draft DCO</b></p>

ExQ1	Question to	Question	Applicants Response
		requested [RR-005] to be a consultee on R4, R6 and R8)?	<p><b>[EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.</p> <p>To date, no other bodies have requested to be a consultee in respect of any of the Requirements, with the exception of Natural England and Historic England in relation to requirement 9 (see the Applicant's response to WQ1.2.46 below). The Applicant considers that the provision otherwise made for consultation with third parties is complete.</p> <p>For completeness, the Applicant would highlight that the management plans also include provision for consultation in specified circumstances. For example, paragraph 4.13 of the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> confirms that an Emergency Response Plan will be developed by the Principal Contractor in consultation with the relevant local authority emergency planning officer, emergency services including the local fire service, as well as the EA in relation to responding to flood warnings and events. The same provision is made by the <b>Outline OEMP [EN010157/APP/7.3 Revision 2]</b> and the <b>Outline DEMP [EN010157/APP/7.4 Revision 2]</b>.</p> <p>Requirement 19 provides that the application for approval to the local planning authority must be accompanied by a summary report setting out the consultation undertaken and include representations</p>

ExQ1	Question to	Question	Applicants Response
			received from the consultee and the undertaker's response to those representations.
<b>1.2.44</b>	The applicant	R4 - The EA [RR-005] requests an amendment to R4 regarding commencement and contamination (or the removal of (e) relating to remedial contamination works in the definition of "permitted preliminary works" in Part 1 paragraph 2 of the dDCO). Please make the changes or provide justification should you not consider this necessary.	<p>The drafting has been included to ensure that there is a proportionate degree of flexibility available to the Applicant, since without that flexibility the carrying out of each of the activities comprised within the definition of "permitted preliminary works" would be sufficient to require the submission of detailed plans for approval under Schedule 2 to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. This would be disproportionate to the nature of the works involved, which are, in each case, minor and are not expected to give rise to any significant environmental effects. The Applicant does not therefore consider that the EA's requested amendment is necessary or appropriate.</p> <p>As set out in <b>Response to Relevant Representations [EN010157/APP/8.3]</b>, the Applicant's proposed drafting is consistent with the majority of recently made solar DCOs (including the East Yorkshire Solar Farm Order 2025, the West Burton Solar Project Order 2025, and Heckington Fen Solar Park Order 2025) and thus reflects a widely precedented approach.</p>
<b>1.2.45</b>	The applicant	R8(3) – should this article include the additional words 'and maintained throughout the	The Applicant has updated the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> at Deadline 1 to include this further wording.



ExQ1	Question to	Question	Applicants Response
		construction, operation and decommissioning of Work No. 2.'?	
<b>1.2.46</b>	The applicant	R9 – NE [RR-012] requests to be added as a consultee in respect of this requirement. Would the applicant be willing to do this? If not, please explain your reasoning.	As set out in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b> , the Applicant has agreed to add Natural England and Historic England as consultees in respect of Requirement 9. The <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1 has been updated to reflect this.
<b>1.2.47</b>	The applicant	R11(5) – should this have an implementation clause, to ensure that any temporary fencing for preliminary works would be erected at an appropriate time, in accordance with approved details and removed upon the completion of such works?	<p>Paragraph (3) has been amended to cross-refer to paragraph (5) as well as paragraph (1). This means that any fencing would need to remain in place at all times during construction of the Proposed Development, therefore ensuring that it would, by necessary implication, need to be in place before works begin.</p> <p>Paragraph (3) has also been amended to replace the words “at all times during construction of the authorised development”, in the second line, with the words “at all times during construction of the part of the authorised development for which it is used”. This ensures the fencing does not remain in place for an unnecessarily long period of time and is consistent with paragraph (4).</p> <p>It is not necessary to make further provision for the removal of temporary fencing used in connection with</p>

ExQ1	Question to	Question	Applicants Response
			the permitted preliminary works. This is already provided for by paragraph (4), which would apply to any fencing approved under paragraph (5).
<b>1.2.48</b>	The applicant	<p>R15 – should this requirement:</p> <p>a) make provision for the decommissioning and restoration of land of any part of the proposed development should it no longer be in use/ generating electricity before a 40-year period from the date of commissioning; and</p> <p>b) make provision for a timescale in which decommissioning works should be completed?</p>	<p>In response to a), the Applicant considers that Requirement 15 addresses this point already under paragraph (2). Paragraph (2) makes clear that if decommissioning was to take place sooner than the 40-year period from the date of commissioning, there would be a requirement to submit and implement a decommissioning plan within 3 months of that intended date.</p> <p>In response to b), the Applicant is concerned that a provision in these terms could prove to be inflexible. Events outside the Applicant's control could conspire to place it in breach of the requirement, which would be a criminal offence. However, to address this concern, the Applicant has included an additional provision in Requirement 15 to include an anticipated timescale in which decommissioning works should be completed. The Applicant has amended the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> at Deadline 1 to include this further wording.</p>
<b>1.2.49</b>	The applicant	R15 – this makes provision for the submission and approval	The Decommissioning Traffic Management Plan and the Decommissioning Travel Plan would form part of the

ExQ1	Question to	Question	Applicants Response
		of a DEMP, in accordance with the outline Decommissioning Management Plan (oDEMP). The oDEMP at paragraph 3.8.2 [APP-155] also refers to a Decommissioning Traffic Management Plan and a Decommissioning Travel Plan. Should R15 therefore also make provision for the submission and approval of these documents?	DEMP to be submitted to the local planning authority for approval (see Table 4-1 read with paragraph 4.1.1 of the <b>Outline DEMP [EN010157/APP/7.4 Revision 2]</b> ). It is not therefore necessary to provide for the approval of these separately under requirement 15 or elsewhere.
<b>1.2.50</b>	The applicant	<p>R17 – this would allow for post consent changes to certified documents (that is, those listed in Sch 14 and referred to in R17 as ‘Approved Documents’ and thus forming an integral part of any made DCO). The EM does not provide justification for this wide-ranging provision. Please therefore:</p> <p>a) justify such a provision (noting section 153 of PA2008 and the</p>	<p>In response to a), the purpose of this provision is to allow flexibility in the detailed design stage, such that amendments to approved details can be sought in specific circumstances. However, this flexibility is subject to strict parameters, in that it only applies to the extent the local planning authority is satisfied that the subject matter of the approval is unlikely to result in materially new or materially different effects to those assessed in the <b>Environmental Statement</b>.</p> <p>A change within the ambit of Requirement 17 would not engage the procedures for making any post-consent (material or non-material) amendments to projects as set out in the guidance ‘Planning Act 2008: changes to Development Consent Orders’, since it would be a</p>

ExQ1	Question to	Question	Applicants Response
		<p>procedures for making any post consent (material or non-material) amendments to schemes as set out in the government's guidance 'Planning Act 2008: changes to Development Consent Orders'); and</p> <p>b) direct the ExA to where any other recently made DCOs include such a provision.</p>	<p>change which was within the scope of the Development Consent Order. A change outside the scope of Requirement 17 would engage those procedures.</p> <p>In response to b), this type of provision has now become highly precedented and a version of this provision is contained in a number of recent solar DCOs, for example Requirement 3 of The West Burton Solar Project Order 2025. See also Requirement 5 of the Longfield Solar Farm Order 2023, which is in substantially the same form as Requirement 17 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>.</p>
<b>1.2.51</b>	The applicant	<p>R18 - Following on from ExQ1.2.50, and notwithstanding the information within the EM, further justify why this requirement is necessary for this case. The example given regarding consultation on draft control documents would still leave it necessary for the final version of any such documents to be approved in writing</p>	<p>This is acknowledged, but the intention of the provision is to ensure that steps taken towards compliance with a requirement, such as drafting of control plans and consultation with statutory bodies on draft documents, can be taken into account when determining compliance with a requirement.</p> <p>To require the Applicant to re-run a consultation exercise, for example, would serve no useful purpose if consultation carried out prior to the Order being made is just as valid for the purposes of the Order as made.</p>

ExQ1	Question to	Question	Applicants Response
		following any grant of development consent and prior to works commencing.	This provision therefore affords an appropriate degree of discretion to local planning authorities to make sensible and proportionate decisions in circumstances such as this.
<b>1.2.52</b>	The applicant	Sch 2, Part 2, 22(2)(f) – the ExA has not been made aware any other made DCOs which allow only ten business days for an appointed person to determine an appeal. Consider deleting the words ‘but in any event no longer than 10 business days’ from this article.	<p>The Applicant is concerned to ensure that an appeal decision is made in an expeditious manner but notes that a number of made Orders provide for a period of 30 working days (see for example, Schedule 16, paragraph 4(2)(f) of The West Burton Solar Project Order 2025 and Schedule 16, paragraph 4(2)(e) of The East Yorkshire Solar Farm Order 2025).</p> <p>Reflecting these precedents, the Applicant has amended Schedule 2, Part 2, paragraph 22(2)(f) of the <b>Draft DCO [EN010157/APP/3.2 Revision 4]</b> to increase the period to 30 Business Days.</p>
<b>Questions/ comments relating to other schedules</b>			
<b>1.2.53</b>	The applicant	Sch 1, paragraph 1, “electric cables” – should an ‘and’ or an ‘or’ be added to the end of sub-paragraph (a)?	The word “and” has been added to the end of sub-paragraph (a) in paragraph 1 of Schedule 1 in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
<b>1.2.54</b>	The applicant	Sch 1 – there are various references to both ‘switchgear’ and ‘switch gear’. Ensure	The Applicant has made amendments to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1 to ensure consistency of terminology.

ExQ1	Question to	Question	Applicants Response
		consistency of terms to avoid any confusion.	
<b>1.2.55</b>	The applicant	Sch 1, Work No. 1 – as there is no Work No. 1A (given that Land Area A was removed from the Order limits before the application was submitted), should ‘(a) Work No. 1A- not used.’ be deleted? If the applicant considers not, an explanation should be provided.	The Applicant considers that it is helpful to indicate to those reading Schedule 1 and the associated Works Plans that Work 1A is not used. It was decided not to renumber the Works following the removal of Land Area A as this would have resulted in a significant number of changes to documents and plans, which was considered to be disproportionate.
<b>1.2.56</b>	The applicant	Sch 1, Work No. 1 – with the words ‘and associated development within the meaning of section 115(2) of the 2008 Act comprising—’ following on from a semi-colon (and noting the ‘and’ and full stops in the preceding Work Nos. 1A to 1E), any associated development might read as applying to Work No. 1F only. Please address this.	The words “in connection with Works Nos. 1A to 1F” have been added to Schedule 1 in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1, in order to address this potential ambiguity.

ExQ1	Question to	Question	Applicants Response
1.2.57	The applicant	Sch 1, Work No. 2(a) – is reference to ‘cell’ correct or should it be ‘cells’, noting that the Design Parameters Document [APP-150] states there would be ‘up to 84 hybrid packs’, with each comprising four BESS units?	This should be a reference to “cells” and the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1 has been updated to reflect this.
1.2.58	The applicant	Sch 1, Work No. 3(a) – is reference to ‘Work No. 6’ correct? It appears to the ExA that the Works Plans [PDA-004] show Work No. 3 connecting itself and other works to Work No. 5, with Work No. 5 then connecting to Work No. 6. Please clarify.	This is correct. Reference to Work No. 6 has been replaced with Work No. 5 in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
1.2.59	The applicant	Sch 1, Work No. 4 – for clarity, should this state ‘Work No. 4 - development of <u>two</u> onsite substations including-‘?	This amendment has been made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
1.2.60	The applicant	Sch 1, Work No. 4A(iv) – should ‘m’ be defined as	An amendment has been made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline

ExQ1	Question to	Question	Applicants Response
		'metres' somewhere in the dDCO?	1 to refer to 'metres' in full rather than use the abbreviation.
<b>1.2.61</b>	The applicant	Sch 1, Work No. 4B(ix) – delete the semi-colon after the word 'bundling'.	This amendment has been made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
<b>1.2.62</b>	The applicant	<p>Sch 1, Work No. 6(b) –</p> <p>a) 'GIS' should be defined somewhere in the dDCO; and</p> <p>b) Noting the use of 'GIS' (and other switchgear), please signpost to where in the application documentation you have addressed any implications of this, particularly in respect of paragraphs 2.9.59-64, 2.10.14-15 and 2.11.17 of NPS EN-5 (relating to sulphur hexafluoride). Should this not have been addressed, please provide relevant information.</p>	<p>In response to a), reference to 'Gas Insulated Switchgear' has now been set out in full in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.</p> <p>In response to b) paragraphs 2.9.59 – 2.9.64 of the National Policy Statement for Energy Networks Infrastructure (EN-5) address the placement of Sulphur Hexafluoride (SF6) reliant assets onto the electricity system. The Applicant can confirm that SF-6 use would be limited to the 132kV switchgear at the on-site substations and within the Creyke Beck substation. This is in line with the current standards used by Distribution Network Operators (DNOs). RWE will continue to work with the DNO to avoid the use of SF-6 if possible and remain in compliance with adoptable standards. switchgear at the on-site substations and within the Creyke Beck substation.</p> <p>The embodied carbon associated with the switchgear has been assessed and is set out in the <b>Environmental</b></p>



ExQ1	Question to	Question	Applicants Response
			<b>Statement Volume 1, Chapter 8: Climate Change [APP-044].</b>
<b>1.2.63</b>	The applicant	Sch 1, Work No. 6(h) – this includes provision for ‘structures and buildings’. Please provide further details of the types of structures and buildings envisaged and to what extent any potential effect on landscape and visual perspective) have been assessed.	<p>The <b>Environmental Statement</b> has considered the works identified in Schedule 1, Work No. 6(h) of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> in line with <b>Environmental Statement Volume 1, Chapter 3: Proposed Development Description [APP-039]</b>:</p> <p><i>“Works at the National Grid Creyke Beck Substation to facilitate the connection of the 132 kV underground cabling into the substation“.</i></p> <p>The ES assessment focusses on the ‘main’ elements of the Proposed Development being the Land Areas and the grid connection cable route (with the works under Schedule 1, Works No. 6(h) of the <b>Draft DCO</b> being included in the latter).</p> <p>For example, <b>Environmental Statement Volume 2, Chapter 11: Landscape and Visual [APP-047]</b> paragraph 11.4.25 confirms that <i>“the assessment is based on the design parameters, as outlined in <b>ES Volume 1, Chapter 3: Proposed Development Description [APP-039]</b>...”</i>. The assessment therefore embraces the works identified in Schedule 1, Works No. 6(h) of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. Work No. 6(h) was not assessed to result in likely significant effects on landscape and visual receptors in</p>

ExQ1	Question to	Question	Applicants Response
			this area due to the carrying out of the relevant works during the construction phase.
<b>1.2.64</b>	The applicant	Sch 1, further associated development (q) – this provides for temporary footpath diversions. However, ES Non-Tech Summary paragraph 6.9.3 [APP-094] and ES Chapter 13: Population paragraphs 13.7.2 and 13.9.2 [APP-049], for example, suggest that there would be no suitable routes for footpath diversions. Please clarify this apparent inconsistency.	<p>The inclusion of lettered work (q) is consistent with the general power to temporarily divert streets or public rights of way under article 16(2) (now article 15(2)) of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>, subject to the consent of the street authority under article 16(5) (now article 15(5)).</p> <p>Whilst no suitable diversions for the public rights of way in Schedule 5 have been identified, if an interface with a public right of way that is not included in Schedule 5 was identified at the detailed design stage, such that there was a need to invoke the power in article 16(2) (now article 15(2)), there may be an opportunity to facilitate a temporary diversion of the public right of way as opposed to a temporary closure with no diversion.</p> <p>Lettered work (q), in combination with article 16 (now article 15), therefore ensures this outcome could potentially be secured.</p>
<b>1.2.65</b>	The applicant	Sch 3 - a) paragraph 1(j) – this appears to be missing the name of	<p>In response to a), the Applicant confirms that this has been corrected.</p> <p>In response to b), the Applicant confirms that this has been corrected.</p>

ExQ1	Question to	Question	Applicants Response
		<p>the legislation proposed to be disapplied;</p> <p>b) paragraphs 1(h), 1(o) to 1(u) and 1(ff) – should these include the relevant year;</p> <p>c) paragraph 1(ff) – should the word ‘and’ be added after the semi-colon; and</p> <p>d) provide a brief explanation (which could involve updating the EM) as to why all the cited legislation (such as (b) The Associated British Parts Act 1987, (x) The Hull and Leven Canal Act 1801 and (gg) York and North Midland Railway (Canal Purchase) Act 1847) require disapplication.</p>	<p>In response to c), this amendment has been made in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.</p> <p>In response to d), the Applicant confirms that the <b>EM [EN010157/APP/3.2 Revision 3]</b> will be updated to provide the justification for the disapplication of the identified legislation at Deadline 2.</p>
1.2.66	The applicant	Sch 5, Part 1 and Part 2 – these parts cite the words ‘temporarily closed or	In response to a), the Applicant considers that the optionality conferred by Schedule 5 is justified and appropriate. If the public right of way can be subject to

ExQ1	Question to	Question	Applicants Response
		<p>restricted' throughout (as does the associated plan [PDA-005]).</p> <p>a) Should it be made clear which would apply;</p> <p>b) If not, would it be reasonable for the ExA to consider as a worst-case scenario that all the streets and public rights of way (PRoW) listed would be temporarily closed; and</p> <p>c) Do the relevant assessments of the ES (or any other assessments) consider this scenario as a worst-case also?</p>	<p>restrictions rather than closure, this would amount to a lesser interference enabling some ongoing use of the public right of way to be preserved.</p> <p>As set out in the <b>Outline Rights of Way and Access Management Plan [EN010157/APP/7.9 Revision 2] paragraph 3.2.2:</b></p> <p><i>"The Applicant will seek to use restrictions where reasonably practicable ahead of temporary closures and East Riding of Yorkshire Council will be consulted in advance of any temporary closures taking place".</i></p> <p>Detailed management measures for impacted public rights of way will be secured in a Rights of Way and Access Management Plan prior to the commencement of the relevant part of the Proposed Development and approved by East Riding of Yorkshire Council under Requirement 10 of the <b>Draft DCO [EN010157/APP/3.2 Revision 4]</b>.</p> <p>In response to b), the Applicant agrees that this is a reasonable assumption and this is reflected in the approach which was taken in <b>Environmental Statement Volume 2, Chapter 13: Population [APP-049]</b> (see for example row 1 of Table 13-12).</p> <p>As regards Riston Footpath No.1, Riston Footpath No.2 and Wawne Footpath No.1, <b>ES Volume 2, Chapter 13: Population paragraph 13.9.1</b> confirms that:</p>

ExQ1	Question to	Question	Applicants Response
			<p><i>“Three public footpaths (RISTF01, RISTF02 and WAWNF01) run through the Order Limits and may be crossed by construction vehicle tracks. However, no temporary diversions, closures or restrictions will be required for these three footpaths”.</i></p> <p>To reflect this, the Applicant has removed RISTF02 and WAWNF01 from Schedule 5 Part 2 in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.</p> <p>The Applicant has not removed RISTF01. This is because, as a result of proposed change no. 7 identified in the <b>Second notification of proposed changes to the DCO Application [AS-015]</b>, the Applicant would require powers to temporarily close or restrict access along a section of RISTF01. The Applicant acknowledges that a formal change application in respect of this and other changes identified in the change notification is to be submitted in due course and that the decision to accept the change(s) for examination is one for the Examining Authority.</p> <p>In circumstances where the change was refused by the Examining Authority, the Applicant would remove the reference to RISTF01 from Schedule 5.</p>

ExQ1	Question to	Question	Applicants Response
			In response to c), as noted, the assessment does consider temporary closure as a worst case scenario.
<b>1.2.67</b>	The applicant	Sch 5, Part 2, Tickton Footpath No. 12 – add a space between the words ‘sheet 13’ and ‘of the’ in column 2.	This amendment has been made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
<b>1.2.68</b>	The applicant	Sch 7, Parts 1 and 2: a) should the ‘traffic measures plans’ be defined in the dDCO and included as a certified document in Sch 14 (the ExA notes that Sch 14 incorrectly refers to a ‘traffic regulation plan’); and b) for clarity, should ‘mph’ be defined in the dDCO?	In response to a), a definition has been added to Article 2 and the reference to ‘traffic regulation plan’ in Schedule 14 has been corrected to ‘traffic measures plan’ in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.  In response to b), the Applicant does not consider a definition is required as its meaning is readily understood.
<b>1.2.69</b>	The applicant	Schedule 9 – notwithstanding the information provided in the EM [AS-009], please further clarify/ justify:	a) The relevant compensation provisions are modified only to the extent necessary to ensure that they apply

ExQ1	Question to	Question	Applicants Response
		<p>a) the necessity for this schedule;</p> <p>b) whether any houses, building or factories would be affected to necessitate the provisions of paragraph 10 relating to 'Schedule 2A of the 1965 Act'; and</p> <p>c) whether any other made solar farm DCOs include a similar schedule.</p>	<p>properly to the acquisition of rights, and not to affect the amount of compensation</p> <p>to which landowners would be entitled. As set out in the <b>EM [EN010157/APP3.2 Revision 3]</b>, this Schedule is widely precedented.</p> <p>b) The Applicant has not identified any specific houses, building or factories that would trigger the need for paragraph 10 of Schedule 9. The Applicant considers it to be best practice to ensure that existing remedies for compensation remain applicable to the compulsory acquisition powers that would be authorised by the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> if made. The removal of these provisions would, for example, prejudice landowners if land was split or changed hands following the making of the DCO (if development consent was granted).</p> <p>c) Modifying existing legislation to ensure that existing remedies for compensation apply equally to the additional categories of acquisition covered by the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> – the creation of new rights and the imposition of restrictive covenants in particular is an approach that is well precedented in DCOs, including those for solar farms. For examples, please see Schedule 9 of The Byers Gill Solar Order 2025. Schedule 7 of The Oaklands Farm Solar Park</p>

ExQ1	Question to	Question	Applicants Response
			Order 2025. Schedule 10 of The East Yorkshire Solar Farm Order 2025 and Schedule 9 of The Sunnica Energy Farm Order 2024.
<b>1.2.70</b>	The applicant	Schedule 10- for clarity, should this be titled 'Land of which <u>only</u> temporary possession may be taken'? If so, amend references to this schedule elsewhere in the dDCO (such as the contents page and A34(a)(i).	The Applicant has updated the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> at Deadline 1 to amend the title of Schedule 10 as suggested, with the inclusion of the additional words "for carrying out the authorised development" for clarity. Appropriate cross-referencing checks have been carried out and amendments made where necessary.
<b>1.2.71</b>	The applicant	Sch 11 – consider the following and amend as necessary: a) Part 2, paragraph 5(1)(a) – add 'and' after the semi-colon; b) Part 2, paragraph 6 – second to last definition add 'and' after the semi-colon; c) Part 2, Paragraph 6 – the final definition refers to 'sub-paragraph (1)', however, there is no such sub-paragraph in	These amendments to Schedule 11 have been made in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.



ExQ1	Question to	Question	Applicants Response
		<p>paragraph 6;</p> <p>d) Part 3 paragraph 7(1)(a) – add ‘and’ or ‘or’ as necessary after the semi-colon; and</p> <p>e) Part 4, paragraph 8(1)(a) – add ‘and’ or ‘or’ as necessary after the semi-colon.</p>	
<b>1.2.72</b>	The applicant	Sch 11 - Notwithstanding ExQ1.2.71, please provide further detail in the EM to justify this schedule and signpost to any other examples of made solar farm DCOs which include such.	<p>The Applicant has amended the <b>EM [EN010157/APP/3.2 Revision 3]</b> to provide further detail justifying Schedule 11 and referencing precedent.</p> <p>Other made solar DCOs do not include this provision, however there is precedent in The Sizewell C (Nuclear Generating Station) Order 2022 and the power is well within the scope of section 120(3) Planning Act 2008, being a provision relating to, or to a matter ancillary to, the Proposed Development.</p>
<b>1.2.73</b>	The applicant	<p>Sch 12 – consider the following and amend as necessary:</p> <p>a) Part 2, paragraph 15(6) – add a full stop;</p> <p>b) Part 3, paragraph 17</p>	<p>These amendments to Schedule 12 have been made in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.</p>

ExQ1	Question to	Question	Applicants Response
		<p>“plans”- add ‘and’ after the semi-colon;</p> <p>c) Part 4, paragraph 26(2) “remote defence” - add ‘and’ after the semi-colon; and</p> <p>d) Part 4, paragraph 26(2) “sea defence” – delete the space between the word ‘bank’ and the comma (though please also note ExQ1.3.31(e)).</p>	
<b>1.2.74</b>	The applicant	Sch 13, Part 2 – some hedgerows appear to be incorrectly numbered with an additional zero (including H0014, H0015, H0016, H0024 and H0043) when compared with the relevant plan [PDA-007]. Please address as necessary	These amendments to Schedule 13 have been made in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
<b>1.2.75</b>	The applicant	Paragraph 5.1.33 of the EM [AS-009] states that ‘Schedule 13 (Hedgerows to be removed) lists the hedgerows that the	The Applicant has updated the <b>EM [EN010157/APP/3.2 Revision 3]</b> to include a reference to the <b>Environmental Statement Volume 4 Appendix 7.11:</b>

ExQ1	Question to	Question	Applicants Response
		Applicant is allowed to remove along with the specific purpose of each removal [...]. Schedule 13 of the dDCO does not appear to include the specific purpose for the proposed removals. Please address this.	<b>Arboricultural Impact Assessment [APP-115]</b> table 2: Tree removals and impacts which includes justification for the removal of specific hedgerows. The Applicant has therefore not changed the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> and considers the amendments to the <b>EM [EN010157/APP/3.2 Revision 3]</b> sufficient to clarify the intended purposes of hedgerow removal.
<b>1.2.76</b>	The applicant	Sch 14 – this refers to ‘Article 46’ but the correct article is 47 – please amend and undertake a full check of cross referencing for accuracy.	This amendment to Schedule 14 has been made and cross-referencing has been checked and amended where required in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
<b>1.2.77</b>	The applicant	Sch 14 – ‘Street rights of way and access plan’ should be ‘Streets, rights of way and access plans’ and ‘Traffic Regulation Plan’ should be ‘Traffic Measures Plan’.	These amendments to Schedule 14 have been made in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
<b>1.2.78</b>	The applicant	Sch 14 – should this include other documents, such as the Design Approach Document, Commitments Register, Special Category Land Plan,	The Applicant has added the <b>Special Category Land Plans [APP-011]</b> and <b>Crown Land Plans [APP-012]</b> to the list of certified documents in Schedule 14 to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> .

ExQ1	Question to	Question	Applicants Response
		Crown Land Plan and Indicative Layouts and Cross Section Plan? If you consider not, please explain the reason for this.	<p>In relation to the other documents identified:</p> <ul style="list-style-type: none"> <li>the <b>Design Approach Document (DAD) [APP-149]</b> has not been added to Schedule 14. The <b>DAD</b> sets out the design vision and principles which have informed the design of the Proposed Development. However, the <b>DAD</b> does not of itself secure compliance with specific measures and is not therefore referenced in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. Instead, commitments flowing from the design process are identified in the <b>Design Parameters Document [EN010157/APP/5.8 Revision 2]</b> and the <b>Outline LEMP [EN010157/APP/7.5 Revision 2]</b>. See also the Applicant's response to WQ1.4.7;</li> <li><b>ES Volume 4: Commitments Register [EN010157/APP/6.4 Revision 2]</b> has not been added to Schedule 14. The <b>Commitments Register [EN010157/APP/6.4 Revision 2]</b> does not of itself secure compliance with the commitments identified and is not therefore referred to in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. The <b>Commitments Register [EN010157/APP/6.4 Revision 2]</b> is a signposting document to the control plans which secure compliance with the</li> </ul>

ExQ1	Question to	Question	Applicants Response
			<p>commitments identified. Those control plans are identified in Schedule 14; and</p> <ul style="list-style-type: none"> <li>the <b>Indicative Layouts and Cross Section Plan [EN010157/APP/2.10 Revision 2]</b> has not been added to Schedule 14. Compliance with the <b>Indicative Layouts and Cross Section Plan</b> is not a requirement of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> and is not therefore referenced in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. All relevant design parameters are secured already through the <b>Design Parameters Document [EN010157/APP/5.8 Revision 2]</b>, which is listed in Schedule 14.</li> </ul>
1.2.79	The applicant	Sch 14 – it would be helpful if additional columns could be added to identify the relevant date and EL reference number of the documents in the interests of clarity and ease of checking for accuracy.	The Schedule has been amended to include the additional columns for the relevant date and EL reference number.

ExQ1	Question to	Question	Applicants Response
1.2.80	The applicant	Sch 14 – please ensure this is updated with the most recent document versions as necessary during the examination. For example, the ExA notes that this schedule was not updated from the previous version of the dDCO in respect of the updated Book of Reference (BoR) [PDA-016].	The Schedule has been updated to reflect the most recent versions of documents, including those submitted at Deadline 1.
1.2.81	The applicant	Explanatory note – this should refer to ‘compulsory acquisition of land’ rather than ‘compulsory purchase of land’.	This amendment to the explanatory note has been made in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1.
<b>Explanatory Memorandum (EM)</b>			
1.2.82	The applicant	Paragraph 4.4.1 of the EM [AS-009] refers to the SoS’s removal of the words ‘within the Order limits’ from A3 in the ‘A303 Amesbury to Berwick Down Correction Order’. Please signpost to where this correction order and related SoS decision on this matter	<p>A link to the A303 Amesbury to Berwick Down Correction Order decision is provided below: <a href="#">The A303 (Amesbury to Berwick Down) Development Consent (Correction) Order 2021</a></p> <p>The Applicant would also draw attention to the correction notice: <a href="#">TR010025-002188-TR010025 Correction Notice.pdf</a></p> <p>This expressly states, the Secretary of State’s rationale in deleting the words “to be carried out within the Order</p>

ExQ1	Question to	Question	Applicants Response
		can be located (a gov.uk website link would suffice).	limits” in article 4 (development consent, etc. granted by the Order) in that Order in the following terms: “in recognition that the Order provides powers to carry out limited activities beyond the Order limits under articles 14 (protective works to buildings) and 15 (authority to survey and investigate land)”.  This Order was then quashed (for reasons unrelated to this amendment), and the made Order was re-made with the amendment without the need for a correction.
1.2.83	The applicant	Please update the <b>EN010157</b> if any amendments to the dDCO are made.	The <b>EM [EN010157/APP/3.2 Revision 3]</b> has been updated to reflect changes made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> and has been submitted at Deadline 1.
<b>3. Compulsory acquisition (CA), temporary possession (TP) and related matters</b>			
1.3.1	The applicant	<b>Justification for CA</b> On the basis that the use of the land for the proposed solar arrays and associated infrastructure would be temporary, albeit for the long-term (40 years), please clarify why CA of land/ rights is	The Applicant acknowledges that development consent for the Proposed Development is being sought for a temporary period. However, the Applicant does not consider it would be reasonable or appropriate to pursue temporary possession powers as a means of assembling the land, in preference to compulsory acquisition.  It would be an unprecedented approach to seek powers of temporary possession over land for a period of up to

ExQ1	Question to	Question	Applicants Response
		sought rather than temporary possession?	<p>40 years. The Applicant does not consider that 40 years can fairly be characterised as a temporary period within the context of the temporary possession provisions of an Order granting development consent. The result would be to deprive landowners of the beneficial use of the land for the whole of that period.</p> <p>Furthermore, to possess the land for 40 years would not fall within the lawful scope of the power to take temporary possession of land for the purposes of carrying out the Proposed Development (article 34). Nor would it fall within the lawful scope of the power to take temporary possession of land for the purposes of maintaining the Proposed Development (article 35). A new provision would therefore need to be drafted for which there is no precedent in any made DCO to the Applicant's knowledge. The Applicant is concerned that to rely on a novel provision for which there is no precedent would create a risk of challenge, therefore potentially impacting the Applicant's ability to assemble the land needed to deliver the Proposed Development.</p> <p>Taking a novel approach to authorising temporary possession may also give rise to unintended, but severe, consequences for landowners. For example, where acquisition is taken of part of a landowner's</p>



ExQ1	Question to	Question	Applicants Response
			<p>interest, there is an established process which would enable the landowner to require the Applicant (as the acquiring authority) to complete a purchase of the whole where a “material detriment” is caused by the potential severance of the land. If the only powers available to the Applicant related to temporary possession, these express protections would not apply. There are number of well-established safeguards which apply in circumstances where a landowner is deprived of their beneficial use of land which would not apply to temporary possession given the non-permanent nature of the latter.</p> <p>In these circumstances, the Applicant is seeking compulsory acquisition of interests and rights in land to provide the necessary certainty that the Proposed Development can be delivered. This approach also provides greater certainty to landowners.</p> <p>The Applicant notes that its starting position will be to reach agreement with landowners and the current status of negotiations is documented in <b>Statement of Reasons Appendix B: Land and Rights Negotiations Tracker [EN010157/APP/4.5]</b>. Compulsory acquisition powers will only be relied upon where agreement cannot be reached.</p>

ExQ1	Question to	Question	Applicants Response
1.3.2	The applicant	<p><b>Justification for CA</b></p> <p>ES Appendix 7.10 Biodiversity Net Gain (BNG) Assessment Figure 3 (pg 20 of 28) [APP-144] identifies areas E13 and E14 (area numbering as shown on ES Figure 3.4 [APP-058]) as 'mitigation grassland'. ES Figure 7.1 [APP-065] also shows these areas for mitigation. However, Appendix C of the BNG Assessment suggests that E-coded fields are enhancement areas and ES Figure 3.4 annotates these areas as providing 'benefits'. Please clarify:</p> <ul style="list-style-type: none"> <li>a) Whether areas E13 and E14 (and other E-coded and relevant areas) are wholly for mitigation purposes; and</li> <li>b) If not, and in respect of those</li> </ul>	<p>In response to a), areas E13 and E14 are primarily required for delivering mitigation for wintering bird species associated with the Humber SPA. However, in the BNG assessment the areas set aside for mitigation and wider enhancement are collectively shown on the plans as E coded fields and have not been specifically split between areas used for mitigation and areas used for enhancement. This is because these fields are to deliver a variety of ecological functions both mitigation and enhancement – areas greater than 2.0 hectares in extent will deliver mitigation for ground nesting bird species (recognising that ground nesting birds prefer large open fields) whilst areas less than this in size will deliver biodiversity benefit from enhancing the wildflower interest. It should be recognised that the areas of E coded fields that deliver mitigation measures also deliver overall biodiversity enhancement benefits (over and above the mitigation function) as the Applicant is increasing the botanical diversity of these areas. BNG guidance (<a href="https://www.gov.uk/government/collections/biodiversity-net-gain">https://www.gov.uk/government/collections/biodiversity-net-gain</a>) states that it is permissible to include species mitigation measures as part of the overall biodiversity uplift that a project will deliver, as long as 10% of the overall biodiversity uplift for the project as a whole derives from other measures. In the case of the Proposed Development, the majority of the total</p>

ExQ1	Question to	Question	Applicants Response
		<p>areas identified as 'ecological enhancement areas' on ES Figure 7.1, provide further justification for the CA of this land, including in national and local policy terms, noting that biodiversity net gain is not currently a requirement for NSIPs under the provisions of the Environment Act 2021.</p>	<p>biodiversity uplift derives from the enhancement to grassland underneath the solar PV modules, therefore it is permissible for the Applicant to claim as it does the biodiversity uplift that the mitigation measures in Fields E13 and E14 deliver as part of the biodiversity gain for the project as a whole.</p> <p>In response to b), as set out above areas E13 and E14 are primarily required for delivering mitigation for wintering bird species associated with the Humber SPA. For those areas identified on ES Figure 7.1 as ecological enhancement areas, the Applicant considers that the compulsory acquisition of this land is justified and meets the condition in section 122(2)(b) of the Planning Act 2008 as the land is incidental to the solar development and is proposed to facilitate ecological enhancements which benefit the immediate and surrounding environment as a result of the solar development. Without the solar development, the Applicant would not be proposing these ecological enhancements.</p> <p>While biodiversity net gain is not currently a requirement for NSIPs under the provisions of the Environment Act 2012 there is strong policy support in NPS EN-1 (see section 4.6) and NPS EN-3 (see paragraphs 2.10.89 and 2.10.90) for the provision of biodiversity net gain and biodiversity enhancements as part of energy</p>

ExQ1	Question to	Question	Applicants Response
			<p>NSIPs. In particular, paragraph 2.10.89 of EN-3 provides that: <i>“Solar farms have the potential to increase the biodiversity value of a site, especially if the land was previously intensively managed. In some instances, this can result in significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains which is encouraged.”</i></p> <p>While not specifically discussed in the decision letters, the Applicant notes that a number of recently granted solar DCOs have authorised the compulsory acquisition of land identified within the application documents as being used for ecological enhancement for example The East Yorkshire Solar Farm Order 2025 and The Byers Gill Solar Order 2025.</p>
<b>1.3.3</b>	The applicant	<p><b>Justification for CA</b></p> <p>Please clarify the reason why some plots cited in the Statement of Reasons (SoR) [PDA-014] as being required for Work No. 8 are proposed for CA of land (such as Plots 2-5, 2-6 and 2-9), whereas others (such as Plots 2-7 and</p>	<p>Plots 2-5, 2-6 and 2-9 are required for the provision of passing places along Meaux Lane. Permanent acquisition of the land is required to enable the passing places to be constructed and permanently retained for adoption by the Highways Authority.</p> <p>The Applicant notes that, in the context of the A303 Sparkford to Ilchester Dualling Development Consent Order 2021, the provision of turning heads was proposed to be secured by means of the compulsory acquisition (CA) of rights as opposed to the CA of the</p>

ExQ1	Question to	Question	Applicants Response
		2-8) are identified for CA of rights only?	<p>land. The Examining Authority in that case considered that such an approach was “lacking in transparency and procedural fairness”, because the owners of the land were effectively being dispossessed of their land but retained ownership of it (para 57 of the Decision Letter, refer Appendix 2 to this document).</p> <p>At paragraph 62 of the Decision Letter, the Secretary of State said:</p> <p><i>“The Secretary of State notes that the approach adopted by the Applicant appears to be unprecedented and agrees with the ExA that this approach does not represent best practice nor is it consistent with Government guidance. Full acquisition of the land would have been preferable and a more appropriate approach to have adopted...”</i></p> <p>The Applicant considers that these principles apply to passing places as they do to turning heads, since the construction and retention of both would result in the owner being dispossessed of the land. The Applicant therefore considers that, in relation to plots 2-5, 2-6 and 2.9, its approach is consistent with best practice.</p> <p>In relation to plots 2-7 and 2-8, the land is required to enable sight lines to be provided and maintained for construction vehicles going to and from site. Vegetation</p>

ExQ1	Question to	Question	Applicants Response
			<p>will need to be managed along Meaux Lane for this purpose.</p> <p>The Applicant has reconsidered the need for permanent acquisition of rights in respect of plots 2-7 and 2-8. The Applicant has formed the view that powers of temporary possession over these plots would be sufficient and therefore preferable to the CA of rights. Following the construction of the Proposed Development, the Applicant would be authorised to carry out works to shrubs, trees or hedgerows in accordance with article 45 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>.</p> <p>The Applicant does not consider there is a compelling justification for seeking CA powers in respect of plots 2-7 and 2-8. The nature of the powers to be exercised in respect of these plots would not result in the owner being dispossessed of their interest in the land, nor is the presence of an encumbrance against the land justified in circumstances where the Applicant would have the benefit of a statutory power to carry out necessary works in accordance with article 45 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>.</p> <p>The Applicant also has sufficient rights of access over Meaux Lane, which is an adopted highway, for the purposes of exercising its powers under article 45 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>.</p>

ExQ1	Question to	Question	Applicants Response
			<p>The Applicant has carried out a check to identify other instances in which it would be appropriate to downgrade the class of rights sought in respect of any plots on the basis of the analysis set out above. The Applicant has identified seven additional plots as a result of this check. These are plots 1-10, 1-12, 4-4, 4-5, 4-8, 4-9 and 4-10.</p> <p>The Applicant has therefore amended the <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> and the <b>Statement of Reasons [EN010157/APP/4.1 Revision 3]</b> at Deadline 1 to reflect the change in powers sought in respect of these plots. The <b>Land Plans [PDA-006]</b> will be updated at Deadline 2.</p>
1.3.4	The applicant	<p><b>Justification for CA</b></p> <p>The SoR, including at paragraph 13.1.3 [PDA-014], states that ‘The Applicant has entered into voluntary option agreements with the freehold owners of most of the Land Areas on which Solar PV Development, green infrastructure and habitat creation would be situated.’ Given this, please justify the reasons for continuing to seek</p>	<p>The Applicant has included all parcels of land required for the Proposed Development, even where it has voluntary option agreements in place. This is to ensure that any unknown interests that would be incompatible with the construction, operation, maintenance or decommissioning of the Proposed Development can be extinguished or suspended, as appropriate, and to prevent an unidentified owner later asserting an interest in land that could impact the delivery of Proposed Development. Proceeding in this way will also provide a contingency if any of the agreements secured by voluntary means were to fail for any reason.</p>

ExQ1	Question to	Question	Applicants Response
		CA powers over this land/ the relevant plots.	This approach is well preceded in DCO applications and is considered proportionate to ensure that this project of critical national importance can be delivered.
1.3.5	The applicant	<p><b>Plot 17-5</b></p> <p>Clarify why this plot includes, for example, an area of woodland (G433 in the Arboricultural Impact Assessment (AIA) [APP-115]), given that this is not mentioned in the BoR plot description, does not appear to be required for cabling works, and does not appear to be identified for any improvement or enhancement works under Work No. 6 in the dDCO?</p>	<p>The requirement for this part of plot 17-5 to be included within the Order Limits is to provide for optionality in relation to the final grid connection cable route design into Creyke Beck substation. Two potential cable routes into the substation have been identified: one via plots 17-1, 17-6, 17-8, 17-9, 17-10 and 17-5 (the eastern route); and one to the north via plots 17-1, 17-2, 17-3 and 17-5 (the northern option). Only the eastern option would interface with the area of woodland identified as G433. The extent to which G433 may be impacted would be dependent on the detailed design, however, the route and method of laying the cable will be designed to ensure there will be no felling of trees within the block.</p> <p>The <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> description for plot 17-5 has been updated for Deadline 1 and the <b>Statement of Reasons [EN010157/APP/4.1 Revision 3]</b> has also been updated to clarify that plot 17-5 may be required for the purposes of carrying out Work No. 5. Updated versions of both documents are submitted at Deadline 1.</p>



ExQ1	Question to	Question	Applicants Response
1.3.6	The applicant	<p><b>Plots 2-9, 2-10, 2-11 and 2-14</b></p> <p>Please provide further justification for the extent of these plots, given, for example, that the Indicative Environmental Masterplan [APP-058] appears to indicate that the whole of the plots are not required for passing places/ internal access roads.</p>	<p>The Applicant has set out that passing places will be 20 m in length (with 10m tapers at either end) in the description of Work No. 8 in the <b>Design Parameters Document [EN010157/APP/5.8 Revision 2]</b>. Requirement 3 of Schedule 2 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> secures this commitment.</p> <p>It is necessary for there to be a reasonable level of flexibility built into the compulsory acquisition powers sought. Detailed surveys, which would take place after the DCO is made as part of the detailed design stage, would determine the extent of underground utilities, culverts etc that could be affected by installation of passing places. This means that the area taken for passing places will respond to local conditions but will ultimately be proportionate to the extent actually required by the Applicant in connection with the Proposed Development.</p> <p>The Applicant would also highlight that, as set out in the <b>Second notification of proposed changes to the DCO Application [AS-015]</b>, plot 2-14 would be removed from the Order Limits in circumstances where change 9 was ultimately progressed and accepted for examination by the Examining Authority.</p>

ExQ1	Question to	Question	Applicants Response
1.3.7	The applicant	<p><b>Schedule of negotiations and powers sought</b></p> <p>Please clarify the reasons why not all plots associated with certain affected persons, albeit proposed for CA of land or rights, are cited in this document [APP-025] (for example Plots 3-11, 3-13, 5-2, 5-8, 5-9, 5-11, 8-2 and 8-3 regarding William Anthony Bethell; Plots 4-5, 4-6, 4-7, 4-8, 4-9, 4-11, 4-12, 5-6 and 5-7 regarding Anthony Annable Towne; and Plots 3-6, 3-7, 3-8, 3-10 and 3-11 (amongst others) regarding ERYC)?</p>	<p>The plots listed in question 1.3.7 are all unregistered publicly maintained roads or drainage features and the land ownership has been included for the adjoining registered landowner in the <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> as presumed subsoil owners under the ad medium filum principal.</p> <p>The Applicant is in discussions with the Local Highway Authority and relevant Drainage Board / Environment Agency who have control of the relevant road or drainage features to obtain the necessary permissions to use / improve any access route or pass a cable below them. The Applicant does not consider it would be appropriate to negotiate with the ad medium owners as their interests are only presumed; it is rare to enter into such agreements given the uncertainty around the interests. If any landowner subsequently claims subsurface or surface ownership rights these plots will be added to the <b>Statement of Reasons Appendix B: Land and Rights Negotiations Tracker [EN010157/APP/4.5]</b> and the changes highlighted to the Planning Inspectorate.</p>
1.3.8	The applicant	<p><b>Schedule of negotiations and powers sought</b></p> <p>The ExA notes the applicant's view that due to its connection</p>	<p>The Applicant is the parent company of JBM Solar Projects 33 Limited following the acquisition of JBM Solar by RWE in 2023. Accordingly, the Applicant already has effective control over the land and so is not</p>

ExQ1	Question to	Question	Applicants Response
		with the JBM Solar Projects 33 Limited, no agreement is required in respect of the land owned by this company. Please clarify your connection with this company and provide further justification on this matter.	seeking an agreement with JBM to acquire the land, as this would be unnecessary.
<b>1.3.9</b>	The applicant	<p><b>Figham Common</b></p> <p>Planning Statement Paragraph 8.10.13 [APP-147] states that there would be approximately 1.7km of HDD within Figham Common. The oCEMP Table 5-1 [APP-153] sets out that the grid connection cable route would 'be installed using HDD underneath the majority of Figham Pastures LWS'.</p> <p>However, the above appears to contradict what is shown on the Indicative HDD Crossing Points plan [APP-057].</p> <p>a) Please clarify the above (noting that</p>	<p>a) Paragraph 8.10.13 of the <b>Planning Statement [APP-147]</b> contains an error and should state that the cable route extends approximately 1.7 km through Figham Common not that this will be HDD.</p> <p>Notwithstanding this, to the extent that it is reasonably practicable the Applicant will consider maximising the use of HDD under Figham Common. A number of technical constraints exist which require further investigation until viability can be determined. As set out in the <b>Archaeological Management Strategy [EN010157/APP/7.11 Revision 2]</b> a programme of trial trenching must be carried out within the grid connection cabling route. It is not appropriate to commission these surveys prior to the grant of consent. The results of this trial</p>

ExQ1	Question to	Question	Applicants Response
		<p>the EA [RR-005] suggests that HDD should be adopted under the whole of Figham Common);</p> <p>b) Provide a plan which clearly shows the extent of Figham Pastures LWS or signpost to where this has been provided (this LWS tends to be shown as a green or pink dot rather than a defined boundary on the submitted plans, such as on [PDA-009 and APP-054]); and</p> <p>c) Noting [RR-018], set out the likely duration of works within Figham Common/ Figham Pastures LWS and implications for continued public access to the land during this time.</p>	<p>trenching will inform the detailed cable route design which must be submitted to and approved by the local planning authority via requirement 3 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. HDD works will require full topographical, utility (including the potential for exploratory surveys and trial holes to locate known services) and geotechnical surveys at the drill locations. In addition to the survey information, detailed design of the cable route including cable sizing will need to be undertaken to determine the location of launch and receiver pits for the HDD and depths of the drill route(s). A response confirming this has been provided to the Environment Agency within the <b>Response to Relevant Representations [EN010157/APP/8.3]</b>.</p> <p>b) At the time of submission of the DCO Application the Applicant did not have the necessary licensing to show the boundary of Figham Pastures LWS on plans. Since submission, this licensing has been obtained. As such, <b>ES Volume 3, Figure 7.1: Designated Sites and Ecological Mitigation and Enhancement</b></p>

ExQ1	Question to	Question	Applicants Response
			<p><b>Areas [EN010157/APP/6.3 Revision 2], ES Volume 3, Figure 2.1: Environmental Features Plan [EN010157/APP/6.3 Revision 2] and the Statutory/Non-statutory Sites or Features of Nature Conservation and Habitats of Protected Species, Important Habitats or Other Diversity Features Plan [EN010157/APP/2.11]</b> have been updated to show the extent of the LWS (and the extents of all other LWS within or adjacent to the Order Limits) and have been submitted at Deadline 1.</p> <p>c) A response to the Beverley Pasture Masters' relevant representation <b>[RR-018]</b> has been submitted at Deadline 1 in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b>.</p> <p>Works within Figham Common will be temporary in duration (anticipated to last approximately 6-8 weeks) to construct a section of the cable route from the solar PV development to National Grid Creyke Beck Substation. As set out in the <b>Design Parameters Document [EN010157/APP/5.8 Revision 2]</b> which is secured via requirement 3 of the <b>Draft DCO</b></p>

ExQ1	Question to	Question	Applicants Response
			<p><b>[EN010157/APP/3.1 Revision 4]</b>, the working width of the grid connection cable route that passes through Figham Common will be a maximum of 30m wide in order to minimise the impacts whilst ensuring that a safe working environment can be provided.</p> <p>Any works areas through Figham Common will be securely fenced using heras fencing for the safety of members of the public and livestock.</p> <p>The measures outlined above are included in the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>. In accordance with requirement 4, Schedule 2 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. The CEMP would be subject to approval by the local planning authority, following consultation with the Environment Agency.</p> <p>The Applicant is in discussions with the Pasture Masters and East Riding of Yorkshire Council in relation to the Common and has had meetings with them to discuss the Proposed Development. The Applicant will continue to engage with the Pasture Masters through the application process.</p>

ExQ1	Question to	Question	Applicants Response
			Control measures to mitigate potential impacts of the Proposed Development on Wilberforce Way are set out in the <b>Outline Rights of Way and Access Management Plan [EN010157/APP/7.9 Revision 2]</b> . The requirement to produce a Rights of Way and Access Management Plan for construction is secured by requirement 10 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> and would be subject to approval by the local planning authority.
<b>1.3.10</b>	The applicant	<p><b>Figham Common</b></p> <p>The Land Plans [PDA-006] show a cable corridor width of around 400m in some places, including at Figham Common (Plot 13-6). Noting that around a 30m width would actually be required to construct the cable route (as suggested in paragraph 10.1.7 of the SoR [PDA-014]), please justify the geographical extent of CA of rights sought along the proposed cable corridor, noting that the applicant should be seeking no more land than is reasonably required.</p>	The width of the cable corridor, notably around Figham Common, has been defined to reflect current uncertainty regarding ground conditions and the requirement for ground based utility searches to understand the precise routes of a number of utilities which run under Figham Common. It is common for detailed design, including such survey work, to occur following the grant of development consent during the pre-construction stage. The Applicant notes that while the corridor does incorporate a degree of flexibility at this stage, it has been reduced by approximately 35% since Statutory Consultation and the final route and works would be subject to a number of commitments made within the Outline Construction Environmental Management Plan [APP-153] which ultimately result in a narrow, i.e. 30m, corridor of works on the ground with an eventual 6m permanent easement being sought.

ExQ1	Question to	Question	Applicants Response
1.3.11	The applicant	<p><b>Figham Common</b></p> <p>The SoR [PDA-014] refers to Figham Common as 'open space' (such as in paragraph 1.1.12) though the BoR [PDA-016] identifies it as 'common land'. Planning Statement paragraph 1.5.1 [APP- 147] refers to it as 'open space and common land'. Please clarify which you consider it is in the context of s132 of PA2008.</p>	<p>Plots 13-6, 13-8, 14-1 and 14-3 forming part of Figham Common are common land, as is made clear in the <b>Statement of Reasons [EN010157/APP/4.1 Revision 3]</b> (Section 10.1) with reference to the Beverley Commons Act 1836, and are also deemed to be open space land within the context of section 132 of the PA 2008. The Applicant has updated the Statement of Reasons and the <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> at Deadline 1 to refer to both open space and common land. The <b>Special Category Land Plans [APP-011]</b> will be updated at Deadline 2.</p>
1.3.12	Beverley Pasture Masters		
1.3.13	Beverley Pasture Masters		
1.3.14	The applicant	<p><b>Community accessible land</b></p> <p>Planning Statement paragraph 3.9.8 [APP-147] states that community accessible areas are proposed and secured and detailed in the</p>	<p>a) The land is being acquired to provide community accessible land and this is clearly demonstrated in the <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b> and the <b>ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [APP-058]</b> – it will be for the Community Liaison group to agree the final design.</p>



ExQ1	Question to	Question	Applicants Response
		<p>oLEMP and Indicative Environmental Masterplan. However, oLEMP paragraph 16.1.1 [PDA-018] states that 'The use of areas under consideration for community accessible land [...] will be determined at the detailed design stage'. This suggests that not all areas identified on the Indicative Environmental Masterplan [APP-058] as community accessible land may be used for such a purpose.</p> <p>a) Please clarify, in light of this, to what extent the applicant can demonstrate it has a clear idea of how it intends to use the land which it proposes to acquire, as per paragraph 9 of the Department for Communities and Local Government publication 'Planning Act 2008 Guidance</p>	<p>Section 16 of the <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b> makes reference to the establishment of a Community Liaison Group for the duration of the construction period who would be consulted on proposals for community accessible land and how this would be managed. The Indicative Environmental masterplan is intended to be 'indicative' only so that the Community Liaison Group can agree exactly what is a valuable use of the community accessible land.</p> <p>b) In accordance with section 122(2)(b) the land is incidental to the solar development and is proposed to facilitate wider benefits to the environment and local community in connection with community benefit as a result of the solar development. Without the solar development, the Applicant would not be proposing it.</p> <p>c) There would be no conflict with a community orchard and ecology mitigation, as if appropriate management practices consider nesting birds and other wildlife, the inclusion of habitat such as orchards is likely to benefit a wider range of wildlife birds by increasing food availability and habitat variability. The inclusion of a community orchard may also help wildlife conservation longer-term by inspiring the local community to enjoy spending time in the natural environment.</p>

ExQ1	Question to	Question	Applicants Response
		<p>related to procedures for the compulsory acquisition of land' (2013) (CA Guidance);</p> <p>b) Explain how such use of such land would be required for the development to which the development consent would relate or would be required to facilitate or would be incidental to the development (s122(2)(a) and (b) of PA2008); and</p> <p>c) Whether there would be any conflict with such use of the land and proposed ecological mitigation in the same areas?</p>	
<b>1.3.15</b>	The applicant	<p><b>Land Plans</b></p> <p>Annex C paragraph 5 of the CA Guidance indicates that where it is necessary for the land plan to have more than one sheet, appropriate</p>	<p>The Applicant has updated Schedule 14 (Documents to be certified) to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> submitted at Deadline 1 to clarify that the <b>Land Plans [PDA-006]</b> consist of a key plan and sheets 1 to 17 inclusive.</p>

ExQ1	Question to	Question	Applicants Response
		references must be made to each of them in the text of the draft order so that there is no doubt that they are all related to the order. Please signpost where these references can be found or include appropriate references in subsequent versions of the dDCO.	Similarly, the reference to the <b>Special Category Land Plans [APP-011]</b> , which has been added to Schedule 14 in the <b>Draft DCO</b> submitted at Deadline 1 in response to ExQ1.2.78, has been supplemented to clarify that the plans consist of a key plan and sheets 13 and 14 of 17).
<b>1.3.16</b>	The applicant	<p><b>Funding</b></p> <p>Does the Funding Statement (FS) [APP-024] include/ address costs associated with the eventual decommissioning of the proposed development and restoration of land? If not, please address this matter.</p>	<p>The <b>Funding Statement [APP-024]</b> does not include decommissioning and restoration of land costs.</p> <p>The Applicant in its contractual agreements with landowners, from Year 10, through to Year 20 of the agreements, is required to place the decommissioning costs into an escrow account. These costs are determined by an independent assessment undertaken 10 years from the date of the agreement which is then reviewed on the 20<sup>th</sup>, 25<sup>th</sup>, 30<sup>th</sup>, 35<sup>th</sup> and 40<sup>th</sup> anniversaries of the date of the agreement and any required adjustment in the cost is then made into escrow by the Applicant. The funds are then available, if necessary, to the landowner(s) in the highly unlikely event that the Applicant is unable to undertake its obligations with regards to decommissioning. The <b>Funding Statement [APP-024]</b> explicitly covers development and compulsory acquisition costs whereas</p>

ExQ1	Question to	Question	Applicants Response
			the funds which would be set aside in escrow are effectively a guarantee for landowners. The Applicant has therefore not included the cost within the Funding Statement so as not to effectively double count the commitment. However, the Applicant considers that the existence of this binding commitment within the agreements should provide the Examining Authority with comfort that the cost is committed and, based on the information relating to the Applicant's financial standing within the Funding Statement, that there is adequate funding to accommodate the commitment/cost.
<b>1.3.17</b>	The applicant	<b>Funding</b>  Noting paragraph 6.2.1 of the FS [APP-024], clarify what approval would be needed and how certain the ExA can be that this would be granted?	Following the grant of consent, a Final Investment Decision ("FID") would need to be taken by the RWE On-shore PV Europe & Australia ("OPEA") as well as the RWE AG Board to approve the funding of the Proposed Development. RWE has carried out detailed project and economic assessments throughout the development lifecycle of the Proposed Development to ensure the Proposed Development meets the necessary criteria to maximise success chances at FID. RWE would have not proceeded with the DCO application if criteria for FID were not met. The steps taken to date therefore demonstrate RWE's commitment to the Proposed Development.

ExQ1	Question to	Question	Applicants Response
			<p>In the wider context and to provide security around RWE's commitment to projects such as the Proposed Development, RWE has committed to investing €55bn worldwide from 2024 – 2030 in green technologies. From 2021 to late 2023 the company had already invested €20bn in energy transition and decarbonisation of the energy system. To date, RWE has, in the UK consented 350MW of solar development, all of which is currently generating electricity or under construction. The Applicant considers this to be relevant and significant evidence of its commitment to delivery and trusts that this will provide the Examining Authority with comfort that the financial commitment to the Proposed Development is extremely firm.</p>
1.3.18	The applicant	<p><b>Book of Reference</b></p> <p>The BoR [PDA-016] refers to 'Table 3-1' twice but there is no such table. Please address this.</p>	<p>The <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> has been updated at Deadline 1 to remove the first reference to 'Table 3-1'. The second reference to 'Table 3-1' has been updated to refer to 'Table 5-1'.</p>
1.3.19	The applicant	<p><b>Book of Reference</b></p> <p>There are numerous entries in the BoR [PDA-016] which cite 'unknown' or 'unknown address'. Please provide an update on efforts to establish</p>	<p>All persons having an interest in the Order Land, including ownership of or rights over unregistered land, have been identified through a process of diligent inquiry. The diligent inquiry process for identifying all interests in the land is set out in Chapter 11 'Land Interests' of the <b>Statement of Reasons</b></p>

ExQ1	Question to	Question	Applicants Response
		these owners/ interests/ addresses and details of what further steps will be undertaken to identify these.	<p><b>[EN010157/APP/4.1 Revision 3]</b> and Chapter 5, Section 7 (5.7) of the <b>Consultation Report [APP-026]</b>. Where, despite completing the diligent inquiry process, an interest or right in land has been identified but the holder of that interest remains unknown, ‘unknown’ has been listed as an entry in the relevant plots of the <b>Book of Reference (BoR) [EN010157/APP/4.2 Revision 4]</b>. Site notices were affixed at these locations during the pre-application stage of the project and during the section 56 process subsequent upon the application being accepted for Examination, to allow any potential land interest holder to come forward and state their claim of ownership.</p> <p>In respect of public highways where ownership has not been confirmed, ‘unknown’ has been included in the BoR in addition to a presumed owner. This accounts for the majority of the ‘unknown’ entries in the BoR. In these plots, adjacent freehold interests have been consulted and included as owners of the half width of the subsoil, and the relevant highway authority listed in respect of the adoption of the public highway. There is therefore unlikely to be an update in these plots given the status of the land as highway and the inclusion of presumed owners.</p>

ExQ1	Question to	Question	Applicants Response
			<p>Some plots within unknown ownership lay between registered titles where the adjacent landowners have been included on a presumed basis as it is likely that these plots of unknown ownership result from mapping discrepancies from historic Land Registry titles.</p> <p>Outside of the highway plots, where 'unknown' is listed within a plot and ownership remains unconfirmed, the Applicant's Land Referencing team continues to review land ownership at regular intervals during Examination. This review process includes, but is not limited to, a Search of the Index Map (SIM) to confirm any new title registrations, review of Land Registry records and affixing site notices advertising upcoming hearings.</p> <p>Any updates to land interests will be included in the BoR and subsequently submitted alongside an accompanying Schedule of Changes to the BoR at future deadlines as necessary.</p>
1.3.20	The applicant	<p><b>Statement of Reasons</b></p> <p>Noting paragraph 8.1.4 of the SoR [PDA-014], does the applicant already hold an interest in any of the land (the ExA is unable to find the applicant listed in the BoR)? If not, please explain the purpose of</p>	<p>As set out in the <b>Statement of Reasons Appendix B: Land and Rights Negotiations Tracker [EN010157/APP/4.5]</b>, the Applicant already holds an interest by way of option in a number of the plots. The benefit of these options is identified in the <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> as being held by JBM Solar Projects 33 Limited. As noted in response to ExQ1.3.8, that company is owned by the</p>

ExQ1	Question to	Question	Applicants Response
		this paragraph.	Applicant and the option agreements have all been novated to the Applicant and are in the process of being updated with Land Registry. This provides the rationale for the text in paragraph 8.1.4 of the <b>Statement of Reasons [EN010157/APP/4.1 Revision 3]</b> .
1.3.21	The applicant	<p><b>Statement of Reasons</b></p> <p>SoR paragraph 7.8.4 (final bullet) [PDA-014] cites the provision of an outdoor classroom for public use. Please signpost to where this is cited/ addressed/ secured in other application documents/ plans/ the dDCO, as well as where its long-term management, along with the provision and long- term management of ‘community accessible land’ would be secured over the longer term?</p>	<p>Section 16.2 in the <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b> includes provision for an outdoor classroom and notes that the Community Liaison Group to be established for the duration of the construction period as set out in the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> would be consulted on the proposals for the outdoor classroom and how it would be managed. The implementation and management would then be provided through the LEMP. This commitment is secured through Requirement 9 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> which states that “(1) <i>No part of the authorised development may commence until a LEMP for that part has been submitted to and approved by the local planning authority...</i>” and (2) <i>Any LEMP submitted for approval...must be substantially in accordance with the outline LEMP</i>”.</p>
1.3.22	The applicant	<b>Book of Reference and</b>	Article 34 (now Article 33) would allow for all of the Order Land to be subject to temporary possession (this



ExQ1	Question to	Question	Applicants Response
		<p><b>Land Plans</b></p> <p>Noting paragraph 6.3.3 of the SoR [PDA-014], should the third column of Table 5.1 of the BoR [PDA-016] reflect, for clarity, that land coloured pink on the Land Plans would also be used temporarily?</p>	<p>includes both Pink and Blue shaded land) for the carrying out of the Proposed Development. The benefit of this approach is that it prevents the Applicant having to permanently acquire land or rights that are required to construct the Proposed Development but which might not be needed permanently and therefore assists in minimising the interference with landowners' interests.</p> <p>Table 5.1 of the <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> sets out the highest level of interest that the Draft DCO would allow for if made. The Applicant has updated the third column of Table 5.1 of the <b>Book of Reference</b> at Deadline 1 to reflect the Examining Authority's suggestion.</p>
1.3.23	The applicant	<p><b>Advances in technology</b></p> <p>RR [RR-047] makes reference to developing solar panel technology. Noting that the dDCO makes provision for the commencement of works no later than five years from the date of any Order being made, what consideration has been given to the utilisation of such technology in</p>	<p>The design of the Proposed Development has been developed with consideration to the ongoing advancements in solar panel technology. The submitted plans and land area are based on a design that uses currently available, high-performance technology.</p> <p>It is in the Applicant's interest to maximise the grid connection capacity by utilising future technology. However, because the specific details of these advancements are unknown, it is not possible to understand how that may relate to the land required at the present time.</p>

ExQ1	Question to	Question	Applicants Response
		order to minimise the amount of land required for the proposed development?	The Applicant is therefore seeking consent for the Proposed Development as presented, which includes the necessary land to accommodate a design that is adaptable to future technological improvements and optimised for long-term performance
<b>1.3.24</b>	The applicant	<b>Clarification</b>  Please confirm that there is no National Trust land within the Order limits.	There is no National Trust land within the Order Limits.
<b>1.3.25</b>	The applicant	<b>Land/ rights interests and BoR</b>  National Gas Transmission Limited [RR-009] indicates that it has rights in land associated with its infrastructure in Plots 13-3, 13-4, 13-5, 13-6, 13-7, 13-8 and 14-1 but is not included in the BoR in respect of this (the ExA notes that this SU is in the BoR regarding ownership of Plot 12-8). Please liaise with this SU and update the BoR as necessary.	The updated <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> includes reference to National Gas Transmission Limited's rights in all of the plots listed.

ExQ1	Question to	Question	Applicants Response
1.3.26	The applicant	<p><b>Category 3 parties</b></p> <p>a) Notwithstanding SoR paragraphs 11.2.8-12 [PDA-014], please provide further detail/ justification of how you have identified category 3 parties for the purposes of the BoR [PDA-016].</p> <p>b) Having reviewed RRs and other submissions, are there any other persons who might be entitled to make a relevant claim if the DCO were to be made and fully implemented and should therefore be added as category 3 parties to the BoR (this could include, but not be limited to, those that have provided representations on, or have interests in: noise, vibration, smell, fumes, smoke or artificial</p>	<p>a) In order to identify potential Category 3 persons who may have a claim pursuant to section 10 of the Compulsory Purchase Act (CPA) 1965, a desk-based assessment was carried out to identify properties with a potential claim, including review of property accessways and interrogation of registered rights found on HM Land Registry titles. In addition, site visits were undertaken in order to assess properties that the Applicant's team may not have been aware of from their desk-based assessment. The Applicant has identified potential Category 3 interests who may have a claim pursuant to section 10 of the CPA 1965 and these interests are recorded in Part 2 of the <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b>. Informed by the Environmental Impact Assessment, the Applicant considers that there are no persons who may be entitled to make a relevant claim as a Category 3 interest pursuant to Part 1 of the Land Compensation Act 1973 in relation to the following matters: noise, vibration, smell, fumes, smoke, light emissions, discharge of solid or liquid substances. The most relevant physical factors for this type of development when in operation are noise, vibration and light. There is no permanent lighting proposed</p>

ExQ1	Question to	Question	Applicants Response
		lighting; the effect of construction or operation of the proposed development on property values or rental incomes; concerns about subsidence or settlement; claims that someone would need to be temporarily or permanently re-located; impacts on a business; loss of rights, such as to a parking space or access to a private property; concerns about project financing; claims that there are viable alternatives; or blight).	<p>and noise and vibration impacts during construction, operation (including maintenance) and decommissioning are predicted to be not significant with the proposed additional mitigation measures in place (<b>Table 12-14, ES Volume 2, Chapter 12: Noise and Vibration [APP-048]</b>).</p> <p>As set out in Section 2.2.3 of the <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> it is considered that Category 3 also includes: a. Certain Category 1 'Owners' (where they are a category 2 interest elsewhere in the Order Limits), b. All Category 1 'Lessees and Tenants', c. Any Category 2 interests for land within the Order Limits. Therefore, those interests listed in Part 1 of the Book of Reference have not been repeated in Part 2.</p> <p>b) In response to b), the Applicant's review of Relevant Representations and other submissions has not identified any additional relevant persons who the Applicant considers should be added as category 3 persons to the Book of Reference. The analysis set out in the Statement of Reasons <b>[EN010157/APP/4.1 Revision 3]</b>, paragraphs 11.2.8 et seq. therefore continues to apply.</p>
<b>1.3.27</b>	National Gas Transmission	<b>Protective provisions</b>	It is proposed that protective provisions for NGTL will be included in the <b>Draft DCO [EN010157/APP/3.1</b>

ExQ1	Question to	Question	Applicants Response
	Limited (NGTL), the applicant	<p><u>To NGTL</u></p> <p>The ExA notes that you request protective provisions as per your RR [RR-009]. The dDCO [PDA- 012] includes protective provisions for gas undertakers, amongst others, at Schedule 12, Part 1. Please clarify whether these are acceptable to you and if not, provide any alternative wording for protective provisions for the ExA's and the applicant's consideration. Please also continue to liaise with the applicant on the matter as necessary to reach an agreement.</p> <p><u>To the applicant</u></p> <p>Please continue to liaise with NGTL on the matter of protective provisions in light of its RR [RR-009] as necessary to reach an agreement and provide an update on the matter.</p>	<p><b>Revision 4]</b> and the Applicant continues to liaise with NGTL in order to reach agreement on the wording of those protective provisions. Once agreement has been reached, they will be included in the <b>Draft DCO</b>.</p>

ExQ1	Question to	Question	Applicants Response
1.3.28	The applicant	<p><b>Protective provisions</b></p> <p>Network Rail Infrastructure Limited (NRIL) requests protective provisions be included in the dDCO in the form it has provided in Appendix 1 of its RR [RR-013]. The ExA notes from the consultation report (including entry 34 on page 19 of Appendix G [APP-033]) that protective provisions were in the dDCO at that time. However, these do not appear in the application or revised version. Do you intend to include these as requested by NRIL, noting that they appear to largely reflect those included in other made solar DCOs, such as The West Burton Solar Project Order 2025 and The East Yorkshire Solar Farm Order 2025 (with the exception of the final paragraph)? Please liaise with this SU on the matter</p>	<p>It is proposed that protective provisions for Network Rail will be included in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> and the Applicant continues to liaise with Network Rail in order to reach agreement on the wording of those protective provisions. Once agreement has been reached, they will be included in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>.</p>

ExQ1	Question to	Question	Applicants Response
		and provide an update.	
<b>1.3.29</b>	The applicant, Northern Powergrid (Yorkshire) plc	<p><b>Protective provisions</b></p> <p>Weightmans LLP on behalf of Northern Powergrid (Yorkshire) LLP [RR-015] (cited elsewhere in the RR and the BoR as 'Northern Powergrid (Yorkshire) plc') indicates that it is keen to agree bespoke protective provisions with the applicant. Please confirm whether it is 'LLP' or 'plc' and that negotiations have commenced/ are ongoing and when they are likely to be agreed/ concluded. Also, provide an update on where any key matters of dispute remain.</p>	<p>It is proposed that protective provisions for Northern Powergrid Plc will be included in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> and the Applicant continues to liaise with Northern Powergrid Plc in order to reach agreement on the wording of those protective provisions. Once agreement has been reached, they will be included in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>.</p>
<b>1.3.30</b>	The applicant, National Grid Electricity Transmission plc (NGET)	<p><b>Protective provisions</b></p> <p>NGET [RR-010] requests protective provisions reflective of those in the Awel y Môr (AyM) Offshore Wind Farm Order</p>	<p>It is proposed that protective provisions for NGET will be included in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> and the Applicant continues to liaise with NGET in order to reach agreement on the wording of those protective provisions. Once agreement has been</p>

ExQ1	Question to	Question	Applicants Response
		<p>2023.</p> <p><u>To the applicant</u></p> <p>a) Confirm whether you intend to include similar protective provisions in the dDCO, and if not, explain your reasons.</p> <p><u>To NGET</u></p> <p>b) In the penultimate paragraph of your RR, you state that where the applicant seeks powers of compulsory acquisition over NGET's land or rights, the protective provisions must require that the applicant first obtains your consent. Please signpost to the paragraph in the made AyM DCO which makes provision for this.</p>	<p>reached, they will be included in the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>.</p>



ExQ1	Question to	Question	Applicants Response
1.3.31	The applicant, EA	<p><b>Protective provisions</b></p> <p>The applicant updated Schedule 12, Part 4 of the dDCO in respect of protective provisions for the EA.</p> <p><u>To the EA</u></p> <ul style="list-style-type: none"> <li>a) confirm whether you are content with the updated wording;</li> <li>b) if so, confirm whether this alleviates your concern regarding the disapplication of the legislative provisions referred to in your RR [RR-005] (articles 10(1)(c) and (e) of the dDCO);</li> <li>c) if not, please explain why and provide your preferred wording; and</li> <li>d) notwithstanding any</li> </ul>	<p>e) The River Hull receives tidal waters and therefore its embankments fall under the classification of a 'sea defence'. This was confirmed with the Environment Agency in relation to a discussion about parameters for the breach simulations for the Flood Risk Assessment.</p> <p>f) The Applicant anticipates that protective provisions should be agreed with the Environment Agency prior to the conclusion of the examination. Should this not be possible, the Applicant would prefer to retain the protective provisions set out in Schedule 12, Part 4 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> rather than adopt those set out in Schedule 14, Part 5 of the East Yorkshire Solar Farm Order 2025. In particular, those contained in the East Yorkshire Solar Farm Order 2025 do not include the necessary wording relating to sea defences, non-tidal main rivers, and tidal main rivers.</p>

ExQ1	Question to	Question	Applicants Response
		<p>potential discussions on protective provisions, please set out any implications for the disapplication of the legislative provisions referred to in your RR.</p> <p><u>To the applicant and the EA</u></p> <p>e) clarify the relevance of 'sea defence' matters as referred to in paragraph 26(2), given the inland location of the proposed development; and</p> <p>f) the ExA notes the protective provisions for the EA at Schedule 14, Part 5 of the East Yorkshire Solar Farm Order 2025, for example.</p>	

ExQ1	Question to	Question	Applicants Response
		Should agreement not be reached between yourselves on matters relating to protective provisions, would anything prevent the ExA from adopting these in any recommended DCO?	
<b>1.3.32</b>	The applicant, Yorkshire Water Services	<p><b>Protective provisions</b></p> <p><u>To Yorkshire Water Services</u></p> <p>Schedule 12, Part 1 of the dDCO [PDA-012] sets out protective provisions for certain undertakers, including in respect of water and sewerage. Please confirm whether these are appropriate or whether you are requesting bespoke protective provisions. If bespoke, please provide suggested wording.</p> <p><u>To the applicant</u></p>	The Applicant is engaging with Yorkshire Water Services in relation to the matters raised in its Relevant Representation, a full response to which is set out in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b> .

ExQ1	Question to	Question	Applicants Response
		Please liaise with Yorkshire Water Services in respect of the contents of its RR [RR-016] and provide an update.	
<b>1.3.33</b>	Beverley and North Holderness Internal Drainage Board (BNHIDB)		
<b>1.3.34</b>	The applicant	<p><b>S127/ s138 of the Planning Act 2008</b></p> <p>In any Land Rights Tracker or similar document, please clearly set out with regard to statutory undertakers, whether and why (or why not) any provisions of s127 and/ or s138 of the Planning Act 2008 (PA2008) applies and whether/ how any of these provisions would be met.</p>	<p>The <b>Statement of Reasons Appendix B: Land and Rights Negotiations Tracker [EN010157/APP/4.5]</b> submitted at Deadline 1 identifies land which is statutory undertakers' land where land interest rights are required and whether it is known to be operational land. The Applicant has considered the provisions of s127 and s138 in preparing the DCO application and section 10.3 of the <b>Statement of Reasons [EN010157/APP/4.1 Revision 3]</b> sets out how these provisions would be met.</p>

ExQ1	Question to	Question	Applicants Response
1.3.35	The applicant, ERYC	<p><b>BoR</b></p> <p>The ExA notes that the BoR [PDA-016] identifies National Highways Limited as being the freehold owner and an occupier of Plot 16-7 (part of the A1079) which the applicant is seeking to acquire new rights over in respect of cabling works below the road. The Schedule of Negotiations and Powers Sought [APP-025] notes that the land was transferred to ERYC as local highways authority. Should the BoR be updated to reflect this and does this have any implications for the provisions of the dDCO?</p>	<p>The formal land registration details still record National Highways as the legal owner of plot 16-7 but National Highways have confirmed that they have no interest in this land any longer and that it is the responsibility of the Local Highway Authority (East Riding of Yorkshire Council (ERYC)).</p> <p>ERYC have been added to plot 16-7 in the <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> at Deadline 1 as owner/occupier in respect of their status as highway authority. National Highways also remain listed against plot 16-7 given that National Highways is still registered with HM Land Registry as the owner.</p> <p>The Applicant does not consider that these changes require an update to be made to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> or otherwise have implications for the <b>Draft DCO</b>. National Highways will be consulted as part of the development of construction traffic management plans pursuant to requirement 5 of the <b>Draft DCO</b>. Any changes regarding plot 16-7 do not affect this.</p>
1.3.36	The applicant,	<p><b>Crown land</b></p> <p>Provide an update as to the</p>	<p>Discussions are continuing with The Crown Estate regarding crown land (plot 13-4) and the Applicant is</p>

ExQ1	Question to	Question	Applicants Response
	The Crown Estate	position in respect of Crown land (Plot 13-4) and the progress made to obtain relevant consent under s135(1) and/or s135(2) of PA2008 from The Crown Estate and the likely timetable for this. Written evidence of consent obtained is required as soon as possible and in any event by the close of the examination.	confident that consent will be obtained by the close of the examination.
1.3.37	The applicant	<p><b>Land rights</b></p> <p>RRs [RR-031, RR-034, RR-035, RR-041 and RR-042] suggest that these IPs may have land/ rights interests. However, these IPs do not appear to be included in the BoR. Please clarify the status of these IPs (that is, whether they are affected persons).</p>	<p>RR-031 George Andrew Beulah has been added to the updated <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> submitted at Deadline 1. The Occupier has been notified via a section 102A letter about the application and how to contact the Applicant.</p> <p>RR-034 - based on the information provided, it is not considered that the Interested Party has any formal land interests.</p> <p>RR-035, 041 and 042 – based on the information provided, it is the Applicant’s understanding that the three relevant representations are referring to Carr House Farm. The Applicant is proposing to use Carr Lane that leads to Carr House Farm as access to Land Area B. Carr Lane is unregistered / unknown ownership</p>

ExQ1	Question to	Question	Applicants Response
			<p>but is adopted public highway and maintained by East Riding of Yorkshire Council. Based on the information available, the Applicant does not consider that the Interested Parties have a formal land interest in Carr Lane. Carr Lane would be available to use at all times during the construction and operation of the Proposed Development. There are no significant effects predicted in terms of noise, light or vibration (or any other physical factors) from the operation of the Proposed Development that would lead to a depreciation in the value of Carr House Farm.</p> <p>The Applicant would welcome discussion with the Interested Parties if they wish to make contact with the Applicant's team.</p>
<b>1.3.38</b>	The applicant	<p><b>Lessees or tenants in the BoR</b></p> <p>The BoR [PDA-016] identifies very few plots with lessee or tenant interests and those which are identified relate to either the EA or Northern Powergrid (Yorkshire) plc. However, ES Chapter 13: Population paragraph 13.5.9 [APP-049] identifies that two</p>	<p>a) The two tenants (Eric Alber Robinson Ribey and George Andrew Beulah) that occupy The Official Custodian For Charities on Behalf of The Leonard Chamberlain Trust land were mistakenly omitted from the Book of Reference. The following plots are associated with these tenant farms: 2-17, 5-4, 6-2, 6-4, 6-6, 7-1, 7-2, 9-2, 9-4, 9-5, and 10-2.</p> <p>b) The <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> has been updated and submitted at</p>

ExQ1	Question to	Question	Applicants Response
		<p>farms are run by tenant farmers.</p> <p>a) Please explain this apparent anomaly and provide details of which farms are run by tenant farmers and which plots are associated with these farms;</p> <p>b) Set out any implications for the BoR in light of this; and</p> <p>c) Clarify whether the tenant farmers are aware of and have been appropriately consulted on the proposed development and provide details of any negotiations which been undertaken with them.</p>	<p>Deadline 1 to include the relevant occupiers' details in the above plots.</p> <p>c) George Andrew Beulah has submitted a Relevant Representation (RR-031). Section 102A letters have been sent to both tenants informing them of the Proposed Development and how to contact the Applicant.</p>
1.3.39	The applicant	<p><b>Reasonable alternatives to CA</b></p> <p>In the light of the CA</p>	<p>The Applicant has at all times followed the CA Guidance. The Applicant has given detailed consideration to alternatives as set out in sections 7.2 and 7.3 of the <b>Statement of Reasons</b></p>



ExQ1	Question to	Question	Applicants Response
		Guidance and in particular paragraph 8, please explain how the ExA can be assured that all reasonable alternatives to CA (including modifications to the scheme) have been explored. Please set out in summary form, with document references where appropriate, what assessment/ comparison has been made of the alternatives to the proposed acquisition of land or interest in each case.	<b>[EN010157/APP/4.1 Revision 3]</b> . The Applicant undertook detailed assessment and multiple stages of consultation to identify the optimal layout. This process included the consideration of alternatives and modifications being made to the Proposed Development and the Order Limits. This is demonstrated throughout the <b>Environmental Statement</b> (in particular <b>Chapter 4: Alternatives and Design Iteration [APP-040]</b> ), the <b>Consultation Report [APP-026]</b> and the <b>Design Approach Document [APP-149]</b> . The land included within the Order Limits and identified in the <b>Book of Reference [EN010157/APP/4.2 Revision 4]</b> and <b>Land Plans [PDA-006]</b> is the land necessary to deliver this project of critical national importance. The Applicant continues to seek an alternative to compulsory acquisition of the land and rights required through negotiations for voluntary agreements with the impacted landowners and <b>Statement of Reasons Appendix B: Land and Rights Negotiations Tracker [EN010157/APP/4.5]</b> sets out the status of these negotiations to date.
1.3.40	The applicant	<b>Negotiations</b>  The final column for entry 7 on page 34 of the Schedule of Negotiations and Powers Sought [APP- 025] refers to	Yes, this is a typographical error and should refer to Network Rail instead. A <b>Statement of Reasons Appendix B: Land and Rights Negotiations Tracker [EN010157/APP/4.5]</b> is submitted at Deadline 1 based on the requested template provided by the Planning Inspectorate. This error has been addressed in that

ExQ1	Question to	Question	Applicants Response
		'the Council's highways department'. Please confirm whether this is a typo and should instead refer to NRIL.	document. The Applicant does not therefore propose to update the <b>Schedule of Negotiations and Powers Sought [APP-025]</b> going forward in the examination.
<b>1.3.41</b>	Affected persons		
<b>1.3.42</b>	Affected persons		
<b>1.3.43</b>	The applicant	<p><b>Equalities Act 2010</b></p> <p>a) Noting that section 12.3.1 of the SoR [PDA-014] is very brief, please expand on how you have had regard to the Equality Act 2010 in relation to the powers sought; and</p> <p>b) Have any affected persons or interested parties been identified as having protected characteristics and, if so, what regard has</p>	In response to a), in developing the DCO application for the Proposed Development and the proposals for compulsory acquisition and temporary possession, the Applicant has had regard to the Equalities Act 2010 and has taken reasonable steps to ensure that engagement has been accessible and inclusive for all individuals and that individuals have been treated equally and without discrimination. In relation to the powers sought over the Order land, the Applicant has undertaken a proactive approach to engagement and has utilised various methods of communication to identify relevant land interest holders and engage with them regarding the proposals. This has included letters, emails, phone calls, in-person events and meetings, site notices, local deposit locations, information on the project website and the offer of provision of hard copy material upon request. The <b>Consultation Report [APP-026]</b> sets out how the Applicant

ExQ1	Question to	Question	Applicants Response
		been given to them?	<p>undertook consultation and section 5.16 sets out how the Applicant engaged with seldom heard groups to ensure consultation was accessible and inclusive for all stakeholders.</p> <p>In response to b), to date there have not been any individual Affected Persons expressly identified as having protected characteristics defined under the Equality Act 2010. As above, the Applicant has sought to engage in a manner that would not discriminate should an Affected Person be identified as having protected characteristics.</p>
<b>4. Need, site selection and alternatives</b>			
<b>1.4.1</b>	The applicant	<p><b>Output</b></p> <p>Some documents (such as Planning Statement paragraph 9.1.18 [APP-147]) cite the proposed electrical output capacity as 320MW. However, Schedule 1, Work No. 1 of the dDCO [PDA-012] cites that it would be 'over 50 megawatts'. How certain can the ExA be of the level of electrical output capacity given this, and might this have any implications for the degree of benefits which could be</p>	<p>The Applicant has a grid connection offer for 320MW and the Proposed Development has been designed to maximise utilisation of the connection offered. The Applicant considers that significant positive weight can and should be given to these matters in the planning balance for the Proposed Development. The reference to 'over 50 megawatts' in Schedule 1 to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> is commonly used across Development Consent Orders in the field of energy to identify the element of the works which reach the threshold of a Nationally Significant Infrastructure Project. It also reflects the fact that should the grid</p>

ExQ1	Question to	Question	Applicants Response
		afforded to the proposed development in this regard?	<p>connection offer be altered upwards, the generating capacity would not be capped. Further detail in relation to this latter point is provided in the <b>EM [EN010157/APP/3.2 Revision 3]</b> section 2.2.</p> <p>It is further noted that NPS EN-1 states that the Secretary of State should assess all applications for development consent for the types of infrastructure included by the NPS (including solar) on the basis that there is demonstrated urgent need for them, that substantial weight should be given to this need, and that the Secretary of State is not required to consider the specific contribution of any individual project to be satisfied that need is established [NPS EN-1 Paras 3.2.6 to 3.2.8].</p> <p>In the Secretary of State's decision letter on East Yorkshire Solar Farm substantial positive weight is ascribed to the need for the proposed development with the Secretary of State noting that, at paragraph 4.34, "there is a vast array of government policy clearly setting out the very urgent need for low carbon infrastructure".</p>
<b>1.4.2</b>	The applicant	<p><b>Output per acre</b></p> <p>Noting NPS EN-3 paragraph 2.10.17 (and [RR-033, AS-</p>	<p>The total acreage area of the Proposed Development is 2,200 acres, which is the total land within the Order Limits. The acreage of the panelled areas (measured as within the fence surrounding panelled areas, which</p>

ExQ1	Question to	Question	Applicants Response
		003 and RR-044]), please clarify the acreage per MW of proposed output. If greater than between 2 to 4 acres per MW, please explain the reason for this and to what extent this would comply with the above cited NPS paragraph.	<p>would also include associated infrastructure such as access tracks, inverters, transformers and BESS which are in addition to the area needed for generation) is 1,570 acres. The ratio of the panelled areas of the Proposed Development to its DC generation is therefore as follows: <math>1570 \text{ acres} / 512\text{MW} = 3.06 \text{ Acres/MW}</math>. This calculation excludes land for ecological mitigation and enhancement consistent with the approach affirmed by the Examining Authority on the Mallard Pass Solar Farm Order 2024 (see paragraph 3.2.102 of the Examining Authority's Recommendation Report). This calculation excludes land for ecological mitigation and enhancement consistent with the approach affirmed by the Examining Authority on the Mallard Pass Solar Farm Order 2024 (see paragraph 3.2.102 of the Examining Authority's Recommendation Report).</p> <p>The Proposed Development is therefore within the range of “between ‘2 to-4 acres for each MW of output’” suggested by paragraph 3.10.8 of EN-3 (set out above) although it should be noted that the Secretary of State in the recent East Yorkshire Solar Farm Decision (at paragraph 4.32) confirmed that the paragraphs dealing with land efficiency in EN-3 do not amount to a policy test which must be satisfied:</p>

ExQ1	Question to	Question	Applicants Response
			<p>“Regarding land use efficiency, the Secretary of State agrees with the Applicant’s position that the figures used in NPS EN-3 are advisory and are not supported by a clear methodology, and that the calculation of the ratio of land take to capacity depends on the allowance made for features such as buffer zones, fencing, Public Rights of Ways, access, overhead lines and landscape and ecological mitigation areas [ER 3.2.67].”</p> <p>The generating capacity for the Proposed Development has been designed to meet the Grid Connection Agreement with Northern Power Grid to export 320 MW AC of electricity to the National Grid at Creyke Beck Substation.</p>
1.4.3	The applicant	<p><b>Overplanting</b></p> <p>Further to ExQ1.4.2, the ExA notes that there would be an element of overplanting as part of the proposed development and the explanation for this in the Planning Statement and its appendices [APP-147].</p> <p>a) Please elaborate further on why an overplanting ratio of 1.6 is</p>	<p>a) Figure 7-5 of Appendix 3 to the <b>Planning Statement [APP-147]</b> shows that as a scheme’s overplanting ratio increases, so too does its average grid utilisation. However, Figure 7-6 shows that each MW(p) of overplanted capacity incrementally makes a lower contribution to average annual output.</p> <p>Together, Figures 7-5 and 7-6 attempt to demonstrate that there is a balance to be struck between maximising grid utilisation (increasing overplanting), and delivering an efficient scheme (from carbon savings, land use and capital cost perspectives).</p> <p>Paragraph 6.6.11 of Appendix 3 to the <b>Planning Statement [APP-147]</b> explains that “the optimum extent</p>

ExQ1	Question to	Question	Applicants Response
		<p>proposed when Figure 7.6 and paragraph 6.6.40 in Appendix 3 indicate an increasing inefficiency beyond an overplanting ratio of around 1.3 (it would be helpful to also provide further explanation of the relationship between Figures 7.5 and 7.6 of Appendix 3 to aid the ExA's understanding of how an overplanting figure of 1.6 has been arrived at);</p> <p>b) Please provide the amount of land (in hectares/ acres) and its current land use which would be required for the overplanting and where within the Order limits</p>	<p>of overplanting at each type of scheme (i.e. with or without co-located storage) is likely to be different" and paragraph 6.6.47 explains that "By including DC-coupled BESS at a scheme, a higher level of overplanting may be supported." This is because any power generated at the panels can be stored directly in a DC-coupled BESS without passing first through any inverters (which is the point where clipping can occur). Clipping losses can therefore be reduced, and as such the curve in Figure 7-5 would indicate an increasing inefficiency beyond a higher overplanting ratio than that shown.</p> <p>Paragraph 6.6.23 of Appendix 3 to the <b>Planning Statement [APP-147]</b> explains that overplanting opportunities are (among other factors) driven by available land area.</p> <p>The proposed overplanting ratio of 1.6 therefore delivers the greatest utilisation of the connection capacity offered to the Proposed Development, from the land area available, while being sensitive to local planning aspects.</p> <p>Equally it is important to recognise that the Applicant is seeking consent for (and has assessed) the Proposed Development which is inclusive of the overplanting factors, not a smaller development with a lower or zero overplanting.</p>

ExQ1	Question to	Question	Applicants Response
		<p>this would be located;</p> <p>c) Please explain how the proposed battery energy storage affects any requirements for overplanting; and</p> <p>d) The ExA is aware of a recent legal judgment related to overplanting (Ross v Secretary of State for Housing, Communities and Local Government [2025] EWHC 1183 (Admin)) –</p>	<p>b) The panelled area of the proposed development comprises 1,570 acres. Based on an overplanting ratio of 1.6 this theoretically equates to approximately 590 acres of overplanting. However, overplanting is not simply an identifiable area of land that can be identified on a plan, it is effectively reflected in the land within the Order Limits as a whole. In reality it is the output of an assessment of how best to optimise the capacity of a proposed development in relation to the available grid connection (as set out in response to point a), above) from the land available to it. This includes factors such as row spacing, orientation, field boundary setbacks, maintenance access arrangements and the layout and location of other operational and auxiliary equipment.</p> <p>The proposed BESS is designed to store energy generated by the solar PV panels and to export it to the grid when it is needed. This includes when the power level generated by the solar arrays exceeds the grid connection capacity available at the Proposed Development. The Applicant's answer to point a) above explains that in such instances the BESS can store electricity which could otherwise be clipped.</p> <p>There is no policy requirement for developments to be overplanted, however the Applicant's response to point a) explains that overplanting helps maximise utilisation of the connection capacity offered.</p>



ExQ1	Question to	Question	Applicants Response
		<p>please comment on any implications of this for the proposed development and the ExA's consideration of it.</p>	<p>In this regard, the proposed battery storage supports the proposed overplanting to achieve the Applicant's aims and maximise the contribution the Proposed Development will make to achieving the government's Clean Power target and Net Zero. The BESS is therefore an important supporting factor to the Proposed Development and such co-location is encouraged in terms of maximising efficiency of land use in paragraph 2.10.32 of NPS EN-3.</p> <p>d) The High Court's decision in <i>Ross v Secretary of State for Housing, Communities and Local Government</i> [2025] EWHC 1183 (Admin) confirms that section 2.10.55 and footnote 92 of the National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) do not provide that the only acceptable form of overplanting is that which addresses the degradation of solar panels over time.</p> <p>In <i>Ross</i>, the solar farm had a generating capacity of 49.9MW(AC) but proposed the installation of an indicative number of panels with a total capacity of 78.54MW(DC). The proposed overplanting was to account for three factors:</p> <ul style="list-style-type: none"> <li>the difference between a solar panel's nameplate capacity and real operating conditions in the field;</li> <li>the degradation of panels over time; and</li> </ul>

ExQ1	Question to	Question	Applicants Response
			<ul style="list-style-type: none"> <li>the maximisation of energy exported to the grid.</li> </ul> <p>Eyre J found that the Inspector (who had granted planning permission for the development) was correct to conclude that overplanting which went beyond that which is necessary to address module degradation was <i>not</i> inconsistent with NPS EN-3; provided the overplanting was justified and account was taken of the full effects of the development (including overplanting), there was no separate requirement to consider whether the overplanting was reasonable; and that the potential loss of energy as a consequence of clipping was not an obvious material consideration which the Inspector was required to take into account.</p> <p>The <b>Planning Statement [APP-147]</b>, Appendix 3 (Statement of Need), section 6.6 confirms that the Proposed Development is coming forward with overplanting and sets out the Applicant's approach to overplanting.</p> <p>Overplanting is proposed as part of the Proposed Development as a result of the following main factors, the justification for which is addressed in detail in section 6.6 of the Statement of Need:</p> <ul style="list-style-type: none"> <li>degradation in panel array efficiency over time; and</li> </ul>

ExQ1	Question to	Question	Applicants Response
			<ul style="list-style-type: none"> <li>• times of low irradiation, especially at the beginning and end of each day and throughout the seasons of the year.</li> </ul> <p>Accordingly, overplanting in the case of the Proposed Development goes beyond that which is necessary to address panel degradation over time. In line with <i>Ross</i>, this is not incompatible with NPS EN-3. This is on the basis, first, that the overplanting is justified; as noted, the Statement of Need explains in detail why low irradiation informs the case for overplanting.</p> <p>Second, the <b>ES</b> takes account of the full environmental effects of the Proposed Development (including overplanting). An explanation of how the maximum extent of, and design parameters associated with, the Proposed Development have informed the assessment within <b>ES Volume 1, Chapter 3: Proposed Development Description [APP-039]</b>.</p> <p>For these reasons, the overplanting designed into the Proposed Development is consistent with NPS EN-3 policy on overplanting, as confirmed by the decision in <i>Ross</i>.</p> <p>Finally, as regards the confirmation in <i>Ross</i> that the potential loss of energy as a consequence of clipping was not an obviously material consideration which the Inspector was required to take into account, the</p>

ExQ1	Question to	Question	Applicants Response
			<p>Applicant would note that by proposing a Battery Energy Storage System (BESS) with a DC-coupling to the solar facility, the Proposed Development will also be able to store and export any clipped generation.</p> <p>In this respect, the Proposed Development is distinguishable from the development which was the subject of the litigation in <i>Ross</i>, albeit in <i>Ross</i> the court confirmed that the loss of energy as a consequence of clipping was not, in any event, an obviously material consideration which the inspector was required to take into account.</p>
<b>1.4.4</b>	The applicant	<p><b>Grid connection</b></p> <p>The Planning Statement and its appendices [APP-147] make numerous references to the government's Clean Power 2030 Action Plan (2024). Planning Statement Appendix 3 states that the proposed development would be connected to the Creyke Beck substation in 2033. Please clarify:</p> <ul style="list-style-type: none"> <li>a) The reason for this date;</li> <li>b) Whether there is potential for this date to move</li> </ul>	<p>Please also see response to WQ 1.1.6.</p> <ul style="list-style-type: none"> <li>a) the 2033 date is mentioned as this is the current date within the Applicant's connection offer.</li> <li>b) the Applicant has submitted a 'Gate 2' application to NESO within which it is seeking an accelerated connection date. The Applicant is awaiting the outcome of the Gate 2 reviews but has been able to demonstrate readiness and strategic alignment (subject to successful outcome of the DCO Application) to be able to deliver the project in advance of 2030.</li> </ul>

ExQ1	Question to	Question	Applicants Response
		<p>forward to 2030 or earlier; and</p> <p>c) If not, to what extent the proposed development would contribute to meeting the aims of the Clean Power 2030 Action Plan.</p>	<p>c) The Executive Summary to Appendix 3 of the <b>Planning Statement [APP-147]</b> explains that:</p> <p>‘Government’s Clean Power 2030 Action Plan ... reinforces the urgent need for low-carbon generation schemes to come forwards to pave the way to decarbonising the wider economy by 2050 ... [and] also confirms that the need for new clean power will not stop at 2030. The continued delivery of low-carbon generation facilities beyond 2030 is necessary to meet future electricity demand growth and achieve essential wider societal carbon savings”.</p> <p>Appendix 3 includes the definition of Clean Power [Para 2.15.4] and that the Government aims to achieve that definition by 2030, and keep power clean thereafter.</p> <p>With “the rapid growth in power demand expected over the 2030s and 40s” [Para 2.15.1], keeping power clean will require the deployment of more new clean power generation capacity. The Action Plan therefore aims to “prioritise projects needed for 2030, while maintain[ing] a robust pipeline [of projects] beyond 2030” [p11].</p>

ExQ1	Question to	Question	Applicants Response
			<p>Therefore, the Proposed Development will contribute to the aims of the Clean Power 2030 Action Plan, whether it connects before or after 2030.</p> <p>While the <b>Planning Statement [APP-147]</b> considers CP30 and the contribution that the Proposed Development can make, it should be reiterated that NPS EN-1 and NPS EN-3 remain the primary policy tools against which the DCO Application is assessed.</p>
1.4.5	The applicant	<p><b>BESS</b></p> <p>The BESS would be dispersed across Land Areas B-F rather than, as an alternative, being clustered in one area. Please clarify why this approach has been adopted and what consideration has been given to it, for example, from a landscape and visual and health and safety perspective?</p>	<p>The main rationale for dispersing the BESS across the site is that the Proposed Development is designed on a DC-coupled basis whereby the BESS and solar modules share the inverter/transformer stations. As a result, the BESS need to be distributed across the entire site with each BESS container being immediately adjacent to an inverter/transformer station.</p> <p>The BESS has been designed to ensure compliance with the relevant health and safety requirements, as set out in the <b>Outline BSMP [EN010157/APP/7.6 Revision 2]</b>.</p> <p>The 3.5m height BESS and inverter units have been modelled in the Zone of Theoretical Visibility (ZTV) drawings indicated on <b>ES Volume 3, Figure 11.2: Solar PV Modules ZTV [APP-073]</b> and <b>ES Volume 3, Figure 11.8: Solar PV Modules Year 10 Post Mitigation ZTV [APP-079]</b>). The presence of these</p>

ExQ1	Question to	Question	Applicants Response
			structures has been considered within <b>ES Volume 2, Chapter 11: Landscape and Visual [APP-047])</b> , alongside the maximum 3m height panels. The difference in height between the BESS and panels is relatively limited and it is not considered that the former will result in appreciably greater visibility than the more spatially extensive panels. The locations of mitigation planting and subsequent management of hedgerows to 3.5m height, as set out within the <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b> is intended to limit views of both the solar panels and BESS.
1.4.6	The applicant	<p><b>Design</b></p> <p>ES Chapter 4 paragraph 4.7.1 [APP-040] states that '[...] the detailed design of the proposed development is secured through the DCO to ensure that any further design iterations remain in accordance with the design principles and parameters.' However, the 'design principles' are set out in the Design Approach Document [APP-149] which is not specifically referenced in the</p>	<p>The <b>Design Approach Document (DAD) [APP-149]</b> at paragraph 3.3.3 confirms that "<i>The design development of the Proposed Development, and how the project design principles have influenced the design response are set out in chapter 7 of this DAD as well as in the Outline Landscape and Environmental Management Plan [EN010157/APP/7.5] insofar as they have been considered within the design process as relevant to the Outline LEMP</i>".</p> <p>Section 7.3 of the DAD then provides that: "<i>The landscape and environmental design of the Proposed Development has been guided by the project design principles. The project design principles have been separated into four themes which relate to Climate, People, Place and Environment. These themes tie in</i></p>

ExQ1	Question to	Question	Applicants Response
		dDCO. How thus would the dDCO secure this and should this document be referenced in R3 (detailed design approval) of the dDCO, defined in the dDCO and included as a certified document in Schedule 14 of the dDCO?	<p><i>with the proposed Management Objectives as described within the Outline LEMP [EN01057/APP/7.5]”.</i></p> <p>The remainder of Section 7.3 of the <b>DAD [APP-149]</b> explains how, for each project design principle (namely climate, people, place and environment), the Proposed Development responds to those principles, as well as the measures relied upon in the <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b> to secure that the principles would be met as part of the delivery of the Proposed Development.</p> <p>The design principles therefore translate into commitments, principally in the form of the <b>Outline LEMP</b>, but also in the additional control plans cited in Section 7.3 of the DAD. The <b>Outline LEMP</b> is secured by Requirement 9 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>.</p> <p>Accordingly, it is not necessary for the DAD to be specifically secured by Requirement 3 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>, or otherwise. As a result, it is not necessary for the DAD to be added to the list of certified documents in Schedule 14 to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>.</p>



ExQ1	Question to	Question	Applicants Response
1.4.7	The applicant	<p><b>Brownfield/ industrial land</b></p> <p>A number of RRs (such as [RR-027, RR-033, RR-039 and RR-047]) suggest that solar panels should be located on brownfield or industrial land rather than agricultural fields. NPS EN-3 paragraph 2.10.29 also indicates that where possible, such land should be utilised. What consideration was given to the utilisation of brownfield/ industrial land as part of the site selection process?</p>	<p>NPS EN-3 paragraph 2.10.29 begins by stating ‘While land type should not be a predominating factor in determining the suitability of the site location ...’, while NPS EN-3 paragraph 2.10.31 states ‘It is recognised that at this scale, it is likely that applicants’ developments will use some agricultural land’. Regardless of this, as set out in Section 4.5 of the Site Selection Assessment at Appendix 2 to the <b>Planning Statement [APP-147]</b> due consideration was given to previously developed land (PDL) such as brownfield sites and industrial land during the site selection process.</p> <p>The Applicant reviewed East Riding of Yorkshire Councils register of PDL (contained within the brownfield register) and identified 10 sites over 1 hectare within the initial Search Area (see Table 4.2 of the Site Selection Assessment) – there were no PDL sites within the refined Search Area. Of these sites, none were identified as being large enough to facilitate a large-scale solar project either individually or in combination with other sites. Additionally, seven of these sites had existing planning permission for a range of residential and education uses.</p> <p>It is important to note that there were no PDL sites located within the refined Search Area.</p>

ExQ1	Question to	Question	Applicants Response
1.4.8	The applicant	<p><b>Site selection</b></p> <p>Noting NPS EN-3 paragraph 2.10.87, please explain to what extent the avoidance of the need to impact on existing drainage systems and watercourses was considered as part of the site selection process. This does not appear to have been addressed in Planning Statement section 5 [APP-147] or materially addressed in Planning Statement Appendix 1 (page 140).</p>	<p>The Applicant's approach to site selection is set out in <b>Appendix 1</b> of the <b>Planning Statement [APP-147]</b>. With respect to the solar array, the Applicant's approach has been informed by relevant national policy including NPS EN-3, particularly paragraphs 2.10.19 to 2.10.48 which lists factors influencing site selection. With respect to the cable route corridor, the Applicant's approach has been informed by NPS EN-5, particularly paragraph 2.2.7. The presence of watercourses and drainage systems is not an initial search criteria set out within any of these policies. Notwithstanding this, the Applicant considers the presence of watercourses and drainage systems to be an important factor in site design and includes appropriate buffers from such receptors as a baseline within its design assumptions (as set out in the <b>DAD [APP-149]</b> and secured in the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>.</p> <p>The Applicant notes that Paragraph 2.10.87 of NPS EN-1 falls under the heading of 'Impacts' and not under 'Matters influencing site selection and design' and therefore considers that there is no requirement for such matters to have driven site selection.</p> <p>The site selection process for the solar array did consider areas of lower flood risk in accordance with</p>

ExQ1	Question to	Question	Applicants Response
			<p>paragraph 2.10.75 of NPS EN-3 and section 5.8 of NPS EN-1. Whilst avoiding areas of higher flood risk was a key consideration in terms of compliance with the sequential test, flood risk was attributed relatively low weight in the site selection process compared to other environmental criteria, on the basis that solar can be technically accommodated in flood zones, without increasing flood risk elsewhere. The site selection process did however avoid locating infrastructure in Flood Zone 3b (the functional floodplain) where possible, with the design seeking to ensure there will be no net loss of floodplain storage or negative impacts to water flows where development was required to be located within Flood Zone 3b in accordance with paragraph 5.8.41 of NPS EN-1. All project substations and BESS have been located outside of Flood Zone 3b. An FRA is provided at <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4 Revision 3]</b>, which has been prepared in accordance with the requirements of Section 5.8 of NPS EN-1. The FRA presents a drainage strategy to mitigate against the potential downstream impacts of the Proposed Development. The FRA describes the existing drainage scenario within the Land Areas and explores drainage solutions in accordance</p>

ExQ1	Question to	Question	Applicants Response
			<p>with the Sustainable Drainage Systems (SuDS) hierarchy.</p> <p>The site selection process for the cable route corridor considered Engineering Deliverability and Viability factors, as part of the Stage 2 refinement exercise, which included consideration of potential impact on existing watercourses.</p>
<b>1.4.9</b>	The applicant	<p><b>Alternatives to culverting</b></p> <p>Following on from ExQ1.4.8, and noting the EA's RR [RR-005], please explain:</p> <ul style="list-style-type: none"> <li>a) to what extent the proposed development would align with NPS EN-3 paragraphs 2.10.87 and 2.10.88 relating to the avoidance of culverting and the demonstration that no reasonable alternatives to culverting exist; and</li> <li>b) in relation to NPS EN-3 paragraph 2.10.88, whether, and which proposed culverts would be</li> </ul>	<p>This is a similar question to the EA's Relevant Representation <b>[RR-005]</b> so please refer to the <b>Response to Relevant Representations [EN010157/APP/8.3]</b> for a more detailed response.</p> <p>a) The Applicant has reported in the <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [EN010157/APP/6.4 Revision 2]</b> and the <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4 Revision 3]</b> that there is a hierarchy to watercourse crossings. The preference would be to re-use or upgrade existing crossings. If this is not possible then new crossings would be required. New crossings would be span bridge where possible, in accordance with NPS EN-3. The decision as to the specific crossings to be installed is subject to detailed survey information. As described in Section 3.5 of the <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report</b></p>

ExQ1	Question to	Question	Applicants Response
		retained beyond the construction period and the reasons for this.	<p><b>[EN010157/APP/6.4 Revision 2]</b>, crossings will only be installed where it can be demonstrated, in consultation with the EA and IDB, that there would be no significant impact on the channel morphology or flood risk. It should be noted that Appendix F of the Hydraulic Modelling Report (Appendix C of the <b>FRA [APP-102]</b> included model tests with additional structures over various watercourse locations. This demonstrated no significant impact on flood risk arising from the inclusion of additional watercourse crossings.</p> <p>The decision as to whether new or upgraded crossings are required is subject to detailed survey information.</p> <p>b) As the selection of crossing location and type is subject to survey, the period of time over which the crossing would be required is similarly subject to such investigations and detailed construction and maintenance considerations, as well as being subject to agreement with the EA and IDB. For the purposes of the assessment it is assumed that the crossings would be in place for the lifetime of the Proposed Development.</p>
<b>5. Air Quality</b>			
<b>1.5.1</b>	The applicant	<p><b>Study area</b> ES Chapter 6 paragraph 6.7.2</p>	The study area for the designated sites for the assessment of dust and particulate matter emissions is

ExQ1	Question to	Question	Applicants Response
		[APP-042] mentions, with regard to dust and particulate matter emissions, that 'four LWS's and one semi-natural AW have been identified within the Order limits or within 200m from the Order limits'. However, paragraph 6.4.7 suggests the study area in this regard for designated sites to be 50m from the Order limits. In addition, ES Figure 6.1 [APP-063] does not identify a 200m study area. Please clarify.	<p>50m from the Order Limits as per the Institute of Air Quality Management Guidance of the Assessment of Dust from Demolition and Construction v2.2 (2024).</p> <p>The four Local Wildlife Sites (LWSs) and one ancient semi-natural woodland listed under <b>Environmental Statement (ES) Volume 2, Chapter 6: Air Quality [APP-042]</b> Paragraph 6.7.2 are identified either within the Order Limits or within 50m of the Order Limits.</p> <p><b>ES Volume 2, Chapter 6: Air Quality [APP-042]</b> paragraph 6.7.2 and <b>ES Volume 4, Appendix 6.1: Air Quality Assessment [APP-103]</b> paragraph 6.9 have been updated to reflect this and a summary of the changes can be found in the <b>ES Addendum [EN010157/APP/8.2 Revision 2]</b>, which is submitted at Deadline 1. There will be no changes to <b>ES Volume 3, Figure 6.1: Demolition (During Decommissioning) Phase/Earthworks/Construction Activities Study Areas [APP-063]</b> as the study area of the dust assessment is up to 250m from the Order Limits.</p>
1.5.2	The applicant	<p><b>Study area</b></p> <p>ES Chapter 6 paragraph 6.4.7 [APP-042] sets out that human receptors are said to have a study area for demolition,</p>	Designated sites within 50m of the affected roads have been assessed in <b>ES Volume 2, Chapter 6: Air Quality [APP-042]</b> in the same way as the human receptors as per the Institute of Air Quality Management Guidance of the Assessment of Dust from Demolition

ExQ1	Question to	Question	Applicants Response
		earthworks and general construction activities of up to 250m from the Order limits, and for trackout, 50m from roads affected. For designated sites, the study area for demolition, earthworks, general construction activities and trackout are said to be 50m from the Order limits. Please explain the difference of approach for the trackout study areas for human and designated site receptors (that is, why designed sites 50m from Order limits are considered rather than 50m from roads affected as is the case for human receptors).	and Construction v2.2 (2024). <b>ES Volume 2, Chapter 6: Air Quality [APP-042]</b> paragraph 6.4.7 has been updated and a summary of the change can be found in the <b>ES Addendum [EN010157/APP/8.2 Revision 2]</b> , which is submitted at Deadline 1.
1.5.3	The applicant	<p><b>Study area</b></p> <p>ES Chapter 6 paragraph 6.5.1 [APP-042] states that there are no air quality management areas (AQMA) in the administrative area of ERYC, within which the proposed development would be located.</p>	Hull City Council has at present declared one Air Quality Management Area (AQMA), named as Hull AQMA 1, and the route A63 showed on <b>ES Volume 3, Figure 14.1: Study Area for Transport and Access [APP-089]</b> passes through Hull AQMA 1. However, as set out in <b>ES Volume 2, Chapter 14: Transport and Access [APP-050]</b> paragraph 14.4.5, the Strategic Road Network at the A63 will be used for routing

ExQ1	Question to	Question	Applicants Response
		Paragraph 6.3.4 notes that the applicant has not considered it necessary to consult with Hull City Council in relation to air quality impacts given that the proposed development would be outside of its administrative area. However, the study area for transport and access [APP-089] shows a route through the city of Hull (A63). Please clarify whether there are any relevant AQMAs within the city Hull and if so, the potential for effects on any AQMA (or justification of why an assessment has not been carried out in this regard should there be any AQMAs in the city of Hull).	vehicles only and the existing traffic volumes on the A63 are higher than the roads within the study area which will result in the impact of Proposed Development traffic being diluted. Therefore, the A63 has been excluded from the study area of <b>ES Volume 4, Appendix 14.1: Transport Assessment [APP-138]</b> . It is considered that the road traffic exhaust emissions from the Proposed Development traffic would not cause a significant effect on Hull AQMA 1.
1.5.4	The applicant	<b>Study area</b>  Please clarify what the 20m (green) and 100m (purple) 'study areas' shown on ES Figure 6.1 [APP- 063] represent and where these 'study areas' are referred to in	20m (green) and 100m (purple) are the study areas considered in the air quality assessment. The study area for the construction and decommissioning phase assessments for human receptors for demolition, earthworks and general construction activities is up to 250m from the Order Limits and is subdivided into 20m, 50m, 100m and 250m study areas as per the Institute of



ExQ1	Question to	Question	Applicants Response
		ES Chapter 6 [APP-042].	Air Quality Management Guidance of the Assessment of Dust from Demolition and Construction v2.2 (2024). <b>ES Volume 2, Chapter 6: Air Quality [APP-042]</b> paragraph 6.4.7 and <b>ES Volume 4, Appendix 6.1: Air Quality Assessment [APP-103]</b> paragraph 6.7 have been updated to clarify the study areas shown on <b>ES Volume 3 Figure 6.1: Demolition (During Decommissioning Phase)/Earthworks/Construction Study Areas [APP-063]</b> and a summary of the change can be found in Section 5 of the <b>ES Addendum [EN010157/APP/8.2 Revision 2]</b> , which is submitted at Deadline 1.
1.5.5	The applicant	<p><b>Assessment</b></p> <p>The ExA notes the contents of the outline Battery Safety Management Plan [APP-157]. However, should there be any fires, what effects might this have on matters relating to air quality and does this/ should this form part of the air quality assessment?</p>	Under normal operating conditions, no gaseous emissions are anticipated from the Battery Energy Storage Systems (BESS). However, gases could be emitted to the atmosphere during the unlikely event of a fire, such as soot/particulate matter, nitrogen oxides and carbon monoxide etc. An automated fire suppression system will be triggered, if a fire occurs within a container and the <b>Outline BSMP [EN010157/APP/7.6 Revision 2]</b> will be followed to suppress the fire. Furthermore, an offset distance of 50m from residential properties from solar PV modules and other infrastructure have been embedded into the design of the Proposed Development to minimise impacts from the Proposed Development to residential

ExQ1	Question to	Question	Applicants Response
			properties. It is considered unlikely that the gases emitted from a fire would cause a significant effect on nearby human receptors. Therefore, further assessment of BESS fire has not been undertaken.
<b>1.5.6</b>	The applicant	<p><b>Assessment</b></p> <p>The ExA notes the second half of ES Chapter 6 paragraph 6.7.8 [APP-042] regarding heavy duty vehicles and air quality effects and its reference to Table 6.11. However, Table 6.11 does not include the air quality standards/ objectives in respect of PM<sub>2.5</sub> to enable a comparison of this against the annual average for the area. Please clarify the figure (or confirm whether it is '20µg/m<sup>3</sup>, as per paragraph 6.5.3).</p>	<p>The annual mean air quality standard for PM<sub>2.5</sub> considered in the air quality assessment is 20µg/m<sup>3</sup>. <b>Table 6-11 of ES Volume 4, Appendix 6.1: Air Quality Assessment [APP-103]</b> has been updated to include this information, and a summary of the change can be found in Section 5 the <b>ES Addendum [EN010157/APP/8.2 Revision 2]</b>, which is submitted at Deadline 1.</p>
<b>1.5.7</b>	The applicant	<p><b>Human receptors</b></p> <p>ES Chapter 6 paragraph 6.7.2 [APP-042] and ES Appendix 6.1: Air Quality Assessment</p>	<p>a) The 'villages of Riston' stated in <b>ES Volume 2, Chapter 6: Air Quality [APP-042]</b> and <b>ES Volume 4, Appendix 6.1: Air Quality Assessment [APP-103]</b> is referring to the village of Long Riston.</p>

ExQ1	Question to	Question	Applicants Response
		<p>paragraph</p> <p>6.8 [APP-103] set out that human receptors within 250m of the Order limits have been identified as the 'villages of Riston and Woodmansey'. Please clarify:</p> <ul style="list-style-type: none"> <li>a) whether this is referring to the village of <u>Long</u> Riston;</li> <li>b) whether all residents of these two villages are the identified receptors; and</li> <li>c) the reasons why these are the only identified human receptors, noting for example, that part of the village of Weel, some individual properties (such as Carr House Farm (near Long Riston) amongst others) and numerous public rights of way appear to fall within the 250m study area as shown on ES Figure 6.1 [APP-063].</li> </ul>	<p>b) Only residents of the villages of Long Riston and Woodmansey within 250m of the Order Limits have been considered in the air quality assessment.</p> <p>c) Residents of villages of Routh, Arnold and Weel and Public Rights of Way (PRoW) within 250m of the Order Limits have been considered in the air quality assessment. <b>ES Volume 4, Appendix 6.1: Air Quality Assessment [APP-103]</b> paragraph 6.7.2 and <b>ES Volume 4, Appendix 6.1: Air Quality Assessment [APP-103]</b> paragraph 6.8 have been updated to confirm the list of human receptors considered in the air quality assessment and a summary of the changes can be found in Section 5 the <b>ES Addendum [EN010157/APP/8.2 Revision 2]</b>, which is submitted at Deadline 1.</p>

ExQ1	Question to	Question	Applicants Response
1.5.8	The applicant	<p><b>Interim guidance</b></p> <p>Please address the government's <a href="#">PM2.5 Targets: Interim Planning Guidance</a> and any implications this may have for the proposed development.</p>	<p>Embedded mitigation and additional mitigation identified through the assessment of air quality impacts of the Proposed Development have been included in <b>ES Volume 2, Chapter 6: Air Quality [APP-042]</b> Table 6-12 and Section 6.8 respectively, in line with the aims of the Interim Planning Guidance, which emphasises that the new approach favours mitigation rather than requiring to assess solely whether a scheme is likely to lead to an exceedance of a legal limit.</p> <p>Embedded mitigation measures for air quality have been detailed in <b>ES Volume 2, Chapter 6: Air Quality [APP-042]</b>. The mitigation measures have been embedded into the design of the Proposed Development to minimise PM<sub>2.5</sub> emissions and associated exposure to air pollutants released from construction and decommissioning activities, operation of construction equipment and road traffic from the Proposed Development. This is aimed to reduce impacts on nearby human receptors. Site-specific mitigation measures have been proposed and documented within the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>, the <b>Outline OEMP [EN010157/APP/7.3 Revision 2]</b> the <b>Outline DEMP [EN010157/APP/7.4 Revision 2]</b> and the <b>Outline Construction Traffic Management Plan (Outline CTMP) [EN010157/APP/7.7 Revision 2]</b> to minimise</p>

ExQ1	Question to	Question	Applicants Response
			<p>dust and road traffic exhaust emission impacts during construction, operational and decommissioning phases. With the implementation of additional mitigation measures, no significant air quality impacts on nearby human receptors are anticipated. Emissions of PM<sub>2.5</sub> and its precursors from the Proposed Development would be reduced through the implementation of the management plans.</p> <p>Final versions of management plans will be produced to be substantially in accordance with the relevant outline management plans secured by the DCO requirements.</p>
<b>6. Biodiversity including Habitat Regulations Assessment (HRA)</b>			
<b>1.6.1</b>	The applicant	<p><b>Bats – residual effect</b></p> <p>ES Chapter 7 paragraph 7.9.52 [APP-043] states that ‘once created and improved habitats have fully established, the residual effect on bats is considered to be long term, but highly localised and not significant at the Local level’. Please confirm whether the residual effect in this regard would be positive, neutral, or negative.</p>	<p>No significant impacts on roosting bats are envisaged as the effect on key roost resources such as woodland and individual trees has been minimised. In addition, apart from the motion sensor security lighting proposed within the substations, no other artificial lighting is anticipated for the Proposed Development so disturbance from lighting is not considered significant.</p> <p>Bats will likely benefit from the bird mitigation areas, new hedgerows and other planting and associated buffers which will provide continued foraging habitat and linkages to the wider landscape reducing habitat fragmentation. However, despite this likely positive effect, recent literature evidence does suggest that</p>

ExQ1	Question to	Question	Applicants Response
			solar PV modules can have a displacement effect on bats, although the exact mechanism for the effect and the distance over which it operates still remains unknown. Therefore, although the habitat enhancement and creation are considered likely to benefit bats there is still the potential for a residual effect, due to the potential displacement effect from solar. Therefore, taking all things into account, the effect is considered neutral rather than completely beneficial.
<b>1.6.2</b>	The applicant	<p><b>Impact on owls/ birds of prey</b></p> <p>Please respond in detail to concerns raised in a number of RRs [including RR-027, RR-041 and RR- 049] regarding the potential impact on owls and birds of prey, due to a loss of feeding habitat.</p>	A response to RR-027, RR-041 and RR-049 relevant representations <i>regarding the potential impact on owls and birds of prey, due to a loss of feeding habitat</i> has been submitted at Deadline 1 in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b> .
<b>1.6.3</b>	The applicant	<p><b>Grassland under solar PV modules</b></p> <p>With regard to the grassland proposed in areas under the proposed solar PV modules, would there be a difference in biodiversity provision when compared to open grassland?</p>	The grassland enhancement proposed underneath the panels would deliver an uplift in biodiversity and an increase in wildflowers would benefit insects such as pollinators thereby providing food for bird and bat species. However, the overall biodiversity condition of this grassland will be lower than what could be achieved in the open grassland areas due to the shade and other factors associated with the panels, such that

ExQ1	Question to	Question	Applicants Response
			grassland in panelled areas will support a less diverse plant assemblage. Therefore, the Applicant has taken the presence of panels into account by assuming a lower habitat or biodiversity condition will be achieved. See <b>ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [APP-114]</b> , and <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b> .
<b>1.6.4</b>	The applicant	<p><b>Box culverts</b></p> <p>ES Chapter 7 paragraph 7.4.31 [APP-043] refers to the need for box culverts, rather than open span bridges. Given the impact of box culverts on biodiversity and habitat, please explain why these would be proposed? In addition, please explain whether the culverts would be temporary or permanent, including implications for maintenance and decommissioning.</p>	<p>A response to this can be found under the Environment Agency's RR 'EA-06' within the <b>Response to Relevant Representations [EN010157/APP/8.3]</b> and ExQ 1.4.9.</p> <p>As reported in <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [EN010157/APP/6.4 Revision 2]</b> and <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4 Revision 3]</b>, there is a hierarchy of crossings with upgrading existing crossings preferred, followed by span crossings with box culverts proposed if the preferred methods are not viable or possible. New crossings (box culverts or otherwise) would only be installed where it can be demonstrated, in consultation with the Environment Agency, that their impact on channel morphology and flood risk would not be significant. It should be noted that box culverts are generally preferable over piped culverts given their lesser impact on morphology and flows.</p>

ExQ1	Question to	Question	Applicants Response
			The culverts would be in place for the lifetime of the Proposed Development, and the Applicant is seeking appropriate powers to maintain culverts during this period under the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> . The approach to maintaining crossing points following decommissioning will be agreed at decommissioning stage. The approach will be dependent on the final crossing design and will consider potential environmental impact, continued farm access and legacy arrangements.
1.6.5	The applicant	<p><b>Species protection plans</b></p> <p>ES Chapter 7 [APP-043] states that species protection plans would be produced by the principal contractor if required, based on pre-construction surveys. Please confirm whether the principal contractor would be suitably qualified to produce the plans, including whether they would be assisted by a suitably qualified ecologist and whether the plans should be submitted for approval by a statutory body such as ERYC or NE?</p>	As set out within the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> and <b>Table 4-1</b> of the <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b> , the Principal Contractor would produce the species protection plans under the guidance of a suitably qualified ecologist. Species protection plans will be prepared and submitted to the local authority for approval as part of the process for seeking approval of the Construction Environmental Management Plan under requirement 4 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> .



ExQ1	Question to	Question	Applicants Response
1.6.6	The applicant	<p><b>Horizontal directional drilling (HDD) and bentonite breakout</b></p> <p>ES Chapter 7 paragraph 7.8.9 [APP-043] states that the oCEMP [APP-153] details and secures a specific HDD methodology, as well as a HDD breakout plan specifically to manage the risk of bentonite breakout. Please confirm that the document is referring to Section 4.9 of the oCEMP and signpost where the document details how such methodology and plans would be secured.</p>	<p>As described in the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>, the Construction Environmental Management Plan will include details regarding HDD breakout, including site-specific methodologies, where necessary. Details of these activities would be finalised once a Principal Contractor is appointed and specific methodologies are agreed upon. The Applicant confirms that Paragraph 4.9.2 of <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> is where the bentonite breakout plan is referred to and the requirement for the production of this is secured via requirement 4 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> under which the final Construction Environmental Management Plan has to be substantially in accordance with the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b></p>
1.6.7	The applicant	<p><b>Good design</b></p> <p>To what extent would the proposed development provide 'many opportunities' in terms of built-in beneficial biodiversity or geological features, in accordance with 'good design' as noted in para 5.4.6 of NPS EN-1?</p>	<p>The ecological survey work outlined in <b>ES Volume 2, Chapter 7: Biodiversity [EN010157/APP/6.2 Revision 2]</b> has informed the Proposed Development design and in accordance with good design and the Mitigation Hierarchy has avoided the impacts on areas of significant ecological value, including through the removal of Land Area A from the Order Limits. In addition, survey work has established the important ecological features such as flightlines for foraging bats and watercourses important for otters and water voles</p>

ExQ1	Question to	Question	Applicants Response
			and protected these features by appropriate buffer zones. Mitigation measures to benefit wintering birds and ground nesting species have been incorporated into the design. Furthermore, the management of habitats under and around solar panels will deliver a significant gain in biodiversity. In addition, all habitat creation and enhancement are locally appropriate and have taken account of delivering local biodiversity priorities as outlined in <b>ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [APP-114]</b> , and <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b> .
1.6.8	The applicant	<p><b>HRA</b></p> <p>The conservation objectives and ‘threats and pressures’ for each European site considered in the HRA [APP-145] are shown in Tables 4-2 to 4-6. However, the current conservation status of the identified European sites has not been identified. Please provide this information for each European site considered in the HRA.</p>	<p>The conservation status of the identified European sites have been added to Section 5.4 of the <b>Habitats Regulations Assessment – Information to Inform Appropriate Assessment [EN010157/APP/5.3 Revision 2]</b>. Where information is not in place for the SAC/SPA/Ramsar site feature condition, condition assessments of the underlying SSSIs have been provided.</p> <p><b>Habitats Regulations Assessment – Information to Inform Appropriate Assessment [EN010157/APP/5.3 Revision 2]</b> has been updated and resubmitted at Deadline 1.</p>

ExQ1	Question to	Question	Applicants Response
1.6.9	The applicant, NE	<p><b>HRA</b></p> <p>The HRA [APP-145] does not currently state whether the European sites considered are in favourable or unfavourable condition. Can the applicant and NE confirm for each of the five European sites considered in the HRA, whether they are in favourable or unfavourable condition.</p>	<p>The conservation status of the identified European sites has been added to Section 5.4 of the <b>Habitats Regulations Assessment – Information to Inform Appropriate Assessment [EN010157/APP/5.3 Revision 2]</b>. Where information is not in place for the SAC/SPA/Ramsar site feature condition, condition assessments of the underlying SSSIs has been provided.</p> <p><b>Habitats Regulations Assessment – Information to Inform Appropriate Assessment [EN010157/APP/5.3 Revision 2]</b> has been updated and resubmitted at Deadline 1.</p>
1.6.10	NE	Question for NE	No response required from Applicant.
1.6.11	NE	Question for NE	No response required from Applicant.
1.6.12	The applicant	<p><b>HRA</b></p> <p>HRA Figure 4.1: European sites [APP-145] labels the Greater Wash SPA but does not display its location. Please amend the figure to clearly display the location of all the European sites described within the HRA.</p>	<p><b>Habitats Regulations Assessment – Information to Inform Appropriate Assessment [EN010157/APP/5.3 Revision 2]</b> Figure 4.1 shows the Greater Wash SPA. The designated site is shown by the light blue shading in the northeast corner of the figure (along the coastline).</p> <p>Figure 4.1 has been amended to show a more contrasting colour for the Greater Wash SPA and resubmitted at Deadline 1.</p>

ExQ1	Question to	Question	Applicants Response
1.6.13	The applicant	<p><b>HRA</b></p> <p>Screening assessment tables have been provided within the HRA [APP-145] alongside a summary table of the screening assessment. However, these tables do not clearly detail the pathways of effect considered for each qualifying feature of the European sites.</p> <p>Furthermore, several of the pressures and threats for the screened in European sites (such as invasive species relating to the Humber Estuary Special Area of Conservation (SAC)) have not been addressed in the screening assessment. The screening assessment should clearly set out which impact pathways apply to the</p>	<p>The title of each screening table provides the impact being assessed and the headings within the tables show the phase of the Proposed Development for which the impact is relevant. Further explanatory text regarding impact characterisation (qualifying features, potential impact pathway and project phase) is also provided in the paragraphs in Section 4.5 above the screening tables. At the screening stage, potential impacts on all qualifying bird species were considered, but this was refined at the Appropriate Assessment stage (Section 7 of the <b>Habitats Regulations Assessment – Information to Inform Appropriate Assessment [EN010157/APP/5.3 Revision 2]</b>), based on the ornithological baseline data presented in Section 5.</p> <p>In relation to the tables in Section 4.3 of the <b>Habitats Regulations Assessment – Information to Inform Appropriate Assessment [EN010157/APP/5.3 Revision 2]</b> which summarise the qualifying features, pressures/threats and Conservation Objectives of the European sites; the pressures/threats listed are all those included in the Site Improvement Plans. Those which are relevant to the Proposed Development have been considered as part of the screening and are discussed further in the Appropriate Assessment. In relation to invasive non-native species, none were</p>

ExQ1	Question to	Question	Applicants Response
		<p>relevant European sites, to which features and to which phase(s) of the proposed development.</p> <p>Where impact pathways have been screened out, robust justification should be provided.</p> <p>Accordingly, the ExA requests a summary table of all European sites and qualifying features and each pathway of effect considered at each HRA Stage (screening, appropriate assessment/ AEol, and the derogations, as applicable), for each phase of the proposed development (construction, operation and decommissioning, as relevant).</p>	<p>recorded within the Order Limits (refer to paragraph 3.2.84 of <b>ES Volume 4 Appendix 7.1: Preliminary Ecological Appraisal Report [APP-105]</b>), and as such this impact pathway has not been identified.</p> <p>Summary tables of all European sites, their qualifying features and each impact pathway considered during screening and Appropriate Assessment for each phase of the Proposed Development have been added to <b>Appendix C of the Habitats Regulations Assessment – Information to Inform Appropriate Assessment [EN010157/APP/5.3 Revision 2]</b> and has been submitted at Deadline 1.</p>
<b>1.6.14</b>	The applicant	<p><b>HRA</b></p> <p>The HRA [APP-145] identifies European sites within a Zone of Influence (Zol) of 10km from the Order limits. Please</p>	<p>The Zone of Influence (Zol) is the area over which ecological features may be affected by biophysical changes as a result of the Proposed Development and associated activities. The Zol may extend outside the Order Limits due to ecological and hydrological links</p>

ExQ1	Question to	Question	Applicants Response
		provide a justification as to why the 10km Zol buffer utilised is considered sufficient.	<p>beyond the boundary. It will encompass different areas in respect of each ecological feature, depending on location, sensitivity, species mobility, and the spatial extent of the relevant biophysical change. Biophysical changes will also differ depending on the phase of the development.</p> <p>There is no standard radius that can be used to select which European sites are to be analysed and they should be evaluated on a case-by-case basis with reference to the nature, size, and location of the project and the sensitivities of the ecological receptors, and the potential for in-combination effects.</p> <p>In terms of the assessment in the <b>Habitats Regulations Assessment – Information to Inform Appropriate Assessment [EN010157/APP/5.3 Revision 2]</b>, the extent of the Zol has been based on professional judgement and experience of similar scale projects. Based on consideration of the spatial and temporal extent of potential biophysical changes likely to be generated by the different phases of the Proposed Development, a Zol of 10km has been used to identify European sites. This incorporates the potential for impacts on mobile bird species associated with these sites.</p>
<b>1.6.15</b>	The applicant	<b>HRA</b>	A detailed response has been provided for each of the matters raised by Natural England within the <b>Response</b>

ExQ1	Question to	Question	Applicants Response
		The ExA will expect to see a detailed response (and the provision of assessments where relevant) from the applicant to NE's RR [RR-012], including items NE1a, NE1b, NE1c, NE1d, NE1e, NE1f, NE2a, NE2b, NE3 and NE4 of Part II Table 1.	<b>to Relevant Representations [EN010157/APP/8.3]</b> , for brevity the full response has not been repeated here.
<b>1.6.16</b>	The applicant, NE, EA	<p><b>HRA</b></p> <p>Section 4.5 of the HRA [APP-145] scopes out degradation of habitats as a result of changes to water quality as a result of release of sediment from construction/ decommissioning activities (such as installation of culverts) and from spillage of chemicals or contaminants.</p> <p><u>To NE and the EA</u></p> <p>a) Please confirm whether you are</p>	b) A detailed response has been provided for each of the matters raised by Natural England within the <b>Response to Relevant Representations [EN010157/APP/8.3]</b> , for brevity the full response has not been repeated here.

ExQ1	Question to	Question	Applicants Response
		<p>content for the HRA to scope out this impact pathway.</p> <p><u>To the applicant</u></p> <p>b) In relation to this, please address items NE5, NE6a and NE6b, Part II Table 1 of NE's RR [RR-012].</p>	
1.6.17	The applicant, NE	<p><b>HRA</b></p> <p>With regard to the HRA monitoring outlined within the oLEMP [PDA-018] and the HRA [APP-145], should provision be made for results to be provided to NE for review/ comment?</p>	<p>The results of monitoring referenced in the <b>Outline LEMP [EN010157/APP/7.5 Revision 2]</b> with regards to mitigation for wintering bird species associated with the Humber Estuary SPA and Ramsar site will be made available to both Natural England and the Local Planning Authority. These will show the results of post-construction survey work together with any remedial habitat management work undertaken, if needed. The format and frequency of any monitoring reports will be agreed prior to construction starting.</p>
1.6.18	The applicant	<p><b>Relevant representation - Natural England</b></p> <p>Noting concerns and outstanding matters in relation to biodiversity/ HRA matters,</p>	<p>A full response has been provided to all the points raised by Natural England within the relevant representation responses. Please see <b>Response to Relevant Representations [EN010157/APP/8.3]</b> updated <b>Habitats Regulations Assessment -</b></p>



ExQ1	Question to	Question	Applicants Response
		please respond in detail to all points raised by NE in its RR [RR-012].	<b>Information to Inform Appropriate Assessment [EN010157/APP/5.3 Revision 2] and Draft Statement of Common Ground - Natural England [EN010157/APP/9.4].</b>
<b>1.6.19</b>	The applicant	<b>Relevant representation – Environment Agency</b> Please respond in detail to relevant points in relation to biodiversity/ HRA matters raised by the EA in its RR [RR-005].	A full response has been made to all the matters raised by the Environment Agency. Please see <b>Response to Relevant Representations [EN010157/APP/8.3]</b> updated <b>Habitats Regulations Assessment - Information to Inform Appropriate Assessment [EN010157/APP/5.3 Revision 2] and Draft Statement of Common Ground - Natural England [EN010157/APP/9.4].</b>
<b>1.6.20</b>	The applicant	<b>Relevant representation – Yorkshire Wildlife Trust</b> Noting concerns and outstanding matters in relation to biodiversity/ HRA matters, please respond in detail to all points raised by Yorkshire Wildlife Trust (YWT) in its RR [RR-017].	A full response has been made to all the matters raised by the Yorkshire Wildlife Trust. Please <b>Response to Relevant Representations [EN010157/APP/8.3]</b> updated <b>Habitats Regulations Assessment - Information to Inform Appropriate Assessment [EN010157/APP/5.3 Revision 2] and Draft Statement of Common Ground – Yorkshire Wildlife Trust [EN010157/APP/9.8]</b>
<b>7. Climate</b>			

ExQ1	Question to	Question	Applicants Response
1.7.1	The applicant	<p><b>Assessment</b></p> <p>ES Chapter 8 Table 8-6 [APP-044] considers a moderate or major effect to be significant. However, ES Appendix 8.2 (climate change reliance assessment) paragraph 8.2.16 [APP-117] considers only major effects to be significant. The ExA notes that ES Appendix 8.2 Table 8.2.9 identifies some significance of effects to be moderate. Please clarify/ justify the difference in methodology of assessing effects in this regard.</p>	<p><b>ES Volume 2, Chapter 8: Climate [APP-044]</b> Table 8-6 presents the significance criteria for the Greenhouse Gas (GHG) assessment, as stated in the preceding paragraphs (8.4.38 to 8.4.40). The significance criteria used in the GHG assessment was sourced from the IEMA guide to Assessing Greenhouse Gas Emissions and Evaluating their Significance (2022). <b>ES Volume 4, Appendix 8.2: Climate Change Resilience Assessment [APP-117]</b> was assessed using the significance assessment matrix presented in <b>ES Volume 4, Appendix 8.2: Climate Change Resilience Assessment, Table 8.2.7 [APP-117]</b>, as well as the associated methodology. The significance criteria used in the Climate Change Resilience Assessment was based on the IEMA guide to Climate Change Resilience and Adaptation (2020). As clarified in <b>ES Volume 4, Appendix 8.2: Climate Change Resilience Assessment, Paragraph 8.2.16 [APP-117]</b> 'Only 'Major' effects are deemed 'significant' and would require additional mitigation to be applied'. The highest level of significance identified in <b>ES Volume 4, Appendix 8.2: Climate Change Resilience Assessment [APP-117]</b> was Moderate, formed from a likelihood of possible and a magnitude of moderate.</p>
1.7.2	The applicant	<p><b>Assessment</b></p> <p>NPS EN-1 paragraph 5.3.4</p>	<p>The GHG baseline comprises the existing carbon stock and possible small emissions sources. These small</p>

ExQ1	Question to	Question	Applicants Response
		(first bullet point) refers to a whole life greenhouse gas (GHG) assessment, including in respect of impacts from a change in land use. Please signpost to where this is considered in ES Chapter 8 [APP-044], and if not considered, please address this.	emissions sources may comprise vehicle fuel and fertiliser use, with possible contributions from the land depending on soil and vegetation types. IEMA's Guide to Assessing Greenhouse Gas Emissions and Evaluating their Significance (2022) states "activities that do not significantly change the result of the assessment can be excluded where expected emissions are less than 1% of total emissions". The expected emissions of the change in land use are expected to be less than 1% of total emissions. Moreover, embedded mitigation (Table 8-15) outlines that any vegetation cleared will be compensated by a planting scheme that equals or exceeds the current levels of vegetation. Therefore, this would potentially result in a greater carbon sink within the Order Limits.
<b>1.7.3</b>	The applicant	<p><b>Transport of materials</b></p> <p>ES Chapter 8 Table 8.9 [APP-044] reports that 14,115 tonnes of carbon dioxide equivalence (tCO<sub>2</sub>e) (2% of construction total) would arise from the transportation of materials from the manufacturing site. Clarify the assumption that this is based on, noting that some RRs</p>	<p>Transport distances are based on the Royal Institution of Chartered Surveyors (RICS) benchmarks depending on the source location of equipment. Distances used are provided in Table 1 of <b>ES Volume 4 Appendix 8.1: Raw Data and Emissions Factors [APP-116]</b>. The RICS assumptions are as follows:</p> <ul style="list-style-type: none"> <li>European manufactured: 1,500km by road and 100km by sea (benchmark used for containers, inverters, framework, foundations, switchgear and transformers)</li> </ul>

ExQ1	Question to	Question	Applicants Response
		(including [RR-049]) suggest this may be from as far away as China, and if this would be the case, whether the reported figure accurately reflects this.	<ul style="list-style-type: none"> <li>Globally manufactured (eastern Asia): 500km by road and 10,000km by sea (benchmark used for BESS and solar PV modules)</li> </ul> <p>Based upon these assumptions, the reported figure in Table 8.9, therefore takes into account appropriate transport distances.</p>
1.7.4	The applicant	<p><b>Baseline</b></p> <p>Noting ES Chapter 8 paragraph 8.7.17 [APP-044], are you able to provide:</p> <p>a) any other appropriate comparative baseline for energy producing infrastructure; and</p> <p>b) any comparative data of lifecycle GHG emissions/ savings for other solar farms of a similar size and scale to that of the proposed development?</p>	<p>a) Paragraph 8.7.17 of <b>ES Volume 2, Chapter 8: Climate [APP-044]</b> contains justification for using comparison of the Combined Cycle Gas Turbine (CCGT) power plant as a method to determine the emissions savings of the Proposed Development. It makes reference to the Secretary of State's decision letter for Gate Burton Energy Park (July 2024), a scheme that was consented despite the Secretary of State's comments that use of CCGT was an inappropriate baseline. In addition to Gate Burton Energy Park, a number of recently consented developments have utilised the same comparison to Combined Cycle Gas Turbine, including Longfield Farm Solar Farm (June 2023) and East Yorkshire Solar Farm (May 2025).</p> <p>b) A climate greenhouse gas technical note has been prepared and is appended to this document as Appendix 3, which addresses alternative</p>

ExQ1	Question to	Question	Applicants Response
			comparative baselines, and comparisons against other renewable technologies (including solar energy).
1.7.5	The applicant	<p><b>Mitigation</b></p> <p>The ExA notes that ‘with additional mitigation’, the figure for total tCO<sub>2</sub>e emissions would be the same as ‘without additional mitigation’ (1,998,798 tCO<sub>2</sub>e). Please clarify:</p> <ul style="list-style-type: none"> <li>a) whether this is correct;</li> <li>b) if so, the reason for this; and</li> <li>c) whether there might be any other forms of mitigation which could be adopted to reduce the figure, such as sourcing components or a percentage of components from manufacturers locally, in the UK or from Europe?</li> </ul>	<ul style="list-style-type: none"> <li>a) This is correct.</li> <li>b) As the additional mitigation measures are qualitative in nature it is impractical to attempt to accurately quantify the effect they would have with regards to GHG emissions. In order to reflect a reasonable, worst-case scenario, the net GHG impact (savings of 4,120,093 tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e)) does not quantify the potential beneficial impacts of the additional mitigation measures</li> <li>c) The embedded and additional mitigation measures currently presented encompass a wide range of measures designed to reduce the impact with regards to GHG emissions. Potential further measures will be considered during detailed design, taking into account the carbon mitigation hierarchy.</li> </ul>

ExQ1	Question to	Question	Applicants Response
1.7.6	The applicant	<p><b>Effects</b></p> <p>ES Chapter 8 [APP-044] sets out that the proposed development would emit 1,998,798 tCO<sub>2</sub>e over its lifecycle and would have a saving of around 4,100,000 tCO<sub>2</sub>e compared to gas-fired electricity generation (so as the ExA understands it, the actual benefit would be a net figure of around 4,100,000 tCO<sub>2</sub>e minus 1,998,798 tCO<sub>2</sub>e). Please clarify:</p> <p>a) How this compares to global emissions, which ES Chapter 8 indicates is the study area; and</p> <p>b) Against global emissions, how you reach the conclusion that the saving figure would be 'a significant beneficial</p>	<p>The saving of approximately 4,100,000 tCO<sub>2</sub>e (more specifically, 4,120,093 tCO<sub>2</sub>e) is a net saving, and already takes into account the 1,998,798 tCO<sub>2</sub>e lifecycle emissions.</p> <p>a) A saving of 4.1 million tCO<sub>2</sub>e can be considered comparatively small compared to global emissions (53.0 GtCO<sub>2</sub>e in 2023. However, as detailed in Paragraph 8.4.5 of <b>ES Volume 2, Chapter 8: Climate [APP-044]</b>, the study area is the global climate which, by proxy, can be extended to the United Kingdom's (UK) commitments under the UK Climate Change Act 2008 (2050 Target Amendment) Order 2019, which is aligned with the global goals of the 2015 Paris Agreement (avoiding dangerous climate change by limiting global warming to well below 2°C and pursuing efforts to limit it to 1.5°C). The emissions from the Proposed Development are compared against the UK carbon budgets in Table 8-14 of <b>ES Volume 2, Chapter 8: Climate [APP-044]</b>.</p> <p>b) IEMA guidance states '<i>The crux of significance.... [is] whether it [the project] contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050</i>'.</p>

ExQ1	Question to	Question	Applicants Response
		effect' as reported?	It further states ' <i>The 2050 target (and interim budgets set to date) are, according to the CCC, compatible with the required magnitude and rate of GHG emissions reductions required in the UK to meet the goals of the Paris Agreement, thereby limiting severe adverse effects.</i> ' When assessing significance, the IEMA guidance is clear that 'A project that causes GHG emissions to be avoided or removed from the atmosphere has a beneficial effect that is significant'. This is the case for the Proposed Development, which causes GHG emissions to be substantially avoided in the generation of electricity.
1.7.7	The applicant	<p><b>Carbon reduction plan</b></p> <p>The oCEMP Table 5.1 [APP-153] sets out that members of the supply chain would provide a carbon reduction plan where feasible.</p> <p>a) In what situations would it not be feasible and why;</p> <p>b) Should the need for this be secured in its own right in the dDCO; and</p> <p>c) Should the oOEMP [APP-</p>	<p>a) The <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> has been updated to replace 'feasible' with 'necessary'. Not all members of the supply chain would contribute to overall carbon emissions emitted by the Proposed Development during construction, and therefore those that do not contribute will not be required to provide a carbon reduction plan.</p> <p>b) The Applicant does not consider that this is necessary. The measure is recorded in the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>, and compliance with the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> containing that</p>

ExQ1	Question to	Question	Applicants Response
		154] and oDEMP [APP-155] also make provision for carbon reduction plans.	<p>measure is secured by Requirement 4 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> which is sufficient. Securing the measure in some other way would not alter the Applicant's legal obligations.</p> <p>c) The <b>Outline DEMP [EN010157/APP/7.4 Revision 2]</b> has been updated to include this commitment and has been resubmitted at Deadline 1. Given the nature of the Proposed Development and the minimal carbon projected to be emitted during the operational (including maintenance) phase, it is not considered proportionate to prepare carbon reduction plans for the operational (including maintenance) phase. Therefore, the <b>Outline OEMP [EN010157/APP/7.3 Revision 2]</b> does not provide for this. However, it should be noted that, in line with paragraph 8.8.6 of <b>ES Volume 2, Chapter 8: Climate [APP-044]</b>, provision has now been made within the <b>Outline OEMP [EN010157/APP/7.3 Revision 2]</b> for the maintenance and replacement of components of the Proposed Development to be carried out in accordance with the additional mitigation measures set out for the construction phase, which are recorded in the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>. The <b>Outline</b></p>



ExQ1	Question to	Question	Applicants Response
			<b>OEMP [EN010157/APP/7.3 Revision 2]</b> has been updated and submitted at Deadline 1.
<b>1.7.8</b>	The applicant	<p><b>GHG reduction strategy</b></p> <p>Following on from ExQ1.7.7, NPS EN-1 paragraph 5.3.7 seeks the submission of a GHG reduction strategy secured under the DCO. Please clarify how the proposed development would meet this requirement.</p>	<p><b>ES Volume 2, Chapter 8: Climate [APP-044]</b> Table 8-8 presents the mitigation measures embedded into the design, while <b>ES Volume 2, Chapter 8: Climate [APP-044]</b> Section 8.8 presents the additional mitigation measures. These measures will contribute towards the reduction of the overall GHG emissions associated with the construction, operation (including maintenance) and decommissioning of the Proposed Development. The additional mitigation measures identified in ES Chapter 8 are carried across to the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> Table 5-1. Further carbon reduction measures are also identified in the <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b>, which includes commitments to woodland and hedgerow creation, matters which are specifically referenced in NPS EN-1 paragraph 5.3.7. In addition, the <b>Outline CTMP [EN010157/APP/7.7 Revision 2]</b> and the Outline Travel Plan at Appendix 1 to the <b>Outline CTMP [EN010157/APP/7.7 Revision 2]</b> identify measures to limit carbon emissions during construction. For example, the <b>Outline CTMP [EN010157/APP/7.7 Revision 2]</b> includes measures to manage vehicles on site, such as requiring that all vehicle engines are switched off when stationery and a commitment to</p>

ExQ1	Question to	Question	Applicants Response
			<p>source certain construction materials, such as aggregate, locally, resulting in shorter journey times that will minimise climate impacts.</p> <p>Together, these measures comprise the carbon reduction strategy for the construction phase of the Proposed Development, all of which are appropriately secured by the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>, via requirements 4, 5 and 9, in line with NPS EN-1 paragraph 5.3.7.</p>
<b>1.7.9</b>	The applicant	<p><b>Resilience</b></p> <p>Noting NPS EN-3 paragraph 2.4.11 and NPS-EN-5 paragraph 2.3.2, please signpost to where 'impact of higher temperatures' has been considered, or if not considered, please address this.</p>	<p><b>ES Volume 4, Appendix 8.2: Climate Change Resilience Assessment [APP-117]</b> Table 8.2.2 displays projected changes in temperature in the Yorkshire and Humber region, displayed as mean air temperature anomalies in 20-year time periods up to the year 2100 under a Representative Concentration Pathway 8.5 'worst-case' scenario. The impact of high temperatures is considered within <b>ES Volume 4, Appendix 8.2: Climate Change Resilience Assessment [APP-117]</b> for each receptor as the hazard 'Increased temperatures (&gt;35°C)', for which no significant effects were found.</p>
<b>1.7.10</b>	The applicant	<p><b>Downstream GHG emissions</b></p> <p>Please direct the ExA to an assessment of downstream GHG emissions in respect of</p>	<p>The <i>Finch</i> example is a specific scenario relating to a fossil-fuel production scheme and the emissions associated with the ultimate combustion of the extracted oil, which constitute the 'downstream</p>

ExQ1	Question to	Question	Applicants Response
		the proposed development following the recent cases of R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council [2024] UKSC 20 and Friends of the Earth Ltd and South Lakeland Action on Climate Change v SSLUHC [2024] EWHC 2349 (Admin). If necessary, please update the assessment in ES Chapter 8 [APP-044] to ensure that the implications of these judgments are addressed.	emissions' in question. It set a precedent for downstream GHG emissions, in particular the 'use of sold products', to be considered as a standard part of the environmental impact assessment for a project.  The GHG assessment presented within <b>ES Volume 2, Chapter 8: Climate [APP-044]</b> is aligned with both the Greenhouse Gas Protocol and the RICS 2023 guidance and adopts this methodology as standard. Emissions associated with renewable energy developments (such as the Proposed Development) can be considered to occur at the point of generation, as opposed to the point of use. As such, there are no associated downstream GHG emissions with the use of sold product.
<b>8. Cultural Heritage</b>			
<b>1.8.1</b>	The applicant	<b>Archaeology</b>  Does the assessment of the construction of the solar PV infrastructure take into account potential compaction of any buried archaeology? If not, please address this.	<b>Environmental Statement (ES) Volume 2, Chapter 9: Cultural Heritage [APP-045]</b> as submitted did not assess potential compaction impacts to buried archaeological remains during the construction phase of the Proposed Development. This assessment has now been carried out. <b>ES Volume 2, Chapter 9: Cultural Heritage [EN010157/APP/6.2 Revision 2]</b> has been updated and resubmitted at Deadline 1.

ExQ1	Question to	Question	Applicants Response
			<p>The assessment has found that, with the implementation of the mitigation measures laid out in the <b>Outline Soil Management Plan [APP-159]</b>, the archaeological and historic interest of buried archaeological remains will not be changed by any impacts arising from soil compaction. The mitigation measures in question are detailed in <b>Section 3</b> of the <b>Outline Soil Management Plan EN010157/APP/7.8 Revision 2</b> and consist of the avoidance of working in unsuitable weather conditions; the use of low ground pressure vehicles wherever possible; and the installation of access tracks early on to avoid unnecessary trafficking on agricultural soils or the use track matting where needed in the early stages of construction. The measures within the <b>Outline Soil Management Plan [EN010157/APP/7.8 Revision 2]</b> are secured via Requirement 6, Schedule 2 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> and any Soil Management Plan would require the local planning authority's approval.</p> <p>The <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> has also been updated for Deadline 1 to include a commitment for long-term spoil storage to avoid areas of archaeological sensitivity as defined following the programme of archaeological fieldwork laid out in the Archaeological Management Strategy. The measures</p>

ExQ1	Question to	Question	Applicants Response
			within the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> are secured via Requirement 4, Schedule 2 of the draft DCO <b>[EN010157/APP/3.1 Revision 4]</b> which requires consultation with the Environment Agency on, and local planning authority approval of, any final CEMP.
<b>1.8.2</b>	The applicant	<p><b>Detailed Settings Impact Assessment</b></p> <p>Within the <b>Detailed Settings Impact Assessment [APP-123]</b>, with reference to hedgerows in the vicinity of the Site of Meaux Cistercian Abbey scheduled monument the document notes at paragraph 4.1.9 that the site was visited in the summer months and that the hedgerows may not be as visually impactful during winter months.</p> <p>This paragraph is somewhat unclear as to the contribution the surrounding hedgerows provide outside of the summer months, particularly if they are</p>	<p>The purpose of <b>ES Volume 4, Appendix 9.4: Detailed Settings Impact Assessment [APP-123]</b> is to identify whether it is theoretically possible (in the absence of mitigation) that the Proposed Development could cause changes to the settings of the shortlisted assets which would be of a type and severity that the contribution that those settings make to the assets' significance could be altered. The assessment recognises that, as the asset was visited in the summer, the visual impact of the hedgerows and their contribution to the feeling of enclosure during the winter could not be positively identified. The conclusions of <b>ES Volume 4, Appendix 9.4: Detailed Settings Impact Assessment [EN010157/APP/6.4 Revision 2]</b> have been amended to identify the potential for change to the setting of Site of Meaux Cistercian Abbey during the operation including maintenance phase of the Proposed Development in response to this Written Question. The updated document, <b>ES Volume 4, Appendix 9.4: Detailed Settings Impact Assessment</b></p>

ExQ1	Question to	Question	Applicants Response
		a deciduous species. Please provide further comments on the above, including whether there could be the potential for greater impacts than those outlined in the Detailed Settings Impact Assessment in light of this.	<p><b>[EN010157/APP/6.4 Revision 2]</b> has been resubmitted at Deadline 1.</p> <p>The Applicant has submitted a number of winter visualisations with the Development Consent Order (DCO) application (<b>ES Volume 4 Appendix 11.6: Viewpoints and Visualisations [AS-001 and AS-002]</b>). Viewpoint 21b shows the appearance of the Site of Meaux Cistercian Abbey (NHLE 1007843) from its south-eastern corner at Meaux Lane in winter, showing the thickness of its existing surrounding hedgerows during the winter months. Photomontage 21a shows the appearance of Fields F4 – F6 in winter from the south-eastern corner of the Site of Meaux Cistercian Abbey (NHLE 1007843) with the Proposed Development in place, including the embedded mitigation measures of an offset from solar PV development of 100m to the south of Meaux Abbey Scheduled Monument and hedgerow creation in the northern part of Fields F4 – F6, presented in <b>Table 9-7 of ES Volume 2, Chapter 9: Cultural Heritage [EN010157/APP/6.2 Revision 2]</b> along with their securing mechanisms (<b>Works Plans [PDA-004]</b>) and <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. These visualisations confirm that existing hedgerows in combination with these two embedded mitigation measures would create a screening effect in the winter which is comparable to that noted during the summer.</p>

ExQ1	Question to	Question	Applicants Response
			<p>The supposition made in paragraph 4.1.9 of <b>Volume 4, Appendix 9.4: Detailed Settings Impact Assessment [EN010157/APP/6.4 Revision 2]</b> is intended to identify the very worst-case scenario, the proposed embedded mitigation measures identified above are sufficient to avoid any potential for greater impacts to this asset during the winter months.</p> <p><b>ES Volume 2, Chapter 9: Cultural Heritage [EN010157/APP/6.2 Revision 2]</b> has been updated and resubmitted at Deadline 1.</p>
1.8.3	The applicant, ERYC	<p><b>Long Riston conservation area</b></p> <p>Given the proximity of the proposed development to the Long Riston conservation area (approximately 200m), please confirm why this designated heritage asset has not been included in the <b>Detailed Settings Impact Assessment [APP-123]</b>? Is ERYC content that the proposed development would preserve or enhance the character or appearance of the conservation area?</p>	<p>The Stage 1 settings assessment presented in Annex 2 of <b>ES Volume 4, Appendix 9.1: Archaeological Desk-Based Assessment - Part 2 [APP-119]</b> assesses that 'The Site does not lie within setting of Long Riston Conservation Area or form part of its key views. Although Fields B5 and B6 lie c.250m - 500m to the north of the Conservation Area, their location to the north-northwest of the key view north along Main Road means that they would be peripheral to this key view and therefore not significantly compromise it. However, the proposed underground cable route along Arnold Lane West and Carr Lane lies within c.150m and 200m of the Conservation Area. There may therefore be impacts to its setting during the construction phase (such as fencing, cable installation infrastructure,</p>

ExQ1	Question to	Question	Applicants Response
			<p>moving plant, dust and noise from plant etc). However, this impact will be temporary (for the duration of the cable laying) and fully reversible. Therefore, no significant settings impacts are anticipated'. The Stage 1 settings assessment thus does not propose to include the assessment of this asset in <b>ES Volume 2, Chapter 9: Cultural Heritage [EN010157/APP/6.2 Revision 2]</b>.</p> <p>The findings and proposals of the Stage 1 settings assessment were discussed with the Conservation Team Leader for East Riding of Yorkshire Council &amp; Hull City Council on 23 February 2024. During this meeting, it was agreed that all Conservation Areas within the study area could be scoped out of the assessment, including Long Riston Conservation Area. This record of consultation is included within <b>Table 9.1 of ES Volume 2, Chapter 9: Cultural Heritage [EN010157/APP/6.2 Revision 2]</b>.</p>
<b>1.8.4</b>	The applicant	<p><b>Archaeology</b></p> <p>The outline Construction Traffic Management Plan (oCTMP) [APP-158] states that 'Some internal access tracks will utilise protective membranes to protect tree root protection areas and</p>	<p>The Applicant has removed the word 'some' from the <b>Outline CTMP [EN010157/APP/7.7 Revision 2]</b> and resubmitted the updated document at Deadline 1.</p>



ExQ1	Question to	Question	Applicants Response
		archaeological remains, where required'.  Please confirm whether the word 'some' should be removed, in the interests of clarity.	
1.8.5	The applicant	<p><b>Archaeological feature HA3</b></p> <p>The Archaeological Management Strategy [APP-162] identifies a possible sub-rectangular enclosure containing two ring ditches with a larger third ring ditch located immediately outside in Fields F6, F9, F10 and F11 (HA3). The document also proposes that the area would be subject to monitoring during groundworks for the installation of an access road and temporary compound. Please explain why these details are not included/ addressed in ES Chapter 9 [APP-045].</p>	<p>HA3 is identified within paragraph 9.5.7 and Tables 9-7 and 9-8 of <b>ES Volume 2, Chapter 9: Cultural Heritage [EN010157/APP/6.2 Revision 2]</b>.</p> <p>Paragraph 9.8.3 of the <b>ES Volume 2, Chapter 9: Cultural Heritage [EN010157/APP/6.2 Revision 2]</b> states 'The <b>Archaeological Management Strategy [APP-162]</b> commits to a programme of preservation by record which will be approved by the Applicant, the Development Management Archaeologist for East Riding of Yorkshire Council &amp; Hull City Council and the archaeological contractor'. The proposal identified in the <b>Archaeological Management Strategy [EN010157/APP/7.11 Revision 2]</b> to monitor the groundworks for an access road and temporary compound within the area of HA3 has not been explicitly laid out within this paragraph but forms a part of the programme of preservation by record which the <b>Archaeological Management Strategy [EN010157/APP/7.11 Revision 2]</b> commits to, and</p>

ExQ1	Question to	Question	Applicants Response
			<p>which has been taken into account within the assessment of residual effects (Section 9.9.) of <b>ES Volume 2, Chapter 9: Cultural Heritage [EN010157/APP/6.2Revision 2]</b>.</p> <p>The requirement for this proposal arose from consultation with the Development Management Archaeologist for East Riding of Yorkshire Council &amp; Hull City Council between July and August 2024. This consultation is identified within Table 9-1 of <b>ES Volume 2, Chapter 9: Cultural Heritage [EN010157/APP/6.2 Revision 2]</b> but the proposal has not been made explicit. The Applicant has therefore amended Table 9-1 of the <b>ES Volume 2, Chapter 9: Cultural Heritage [EN010157/APP/6.2 Revision 2]</b> to provide greater clarity and has resubmitted the document at Deadline 1.</p>
<b>1.8.6</b>	ERYC, Historic England		
<b>1.8.7</b>	The applicant	<p><b>Operational effects</b></p> <p>At paragraph 5.1.3 of the Detailed Settings Impact Assessment [APP-123], it states that there is anticipated to be negative changes to the experiential settings of a</p>	<p>The purpose of <b>ES Volume 4, Appendix 9.4: Detailed Settings Impact Assessment [EN010157/APP/6.4 Revision 2]</b> is to identify whether it is theoretically possible (in the absence of mitigation) that the Proposed Development could cause changes to the settings of the shortlisted assets which would be of a type and severity that the contribution that those settings make to the assets' significance could be</p>

ExQ1	Question to	Question	Applicants Response
		<p>number of heritage assets during the construction phase of the proposed development. It then states that these would be 'temporary and fully reversible, lasting as long as the operation of the solar farm (anticipated to be 40 years)'.</p> <p>In contrast, ES Chapter 9 [APP-045] concludes 'no change' and 'no effect' in relation to a number of the assets listed. Please clarify the differences between these two documents, including the extent to which the proposed mitigation would overcome the negative changes as outlined.</p>	<p>altered. As such, the document identifies that there is potential for negative changes to the experiential settings of Scheduled Monument NHLE 1007843 (Site of Meaux Cistercian Abbey), Scheduled Monument NHLE 1015305 (Meaux Duck Decoy, 420m South East of Meaux Decoy Farm), Scheduled Monument NHLE 1008039 (Medieval Moated Tile Kiln 250m North East of North Grange Farm), Grade II Listed Building NHLE 1103426 (Meaux Abbey Farm) and Grade II Listed Building NHLE 1346995 (Wawne Grange).</p> <p><b>ES Volume 2, Chapter 9: Cultural Heritage [EN010157/APP/6.2 Revision 2]</b> assesses, taking into account the embedded and additional mitigation which the Proposed Development commits to, whether such negative changes would actually occur and, if so, whether they would in fact be of a type and severity that the contribution that those settings make to the assets' significance would be altered. <b>ES Volume 2, Chapter 9: Cultural Heritage [EN010157/APP/6.2 Revision 2]</b> has found that, following mitigation, there would be 'no change' and therefore 'no effect' to the contribution to significance made by the settings of Scheduled Monument NHLE 1007843 (Site of Meaux Cistercian Abbey), Scheduled Monument NHLE 1015305 (Meaux Duck Decoy, 420m South East of Meaux Decoy Farm), Scheduled Monument NHLE 1008039 (Medieval</p>

ExQ1	Question to	Question	Applicants Response
			<p>Moated Tile Kiln 250m North East of North Grange Farm), Grade II Listed Building NHLE 1103426 (Meaux Abbey Farm) and Grade II Listed Building NHLE 1346995 (Wawne Grange) if consent for the Proposed Development was to be granted.</p> <p>Historic England confirmed their agreement that the scale of harm to the significance of Scheduled Monument NHLE 1007843 (Site of Meaux Cistercian Abbey), Scheduled Monument NHLE 1015305 (Meaux Duck Decoy, 420m South East of Meaux Decoy Farm), Scheduled Monument NHLE 1008039 (Medieval Moated Tile Kiln 250m North East of North Grange Farm) is acceptable in their Relevant Representation received on 6 May 2025 [<b>RR-007</b>]. This is reflected in the <b>Draft Statement of Common Ground with Historic England [EN010157/APP/9.6]</b>.</p> <p>The Conservation Team Leader for East Riding of Yorkshire Council confirmed their agreement that the effects to Grade II Listed Building NHLE 1103426 (Meaux Abbey Farm) and Grade II Listed Building NHLE 1346995 (Wawne Grange) would be less than significant via email received 8 July 2025. This is reflected in the <b>Draft Statement of Common Ground with East Riding of Yorkshire Council [EN010157/APP/9.2]</b>.</p>

ExQ1	Question to	Question	Applicants Response
<b>9. Land, soil and groundwater</b>			
<b>1.9.1</b>	The applicant	<p><b>Relevant representation – Environment Agency</b></p> <p>Noting concerns and outstanding matters in relation to flood risk, drainage, water supply, abstraction and soils and decommissioning, please respond in detail to all relevant points raised by the EA in its RR [RR-005].</p>	<p>A response to the Environment Agency’s relevant representation [RR-005] has been submitted at Deadline 1 in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b>.</p>
<b>1.9.2</b>	The applicant	<p><b>Food security</b></p> <p>Please respond to concerns raised in a number of RRs [including RR-039 and RR-049] regarding the impact of the proposed development on UK food security.</p>	<p>A response to the relevant representations [RR-039 and RR-049] has been submitted at Deadline 1 in the Response to Relevant Representations [EN010157/APP/8.3].</p> <p>Following the amendments to the National Planning Policy Framework in December 2024, there is no longer a need to consider food production in land use planning terms. An amendment has been made to the previous footnote 62 (now footnote 65) to remove the need to consider the availability of agricultural land for food production.</p> <p>The utilised agricultural area (UAA) is 16.8 million hectares in 2024 (Defra 2024), therefore the total agricultural land take from the Proposed Development</p>

ExQ1	Question to	Question	Applicants Response
			accounts for less than 0.005% of the UAA. Therefore, the Proposed Development will not have a significant effect on National Food Production and Security.
1.9.3	The applicant	<p><b>Soil storage areas</b></p> <p>Whilst it is recognised that the oSMP [APP-159] references the need for soil storage in the form of topsoil and subsoil bunds, and the need to ensure that their locations satisfy a number of criteria, as outlined in paras 5.3.10-5.3.17, the locations are not provided. Please provide indicative locations for these soil storage areas.</p>	<p>The final storage locations are not able to be determined at this stage. Details of soil storage areas will be identified at detailed design following discussions with the contractor. However, the criteria set out in paragraphs 5.3.10-5.3.17 of the <b>Outline Soil Management Plan [EN010157/APP/7.8]</b> will be followed and locations will be selected and identified in the Soil Management Plan to ensure these criteria are met. The requirement to produce a Soil Management Plan, which must be substantially in accordance with the <b>Outline Soil Management Plan [EN010157/APP/7.8]</b>, is secured via Requirement 6, Schedule 2 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> and requires local planning authority approval.</p>
1.9.4	The applicant	<p><b>Livestock grazing</b></p> <p>Given the potential implications for the biodiversity mitigation strategy and biodiversity net gain, please provide further clarification regarding whether the appropriate infrastructure would be in place to support</p>	<p>Livestock grazing with sheep will be possible within Land Areas containing solar PV modules and will be encouraged by the Applicant. Appropriate livestock and livestock densities will be included within the Landscape and Ecological Management Plan. The Landscape and Ecological Management Plan will be substantially in accordance with the <b>Outline LEMP [EN010157/APP/7.5 Revision 2]</b>. as secured via Requirement 9, Schedule 2 of the <b>Draft DCO</b></p>

ExQ1	Question to	Question	Applicants Response
		future livestock grazing, should landowners wish to utilise the land for this purpose. See also the RR from YWT in this regard [RR-017].	<p><b>[EN010157/APP/3.1 Revision 4]</b> and requires consultation with the Environment Agency, Natural England and Historic England where relevant and local planning authority approval. Low density grazing will be used to maintain a short sward of grass within the summer months.</p> <p>A response to the relevant representations [RR-017] has been submitted at Deadline 1 in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b>.</p>
1.9.5	The applicant	<p><b>Best and most versatile agricultural land</b></p> <p>ES Chapter 10 [APP-046] states at paragraph 10.5.31 that 'Best and Most Versatile agricultural land accounts for approximately 35.1% of Land Areas B to F'. Please respond to concerns raised in RRs regarding non-compliance with NPS EN-3, in the context of paragraph 2.10.29 which states that 'poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible.'</p>	<p>The Applicant has responded to the relevant points raised regarding BMV in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b>.</p>

ExQ1	Question to	Question	Applicants Response
1.9.6	The applicant	<p><b>National Standards for sustainable drainage systems (SuDS)</b></p> <p>Having regard to the recently published <a href="#">National Standards for SuDS</a>, please provide comment regarding the potential implications for the proposed development/ flood risk assessment, including the SuDS hierarchy at section 7.2 [APP-102].</p>	<p>A drainage strategy is proposed in <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4 Revision 3]</b>, and secured in the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>, which follows a Sustainable Drainage Systems (SuDS) led approach that is proportionate to the proposals. Priority 1 of the National Standards for SuDS requires water re-use. The opportunities for this are limited but this will be proposed for welfare units, particularly during construction, as reported in <b>Appendix 1 - Water Resources Technical Note</b> to the <b>Response to Relevant Representations [EN010157/APP/8.3]</b>, which has been produced and is submitted at Deadline 1. As reported in <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [EN010157/APP/6.4 Revision 3]</b>, NPS EN-3 states that as solar PV modules will drain to ground, their impact will not normally be significant. Therefore, the drainage strategy has focused on managing runoff from the limited hardstanding areas. Rain falling on the Battery Energy Storage System (BESS) would drain to ground locally in accordance with Priority 2 of the National Standards. Most of the substation would be permeable, allowing rain to percolate locally, again in accordance with Priority 2. The limited hardstanding areas would flow to a nearby watercourse at a reduced rate, in accordance with Priority 3.</p>



ExQ1	Question to	Question	Applicants Response
			<p>The concept drainage strategy contained with the <b>FRA [APP-102]</b> has been agreed with the Beverley and North Holderness Internal Drainage Board and Lead Local Flood Authority (East Riding of Yorkshire Council).</p> <p>Access track formations are to be determined following detailed surveys but at this stage it is envisioned that regardless of formation they would drain to ground locally in accordance with Priority 2. As reported in <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [EN010157/APP/6.4]</b>, the drainage strategy is cognisant to promote the cleaning of rainfall. As a result, the drainage strategy presented in <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [EN010157/APP/6.4]</b> is compliant with the National Standards for SuDS</p>
1.9.7	The applicant	<p><b>Decommissioning</b></p> <p>The oDEMP [APP-155] states that 'it is assumed that all the below-ground cables would be left in situ to avoid unnecessary disturbance to the ground or to nearby human or ecological receptors, in accordance with Paragraph</p>	<p>In response to a similar query by the Environment Agency in their relevant representation (RR-005) the <b>Outline DEMP [EN010157/APP/7.4 Revision 2]</b> has been updated to include a commitment to undertake an environmental risk assessment prior to the decommissioning phase with regard to cables being left in situ. This would assess the best environmental options and determine the final approach regarding</p>

ExQ1	Question to	Question	Applicants Response
		2.10.69 of NPS EN-3'. Please confirm whether, noting NPS EN-3 paragraph 2.10.68 which sets out an expectation to dig up cabling, this would allow for the prior use of the land to continue, including the potential for future degradation of cables and the subsequent potential for future contamination of the land?	leaving below ground cables in situ at the end of the Proposed Development's life. The updated <b>Outline DEMP [EN010157/APP/7.4 Revision 2]</b> has been submitted at Deadline 1.
1.9.8	EA		
<b>10. Landscape and visual (including good design)</b>			
1.10.1	The applicant	<b>Worst-case scenario</b> ES Chapter 11 paragraph 11.4.8 [APP-047] states that as a worst-case, solar PV modules are modelled at 3m above ground. However, the Design Parameters Document [APP-150] states that some would be raised a 'minimum of 300mm freeboard above the modelled 1-in-100 year plus climate change flood level (the design event flood level)' to	The 300mm of freeboard to account for flood risk has been embedded into the design of the Proposed Development and is therefore reflected in the maximum height of the solar PV panels of 3m. The landscape and visual assessment is therefore a worse case assessment.  <b>ES Volume 4, Appendix 11.6: Viewpoints and Visualisations [AS-001 and AS-002]</b> include solar PV modules modelled with a maximum height of 3m, as per <b>ES Volume 1, Chapter 3: Proposed Development Description [APP-039]</b> . This is consistent with the <b>Design Parameters Document [EN010157/APP/5.8]</b>

ExQ1	Question to	Question	Applicants Response
		account for flood risk. Please clarify the accuracy of the modelling and worst-case scenario in light of this (and for any other elements which may be raised for the same reason).	<p><b>Revision 2]</b> where it states that some solar PV modules would be raised a 'minimum of 300mm freeboard above the modelled 1-in-100 year plus climate change flood level (the design event flood level)' to account for flood risk.</p> <p><b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4]</b> presumed the solar PV modules would either be fixed or tracker panels. Fixed solar PV modules would have their lower edge at 0.8m above the ground level. In their stowed (laid horizontal) position, tracker solar PV modules (including their rotating mechanism) would be at least 1.5m above the ground but up to 2m above the ground.</p> <p><b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4]</b> recommended that the lower panel edges and rotating mechanisms be 0.3m above the design flood depths.</p> <p>In areas where the design flood depth is 0.5m or lower, fixed or tracker solar PV modules would therefore be acceptable. In areas where design flood depths are deeper than 0.5m tracker solar PV modules would be required. The modelling work completed for the purposes of <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4 Revision 3]</b> shows that the deepest flooding is in Area B4 and the lower</p>

ExQ1	Question to	Question	Applicants Response
			topographical areas of B5, where depths could be up to 1.4m in localised areas. The stowed panel edges and rotating mechanisms would be set to 1.7m above the ground in these limited areas in line with the 3m maximum parameter stated. Therefore, the maximum height of the panels includes for the 300mm, where relevant, and would not exceed the 3m stated.
<b>1.10.2</b>	The applicant	<b>Glint and glare</b> The Glint and Glare Assessment [APP-100] (including Table 1 and paragraph 6.4.1) notes that the assessment has been undertaken on the assumption of solar PV panels having smooth glass with an anti-reflective coating. Should this be secured in the dDCO and/or included within the Design Parameters Document (noting paragraph 2.10.134 of NPS EN-3)?	The <b>Design Parameters Document [EN010157/APP/5.8 Revision 2]</b> has been updated to reflect this assumption and is submitted at Deadline 1. The <b>Design Parameters Document [EN010157/APP/5.8]</b> is secured by Requirement 3 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> .
<b>1.10.3</b>	The applicant	<b>Glint and glare</b> The Glint and Glare Assessment [APP-100] is based on a tracker system only	One important difference between the two systems relevant to the definition of a worst-case scenario is that if the proposed panels were fixed south-facing, solar reflections at ground level towards the north would be

ExQ1	Question to	Question	Applicants Response
		(Table 1). Explain to what extent this represents a worst-case scenario (for example, could fixed solar PV panels create additional effects for some receptors which would not be experienced with tracker panels)?	<p>highly unlikely, and therefore any ground-level receptors to the north of the northern-most panels would not typically be included in the modelling. Because a tracker system is being assessed, solar reflections at ground level towards the north are possible and therefore receptors to the north of the Proposed Development have been included in the modelling. For these receptors, it can therefore be considered that a tracker system provides a worst-case scenario for glint and glare effects.</p> <p>Typically, solar PV panels using a tracker system also have a greater maximum height above ground level so they could be more visible as compared to a fixed solar PV panel.</p>
1.10.4	The applicant	<p><b>Glint and glare</b></p> <p>Noting NPS EN-3 paragraph 2.10.106, has the potential for frames and supports in combination with the solar PV panels been considered in the Glint and Glare Assessment [APP-100]. If not, please explain the reason for this.</p>	<p>Only a reflection from the face of the panel has been considered. The frame or the reverse of frame has not been considered, as no significant glint and glare effects are likely to occur.</p> <p>Based on the surface conditions reflections from light can be specular and diffuse. A specular reflection has a reflection characteristic similar to that of a mirror; a diffuse will reflect the incoming light and scatter it in many directions. The solar panels themselves are the overriding source of specular reflections because they</p>

ExQ1	Question to	Question	Applicants Response
			<p>are large and flat. Reflections from frames and supports are far smaller and angular which means that the amount of specular reflections produced will be much less despite the material having higher reflectivity. In addition, the frames and supports are often not visible because they are removed from view by the panel face itself.</p> <p>It is concluded that reflections from the frames and supports considered in combination with the solar PV panels would not have any significant effects on the modelling results, or conclusions. Furthermore, there is no precedent for modelling the frames and supports for glint and glare.</p>
1.10.5	The applicant	<p><b>Glint and glare</b></p> <p>The Glint and Glare Assessment [APP-100] notes on page 82 that NPS EN-3 paragraph 2.10.150 sets out that '[...] the Secretary of State should assess the potential impact of glint and glare on nearby homes, motorists, PRowS, and aviation infrastructure (including aircraft departure and arrival flight</p>	<p>a) Significant impacts to pedestrians/equestrians using public rights of way are unlikely due to glint and glare effects from solar photovoltaic developments. The reasoning is due to the sensitivity of the receptors (in terms of amenity and safety) being concluded to be of low significance. Detailed technical modelling is not typically required. This is because:</p> <ul style="list-style-type: none"> <li>• The typical density of pedestrians located at these points is low in a rural environment;</li> <li>• Any resultant effects are less serious than, for example, solar reflections experienced towards a road network whereby the resultant impacts of a</li> </ul>

ExQ1	Question to	Question	Applicants Response
		<p>paths).’ Please clarify:</p> <p>a) Whether and where impacts on PRowS have been considered, and if not, provide justification for this; and</p> <p>b) Whether Beverley Airfield, Hill Farm Airfield and Burton-Constable Airfield were consulted on the application and, if not, justification for this.</p>	<p>solar reflection can be much more serious. Safety concerns are considered to a greater extent for horse riders, however the risk of this occurring due to glare from solar panels is considered to be small. This is supported by the ‘Advice on Solar Farms’ document published by the British Horse Society in April 2024, which states: “They [standard photovoltaic panels] are designed to absorb rather than reflect light for efficiency (reflected light is wasted energy) and although the amount of reflection varies with the component materials and the angle, the incidence of glare or dazzle is very low compared with glass and will not be uniform throughout a period of sunlight, assuming that the panel is static. Any reflection is unlikely to be a direct problem to horses, riders or carriage-drivers because of the angles and distances involved.”</p> <ul style="list-style-type: none"> <li>• Glint and glare effects towards an observer are transient, and time and location sensitive whereby a pedestrian could move beyond the solar reflection zone with ease with little impact upon safety or amenity;</li> <li>• Any observable solar reflection towards an observer would be of similar intensity to those experienced</li> </ul>

ExQ1	Question to	Question	Applicants Response
			<p>whilst navigating the natural and built environment on a regular basis (e.g. bodies of water), and less intense than reflections from glass and other common outdoor surfaces.</p> <p>b) Based on the results from the technical modelling that has been undertaken, no significant glint and glare impacts are predicted on aviation activity associated with Beverley Airfield, Hill Farm Airfield and Burton-Constable Airfield. Consultation has not been recommended, and therefore no consultation has been undertaken on that basis.</p>
1.10.6	The applicant	<p><b>Design</b></p> <p>Please explain, with reference to the Planning Inspectorate's <a href="#">advice on good design</a>, how you have considered opportunities to demonstrate good design in terms of siting of the various elements of the proposed development in order to mitigate their effects on the landscape. Please explain how you propose to ensure that both the solar panels and associated/ ancillary development would</p>	<p>The design and layout of the Proposed Development reflects a holistic, whole-project approach that accords with the <a href="#">Advice on Good Design for NSIPs</a> and the associated <a href="#">Design Principles for National Infrastructure</a> guidance published by NIC. This approach was iterative, informed by engagement and consultation with stakeholders from the outset; and shaped by ongoing environmental assessment and the development of project design principles. The application of this guidance is detailed in the <b>Design Approach Document [APP-149]</b>.</p> <p>Good design influenced every decision, with conservation and enhancement of the local environment at the core of the design approach. Central to this is a positive response to the existing landscape</p>



ExQ1	Question to	Question	Applicants Response
		contribute to the quality of the area.	<p>and the sense of place, with an understanding of what it is valued by the community. The project design principles seek to preserve features of the landscape that contribute to the character and identity of the local area, with particular consideration to the natural, historic and recreational environment.</p> <p>The Advice notes that “good design is not primarily about how infrastructure looks, although these considerations (the aesthetics) are important”. The Applicant acknowledges that adverse landscape and visual effects will arise from the Proposed Development. However, through the embedding of project design principles, positive outcomes have been incorporated and are secured through the <b>Outline LEMP [EN010157/APP/7.2]</b>. Buffers from sensitive receptors including residential properties, villages, public rights of way, hedgerows and trees have been incorporated into the design. Careful consideration has been given to the siting of larger infrastructure, such as battery energy storage systems and on-site substations, to reduce impacts. New tree and hedgerow planting will reduce visual effects, whilst enhancing ecological connectivity and green infrastructure corridors. Areas of ecological mitigation will remain free of solar development, providing beneficial habitats such as grassland with increased species diversity and flower-rich field</p>

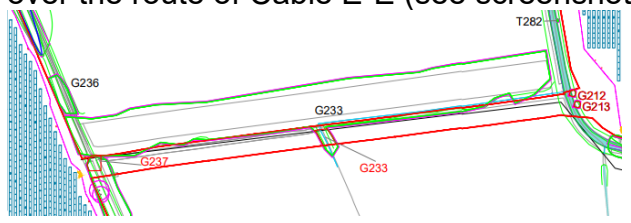
ExQ1	Question to	Question	Applicants Response
			<p>margins. New permissive paths will increase access to the countryside, providing amenity offering recreational value to residents and visitors. Additionally, the Applicant has included provision for community accessible land, as demonstrated within the <b>Outline LEMP [EN010157/APP/7.2]. ES Volume 1, Chapter 4: Alternatives and Design Iteration [APP-040]</b> sets out how effects on landscape have influenced the indicative design of the Proposed Development.</p> <p>The proposed mitigation and enhancement measures accord with relevant landscape and visual guidance, including the Statements of Environmental Opportunity within the National Landscape Character Assessment for Holderness; the East Riding of Yorkshire Landscape Character Assessment; and the Draft East Riding Design Code.</p>
<b>1.10.7</b>	The applicant	<b>Design</b> Do you have a design champion within your organisation designated to the proposed development, and if so, what are their qualifications for such a role and what is their hierarchical position within the organisation?	Michael Baker is the RWE design champion for the Peartree Hill Solar Farm. Michael is a chartered town planner with 15 years' experience delivering infrastructure projects within the road, rail and energy sector. Within RWE, Michael Baker led the design, assessment and consent of Byers Gill Solar farm and has advised on design matters across the RWE portfolio of solar projects. Michael Baker is a Senior

ExQ1	Question to	Question	Applicants Response
			<p>DCO Development Project Manager within RWE Renewables Solar and Storage.</p> <p>Michael's position as design champion was formalised following the Nationally Significant Infrastructure Projects: Advice on Good Design in October 2024. However, Michael has been engaged on the Proposed Development throughout the project development ensuring a structured design process and hierarchy of design control.</p>
1.10.8	ERYC		
1.10.9	The applicant, ERYC	<p><b>Design parameters</b></p> <p>For the BESS, the Design Parameters Document [APP-150] states that containers would be 'light grey, white, dark green or similar in colour'.</p> <p><u>To the applicant</u></p> <p>a) Please clarify what 'or similar in colour' means in this context and consider whether these words need amending to ensure greater precision in this regard; and</p>	<p>a) 'Similar in colour' was intended to cover colours close in spectrum to those listed (light grey, white and dark green). For example, moss green, khaki, grey-ish green. This is included to maintain flexibility in colour whilst also securing a base pallet which is suitable in the landscape.</p> <p>b) The Applicant would look to agree container colour with the ERYC at detailed design stage pursuant to the requirement 3 detailed design approval process of the <b>draft DCO [EN010157/APP/3.1 Revision 4]</b>. At present <b>Design Parameters Document [APP-150]</b> looks to maintain flexibility should ERYC consider that different colours would be better suited to the</p>

ExQ1	Question to	Question	Applicants Response
		<p>b) Provide your view as to whether [APP-150] should make provision for all BESS containers to be the same colour?</p> <p><u>To ERYC</u></p> <p>Please provide your view on the matter and whether you have any preference for use of colour.</p>	<p>landscape across the site, or want to use different colours for wayfinding purposes.</p>
1.10.10	The applicant	<p><b>Design parameters</b></p> <p>For clarity, please define 'm<sup>2</sup>, as 'square metres' in the Design Parameters Document [APP-150].</p>	<p>The <b>Design Parameters Document [EN010157/APP/5.8]</b> has been updated to reflect this request and is submitted at Deadline 1.</p>
1.10.11	The applicant	<p><b>Indicative layout/ design parameters</b></p> <p>Regarding the Indicative Layouts and Cross Section Plan [APP-015]:</p> <p>a) Is there any difference between the inverter building information shown on pages 3 and 4;</p> <p>b) Page 5 appears to show</p>	<p>a) The Applicant confirms the labelling on page 3 of the <b>Indicative Layouts and Cross Section Plan [APP-015]</b> is incorrect and this should refer to a spares container which will be used to store spare parts for the solar and BESS infrastructure. The <b>Indicative Layouts and Cross Section Plan [EN010157/APP/2.10 Revision 2]</b> has been resubmitted at Deadline 1 with the updated labelling.</p>


ExQ1	Question to	Question	Applicants Response
		<p>the indicative layout of a 'hybrid pack' which includes battery containers, an inverter container and DC-DC converters (with indicative locations of hybrid packs shown on the Indicative Operational Layout Plan [APP-055]) – please clarify locations and numbers of the 'switchgear' units shown on page 6;</p> <p>c) Page 5 indicates that the DC-DC converters would be 1.2m in width, whereas the Design Parameters Document [APP-150] suggests these would be 0.9m in width - please double check all dimensions stated in these two documents for consistency and amend as necessary.</p>	<p>b) The hybrid pack on page 5 does not include the dedicated switchgears shown on page 6. There are 7 switchgears across the site which are located in Land Areas B1, B8, C5, D9, E11 and F4. The locations of switchgear are shown in <b>ES, Volume 3, Figure 3.4: Indicative Environmental Masterplan [APP-058]</b> and form part of the 'balance of solar plant' in Work No. 1 of Schedule 1 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b></p> <p>c) The DC-DC converters will be 1.2m in width as shown in <b>Indicative Layouts and Cross Section Plan [APP-015]</b> and the <b>Design Parameters Document [APP-150]</b> has been corrected and submitted at Deadline 1 to be consistent.</p>
<b>1.10.12</b>	The applicant	<p><b>Security measures</b> Noting NPS EN-3 paragraphs</p>	The Proposed Development will incorporate fencing for security and safety reasons. Operational areas of the

ExQ1	Question to	Question	Applicants Response
		2.10.48, 2.10.99 and 2.10.132 (and point 9 of [RR-021]), what consideration has been given to security measures, such a fencing, to minimise adverse landscape and visual effects.	Order Limits will be secured with 2m high perimeter fencing (anticipated to be 'post and wire' deer fencing), while the on-site substations will be secured by 2.4m high palisade fencing. These maximum heights are secured by the <b>Design Parameters Document [EN010157/APP/5.8]</b> . The height of the fencing is required for security purposes and reflects industry standard. The post and wire fencing would be relatively fine (comparable to stock proof fencing) and therefore exhibits a high degree of visual permeability. The Proposed Development incorporates landscaping and planting to soften the proposals and mitigate visual impacts. <b>ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [APP-058]</b> shows the fencing and planting proposed. In many instances, new hedgerows would be planted and (together with existing hedgerows) allowed to grow to 3.5m in height, which would help to screen the security fencing. Further details can be found in <b>ES Volume 2, Chapter 11: Landscape and Visual [APP-047]</b> and the <b>Outline LEMP [EN010157/APP/7.5 Revision 3 ]</b> which is secured via Requirement 9, Schedule 2 of the <b>draft DCO [EN010157/APP/3.1 Revision 4]</b> .
<b>1.10.13</b>	The applicant, ERYC	<b>Trees</b> The AIA [APP-115] identifies trees to be retained and their root protection areas. It also, at	The Arboricultural Method Statement will be appended to the Construction Environmental Management Plan as secured by the <b>Outline CEMP [EN010157/APP/7.2</b>

ExQ1	Question to	Question	Applicants Response
		paragraph 4.3.3 and section 5, notes that an arboricultural method statement (AMS) and tree protection details would be required prior to construction. The oCEMP [APP-153] also identifies the need for an AMS and tree protection measures. Should these form part of a detailed CEMP to be approved by the local planning authority under R4 of the dDCO rather than a document simply to be produced for the principal contractor?	<b>Revision 2]</b> under Requirement 4 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> .
<b>1.10.14</b>	The applicant	<p><b>Trees</b></p> <p>The AIA Appendix A [APP-115] identifies G233 comprising of around 90 'category A' trees. The extents of G233 are shown on Appendix B drawing number 8. AIA Table 2 appears to suggest the removal of around 90 trees from G233. However,</p>	<p>The 90 trees figure is the total number of trees in the wider group. The area for removal is 190m<sup>2</sup>, consisting of the 20m approx. spur of trees that projects south over the route of Cable E-E (see screenshot below).</p> 

ExQ1	Question to	Question	Applicants Response
		Appendix C sheet 10 appears to show only a small part of G233 proposed for removal. Please clarify this matter.	The table titles have been amended to clarify this in Table 2 of <b>ES Volume 4, Appendix 7.11: Arboricultural Impact Assessment [APP-115]</b> and captured within the <b>Environmental Statement Addendum [EN010157/APP/8.2 Revision 2]</b> which has been submitted at Deadline 1.
1.10.15	The applicant	<p><b>Hedgerows</b></p> <p>The Indicative Environmental Masterplan (sheet 10) [APP-058] appears to identify the retention and protection of a hedgerow between areas E15 and E16, whereas the Tree Preservation Order and Hedgerow Plan (sheet 10) [PDA-007] appears to show this hedgerow (H048) as being removed.</p> <p>Furthermore, this hedgerow appears to be considerably greater in length than the 8m as suggested in Schedule 13, Part 2 of the dDCO. The same issues appear to be the case for hedgerows H043 and H050</p>	Sheet 10 of the <b>ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [APP-058]</b> does indicate that a length of the hedgerow between Fields E15 and E16 would be removed (shown in orange at the eastern end of the hedgerow, at the location of the proposed access track). See screenshot below;



ExQ1	Question to	Question	Applicants Response
		(and others). Please clarify these matters and ensure consistency between all plans (and the dDCO).	 <p>The apparent discrepancy arises due to the fact that the <b>Tree Preservation Order and Hedgerow Plans</b></p>

ExQ1	Question to	Question	Applicants Response
			<p><b>[PDA-007]</b> highlights the whole stretch of hedgerow from which a section would be removed. This approach provides the necessary flexibility should the exact location of removal within the hedgerow in question change at the detailed design stage. However, the lengths of hedgerow to be removed would be limited to those specified in Schedule 13, Part 2 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>, which is also confirmed by note no.4 on the Tree Preservation Order and Hedgerow Plans: <i>“The proposed sections of hedgerow to be removed will be subject to change as part of the detailed design development. Any removal of hedgerows will be limited to being within the constraints included in <b>Draft Development Consent Order.</b>”</i></p>
<b>1.10.16</b>	The applicant	<p><b>Veteran trees</b></p> <p>The ExA recognises that you have sought to keep internal access tracks to the edges of fields. However, an access track is proposed within the root protection area (RPA) of veteran tree T381.</p> <p>a) Explain how the proposed development accords with NE/ Forestry Commission <a href="#">standing advice/</a></p>	<p>a) The Applicant confirms that the Proposed Development accords with Natural England/Forestry Commission guidance. When designing the Proposed Development, the Applicant’s starting position was to avoid impacts to ancient woodland, ancient trees and veteran trees. Complete avoidance was not possible, as such the Applicant pursued a “no-dig” option, an option with minimal interference with ancient woodland, ancient trees and veteran trees. The Applicant is also proposing tree protection fencing as mitigation. The assessment of these impacts is set out at Section 4.2.1.3 of <b>ES Volume 4, Appendix 7.11: Arboricultural Impact Assessment [APP-115]</b>.</p>

ExQ1	Question to	Question	Applicants Response
		<p><a href="#">guidance</a> in this regard, particularly in respect of avoiding and reducing (mitigating) impacts; and</p> <p>b) Clarify the types/ weights of vehicles which would use this access track (whether HGVs/ AIL) and the extent to which a no dig/ cellular system (as proposed in the AIA [APP-115]) would be sufficient to prevent the compaction of the roots of this tree as a result of such vehicle movements.</p>	<p>b) Section 4.2.1.3 of <b>ES Volume 4, Appendix 7.11: Arboricultural Impact Assessment [APP-115]</b> states: <i>“T381 sits within the Order Limits and has a new access road proposed within its RPA. Prior to works commencing, the RPA must be fenced off in its entirety until, under arboricultural supervision, a ‘no dig’ construction load spreading road is laid using a 3D cellular confinement system product for example Greenfix Geoweb (<a href="https://greenfix.co.uk/geoweb/geoweb-tree-root-protection.html">https://greenfix.co.uk/geoweb/geoweb-tree-root-protection.html</a>).</i> <i>This will protect the soil from compaction and minimise the root impacts.”</i></p> <p>It should be noted that the Applicant is currently consulting on a proposed change to the DCO Application, referenced as change 9 in the Applicant’s <b>second notification of proposed changes to the DCO Application [AS-015]</b>. The effect of the change, if progressed and accepted for examination, would be to remove any interface between the Proposed Development and veteran tree T381.</p>
1.10.17	The applicant	<p><b>Veteran trees</b></p> <p>The AIA Table 2 [APP-115] does not list and thus identifies no impacts on veteran tree T428. Paragraph 4.2.6 of the</p>	<p>Paragraph 4.2.6 of <b>ES Volume 4, Appendix 7.11: Arboricultural Impact Assessment [APP-115]</b> states: <i>“T428 sits outside of the Order Limits but has a proposed passing place located at the edge of its RPA. Due to being located on the opposite side of the road to</i></p>

ExQ1	Question to	Question	Applicants Response
		AIA suggests works, including a proposed passing place, would be outside of its RPA. However, the tree constraints plan appears to show that there might be some encroachment of the proposed passing place into the RPA (albeit where this extends to the opposite side of the lane). Please clarify the potential for impacts on this tree due to such works, and whether any mitigation is necessary.	<p><i>the passing place and occurring outside its RPA, minimal impacts to roots are likely to occur. Tree protection fencing must be positioned along the road edge nearest the tree to protect the soft verge and the roots within it from compaction.”</i></p> <p>Therefore, the potential for impacts is considered to be low and measures are proposed (tree protection fencing around soft verge) in the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b></p>
1.10.18	The applicant	<p><b>Ancient woodland</b></p> <p>The proposed solar arrays would appear to be more than 15m from the ancient woodland within Cote Wood LWS in line with NE/ Forestry Commission standing advice/ guidance. However, it is unclear to the ExA whether this would be the case for the proposed permissive path as shown on the Indicative Environmental Masterplan</p>	<p>The proposed permissive path is approximately 10m from Cote Wood Local Wildlife Site (LWS). The permissive path is separated from Cote Wood by a steep sided ditch and wide field margin used as an existing farm machinery track. The creation of a permissive path will not affect Cote Wood LWS and therefore has been scoped out of <b>ES Volume 2, Chapter 7: Biodiversity [EN010157/APP/6.2 Revision 2]</b>.</p> <p>It follows an existing access track, indicating that human activity is already established in this area and thus represents minimal change from the current situation. A</p>

ExQ1	Question to	Question	Applicants Response
		[APP-058] and the ExA notes that the surfacing of this would be determined later, as per oLEMP paragraph 16.3.3 [PDA-018]. To the north of the ancient woodland, the permissive path would appear to follow an existing access track, and to the west would appear to be beyond a drainage channel. Please clarify that this would be the case and any implications for the ancient woodland should the permissive path be within 15m of it.	drainage channel between the path and the woodland acts as a natural deterrent to entry into the woodland. Any required surfacing of the path will adopt a 'no-dig' approach, using load-spreading materials appropriate to the expected footfall, as set out in the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b> .
1.10.19	The applicant	<b>Lighting</b> Some RRs (such as [RR-039 and RR-049] refer to the area being in a location for 'dark skies' and the need to protect such areas. Please address/ respond to this point.	A response to Relevant Representations [RR-039 and RR-49] has been submitted at Deadline 1 in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b> .  Specifically with respect to 'dark skies' there are no designated Dark Sky areas within the study area, with the closest being the North York Moors National Park over 40km from the Order Limits.

ExQ1	Question to	Question	Applicants Response
			In addition, the construction and operational lighting associated with the Proposed Development will be restricted and designed sensitively with the environment in mind. Furthermore, operational lighting would be infrared security lighting so would only be triggered on movement. Therefore, there would be no permanent lighting throughout the night. As the Proposed Development is not located in, or close to, a Dark Sky designation, it would not have an effect on this as a receptor. The DCO Application is supported by <b>ES Volume 2, Chapter 11: Landscape and Visual [APP-047]</b> , which provides justification for scoping out the lighting impacts on landscape character and visual amenity.
<b>1.10.20</b>	The applicant	<p><b>Offset distances</b> Weel Solar Action Group [RR-024] suggests 'buffer zones' of 20m from footpaths and roads to accommodate appropriate screening. The ExA notes that the applicant is proposing a 10m offset of proposed solar panels from PRoWs (Table 11-10 of [APP-047]).</p> <p>a) Please further justify the adequacy of the proposed 10m offset</p>	<p>A response to Relevant Representation [RR-024] has been submitted at Deadline 1 in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b>. We also note that the request from Weel Solar Action Group is to have 20m of 'quality woodland' either side of every footpath and road.</p> <p>With respect to question a) – please see the Relevant Representation responses submitted at Deadline 1 in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b>. The Applicant considers that the 10m offset committed to is proportionate to the nature of the Proposed Development. It ensures the users of</p>

ExQ1	Question to	Question	Applicants Response
		<p>from PRowWs from a landscape and visual perspective and explain any implications for increasing these in size as per the suggestion in [RR-024]; and</p> <p>b) Clarify whether there are any proposed offset distances from local roads and if not, the reasons for this.</p>	<p>PRowW would not find any new infrastructure overbearing and provides adequate room to introduce screening planting, where required. It is noted that the offset areas throughout the Order Limits cannot be entirely planted with woodland as requested, as this would result in the permanent loss of larger swathes of agricultural land, which can currently be returned to agricultural use following decommissioning. Increasing the 10m offset from PRowW to 20m would not reduce the assessed landscape and visual impacts as described in <b>ES Volume 2, Chapter 11: Landscape and Visual [APP-047]</b> and would reduce the overall capacity of the Proposed Development, or in the alternative would require additional land acquisition for no increase in the overall MW output of the Proposed Development.</p> <p>b) No offset distances are proposed from local roads as part of the Proposed Development. Views from local roads towards solar PV arrays are limited throughout the Proposed Development by an extensive network of hedgerows, including adjacent to or slightly offset from the majority of road edges. Where hedgerows are present alongside roads, 10m offsets are included where practicable. It is further noted that where close proximity views from roads towards areas of solar PV development may exist, any such views would be limited and only experienced fleetingly. Therefore, the</p>

ExQ1	Question to	Question	Applicants Response
			Applicant does not consider a standard offset to be necessary.
1.10.21	The applicant	<p><b>Orchards</b></p> <p>The oLEMP [PDA-018] indicates that 'orchards', details of which would be confirmed post any consent in a LEMP, would be planted on the 'community accessible land'. Please clarify:</p> <ul style="list-style-type: none"> <li>a) The extent to which orchards would reflect the landscape character of the area;</li> <li>b) The extent to which a minimum of five trees (oLEMP Table 5-1) would equate to an 'orchard'; and</li> <li>c) Notwithstanding oLEMP paragraphs 16.1.5 to 16.1.7, provide further details on the proposed management of 'orchards', noting for</li> </ul>	<ul style="list-style-type: none"> <li>a) Orchards are not a key characteristic of the host Landscape Character Type 19: Open Farmland. However, the introduction of a small orchard would not diminish nor adversely affect the local landscape character.</li> <li>b) The specific planting details of the orchard would be confirmed post-consent following discussions with the Community Liaison Group as set out in paragraph 16.1.7 of the <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b>. The Applicant would look to plant more than five trees but this would be confirmed in discussions with the Community Liaison Group and consideration over what is needed in the space.</li> <li>c) The Applicant would be responsible for managing orchards in line with the approach to managing planting, hedgerows and grassland across the site. The Applicant would work with the local community to manage the orchard and would seek to offer a useful, interesting and accessible community space for local people to use and enjoy.</li> </ul>



ExQ1	Question to	Question	Applicants Response
		example, that if they are to offer 'a good range of fruits to eat and to cook with', it is likely that these would need to be reachable to be picked by the public.	
1.10.22	The applicant	<b>Environmental Features Plan</b> Please clarify what the series of green dashes to the west of the river Hull on sheet 13 of the Environmental Features Plan [APP-054] represent, as it is unclear from the key. Please also clarify whether the features would be affected by the proposed development.	The green dashed lines are an inherent feature of the underlying base mapping. Based on comparisons with aerial imagery they represent areas of trees/vegetation. Given that the Applicant intends to use Horizontal Directional Drilling (HDD) under the River Hull (from the eastern side) and continue the HDD until after Beverley and Barmston drain (i.e. underneath the area where the green dashes are shown) this feature would not be affected by the Proposed Development.
1.10.23	The applicant	<b>Landscape character</b> Please respond to concerns raised in RRs (such as [RR-002, RR-019 and RR-027]) stating that the proposed development would contribute to the 'industrialisation of the landscape'.	A response to Relevant Representations [RR-002, RR-019 and RR-027] has been submitted at Deadline 1 in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b> .

ExQ1	Question to	Question	Applicants Response
1.10.24	The applicant	<p><b>Mitigation</b></p> <p>Having regard to ES Chapter 11 paragraphs 11.9.292 and 11.9.391 [APP-047], please clarify why it is not considered possible to screen the western boundary of the field due its proximity to Meaux and Routh East Drain.</p>	<p>The Applicant has agreed to the Environment Agency's request of a 10m offset from the Meaux and Routh East Drain, for planting a new hedgerow. New hedgerow planting has been included along the eastern boundary of Fields B1 and B7, which incorporates a suitable offset. Additional new planting along the western boundaries of the field (taking into account the offset required by the Environment Agency) would result in areas of these fields being permanently removed from agricultural use. This is weighed up to be a more appropriate use of land in line with NPS EN-1 and EN-3.</p>
1.10.25	The applicant	<p><b>Mitigation</b></p> <p>Noting NPS EN-1 paragraph 5.10.26, would there be scope to mitigate residual significant adverse landscape and visual effects with only a small reduction in the function of the proposed development?</p>	<p>The Applicant has been mindful of the need to seek to minimise landscape and visual effects in the design process of the Proposed Development.</p> <p>Details on the iterative design process are provided in <b>ES Volume 1, Chapter 4: Alternatives and Design Iteration [APP-040]</b> and <b>Appendix 2: Site Selection Assessment</b> to the <b>Planning Statement [APP-147]</b>. <b>ES Volume 2, Chapter 11: Landscape and Visual [APP-047]</b> considers the landscape character of the Site and its relationship with nearby communities to identify the potential effects on the local landscape and visual amenity.</p> <p>The iterative design process has helped to minimise landscape and visual effects through the appropriate</p>

ExQ1	Question to	Question	Applicants Response
			<p>design and siting of infrastructure: for example, the specific recommendations on removal of fields from early design layouts and the siting of the two small substation structures away from residential areas and adjacent to existing woodland belts in order to minimise their visibility.</p> <p>A specific example of this is the significant landscape and visual effects reported in the Preliminary Environmental Information Report on a single footpath receptor as a result of Area A's inclusion within the Proposed Development. The removal of Area A directly resulted in this significant landscape and visual effect being avoided. Although, this is not explicitly stated as a reason for the removal of Area A within <b>ES Volume 1, Chapter 4: Alternatives and Design Iteration [APP-040]</b> it was considered a contributing factor in consideration with the other factors included in <b>ES Volume 1, Chapter 4: Alternatives and Design Iteration [APP-040]</b>.</p> <p>Noting NPS EN-1 paragraph 5.10.26 which states:  <i>"Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and</i></p>

ExQ1	Question to	Question	Applicants Response
			<p><i>reduction in function – for example, electricity generation output.”</i></p> <p>The Applicant believes that a balance has been achieved between reducing potential environmental effects, optimising the Proposed Development footprint/layout whilst also avoiding an operational constraint upon the Proposed Development and an impediment to the significant contribution it is capable of making towards the achievement of the government’s strategy for low-cost decarbonisation of the energy sector and greater energy independence.</p>
1.10.26	The applicant, ERYC	<p><b>Decommissioning</b></p> <p>The oDEMP [APP-155] makes only a brief reference to reinstatement of land, at paragraph 3.3.9. Would this be sufficient to secure appropriate reinstatement/ restoration of land under R15 of the dDCO [PDA-012]?</p>	<p>Paragraph 3.3.9 of the <b>Outline DEMP [EN010157/APP/7.4]</b> confirms that “... <i>land will be reinstated to conditions prior to the Proposed Development, <u>in consultation with the landowner, in accordance with the Decommissioning Environmental Management Plan(s)</u></i>” (emphasis added). Further details of the measures applicable to the restoration of land would be set out in Decommissioning Environmental Management Plan(s), which would, in each case, be submitted to the relevant planning authority for approval in accordance with Requirement 15 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. It would not be appropriate to seek to define those measures at this</p>

ExQ1	Question to	Question	Applicants Response
			<p>stage, but appropriate provision has been made for their definition at a later stage.</p> <p>Accordingly, the Applicant considers that the reference made to the reinstatement/restoration of land in the <b>Outline DEMP [EN010157/APP/7.4]</b> is appropriate and that the overall framework of Requirement 15 ensures that appropriate provision is made by the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> for the reinstatement/restoration of land at the decommissioning phase.</p>
1.10.27	The applicant	<p><b>Decommissioning</b></p> <p>ES Chapter 11 paragraph 11.9.439 [APP-047] notes that the two proposed on-site substations would be left in situ and not removed as part of the decommissioning phase.</p> <p>a) Please explain the reason for this; and</p> <p>b) Clarify any potential permanent adverse landscape and/ or visual effects, noting the zone of theoretical visibility of these [APP-074].</p>	<p>a) The two proposed on-site substations will be adopted by the DNO and therefore will become the responsibility of Northern PowerGrid to decommission rather than the Applicant. As a result, the Applicant cannot commit to including the decommissioning of the substations within the projects decommissioning phase.</p> <p>b) <b>ES Volume 2, Chapter 11: Landscape and Visual [APP-047]</b> considers the potential effects on landscape and visual amenity of the two proposed on-site substations within the overall assessment. A detailed response has been prepared and forms Appendix 4: On-site Substation LVIA Technical Note, to this document, outlining the permanent adverse landscape and visual effects of the proposed on-site substations and submitted into the examination at Deadline 1.</p>

ExQ1	Question to	Question	Applicants Response
1.10.28	The applicant	<p><b>Cumulative</b></p> <p>ES Appendix 15.2 paragraph 3.7.3 [APP-144] identifies four receptors (LCA 18A: River Hull Corridor, LCA 19D: Central Holderness Open Farmland, PRoW Tickton bridleway No.5 and Tickton PRoW located between Tickton and Weel) which would experience greater cumulative effects if the proposed development and all the identified other existing and/ or approved solar farms (set out in paragraph 1.1.1) were built. Please clarify, in light of this:</p> <ul style="list-style-type: none"> <li>a) The reason LCA 18A: River Hull Corridor is not included in the summary at paragraph 3.8.3;</li> <li>b) The reason, in paragraph 3.8.3, it concludes no greater cumulative effects for LCA 19D: Central</li> </ul>	<ul style="list-style-type: none"> <li>a) <b>ES Volume 4, Appendix 15.2: Cumulative Landscape and Visual Impact Assessment [APP-144]</b> paragraph 3.7.3 records that if all the solar farms under consideration were consented there would be greater cumulative effects on Landscape Character Area (LCA) 18A: River Hull Corridor; it does not state that these effects are significant. Paragraph 3.8.3 specifically references those receptors which would experience significant cumulative landscape effects. To confirm, no significant cumulative effects have been identified on LCA 18A: River Hull Corridor.</li> <li>b) <b>ES Volume 2, Chapter 11: Landscape and Visual [APP-047]</b> considered the effects on the landscape character of LCA 19D: Central Holderness Open Farmland based on the Proposed Development as a stand-alone development and assessed the effects in year 1 of operation as moderate adverse and significant; reducing at year 10 to moderate/minor adverse and not significant. <b>ES Volume 4, Appendix 15.2: Cumulative Landscape and Visual Impact Assessment [APP-144]</b> considers the potential for cumulative effects and concludes that whilst effects on LCA 19D: Central Holderness Open Farmland would extend over a very slightly wider geographic area, the proximity of the identified other existing and/or approved solar farms and their</li> </ul>

ExQ1	Question to	Question	Applicants Response
		<p>Holderness Open Farmland;</p> <p>c) The reason Tickton PRoW located between Tickton and Weel is not included in the summary paragraph 3.8.4;</p> <p>d) The relationship/ intended difference between information presented in paragraph 3.7.3 and summary paragraphs 3.8.3/ 3.8.4; and</p> <p>e) Further to the above, it would assist the ExA's understanding and would assist with cross- referencing if the relevant significant cumulative effects as presented in ES Appendix 15.2 could</p>	<p>small size (in relation to the Proposed Development ) mean that the overall cumulative effects would not be greater than the landscape effects arising from the Proposed Development as a stand-alone project.</p> <p>c) This is an error and the visual receptor group Tickton PRoW located between Tickton and Weel should have been included in <b>ES Volume 4, Appendix 15.2: Cumulative Landscape and Visual Impact Assessment [APP-144 4]</b> paragraph 3.8.4. When correcting the paragraph it was noted that three receptors were included in paragraph 3.8.4 incorrectly, these have been deleted and added to a new paragraph 3.8.3. <b>ES Volume 4, Appendix 15.2: Cumulative Landscape and Visual Impact Assessment [APP-144]</b> has been updated to correct this error and captured within the <b>Environmental Statement Addendum [EN010157/APP/8.2 Revision 2]</b> which has been submitted at Deadline 1.</p> <p>d) There is no direct relationship between the information presented in paragraph 3.7.3 and summary paragraphs 3.8.3/ 3.8.4 (now 3.8.4 and 3.8.5 in the updated document). <b>Sections 3.2-3.6 of ES Volume 4, Appendix 15.2: Cumulative Landscape and Visual Impact Assessment [APP-144]</b> detail the likely cumulative effects arising from the Proposed Development with each of the</p>

ExQ1	Question to	Question	Applicants Response
		<p>be provided in a table, or, if they already have been, please signpost the ExA to this.</p> <p>(Please also note ExQ1.14.2 relating to 'other existing and/or approved' solar farms).</p>	<p>identified other existing and/or approved solar farms only. Section 3.7 recognises there would be the potential for additional cumulative effects if more than one scheme were developed and identifies in paragraph 3.7.2 where this would be most likely: "where Kenley House Solar Farm, Field House Solar Farm and Carr Farm Solar Farm are all located in close proximity to each other to the west of Land Areas D, E and F and south and east of Fields E15-E17". However, it would not be proportionate to assess all possible combinations of the identified other existing and/or approved solar farms to do so would result in an additional 26 sections of assessment within <b>ES Volume 4, Appendix 15.2: Cumulative Landscape and Visual Impact Assessment [APP-144]</b> which would often be repeating the same information. Therefore Section 3.7 simply acknowledges that were all the identified other existing and/or approved solar farms to be developed, then the likelihood of cumulative effects would increase. Paragraph 3.7.3 specifically identifies the four receptor groups which would experience greater cumulative effects if all the identified other existing and/or approved solar farms, in combination with the Proposed Development, became operational. The summary paragraphs 3.8.3/3.8.4 (now 3.8.4 and 3.8.5 in the</p>



ExQ1	Question to	Question	Applicants Response
			<p>updated document) list those receptors where significant cumulative effects have been identified in Sections 3.2-3.6 of <b>ES Volume 4, Appendix 15.2: Cumulative Landscape and Visual Impact Assessment [APP-144]</b>.</p> <p>e) <b>Table A15.1-1 Identified Significant Cumulative Landscape and Visual Effects During Operation</b> has been added to <b>ES Volume 4, Appendix 15.2: Cumulative Landscape and Visual Impact Assessment [APP-144]</b> and captured within the <b>Environmental Statement Addendum [EN010157/APP/8.2 Revision 2]</b> which has been submitted at Deadline 1.</p>
<b>11. Noise and vibration</b>			
<b>1.11.1</b>	ERYC		
<b>1.11.2</b>	The applicant	<p><b>Construction compounds</b></p> <p>Please provide information regarding whether the construction noise predictions take into account the locations of the proposed construction compounds, as activities may be concentrated in these locations.</p>	<p>An assessment of noise effects from the construction phase is provided in <b>ES Volume 2, Chapter 12: Noise and Vibration [APP-048]</b>. The assessment of noise impacts accounts for both the impact of construction traffic, adopting the data for the worse-case construction years (i.e. those with the predicted highest traffic movements) along the surrounding road network and also construction tasks within the field areas and the grid connection cable route. Indicative construction layout plans are provided in <b>ES Volume 3, Figure 3.5: Indicative Construction Layout [APP-059]</b>. The</p>

ExQ1	Question to	Question	Applicants Response
			<p>construction assessment accounts for all the plant items for each task occurring simultaneously across the construction area(s), positioned at the nearest distance to each receptor.</p> <p>Construction noise has been assessed in conjunction with the descriptions provided in <b>ES Volume 1, Chapter 3: Proposed Description [APP-039]</b>. This includes the noise impacts associated with construction compounds, specifically within activity item 3 (site establishment, mobilisation areas, running tracks, compounds and fencing) and activity 11 (set-up of temporary compounds) of <b>ES Volume 2, Chapter 12: Noise and Vibration [APP-048]</b> and Figure 12.4, sheets 3 and 11 of <b>Construction Works Extents [APP-083]</b>.</p> <p>The assessment concludes that the residual effects from noise during the construction phase are not significant following application of the mitigation measures outlined within <b>Section 5, Outline CTMP [EN010157/APP/7.2 Revision 2]</b> which provides a list of noise mitigation measures to minimise noise impacts, through Best Practicable Means (BPM) as defined by the Control of Pollution Act 1974.</p>
1.11.3	The applicant	<p><b>Peace and tranquility</b></p> <p>Please respond to concerns raised in RRs [such as RR-039]</p>	<p>A response to the RRs, including [RR-039] has been submitted at Deadline 1 in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b>.</p>

ExQ1	Question to	Question	Applicants Response
		regarding 'more permanent' impacts on the peace and tranquillity of the area, including mechanical noise from panels (should tracking arrays be used), noise from inverters and BESS.	
1.11.4	The applicant	<b>Mitigation</b> ES Chapter 12 paragraph 12.8.16/ 12.8.17 and Table 12-14 [APP-048] indicate that noise barriers would be used during operation (including maintenance) in respect of substations and some hybrid packs. This does not appear to be included in oOEMP Table 5-1 [APP-154] under the 'Noise and vibration' section. Please signpost to where this would be secured, or if not secured, add to Table 5- 1.	The <b>Outline OEMP [EN010157/APP/7.3 Revision 2]</b> has been updated to include provision for an operational noise assessment, including specification of mitigation measures such as noise barriers to ensure levels adhere to the adopted noise criteria as agreed with East Riding of Yorkshire Council and outlined within <b>ES Volume 2, Chapter 12: Noise and Vibration [APP-048]</b> .
1.11.5	The applicant	<b>Monitoring</b> ES Chapter 12 Table 12-14 [APP-048] sets out	The <b>Outline OEMP [EN010157/APP/7.3 Revision 2]</b> has been updated to include provision for targeted

ExQ1	Question to	Question	Applicants Response
		requirements for 'Targeted noise monitoring at sensitive receptors' during construction and decommissioning (and in respect of vibration during construction). These measures appear to be included in oCEMP Table 5-1 and oDEMP Table 4-1. However, should targeted noise monitoring at sensitive locations and, as cited in ES Chapter 12 Table 12-14, verification of plant noise measurements, be included in Table 5-1 the oOEMP [APP- 154]?	noise monitoring, specifically verification of plant noise measurements, and resubmitted at Deadline 1.
<b>12. Population</b>			
<b>1.12.1</b>	The applicant	<b>Equality, diversity and inclusion</b>  Please provide details regarding how equality, diversity and inclusion matters have been taken into account in the assessment of socio-economic effects.	Whilst EDI matters have not been specifically considered within the Environmental Statement, the Applicant will comply with its own internal EDI policies and standards as set out in Appendix 1 to this document.

ExQ1	Question to	Question	Applicants Response
1.12.2	The applicant	<p><b>Supply chain</b></p> <p>Please provide information regarding the proportion of the construction materials (for example the solar PV panels) which would be sourced locally and whether they could contribute to the local supply chain.</p>	<p>The Applicant will seek to utilise quarries and source materials from within the East Riding/Yorkshire and Humber regions where local supply exists. Potential materials that could be sourced regionally include aggregate, concrete, steel and seed mixes. The Applicant will work with the contractor post-consent to secure a local supply chain where practicable.</p> <p>The commitment to use locally sourced materials is set out in the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>, which states; <i>'using locally sourced and/ or produced materials where practicable'</i>. This commitment is secured by Requirement 4 of the <b>Draft Development Consent Order [EN010157/APP/3.1 Revision 4]</b>.</p> <p>The majority of technical infrastructure, to include panels, inverters and BESS will be sourced from Europe and China due to lack of local supply chain. This makes up a significant proportion of materials needed for construction of the Proposed Development.</p>
1.12.3	The applicant	<p><b>Vulnerable and disadvantaged populations</b></p> <p>Please confirm what approach has been taken regarding the assessment of effects on vulnerable and disadvantaged</p>	<p>The <b>ES Volume 4, Appendix 5.1: Scoping Report [APP-097]</b> proposed to scope out a dedicated assessment of impacts to human health on the basis that it will be considered in other relevant Volume 2 ES chapters including <b>Chapter 5: Air Quality [APP-042]</b>, <b>Chapter 11: Landscape and Visual [APP-047]</b>, <b>Chapter 12:</b></p>

ExQ1	Question to	Question	Applicants Response
		populations?	<p><b>Noise and Vibration [APP-048], Chapter 13: Population [APP-049] and Chapter 14: Traffic and Access [APP-050] and in ES Volume 4, Appendix 5.4: Glint and Glare Assessment [APP-100].</b> This approach was agreed by PINS as set out in <b>ES Volume 4, Appendix 5.2: Scoping Opinion [APP-098].</b></p> <p>The detail of how the ES has considered human health is presented in <b>ES Volume 4, Appendix 5.3 Scoping Opinion Response Matrix [APP-099]</b> (specifically in response to the UK Health Security Agency with views from Office for Health Improvement and Disparities (OHID) Scoping Opinion) and in <b>Table 5-2 of ES Volume 1, Chapter 5: Approach to the EIA [APP-041].</b></p>
1.12.4	The applicant	<p><b>Mental health and wellbeing</b></p> <p>ES Chapter 13 [APP-049] makes no specific assessment regarding the effect of the change in landscape character as a result of the proposed development (paragraph 13.7.30). Please comment on the effect of changes to the landscape on the mental health and wellbeing of the local population (such as</p>	<p><b>ES Volume 2, Chapter 11: Landscape and Visual [APP-047]</b> states that there is the potential for moderate adverse significant effects to Landscape Character Area 19D: Central Holderness Open Farmland during year 1 of the operational phase. All other impacts to landscape character are considered to be not significant.</p> <p>Whilst mental health and wellbeing of the local population has not been specifically referenced in <b>ES Volume 2, Chapter 13: Population [APP-049]</b>, it is understood that a key potential cause of mental health issues is a result of impacts to visual amenity.</p>

ExQ1	Question to	Question	Applicants Response
		described in RRs [RR-027 and RR-048]).	<p>Therefore, the significant effects to landscape character are reported to be temporary in nature and anticipated in the first year of the operational phase only.</p> <p>Mitigation measures embedded into the Proposed Development design as shown in <b>ES Volume 2, Chapter 11: Landscape and Visual [APP-047], Table 11-10</b>, present how the Proposed Development has been designed to minimise impacts to visual amenity.</p> <p>The Applicant is committed to secure improvements to the natural environment - as demonstrated by its proposals for the creation of community access space set out in the <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b>, which are an important aspect contributing to mental and physical health and wellbeing.</p> <p>Biodiversity and ecological enhancements committed in the Proposed Development include new habitat for invertebrates, reptiles, amphibians, small mammals and birds; vegetated cover for foraging and dispersal, and provide a winter seed source for birds set out within the <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b>.</p> <ul style="list-style-type: none"> <li>• A minimum Biodiversity Net Gain of 10% as secured within the Outline LEMP [EN010157/APP/7.5 Revision 3]. This has been assessed through ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [APP-114].</li> </ul>

ExQ1	Question to	Question	Applicants Response
			These measures not only provide ecological benefits but also are likely to enhance visual amenity and contribute to mental and physical wellbeing.
1.12.5	The applicant	<p><b>Public rights of way</b></p> <p>Whilst it is noted in ES Chapter 13 [APP-049] that restrictions and closures would be required for a number of PRowWs, please confirm why closures would be required rather than restrictions, including whether all options for diversion or restriction have been adequately considered? In addition, ES Chapter 13 paragraphs 13.7.1 to 13.7.2 state that the closures would be 'temporary' and of a 'short duration'. Please provide more specific timescale parameters for these closures?</p>	<p>As set out in <b>ES Volume 2, Chapter 13: Population [APP-049]</b>, paragraph 13.7.2, 'There are no suitable diversions for the above public rights of way and therefore, temporary closures or restrictions will be required for a short duration to enable construction works. Public rights of way will remain open with safety measures in place as much as is reasonably practicable whilst maintaining the safety of those using them'. It is anticipated that any closures required would relate to the installation of the connection cable and would be managed on-site with banksmen or appropriate staff assisting users of any impacted PRowW to safe crossing points. It is expected that any closures would be likely to be in place for 1-2 days only given the nature and speed at which the connection cable work can be completed.</p> <p>The <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> includes provision, in the form of requirement 10, for a rights of way and access management plan in respect of any public rights of way shown to be temporarily closed or restricted to be submitted to the local planning authority for approval. The plan submitted for approval must be substantially in accordance with the <b>Outline</b></p>



ExQ1	Question to	Question	Applicants Response
			<p><b>Rights of Way and Access Management Plan [EN010157/APP/7.9 Revision 2]</b>. This would confirm the specific timescales for any closures. The Outline Rights of Way and Access Management Plan also provides at paragraph 3.2.2 that:</p> <p>“The Applicant will seek to use restrictions where reasonably practicable ahead of temporary closures and East Riding of Yorkshire Council will be consulted in advance of any temporary closures taking place.”</p>
1.12.6	Humberside Fire and Rescue Service		
1.12.7	The applicant	<p><b>Jobs</b></p> <p>ES Chapter 13 [APP-049] references tenant farmers and two job losses. Please confirm which farms/ tenant farmers would be affected, and whether these are shown on any accompanying figures?</p>	<p>The tenant farmers/farms affected are Mr E Ribey of Meaux Decoy Farm and Mr A Beulah of Abbey Farm.</p> <p>As set out in <b>ES Volume 2, Chapter 13: Population [APP-049]</b>, paragraph 13.7.6, 'The two tenant farmers, as non-landowners, have not been in direct conversations with the Applicant regarding the use of their land but they will receive compensation in lieu of the loss of the ability to farm the land. It is therefore understood that the number of farming operations likely to be impacted by the Proposed Development is two, with the number of jobs lost on a permanent basis (as a worst-case) anticipated to be two.'</p>

ExQ1	Question to	Question	Applicants Response
1.12.8	The applicant	<p><b>Community liaison</b></p> <p>Please provide further details regarding the Community Liaison Group – as referenced in the oCEMP [APP-153], including who would be included and how this would be secured</p>	<p>The Applicant intends to discuss the constitution and terms of reference of the Community Liaison Group with ERYC and will advise nature and outcome of those discussions in the SoCG.</p> <p>Notwithstanding, the Applicant considers it would be appropriate for the group's membership to be drawn from:</p> <ul style="list-style-type: none"> <li>• Member of Tickton and Routh Parish Council</li> <li>• Member of Watton Parish Council</li> <li>• East Riding of Yorkshire Council Planning Officer</li> <li>• East Riding of Yorkshire Councillors representing the relevant wards (TBC)</li> <li>• Representative from the local business community</li> </ul> <p>The commitment to setting up a Community Liaison Group is set out in the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>, which is secured by Requirement 4 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. As set out in paragraph 3.1.3 of the <b>Outline CEMP [EN010157/APP/7.2 Revision 2]</b>:</p> <p><i>“These roles and responsibilities are indicative and will be confirmed in the Construction Environmental Management Plan(s)”.</i></p>

ExQ1	Question to	Question	Applicants Response
1.12.9	The applicant	<p><b>Businesses</b></p> <p>[RR-041] raises a concern around effects on 'Riston Plants'. This is not identified as one of the businesses in ES Chapter 13 paragraph 13.5.27 [APP-049]. Please clarify the reason for this and any likely effects on 'Riston Plants' as necessary.</p>	<p>It is acknowledged that Riston Plants was not explicitly referenced within <b>ES Volume 2, Chapter 13: Population [APP-050]</b>. This was an omission. <b>ES Volume 2, Chapter 13: Population [APP-050]</b> has been updated to consider Riston Plants as a receptor, as captured within the <b>Environmental Statement Addendum [EN010157/APP/8.2 Revision 2]</b> which has been submitted at Deadline 1.</p> <p>During construction, there may be some adverse impacts to customers accessing this business as a result of the temporary increase in traffic numbers and heavy goods vehicles in the area. However, based on experience of similar developments in the UK, any such impacts would be temporary and short term for the duration of the construction works taking place in this location. It is not expected there will be any other impacts to this business.</p> <p>The potential operational effects of the Proposed Development primarily relate to changes in the visual environment as a result of the installation of infrastructure including solar arrays. This alteration to the existing views would be medium to long term. Given the nature of this business, it is not expected that such a change to the visual environment will lead to any significant effects.</p>

ExQ1	Question to	Question	Applicants Response
1.12.10	The applicant	<p><b>Businesses</b></p> <p>Please address the concerns raised in Hall Farm Wind Farm's submission [PDA-030] and, if known, identify where this wind farm connects to the grid.</p>	<p>The Hall Farm Wind Farm representation comments relate to:</p> <ul style="list-style-type: none"> <li>• Grid Connection and Energy Export Constraints</li> <li>• Cumulative Impact on Local Renewable Energy Infrastructure</li> <li>• Environmental and Landscape Considerations</li> </ul> <p>In relation to point 1, the Applicant acknowledges the comment but is not responsible for infrastructure belonging to and being operated by either the DNO or NESO or for the management of the national grid.</p> <p>The Applicant has secured a connection to the National Grid that allows the export of 320 MW of electricity to the National Transmission System via a connection to the National Grid Creyke Beck Substation and intends to maximise that connection.</p> <p>Any works which may be required to the network or National Grid Creyke Beck Substation to support third party development are not within the control of the Applicant and should carry no weight in the consideration afforded to the Proposed Development as part of the development consent process.</p> <p>In relation to point 2, as with the response to point 1, above, the operational systems referenced are not within the Applicant's control. In regard to the comments</p>

ExQ1	Question to	Question	Applicants Response
			<p>made about battery storage and load balancing, again, the Applicant has a connection offer which it intends to maximise and which it would be legally entitled to do if development consent is granted. The Applicant is not responsible for the balancing of power within the national grid.</p> <p>In relation to point 3, the Applicant has sought to sensitively design the Proposed Development but also recognises that it is located within a predominantly rural landscape. Its impact has been fully assessed in <b>ES Volume 2, Chapter 11: Landscape and Visual [APP-047]</b> with cumulative impacts being addressed in <b>ES Volume 2 Chapter 15: Cumulative Effects [APP-051]</b>.</p>
<b>13. Transport and access</b>			
<b>1.13.1</b>	The applicant	<p><b>Public rights of way</b></p> <p>ES Chapter 14: Transport and Access [APP-050] (such as at paragraph 14.4.69) suggests that PRow users are considered in the assessment. However, the only PRow mentioned is in paragraph 14.6.5 with reference to '[...] Skidby Footpath No. 17, which is outlined in Table 14-12 below.'</p>	<p>The IEMA Guidelines: Environmental Assessment of Traffic and Movement (2023) relates to the impacts of traffic on users, such as PRow, and therefore only considers PRow where there would be an interaction between a highway and a PRow. In this instance, <b>ES Volume 2, Chapter 14: Transport and Access [APP-050]</b> Table 14-2 includes any PRow, scoped into the assessment and Table 14-3 sets out those relevant PRow that have been scoped out of the assessment.</p> <p>The only PRow scoped into the assessment in <b>ES Volume 2, Chapter 14</b> is National Cycle Network Route</p>

ExQ1	Question to	Question	Applicants Response
		<p>This footpath is not mentioned elsewhere in ES Chapter 14 and Table 14-12 is above this reference and does not appear to relate to specific footpaths. Clarify where ES Chapter 14 assesses PRow as it suggests, as it appears to the ExA that effects on PRow are rather dealt with in ES Chapter 13: Population [APP-049], albeit there is no apparent mention of 'Skidby Footpath No. 17' in ES Chapter 13.</p>	<p>1. The National Cycle Network Route 1 was scoped into the assessment as it is the only PRow which interfaces with a public highway as set out in Table 14-2 of <b>ES Volume 2, Chapter 14: Transport and Access [APP-050]</b>. All other PRows have been scoped out.</p> <p><b>ES Volume 2, Chapter 14: Transport and Access [APP-050]</b> states at paragraph 14.5.6 “A section of National Cycle Network Route 1 is within the Order Limits along Park Lane. Park Lane is proposed to provide vehicular access for a section of the grid connection cable route works. This route also is included within East Riding of Yorkshire Council’s PRow network as public footpath Skidby Footpath No. 17, which is outlined in Table 14-12 below.”</p> <p>To clarify, this was an error in the Table number referenced in <b>paragraph 14.5.6</b> of <b>ES Volume 2, Chapter 14: Transport and Access [APP-050]</b> which has been corrected to refer to “Table 14-18” as captured within the <b>Environmental Statement Addendum [EN010157/APP/8.2 Revision 2]</b> which has been submitted at Deadline 1. <b>ES Volume 2, Chapter 14: Transport and Access [APP-050] Table 14-18</b> describes the links within the study area, including the National Cycle Network Route 1.</p> <p>Thereafter, the PRow (Skidby Footpath No. 17) is included within the envelope of National Cycle Network</p>

ExQ1	Question to	Question	Applicants Response
			<p>Route 1 for the subsequent assessments of environmental effects.</p> <p><b>ES Volume 2, Chapter 14: Transport and Access [APP-050]</b> paragraphs <b>14.9.12</b> (severance of communities), <b>Table 14-25</b> (non-motorised user delay), <b>Table 14-26</b> (non-motorised user amenity), paragraph <b>14.9.95</b> (fear and intimidation) and <b>Table 14-34</b> (assessment summary) outline the details of the assessment of the National Cycle Network Route 1 in which it was determined that no significant environmental effects are anticipated.</p> <p>It is acknowledged that Skidby Footpath 17 was not included as part of the baseline section of the submitted <b>ES Volume 2, Chapter 13: Population [APP-049]</b>, although it was considered in paragraph 13.7.1 where it is referenced as 'SKIDF17'. Paragraph 13.5.24 of <b>ES Volume 2, Chapter 13: Population [APP-049]</b> has now been updated to include Skidby Footpath 17 as captured within the <b>Environmental Statement Addendum [EN010157/APP/8.2 Revision 2]</b> which has been submitted at Deadline 1.</p>
<b>1.13.2</b>	The applicant, ERYC	<p><b>Swept paths</b></p> <p>The oCTMP at paragraph 5.1.4 [APP-158] indicates that further specialist</p>	<p>a) The local routes have been assessed for access by large loads using swept path analysis. However, further surveys will be undertaken which will build on the analysis already undertaken as details related to the</p>

ExQ1	Question to	Question	Applicants Response
		<p>surveys for large loads (ALLs) would be required along Meaux Lane to determine whether movements of such vehicles could be carried out. Given that such movements are likely to be required, please explain:</p> <ul style="list-style-type: none"> <li>a) Why such surveys have not already been undertaken;</li> <li>b) What the likelihood is that such movements would be possible;</li> <li>c) Why this appears to be contrary to paragraph 5.1.3 which indicates that swept path surveys for large loads have been undertaken and are shown to be sufficient; and</li> <li>d) What the implications would be for the construction of the</li> </ul>	<p>large loads are finalised. For example, details of where the loads will be collected from are to be finalised following appointment of the Principal Contractor which will influence the large load vehicle route and the specifications of the large load vehicle may differ following appointment of the specialist haulage contractor.</p> <p>The Principal Contractor will appoint the specialist haulage contractor that would be responsible for deliveries to the Proposed Development. The specialist haulage contractor, once appointed, will test the chosen route, including the choice of A road options available, to determine the most appropriate route up to the roads local to the Proposed Development (the A1035, A165 and Meaux Lane) from origin to site, with consideration for structures and other constraints en-route and in liaison with East Riding of Yorkshire Council, Hull City Council and National Highways.</p> <p>b) The swept path analysis undertaken to date, included in <b>ES Volume 4 Appendix 14.5: Swept Path Analysis [APP-142]</b>, includes the roads local to the Proposed Development, the A1035, the A165, Meaux Lane and Carr Lane (Long Riston), beyond which a choice of A roads is available for potential movement of large loads.</p>



ExQ1	Question to	Question	Applicants Response
		proposed development should future specialist surveys conclude that such movements are not possible?	<p>The swept path assessments demonstrate that large load vehicles can access and egress the Proposed Development in line with the approach outlined in Section 5 of the <b>Outline CTMP [EN010157/APP/7.7 Revision 2]</b>.</p> <p>The primary purpose of the follow up surveys undertaken by the specialist haulage contractor is to confirm the findings of the initial swept path assessments based on the confirmed origin of loads and vehicle specifications. The assessment is unlikely to differ significantly from the assessment already undertaken</p> <p>The variety of routes available ensures that if a route is deemed to be unsuitable, it is highly likely that an alternative route will be found as part of the additional tests undertaken by the specialist haulage contractor.</p> <p>c) The purpose of the swept path analysis undertaken to date was to identify if mitigation would be required on the roads local to the Proposed Development, and if so what mitigation would be required. The swept paths identified that the large load movement on Meaux Lane would require a temporary road closure. The swept paths also identified that no additional highway works would be required over and above those proposed for</p>

ExQ1	Question to	Question	Applicants Response
			<p>the provision of access to the proposed Development for HGVs, such as the proposed passing places and junction improvements.</p> <p>d) The Applicant has liaised with East Riding of Yorkshire Council to make them aware of the use of large loads and local road routes to the Proposed Development. East Riding of Yorkshire Council did not raise any particular concerns with regards to the requirement for large loads.</p> <p>The specialist haulage contractor will test the whole route, as outlined above, and because there are a variety of routes using A-class roads available it is not anticipated that all routes will be found to be unsuitable. In the unlikely event that some routes are deemed to be unsuitable, the specialist haulage contractor will determine appropriate alternative routes or potential mitigation to facilitate large load access to the Proposed Development. Potential mitigation could be to use a different vehicle specification rather than necessarily any physical works to the highway or highway structures.</p> <p>It should be noted that the Applicant has submitted a change notification which outlines the potential to access Land Areas D and E via the A1035 ('Change 9')</p>

ExQ1	Question to	Question	Applicants Response
			identified in the <b>Second notification of proposed changes to the DCO Application [AS-015]</b> accepted by the Examining Authority on 7 August 2025. Should this be accepted, this access would offer an alternative route in the unlikely event that Meaux Lane was found to be unsuitable.
1.13.3	The applicant	<p><b>Indicative Environmental Masterplan</b></p> <p>The key for this plan [APP-058] shows proposed internal tracks as coloured brown. However, the plan shows areas of grey, which appear to be proposed internal tracks. Please confirm if this is correct, and amend as necessary in the interests of clarity.</p>	<p><b>ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [APP-058]</b> has been updated to show the proposed internal tracks as coloured brown, in line with the key for this plan, as captured within the <b>Environmental Statement Addendum [EN010157/APP/8.2 Revision 2]</b> which has been submitted at Deadline 1.</p>
1.13.4	The applicant	<p><b>Street alterations</b></p> <p>The SoR [PDA-014] indicates that Plot 2-8 would be required to facilitate access, and the Indicative Environmental Masterplan [APP-058] indicates a hedge would be removed and reinstated in this plot,</p>	<p>Sheet 2 of the <b>Streets, Rights of Way and Access Plans [PDA-005]</b> identifies a section of Meaux Lane, between points SW/02/07 and SW/02/08 (being within the limits of the land identified as plots 2-1 and 2-6 in the <b>Land Plans [EN010157/APP/2.4]</b>), within which works would be undertaken to provide a permanent passing place. These works are identified in Schedule 4</p>

ExQ1	Question to	Question	Applicants Response
		seemingly to widen this part of the road at the bend. However, the Streets, Rights of Way and Access Plans [PDA-005] do not appear to identify any proposed alterations in this area. Please clarify and ensure consistency between all plans and documents (and the dDCO) as necessary.	(to be read with article 14) to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> . The section of Meaux Lane along which hedgerow is to be removed, identified as plot 2-8 in the Land Plans, is required for the purpose of providing improved visibility/sight lines and would not involve an alteration to Meaux Lane for the purposes of article 14 of the Draft DCO. It is not therefore necessary for this area to be identified in the Streets, Rights of Way and Access Plans.
<b>1.13.5</b>	The applicant, ERYC	<p><b>oCTMP</b></p> <p>oCTMP Paragraph 4.1.6 [APP-158] notes that HGVs would access Meaux Lane from the north via the A1035 despite a 7.5 tonne weight restriction. Would HGVs be more than this weight and if so, please explain how it would be feasible to use this route (and others), addressing NPS EN-3 paragraph 2.10.125 (the same applies to AILs). Is ERYC agreeable to this?</p>	<p>The 7.5 tonne weight restriction is due to the geometry of Meaux Lane / Meaux Road and the ability to accommodate two-way traffic for large HGVs, particularly articulated vehicles. Additionally, the 7.5 tonne weight restriction is imposed with an exception for access which will enable vehicles exceeding the weight restriction to access the road so long as they can be accommodated within the geometry of the road. It is proposed to overcome the weight restriction by using the road for access only rather than for through-traffic, and to provide highway works to ensure that the geometry of the road is sufficient for HGV and large load access.</p> <p>The Applicant discussed vehicle routing with East Riding of Yorkshire Council during a meeting on 19<sup>th</sup> February 2024 (to discuss HGVs) and on 2<sup>nd</sup> December</p>

ExQ1	Question to	Question	Applicants Response
			<p>2024 (to discuss large loads). The Applicant outlined that mitigation would be provided to facilitate access for HGVs and large loads on Meaux Lane. It was agreed with East Riding of Yorkshire Council that the provision of passing places, localised widening, reduction in the speed limit to 30mph and temporary road closure for the large load movements would be sufficient to make Meaux Lane a feasible option for HGV and large load access to the Proposed Development. Details of the consultation are outlined in <b>Table 14-1</b> of <b>ES Volume 2, Chapter 14: Transport and Access [APP-050]</b>.</p> <p>With reference to NPS EN-3 paragraph 2.10.125, and as outlined above, modifications to Meaux Lane have been identified to ensure all sections of roads can accommodate the vehicles on the delivery route. There are no bridges or other structures identified which would require modification to carry weights over 7.5 tonnes. The <b>Outline CTMP [EN010157/APP/7.7 Revision 2]</b> at section 6.3 provides details of the proposed approach for dilapidation surveys to be undertaken for monitoring and maintaining the condition of highways being used by HGVs which includes Meaux Lane. The Principal Contractor, once appointed, will be responsible for the dilapidation surveys.</p>

ExQ1	Question to	Question	Applicants Response
1.13.6	The applicant	<p><b>oCTMP</b></p> <p>Appendix 3 of the oCTMP [APP-158] and ES Figure 14.2 [APP-090] show HGV routes as green lines. Please clarify:</p> <ul style="list-style-type: none"> <li>a) Why the route along the A165 (between the Arnold Lane West junction and the Balk Lane junction) stops abruptly at Balk Lane; and</li> <li>b) Why there is no connection route shown between the green line along the A1174 Hull Road and the green line along Long Lane.</li> </ul>	<ul style="list-style-type: none"> <li>a) The route along the A165 was initially shown up to the extent of the Transport and Access Study Area. To provide clarification of the vehicle routes on the local road network between the Proposed Development and the Strategic Road Network <b>ES Volume 3, Figure 14.2: Transport Routing and the Existing Highway Network [EN010157/APP/6.3 Revision 2]</b> has been updated and resubmitted at Deadline 1.</li> <li>b) The route along the A1174 Hull Road and along Long Lane were initially shown up to the nearest connecting major road because of the vehicle routes were not certain at the time, however it is now anticipated that vehicles will route via the A164. To provide clarification of the vehicle routes on the local road network between the Proposed Development and the Strategic Road Network <b>ES Volume 3, Figure 14.2: Transport Routing and the Existing Highway Network [EN010157/APP/6.3 Revision 2]</b> has been updated and resubmitted at Deadline 1.</li> </ul>
1.13.7	The applicant	<b>oCTMP</b>	<ul style="list-style-type: none"> <li>a) This was an error and the <b>Outline CTMP [EN010157/APP/7.7 Revision 2]</b> has therefore</li> </ul>

ExQ1	Question to	Question	Applicants Response
		<p>Please clarify in respect of the oCTMP [APP-158]:</p> <p>a) Why paragraph 7.16 (third bullet point) refers to 'permanent closure' (including in respect of roads) when none are cited in Schedule 5 of the dDCO; and</p> <p>b) Why paragraph 6.1.9 appears to refer to 'off peak single lane closures' along Arnold Lane West/ Black Tup Lane when none are cited in Schedule 5 of the dDCO (with Meaux Lane being the only road in Schedule 5 of the dDCO [PDA-012] and shown on the Streets, Rights</p>	<p>been updated at Deadline 1 to remove the reference to permanent road closures. No permanent road closures are anticipated to be required. <b>Outline CTMP [EN010157/APP/7.7 Revision 2]</b> paragraph 7.1.6 bullet point three now only refers to the procedures for the temporary closure or diversion of roads which is aligned to the works proposed.</p> <p>b) The <b>Traffic Measures Plans [PDA-008]</b> and Schedule 7 (Part 1) of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> identify Arnold Lane West / Black Tup Lane as being subject to traffic signal and banksperson control area as traffic management measures required to control traffic through the area of works. This is sufficient in the Applicant's view because article 14/Schedule 5 is intended to make provision for the temporary closure of the full carriageway as opposed to single lane closures which are to be subject to appropriate traffic management measures.</p>

ExQ1	Question to	Question	Applicants Response
		of Way and Access Plans [PDA-005] as being subject to closure/ restriction).	
1.13.8	ERYC		
1.13.9	The applicant	<p><b>Passing places</b></p> <p>ES Chapter 14 Table 14-1 [APP-050] indicates that passing places would likely be retained for adoption by ERYC as the relevant highway authority. Please clarify:</p> <ul style="list-style-type: none"> <li>a) Whether this been confirmed by ERYC; and</li> <li>b) Whether passing spaces would be retained permanently, noting that this appears to be the case in the dDCO, though entry 'ERYC4' in [APP-148] suggests that effects would be 'temporary and fully</li> </ul>	<p>a) This was confirmed by East Riding of Yorkshire Council via a meeting with the Applicant held on 19<sup>th</sup> February 2024, as summarised in <b>Table 14-1 of ES Volume 2, Chapter 14: Transport and Access [APP-050]</b>, <i>"the majority of widening and new passing places that are constructed to East Riding of Yorkshire Council standards will likely be retained for adoption by the Highway Authority following construction."</i></p> <p>b) It is intended that passing places would be retained permanently, as set out in Schedule 4 (read with article 14) to the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b>. It is also intended that passing places would be constructed to East Riding of Yorkshire Council standards and permanently adopted by the Highway Authority following construction. East Riding of Yorkshire Council will determine whether sections of new road can be adopted following inspection of the constructed highway and completion of the highway adoption procedures.</p>



ExQ1	Question to	Question	Applicants Response
		reversible’.	The temporary and reversible nature of the effects in this instance relate to the temporary adverse effect of additional HGV traffic travelling along Meaux Lane, which would cease upon completion of construction (see <b>ES Volume 4, Appendix 9.4: Detailed Settings Impact Assessment [APP-123]</b> ). The creation and retention, where appropriate, of passing bays is considered to have a long term beneficial effect in improving traffic flows along Meaux Lane, while still being restricted to HGVs, which the reversible effect relates to.
1.13.10	The applicant	<p><b>Construction traffic management</b></p> <p>Some RRs (such as [RR-035, RR-041 and RR-042]) raise concerns around construction access/ traffic and the implications for this on other users of access routes and business. Please explain how construction traffic along access routes, such as Carr Lane (Long Riston), would be managed to minimise any conflict in this regard and clarify the likely number and duration of vehicle</p>	<p>Carr Lane (Long Riston) is proposed for access to a section of Land Area B to the west of Carr Lane and to the east of Monk Dike.</p> <p>As set out in <b>ES Volume 2, Chapter 14: Transport and Access [APP-050]</b> at paragraph <b>14.4.24</b>, the indicative construction programme confirms that Land Area B will be constructed for a period of approximately 8 months.</p> <p>The predicted peak daily vehicles for the whole of Land Area B, as set out in <b>Table 14-5 of ES Volume 2, Chapter 14: Transport and Access [APP-050]</b>, is 30 HGV movements, 26 LGV movements, 42 car/van movements and 8 shuttle bus movements which equates to 106 total vehicle movements each day. The construction programme is to be finalised following the</p>

ExQ1	Question to	Question	Applicants Response
		movements along Carr Lane (Long Riston) during construction.	<p>appointment of the Principal Contractor, however it is likely that this peak would only relate to a proportion of the 8 months on Land Area B, with there being fewer daily vehicle movements in the remaining months.</p> <p>The section of Land Area B which would be accessed via Carr Lane (Long Riston) will account for approximately 33% of the total vehicle movements for Land Area B. The remaining proportion would access Land Area B via Meaux Lane and the new access on the A165 to the east (access as per Work No. 8 as set out in Schedule 1 of the <b>Draft DCO [EN010157/APP/3.1 Revision 4]</b> and illustrated in <b>Works Plans [PDA-004]</b>). This would therefore result in 35 vehicles (including 10 HGVs) per day during the peak of the construction phase on Carr Lane (Long Riston). <b>ES Volume 2, Chapter 14: Transport and Access [APP-050]</b> concluded Carr Lane (Long Riston) is a negligible sensitivity due to a minimal presence of receptors and that there would be a negligible absolute value increase in traffic as a result of the Proposed Development and therefore that no significant effects would occur with the proposed additional mitigation.</p> <p>Details of the additional mitigation are outlined in the response to the RRs, including [RR-035, RR-041 and RR-042] submitted at Deadline 1 in the <b>Response to Relevant Representations [EN010157/APP/8.3]</b>.</p>

ExQ1	Question to	Question	Applicants Response
			<p>Specific management and mitigation measures are included to ensure that Carr Lane (Long Riston) is suitable to accommodate HGVs, these are:</p> <ul style="list-style-type: none"> <li>• Widening of the Carr Lane / A165 White Cross Road junction to ensure sufficient width at the junction for two HGVs to pass to mitigate against the possibility of collision or HGVs waiting on the public highway</li> <li>• Passing places along Carr Lane to provide opportunities for two HGVs to pass.</li> </ul> <p>Phasing of the construction programme will ensure that Carr Lane is not carrying HGVs for the full 24 month construction period.</p> <p>Additionally, the <b>Outline CTMP [EN010157/APP/7.7 Revision 2]</b> sets out the proposed measures to ensure conflict with other road users would be managed including through the appointment of a Construction Traffic Management Plan Co-ordinator who would be responsible for communicating construction activities with stakeholders, such as local residents, where it relates to traffic and agreeing updates to the Construction Traffic Management Plan through a working group with stakeholders.</p>
<b>Is this response</b>	The applicant	<b>Construction access</b> RRs [RR-040 and RR-050]	The Applicant understands that the Green Lane referred to in RR-040 and RR-050 is the track which

ExQ1	Question to	Question	Applicants Response
<b>consistent with the RR1.13.11</b>		<p>raise concerns around proposed construction access along 'Green Lane' and suggest access from 'Beverley Road' or opposite Heron Lakes in Tickton would be more appropriate. The ExA is unclear at this point which 'Green Lane' the RRs are referring to, however, please clarify:</p> <ul style="list-style-type: none"> <li>a) Whether consideration was given to direct construction access from along the A1035 thus avoiding minor roads;</li> <li>b) If not, the reason for this; and</li> <li>c) If so, why this was discounted.</li> </ul>	<p>runs in a north-south direction between Carr Lane (Arnold) and Woodhouse Lane, to the west of Black Tup Lane. To clarify this query, the track understood to be the Green Lane referred to is not proposed to be a route for construction vehicles.</p> <p>Turning to the specific questions raised:</p> <ul style="list-style-type: none"> <li>A) The option of directly accessing the Proposed Development from the A1035 has been explored during an access an optioneering process in the early stages of the project and consultation was undertaken with East Riding of Yorkshire Council, local communities and other stakeholders to identify suitable vehicle routes.</li> <li>B) This is not applicable (see response to query a and c), since consideration was afforded to the possibility of accessing the Proposed Development directly from the A1035.</li> <li>C) The option was considered alongside the option of accessing the Proposed Development via Meaux Lane / Meaux Road. Meaux Lane was considered to offer the benefit that it would enable access to multiple Land Areas from a single route. Each of the minor roads used for construction vehicle access, including Meaux Lane / Meaux Road, has been assessed in detail and mitigation would be implemented to ensure that the potential for conflict</li> </ul>

ExQ1	Question to	Question	Applicants Response
			<p>between construction vehicles and other road users would be minimised, such as junction improvements and passing places which have been agreed through consultation with East Riding of Yorkshire Council. Although the option of accessing via the A1035 was initially discounted, following feedback from the Relevant Representatives, the Applicant has submitted a change notification which outlines the potential to access Land Areas D and E via the A1035 ('Change 9' identified in the <b>Second notification of proposed changes to the DCO Application [AS-015]</b> accepted by the Examining Authority on 7 August 2025.</p>
1.13.12	The applicant	<p><b>Daily trip generation – construction</b></p> <p>There appears to be some discrepancies between the information in Table 14-6 of ES Chapter 14 [APP-150] and Table 6.3 of ES Appendix 14.1: Transport Assessment [APP-138], in terms of the numbering for the months for phases 3 to 5 (as is also the case for the oCTMP paragraph 3.1.1 [APP-158]) and the total vehicle</p>	<p>The discrepancies are noted and to account for this, the following updates have been undertaken:</p> <ul style="list-style-type: none"> <li>• Updates to months for construction phases in <b>paragraph 14.4.24 and Table 14-6 of ES Volume 2, Chapter 14: Transport and Access [APP-050], paragraph 5.9 and Table 6.3 of ES Volume 4, Appendix 14.1: Transport Assessment [APP-138] and paragraph 3.1.1 of Outline CTMP EN010157/APP/7.7 Revision 2]</b> to correct errors and discrepancies in the text.</li> </ul>

ExQ1	Question to	Question	Applicants Response
		number for phase 4. Please address this and any implications for the assessments.	<ul style="list-style-type: none"> <li>Updates to daily arrivals and departures in <b>Table 6.3 of ES Volume 4, Appendix 14.1: Transport Assessment [APP-138]</b>. to 129 light vehicles and 180 total vehicles (arrivals and departures).</li> </ul> <p>The discrepancies are typographical errors and do not have implications for the assessment. The months in each phase do not affect any of the assessment criteria in either <b>ES Volume 2, Chapter 14: Transport and Access [APP-050]</b> or <b>ES Volume 4, Appendix 14.1: Transport Assessment [APP-138]</b>. <b>ES Volume 4, Appendix 14.1: Transport Assessment [APP-138]</b> assesses peak hours and the error related to the total daily vehicle numbers which are not assessed as a value in <b>ES Volume 4, Appendix 14.1: Transport Assessment [APP-138]</b>. These updates have been captured within the <b>Environmental Statement Addendum [EN010157/APP/8.2 Revision 2]</b> which has been submitted at Deadline 1.</p>
<b>14. Cumulative</b>			
<b>1.14.1</b>	The applicant	<b>Inter-project cumulative effects</b>  ES Chapter 15 paragraph	A Scoping Opinion is available to view on the Planning Inspectorate's project website <sup>4</sup> however, the information contained within this document and the related Scoping

<sup>4</sup> Environmental Statement Volume 4, Appendix 5.2: Scoping Opinion | [EN010157-000061-6.4 Environmental Statement Volume 4 Appendix 5.2 - Scoping Opinion.pdf](#)

ExQ1	Question to	Question	Applicants Response
		15.6.10 [APP-051] notes that Dogger Bank D Offshore Wind Farm could potentially give rise to inter-project cumulative effects but at the time of writing only the scoping report was available. Thus, the full extent of any cumulative effects is unknown. It goes on to say that ES Chapter 15 would be updated should further information become available. Is any further information available to enable the updating of ES Chapter 15 in this regard (noting that [RR-020] indicates that there is now a scoping opinion)?	<p>Report submitted for the Dogger Bank D Offshore Wind Farm remains insufficient to undertake a proportionate and meaningful inter-project assessment. At the time of writing (August 2025), no further information has become available for this project that would alter the approach to assessment in <b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b>.</p> <p>The Applicant will continue to monitor the progress of the project and should sufficient information be presented by the developer, <b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> will be updated and resubmitted at the appropriate deadline.</p>
1.14.2	The applicant, ERYC	<p><b>Inter-project cumulative effects</b></p> <p>ES Chapter 15 [APP-051] and Appendix 15.2: Cumulative Landscape and Visual Impact Assessment [APP-144] cite the following 'existing and/ or approved' solar</p>	<p>In response to the questions raised:</p> <p>a) All of the projects mentioned have been approved. None have yet been implemented.</p> <p>b) In relation to the projects identified:</p> <ul style="list-style-type: none"> <li>Kenley House Solar Farm (ERYC ref 22/01208/STPLF) was approved on 18<sup>th</sup> November 2022,</li> </ul>

ExQ1	Question to	Question	Applicants Response
		<p>farms in consideration of cumulative effects: Kenley House Solar Farm (ERYC ref 22/01208/STPLF), Field House Solar Farm (ERYC ref 22/00824/STPLF), Creyke Beck Solar Farm (ERYC ref 21/02335/STPLF), Turf Carr Solar Farm (ERYC ref 22/02775/STPLF) and Carr Farm Solar Farm (ERYC ref 22/03648/STPLF).</p> <p>a) Please clarify whether these five solar farms are 'existing and approved' (implemented) or 'approved' (not yet implemented) (the ExA notes that entry 79 in ES Appendix 15.1 [APP-143] cites the status of Carr Farm Solar Farm as 'pending consideration' whereas entry 14 in ES Chapter 15</p>	<ul style="list-style-type: none"> <li>Field House Solar Farm (ERYC ref 22/00824/STPLF) was approved on 8<sup>th</sup> July 2022,</li> <li>Creyke Beck Solar Farm (ERYC ref 21/02335/STPLF) was approved on 6<sup>th</sup> January 2022,</li> <li>Turf Carr Solar Farm (ERYC ref 22/02775/STPLF) was approved on 29<sup>th</sup> May 2024 and</li> <li>Carr Farm Solar Farm (ERYC ref 22/03648/STPLF) was approved on 18<sup>th</sup> July 2025.</li> </ul> <p>c) Carr Farm Solar Farm has been retained within the assessment presented in <b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> given the potential for an appeal against the refusal of permission. An appeal was indeed lodged by the developer and Carr Farm Solar Farm has since been granted planning permission by the Planning Inspectorate on behalf of the Secretary of State on 21 July 2025.</p> <p><b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> has been updated to reflect the planning status of this project.</p> <p>d) The Applicant is aware of the Drove Lane Solar Farm proposal. However, this project is not available to view on the East Riding of Yorkshire planning portal and</p>



ExQ1	Question to	Question	Applicants Response
		<p>Table 15-3 cites it as having been re-refused);</p> <p>b) If 'approved' and not yet implemented, please provide the date of approval of the solar farms and confirmation that approval (planning permission) remains extant;</p> <p>c) If Carr Farm Solar Farm has been re-refused planning permission, please comment on any implications for its inclusion in the cumulative assessment (the ExA notes that some RRs (such as [RR-024]) suggest that the application is subject to an appeal); and</p> <p>d) Weel Solar Action Group [RR-024]</p>	<p>therefore no information for this project is publicly available at this time.</p> <p>As per the commitment contained in <b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> to review the shortlist of approved and/or existing other developments, the Applicant will keep this project under review and should sufficient information become available <b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> will be updated and resubmitted at the appropriate examination deadline.</p>

ExQ1	Question to	Question	Applicants Response
		refers to a possible application for 'Drove Lane Solar Farm' – please comment on any implications of this for the cumulative assessment.	
1.14.3	The applicant	<p><b>Inter-project cumulative effects</b></p> <p>It is the ExA's understanding that the Hornsea Four Offshore Wind Farm project has been discontinued. Does this have any implications for the cumulative assessment?</p>	<p><b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> offers a worst-case assessment scenario following the discontinuation of Hornsea Four Offshore Wind Farm.</p> <p>No significant inter-project cumulative effects have been reported in <b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> as a result of the Proposed Development and Hornsea Four Offshore Wind Farm. Therefore, the Applicant does not consider that the discontinuation of Hornsea Four has implications for the conclusions of the inter-project cumulative effects assessment presented in <b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b>.</p>
1.14.4	The applicant	<p><b>Inter-project cumulative effects</b></p> <p>ES Chapter 15 (entry 16 in Table 15-8) [APP-051] notes that the construction of the</p>	<p>In response to the questions raised:</p> <p>a) Dogger Bank South Offshore Wind Farms project is another Nationally Significant Infrastructure Project (NSIP) that has been brought forward by RWE. Therefore, the relevant project teams have been,</p>

ExQ1	Question to	Question	Applicants Response
		<p>onshore cable route for the proposed Dogger Bank South Offshore Wind Farms project (which runs through Land Area B) would be unlikely to occur at the same time as the construction of the proposed development. Please clarify:</p> <ul style="list-style-type: none"> <li>a) the reason for this assumption;</li> <li>b) any implications were the proposed development to be completed and operational before the Dogger Bank South Offshore Wind Farms project cable route were to be constructed; and</li> <li>c) whether the applicant is co-ordinating with the promoters of the Dogger Bank South Offshore Wind Farms</li> </ul>	<p>and will continue, to coordinate with one another throughout the pre-construction and construction phases of the two projects.</p> <ul style="list-style-type: none"> <li>b) No implications are expected in this scenario due to the coordination between the projects internally within RWE.</li> <li>c) The Applicant can confirm that this is the case, as set out above.</li> </ul>

ExQ1	Question to	Question	Applicants Response
		project on the matter?	
1.14.5	The applicant	<p><b>Intra-project combined effects</b></p> <p>The titles of ES Chapter 15 Table 15-6 and Table 15.7 [APP-051] refer to intra-project combined effects. However, in the significance of effect column in both tables, repeated reference is made to 'intra cumulative effects'. Please clarify whether this should instead refer to 'intra-project combined effects' (and that the ExA is thus using the correct terminology in the following ExQs)?</p>	<p><b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> has been updated to reference 'intra-project combined effects' as suggested and resubmitted at deadline 1.</p> <p>The updated version of <b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> has been resubmitted at Deadline 1.</p>
1.14.6	The applicant	<p><b>Intra-project combined effects</b></p> <p>ES Chapter 15 Table 15-6 and paragraph 15.6.3 [APP-051] notes likely intra-project combined effects (from air quality and noise and vibration) during construction and</p>	<p>As stated in <b>ES Volume 1, Chapter 3: Proposed Development Description [APP-039]</b> construction is anticipated to be 24 months and to be phased, with Land Areas B-F constructed in stages. The assumption is that no more than two Land Areas would be constructed concurrently. Construction of the grid connection cable route would occur at the same time as the Land Areas. The duration of construction of each</p>

ExQ1	Question to	Question	Applicants Response
		decommissioning for receptors at Carr House Farm (Long Riston), Meaux Decoy Farm, Meaux (North), Arnold Carr Farm and Springdale Farm. It is stated that these would be short-term and temporary. Please clarify the length of time 'short-term' would mean in this context.	Land Area is anticipated to be up to 8 months. For the cable route it is anticipated to be up to 10 months.  The potential residual effects identified in <b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> on receptors at Carr House Farm (Long Riston), Meaux Decoy Farm, Meaux (North), Arnold Carr Farm and Springdale Farm would not be continuous for the full 24 month construction period. The effects identified would more than likely be less than or equal to the 8 months identified for the construction of each Land Area as construction activities gradually move away from the localised areas of the identified receptors.
1.14.7	The applicant	<b>Intra-project combined effects</b>  ES Chapter 15 Table 15-6 and paragraph 15.6.3 [APP-051] (in respect of Riston footpaths No.1 and No. 2) identify significant adverse intra-project combined effects during construction and decommissioning from changes in the view and temporary diversions to these PRow. The table also notes temporary diversions to other footpaths.	There will be no temporary diversions to PRow, this is an error in <b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> . Riston footpaths No.1 and No. 2 have subsequently been screened out of the intra-project combined effects assessment in Table 15-4, and the assessment has been removed from Table 15-6. The slight adverse effect reported for construction and decommissioning in <b>ES Volume 2, Chapter 13: Population [APP-049]</b> is specifically for the 13 public footpaths and bridleways identified (BEVEF23, SKIDB07, SKIDF10, SKIDF11, SKIDF12, SKIDF17, TICKB05, TICKF09, TICKF12, WOODF04, WOODF09, WOODF12, WOODF18, Wilberforce Way Long Distance Path, and National Cycle Network 1). These Footpaths

ExQ1	Question to	Question	Applicants Response
		<p>However, ES Chapter 13: Population paragraphs 13.9.1 and 13.9.2 [APP-049] states that there would be no temporary diversions to foot-paths. Please explain this apparent contradiction.</p>	<p>and Bridleways run through the cable grid connection route and cross construction vehicle routes. There are no suitable routes for temporary diversions and therefore any temporary closures or restrictions will be required for a short duration to enable construction works but the Applicant will seek to use restrictions where reasonably practicable ahead of temporary closures and East Riding of Yorkshire Council will be consulted in advance of any temporary closures taking place, as set out in the <b>Outline Rights of Way and Management Plan [EN010157/APP/7.9 Revision 2]</b>.</p> <p><b>ES Volume 2, Chapter 15: Cumulative Effects [APP-051]</b> has been updated to reflect these changes and resubmitted at Deadline 1.</p>

## **Appendix 1 RWE Diversity Equity and Inclusion Statement**



# RWE


## RWE Diversity, Equity and Inclusion Statement

Version 1  
March 2023







 **RWE is committed to creating an equitable and inclusive working environment which promotes diversity.** 

## Introduction

Across RWE<sup>1</sup>, we take our responsibility for Diversity, Equity and Inclusion<sup>2</sup> seriously and it's embedded in our ways of working.

At RWE we know that having a diverse workforce where different backgrounds, viewpoints and experiences are valued and feel included creates an innovative and respectful workplace. It is an important component to being the best energy company we can be and creating a sustainable future.

This document acts as a guiding framework across RWE to further our commitment to a diverse, equitable and inclusive Company. Together with the RWE Code of Conduct, RWE's Human Rights Strategy, our Social Charter, Anti-discrimination Policy and other commitments it forms the responsible framework within which we operate.

## Scope & Responsibilities

This guiding framework applies to everyone working at RWE as we recognise an Inclusive Culture is the responsibility of everyone. This includes permanent and temporary employees, contractors and consultants. It also applies to all applicants seeking employment with RWE.

Each RWE Operating Company is responsible for ensuring that, where appropriate or necessary, local measures are taken to welcome, integrate and value people from all backgrounds.

In addition, each individual in RWE is obliged to ensure their own behaviour within RWE is in line with the commitments in this document and every person is empowered to speak up through local mechanisms (informally or formally) if behaviour which is not in line with our principles is seen.

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<sup>1</sup> RWE" refers to RWE AG as well as all directly or indirectly affiliated domestic and foreign companies.

<sup>2</sup> In the context of this document, the terms 'equity, diversity and inclusion' used in this policy are not necessarily synonymous with any existing terms used in national legislation.



## Our Commitment

**RWE commits to furthering our inclusive culture, ensuring equal employment opportunities and non-discrimination for all candidates, employees and suppliers.**

For RWE an Inclusive Culture means “everyone feels valued and has the opportunity to add value”.

Our commitment to non-discrimination includes but is not limited to sex, gender, gender identity or expression, sexual orientation, ethnicity, national origin, citizenship, age, disability, religion or belief, family status, social background, military obligation or any other status protected by law.

We achieve this by:

- Promoting diversity, equity and inclusion across the RWE Group, creating a culture where everyone feels included. Continuing to develop our offers relating to Diversity and Inclusion, including embedding Diversity, Equity and Inclusion considerations into relevant programmes.
- Ensuring that employment-related decisions are free from discrimination.
- Mitigating potential unconscious or systemic bias in employment decisions and talent practices (including performance and development, compensation, hiring).
- Providing reasonable adjustment for qualified individuals with a disability if necessary.
- Providing reasonable adjustment for those with needs related to their religious observance or practices in recognition of personal religious expression if necessary.
- Ensuring a work environment that is free from discrimination and harassment, including through our anti-discrimination policy.

## Obligations

**It is our duty that all employees familiarize themselves with the requirements of this document and adhere to them.**

The members of our managing bodies at RWE bring this guiding framework into practice, local implementation is devolved to the relevant RWE Companies and locations.

This document constitutes a supplement to any national requirements. Controlled Group companies and their employees and members of managing bodies are not permitted to adopt regulations that deviate from the content and specifications of this document, except as otherwise provided by local law.

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## **Appendix 2 Secretary of State Decision Letter**



# Department for Transport

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29 January 2021

Dear Sirs,

## **PLANNING ACT 2008 APPLICATION FOR THE PROPOSED A303 SPARKFORD TO ILCHESTER DUALLING DEVELOPMENT CONSENT ORDER**

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to say that consideration has been given to:

- the report of 12 September 2019 of the Examining Authority ("the ExA"), a Panel of two examining Inspectors consisting of Lesley Coffey and Robert Jackson, who conducted an examination into the application by Highways England ("the Applicant") for the A303 Sparkford to Ilchester Dualling Development Consent Order ("the Order") under section 37 of the Planning Act as amended ("the 2008 Act");
- late representations received by the Secretary of State following the close of the examination;
- responses to further consultation undertaken by the Secretary of State in respect of the application; and
- the responses received from the Applicant and interested parties in response to the "minded to refuse" letter of 21 July 2020.

2. The application was accepted for examination on 23 August 2018. The examination began on 12 December 2018 and was completed on 12 June 2019. The examination was conducted on the basis of written and oral submissions submitted to the ExA and by eight issue-specific hearings, two compulsory acquisition hearings and three open floor hearings. The ExA also conducted three unaccompanied site inspections and one accompanied site inspection.

3. The Order as applied for under the 2008 Act would grant development consent to Highways England to provide a continuous dual carriageway on the A303 linking the Podimore Roundabout and the Sparkford Bypass. The proposals would include the removal of at-grade junctions and direct accesses. Any new junctions would be constructed to grade separated standards, or to compact grade separated standards depending upon anticipated traffic flows ("the Development").

4. This letter should be read in conjunction with the Secretary of State's "minded to refuse" letter dated 21 July 2020 and the ExA's Report of Findings, Conclusions and Recommendation to the Secretary of State dated 12 September 2019 ("the ExA's Report"), as amended by the Errata Sheet (Ref TRO10036) which were published on the Planning Inspectorate's website on 21 July 2020. The ExA's findings and conclusions are set out in sections 4 to 15 of the ExA's Report, and the ExA's summary conclusions and recommendation are in section 17.

### **Summary of the ExA's Recommendation**

5. The principal issues considered during the Examination on which the ExA reached conclusions on the case for development consent are set out in the ExA's Report under the following headings:

- Legal and Policy Context;
- Planning Issues;
- Archaeology and Cultural Heritage;
- Air Quality and Emissions;
- Biodiversity, Ecology and Natural Environment;
- Noise and Vibration;
- Landscape and Visual Effects;
- Traffic and Transport;
- Socio-Economic Effects;
- Water Environment;
- Habitats Regulations Assessment;
- Compulsory Acquisition and Related Matters; and
- Draft Development Consent Order and Related Matters

6. The ExA recommended that the Secretary of State should **not grant development consent**.

### **Summary of the Secretary of State's Decision**

7. The Secretary of State has carefully considered the ExA's Report and has decided under section 114(1)(a) of the 2008 Act to grant development consent. This letter is the statement of reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and regulation 31(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the 2017 Regulations").

### **Secretary of State's Consideration**

8. The Secretary of State has considered the ExA's Report, the further representations received after the close of the examination, responses to consultation, responses to the "minded to refuse" letter, and all other material considerations. The Secretary of State's consideration of these matters is set out in the following paragraphs. Where not stated in this letter the Secretary of State can be taken to agree with the ExA's findings, conclusions and recommendations, as set out in the ExA's Report and the reasons given for the Secretary of State's decision are those given by the ExA in support of the conclusions and

recommendations. All “ER” references are to the specified paragraph in the ExA’s Report. Paragraph numbers in the ExA’s Report are quoted in the form “ER x.xx.xx” as appropriate.

## **Legal and Policy Context**

9. Given that the application requires development consent, section 104(2) of the 2008 Act has effect in relation to the development to which the application relates. In determining this application, the Secretary of State must therefore have regard to the relevant National Policy Statements (“NPS”), and Local Impact Reports (“LIR”) submitted, any matters prescribed in relation to development of the description to which the application relates, and any other matters the Secretary of State considers to be both important and relevant to the decision [ER 3.1.2]. Under section 104(3) of the 2008 Act the Secretary of State must decide this application in accordance with any relevant NPS which in this case is the National Networks National Policy Statement (“NNNPS”), subject to any of the exceptions in section 104(4) to (8) of the 2008 Act applying. The Secretary of State does not consider any of them does on the facts of this case.

10. The LIRs and the relevant development plans the Secretary of State has had regard to are described in ER 3.10 and 3.11. The Secretary of State also notes the ExA’s assessment set out in ER 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, and 3.9 of European Law and related UK regulations, other relevant legal provisions, previous DCO’s, transboundary effects, Government Transport Policy, other relevant policy statements and the National Planning Policy Framework (“the Framework”), and agrees these are matters to be considered in deciding this application. The Secretary of State notes that European Law and related UK regulations set out in ER 3.3 remain in place despite the UK having left the EU on 31 January 2020 and despite transition arrangements ending on 31 December 2020. These are therefore still relevant to this application.

### **“Minded to refuse” letter**

11. On 21 July 2020 the Secretary of State published a “minded to refuse” letter. In the letter he explained that he was not yet in a position to decide whether to accept the ExA’s recommendation but was minded to agree with the ExA that development consent should be refused unless the Applicant could provide further evidence demonstrating how four issues identified by the ExA can be satisfactorily addressed. The four issues set out in the letter were:

*“1. in relation to the concerns by the Defence Infrastructure Organisation (“DIO”) regarding the potential for “birdstrike” as the proposed ponds at RNAS Yeovilton would have the potential to attract birds that are hazardous to aircraft, information from the Applicant on:*

- i. the potential scope of a Bird Hazard Management Plan (“BHMP”), the extent to which it would address DIO’s concerns around birdstrike, and confirmation that any changes proposed to the design of the ponds as part of the BHMP would be consistent with the Environmental Statement (“ES”) and Drainage Strategy, and delivered.*

*2. in relation to the adverse effects on Non-Motorised Users and the Local Road Network, information on:*

- i. *the deliverability of the mitigation proposed by the ExA for the three routes of particular concern: Eastmead Lane/Higher Farm Bridge route; Traits Lane/Gason Lane bridleway; and the Hazlegrove underbridge.*

*3. in relation to the detrunked section of the A303 that would continue to provide access to the Mattia Diner and filling station information on:*

- i. *how the Applicant would be able satisfactorily to address the risks of anti-social behaviour and the financial responsibilities for the detrunked section other than by the amendment to article 13(4) proposed by the ExA.*
- ii. *whether the Applicant is able to secure the delivery of a parallel road along the retained parts of the A303 detrunked section and, if so, the extent to which such a parallel road would address the negative impacts identified by the ExA, such as the risk of anti-social behaviour and the impact on local businesses such as the Mattia Diner and filling station, and how delivery of this parallel road would be secured.*

*4. in relation to the Applicant's proposals to use temporary possession powers to deliver permanent Works on land that that would then be designated as public highway, information from the Applicant on:*

- i. *how the Applicant would address and secure the delivery of permanent turning heads if it is not able to use temporary possession powers in the way it originally proposed."*

12. The Applicant responded on 17 August 2020, along with three other interested parties. On 19 August 2020 the Secretary of State sought views from all interested parties on the Applicant's response. The Secretary of State received a further 22 representations from a range of interested parties.

### Birdstrike

13. The Secretary of State notes the Ministry of Defence's ("MOD") concern submitted via the Defence Infrastructure Organisation ("DIO") in the ExA's Report about the potential for ponds proposed as part of the Development to attract birds hazardous to aircraft using Royal Naval Air Station ("RNAS") Yeovilton [ER 10.5.89 and 10.5.91]. The ExA's conclusion was that the Development would have significant implications for birdstrike and therefore would be contrary to the policy guidance at paragraph 5.47 of the NNNPS [ER 10.5.103].

14. The Secretary of State also notes the ExA's view that the suggestions of the DIO that the ponds could be predominately dry, or alternatively could provide steep sides and dense planting, would both fail to accord with the assessed Drainage Strategy. As a consequence, the ExA considered a revised Drainage Strategy would be required and this would have significant implications for other areas in the ES and could also have significant implications for both non-motorised users ("NMUs") and motorists [ER 10.5.104].

15. On the basis of the evidence submitted to the examination and taking account of the potential loss of life, the ExA was not persuaded that the design of the ponds in terms of their precise location, size and depth should be a matter of detailed design [ER 10.5.106].

16. The Secretary of State consulted the Applicant and other interested parties on this issue in his letter of 5 November 2019. In their response of 26 November 2019, the DIO

highlighted the need for a Bird Hazard Management Plan (“BHMP”) to be secured through the Order which would contain measures to ensure that the ponds created as part of the scheme will be managed to ensure that the landscaping and planting is maintained to reduce the risk of attracting and supporting bird species deemed hazardous to aviation safety. The Applicant in their response of 26 November 2019 rejected the suggestion of a BHMP as being unnecessary and something which would impose an unreasonable burden on the Applicant with which it could not comply. They noted that other provisions to reduce the risk of birdstrike are already secured in the Order, and noted that the imposition of a BHMP requirement was not debated during the examination.

17. In the Applicant’s response of 17 August 2020 to the “minded to refuse” letter, they proposed revisions to requirement 3 of the Order to add a BHMP to the plans required as part of the Construction Environmental Management Plan (“CEMP”) and Handover Environmental Management Plan (“HEMP”). In addition, DIO would also be added as a consultee on both requirement 3 and requirement 12, which relates to detailed design. No works can commence until requirements 3 and 12 have been discharged. The Applicant noted that the discussions with DIO had focused on points of detail, not the principles of having ponds in the required locations. The Applicant also identified a number of measures in a Birdstrike Hazard Review, such as bank gradient, depth of pond, and pond layout, which are to inform the detailed design discussions and they consider all the measures listed are within the scope of the ES and the drainage strategy. The Secretary of State notes the DIO’s response of 16 September 2020 to the Secretary of State’s consultation of 19 August 2020, which indicated that the Applicant and DIO had made significant progress towards addressing DIO’s concerns and DIO were confident that issues could be resolved ahead of the statutory deadline for this application.

18. The Secretary of State notes that in South Somerset District Council’s (“SSDC”) response of 16 September 2020 to the “minded to refuse” letter, they were supportive of the measures relating to birdstrike. Historic England’s (given the abbreviation “HBMCE” for consistency with the ExA’s report<sup>1</sup>) response of 16 September 2020 pointed out the apparent lack of an assessment of the impact of any use of lines of plastic flags at pond 5 and expressed concern about the negative impact of any such flags on the significance of the Hazlegrove House Registered Park and Garden (“RPG”). The Secretary of State notes that HBMCE have to be consulted regarding landscaping plans in the RPG under requirement 6 of the DCO and is therefore content that their concerns can be addressed through this mechanism.

19. On 5 October 2020 the Applicant provided a signed section 106 Unilateral Undertaking of 30 September 2020 which is intended to secure measures relating to the long-term management and monitoring of the site. However, in their letter of 28 October 2020 the DIO indicated that the signed undertaking lacked some of the elements MOD would consider fundamental to managing the impact of the development on the operation of RNAS Yeovilton but indicated their willingness to discuss the content of the undertaking further with the Applicant.

20. On 12 November 2020 the Secretary of State sought further information from the Applicant and the DIO regarding the matters raised by DIO in their letter of 28 October 2020. On 11 December 2020 the Secretary of State received a joint letter from the

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<sup>1</sup> See footnote 22 of the ExA’s report.



Applicant and DIO enclosing a revised signed Unilateral Undertaking of 10 December given by the Applicant. The letter highlighted the changes made to the September Unilateral Undertaking in light of ongoing discussions between them and the DIO. These changes included more frequent reporting on the use by birds of the ponds and more frequent inspections of the ponds, ensuring adequate liaison between the Applicant and the MOD, and allowing for the Bird Management Measures to be reassessed by the Applicant and the MOD on a more frequent basis. They also included the deletion of a provision which provided that the obligations in the Unilateral Undertaking would cease to have effect where (i) no birds had been detected on the Ponds for a period of five years and (ii) there had been no Request for Action in the same period. The letter indicates that DIO is content that the December Unilateral Undertaking (together with the amendments proposed to the Order in response to the “minded to refuse” letter) satisfies its concerns in respect of the birdstrike issue arising from this scheme.

21. SSDC provided a number of comments regarding the drafting of the September version of the Unilateral Undertaking in their response of 26 November 2020 and expressed their concern that the Unilateral Undertaking lacked clarity on whether the Applicant would become the freehold landowner of the ponds, which was necessary to ensure that the obligations within the Undertaking were capable of enforcement. In their email dated 18 December 2020, SSDC indicated that the Applicant has responded directly to them regarding their concerns and SSDC expressed their confidence that the matters they raised could be clarified. In a subsequent email of 5 January 2021, and following their consideration of the Applicant’s response to their concerns, SSDC confirmed that they were content to proceed on the basis that the MOD and the Applicant are confident that the Unilateral Undertaking is an appropriate means to ensure that the possible maintenance and mitigation measures for birdstrike are in place and to rely on both parties as public bodies to act in accordance with the intention of the document.

22. The Secretary of State notes that there are now a number of mechanisms intended to address birdstrike as part of the Order and elsewhere, including the signed December Unilateral Undertaking, the addition of a BHMP to the plans required as part of the CEMP and HEMP under requirement 3, and the addition of DIO as a consultee to requirements 3 and 12. Regarding SSDC’s concern about the enforceability of the Unilateral Undertaking, the Secretary of State notes that all the land on which the ponds are to be constructed is within the Order limits and is subject to compulsory acquisition. He further notes the most recent comments of SSDC in their email of 5 January 2021 and is satisfied that the obligations in the Unilateral Undertaking are capable of enforcement. The Secretary of State notes the position of the MOD, as expressed in their letter of 11 December, that they consider the position to be satisfactory. Having regard to DIO’s expertise in this matter, the Secretary of State is reassured that the DIO’s concerns around birdstrike have now been addressed and is therefore content that the issue of birdstrike has been resolved consistently with the ES and the Drainage Strategy. The Secretary of State considers that this aspect is compliant with the NNNPS policy and is therefore a neutral consideration in the planning balance.

#### Non-Motorised Users (“NMU”)

23. The Secretary of State notes that the Development includes the permanent diversion of all at-grade crossings of the A303 between Hazlegrove and Podimore, which involves the stopping up or diverting of a number of existing NMU routes and the creation of new

rights of way [ER 10.5.20]. The Secretary of State notes that the ExA had concerns with specific NMU routes which include Eastmead Lane connection, the Traits Lane/Gason Lane link and the Hazlegrove Underbridge and the consideration given to them in ER 10.5.26 to 10.5.87.

### Eastmead Lane

24. The Secretary of State notes that the Right of Way Y30/28 (also known as Eastmead Lane) is to be stopped up over a distance of 27m northwards from its junction with the existing A303 [ER 10.5.26]. The Secretary of State notes the Applicant's mitigation for stopping up Y30/28 is the provision of a new NMU route from Eastmead Lane to Sparkford via Downhead [ER 10.5.27].

25. The Secretary of State notes the debate at examination regarding the status of bridleway Y30/29, which was authorised as part of the Side Roads Order that came into effect on 7 November 1996 and authorised the provision of a bridleway connecting Eastmead Lane with Higher Farm Lane [ER 10.5.28 and 10.5.29]. The Secretary of State notes that in the absence of any evidence to suggest that Somerset County Council ("SCC") was notified that bridleway Y30/29 was complete and open to traffic, the ExA concluded that the bridleway was not delivered as part of the 1996 Side Roads Order. The Secretary of State notes that the ExA concluded that bridleway Y30/29 has no legal status and accordingly there is no connection for walkers, horse-riders or cyclists via Y30/31 between Podimore and Y30/28 [ER 10.5.33 and 10.5.35].

26. The Secretary of State notes that the ExA said that the route proposed by the Applicant would involve a journey of about 5.2km for those wishing to cross the A303 at this point [ER 10.5.36]. This journey would reconnect Eastmead Lane with its historically severed southern projection at a point to the south of the A303 where the bridleway used to go to before the A303 Podimore bypass was constructed in the late 1970s (see paragraph 4 of Topic Paper: Right of Way Y30/28 (Eastmead Lane) – library reference REP3-006). The ExA considered that this failure to provide a suitable and convenient crossing would be contrary to the Government's aim of providing people with sustainable transport choices by attractive and convenient routes [ER 10.5.37] and would effectively sever the community, which is at odds with the policy in the NNNPS [ER 10.5.41].

27. The Secretary of State notes the Applicant's position that there is no north-south crossing at this location and that it should not be expected to remedy this missing link as part of the Development. The ExA accepted that crossing the A303 at this location is not ideal in terms of safety and that the ExA acknowledged that the number of NMUs using this route is likely to be low due to the speed and flow of traffic, but said that since it is an existing route it should be mitigated. He further notes that the ExA disagreed that the road cannot be crossed at this point [ER 10.5.38].

28. The Secretary of State notes the alternative proposed by SCC, SSDC and South Somerset Bridleway Association ("SSBA"), which would follow Y30/29 until it reached Y30/UN to Higher Farm Lane, where the existing Higher Farm Lane Bridge could be used to cross the A303 into the village of Podimore; this route would mean that the distance to the historically severed southern projection referred to above would be about 1.5km in length rather than 5.2km. The Secretary of State notes that this route would require Y30/UN

to be upgraded from footpath to bridleway status [ER 10.5.36] and would require alterations to Higher Farm Lane Bridge [ER 10.5.40].

29. The Secretary of State consulted on these issues in November 2019. The Applicant's response in their letter of 26 November 2019 reiterated the point made in the examination that it should not be expected to remedy a missing link as part of the Development. The Applicant also noted that the feasibility study on upgrading the Higher Farm Overbridge had been completed but funding would need to be secured through the Highways England Designated Funds and would remain separate from the Development.

30. In their response to the "minded to refuse" letter, the Applicant maintains that there is no existing north south NMU route to be severed by the closure which requires to be replaced. In their view East-West NMU routes are provided by the Development, the design includes a continuous NMU route along the length of the Development and it does not cause severance in this case as there is no existing route to the south of the A303 which is being lost. Although the Applicant concludes that the provision of a bridleway over Higher Farm Lane Overbridge is not necessary mitigation for the Development, they are, however, prepared to accept the inclusion of requirement 17 subject to amendments. The Applicant considers that delivery of this route would be outside its control, as it would be dependent upon a Traffic Regulation Order ("TRO") being positively determined. The Applicant therefore considers that the extent of its obligation should be to obtain approval of a scheme for delivery and to enter into a legal obligation for delivery with SCC securing the necessary funding, and has proposed amendments to requirement 17 accordingly.

31. In response to the Applicant's representation, SSBA and the British Horse Society indicated their strong support for the ExA's proposed mitigation. SCC also agreed with the ExA's suggested mitigation measures and on the information currently available, did not consider that a section 278 agreement would be the correct mechanism through which it should be delivered as it is currently outside their powers to carry out works to a bridge owned by a third party and over which bridleway rights do not currently exist.

32. The Secretary of State accepts the Applicant's argument that there is not an existing north-south NMU route affected by the Development at this location that needs to be replaced. However, the Secretary of State notes under paragraph 3.17 of the NNNPS there is an expectation that applicants will use reasonable endeavours to address the need of cyclists and pedestrians in the design of new schemes and to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems. Paragraph 3.22 of the NNNPS expects applicants to deliver improvements that reduce community severance. The Secretary of State considers that the amendments proposed by the ExA provide an opportunity to reduce community severance in line with the NNNPS. The Secretary of State considers that the requirement introduced by the ExA would help to deliver against this policy expectation but he has accepted the Applicant's amendments to requirement 17 for the reasons given by the Applicant. These amendments require the Applicant to submit details of a scheme to the Secretary of State, following consultation with SCC, and the scheme must include an explanation of the mechanisms for delivery of the measures and works set out in it.

### Traits Lane

33. The Secretary of State notes that the application proposes the stopping up of Traits Lane and Gason Lane on the south side of the A303; consequently, neither pedestrians nor horse riders would be able to cross the proposed road at this point. He further notes that the Applicant proposed the diversion of a number of footpaths which would have provided a continuous bridleway link along the southern side of the Development [ER 10.5.48]. As a result of a non-material change to the application there would be no connection between the proposed bridleway to the west side of Traits Lane and the east side of Gason Lane [ER 10.5.50]. The ExA concluded that no mitigation has been provided for horse riders and others that are currently able to cross the A303 at grade crossing [ER 10.5.51] and that this severance of the existing Public Rights of Way network would be contrary to paragraphs 5.184 and 5.205 of the NNNPS [ER 10.5.52].

34. The Secretary of State notes that the provision of an alternative route linking Traits Lane to Gason Lane would require either the acquisition of the land immediately adjacent to the proposed footpath diversion, or permission from the MOD to use the proposed diversion as a bridleway as well as a footpath. The Secretary of State notes the former would involve land that now lies outside the red line boundary and could involve acquisition beyond that shown on the land plans and the Book of Reference [ER 10.5.54]. The Secretary of State notes that the MOD confirmed in their response of 26 November 2020 they were content with a footpath diversion across their land but they were not content with a bridleway diversion.

35. The Secretary of State consulted the Applicant in November 2019 regarding potential mitigation. In their response of 26 November 2019, the Applicant stated that for cyclists and horse-riders (who they said are less sensitive than pedestrians to small increases in journey length) the proposed alternative route through Traits Lane to Blackwell Road and then along Blackwell Road to Gason Lane is reasonable in all the circumstances.

36. The Applicant's response of 17 August 2020 to the "minded to refuse" letter set out their efforts in securing a bridleway in this location and view that they have no ability to upgrade the footpath to a bridleway on Crown Land given that consent to do so has been sought from and refused by the DIO. They stated that the ExA recommendation to include a new requirement 19 as drafted would make the Development undeliverable and requested its deletion.

37. In response to the Applicant's representation, SSBA and the British Horse Society expressed support for the ExA's proposed mitigation and disagreed that the Applicant's suggested alternative route was appropriate for NMUs. SCC indicated that although they would prefer to see a bridleway delivered they consider a footpath to be sufficient mitigation, as horse riders would still be able to travel between Traits Lane to Gason Lane via the local road network. However, both SCC and SSDC suggested that it may be possible to resolve MOD's concerns regarding the provision of a bridleway at this location, and SCC suggested that the minimum standards widths and gradients for new rights of way could be negotiated in extraordinary circumstances.

38. The Secretary of State notes the requirements within the NNNPS, including those at paragraph 5.216 which requires applicants, where development would worsen accessibility, to mitigate these impacts as far as is reasonably possible. The Secretary of

State notes the efforts of the Applicant in securing a bridleway between Traits Lane to Gason Lane and the inability to deliver a bridleway link in the absence of MOD consent. He welcomes the provision of the footpath in this location, and notes the position of SCC that the provision of a footpath is sufficient mitigation. Together with the alternative route for equestrian users via Blackwell Road, the Secretary of State considers that the mitigation provided meets the tests within the NNNPS and is therefore content to delete the ExA's proposed requirement 19 on the grounds that it is unnecessary. Notwithstanding this, the provision of a bridleway to link Traits Lane to Gason Lane is desirable and the Secretary of State would therefore encourage the Applicant to continue to explore options to deliver this, particularly in light of the comments from SSDC and SCC, and SCC's willingness to negotiate on minimum weights and gradients for this particular right of way. In the absence of the bridleway link, the Secretary of State considers that moderate negative weight should be given to this issue in the planning balance.

### Hazlegrove Underbridge

39. The Secretary of State notes that the importance of the Hazlegrove underbridge to the NMU network is explained in Chapter 12 of the ES, as it would provide the primary crossing point for NMUs towards the eastern end of the Development. The Secretary of State notes that it is proposed that the underbridge would be used for motorised and non-motorised traffic and only lit during the daytime. The ExA questioned the safety implications of not providing lighting during the hours of darkness; the Applicant indicated that no specific security assessment of the underbridge or its approaches has been undertaken with respect to the provision of lighting for the NMU route [ER 10.5.58 to 10.5.60].

40. The ExA considered that, in the absence of lighting, the underbridge would not provide an attractive route for NMU's and as a consequence fails to accord with paragraph 5.184 of NNNPS [ER 10.5.61]. The ExA also considered that night-time lighting is a reasonable step that is essential to minimise the risk of road casualties and improve road safety [ER 10.5.75]. The ExA therefore recommended a new sub paragraph (2) to requirement 15 for the scheme to include measures for lighting the Hazlegrove Junction underbridge during hours of darkness [ER 16.6.154 Table 9].

41. The Applicant's response of 17 August 2020 to the "minded to refuse" letter indicated that lighting of the underbridge at night is not necessary to comply with any relevant design standard and has not been demonstrated to be necessary by any assessment undertaken in accordance with the Design Manual for Roads and Bridges ("DMRB"). The Applicant also said that lighting of the underbridge could not be delivered safely without lighting the carriageway and approaches as well. The Applicant provided a high level environmental assessment which found that the disbenefits, particularly for landscape, cultural heritage and ecology, of lighting the underpass and approaches outweigh the benefits. Other interested parties, such as SSDC, and HBMCE share the Applicant's concerns regarding the wider effects of lighting the underbridge.

42. The Secretary of State has considered carefully the issues raised by the ExA and interested parties, particularly in relation to road safety. In light of the Applicant's expertise in road safety, the Secretary of State is persuaded by the Applicant's submission that it is not possible to light only the underbridge for the use of NMUs. The Secretary of State notes that the carriageway and approaches to the underbridge would also need to be lit, which could cause a number of wider environmental impacts which have not been subject to a

separate environmental assessment. Furthermore, the Secretary of State notes that the rest of the NMU route is largely unlit and is persuaded that the approach adopted by the Applicant in this instance is consistent with the DMRB standards. For these reasons, the Secretary of State considers that the change proposed by the ExA is not necessary to ensure road safety and has not included the ExA's recommended change to requirement 15. As the Secretary of State considers that this change is not necessary mitigation for the scheme, he concludes that the scheme is in compliance with the NNNPS. However, he agrees with both the ExA and the Applicant that lighting the underbridge (if it had been possible to achieve safely without causing wider environmental impacts) would have made the NMU route more comfortable and therefore considers that the issue should be given moderate negative weight in the overall planning balance.

### Conclusion on NMUs

43. The ExA concluded that the Development would fail to mitigate the effects on NMUs in terms of safe and convenient routes, and would increase severance of local communities [ER 17.2.3]. The Secretary of State has considered the specific issues raised by the ExA. He considers that the requirement relating to Eastmead Lane has resolved the ExA's concern regarding that specific issue and concluded that this weighs neutrally in the planning balance. The Secretary of State has concluded that the mitigation proposed by the ExA for Traits Lane is not necessary and therefore complies with the NNNPS, but has attributed moderate negative weight to it in the planning balance. The Secretary of State has concluded that the mitigation provided regarding the Hazlegrove underbridge is acceptable without lighting it at night time for NMUs and is therefore compliant with the NNNPS, although has given the issue moderate negative weight in the planning balance. The Secretary of State has concluded that the proposals for NMUs at Hazlegrove roundabout are NNNPS compliant without the additional mitigation proposed by the ExA and has given it neutral weight in the planning balance (see paragraphs 105 to 108 of the decision letter). The Secretary of State considers that overall the issue of NMUs is compliant with the NNNPS but weighs moderately against the Development in the planning balance.

### Socio-Economic Effects on Surrounding Communities

44. The Secretary of State notes that the NNNPS promotes the delivery of environmental and social benefits as part of new schemes and requires any adverse impacts to be mitigated in line with the principles set out in the Framework and the Government's Planning Practice Guidance ("PPG") [ER 11.2.1]. The Secretary of State notes the Applicant's case set out in ER 11.3 and the case for the interested parties set out in ER 11.4.

45. The ExA found that overall the proposal would fail to mitigate the social effects of the Development in accordance with paragraph 3.3 of the NNNPS and would also fail to address the concerns in the LIR in relation to the de-trunked section of the A303 [ER 11.6.5]. The Secretary of State notes that the adverse effect of the Development on businesses in the locality, such as the Mattia Diner and adjacent filling station, together with the failure of the Applicant to provide signage to help to mitigate these adverse effects is afforded very significant weight by the ExA [ER 11.6.6].

46. SCC expressed concern that the de-trunked road could be subject to anti-social behaviour, such as fly-tipping, and could leave SCC with significant on-going financial liabilities [ER 11.4.4 and 11.4.5]. The ExA shared these concerns and considered that the long unlit nature of the de-trunked section is likely to deter NMUs from accessing the adjacent proposed NMU route, adding to severance [ER 11.5.15, and ER 11.6.3]. The ExA considered that SCC is likely to incur financial liabilities as a result of the de-trunked section of the road [ER 11.5.17, ER 16.6.104] and that such liabilities are likely to be an on-going problem [ER 16.6.106]. The ExA has proposed that article 13(4) be amended which would involve separating Schedule 3 Part 2 into Section A (de-trunked roads to become vested in SCC) and Section B (de-trunked roads to remain under the control and management of the Applicant) [ER 16.6.108].

47. The ExA also considered whether a parallel road should be provided, as sought by the parish councils and other interested parties [ER 10.5.108]. The Applicant considered that it would require an area of MOD land, which if it could not be acquired by agreement within the necessary timescale would represent a risk to the project [ER 10.5.109]. The ExA considered that the provision of a parallel road would provide clear benefits for local communities, provide resilience in the event of an accident and benefits during the construction period as the existing road could remain open [ER 10.5.113]. The ExA also concluded that the provision of a parallel road would assist in addressing the isolation of the Mattia Diner and filling station that is a direct consequence of the Development [ER 11.5.18]. However, the ExA concluded that while a parallel road would be a desirable and prudent modification to the Development and will address some of the issues with the NMU routes, the failure to provide it did not justify withholding consent [ER 10.5.114] and should be afforded moderate weight [ER 10.5.134].

48. In November 2019 the Secretary of State consulted on measures that could be adopted to mitigate any potential anti-social behaviour. The Applicant's response of 26 November 2020 was that SCC had not provided any evidence regarding the potential for anti-social behaviour and they opposed the request that it should mitigate potential (and unproven) effects that are in any event outside of the Applicant's remit or control. The Applicant reiterated that it was happy to discuss design measures with SCC which could be incorporated to address potential anti-social behaviour.

49. The Applicant in their response of 17 August 2020 to the "minded to refuse" letter indicated they were prepared to accept continuing responsibility for the de-trunked section of the existing A303 serving the Mattia Diner and Camel Hill Services (and noted that they were in the process of acquiring the filling station). The Applicant expressed concern that the proposed wording for article 13 did not work in law and proposed some amendments. The Secretary of State agrees with the Applicant but has amended article 13 in a different way. The Applicant also put forward a revised signage strategy for the Mattia Diner in response to the ExA's observations on this matter, which SSDC have welcomed.

50. A number of interested parties expressed their support for the provision of a parallel road. SCC considered that a failure to provide a parallel road did not warrant refusing consent for the Development and one landowner was against the provision of a parallel road if it resulted in greater land take. The Applicant indicated that delivery of the parallel road cannot be delivered with the current Order and there were no mechanisms to secure the delivery of a parallel road outside of the Order.

51. The Applicant also responded to the ExA's suggestion that the de-trunked section of the A303 should be lit for the convenience of NMUs and to help prevent anti-social behaviour. In their response to the "minded to refuse" letter the Applicant considered that lighting the de-trunked A303 was not justified and provided a high level environmental assessment of the lighting for the de-trunked A303, which identified a number of wider environmental impacts. SSDC and HBMCE agreed with the Applicant's concerns. Additionally, the Applicant undertook a cumulative high level environmental assessment for lighting both the Hazlegrove underbridge and the de-trunked local roads, which suggested that the impacts would be greater if both were lit rather than lighting either of these sections individually.

52. The Secretary of State considers that the adoption of the de-trunked road by the Applicant and the provision of signs in relation to the Mattia Diner (and the acquisition of the filling station) helps to mitigate the impact of the Development. The Secretary of State is persuaded that lighting is not justified for the de-trunked section of the A303 for the reasons given by the Applicant in their response of 17 August 2020 to the "minded to refuse" letter. The Secretary of State also accepts that a local parallel road cannot be provided within the scope of the Order and agrees with the ExA that this does not warrant refusing consent. Taking these mitigation measures into account, the Secretary of State considers overall that the Development will have a neutral impact with regard to socio-economic matters.

53. The Secretary of State notes the ExA's conclusion that the Development would fail to deliver any health benefits due to the attractiveness and convenience of the NMu route, and that the increases in noise levels would add to the harm; the ExA gave this significant weight in the planning balance [ER 14.3.49]. In light of the Secretary of State's conclusions on NMu routes and noise (see paragraphs 43 and 92 of the decision letter respectively), he considers that the issue of health is a neutral consideration in the planning balance.

### Turning Heads

54. The Secretary of State notes the discussion at the examination regarding the provision of turning heads and in particular the inclusion of the land required for the heads within Schedule 5 to the DCO [ER 15.9.1 to 15.9.43]. The Secretary of State notes the ExA's conclusion that in the absence of these turning heads the ExA considered that there would be an adverse effect on highway safety and convenience [ER 15.11.10].

55. The Secretary of State notes that the Applicant has sought to achieve the delivery of the turning heads by:

- Listing the turning heads works in Schedule 2 as part of the authorised development;
- Listing the turning heads in Schedule 3, Part 4, thus classifying them as unclassified roads under article 14(3);
- Listing the turning heads in Schedule 3, Part 6, thus imposing speed limits on them; and
- Listing the relevant parcels of land in Schedule 5, thus enabling permanent rights to be acquired over them.

56. During the examination SCC disputed that the creation of new sections of public highway could be achieved through the acquisition of permanent rights and temporary occupation of the land [ER 15.9.11], and suggested that under circular 2/97, acquisition of the full title would be more appropriate [ER 15.9.13]. The ExA considered whether it was



legally possible to deliver the turning heads using the Applicant's proposed approach. The ExA found that in strict legal terms article 33 of the Order would allow the temporary possession ("TP") of the land required for the turning heads Works in so far as the Works comprise mitigation for the Development [ER 15.9.27].

57. However, the ExA also considered whether the use of such powers would be appropriate and found that the use of TP and the compulsory acquisition ("CA") of rights as a means of delivering permanent Works on land that would then be designated as public highway to be inappropriate, lacking in transparency and procedural fairness [ER 15.10.8]. The ExA considered there is a genuine possibility that Affected Persons may be unaware that they are effectively disposed of their land [ER 15.9.43]. The ExA concluded that a compelling case in the public interest as required by section 122(3) has not been made out in so far as it relates to the acquisition of rights in relation to plots 4/4b, 5/3j, 7/1c, 7/5a, 7/7c, 7/7d, and 7/8c [ER 15.10.9].

58. The Secretary of State consulted on this issue in November 2019. The Applicant's response of 26 November 2019 indicated that they intended to acquire highways rights over the turning head land, and this was consistent with the position of the existing roads which the turning heads adjoin. The Applicant indicated that all landowners were aware of the proposed approach to the provision of turning heads and did not object. The Applicant considered that the approach sought to minimise the interference with private rights and interests, and that the compensation for highway dedication and outright acquisition is likely to be the same. They considered that the approach was reasonable and proportionate.

59. The Applicant's response of 17 August 2020 to the "minded to refuse" letter stated that they have been in negotiation with the affected landowners, many of whom have indicated a willingness to negotiate the sale of the freehold. Were the Secretary of State to remove the acquisition of permanent rights in relation to these plots, the Applicant indicated that, if those negotiations did not reach a satisfactory outcome, then they would bring forward a material change application to the Order to authorise the acquisition of the freehold. The Applicant considers that if the acquisition of permanent rights were to be removed, the temporary possession powers should still be granted for the purposes of the construction of the Development.

60. SCC's response of 16 September 2020 to the "minded to refuse" letter set out their view that it would be reasonable to impose a negatively worded requirement which secured the delivery of the turning heads, "in accordance with a scheme which, after consultation with the County Council, has been submitted and approved by the Secretary of State, and that temporary arrangements are put in place prior to the closure of the roads to no through traffic, and that permanent turning heads are constructed prior to completion of the authorised development."

61. The Secretary of State has considered carefully the ExA's report and the submissions before him. He agrees that the provision of turning heads is necessary for highway safety. He is also reassured by the Applicant's representations that there has been dialogue with the landowners affected; they are aware of the proposed approach to turning heads and most have indicated a willingness to sell the land in principle. Consequently, in the light of the further information, the Secretary of State does not agree with the ExA that there are implications for the human rights of these land owners.

62. The Secretary of State notes that the approach adopted by the Applicant appears to be unprecedented and agrees with the ExA that this approach does not represent best practice nor is it consistent with Government guidance [ER 15.9.43]. Full acquisition of the land would have been preferable and a more appropriate approach to have adopted and therefore the Secretary of State would encourage the Applicant to continue to seek to secure the voluntary acquisition of the relevant plots. Nevertheless, the Secretary of State agrees with the ExA that the turning heads could be delivered through the approach proposed by the Applicant [ER 15.9.27]. While the proposed approach appears to be unprecedented and does not represent best practice, the Secretary of State is, in light of the absence of any objection from affected landowners to the approach that has been proposed by the Applicant, prepared to accept this approach on this occasion but with modifications to Schedule 5. The modifications are (a) to make clear that the land would be designated as a highway from the date of completion and (b) the removal of the references to the transfer of responsibility for maintenance of the way to SCC as one of the purposes for which rights over the land may be acquired (as article 13(1) of the Order already provides that SCC is responsible for the maintenance of any highway from its completion).

### **Other issues covered by the ExA**

#### **Archaeology and Cultural Heritage**

##### **NNNPS, the Framework and PPG, and Local Plan**

63. The Secretary of State notes that paragraphs 5.128 to 5.142 of the NNNPS identifies the historic environment decision-making considerations to be taken into account by him [ER 5.2.1 to 5.2.6]. The Secretary of State notes that the Framework sets out a similar approach to the NNNPS, and that the Local Plan includes Policy EQ3: Historic Environment which indicates that heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place [ER 5.2.10 and 5.2.11].

##### **Hazlegrove House and Registered Park and Garden ("RPG")**

64. The Secretary of State notes the ExA's assessment of the Development on the Grade II listed Hazlegrove House and RPG [ER 5.3.18 to 5.3.32] and the ExA's considerations in ER 5.7.1 to 5.7.33. The Secretary of State acknowledges the ExA's view that the existing A303, including the Sparkford bypass, has already had a significant adverse effect on the RPG but notes that the Development, which will involve substantial earthworks in the southern part of the parkland, would result in a permanent loss of parkland, copse, boundary features, a veteran tree and the introduction of substantial man-made features in the southern end of the RPG. The Secretary of State notes that there would also be fencing around the area of Pond 5 subdividing this otherwise open parkland area, which could have been avoided had this pond and its surrounds been located outside the RPG. The Secretary of State therefore agrees with the ExA that the Development would have a very significant effect on the overall character and integrity of the RPG [ER 5.7.34 and 5.8.1].

65. The Secretary of State notes that there would be some mitigation through additional planting and bunds within the southern area of the RPG as seen in the Environmental Masterplan. The Secretary of State notes that the proposed amendment to requirement 4,

which would require the Landscape and Ecological Management Plan to be drawn up in consultation with HBMCE and therefore ensure the longer term management of that part of the RPG, would mitigate the effects further. He further notes the ExA's view that, taken together, this would lead to less than substantial harm to the RPG but would nevertheless be significant [ER 5.7.35 and 5.8.2].

66. The Secretary of State notes that SSDC considered that this harm is at the upper level of such harm within the category, but the ExA noted there is no differentiation with this category of harm in the NNNPS, the Framework or the PPG. The Statement of Common Ground ("SOCG") between HBMCE and the Applicant agreed that the Development would have significant effects on the RPG that would result in less than substantial harm to the significance of the RPG. The Secretary of State agrees with the ExA's conclusions that there would be less than substantial harm to Hazlegrove House and its associated nearby buildings but there would be no effect on the Triumphal Arch [ER 5.5.12, 5.6.1, 5.7.36, 5.8.2 and 5.8.10].

#### Conservation areas

67. The ExA considered that the Development does not have any direct effects on the conservation areas of West Camel and Queen Camel and any effects would be indirect [ER 5.7.38]. The ExA concluded that the Development would preserve the character of the West Camel and Queen Camel conservation areas [ER 14.3.7]. The Secretary of State has had regard to the desirability of preserving or enhancing the character or appearance of the West Camel and Queen Camel conservation areas and agrees with the ExA's conclusion on these matters.

#### Camel Hill scheduled monument

68. The Secretary of State notes that the Development would be in close proximity to the Camel Hill scheduled monument ("SM") and would adversely affect it through proximity and the noise and disturbance from traffic in the area. He further notes that there would be insufficient space to provide any mitigation that would have a material effect, principally because the proposed A303 would be at existing ground levels and with no space in which to provide mitigation [ER 5.7.50]. The Secretary of State agrees with the ExA that there would be less than substantial harm to the SM and to its setting on the basis that the Development does not physically affect the SM and the existing situation with traffic already in very close proximity [ER 5.7.51].

#### Listed buildings

69. The Secretary of State notes that one of the construction compounds was located within 30m of the Grade II listed Eyewell House and its associated buildings (which are also listed as Grade II in their own right) but following the accepted material change to the Application this has been relocated, reducing the construction effects of the Development on this heritage asset. The Secretary of State agrees with the ExA's conclusions that the Development would result in less than substantial harm to the significance of Eyewell House and its associated buildings both during construction and when operational [ER 5.3.39, 5.8.10 and 14.3.5].

## Non-designated heritage assets

70. The Secretary of State notes that Pepper Hill Cottage is a dwelling located a short distance north off the existing A303 and that much of the southern part of the setting of the property would be permanently removed with the Development. The Secretary of State notes that the Applicant acknowledges that there would be a moderate adverse effect on the asset both during construction and operation and accepts that due to the proximity to the new A303 these effects could not be effectively mitigated. The Secretary of State agrees with the ExA's conclusion that as a non-designated heritage asset the Development would result in less than substantial harm to its significance [ER 5.3.53, 5.3.54 and 5.8.10].

71. The Secretary of State notes that the Martock to Sparkford Turnpike Road is approximately 10 miles long and the Development would replace approximately 3 miles of this length in the sense that the route of the Turnpike would be built over. The Secretary of State notes the Applicant considers that the character and heritage value of the turnpike has been significantly altered with the introduction of modern surfacing and traffic but SSDC consider that the Applicant underestimates the effects. SSDC sought information boards to describe the heritage significance of the turnpike as mitigation; the ExA recommended an amendment to requirement 12 to provide for two information boards. The Secretary of State agrees with the ExA's conclusions that the Development would represent less than substantial harm to the significance of the Martock to Sparkford Turnpike road as a non-designated heritage asset [ER 5.3.62, 5.8.8, 5.8.10 and 14.3.8].

72. The Applicant's response of 17 August 2020 to the "minded to refuse" letter indicated they were willing to accept the principle of providing two information boards; however, they requested the wording of the requirement is amended to specify that these are to be provided "along the route" rather than in lay-bys. The Applicant notes that space in lay-bys is necessarily restricted to minimise land take. The Secretary of State is broadly content with the Applicant's proposed approach, although has made further drafting changes to ensure the information boards remain accessible.

73. The Secretary of State notes that the northern section of the Howell Hill Stone Wall would need to be demolished to allow for the cutting for the proposed carriageway and the proposed right of way to be created [ER 5.7.46]. The Secretary of State notes that SSDC considered that there is no reason for any of the wall to be lost [ER 5.5.10]. The Secretary of State agrees with the ExA's view that the loss of the section of wall is regrettable but the Applicant's proposals in this regard are reasonable and proportionate given the nature of the heritage asset [ER 5.7.49]. The Secretary of State agrees with the ExA's conclusions that due to the amount of demolition proposed, this would represent substantial harm but agrees it can only be given limited weight as a non-designated heritage asset [ER 5.8.10 and 14.3.9].

## **Air Quality and Emissions**

74. The ExA agreed with the Applicant that there would be an overall net worsening in local air quality within the study area even taking into account the appropriate mitigation in the construction phase; however, the Development is unlikely to have a significant harmful effect on air quality nor would it result in the breach of any international or statutory obligations [ER 6.7.1]. The ExA found that whilst the Development would be likely to increase the quantity of NO<sub>x</sub> and particulate levels in the area, the increase would not be

significant given that air quality in the area at present is good, nor would it result in a new exceedance of the NO<sub>2</sub> and PM<sub>10</sub> annual mean air quality objectives [ER 6.7.2 and 6.8.2]. The ExA considered that the Development would be in accordance with the policies relating to air quality in the NNNPS and is neutral in the planning balance; the Secretary of State agrees.

75. The Secretary of State notes that the Development is estimated to cause an increase of 631,167tCO<sub>2</sub>e in non-traded emissions and increase by 5,972tCO<sub>2</sub>e in traded emissions over 60 years. The ExA found that the Development would not be of sufficient scale to materially bear on the achievement of the statutory carbon budget, and its immediate carbon impact has been taken into account within the Benefit Cost Ratio. The ExA concluded that the Development would be in accordance with the NNNPS and also would be neutral in the overall planning balance [ER 6.8.3]. Since the close of examination, amendments have been made to the Climate Change Act 2008 by the Climate Change Act 2008 (2050 Target Amendment) Order 2019<sup>2</sup>, which amends section 1 so that the target is for net zero greenhouse gas emissions (following an adjustment for trading in carbon units). In view of the small increase in greenhouse gas emissions identified as a result of the Development, the Secretary of State is satisfied that the Development would not have a material impact on the ability of the Government to meet its amended 2050 climate change targets.

## **Biodiversity, Ecology and Natural Environment**

76. The Secretary of State notes the policy framework relating to biodiversity, ecology and natural environment as set out in ER 7.2, and the Applicant's case set out in ER 7.3.

77. The Secretary of State notes that although there would be a number of significant effects in the construction phase on hedgerows, bats and owls, these would be partially mitigated by the measures outlined in the Outline Environmental Management Plan ("OEMP"), particularly through hedgerow protection, replacement planting and the provision of bat and bird boxes so that these effects would only be temporary during the construction period. The Secretary of State notes that following representations from SSDC the number of bat boxes was amended and a more targeted approach utilised, which is considered appropriate by the ExA [ER 7.6.4].

78. The ExA considered that there would be a significant positive effect as a result of the Development on biodiversity as evidenced in the offsetting matrix. The ExA was satisfied that, even if the results were overly optimistic as Natural England suggested, there is sufficient margin of error so that the overall effect would be beneficial and should be given moderate weight [ER 7.6.9].

79. The Secretary of State agrees with the ExA that the Development would be in accordance with policy within the NNNPS aimed at protecting habitats and species and ensuring mitigation of impacts [ER 7.6.6, 7.6.7 and 7.7.1], and the positive effects on biodiversity should be given moderate positive weight in the planning balance.

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<sup>2</sup> <http://www.legislation.gov.uk/uksi/2019/1056/contents/made>

## Noise and Vibration

80. The Secretary of State has had regard to the ExA's consideration of the policy framework on noise and vibration set out in the NNNPS, the Noise Policy Statement for England ("NPSE"), the Framework and PPG, the Local Plan and the World Health Organisation Guidelines ("WHO") contained in ER 8.2, the case for the Applicant in ER 8.3 and the case for other interested parties in ER 8.5, as well as the responses received from the Applicant and other interested parties to the Secretary of State's "minded to refuse" letter of 21 July 2020 and a late representation from an individual.

81. The Applicant's approach to the assessment of noise was to consider whether the increase in noise emissions is significant by reference to the extent of any increases in circumstances where the level exceeds Significant Observed Adverse Effect Level ("SOAEL"). Where a potentially significant adverse effect is indicated, the Applicant used professional judgement to determine if a significant adverse effect was likely to arise [ER 8.6.1].

82. The ExA considered that this approach differs from the NNNPS and NPSE; paragraph 5.195 of the NNNPS aims to avoid significant adverse impacts on health and quality of life and it also states that the Secretary of State should not grant development consent unless satisfied that such effects will be avoided. The ExA noted that SOAEL is the level above which significant adverse effects on health and quality of life can be observed and whilst SOAEL is not a fixed value, exceeding it would give rise to significant adverse effect [ER 8.6.2].

83. The Applicant's construction assessment for residential properties found that there is a potential for a significant adverse effect as defined by DMRB at 10 residential properties [ER 8.6.6]. The detailed assessment of those parts of construction operations that could potentially give rise to noise levels above SOAEL suggests for the most part such operations would be short lived and that levels would only be exceeded for some aspects of the Works [ER 8.6.7]. The measures secured by the CEMP, such as restrictions on hours of work and night-time working, and the OEMP would assist with minimising these adverse effects on the local community during construction [ER 8.6.7 to 8.6.8, and 8.6.11]. The Secretary of State notes that the ExA said that the Addendum to the ES identified four additional properties that would be subject to noise impacts during the construction period, and that an assessment in accordance with BS5228-1:2009 is necessary in order to ensure that any adverse effects on these dwellings are minimised [ER 8.6.9]

84. The ExA found that construction noise is likely to exceed the Applicant's SOAEL threshold on occasion even with proposed mitigation in place. Having regard to the proposed mitigation measures, the ExA concluded that, although a number of residential receptors would, during construction, experience noise levels in excess of SOAEL as assessed by the Applicant, the effect of the Development on these residential receptors is acceptable subject to the mitigation measures secured by the CEMP [ER 8.6.10 and 8.6.11]. The Secretary of State agrees with that conclusion.

85. With regard to operational noise, the ES concluded that, with the exception of The Spinney and Annis Hill Farm, the impact at all receptors is considered to be not significant, and that with mitigation at the two properties mentioned, the Development would meet the operational noise aims of the NPSE and the Framework [ER 8.3.19].

86. The Secretary of State notes that the Applicant's SOAEL threshold for operational noise during the day-time is taken from the *Noise Insulation (Amendment) Regulations 1988* [ER 8.6.12] and the threshold adopted considerably exceeds the level in the WHO Environmental Noise Guidelines ("ENG"). The Secretary of State also notes that, for night-time noise, the Applicant's Interim Target Level is above the level associated with adverse effects on sleep as recommended by the ENG [ER 8.6.14 and 8.6.15]. The ExA considered that the recommendations within the ENG provide a more robust assessment of SOAEL than the Noise Insulation Regulations used by the Applicant and that the ENG figures would also accord with the principles of NPSE, which advises of the Government's intention to keep research on health effects of long-term exposure to noise under review [ER 8.6.17 and 8.6.18].

87. The ExA was concerned that higher traffic volumes than those identified in the Applicant's assessment may result in SOAEL being exceeded at residential receptors and in the absence of mitigation there is a potential for noise during these times to adversely impact on health and quality of life [ER 8.6.21]. The ExA recommended that requirement 14 be amended to require an assessment of the effect of the Development on previously permitted but not yet implemented residential and other developments, including Long Hazel Park, and taking account of the WHO ENG. The Applicant would then be required to provide any additional mitigation as identified in these assessments [ER 8.6.26]. The ExA found that the failure to provide mitigation to bring the level of operational noise below an appropriate SOAEL would be contrary to the first aim of the NPSE and paragraphs 4.8.1 and 5.195 of the NNNPS [ER 8.6.27].

88. The Applicant's response of 26 November 2019 to the Secretary of State's consultation in November 2019 provided further details of the noise assessment undertaken in relation to Long Hazel Park and Sparkford High Street, identifying that the approach adopted to SOAEL reflected the methodology used in the ES. The Applicant's assessment suggested that receptors in Sparkford High Street and in the Long Hazel Park development would not be subject to significant adverse effects, and as such mitigation measures were not deemed to be required.

89. The Applicant's response of 17 August 2020 to the "minded to refuse" letter disputed the ExA's approach to noise. The Applicant disagreed with the ExA's use of peak flow traffic rather than annual averages, arguing that this would lead to schemes being overdesigned to cater for short, temporary peaks. They argued that the use of the WHO ENG was inappropriate as the standard has not been adopted in the UK and the adoption of a single figure for SOAEL was inconsistent with the NPSE. It was also inconsistent with the requirements of the DMRB, used throughout the UK for highways noise assessment. The Applicant therefore considered that the ExA had adopted unreasonably low thresholds for noise.

90. The Applicant also disputed the need for additional mitigation to be provided by the Applicant at Long Hazel Park, arguing that the increase in noise predicted at the property is caused by the predicted increase in traffic volumes generally rather than a design change prompted by the scheme. The Applicant also notes that the owners of the park are required to provide noise mitigation measures as part of their recent planning permission, as a result of the proximity of the scheme to the existing A303. The owners of Long Hazel Park in their

response reiterated their request for noise mitigation at this location, noting that any increase in noise, however small, will be adverse.

91. The Applicant considers that no evidence was considered at the examination regarding the effectiveness of the ExA's suggestion of low noise road surfaces or noise attenuating fencing. The Applicant's response of 17 August 2020 to the "minded to refuse" letter objected to the proposal from the ExA to amend requirement 14, which would have required the Applicant to undertake further assessments in relation to previously permitted but not yet implemented residential and other developments, and provide necessary mitigation.

92. The Secretary of State notes the concerns of the ExA in relation to the Applicant's approach to SOAEL not being consistent with the NPSE and NNNPS, and that the threshold adopted by the Applicant for SOAEL is too high. He also notes the ExA's concern that, should the values arising from higher traffic volumes exceed SOAEL at residential receptors, there is potential for noise to adversely impact on health and quality of life. However, the Secretary of State also notes that the approach to noise assessment adopted by the Applicant reflects the approach used on similar DCO schemes and is consistent with the approach recommended in DMRB. He is content to rely on the Applicant's conclusions within the ES, and their submissions relating to Sparkford High Street and Long Hazel Park provided as part of the consultation, that the Applicant's approach as regards SOAEL is acceptable and that noise impacts have been adequately mitigated in line with the NNNPS. The Secretary of State has amended requirement 14 as suggested by the Applicant for the reasons given by the Applicant in their response of 17 August 2020 to the "minded to refuse" letter.

## **Landscape and Visual Effects**

93. The Secretary of State notes the ExA's assessment of the policy framework relating to landscape and visual effects set out in ER 9.2, the case for the Applicant set out in ER 9.3 and the position of other interested parties in ER 9.5.

94. The ExA found that the Development would have a significant adverse effect on the landscape of the area and on visual receptors which it would not be possible to avoid. The proposed environmental barrier in the vicinity of Viewpoint 38 would harm the immediate landscape in the area close to Hazlegrove Lane but this would be limited in visual corridor and the additional planting to the north would mitigate the effect over time. The ExA concluded that the Development would be in accordance with paragraph 5.149 of the NNNPS but the ExA found it should be given limited weight given the harm to the landscape [ER 9.8.1]. The Secretary of State sees no reason to disagree with this conclusion.

95. The Secretary of State notes that there are two bridges proposed, the Steart Hill Overbridge and the Hazlegrove Underbridge [ER 9.7.5]. The Secretary of State notes that SSDC raised concerns as to the current designs of both bridges. He notes that there is sufficient information at present to show that any design would be given careful consideration in line with NNNPS paragraph 5.160, and that the decision maker would have the comments of SSDC on consultation when the final designs are submitted. The Secretary of State agrees with the ExA that SSDC's concerns could be adequately addressed at the detailed design stage [ER 9.7.7].



## **Traffic and Transport**

96. The Secretary of State notes the NNNPS sets out the Government's vision and strategic objectives for National Networks which includes networks that support and improve journey time, reliability and safety; as well as join up communities and link them to each other. The Secretary of State notes that the policies within the Framework generally reflect the policies within the NNNPS in so far as they encourage a high-quality environment for pedestrians, easy connections for cyclists and seek to facilitate social interaction between communities [ER 10.2.1 to ER 10.2.13]. The Secretary of State notes the Applicant's case in ER 10.3.

97. The Secretary of State notes the objectives for the Development include increasing capacity, improving safety, reducing community severance, improving the connectivity of the south west and improving journey time reliability and resilience [ER 10.3.3]. The ExA concluded that the Development would deliver a number of objectives set out within the Applicant's case for the Development and that it is probable that there would be improvements in journey reliability and some benefits in terms of journey time and safety [ER 10.5.124]. The Secretary of State has no reason to disagree with these conclusions.

98. The Secretary of State notes the Applicant's case that the Development would provide a number of benefits to road users, businesses, the local community and tourists, including relieving traffic congestion on a vital link to the South West peninsula, providing more reliable journey times, improving safety and reducing driver stress, and supporting the local economy [ER 15.7.5]. The Development is expected to deliver economic benefits of up to £122.2 million (2010 prices, discounted to 2010) and business user reliability benefits of over £10.2 million (2010 prices, discounted to 2010) [ER 15.7.9]. The social benefits include journey time benefits of up to £74.5 million, other user reliability benefits of over £16.4 million, and accident reduction benefits of up to £11 million [ER 15.7.11]. The ExA was doubtful that the economic benefits are as great as the Applicant's modelling suggests [ER 11.5.6], but concluded that the Development would deliver some economic benefits to the wider area due to the reduction in journey time, and some benefits arising from the improved connectivity and greater journey reliability [ER 11.6.1]. At the local level the ExA considered there would also be some economic benefits during construction [ER 11.6.2]. The Secretary of State agrees with the ExA's conclusion on economic benefits.

99. The Secretary of State also notes the responses from a number of interested parties to the "minded to refuse" letter which highlighted an independent economic assessment of improving the whole A303/A30/A358 corridor. The assessment identified a range of benefits, including creating 21,400 jobs and a £39 billion boost to the economy, delivering £21.2 billion of taxation, welfare savings, disposable income and tourism benefits, and reducing carbon emissions by 9%.

### **Local Traffic Impacts**

100. The Secretary of State notes the ExA's view that the Development would give rise to increases in traffic at some locations, including Sparkford High Street and West Camel. He also notes that while SCC and SSDC do not dispute the modelled figures, they consider that significance of the increase has not been assessed [ER 10.5.4].

101. The Secretary of State notes that Sparkford Parish Council is concerned that the speed and volume of traffic, which may include additional HGVs would impact on the ability of local residents to cross the road safely and could potentially have an adverse effect on parking and accidents [ER 10.5.6]. The Secretary of State notes that traffic in West Camel would increase under the Do-Something scenario by comparison with the Do-Minimum scenario [ER 10.5.10] and notes that West Camel Parish Council consider that the proposed increase in traffic, while modest compared to other locations, would be significant given the narrow rural roads that characterise West Camel [ER 10.5.12]. The ExA concluded that the increase in traffic arising from the Development has the potential to exacerbate existing problems and adversely affect West Camel [ER 10.5.15].

102. The Secretary of State notes that the LIR recommends that mitigation, such as traffic calming, is provided at Sparkford High Street and West Camel. The ExA found that since the significance of the increase in traffic through these communities has not been assessed there is a potential need for mitigation and proposed that following completion of the Development there should be a period of monitoring to establish whether mitigation is required, and any mitigation should then be provided at the Applicant's expense. The ExA recommended a new requirement to this effect [ER 10.5.17 and 10.5.18].

103. The Applicant's response of 17 August 2020 to the "minded to refuse" letter considered that this requirement was unnecessary as the traffic calming works have been secured through a signed section 278 Agreement for West Camel and a design for both Sparkford and West Camel has already been produced and delivered to SCC. A copy of the signed section 278 agreement for the West Camel traffic calming scheme was provided to the Secretary of State. Furthermore, the Applicant argued that such a requirement would prevent them accessing the designated funds provision for the works. In their response of 16 September 2020, SCC confirmed that the scheme for West Camel was scheduled for delivery. SCC noted that discussions had not taken place with the Applicant regarding delivery of a scheme for Sparkford and they were therefore supportive of the approach advocated by the ExA for the Applicant to agree a scheme of monitoring and mitigation and deliver a scheme if impacts are identified. SSDC were also supportive of the approach advocated by the ExA.

104. The Secretary of State notes the advanced stage that the works for West Camel have reached (including a signed section 278 agreement with SCC) and therefore considers that a requirement for West Camel is unnecessary. With regard to Sparkford High Street, the Secretary of State agrees with the ExA's approach. However, the Secretary of State has amended requirement 22 proposed by the ExA (now requirement 20) to require the Applicant to provide details of a traffic impact monitoring and mitigation scheme for Sparkford to be approved by the Secretary of State, which includes an explanation of the mechanisms for delivery of any necessary mitigation measures. The traffic calming measures could reflect the design of the measures which the Applicant say was completed by them in March 2020 in consultation with the local Parish Councils and which has been passed to Somerset County Council. The Secretary of State has given the issue neutral weight in the planning balance.

#### Hazlegrove Roundabout

105. The Secretary of State notes the concerns of SSBA regarding the exclusion of horse riders from the proposed footpath/cycle track in the verge at Hazlegrove roundabout [ER

10.5.84]. While the Applicant strongly asserted that Pegasus crossings are not justified at Hazlegrove roundabout or Plowage Lane, the ExA considered that Pegasus crossings at these locations would provide a significant safety improvement in accordance with paragraphs 4.64 and 4.66 of the NNNPS. The ExA concluded that the Applicant's DCO should be amended to include a provision for a bridleway as part of the footway/cycleway in the verge at the Hazlegrove roundabout and that an additional requirement is included for the provision of a Pegasus crossing at the roundabout [ER 10.5.85 to 10.5.88].

106. The Applicant's response of 17 August 2020 to the "minded to refuse" letter set out their view that a Pegasus crossing cannot be delivered within the Order limits, is unnecessary as there is no existing bridleway provision in the areas affected by the scheme, and considers a poorly designed crossing will not improve safety. The Applicant considered that the requirement proposed would result in the scheme not being able to be constructed or would impose a Grampian style requirement which, in effect, would require a future change to any Order granted.

107. In responding to the Applicant's representation, SSBA reiterated their support for the provision of a crossing at Hazlegrove roundabout and disagreed that there was no existing provision for horse riders in the area. SCC is also supportive of the provision of a crossing and notes the live applications to create bridleways in the area. Both SCC and SSBA considered that a crossing could be accommodated, potentially through a modified design.

108. The Secretary of State notes that the Development includes provision for a bridleway to the west of the roundabout, which is intended to provide a considerable improvement over the current situation at Hazlegrove roundabout for NMUs. The Secretary of State also notes the Applicant's road safety concerns relating to the provision of the crossings. For these reasons, the Secretary of State agrees with the Applicant and has deleted the ExA's suggested requirement 18 and given the issue neutral weight in the planning balance.

#### Hazlegrove junction

109. The Secretary of State notes the discussion at examination regarding the design of the Hazlegrove junction [ER 10.5.115 to 10.5.119]. Whilst the ExA accepted that there is potential for congestion at the beginning and end of the school day at the Hazlegrove junction, they found that there is insufficient evidence to conclude that the solution put forward by the parish councils would not give rise to issues elsewhere on the network [ER 10.5.118] and concluded that based on the information submitted to the examination the layout of the junction was acceptable [ER 10.5.119]. The ExA suggested the Secretary of State may wish to satisfy himself that the Development would not give rise to unacceptable levels of congestion, at the start and end of the school day.

110. The Secretary of State consulted on this issue in November 2019. The Applicant in their response of 26 November 2019 stated that the traffic modelling showed that the Eastbound on-slip is well within capacity and that it is not considered that there will be congestion at the school entrance.

111. The Secretary of State notes that in their response to the "minded to refuse" letter, the parish councils of Queen Camel, West Camel and Sparkford and some individuals have reiterated their concerns regarding the design of the junction. Whilst the Secretary of State

has had regard to these concerns, he agrees with the ExA that the layout of the junction is acceptable.

#### Other matters relating to traffic and transport

112. The ExA noted that there were two matters that needed to be resolved by an agreement pursuant to section 278 of the Highways Act 1980. These were the installation of No Through Road signs at the southern limits of both Traits Lane and Gason lane, and a Traffic Regulation Order legalising the required speed limit along the existing B3151 carriageway [ER 16.6.125]. The ExA concluded that both matters were necessary to ensure the proper function of the Development [ER 16.6.129]. At the close of the examination no section 278 agreement had been submitted [ER 16.6.127] and the ExA recommended two additional requirements to ensure the delivery of these matters [ER 16.6.140].

113. The Secretary of State notes that the Applicant's response of 17 August 2020 to the "minded to refuse" letter states that they have no objection in principle to providing no through road signage in the Traits Lane and Gason Lane areas but that they have some concerns with the drafting of requirement 20 (now requirement 18). The Applicant considers that they have, in good time, legally committed to funding the provision of signage by the local highway authority in its highway, and therefore the scheme programme should not be held up if there is a delay in delivery by a third party. The Secretary of State notes the Applicant's request that the requirement should only impose on it a need to have provided a scheme which secures its funding of the signage, as delivery is not within its ultimate control.

114. The Secretary of State also notes the Applicant's view that requirement 21 (now requirement 19) in relation to speed limit on the B3151 is not appropriate; however, the Applicant has proposed amendments that commit the Applicant to funding the promotion of the necessary TRO if such a requirement is deemed by the Secretary of State to be necessary.

115. The Secretary of State notes that the requirements were proposed by the ExA in the absence of a section 278 agreement. The Applicant provided a draft section 278 agreement in relation to these two issues as part of their response of 17 August 2020 to the "minded to refuse" letter. The Secretary of State has agreed to amend the ExA's proposed requirement 20 and 21 as requested by the Applicant for the reasons given by the Applicant, and has given the issue neutral weight in the planning balance.

#### **Water Environment**

116. The Secretary of State notes that paragraphs 5.90 to 5.115 of the NNNPS deal with flood risk considerations and paragraphs 5.219 to 5.231 deal with water quality and resources [ER 12.2.1 to 12.2.10]. He notes the Framework sets out the various planning policies to meet the challenge of climate change and flooding in paragraphs 148 to 165 [ER 12.2.11] and SCC's Local Flood Risk Management Strategy guides the flood risk management in the county [ER 12.2.12 to 12.2.16]. The Secretary of State notes the Applicant's case set out in ER 12.3 and the position of other interested parties set out in ER 12.5.

117. The Secretary of State notes the ExA's consideration that the ES had demonstrated that the Development would be resilient to flood risk due to it not being in an area of high flood risk and would, in fact, provide a betterment to the local water environment. This is because it would remove currently unattenuated flows from approximately 60% of the current highway network to 100% attenuation over a greater area at greenfield runoff rates in line with NNNPS paragraph 5.113 which will reduce the risk of flooding for the surrounding area in line with the NNNPS paragraph 5.103 [ER 12.7.9].

118. The Secretary of State notes the disagreement at examination between the Applicant and the Somerset Internal Drainage Boards Consortium ("the Consortium") regarding the width of the access tracks to allow for adequate and effective maintenance of the ponds and ditches [ER 12.5.9]. The Consortium proposes a 6m track; the Applicant considers that 4m track plus verges is sufficient [ER 12.5.9 and 12.7.5]. The ExA considered that in order to ensure resilience in the long term a possible maintenance track as wide as possible is necessary [ER 12.7.6] and therefore recommended a change to the ExA's suggested requirement 12 to accommodate wider maintenance tracks [ER 12.7.7].

119. The Applicant's response of 17 August 2020 to the "minded to refuse" letter indicated that a 4m track is sufficient and providing a 6m track would have adverse effects on the delivery of biodiversity provision. HBMCE also expressed concern that introducing a wider track at pond 5 would have a negative impact on the character and setting of the RPG. Given the Applicant's responsibility for maintaining the ponds and their reassurances that the ponds can be maintained with the existing 4m track, the Secretary of State considers that the amendment proposed by the ExA to requirement 12 is unnecessary.

120. The Secretary of State notes that the Development would be compliant with the Water Framework Directive and agrees with the ExA that the Development would result in betterment to the local water environment and reduce the risk of flooding off-site, to which moderate weight should be given [ER 12.8.1].

### **Habitats Regulations Assessment ("HRA")**

121. Under regulation 63 of the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations"), the Secretary of State is required to consider whether the Development would be likely, either alone or in-combination with other plans and projects, to have a significant effect on a European Site. The Secretary of State notes that the Development is not connected with, or necessary to the management for nature conservation of any of the European sites considered within the Applicant's HRA [ER 13.2.1]. He notes that the Development Order limits do not overlap with any European site with the nearest European site approximately 7.3km to the west of the Development [ER 13.2.2]. The Secretary of State notes that the Applicant provided a HRA report with the Order application, which identified five European sites for inclusion within the assessment:

- Mells Valley Special Area of Conservation ("SAC"),
- North Somerset and Mendip Bats SAC,
- Brackets Coppice SAC,
- Somerset level and Moors SPA
- Somerset Levels and Moors Ramsar [ER 13.2.4].

122. The Secretary of State notes that a draft SoCG was submitted with the Application which highlighted a concern from NE that impacts from the Development may act in-combination with other projects (A303 Amesbury to Berwick Down (also known as the “A303 Stonehenge”)) and A358 Taunton Dualling) [ER 13.2.6]. The Secretary of State notes that the ExA was satisfied that the Applicant has correctly identified all the relevant European sites and relevant qualifying features for consideration within the HRA [ER 13.2.8].

123. The Secretary of State notes the ExA’s assessment of likely significant effects [ER 13.3.1 to ER 13.3.9]. The Secretary of State notes that the Applicant’s screening assessment concluded that the Development would have no likely significant effect, either alone or in-combination with other plans or projects, on the qualifying features of the five European sites identified [ER 13.3.10].

124. The Secretary of State notes that the ExA is satisfied that he can, as Competent Authority, conclude with sufficient certainty at the initial screening stage pursuant to regulation 63(1) of the Habitats Regulations that the Development, either on its own or in combination with other plans and projects, is unlikely to have a significant effect on a European Site. The Secretary of State agrees with the ExA that there is no need to undertake an Appropriate Assessment of the implications of the Development in view of any European site’s conservation objectives [ER 13.5.1].

### **Conclusion on the case for Development Consent**

125. The Secretary of State has considered the ExA’s report and the additional submissions he has received through consultation, late representations, and the responses to the “minded to refuse” letter. The Secretary of State agrees with the ExA’s assessment of the economic benefits and improvements to journey reliability and time. These, together with the moderate positive benefits to the water environment and biodiversity as a result of the Development, weigh in favour of the Development.

126. The Secretary of State has also considered carefully the adverse impacts of the Development identified by the ExA, who found that the Development would not accord with a number of provisions of the NNNPS, including on socio-economic impacts, sustainable transport, safety, military and defence interests, and noise [ER 14.4.4]. The Secretary of State considers that a number of matters identified as adverse impacts by the ExA have been resolved through further consultation and are considered to be of neutral weight in the planning balance. These matters are birdstrike, socio-economic matters, the provision of turning heads, local traffic impacts, and other matters relating to traffic and transport. With regard to the provision for NMUs, the Secretary of State considers that the issue should be given moderate negative weight in the overall planning balance.

127. The Secretary of State agrees with the ExA that the impacts on air quality should be given neutral weight in the planning balance. He also agrees with the ExA that, with regard to landscape and visual effects, the Development would be in accordance with the NNNPS but should be given moderate negative weight given the harm to the landscape.

128. The Secretary of State considers that the impacts of noise have been mitigated in line with the requirements in the NNNPS, and has given it neutral weight. In light of his

conclusions on noise and NMU routes, the Secretary of State considers that the impact on health should be given neutral weight in the planning balance.

129. With regard to heritage assets, the Secretary of State agrees with the ExA's assessment that the Development would cause less than substantial harm to a number of designated heritage assets. The ExA concluded that the benefits ensuing from the development would not overcome this harm and the harm to other heritage assets [ER 14.4.14]. The Secretary of State considers that the benefits of the scheme outweigh the disbenefits and he finds that notwithstanding the great weight given to the harm caused, the less than substantial harm to designated heritage assets (as well as the harm to non-designated heritage assets that would arise) is outweighed by the public benefits of the Development.

130. In conclusion, when considering the impact of the Development as a whole and the mitigation measures to be put in place, the Secretary of State is satisfied that on balance the benefits of the Development outweigh any adverse impacts and so the presumption in favour of granting consent to this application as a transport Nationally Significant Infrastructure Project is justified.

### **Compulsory Acquisition**

131. The Secretary of State notes the ExA's consideration of the powers sought by the Applicant for the CA of land and rights over land and for the TP of land both for construction and maintenance purposes in Chapter 15 of its Report.

132. The Secretary of State notes there were four remaining individual objections at the end of the examination [ER 15.8.2]. The Secretary of State notes that a SoCG was signed with the Church Commissioners for England and matters relating to land acquisition between the parties was now agreed [ER 15.8.5]. The ExA was therefore satisfied that this objection had been adequately addressed [ER 15.8.6].

133. The ExA noted the concerns raised by A W Hewlett (Wales Dairy) and D W Hewlett (Blackwell Farm) [ER 15.8.7 – 15.8.13]. Having regard to the material and non-material changes made to the application, the ExA was satisfied that their concerns had been addressed. The ExA also indicated that there was no substantive evidence to support Mr Aird's objection concern regarding inaccuracies within the Book of Reference [ER 15.8.14]. The Secretary of State has no reason to disagree with the ExA that there are no outstanding matters in relation to these objections [ER 15.13.1].

134. In respect of consideration of other land plots and CA the Secretary of State notes the ExA's conclusion that were development consent to be granted, the ExA would be satisfied that there would be a need to acquire the rights and interests in the CA land, and the requirements of section 122(1) and (2) of the 2008 Act have been met [ER 15.10.6]. The ExA was satisfied that the Applicant has demonstrated that the extent of land over which powers are sought would be no more than is reasonably required. The ExA is satisfied that the Applicant has shown that all reasonable alternatives to CA have been explored and there are no alternatives which ought to be preferred [ER 17.3.5]. The ExA was satisfied that the Applicant had sought to acquire land by negotiation, and has modified the Development by way of material and non-material changes to reduce the extent of the land for which it seeks CA or TP [ER 15.10.7]. The ExA also concluded that there is

adequate funding in place to ensure delivery of the Development [ER 15.10.12] and that there are adequate funds for CA and TP compensation [ER 15.10.13]. The Secretary of State agrees with these conclusions.

135. The Secretary of State has concluded that the benefits of the scheme outweigh the disbenefits and is granting development consent. For this reason, he considers that there is a compelling case in the public interest under section 122(3) of the 2008 Act.

136. In respect of Crown land, the Secretary of State notes that the Applicant has obtained consent under section 135 of the 2008 Act from the necessary Crown Authority in respect of the CA powers sought in relation to Crown land [ER 15.7.29].

137. The Secretary of State notes that with regard to section 127 of the 2008 Act, Southern Electric Power Distribution plc formally withdrew all of its representations in respect of the application in a letter dated 7 June 2019 [ER 15.5.16]. The Secretary of State notes that in terms of statutory undertakers there would be no conflict with section 127 or section 138 of the 2008 Act and there are no outstanding objections [ER 15.13.1].

#### Protective provisions for the highway authority

138. The Secretary of State notes the ExA's consideration of protective provisions relating to SCC [ER 16.6.23 to 16.6.59]. The Applicant's response of 17 August 2020 to the "minded to refuse" letter disputed that SCC should be given an approval role as local highways authority over the Other Detailed Information, and have requested that paragraph 33(2) of Schedule 9 to the draft Order be deleted. SCC in their response considers "in the event that a defect in the 'Other Detailed Information' provided by the Applicant creates an unacceptable danger or risk to users of that network then it is entirely reasonable that HE should address that defect before commencing works". The Secretary of State notes that this issue was discussed at the examination and sees no reason to disagree with the ExA's amendments though the Secretary of State has made some modifications to make provision about what happens if approval is not been given by a certain time and to ensure sufficient clarity.

139. The Applicant has also requested the deletion of what was paragraph 37(6) and (7) (now paragraph 36) as they consider that these paragraphs are misconstrued in law. SCC's view is that these provisions should remain, as they consider that the deletion of these provisions would suggest that the Applicant is not required to comply with the recommendations of the road safety audit in the circumstances outlined. The Secretary of State agrees with the Applicant for the reasons given in their response of 17 August 2020 (see paragraphs 6.2.1 to 6.2.6 of their submission in response to selected points arising from the revised Order) and has therefore deleted the paragraphs.

#### Conclusion

140. The Secretary of State notes the ExA's consideration on the case for CA and TP of land and rights required to implement the Development. The Secretary of State notes the ExA's view regarding the Applicant's approach to the acquisition of rights in relation to the provision of turning heads. In light of further submissions and the absence of objections from affected landowners, he considers that the approach, whilst considered to be unprecedented and contrary to best practice, is acceptable in this particular instance



(subject to the modifications made to the Order) and that the interference with their human rights is proportionate. The Secretary of State has had regard to the benefits of the Development and is satisfied that with regard to the request for all CA and TP powers there is a compelling case in the public interest and the request is consistent with section 122(2) and (3) of the 2008 Act.

## **Late representations**

141. The Secretary of State received a number of representations outside the formal consultations, including representations from the DIO, SSDC and the Applicant. However, it is the Secretary of State's view that they do not raise any new issues that were not considered by the ExA in its report and also do not give rise to an alternative conclusion or decision on the Development. As such, he is satisfied that there is not any new evidence or matter of fact that needs to be referred again to Interested Parties under rule 19(3) of the Infrastructure Planning (Examination Procedure) Rules 2010 before proceeding to a decision on the Application.

## **General considerations**

### Equality Act 2010

142. The Secretary of State has had regard to the public sector equality duty set out in section 149(1) of the Equality Act 2010 and the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not share it [ER 15.12.1].

143. The Secretary of State notes the ExA agreed with the Applicant that there would be no positive or negative effects for those with protected characteristics of gender reassignment or sexual orientation, and also agreed with the Applicant regarding the negative effects set out in the Applicant's Equalities Impact Assessment ("EqIA") [ER 15.12.8]; the Secretary of State has no reason to disagree with this conclusion.

144. The ExA disagreed with the Applicant's assessment of positive effects in relation to age, disability, gender and religion and belief, principally because of the separation of communities and the increase in distance that NMUs would be required to travel, and the ExA did not accept that the scheme would improve pedestrian facilities. The ExA commented that these factors would affect a number of those with protected characteristics [ER 15.12.9]. The Secretary of State considers that some of the impacts identified by the ExA regarding NMUs have now been addressed, and in other cases, taking account of the further information provided during the consultation, the Secretary of State considers that the mitigation proposed by the ExA is unnecessary. The Secretary of State has considered the analysis in the EqIA in light of his conclusions on NMUs and on balance considers that the issue of pedestrian facilities in relation to the interests of NMUs is likely to be of neutral impact on the protected characteristics identified.

145. The Secretary of State notes the ExA's consideration of the existing A303 to the west of Hazlegrove services to the Camel Hill services as a possible location for anti-social behaviour, including, according to SCC [REP-032] "*illegal gypsy and traveller encampments*" [ER 15.12.10]. The Secretary of State has amended the Order as recommended by the ExA in order to ensure that the Applicant retains responsibility for the

de-trunked section of road which the ExA considers could be subject to anti-social behaviour and potentially illegal gypsy and traveller encampments, and that the Applicant would therefore be able to exercise its existing general powers to deal with such encampments.

146. The Secretary of State does not consider that a decision to grant development consent would have significant differential impacts on any of the protected characteristics.

#### Natural Environment and Rural Communities Act 2006

147. The Secretary of State, in accordance with the duty in section 40(1) of the Natural Environment and Rural Communities Act 2006, must have regard to the purpose of conserving biodiversity and, in particular to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when granting development consent.

148. The Secretary of State is of the view that the ExA's report, together with the environmental impact analysis, considers biodiversity sufficiently to inform him in this respect. In reaching the decision to give consent to the Development, the Secretary of State has had due regard to conserving biodiversity.

#### **Modifications**

149. The Secretary of State has made the following modifications to the Order:

- in article 2 (interpretation), the definition of “complete” has been removed;
- in article 13 (construction and maintenance of new, altered or diverted streets and other structures), paragraph (5) has been reworked so as to disapply the application of section 265(7) of the 1980 Act in respect of the de-trunking described in Part 2B of Schedule 3 and that the Applicant will remain the highway authority for that part of the highway;
- in article 14 (classification of roads, etc), a new paragraph (10) has been inserted to make clear that the classification and declassification of roads or parts of roads referred to in paragraphs (1) to (4) is to have effect from the date or dates notified in accordance with the notification requirements specified in Part 12 of Schedule 3;
- in article 33 (temporary use of land for carrying out the authorised development), sub-paragraph (8)(a) has been deleted. There is no crossover of land between Schedule 5 and Schedule 7 and the Secretary of State is not satisfied that affected land owners have appreciated that their land may be subject to permanent acquisition and that the lack of transparency will adversely affect their human rights;
- article 46 (appeals relating of the Control of Pollution Act 1974) has been deleted as there is an appropriate appeal mechanism in the 1974 Act and there is the available arbitration provision in article 45.
- In Schedule 2 (requirements), requirement 12 (detailed design), sub-paragraph (1) has been amended to refer to the Defence Infrastructure Organisation and sub-paragraph (2)(b) has been amended to ensure that the information boards are accessible by the public;
- requirement 14 (noise mitigation) has been amended in the way requested by the Applicant;

- requirement 17 (provision of non-motorised user route at western end) has been amended in the way requested by the Applicant so that the Applicant is required to submit details of a scheme to the Secretary of State, following consultation with SCC, and the scheme must include an explanation of the mechanisms for delivery of the measures and works set out in it;
- requirement 18 (no through road signs for Traits Land and Gason Lane) has been amended in the way requested by the Applicant;
- requirement 19 (speed limit on B3151) has been amended in the way requested by the Applicant;
- requirement 20 (traffic monitoring and mitigation in Sparkford) has been amended so as to require the Applicant to provide details of traffic impact monitoring and mitigation scheme for Sparkford High Street to be approved by the Secretary of State and to include an explanation of the mechanisms for delivery of any necessary mitigation measures
- in Schedule 5 (land in which only new rights etc. may be permanently acquired), the entries for the plots of land relating to the turning heads have been modified so as (a) to make clear that the land would be designated as highway from the date of completion and (b) the removal of the references to the transfer of responsibility for maintenance to SCC;
- in Schedule 5, in relation to plots of land 3/2a, 4/1f, 4/2a, 4/4g, 4/7a, 5/1b, 7/6a, 7/8b and 8/3a have been modified to include a reference “on its completion”;
- in Part 4 (for the protection of the local highway authority regarding vehicular highways) of Schedule 8 (protective provisions), paragraph 33(2) has been amended and a new sub-paragraph (4) has been inserted to make provision for the circumstances if approval has not been given within a certain period of time.

### **The Secretary of State’s overall conclusions and decision**

150. For all the reasons set out in this letter, the Secretary of State has decided to grant development consent, subject to the changes in the Order mentioned above. The Secretary of State is satisfied that none of these changes constitutes a material change and is therefore satisfied that it is within the powers of section 114 of the 2008 Act for the Secretary of State to make the Order as now proposed.

### **Challenges to decision**

151. The circumstances in which the Secretary of State’s decision may be challenged are set out in the note attached at the Annex to this letter.

### **Publicity for decision**

152. The Secretary of State’s decision on the application is being publicised as required by section 116 of the 2008 Act and regulation 31 of the 2017 Regulations.

Yours faithfully

**Natasha Kopala**

## **LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS**

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of judicial review. A claim for judicial review must be made to the High Court during the period of 6 weeks beginning with the day after the day on which the statement of reasons (decision letter) is published. Please also copy any claim that is made to the High Court to the address at the top of this letter.

The decision documents are being published on the Planning Inspectorate website at the following address:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-sparkford-to-ilchester-dualling/>

**These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6655)**

## **Appendix 3 Climate Greenhouse Gas Technical Note**

## 1.1 Context and purpose of this note

- 1.1.1 As part of the Environmental Impact Assessment ('EIA') process a Climate Change chapter was undertaken and presented in **ES Volume 2, Chapter 8: Climate [APP-044]**. This technical note does not alter the results or conclusions of that chapter.
- 1.1.2 This technical note has been prepared to supplement and provide additional context to **ES Volume 2, Chapter 8: Climate [APP-044]**, with reference to the assessment of GHG savings of the Proposed Development. This is following observations made by the Secretary of State for Energy Security and Net Zero (SoS) in the DCO decision process of recent developments, notably Gate Burton Energy Park (July 2024)<sup>1</sup> and West Burton Solar Project (January 2025)<sup>2</sup>.
- 1.1.3 For these two applications, the greenhouse gas ('GHG') assessment compared the GHG savings of the Proposed Developments against the most efficient fossil-fuel generated electricity currently in use – that from a Combined Cycle Gas Turbine ('CCGT') plant. The decision letter from the SoS for both projects noted that the SoS considered *“that comparison to a counterfactual CCGT facility is an inappropriate baseline, noting that 2011 NPS EN-1 requires all combustion power stations with a capacity over 300MW to be constructed Carbon Capture Ready, and he therefore does not consider it viable to use unmitigated emissions as a baseline any longer”*. Whilst the decision letters for these projects did not suggest a preferred alternative approach, the SoS did note that the assessment for the West Burton Solar Project included a comparison of the carbon intensity of that development to that of nuclear and offshore and onshore wind energy, and to the current UK grid. In both applications, the SoS was ultimately satisfied that both proposed developments would *“result in considerable carbon savings compared to the UK grid average and would support the trajectory to net zero”*.
- 1.1.4 **ES Volume 2, Chapter 8: Climate [APP-044]** also includes a comparison of the Proposed Development's carbon intensity with a counterfactual baseline based on a CCGT facility, an approach previously accepted as appropriate. makes reference to the SoS's decision on the Gate Burton application. An extract is provided below for context, taken from paragraphs 8.7.14 to 8.7.19:

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<sup>1</sup> Department for Energy Security and Net Zero (2024), Application for Development Consent for the Gate Burton Energy Park, 12th July 2024. Available at <https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN010131/EN010131-001744-Gate%20Burton%20Final%20Decision%20Letter.pdf>

<sup>2</sup> Department for Energy Security and Net Zero (2024), Application for Development Consent for the West Burton Energy Park, 24th January 2025. Available at <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010132/EN010132-002064-Decision%20letter.pdf>

*“Dividing the lifetime emissions of the Proposed Development (1,998,798 tCO<sub>2</sub>e) by the lifetime energy generation (17,285,004 MWh) gives a total lifecycle carbon intensity value of 115.6 gCO<sub>2</sub>e/kWh.*

*However, the total lifecycle carbon intensity value cannot be directly compared with the UK grid carbon intensity or projected future intensities published by the Department for Energy Security and Net Zero and the Department for Business, Energy and Industrial Strategy (2022) [Ref. 8-33]. This is because those intensities comprise direct operational emissions only, and do not include emissions related to the fuel supply chain or replacement and maintenance activities. When calculating the GHG emissions from electricity based upon the fuel mix, renewable energy, such as that from solar farms, is assumed to emit 0 g/kWh.*

*The Proposed Development will provide electricity to the national grid that may otherwise be generated by processes with higher carbon intensities, and the benefit of the Proposed Development, with regards to climate, is to replace the electricity generation from fossil fuels. Therefore, to assess the GHG savings of the Proposed Development, operational emissions from a Combined Cycle Gas Turbine have been used as a comparison, as it is currently the most carbon-efficient fossil-fuelled technology available.*

*In the July 2024 Decision Letter for Gate Burton Energy Park [Ref. 8-34] the Secretary of State commented that it considered a Combined Cycle Gas Turbine an inappropriate baseline for these comparisons as “2011 NPS EN-1 requires all combustion power stations with a capacity over 300MW to be constructed Carbon Capture Ready”. This still holds true in NPS EN-1 (2023) [Ref. 8-10]. The future energy baseline is uncertain, and whilst there are requirements for all combustion power stations with a capacity over 300 MW to be constructed to be ‘Carbon Capture Ready’, this does not guarantee the application of carbon capture technology, nor the timeframes to which it may be applied. The need for carbon abatement is immediate and technologies that can do so in the short-term, such as the Proposed Development, play a vital role in the pathway to net zero. As such, and in the absence of any more appropriate identified methodology, this assessment maintains that a comparison to Combined Cycle Gas Turbine emissions is a robust and appropriate method to understand the level of GHG savings from the Proposed Development.*

*The carbon intensity of a Combined Cycle Gas Turbine is 354 gCO<sub>2</sub>e/kWh, and so the Proposed Development would emit 238g fewer CO<sub>2</sub>e per kWh than if the same electricity were generated by a gas fired Combined Cycle Gas Turbine, representing savings of 67%. This is not a direct comparison, as the 115.6 gCO<sub>2</sub>e/kWh calculated here is a lifecycle carbon intensity value and the carbon intensity of the Combined Cycle Gas Turbine is assumed to represent operational emissions (not including maintenance, replacement and repair of components). This results in a conservative assessment of emissions savings for the Proposed Development.*

*Over the proposed 40-year lifetime, the operation of the Proposed Development results in GHG savings of over 4.1 million tonnes CO<sub>2</sub>e when compared to Combined Cycle Gas Turbine-generated electricity. It should be noted that, like the UK grid carbon intensities published by the UK Government, this comparison does not account for the embodied carbon in the Combined Cycle Gas Turbine and is therefore a conservative estimate.”*

- 1.1.5 The Applicant stands by the comparison to CCGT as the most appropriate methodology to assess the GHG savings of the Proposed Development, as the core objective of renewable energy deployment is to displace electricity that would otherwise be generated using higher-carbon-intensity sources.
- 1.1.6 Nevertheless, in response to the matters raised in the Examining Authorities Written Question 1.4.7, Sections 1.2 – 1.4 of this note assess the GHG savings of the Proposed Development using alternative methodologies. These are as follows:
- Comparison with Grid Electricity Emission Factors for 2025
  - Comparison with projected Grid Electricity Emission Factors to 2050
  - Comparison to alternative forms of energy

## **1.2 Grid Intensity comparison: average 2025 electricity grid factor**

- 1.2.1 The UK government publishes annual emissions factors for electricity supplied to the grid, to allow for annual company reporting<sup>3</sup>. For 2025 (the most recently published data) the average grid electricity emission factor is 177.00 gCO<sub>2</sub>e/kWh. However, this factor reflects “*only generator emissions in the operational phase and does not include emissions related to the fuel supply chain or maintenance activities*”. The UK electricity well-to-tank (‘WTT’) emissions factor, comprising those emissions associated with the extraction, refining and transportation of primary fuels before their use in the generation of electricity, is 45.9 gCO<sub>2</sub>e/kWh. Therefore, the overall average grid emission factor, inclusive of WTT, is 222.9 gCO<sub>2</sub>e/kWh. This is an emissions factor representative of purely operational emissions, and does not include any emissions associated with the construction or decommissioning of the differing energy technologies, or emissions from the operational maintenance, repair and replacement of them.
- 1.2.2 When deriving this emissions factor, the UK government includes those emissions from fossil fuel-, nuclear- and renewable-sourced energy, as well

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<sup>3</sup> Department for Energy Security and Net Zero (2025). UK Government GHG Conversion Factors for Company Reporting. Available at: <https://www.gov.uk/government/collections/government-conversion-factors-for-company-reporting>

<sup>4</sup> DESNZ (2025) Fuel mix disclosure data table. Available at: <https://www.gov.uk/government/publications/fuel-mix-disclosure-data-table/fuel-mix-disclosure-data-table#fnref:1> [Footnote 1]



as those from imported electricity. Since renewable energy sources have no direct operational emissions, the emissions factor for their contribution to the grid is taken as 0 g/kWh<sup>4</sup>.

- 1.2.3 It is therefore inappropriate and potentially misleading to compare these UK Government grid emissions factors with the operational emissions of solar developments (which comprise emissions from activities not considered under the government methodology, such as maintenance and repair activities). If the same methodology used in calculating national grid emissions factors was adopted to assess the savings of the Proposed Development, the operational emissions from the Proposed Development would be 0 gCO<sub>2</sub>e/kWh, which would not allow for a meaningful comparison of GHG savings.
- 1.2.4 If, however, this methodology is adopted, the carbon intensity of the Proposed Development has been calculated as 115.64 gCO<sub>2</sub>e/kWh across the whole lifecycle (i.e., construction, operation, decommissioning) (**ES Volume 2, Chapter 8: Climate [APP-044]**, paragraph 8.7.18).
- 1.2.5 The UK average grid factor is calculated purely on operational emissions (emissions associated with fossil-fuel based energy). The carbon intensity of the Proposed Development based purely on operational emissions (repair, replacement and maintenance) is 56.92 gCO<sub>2</sub>e/kWh (operational emissions of 983,916 tCO<sub>2</sub>e, as displayed in Table 8-13, divided by the lifetime energy generation of 17,285,004 MWh, as detailed in paragraph 8.7.14, both from **ES Volume 2, Chapter 8: Climate [APP-048]**). Table 1 compares the operational carbon intensity of the Proposed Development with the average value for the UK grid in 2025.

**Table 1: Comparison of operational emissions from the Proposed Development to the average UK grid factor in 2025**

GHG intensity (gCO <sub>2</sub> e/kWh)					
Source	Fossil fuel emissions	Well to Tank emissions	Repair, maintenance and replacement emissions	Total	Source
Proposed Development	0	0	56.92	56.92	<b>ES Volume 2, Chapter 8: Climate [APP-044]</b>
Average UK Grid Electricity emissions (2025)	177.00	45.9	Not included	222.9	Department for Energy Security and Net Zero (2025) <sup>3</sup>

GHG intensity (gCO <sub>2</sub> e/kWh)		
Proposed Development as % of UK grid	25.5%	

- 1.2.6 Table 1 shows that the electricity generated from the Proposed Development contributes to 25.5% of the GHG emissions from the national grid per kWh, based upon the 2025 published emission factor; this is approximately 4 times more efficient than the current UK grid. The Proposed Development would result in savings of approximately 1.8 million tonnes tCO<sub>2</sub>e compared against the 2025 grid electricity factor (when assessing the lifecycle emissions of the Proposed Development). Using this methodology the Proposed Development therefore significantly contributes to the UK grid's transition to new zero.

### 1.3 Grid intensity comparison: projected future grid electricity emission factors

- 1.3.1 Evaluating avoided emissions solely against the current electricity mix—which includes a significant proportion of fossil fuel generation—does not consider the full operational lifespan of solar developments. Over time, the UK's electricity grid is projected to become significantly lower-carbon due to the development of renewable projects such as this, with a declining share of fossil fuels.
- 1.3.2 DESNZ publishes long-term projected grid electricity emission factors<sup>5</sup>. The DESNZ-published toolkit provides long-run marginal projections of future GHG emissions factors for UK grid electricity generation. According to the guidance, these long-run marginal emissions factors should be used to represent small changes in electricity consumption or generation—such as the addition of new PV generation capacity to the UK grid. These factors support policy analysis against a baseline aligned with a net zero-consistent power sector, making them an appropriate baseline for assessment.
- 1.3.3 The projected emissions factors are derived from indicative scenarios of the potential future energy generation mix. However, significant uncertainty remains, especially from the mid-2030s onward, making it impossible to precisely estimate the emissions savings from the Proposed Development.
- 1.3.4

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<sup>5</sup> Department of Energy Security and Net Zero (2023). Data Tables 1 to 19 supporting toolkit and guidance. Available at <https://assets.publishing.service.gov.uk/media/6567994fcc1ec5000d8eef17/data-tables-1-19.xlsx>

- 1.3.6 Table 2 provides a comparison of the DESNZ-projected long run marginal grid future electricity emissions factors to the operational GHG intensity for the Proposed Development (0.057 kgCO<sub>2</sub>e/kWh) in the Project's opening year (2029, which sits within the 5th Carbon Budget) and over the 6th and 7th Carbon Budget periods.

**Table 2: Project GHG Intensity comparison to long run marginal grid generation factors in opening year and across 6th and 7th Carbon Budget period**

<b>Carbon budget period</b>	<b>Year</b>	<b>Long Run Marginal Generation grid factor (kg CO<sub>2</sub>e/kWh)</b>	<b>Project operational GHG intensity as % of Grid factor</b>
<b>5</b>	2030	0.08500	67%
	2031	0.06523	87%
	2032	0.05006	114%
<b>6</b>	2033	0.03842	148%
	2034	0.02949	193%
	2035	0.02263	252%
	2036	0.01737	328%
	2037	0.01333	427%
<b>7</b>	2038	0.01023	556%
	2039	0.00785	725%
	2040	0.00602	945%
	2041	0.00568	1001%
	2042	0.00362	1574%

- 1.3.7 Due to the increase in renewable energy inputs (such as the Proposed Development), the UK national electricity network is projected to decarbonise significantly over the coming years, consistent with reaching net zero by 2050.
- 1.3.8 The operational emissions of the Proposed Development are estimated to be larger than projected emissions factors from the 6<sup>th</sup> Carbon Budget. However, it is important to note, as previously mentioned, that this is not a direct comparison as the renewable energy inputs to calculate the projected electricity emissions factors are taken as 0 kg CO<sub>2</sub>e/kWh. The UK electricity grid cannot achieve the projected low emissions factors without renewable energy projects, such as the Proposed Development.

## 1.4 Comparison to alternative forms of energy

- 1.4.1 IEMA guidance<sup>6</sup> states that a comparable baseline must be established to serve as a reference point for assessing the impact of a new project. This baseline may include “*GHG emissions arising from an alternative project design for a project of this type.*” If it is assumed that the future energy baseline necessitates increased integration of renewable technologies into the National Grid, then it may be appropriate to evaluate the impact of a solar development in comparison with other renewable energy technologies.
- 1.4.2 The carbon intensities of differing technologies are shown in
- 1.4.3 Table 3, and demonstrate that the operational emissions of the Proposed Development are comparable with other low carbon energy generation.

**Table 3: Estimated emissions of selected electricity generation technologies**

	Energy generation technology	GHG Intensity (gCO <sub>2e</sub> /kWh)	Source
<b>Operational</b>	Peartree Hill Solar Farm	56.92	<b>ES Volume 2, Chapter 8: Climate [APP-044]</b>
	CCGT	354	UK Parliament (2015) <sup>7</sup>
<b>Lifetime</b>	Peartree Solar Farm	115.64	<b>ES Volume 2, Chapter 8: Climate [APP-044]</b>
	Combined Cycle Gas Turbine (CCGT)	490 (410 – 650)	Intergovernmental Panel on Climate Change (IPCC) AR5 <sup>8</sup>
	Solar – rooftop	41 (26 – 60)	
	Solar – utility	48 (18 – 180)	
	Nuclear	12 (3.7 – 110)	
	Hydropower	24 (1.0 – 2200)	
	Onshore wind	11 (7 – 56)	
	Offshore wind	12 (8 – 35)	
	Wind	8 – 20	Wiser et al (2011) <sup>9</sup>

<sup>6</sup> IEMA (2022) Guide to Assessing Greenhouse Gas Emissions and Evaluating their Significance. Available at: [https://www.iema.net/media/n5wdnley/2022\\_iema\\_greenhouse\\_gas\\_guidance\\_eia.pdf](https://www.iema.net/media/n5wdnley/2022_iema_greenhouse_gas_guidance_eia.pdf)

<sup>7</sup> UK Parliament (2015). Fossil fuelled power stations: carbon emissions and nitrogen oxides – answer to written question 17799 tabled by Dr Alan Whitehead MP. Available at: <https://questions-statements.parliament.uk/written-questions/detail/2015-11-26/17799>

<sup>8</sup> IPCC AR5: Steffen Schlömer (ed.) (2014) Technology-specific Cost and Performance Parameters, Annex III of Climate Change 2014: Mitigation of Climate Change. Contribution of Working Group III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [https://www.ipcc.ch/site/assets/uploads/2018/02/ipcc\\_wg3\\_ar5\\_annex-iii.pdf](https://www.ipcc.ch/site/assets/uploads/2018/02/ipcc_wg3_ar5_annex-iii.pdf)

<sup>9</sup> Wiser et al (2011) : Wind Energy. In IPCC Special Report on Renewable Energy Sources and Climate Change Mitigation

	Energy generation technology	GHG Intensity (gCO <sub>2e</sub> /kWh)	Source
	Wind	12 (1.7 – 81)	National Renewable Energy Laboratory (NREL) <sup>10</sup>

## 1.5 Conclusions

- 1.5.1 The GHG assessment for Peartree Hill Solar Farm **ES Volume 2, Chapter 8: Climate [APP-044]** has compared the GHG savings against energy generated by efficient fossil-fuel technology (CCGT). We consider this the most appropriate methodology to assess the GHG savings of the Proposed Development, as the core objective of renewable energy deployment is to displace electricity that would otherwise be generated using higher-carbon-intensity sources.
- 1.5.2 However, other methodologies have been compared. The findings of these different methodologies showcase that the Proposed Development is comparable with other renewable energy technologies and contribute to the decarbonisation of the UK's electricity grid. These findings further support the conclusion in **ES Volume 2, Chapter 8: Climate [APP-044]** that the Proposed Development contributes to the UK's transition to net zero and aids in reducing GHG emissions within the energy sector.

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<sup>10</sup> 10. National Renewable Energy Laboratory (NREL) (2013) Wind LCA Harmonization. vol. 2012. <https://doi.org/10.1111/j.1530-9290.2012.00464.x/pdf.National>

## **Appendix 4 On-site Substation LVIA Technical Note**

Technical note re ExQ1 1.10.27 part b:

### **Decommissioning**

ES Chapter 11 paragraph 11.9.439 [APP-047] notes that the two proposed on-site substations would be left in situ and not removed as part of the decommissioning phase.

- a) Please explain the reason for this; and
- b) Clarify any potential permanent adverse landscape and/ or visual effects, noting the zone of theoretical visibility of these [APP-074].

### **RESPONSE**

**ES Volume 2, Chapter 11: Landscape and Visual [APP-047]** considers the potential effects on landscape and visual amenity of the two proposed on-site substations within the overall assessment. The substations have been sited with the express purpose of minimising likely landscape and visual adverse impacts arising from them.

As detailed in **ES Volume 1, Chapter 3: Proposed Development Description [APP-039]**, *"The substation compounds would be up to 60m in length and 110m in width. The equipment within the substations would have a maximum height of 15m (this would only relate to a communications tower, with the maximum height of the other equipment within the substation being up to 7m)."*

The zone of theoretical visibility (ZTV) model presented at **ES Volume 3 Figure 11.3: Project Substations ZTV [APP-074]** is a worst case scenario as described in **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]** and **ES Volume 4, Appendix 11.1: Landscape and Visual Impact Assessment Methodology [APP-128]**. Specifically, the models have been based on structures with heights of 15m being developed across the full footprint of the compounds, in order to capture any potential views of the communication tower regardless of where its final location would be within the compound.

### **Project Substation West (Field E8)**

The western on-site substation would be located on the northern boundary of Field E8, directly to the north-west of an existing woodland block called 'Peartree Hill Plantation'. A mature and well-maintained hedgerow is adjacent to the northern boundary of the proposed substation compound.

**Table 11-10: Embedded mitigation relevant to landscape and visual amenity** presented in **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]** details the following embedded mitigation which directly relates to the proposed Project Substation West:



<b>Embedded mitigation measure relevant to landscape and visual amenity</b>	<b>Function</b>	<b>Securing mechanism</b>
The two on-site substations will not be located within 250m of any existing residential properties or sites subject to environmental designations.	To minimise visual impact to residential properties, and limit impacts to areas that may be of higher landscape sensitivity.	<b>Works Plans [EN010157/APP/2.2]</b>  <b>Design Parameters Document [EN010157/APP/5.8]</b>
New small woodland copse off-site to the east of Meaux Decoy Farm and west of Field E8 (in Land Area E).	To soften views and provide screening of views from Meaux Decoy Farm and Woodhouse of Field E8 (in Land Area E) and especially the proposed Project Substation West.	<b>Outline LEMP [EN010157/APP/7.5]</b>
New hedgerow planting/infill hedgerow planting, with occasional trees along all boundaries of Fields D15 and D16 (in Land Area D).	To soften views and provide screening of views from Meaux Decoy Farm and the proposed permissive footpath along the edges of these fields. To soften the visual impact of the proposed Project Substation West.	<b>Outline LEMP [EN010157/APP/7.5]</b>

## **Project Substation West: Landscape**

Project Substation West would be located within LCA 19D: Central Holderness Open Farmland, on an existing agricultural field with no public access.

The long-term (up to 40 years) impacts of the substation have been considered within the overall landscape assessment presented in **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]**. Paragraph 11.9.248 details the effects arising from the overall Proposed Development as follows:

*“...in year 10 of operation, with reference specifically to the tract of LCA 19D: Central Holderness Open Farmland located on the arable landscape between the villages of Tickton, Leven, Long Riston, Skirlaugh, Wawne and Weel there is likely to be a residual **moderate/minor adverse** effect on existing landscape character, which is considered to be **not significant**.”*

In the context of the whole of the Proposed Development, it is considered that the Project Substation West only makes up a small element of infrastructure which creates the stated effect. Whilst the substation would be permanent (i.e. in-situ for 40

years or more) it is considered that the effects on landscape character would be limited to the substation compound and its immediate vicinity and the effects on LCA 19D: Central Holderness Open Farmland would, at most, be **minor adverse** and **not significant**, with the substation generally not perceptible from any existing publicly accessible areas within the LCA.

### **Project Substation West: Visual**

The substation would be 2.3km north-west of Weel, 2.3km south-east of Tickton, 2.2km south of Routh, 4.2km south-west of Long Riston, 4km west-south-west of Arnold and 3.2km north of Wawne.

The A1035 passes 1.8km north of the substation site at its closest point and Meaux Lane passes 800m south-east of the substation site at its closest point.

Riston Footpath no. 2 passes 1.8km east of the substation site at its closest point and the eastern end of Tickton Footpath no. 6 is 1.2km from the substation site.

Due to the distance from all the above receptors, the existing vegetation and built form within and around the study area, and the mitigation measures outlined in **Table 11-10: Embedded mitigation relevant to landscape and visual amenity** presented in **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]**, there would be no adverse effects above **negligible adverse** and **not significant** on any of the receptors detailed above.

Two identified receptors, both residential properties, would potentially have views of the substation at year 40, both 380-400m to the north-west: Meaux Decoy Farm and Woodhouse.

#### *Woodhouse*

The residential property Woodhouse is entirely enclosed by existing mature woodland and the proposed substation would be backclothed by the existing Peartree Hill Plantation. In addition, the farm buildings at Meaux Decoy Farm would also block visibility of some elements of the proposed substation. Existing views in the direction of the substation include steel lattice overhead pylons. Some views of the substation are likely, but these would be heavily filtered and have a minimal impact on the visual amenity of residents at the property. **ES Volume 4, Appendix 11.5: Residential Visual Amenity Assessment** considered the likely effects on residents at Woodhouse and stated the year 10 effects would be **moderate adverse** and **significant**. These effects were primarily due to the solar PV modules around the property.

It is considered that the permanent visual effects created by the substation at year 40 would be less than those created at year 10 by the overall Proposed Development. Due to the level of intervening vegetation and built form, the scale of change would be small over a localised extent and permanent, creating a slight magnitude of effect which is considered to be **moderate/minor adverse** and **not significant**. The removal of the solar PV modules and perimeter fencing at year 40

decommissioning would reduce the overall impact on visual amenity for residents of the property.

### *Meaux Decoy Farm*

The residential property at Meaux Decoy Farm has some existing planting and built form in close proximity, partially screening views towards the proposed substation, which would also be backclothed by the existing Peartree Hill Plantation. Existing views in the direction the substation include steel lattice overhead pylons. Views of the substation would be possible, but these would be partially filtered. **ES Volume 4, Appendix 11.5: Residential Visual Amenity Assessment** considered the likely effects on residents at Meaux Decoy Farm and stated the year 10 effects would be **moderate adverse** and **significant**. These effects were primarily due to the solar PV modules around the property, although Project Substation West was referenced in the assessment.

It is considered that the permanent visual effects created by the substation at year 40 would be less than those created at year 10 by the overall Proposed Development. The scale of change would be medium over an intermediate extent and permanent, creating a moderate magnitude of effect, which is considered to be **moderate adverse** and **significant**. The judgement of significant is due to the effects being considered 'permanent' as opposed to 'long-term'. The removal of the solar PV modules and perimeter fencing at year 40 decommissioning would reduce the overall impact on visual amenity for residents of the property.

Further to the above, it should be noted that following the decommissioning stage, operational infrastructure including panels, BESS and fencing will be removed, with a subsequent overall reduction in both landscape and visual effects.

### **Project Substation East (Field C3)**

The eastern on-site substation is located in the south-east corner of Field C3, directly to the north of an existing woodland block. The substation is located within LCA 19D: Central Holderness Open Farmland.

**Table 11-10: Embedded mitigation relevant to landscape and visual amenity** presented in **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]** details the following embedded mitigation which directly relates to the proposed Project Substation East:

<b>Embedded mitigation measure relevant to landscape and visual amenity</b>	<b>Function</b>	<b>Securing mechanism</b>
The two on-site substations will not be located within 250m of any existing residential properties or environmental	To minimise visual impact to residential properties, and limit impacts to areas that may be of higher landscape sensitivity.	<b>Works Plans [EN010157/APP/2.2]</b>  <b>Design Parameters Document [EN010157/APP/5.8]</b>

Embedded mitigation measure relevant to landscape and visual amenity	Function	Securing mechanism
designated sites.		
A small woodland copse is proposed in the south-east corner of Field C3 (in Land Area C) to the east of the proposed Project Substation East.	<p>To soften views and provide screening of views from Black Tup Lane and Arnold Grange.</p> <p>Long term screening of the proposed Project Substation East by the proposed woodland copse.</p> <p>Provide green infrastructure enhancements.</p>	Outline LEMP [EN010157/APP/7.5]
Extension of the existing woodland copse, with scrub planting, on the eastern boundary of Field C4 (in Land Area C) to the south of the proposed Project Substation East.	<p>To assist in long term screening of the Project Substation East, in particular from Riston footpath no.1 and Riston footpath no.2.</p> <p>Provide green infrastructure enhancements.</p>	Outline LEMP [EN010157/APP/7.5]

## Project Substation East: Landscape

The substation would be located within LCA 19D: Central Holderness Open Farmland, on an existing agricultural field with no public access.

The long-term (up to 40 years) impacts of the substation have been considered within the overall landscape assessment presented in **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]**. Paragraph 11.9.248 details the effects arising from the overall Proposed Development as follows:

*“...in year 10 of operation, with reference specifically to the tract of LCA 19D: Central Holderness Open Farmland located on the arable landscape between the villages of Tickton, Leven, Long Riston, Skirlaugh, Wawne and Weel there is likely to be a residual **moderate/minor adverse** effect on existing landscape character, which is considered to be **not significant**.”*

In to the context of the whole of the Proposed Development, it is considered that the Project Substation East only makes up a small element of infrastructure which creates the stated effect. Whilst the substation would be permanent (i.e. in-situ for 40 years or more) it is considered that the effects on landscape character would be

limited to the substation compound and its immediate vicinity and the effects on LCA 19D: Central Holderness Open Farmland would, at most, be **minor adverse** and **not significant**.

### **Project Substation East: Visual**

The substation would be 2.8km south-east of Routh, 1.8km south-west of Long Riston, 1.5km west of Arnold and 2.8km north-west of Skirlaugh.

The A1035 passes 2.8km north of the substation site at its closest point; the A165 1.8km north-east of the substation site at its closest point; Black Tup Lane 1.5km east of the substation site at its closest point; Woodhouse Lane (also Riston Footpath no.1) 750m south of the substation site at its closest point; and Meaux Lane 1.5km west of the substation site at its closest point.

The closest residential properties to the proposed substation site are 800m south and 970m north-east and views towards the substation are entirely blocked by intervening vegetation and built form.

Due to the distance from all the above receptors, alongside the existing vegetation and built form within and around the study area and the mitigation measures outlined in **Table 11-10: Embedded mitigation relevant to landscape and visual amenity** presented in **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]**, there would be no adverse effects above **negligible adverse** and **not significant** on any of the receptors detailed above.

The only identified receptor with potential impacts greater than negligible adverse would be users of Riston Footpath no. 2, which passes 580m west of the substation site at its closest point. In addition to the mitigation measures detailed above, a new hedgerow is proposed to the east of Riston Footpath no. 2 which would heavily screen any views towards Project Substation East.

The long-term (up to 40 years) visual impacts of the substation have been considered within the overall landscape assessment presented in **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]**. Paragraph 11.9.305 details the visual effects arising from the overall Proposed Development as follows:

*“...in year 10 of operation, there would be a residual **major/moderate (tending towards moderate) adverse** effect on views for users of Riston footpath no.2, which is considered to be **significant**.”*

In relation to the above assessment, it is considered that the Project Substation East only makes up a small element of the infrastructure which created this level of effect. At year 40 of operation, when considering the maturing of all the proposed mitigation measures, the scale of change to visual amenity arising from Project Substation East on users of Riston Footpath no. 2 would be small/negligible over a localised extent and permanent, creating a slight/negligible magnitude of effect, which is considered to be **minor adverse** and **not significant**.

Further to the above, it should be noted that following the decommissioning stage, operational infrastructure including panels, BESS and fencing will be removed, with a subsequent overall reduction in both landscape and visual effects.

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