



One Earth Solar Farm

Volume 9.0: Other Post-Submission Documents [EN010159]

Applicants Response to Deadline 4 Submissions

Document Ref: EN010159/APP/9.38

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Revision 01



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1. Introduction

1.1 Purpose of the Report

- 1.1.1 The purpose of this document is to provide additional comments on submissions by Interested Parties submitted at Deadline 4.
- 1.1.2 To avoid repetition the Applicant has only provided a full response to comments that make points that have not been addressed by the Applicant previously in the Examination. Where the Applicant has not commented further on the responses of Interested Parties at Deadline 4, that should not be taken as being acceptance of the Interested Parties' position by the Applicant – the Applicant has sought to focus its responses in order to avoid unnecessarily creating additional written responses that only reiterate its position, as already set out. Therefore, where the submissions by Interested Parties do not raise new matters, or (2) raise matters which the Applicant considers it has already appropriately responded to, no further response to those submissions has been included in this response document. This document only includes matters the Applicant has new or further comments on which arise from the submissions of Interested Parties
- 1.1.3 To further minimise duplication, the Applicant has sought to cross-refer where appropriate to responses provided in other relevant submissions that have been entered into the Examination.

2. D4 Submissions

App Ref	Document Ref	Summary	Applicant Response
General			
D4R1	South Clifton Parish Council (SCPC) Deadline 4 submission EN010159-000833	SCPC and its' residents are very concerned that no preparatory construction work is undertaken until the grid connection to High Marnham is secured. The ExA are aware that this connection has not yet been applied for because the required upgrade to High Marnham has not yet been given planning permission. We ask that all works, including tree /hedge clearing, do not start until this vital link is ratified.	This statement is incorrect. The applicant has received a Grid Connection Offer for October 2029 from National Grid as confirmed in National Grid's response to ExA Q1 [REP2-107].
D4R2	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	The solar farm is expected to power 200,000 homes. Are there more details please?	This figure was calculated using industry standard data and was done to provide an easily understandable quantification of the significant contribution this project is making to the energy needs of the UK.
D4R3	Heather Fox Deadline 4 comments The sequential and Exception Test Addendum APP/9.26	2.1.3 The expected operational date of the National Grid is 2031 (a brochure was recently delivered confirming this date) compared to the applicant 2029.	Based on our communication with National Grid the project referenced with an operations date of 2031 is the North Humber to High Marnham overhead line project. The operational date for the High Marnham 400Kv substation remains 2029 [The Great Grid Upgrade; Brinsworth to High Marnham; Project summary document; High Marnham Substation, April 2024].



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D4R4	Heather Fox Deadline 4 comments The sequential and Exception Test Addendum APP/9.26	3.1.6 Why would the possibility that future capacity at High Marnham would not be used, be included in reasons for not choosing a site. The applicant's start date is 2029 and the date for High Marnham is now 2031. Solar applications in planning amount to 140GW, that is twice the 2035 target of 70GW, as stated at ISH2. So, concern for possible unused future capacity is perhaps misplaced.	The operational date for the High Marnham 400Kv substation remains 2029 (see response to D4R3).
Design			
D4R5	WEST LINDSEY DISTRICT COUNCIL RESPONSE TO ISH2 ACTION POINTS EN010159-000820 Issue Specific Hearing 2 (ISH2): environmental matters Action point 5	West Lindsey District Council has been working with the applicant's advisors to agree specific siting parameters for a suitable location for the eastern substation, should the DCO be approved. It is the view of WLDC, having reviewed cross section information, that the best location within the area identified by the applicant in the application documents as being for the BESS and substation is shown on the diagram below. WLDC would like to see a similar parameter for the eastern substation included on the certified plans accompanying the DCO.	A parameter of this nature cannot be included for the eastern substation because the Applicant requires flexibility as to the siting of the eastern substation, within the extent of Works area 3, as shown on the Works Plan [REP2-007]. This flexibility is required to achieve the optimal layout, from a technical engineering perspective, of substation, BESS and solar elements through detailed design. This was discussed Issue Specific Hearing 2 [REP3-065]. As set out by West Lindsey District Council, further discussion of this point has been undertaken since the hearing. It is agreed that siting the eastern substation on the eastern side of land covered by Works area 3 would increase its distance from the A1133 and site it on lower ground. However, the benefit of siting the substation in the eastern part of the Works area is negligible when compared with siting it in the west; irrespective of the substation's final location the existing Hall Water Treatment Works is closer to the A1133 and taller than the final height of the substation in question. If the substation was located on the western extent of Works area 3 it would be a minimum of approximately 375m from A1133 and associated receptors.



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			The Applicant therefore maintains that the flexibility sought through the Works plans is proportionate and necessary in order to allow for the most effective technical layout to be implemented through detailed design. However, the Applicant would welcome further discussion of this matter through detailed design, to be undertaken post consent in line with Requirement 5 of the Draft DCO [APP-007].
D4R6	Tania Russell Response to ExQ2 Q15.0.4 Residential Properties	This question is relevant to my interests as a property owner affected. ExQ2.0.4(3) Listing of properties within the order limits. With respect to Moor Farm South [REP1-078] Sheet 16, which is not shown on the visited properties list for ExQ2. What is the justification and evaluation process for positioning the proposed 3.8m high solar arrays in this flood risk-3 location at 150m distance from the residential boundary with high sensitivity unobstructed views (viewpoint 13, Visual value – MEDIUM, Visual susceptibility HIGH, visual sensitivity High Environmental Statement, Vol 2/chapter 11 Landscape and Visual).	The Applicant has sought to minimise visual impact to residents and as part of the pre-application process undertook visits to residential receptors to understand impacts on properties and to explore opportunities to mitigate these. To that end, the Applicant's design and consultation team visited Moor Farm South during the pre-application phase to better understand the views from the property and discuss the design with residents. The visit demonstrated that views east were as important to visual amenity as views to the north. The design was therefore changed, through the pre-application phase, to maintain the foreground of views to the east as open and free from development. This is illustrated on sheet 16 of the Residential assessment and design response submission provided in the Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 (Part 2) [REP1-078]. New hedgerow planting was also introduced in this location to provide visual screening once established.
D4R7	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	Will the panels be arranged perpendicular or parallel to the contours of the land?	Solar panels will be south facing as confirmed in the Outline Design Parameters for Work No.1 [REP1-021].

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Hydrology			
D4R8	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	Why was the 29% climate change addition used in the breach scenario not the 39% and for the breach freeboard assessment, which the EA also asked for? The EA gave the figure to the applicant but did the applicant ask why it was used rather than the 39%?	<p>Section 3.1.6 of the FRA considers a breach with 29% allowance for climate change as the Tidal Trent modelling does not include a breach event with a 39% allowance. 29% is applied in the Tidal Trent model as that was the required climate change allowance at the time the modelling was produced.</p> <p>To ensure that climate change was appropriately considered during the breach scenario, further analysis (applying a 39% allowance) was undertaken and is explained on pages 33 to 38 of the FRA [REP2-043].</p> <p>An updated version of the FRA is submitted at Deadline 5.</p>
D4R9	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	It is stated, 27th Feb 2024," that 94% of the Site would either not experience flooding or will be raised 300mm above design flood levels." For clarity please could the applicant say if site refers to the whole area or the solar site only and what percentage of the solar area will experience flooding, with some indication of panel numbers to be raised to the max height? If this information is already in documents could the applicant give reference points, please?	<p>The statement quoted referred to the entire Site. 63% of the solar array extent area is within the design flood extent. Table 3.2 of the FRA outlines the number of tables by type within the design flood extent. However, all panels are now proposed to be raised above the design flood level as agreed with the EA and referenced within the EA's response to ExQ2 [REP4-062].</p> <p>Figure 3.10 of the updated FRA, submitted for Deadline 5, shows the proposed panel raising with an indication of the bottom of panel height.</p>
D4R10	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	Will the solar panels and cabling be resistant to the effects of saline flood water. Please refer to the River Trent Catchment Flood Management Plans, Shelford to Gainsborough section, which references the combined flooding with saline or brackish water.	All panels are now proposed to be raised above the design flood level as agreed with the EA and referenced within the EA's response to ExQ2 [REP4-062]. The final selection of cable type is to be completed at detailed design, but there are various solutions that are stable in saline or brackish environments, such as TR-XLPE cables. As a result, in both cases no saline or brackish water effects are expected.

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D4R11	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	What is the effect of turbulence around the panels as the water passes from one array / row to the next. This cannot be dismissed as not occurring. Soil erosion due to turbulence and before ground cover is established/failure.	The EA have requested a supplementary assessment on the impact that structures have on flood flow conveyance within the Tidal Trent hydraulic model. This exercise is underway. Soil erosion and compaction will be managed via the Outline Soil Management Plan [REP3-051].
D4R12	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	Damage and ensuing dislodgement of the panels, with likely numbers and where they would collect after a storm. To discount the possibility of panel damage is folly. Please refer to the examples Porth Wren Dec 2024, Low Burntoft Farm Nov 2024.	All panels are now proposed to be raised above the design flood level as agreed with the EA and referenced within the EA's response to ExQ2 [REP4-062]. An updated version of the FRA is submitted at Deadline 5.
D4R13	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	Why has there been no inclusion of the fencing/posts when quantifying the loss of floodplain storage space and flow disruption?	<p>The methodology applied for the volumetric assessment has taken a precautionary approach when considering the sizing of panel mounting and inverter mounting structures, assuming a 250mm by 250mm section. In reality, these structures will be smaller. Additionally, the volumetric assessment considered a flood depth of 1.8m across the entire area assessed. As a result, the existing parameters are already highly precautionary.</p> <p>The fencing proposed will be 'stock proof' which is a mesh design expected to have negligible impact on flood flows, and therefore it is not considered necessary to include this within the appraisal.</p>
D4R14	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	Has loss of ground infiltration space, due to all structures, been accounted for? If yes, please could the applicant show details?	As stated in previous responses, research shows solar farms are not considered to result in significant increases in runoff when compared to the existing greenfield situation. This is on the basis that runoff from the panels themselves will simply drop directly to the ground where the natural regime (e.g. infiltration) will be maintained.



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			Considering the more significant areas of hardstanding where surface water could be generated, the outline drainage strategy ensures that rain landing on these areas is captured and discharged to the watercourse at greenfield rates. Whilst rainfall will no longer infiltrate in these areas, the drainage system ensures that surface water generated in these areas is discharged at greenfield runoff rates to mimic the current site condition.
D4R15	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	Please could the applicant provide a breakdown of total lost flood storage and compensation areas?	<p>A breakdown is provided within Section 3.1.5 of the FRA, specifically tables 3.2 to 3.10 and associated text [REP2-043].</p> <p>As referenced within the EA response to ExQ2 [REP4-062], accounting for the solar panels all being raised above the design flood level, the updated flood level change estimates based on the volumetric assessment are now 2.2mm and 3.5mm respectively for the Western and Eastern floodplains of the Trent. This approach has been agreed with the EA and no compensation is proposed.</p> <p>An updated version of the FRA will be submitted for Deadline 5.</p>
D4R16	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	How will all the structures affect flow direction on site, where will the flow be directed to and what measures have been taken to account for these?	The panel mounting and inverter structures cover a minimal footprint and therefore, flow regimes are not expected to be altered significantly as water will continue to flow beneath. Nevertheless, the EA have requested a supplementary assessment on the impact that structures have on flood flow conveyance within the Tidal Trent hydraulic model. This exercise is underway.
D4R17	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	I have previously asked, if homes are flooded after the solar farm is installed, how will it be decided whether it was because of the solar farm, or whether we would have flooded anyway? I feel this is a pertinent question and I would like it to be answered	Within the EA's response to ExQ2 [REP4-062], the EA summarise the discussions that have been undertaken between the applicant and the EA. The EA write that:

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		this time please, rather than it having to be discussed if it were to happen.	<p><i>"The applicant has assessed the impact the worst-case scenario of inverter stations being within the design flood on the floodplain capacity and found that the stilts remove 32m² Capacity from the floodplain. This combined with the addition of 14,149m² lost from the solar panel structures cause an increase of 2.2mm on the West of the River Trent and 3.5mm on the East of the River Trent. This is within a tolerance, which has been set of 5mm, which is seen to not have an unacceptable increase."</i></p> <p>Whilst the EA agree the scheme to not have an unacceptable increase, the EA have requested a supplementary assessment on the impact that structures have on flood flow conveyance within the Tidal Trent hydraulic model.</p> <p>This exercise is underway. It is anticipated that the EA would manage any future flood scenario as it currently does within its statutory remit.</p>
D4R18	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	Has any solar farm of the magnitude of the applicant's proposal, on a majority flood zone 2 and 3, with a major river through it, within a similar climate zone, where local communities are at serious risk already, been approved long enough to show it makes no difference to flood risk? Since the applicant makes references to other consented solar farms in defence/relation to theirs, I feel this is a legitimate question.	Cleve Hill solar farm is wholly located within Flood Zone 3a (i.e. high risk of flooding) located on the Kent coast in close proximity to the sea. Cleve Hill solar farm has a capacity of 373 MW and is the only NSIP solar scheme to have been built to date. In any case impacts of specific developments on matters such as flood risk, cannot be readily compared given the significant differences in terms of location, characteristics and local impacts. The Applicant has referred to previous precedent to demonstrate the principle of consenting a large-scale solar scheme within flood zones is established, subject to the requirements of policy including the mitigation hierarchy being met (as has been demonstrated by the Applicant).
D4R19	Heather Fox Deadline 4 comments	In response to the applicant's scoping report the EA wrote "Given that a large part of the site benefits	The EA will undertake their own inspections of the defences, particularly following a flood event. Where necessary, maintenance

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	Response to the Applicant Responses to me at D2	from the presence of flood defences, given that there are some defence assets present within the red line boundary, we recommend the applicant consider whether the scheme could provide flood risk betterment, through maintaining or upgrading existing flood defence infrastructure in and around the site". Did the applicant give this some consideration?	will be undertaken, however, as the scheme has a negligible impact on flood risk to the surrounding area, improvements are not considered necessary. Furthermore, for any defence improvements to be beneficial for the wider area, a strategic solution would be required to improve defences along a larger stretch of the Tidal Trent, requiring land and resource outside the control of the Applicant.
D4R20	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	<p>RRR5. I asked how flood flows are safely managed at the time of a flood as well as about the removal of debris.</p> <p>If debris is not removed at the critical time of flooding, for safety, then how are flows managed safely. Indeed, given the unpredictable nature of debris in the river, how easy will it be to manage flow around the obstacles on the floodplain?</p>	<p>The FRA includes commentary on debris and how this will be managed. Page 26 of the FRA [REP2-043] states the following:</p> <p><i>"The raising of the panels will be achieved through the use of slender frames meaning that the potential for debris blockages is kept to a minimum, and even if there were to be some minor obstruction, flood water would continue to flow. Furthermore, the panels frames will be designed to withstand debris impact as required. Within the Site's operation and management strategies, details for maintenance actions to be taken at regular intervals and following a flood event will be outlined. This will be confirmed at detailed design however, it is anticipated that this will include the following:</i></p> <ul style="list-style-type: none"> <i>• Clearance of any debris collected on fences, paths, roads and between panel supports.</i> <i>• Inspection of panel supports and fences to ensure structural integrity. Should any issues be observed, then remediation measures or replacement will be implemented as necessary."</i>
D4R21	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	RRR6. What modelling is the applicant's assertion "that the mounting structures and voids will allow the free flow of water/debris and blockages will be minimised", based on?	The assessment was based upon the structural design principles, which indicate large, open spaces beneath the panel through which water could flow.

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			Notwithstanding this, the EA have requested a supplementary assessment on the impact that structures have on flood flow conveyance within the Tidal Trent hydraulic model. This exercise is underway.
D4R22	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	RRR7. The ISH2 meeting has cast doubt over the acceptance of a tolerance by the EA. The increases the applicant mentions are precisely that, increases, which are contrary to policy and should not be dismissed under the guise of tolerance.	The EA's response to ExQ2 [REP4-062] submitted at Deadline 4 notes that a tolerance has been set at 5mm, below which the development is seen to 'not have an unacceptable increase'.
D4R23	Heather Fox Deadline 4 comments Response to the Applicant Responses to me at D2	RRR9. Since listed properties are specifically mentioned regarding mitigation for Landscape and Visual, why should they not be afforded flood risk mitigation? Flooding would cause more damage.	The flood risk assessments undertaken demonstrate that the development will have a negligible impact on the surrounding area and therefore such an approach is unnecessary.
D4R24	Heather Fox Deadline 4 comments oCMP APP/7.5.3 VOL7	Table 3.3 "A detailed Surface Water Drainage Strategy for the grid connection substations and Bess compounds (based on the detailed design and infiltration testing data) will be developed post consent". Is this acceptable if this should be part of the FRA that is used for consent purposes?	An outline Drainage Strategy has been produced for the BESS and substations, including the appropriate level of detail for the outline stage. It is standard procedure for the detailed strategy to be prepared at a later stage when further scheme details are available.
D4R25	Heather Fox Deadline 4 comments Relevant Considerations Cleve Hill	Relevant Considerations Cleve Hill 3.2.3 "Modelling confirmed a freeboard between the flood depths and lowest edge of the panel". At Cleve Hill, is it predicted that their freeboard will be breached by 300- 600mms for 45,000panels, as in	All panels are now proposed to be raised above the design flood level as agreed with the EA and referenced within the EA's response to ExQ2 [REP4-062]. An updated version of the FRA is submitted at Deadline 5.

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		the applicant's case? Also, it is a 360ha site and will work with the EA on maintaining flood defences.	
D4R26	Heather Fox Deadline 4 comments	<p>The applicant has acknowledged an increase in flood levels of 2.3mms and 4.1mms, and noted it was within an agreed tolerance level of 5mms with the EA. At ISH2 the EA were insistent that they “do not have a set tolerance and we do not have guidance that has a set tolerance in it”. So, for the applicant to have repeatedly, stressing repeatedly, suggested that the predicted increases are within agreed tolerance levels was misleading. To allow a tolerance is suggestive of a way of circumventing the requirement for “no increase” and a means of permitting an unacceptable increase. It is an increase in flood risk whichever way it is viewed.</p> <p>Following on from the above, the assertion that the Exception test has been satisfied is again debatable. According to point 16.6.30 of Chapter 16 Human Health APP/6.16.1, the ES Vol 2 Chapter 7 Hydrology and Hydrogeology APP/6.7, “considers flood risk and ensures there will be no increase off site”. Considering this statement, how does the applicant propose to “ensure” that the increase remains on site?</p>	<p>Within the EA's response to ExQ2 [REP4-062], the EA outline that a tolerance has been set at 5mm, with anything below that being considered to not have an unacceptable increase. The agreed tolerance has also been noted within meeting minutes appended to the FRA [REP2-043].</p> <p>Whilst the EA agree the scheme will ‘not have an unacceptable increase’, the EA have requested a supplementary assessment on the impact that structures have on flood flow conveyance within the Tidal Trent hydraulic model.</p> <p>An updated FRA is submitted at Deadline 5, accounting for the solar panels all being raised above the design flood level, the updated flood level change estimates based on the volumetric assessment are now 2.2mm and 3.5mm respectively for the Western and Eastern floodplains of the Trent</p> <p>The Applicant maintains the position that the Proposed Development will remain safe for its lifetime, and as such this part of the exception test is passed. For further information on how this part of the exception test, and the exception test in general is passed, see Sequential and Exception Test Assessment [REP2-080].</p>
D4R27	Heather Fox Deadline 4 comments	<p>Flooding is misery for people and costly for the UK economy, (please refer to Gov.Uk Evidence on the Costs of floods in England and Wales.) The Government is investing an extra, record, £2.65 billion 2025-2026, alongside the long-term flood</p>	<p>All panels are now proposed to be raised above the design flood level as agreed with the EA and referenced within the EA's response to ExQ2 [REP4-062].</p> <p>An updated version of the FRA is submitted at Deadline 5.</p>

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		<p>budget, to improve resilience against the ever-increasing threat of flood. It would be an unacceptable situation if a solar farm, built in response to climate change, exacerbated flooding. It is incomprehensible how the situation has gone from the EA asking for a freeboard of 300mms, to now allowing 45,000 panels to be submerged by 300 to 600mms. How has that been sanctioned? The panels would already be 1.5mtrs above ground, there would be a 300mms freeboard and still they would have up to 600mms of flood water over them. Add on inverters with voids, contrary to EA advice, contributing to debris accumulation and flow distortion. To an onlooker it appears that EA recommendations and advice have not been heeded.</p>	
D4R28	Heather Fox Deadline 4 comments	<p>Where is all the modelling for this being done? I have not seen mention of the wire fencing and wooden posts included in any volume or flow distortion calculation. Land area will be lost for infiltration due to the upstands, posts and concrete; has that been factored in? When, as an area, we are on a tightrope, every minor addition is the difference between homes being flooded or not.</p>	<p>The methodology applied for the volumetric assessment has taken a precautionary approach when considering the sizing of panel mounting and inverter mounting structures, assuming a 250mm by 250mm section. In reality, these structures will be smaller. Additionally, the volumetric assessment considered a flood depth of 1.8m across the entire area assessed. As a result, the existing parameters are already highly precautionary.</p> <p>The fencing proposed will be 'stock proof' which is a mesh design expected to have negligible impact on flood flows, and therefore it is not considered necessary to include this within the appraisal.</p>
D4R29	Heather Fox Deadline 4 comments Conclusion	<p>I looked back to my first submission of 13th May 2025, and I am dismayed that today, I am still asking the same question. Namely, "is it certain that such</p>	<p>The approach to flood risk management has been undertaken in discussion with the EA who have, with the exception of a few remaining matters under discussion ahead of Deadline 5,</p>

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		<p>large areas of solid panels, drilling, cables, pipes etc. will not affect the river/water behaviour?" At that point I had not even thought of the influence that all other consented solar farms along the valley could have on water dynamics. Incidentally, I had put the same question to the EA and the Trent Valley Drainage Board in July 2024.</p>	<p>confirmed they are in acceptance with the approach taken. The development does not result in an increase in flood risk above the EA's confirmed 5mm tolerance (as outlined in the EA's response to ExQ2 [REP4-062]).</p> <p>Additionally, the outline drainage strategy ensures that surface water runoff that could be generated by the development is managed appropriately by capturing, treating and attenuating rainfall before discharging at restricted rates to the watercourse network.</p>
D4R30	Environment Agency Response to Documents submitted at deadline 3	<p>EAWQ – Water Quality Monitoring</p> <p>Whilst we accept that a water quality monitoring regime has been agreed to, there are still minimal details in Table 3.5 of the CEMP, Table 3.5 of the DEMP and section 5.2 of Appendix 7.4.</p> <p>Furthermore, Table 3-4 of the OEMP says "No water quality monitoring is required during the operational period", however this is incorrect.</p> <p>Amend Table 3-4 of the OEMP to acknowledge monitoring will occur during operation. We recognise that the applicant states that details of monitoring will be set out within the CEMP and DEMP post consent, therefore we will look forward to reviewing the documents and providing further comments at that stage. In the meantime, see below for what we would expect to be included in a monitoring programme. As per our REP2-094 response, we recognise that section 5.2 of the WFD Assessment says that the Water Management Plan (WMP), which will be submitted as part of the CEMP, will contain details of pre, during and post-construction</p>	<p>The Applicant has added text to Table 3.5 of oOEMP [EN010159/APP/7.5.4] stating, "Water quality monitoring will be required during the operational period. Details of water quality monitoring during operation will be set out within the OEMP post-consent, as well as the Water Management Plan."</p> <p>As part of the production of the Water Management Plan, the Applicant will work with the EA during detailed design to agree proportional and suitable locations for monitoring to be undertaken.</p>



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		<p>water quality monitoring. Therefore, we also look forward to reviewing the WMP.</p> <p>We support that there is a commitment to include monitoring upstream and downstream of any proposed surface water outfalls and water crossings and look forward to further details of locations post-consent. With regard to frequency, as stated in in REP2-094, the monitoring plan will include enough monitoring samples to detect any variation as a result of seasons or weather conditions. We recommend a frequency of at least once per month, which should start at least six months prior to construction. During construction, we suggest the frequency of sampling should increase, i.e. every two weeks during the first three months of construction, and during any earthworks or concrete work. Monitoring should continue all throughout construction, and for six months after construction. If a monitoring plan is not suitably designed then it may not be able to detect relevant trends, if any, on water quality during the construction and initial operation phases.</p> <p>Site walkovers, and visual inspections of the drainage water, are also encouraged as a regular frequency to support measurements taken with probes and sample collections. Any water samples should be sent to a United Kingdom Accreditation Service (UKAS) accredited laboratory and where applicable Monitoring Certification Scheme for Equipment (MCERTs) accredited testing must be carried out. The results of laboratory analysis of water samples should be tabulated and recorded,</p>	



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		and be able to be provided to the Environment Agency if requested, or sent automatically in the event of a pollution incident.	
D4R31	Environment Agency Response to Documents submitted at deadline 3	<p>EAWQ – Surface Runoff</p> <p>Table 3.5 of the CEMP still contains uncertainty over how surface runoff will be disposed of, i.e. discharged to sewers or under a Water Discharge Activity Permit. Table 4-2 of the FRA and Drainage Strategy also says that Storm water may slowly release to sewers. This is unclear given that there is going to be no foul connection to the sewers. We queried this in in REP2-094, but there doesn't appear to updates on this matter to the CEMP or Chapter 7.</p> <p>Provide further information about which points of connections for surface drainage water are being considered (if any), and what discharge permits will be applied for.</p>	<p>Table 3.5 of the oCEMP [EN010159/APP/7.4.5] has been updated for Deadline 5 to remove reference of discharge to sewers.</p> <p>With regards to the reference to sewers within Table 4-2 of the FRA, this is within the typical description of SuDS features (specifically permeable surfaces). This is amended in the updated submission of the FRA at D5.</p> <p>For clarity, Table 4-1 of the FRA clearly sets out the surface water drainage outfall hierarchy and indicates the following: "There are numerous land drains and ordinary watercourses across the Site. It is proposed that runoff from the sub-station/battery storage areas will discharge to these watercourses at greenfield runoff rates."</p> <p>Furthermore, with regards to potential surface water discharges to sewers, Table 4-1 states the following: "it is proposed that surface water runoff will discharge to the surrounding watercourses and there is no need to discharge to any public sewer network." Based on the FRA, there should therefore be no ambiguity on where surface water runoff is to discharge to.</p> <p>With regards to permits, surface water outfalls will be made to the land drains and ordinary watercourses within the Site, which are the responsibility of the Internal Drainage Board (IDB) and not the EA. For the clarity, the following is already set out within Section 3.1.1 of the FRA:</p>



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			<p>"for any works to any ordinary watercourse, Ordinary Watercourse/ Land Drainage Consent would ordinarily be sought from Trent Valley Internal Drainage Board (IDB). Instead, it is proposed that the requirement for Land Drainage Consent, in particular Sections 23, 32 and bylaws made under Section 66, would be disapplied, provided that satisfactory forms of protective provisions are agreed with the IDB. Engagement with the IDB regarding this is ongoing however, will be finalised at detailed design."</p> <p>Chapter 7 is updated for Deadline 5.</p>
D4R32	Environment Agency Response to Documents submitted at deadline 3	<p>EAWQ – WFD References</p> <p>All Environmental Management Plans for all phases (Construction, Operation and Decommissioning) and the Battery Safety Management Plan (BSMP) should be referenced in the WFD Assessment when providing details of embedded mitigation measures.</p> <p>Section 4 of the WFD Assessment must be updated to reference the OEMP and the BSMP for continuity to understand all measures. Please add an additional section to the WFD Assessment titled 'Decommissioning Mitigation' which captures which measures will be implemented during decommissioning so that it can be concluded that the decommissioning will not cause or contribute to deterioration of the existing watercourses or groundwater bodies or jeopardise their potential to achieve good status. This may have similarities to the construction section but should reference the DEMP.</p>	<p>The WFD Screening Assessment was updated for Deadline 4 and includes the requested changes [REP4-018].</p>



App Ref	Document Ref	Summary	Applicant Response
D4R33	Environment Agency Response to Documents submitted at deadline 3	<p>GWCL-002 and GWCL-004 Groundwater Abstractions</p> <p>The Applicant has not clearly differentiated between different sources of information for identified groundwater abstractions. There is a lack of consistency in descriptions of abstractions within the Study Area.</p> <p>The Applicant should confirm the information sources used to determine the presence and details of groundwater abstractions, both private and public, within the Study Area.</p> <p>We note that the updated Figure 8.7 of the ES has been altered to remove two previously marked abstraction points at the former High Marnham Power Station and in the north-western part of the Draft Order Limits near Ragnall. The Applicant should confirm the rationale behind these changes for completeness. Chapter 8 has been updated to reflect changes in the Order Limits and now refers to there being no abstractions within the draft Order Limits, two abstractions within 250m of the Order Limits and three Anglian Water abstractions without positional data within the Study Area, which have been assumed to be positioned outside the Order Limits. Chapter 7 should be updated to be consistent with Chapter 8.</p>	<p>Chapter 8 was updated on the basis of an updated dataset on groundwater abstractions. All new data was provided by the Environment Agency, and this was used to supersede the earlier dataset (which was taken from the Envirocheck Report). Although information was requested from the local authorities relating to groundwater abstractions, most did not keep records of this information (and indicated that we should contact the Environment Agency directly), and one that held their own records did not have any groundwater abstractions within the Order Limits or study area. The source of the data is confirmed within the tables that are presented in Appendix D of Technical Appendix 8.2.</p> <p>Chapter 7 is updated for Deadline 5 to reference Chapter 8.</p>



App Ref	Document Ref	Summary	Applicant Response
D4R34	Environment Agency Response to Documents submitted at deadline 3	<p>EAWR-001</p> <p>The EA does not yet have confidence that there will be an available source of supply of water for the nonpotable demands of the construction phase of the project. 7.6.27 states that wherever possible, water is to be sourced from non-potable sources (this could include using the existing abstraction licences from the River Trent) or private supplies to reduce the pressure on demand from the water company. Details of these abstractions as regards their current use and ownership is not specified. The oCEMP states only that if at detailed design, it is confirmed that potable water demand at the construction or operational stage is in excess of 20m3/day, then a Water Resource Assessment will be produced in consultation within Anglian Water</p> <p>If the water company is unable to provide supply for non-potable construction water use, alternative sources of supply need to explored. This is the purpose of the Water resources assessment and should ideally have been considered at pre application. We recommend that this assessment is undertaken and appraises options for alternative sources of supply for non-potable water demands available to the project to include: • Clarifying the construction activities which require a water supply (dust suppression; HDD etc) • Further information on existing abstractions identified (are they owned by the landowner or developer or is a trade required? Do existing licences already have restrictive conditions?); • Likelihood of new abstraction being</p>	<p>A Water Resource Assessment was completed and shared with Anglian Water before Deadline 4. On 30 October Anglian Water provided a response to the Applicant which states:</p> <p><i>"We have assessed your site for domestic, welfare, and non-domestic supply, and can confirm that, at present, the water supply to the proposed development site can be provided from the existing mains."</i></p> <p>Anglian Water have confirmed this applies to both the construction and operational phases. The Applicant is also continuing to progress negotiations with landowners to use existing abstraction points to provide an alternative water resource opportunity in the future.</p>

App Ref	Document Ref	Summary	Applicant Response
		<p>required if trades are not possible. • Appraisal of the catchment abstraction licensing strategy to evaluate potential licence restrictions and mitigation required (e.g. temporary winter storage for summer use). Exact volumes of water are not essential to this assessment. If existing licences are to be made use of, they will require formal changes to reflect their additional use. Evaluating this now can identify any future obstacles and mitigations which may influence detailed design.</p>	
Biodiversity			
D4R35	<p>Newark and Sherwood District Council – Examining Authority’s Written Questions & Requests for Information (ExQ2) – Deadline 4 Response</p> <p>EN010159-000831</p>	<p>Our concerns regarding grassland management in relation to skylark mitigation have also been addressed. The revised oLEMP confirms that skylark plots will be created three months prior to construction, and that habitats beneath the solar panels will be established 12 months in advance. However, the timing for the provision of a sacrificial crop to optimise soil nutrient levels remains unclear.</p>	<p>The timing of sacrificial crop and grassland would be determined at the detailed design phase based on soil status and need for nutrient stripping. However, the sacrificial crops would be able to support skylark through the provision of skylark plots, thereby enabling skylark mitigation to be effectively managed prior to and during the construction phase.</p> <p>The details of the management would be agreed with the steering group described within Section 7 of the Outline Landscape and Ecology Management Plan [REP4-024].</p>
D4R36	<p>Environment Agency Response to Documents submitted at deadline 3</p>	<p>EAFBG-001 Fish Species</p> <p>The Salmon and Freshwater Fisheries Act 1975 and The Eels (England and Wales) Regulations 2009 have not been included in the list of legislation that is relevant to biodiversity. The legal responsibility on the developer pertaining to this fish specific legislation has not been considered.</p>	<p>The legislation referenced by the Environment Agency has been included within Section 6.2 of Chapter 6 Biodiversity [REP4-015].</p>



App Ref	Document Ref	Summary	Applicant Response
		<p>Both pieces of legislation should be listed as relevant in the biodiversity chapter of the ES and submitted as part of the DCO.</p> <p>Parts of The Salmon and Freshwater Fisheries Act 1975 relevant to this type of development and that should be considered, are (but not exhaustive) Part 1, Sections 2 and 4. Parts of The Eels (England and Wales) Regulations 2009 relevant to this type of development and that should be considered, are (but not exhaustive) Part 4.</p>	
D4R37	Environment Agency Response to Documents submitted at deadline 3	<p>EAFBG-001 Fish Species</p> <p>The ES has only assessed river lamprey and sea lamprey.</p> <p>Include all fish species present in the River Trent in the EIA</p> <p>Atlantic salmon are an Annex II species of the Habitats Directive. Brown/sea trout are listed as a S41 Priority Species of the NERC (Natural Environment and Rural Communities) Act. European eel are listed as critically endangered on the IUCN Red List of Threatened Species, they are also listed as a species of principal importance under Section 41 of the Natural Environment and Rural communities (NERC) Act 2006. They are also protected under The Eels (England and Wales) Regulations 2009. Barbel are an Annex V species of the Habitats Directive. Note that EMF impacts on additional fish species is detailed in Appendix 2.4: Electromagnetic Fields Impact Report.</p>	<p>The assessment of fish was expanded at Deadline 1 to include species other than river and sea lamprey. This included adding data from the EA Fish and Ecology Data Explorer and the results of a Fish Habitat Survey [REP1-042] to the assessment in Chapter 6 Biodiversity [REP4-015].</p>

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D4R38	Environment Agency Response to Documents submitted at deadline 3 REP3-0 Response to D2 Submission R2R10	<p>EAFBG – Ditch Enhancement</p> <p>Viability of assuming ditches can be assumed to be changed to 'good'. In order to achieve 'good condition' the created habitats will need to secure all of the stated condition criteria. Whilst it is accepted that changed management practices will benefit water quality, presumably there are ditches receiving water from offsite areas outside of the applicant's control, and therefore viability of achieving these is open to question. For example, the condition assessment mentions road run off as an issue. The applicant's response points to measure (planting aquatic vegetation) not mentioned in the oLEMP or commitments. To achieve good status, control over the water levels is required which again the applicant may not be able to control. There is no commitment to monitor/control non-native species (accept Mink) in the oLEMP or commitments. Overall, we would be more confident assuming enhancement of ditches to a moderate condition.</p>	<p>The Applicant will have the opportunity to manage long sections of the ditch network due to its extent within the Site. The in-channel and riparian zone changes possible (alongside the improvement in terms of water quality associated with the cessation of chemical inputs of intensive farmland) are considered substantial. Therefore, it is the Applicant's view that this can be delivered.</p> <p>Regardless, it is clear within the within Section 7 of the Outline Landscape and Ecology Management Plan [REP4-024] that the steering group would be involved in the design of habitat creation / enhancement and management measures. This would be in advance of the finalisation of the BNG assessment required with regards Requirement 9 of the draft DCO [REP4-004]. At this stage final specification of target condition could be set, and with regards ditches this would not prevent meeting of the percentages described within Requirement 9.</p>
D4R39	Environment Agency Response to Documents submitted at deadline 3	<p>EAFBG-006 Watercourse Classifications BNG</p> <p>Fledborough Beck is still classified as a ditch along with other named watercourses within the Biodiversity Net Gain Metric</p> <p>Correctly identify Fledborough Beck as 'other rivers and streams' and reassess the BNG watercourse metric.</p>	<p>The Applicant updated Appendix 6.10 Biodiversity Net Gain Assessment [REP3-037] at Deadline 3. This included a review of the status of watercourses / ditches in line with field data recorded during the fish habitat survey [REP1-042] and the Modular River Survey undertaken as part of the habitat condition assessment. The Applicant is content that the results included are appropriate and reasonable. However, it is noted that a full re-survey of habitats is included as environmental measure C85 (see Table 6.6 of Chapter 6 Biodiversity [REP4-014] and secured through the Outline Landscape and Ecology Management Plan [REP4-024].</p>

App Ref	Document Ref	Summary	Applicant Response
Battery Storage and Substation			
D4DR40	Environment Agency Response to Documents submitted at deadline 3	<p>EAWQ – Battery Safety Management Plan</p> <p>We accept the amendments made to the Outline Battery Safety Management Plan (BSMP), however there are two typos that should be addressed. • Section 4.8.9 says “contamenentscontaminants” • Section 5.1.3 says “cab me closed maually”</p>	The applicant has corrected typos raised by the Environment Agency in D4DR40.
Contamination			
D4R41	Environment Agency Response to Documents submitted at deadline 3	<p>GWCL–007 Contamination Watching Brief</p> <p>The listed measures do not include a watching brief for sources of contamination in areas where the potential for historic contamination has been identified, such as the former High Marnham Power Station and associated infrastructure and landfilling areas, potentially infilled historic ponds and mineral extraction pits, former railway land, farm developments and historic oil wells.</p> <p>The Applicant should include a clear commitment to a land and groundwater contamination watching brief during earthworks and confirm that works would be locally halted if unexpected contamination sources are encountered, until the source is adequately investigated and remediation proposals agreed with the Local Authority and Environment Agency.</p>	<p>The Applicant does not consider provision of a full-time watching brief for contamination to be appropriate to address this concern. This issue has been taken very seriously, and significant measures are incorporated into the project to ensure that impacts to groundwater from existing or introduced contamination are minimised as far as possible. Given the large number of measures that are secured within the oCEMP and the DCO to prevent contamination from spreading, this approach is not considered proportional. The measures include the completion of site investigation work (the scope of which will be defined by the results of the PRA); then remediation, if any contamination was identified that required addressing; best practice measures in the oCEMP to ensure new contamination is not introduced or spread; and emergency procedures in the oCEMP to deal with any spills/leaks or encountering unexpected contamination.</p>

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		<p>We acknowledge that the area of High Marnham Power Station will be subject to investigation post-consent, and that the findings will be used to determine management of soil and groundwater contamination risks during construction.</p> <p>The purpose of the contamination watching brief would be to ensure that if contamination were unexpectedly encountered within areas not previously characterised, the Contractor would halt works locally and seek specialist advice. We acknowledge that the course of action in the event that unexpected contamination is discovered is captured in Table 3.10 of the oCECMP. This should be supported by ensuring the Principal Contractor provides a suitable briefing to earthworks personnel on recognising possible evidence of contamination and the unexpected contamination discovery protocol. Although Table 3.10 includes a statement that development would be locally halted should unidentified contamination be encountered, for consistency and clarity this should also be stated in the relevant part of Table 3.5.</p>	
D4R42	Environment Agency Response to Documents submitted at deadline 3	<p>GWCL–009 Retention of Buried Cables</p> <p>Inconsistency between the DEMP and Chapters 5 and 8 of the ES relating to the proposed retention of buried cables following decommissioning.</p> <p>The Applicant should demonstrate that cables left insitu indefinitely would not pose a potentially</p>	<p>Chapter 5 and Chapter 8 have been updated to include the following text <i>“Underground cables and cable ducts (below 0.9m) are proposed to remain in situ, with their retention to be reviewed at decommissioning in line with future policy and best practice”</i></p> <p>This is consistent with the wording detailed at paragraph 2.2.2 of the outline Decommissioning Environmental Management Plan (oDEMP) [EN010159/APP/7.6.4].</p>

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		<p>significant source of contamination to controlled waters.</p> <p>Chapter 5 of the ES (Section 5.6.2) has been amended to state that buried cables are proposed to be retained in-situ below 0.9m following decommissioning. This is contradicted in part by Section 8.3.18 of Chapter 8 and the DEMP, which both state that the decommissioning approach for underground cables would be subject to review prior to decommissioning, in accordance with the legislation and best practice guidance at that time. The resulting assessment may conclude that retention of cabling is the least environmentally impactful method, or that removal is required. This should remain a commitment for the Proposed Development, and we recommend that the developer consider the potential future need for removal as part of the detailed design process for underground cabling. Note that Chapter 5 also does not refer to the proposed sealing and burial of cable ends, which is mentioned in Chapter 8. Buried cables should be designed and installed in accordance with industry best practice and should have a design lifespan commensurate with that of the Proposed Development. We encourage the Applicant to avoid the use of PFAS compounds in construction materials where possible, inclusive of buried cabling.</p>	<p>Natural England have confirmed in the Statement of Common Ground [REP2-071] that it is acceptable to leave cables below 900mm insitu from an agricultural and soils perspective. As above, their retention to be reviewed at decommissioning in line with future policy and best practice, which would be secured by the oDEMP.</p> <p>Cables will have a design life sufficient for the development, with specifics to be determined during detailed design and procurement.</p> <p>The Applicant will design and procure materials for the scheme in accordance with good practice and industry standards</p>
D4R43	Environment Agency Response to Documents submitted at deadline 3	<p>GWCL–013 Firewater Run-off</p> <p>The Plan states in Section 4.8.7 “At the time of writing there is no clear consensus on the type or quantity of potentially harmful combustion products.</p>	<p>The applicant acknowledges further research has come forward, but is confident that controls secured and engaged with the Environment Agency on are robust. In the case of a fire, the Applicant has committed to an automatic valve, with manual</p>

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		<p>The data from the only BESS fire in the UK indicated that firewater run-off contamination was low” The report does not cite the source of the data, however this conclusion differs from that in a 2024 paper ‘Assessment of Run-Off Waters Resulting from Lithium-Ion Battery Fire-Fighting Operations’ published in March 2024, which concluded that runoff water from large-scale lithium-ion battery fire incidents could be potentially hazardous to the environment.</p> <p>The Applicant should confirm the source of information cited in the Management Plan and acknowledge that some studies have indicated Lithium-ion battery firefighting water can contain elevated concentrations of ecotoxic contaminants.</p> <p>Research paper: Assessment of Run-Off Waters Resulting from Lithium-Ion Battery Fire-Fighting Operations The paper determined that lithium-ion battery firefighting run-off water was susceptible to containing elevated concentrations of several heavy metals including Ni, Mn, Co, Li and Al, in addition to hydrocarbons and sometimes undecomposed solvents used in the battery electrolyte. A second research paper (Ecotoxicity Evaluation of Fire Extinguishing Water from Large-Scale Battery and Battery Electric Vehicle Fire Tests, Environ. Sci. Technol. 2023, 57, 4821-4830) focusing on a comparison between firefighting water composition from petrol and EV vehicles found higher concentrations of Ni, Co, Li, Mn and fluoride in the lithium-ion vehicle firefighting water.</p>	<p>backup closing, to stop fire water run-off from the drainage system in the FRA [APP 6.21.2] and oBSMP [APP 7.11.4]. Contaminated water would be tankered away in the case of a fire for suitable processing, and the pond being lined will help manage this.</p>

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D4R44	Environment Agency Response to Documents submitted at deadline 3	GWCL – Sentinel Outfall Monitors at BESS We encourage the Applicant to employ ‘sentinel’ monitoring systems at the BESS outfall to enable early detection and management of spills and leaks entering surface water drainage system during normal operation.	The Applicant will engage with manufacturers during detailed design, and work to find suitable monitoring approaches depending on the technology selected.
D4R45	Environment Agency Response to Documents submitted at deadline 3	<p>Subbase and Lining in BESS and Substations Table 4-2 of Appendix 7.2 is still titled BESS and Sub-station Sustainable Drainage Systems and contains reference to a number of features that will be permeable. The conclusion of the Drainage Strategy also still says “Additional SuDS in the form of permeable sub-base beneath the battery units will also be provided.” However, this is in contradiction to section 5.4.45 of Chapter 5 and section 4.1.3 of Appendix 7.4. Furthermore, no updates on including these lining details have been seen in Chapter 7. If gravel substrates are deemed to be included in the final design, there should be provision within the post-incident recovery plan that commits to removing the gravel to be cleaned and/or replaced.</p> <p>We accept that the BESS sites will be lined with an impermeable membrane to contain contaminants and note that the substations will likely be managed the same, but will await further details of this to be confirmed in the CEMP post-consent. We expect to see reference made to this without the outline management plans. As per our comments in REP2-094 in regard to Table 4-2 of Appendix 7.2, we would still ask for clarification on which SuDS will be</p>	<p>The updated FRA submitted at Deadline 5 states the following in Table 4-1:</p> <p>“The provision of unlined SuDS features to encourage some natural infiltration has been considered however, these are not feasible within the BESS and sub-station compounds due to the potential contamination risks associated with fire water runoff which will be contained. Features serving the BESS compound areas will therefore have an impermeable lining to prevent infiltration to the ground.”</p> <p>The Applicant commits to the in-situ cleaning, or removal and replacement (if required) of any substrate within the BESS and Substation areas, to allow for thorough cleaning and replacement as required. To determine what gravel needs to be removed, and if the drainage system is suitable to be reopened, samples would be taken, when safe to do so by the FRS. These would be sent to a UKAS accredited laboratory for analysis by UKAS. MCERTS accredited methods would be used where applicable. The water samples would be checked against the list of surface water specific substances in the surface water pollution risk assessment guide. The Applicant has added this clarification to the oBSMP [App-7.11.4].</p> <p>Strategic SuDS features such as filter drains, swales and basins/scrapes that are to be incorporated within the solar array</p>

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		<p>impermeably lined when used for the BESS and Substations, and which ones will be used around the rest of the site. Details about lining type used in BESS, Substations and surrounding SuDS should be included in Chapter 7. We recognise that section 4.8.10 of the BSMP states “Post-incident hazards shall be addressed in the prefire planning and post-incident recovery plan, including consideration of contaminants remaining within the substrate of with the BESS compound of the fire water storage areas.” Although we would take this opportunity to remind the applicant that it is our position they should be impermeably lined to prevent contamination reaching groundwater or runoff reaching surface waters, we accept that the gravel could be used provided that there is the commitment to removing the substrate for thorough cleaning/replacement. This should be included in the BSMP and post-incident recovery plan. However, as we have not yet been able to review any details of this plan yet we are unable to confirm it’s details.</p> <p>We welcome the update in section 5.4.45 of Chapter 5 and Table 3- 4 of the OEMP which says that “The Substation Compounds and Sustainable Drainage (SuDs) features serving them would include impermeable lining to prevent infiltration to the ground.” This agrees with Appendix 7.4: Stage 1 Water Framework Directive Screening Assessment, section 4.1.3 says that “It is proposed that the drainage system and SuDS features servicing the BESS and Substation areas will be impermeably lined”.</p>	<p>areas however, could be unlined to encourage infiltration to the ground. The exact locations of unlined features within the solar array areas would be assessed further at detailed design.”</p> <p>Chapter 7 is updated for Deadline 5.</p>

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D4R46	Environment Agency Response to Documents submitted at deadline 3	<p>EAWQ – Firewater Associated with BESS and Substations</p> <p>In the oOEMP, firewater is included in Table 3-11 about ground conditions but is not mentioned in Table 3-4 about the water environment. Furthermore, neither of these tables references the Battery Safety Management Plan (BSMP).</p> <p>Update table 3-4 in the oOEMP to include references to firewater management and the BSMP. In the event of a fire, we request that methods and frequency of testing of contained surface runoff/ firewater be included in the final OEMP and Battery Safety Management Plan.</p> <p>We accept the updates made to documents to include provision for the penstock valve to be automatic and have a manual backup. We note that any polluted runoff will be contained and removed from the site for treatment, which we support. Furthermore, we support the clarification that transformers in the substation will all be banded. We welcome the update in the Maintenance Regime section and table 4-10 in the Drainage Strategy which confirms that the Penstock valve will also have sufficient maintenance</p>	<p>The oOEMP [REP3-043] has been updated by the Applicant referencing the BSMP, on the topic of firewater retention and testing. Details of the methods used are to be confirmed post-consent in OEMP and BSMP, and agreed with the EA.</p>
D4R47	Environment Agency Response to Documents submitted at deadline 3	<p>EAWQ – Septic Tanks</p> <p>In each of the Environmental Management Plans, it was confirmed that foul water will be tankered away</p>	<p>Reference to “Septic Tanks” is removed and replaced with “Cesspit or similar Foul/Wastewater Storage Tanks” within Chapter 5 submitted at Deadline 5 [EN010159/APP/6.5.1].</p>

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		<p>to an appropriate disposal facility by a licensed waste disposal contractor. However, there is still reference to septic tanks in section 5.4.44. Furthermore, in REP2-094, we requested that any foul water strategy is included in Chapter 7: Hydrology and Hydrogeology, as currently the only information associated with this is that there will be “no direct connection to existing foul infrastructure.”, however an updated version was not submitted by the applicant at the last deadline</p> <p>Section 5.4.44 needs to be updated to remove mention of possible septic tanks, but please see our response REP2-094 if you require further information on septic tank permits. Please add details to Chapter 7.</p>	<p>To be clear, there is no intention to treat foul water on site or discharge it to any environmental receptor (i.e. ground or watercourse). All foul water will be stored and tankered away.</p> <p>As Foul Water impacts are scoped out of the ES and therefore not included in the main body of text, further clarification on foul water procedures is provided within Table 7.3 of Chapter 7. Chapter 7 is updated for Deadline 5.</p>
D4R48	Environment Agency Response to Documents submitted at deadline 3	<p>EAWQ – Testing Post Fire Event</p> <p>Section 5.1.5 states “There shall be no firewater runoff released to the environment before appropriate testing has been carried out”. However, it is unclear what ‘appropriate testing’ means.</p> <p>Please provide details of what testing is proposed in the event of a fire. We expect that samples would be taken, when safe to do, which would be sent to a UKAS accredited laboratory for analysis by UKAS and MCERTS (where applicable) accredited methods. The water samples should be checked against the list of surface water specific substances in the surface water pollution risk assessment</p>	<p>The Applicant has updated the oBSMP [EN010159/APP/7.11.4] to direct to utilising accredited testing methods and acknowledges to requirement for a UKAS certified laboratory. The water samples would be checked against the list of surface water specific substances in the surface water pollution risk assessment guide.</p>

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		guide. Surface water pollution risk assessment for your environmental permit - GOV.UK	
D4R49	Environment Agency Response to Documents submitted at deadline 3	<p>EAWQ – Construction Mitigation</p> <p>Table 3.5 of the DEMP says “Where these containment measures are utilised, an oil separator (interceptor), or other device to remove oil from water, may need to be installed. This will be detailed in the CEMP if required” – We wanted to clarify with the applicant if CEMP was correct, or if it should read DEMP?</p>	The applicant has updated Table 3.5 of the oDEMP [EN010159/APP/7.6.4] to read DEMP. The revised oDEMP will be submitted at D5.
D4R50	Environment Agency Response to Documents submitted at deadline 3	<p>EAWQ – Herbicides</p> <p>Table 3-4 of the OEMP says that “Should any herbicide or other spray chemical be needed in small volumes, a method statement, operating procedure or similar will be prepared prior to the work commencing”, however there is no reference to the oLEMP here. For consistency between documents, we strongly encourage a reference to be added. Section 4.1 of Appendix 7.4 says that “It is not proposed that harsh chemicals or pesticides will be utilised for vegetation management”, which we acknowledge. However, it goes on to say that “Full details of vegetation management will be outlined within the Landscape and Ecology Management Plan (LEMP), post consent”. Whilst we accept that we can review the final LEMP and provide further comments at that stage, we would like to note that no specific details are currently included in the outline LEMP. Sections 5.4.14 and</p>	<p>The Applicant has added to the oOEMP [EN010159/APP/7.5.4] referencing the oLEMP. The revised oOEMP will be submitted at D5.</p> <p>The cross reference from the WFD to oLEMP will be maintained, to keep this document the source of truth regarding potential pesticide management, although the Applicant does acknowledge it is not proposed that harsh chemicals or pesticides will be utilised for vegetation management currently.</p>

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		5.4.25 only say that “chemical and mechanical control” may be used to maintain a weed free strip either side of the hedgerow.	
Transport			
D4R51	South Clifton Parish Council (SCPC) Deadline 4 submission EN010159-000833	The applicant has proposed 2 site entrances on Moor Lane near the A1133 and also one off the A57 at Thorney. SCPC is concerned that the use of Moor Lane between the A1133 and A57 Thorney by construction traffic would present a great danger to other users of the road and suggest that this road is classified as a barred route, ensuring that all construction traffic utilises the roads within the site.	Lincolnshire County Council has not requested any further barred routes other than those illustrated in Figure 4.1 and 4.2 of the Outline Construction Traffic Management Plan [REP4-026]. The approved access routes will be rigorously enforced, requiring access only via the A57 and A1133, addressing the comment from the Parish Council.
D4R52	South Clifton Parish Council (SCPC) Deadline 4 submission EN010159-000833	At South Cliftons first meeting with the applicants’ team, we were assured that there would be only one entrance to the site on the East of the river, which is the first one on the A1133 as you turn off the A57. We were told all other movement would be within the site boundaries. We, even at this early stage, highlighted the danger areas on the A1133 and the unsuitability of Moor Lane, South Clifton. The applicant has failed to consider this issue adequately.	Access to the Solar Development Area to the East of the A1133 is served via the following access points as depicted in the Transport Assessment Report (REP2-114): Gate F is situated at the northernmost point of the Order Limits on the A1133 which will constitute the primary construction access point. Access 5, situated just south of the Hall Water Treatment Works operated by Anglian Water. This access is an operational access point only and will not be used by construction vehicles. Gate J and Gate I will permit construction vehicles to access the southernmost portion of the proposed development to the East of the A1133.

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			<p>All other access within the Solar Development Area to the east of the A1133 will utilise crossing points of local roads or private tracks in order to minimise the number of construction interfacing with local road traffic on the network.</p> <p>The design of the access junctions will follow the relevant design guidance to ensure their safe operation.</p>
D4R53	National Highways Response to ExQ2, Q18.0.4	National Highways implement a Water Preferred Policy which promotes use of water transport for the largest/heaviest Special Order size abnormal loads ("Water Preferred"). These are for loads that exceed 150,000kgs gross weight, 6.1m wide and over 30m in rigid length. Water Preferred means that the Applicant should fully investigate not just nearby coastal ports but inland water/ rivers/ beach landings for these size loads. This is intended to keep the road usage to a minimum and to minimise disruption to other road users. The Applicant will need to fully investigate the use of Cottam Berth before any agreement would be considered for use of Goole/Immingham.	<p>The Applicant has investigated alternative AIL access facilities including Cottam. These is described in paragraphs A.12.3.2 – A.12.3.23 of Appendix 12.2 Transport Assessment [EN010159/APP/6.21].</p> <p>National Highways has since agreed all AIL and access matters in their Statement of Common Ground with the Applicant. The Applicant will follow the "Water Preferred" policy (or any replacement) when the AIL permits are sought post determination.</p>
D4R54	National Highways Response to ExQ2, Q18.0.4	Once a strategy for movement has been agreed, we issue what is called an 'Agreement in Principle'. This is in addition to any route feasibility work that we may agree to carry out. This to date, has not been done. The Applicant is in close proximate to High Marnham substation, agreement for delivery is via Cottam Berth off the River Trent so this would be our initial preference and not Goole or Immingham as stated in the Pell Frischmann letter dated 4th September 2025 to National Highways (ref: 250904 OESF NH). The Applicant will need to fully	<p>National Highways are incorrect. A detailed review has been undertaken and details are provided in Appendix 12.212.2 Transport Assessment [EN010159/APP/6.21].</p> <p>The details in the Transport Assessment have been available to National Highways since the acceptance of the DCO application.</p> <p>Access from Cottam is not possible at present to the Applicant as noted in the Transport Assessment. The Applicant has identified that AIL access is feasible to the site from Goole and Immingham</p>



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		investigate the use of Cottam Berth before any agreement would be considered for use of Goole/Immingham. This has been communicated to Pell Frischman previously, but no further communication has been made with National Highways.	and will make a formal application once the exact details of the AIL loads are confirmed post determination, as in normal for all projects at the planning stage. This will be in line with "Water Preferred" policy, which requires that deliveries to be made as far as is <i>"practical, economic and environmentally desirable"</i> by sea or inland waterways. The Applicant also notes that all AIL matters with National Highways are now agreed and confirmed in their Statement of Common Ground.
Communication			
D4R55	South Clifton Parish Council (SCPC) Deadline 4 submission EN010159-000833	We confirm that the chronology accurately reflects our own experience of the 1st August 2024 meeting and the lack of engagement beforehand and subsequently. In fact, SCPC had to submit its' feedback to the statutory consultation three times before it was acknowledged as received. We endorse the concerns raised regarding the omission of key consultation materials, which in our view, have materially prejudiced the communitys' ability to participate effectively. At no time, in any document, has the communitys' strength of feeling against this application been addressed. 1. Direct the applicant to submit all missing materials, including the script of the meeting on 1st August 2024, Dr Fletchers mental health survey and the Equestrian Survey. 2. Clarify whether those documents were considered in the Adequacy-of-Consultation assessments.	The Adequacy of Consultation Milestone which was confirmed by all five of the host local authorities and acceptance of the application confirms that the Applicant met the requirements for consultation. The Planning Act includes very specific requirements for consultation, including publishing various notices to different consultees and in certain newspapers for certain periods of time. The Planning Act also requires the Applicant to develop a Statement of Community Consultation, which defines the approach to community consultation, consult with local authorities on the document, and then confirm how all of the commitments in this document have been met. The Applicant has met all of these requirements and gone further to provide additional opportunities for meaningful engagement. The Consultation Report [APP-151] is required to show how the Applicant has had 'due regard' to the feedback received and if it resulted in a change to the design. This is included in Appendix J of the Consultation Report [REP1-018]. There is no requirement to submit minutes of meetings, though the Applicant did include the detailed questions and answers submitted to the parish council from the meeting on 1 August 2024. Similarly,



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		3. Confirm that these omissions do not compromise the fairness of the Examination.	<p>there is no requirement to submit the full copies of feedback. The equestrian study and mental health survey were considered as feedback in the Consultation Report and appendices as already detailed in the last submission at Deadline 4.</p> <p>There has been no effort to minimise or disguise the community's strength of feeling against the application. Instead, the Consultation Report merely sets out to evidence how the Applicant has met requirements around consultation and describe how those efforts led to meaningful changes to the proposals. The parish council and others have had the opportunity to submit documentation and their representations, as well as to speak at the open floor or issue specific hearings to make their concerns known to the examining authority through the examination process.</p>
Policy			
D4R56	Heather Fox Deadline 4 comments Update to the PPG September 2025	<p>There was supposed to be updated guidance on both the terms “reasonably available” and “wider sustainable development objectives” in the PPG September update, but only “reasonably available” was immediately obvious.</p> <p>Relevant to the applicant’s proposal is that avoiding flood risk is still paramount, the search area for major infrastructure has been widened to include regional consideration, ownership is irrelevant and smaller sites together can amount to being reasonably available.</p>	National planning policy guidance (NPPG) was updated on 17th September 2025 in relation to the application of the sequential test for flood risk. The Applicant’s response to this guidance is set out in Applicant Response to ExA Written Questions 2 [REP4-052] ref: Q12.0.6. In summary, the Applicant considers that the approach taken is in accordance with and supported by amendments made.

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The draft Development Consent Order (DCO)			
D4R57	Response to ExQ2 – Nottinghamshire County Council	NCC requests that the fee for discharge of Requirement 15 (Drainage and Surface Water Management Plan) should be £2,535 for parity with other similarly significant requirements included in the dDCO, such as Requirement 11 (Construction Traffic Management Plan). The level of work involved in appraising this application is likely to be similar to Requirement 11. It should be noted that the DCO relating to the Cottam Solar Project included a fee of £2,535 for the first application for the discharge of Requirement 11 (Surface Water Drainage Scheme) which is very similar in nature to Requirement 15 of the dDCO. The precedent therefore exists that the higher fee should apply to this type of requirement.	The Applicant updated the draft DCO to provide that a fee of £2,578 applies to the discharge of Requirement 15. Please refer to paragraph 5(2)(a) of Schedule 15 of the draft DCO [APP4-004].
D4R58	West Lindsey District Council Responses to ExQ2	Whilst the Management Plans will be subject of further discussion, WLDC do not yet agree that these provide the framework for the submission of details plans post any DCO being made. For example, it is still not yet clear whether the hedgerow north of the access track north of the Anglian Water reservoir at Gate G is to be retained or not. The relevant vegetation removal plan is contained within Appendix C of the Outline Landscape and Ecology Management Plan (oLEMP) but it is not clear whether it accurately reflects the circumstances. The draft DCO requires that the detailed management plans for submission post any DCO being made are in accordance with the outline	The Applicant considers that the Management Plans contain a sufficient and proportionate amount of information for this stage of the project. Detailed Management Plans are prepared and approved post-consent through the DCO Requirements, informed by detailed design. The level of information included is similar to other solar DCO applications which have obtained consent in the local area, including the recent Tillbridge Solar project which is also partially located in WLDC's administrative area. Host local authorities will be engaged during the post-consent stage and will be the decision maker in terms of the applications to discharge the relevant requirements, including Management Plans, so further information can be requested at this stage, prior to construction work starting. If there is specific information WLDC would like to be included at this stage we would be happy to review a further



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		management plans which will be certified documents. Should these outline management plans not be settled prior to close of examination, it will leave ambiguity in whether, for example, the detailed LEMP submitted for approval under Requirement 8 is compliant with the certified oLEMP.	<p>response at Deadline 6 and include further details within the Outline Management Plans here possible.</p> <p>Regarding Gate G, a clarification has been added to the Outline Landscape and Ecology Management Plan submitted at Deadline 5 confirming that the hedgerow north of the access track, itself north of the Anglian Water reservoir, will be retained, other than a small section marked for removal as shown on the Vegetation Removal Plan in Appendix C of the OLEMP [EN010159/APP/7.7]. This is in line with the discussion held regarding this matter at Issue Specific Hearing 3.</p>
D4R59	West Lindsey District Council Responses to ExQ2	From WLDC's review of the draft DCO text in Schedule 15, paragraph 5, is not clear whether the application fees are subject to inflation. This is a particular issue with regards Requirement 20 and the submission of the decommissioning environmental management plan in around 60 years' time. WLDC request clarification on this matter	All application fees are index linked to the Consumer Price Index. This is secured via paragraph 5(3) of Schedule 15. Please refer to the Applicant's summary of oral submissions at ISH3 where this matter is explained in further detail
D4R60	West Lindsey District Council Responses to D3	WLDC welcome the proposed restriction of permitted development rights within the DCO boundary. However, WLDC are concerned that by restricting this to "building" there remains a possibility of other potentially significant development within the red line boundary, such as substation plant or machinery, or additional solar panels or BESS.	The Applicant strongly opposes any restriction on permitted development rights within the Order limits, as it is unnecessary and unprecedented. Please refer to the Applicant's response to the ExA's proposed Additional Requirement No. 22 in the Applicant's Response to ExA Schedule of Change to the dDCO (REP4-053). The Applicant does not consider a definition of "plant and machinery" to be necessary as these are commonly understood terms within the context. The Applicant notes that "plant and machinery" is not defined in other made solar DCOs including the



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		<p>WLDC note that in the interpretation section of the draft DCO, Article 2 does define “building” but does not define “plant and machinery”.</p> <p>WLDC request the Examining Authority to extend the restriction on permitted development rights to plant and machinery, as well as buildings.</p>	recent Tillbridge Solar Order 2025, which is also located within WLDC’s administrative area.
Socio-economics			
D4R61	Heather Fox Deadline 4 comments oCMP APP/7.5.3 VOL7	2.2.2 15 FTE permanent staff compared to 2.6.3 Small number of private vehicles for the 3 permanent staff. Should that read 3 of the permanent staff?	The project will result in up to 15 FTE jobs directly related to the management and upkeep of the solar farm. Not all of these will be based onsite. It is envisaged that up to 3 of these roles will be permanently or semi permanently based on site. The language in the oOEMP has been updated for Deadline 5 to provide clarity.
Sequential Test			
D4R62	Heather Fox Deadline 4 comments The Sequential and Exception Test APP/ 9.15	2.1.7 Para 5.8.7 EN-1 “Policy aims to make it safe” not mitigation. Why, therefore is so much reliance placed on mitigation, which can fail?	<p>Paragraph 5.8.7 of EN-1 states in full “<i>Where new energy infrastructure is, exceptionally, necessary in flood risk areas (for example where there are no reasonably available sites in areas at lower risk), policy aims to make it safe for its lifetime without increasing flood risk elsewhere and, where possible, by reducing flood risk overall. It should also be designed and constructed to remain operational in times of flood.</i>”</p> <p>It is therefore correct that policy aims to make new energy infrastructure safe (for its lifetime). The policy statement is also clear that this can, and most likely will include mitigation measures which will be designed into the Proposed Development to make it</p>



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			safe. Paragraphs 5.8.24 - 5.8.34 of EN-1 relate entirely to potential mitigation measures for flooding, which is accepted in policy terms.
D4R63	Heather Fox Deadline 4 comments The Sequential and Exception Test APP/ 9.15	2.1.10 Para 5.8.11 EN-1 Any development on a floodplain takes space and pushes the flood risk elsewhere. Has compensatory storage been allocated?	<p>The reference from the Sequential Test and Exception Test Assessment [REP2-080] provided in full states “<i>Where the Exception Test is applied, Paragraph 5.8.11 confirms that two elements of the Exception Test must be satisfied in order for consent to be granted. These are:</i></p> <p><i>“the project would provide wider sustainability benefits to the community that outweigh flood risk; and</i></p> <p><i>the project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.”</i></p> <p>In order for the Proposed Development to comply with the Exception Test, no compensatory storage is required.</p> <p>The EA have confirmed that the development does ‘not have an unacceptable increase’ based on the 5mm tolerance agreed and noted within the EA’s response to ExQ2 [REP4-062].</p> <p>Compensatory storage is therefore not deemed necessary.</p>
D4R64	Heather Fox Deadline 4 comments The Sequential and Exception Test APP/ 9.15	2.1.11 Para 5.8.12 What methods of flood flow management would be employed to safely manage the deflected flow and constriction?	<p>The panel mounting and inverter structures cover a minimal footprint and therefore, flow regimes are not expected to be altered significantly as water will continue to flow beneath. Nevertheless, the EA have requested a supplementary assessment on the impact that structures have on flood flow conveyance within the Tidal Trent hydraulic model. This exercise is underway.</p>



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D4R65	Heather Fox Deadline 4 comments The sequential and Exception Test Addendum APP/9.26	2.1.4 How is the argument that if other lower risk sites exist, they would be needed as well as, not instead of, relevant to the applicant's choice?	Paragraph 2.1.4 of the Sequential Test Addendum [REP4-069] states that the requirement to meet the sequential test should be set against the context of the identified critical national priority for renewable energy infrastructure in NPS EN-1 (paragraphs 4.2.4 to 4.2.9 of NPS EN-1). Further information on this urgent need is set out in the Statement of Need [REP2-047]. The paragraph does conclude that there are no reasonably available alternative sites, but if they did, then these would be needed as well as the Proposed Development, not instead of it. As there are no alternative sites identified, this does not form part of the Applicant's case for the selection of the site, but the Applicant feels it is important to reiterate that the Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure (EN-1 Paragraph 4.2.4) and as many suitable sites as possible should be used for low carbon infrastructure, including solar.
D4R66	Heather Fox Deadline 4 comments The sequential and Exception Test Addendum APP/9.26	2.3.4 The applicant asserts that "there is a technical solution to allow solar to be safely accommodated in flood zones 2 and 3 without increasing flood risk elsewhere and to the satisfaction of the EA". If the applicant is referring to the use of tolerance figures, then this is not universally accepted by the EA, as stated at the ISH2. If it is a reference to the panels having a freeboard allowance then, as referred to earlier, there will be thousands of panels not achieving the required freeboard distance and free flow of water.	Within the EA's response to ExQ2 [REP4-062] the EA confirm the agreed tolerance of 5mm, below which the development is considered to 'not have an unacceptable increase' and is therefore appropriately designed. In regard to panels, all panels are now proposed to be raised above the design flood level as agreed with the EA and referenced within the EA's response to ExQ2 [REP4-062]. An updated version of the FRA is submitted at Deadline 5.
D4R67	West Lindsey District Council	(1) WLDC do not consider that the applicant has demonstrated adequately that it has met the	(1) Within the Sequential Test and Exception Test Assessment [REP2-080] and the Sequential Test Addendum [REP3-069], the

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	Responses to D3	<p>requirements of the sequential test. This view has been underlined by the update to Planning Practice Guidance on Flood Risk and Coastal Change paragraph 27a In particular the applicant has not sufficiently demonstrated that an adequate review has been undertaken of whether the scheme can be split across a number of alternative sites, as was the case with the Cottam NSIP scheme.</p> <p>(2) WLDC noted in oral submissions to ISH2 that there is inconsistency in the way the reviewed sites have been presented (see representations under point 6(vi) in [REP3- 097]). In particular, WLDC noted that paragraph 5.2.6 of the Sequential Test Assessment [REP2-080] says 10 sites were discounted because they were "primarily in Flood Zones 2 and 3". However, the assessment tables in Appendix A indicate whether sites are "partially" within flood zone 2 and 3, for example AP1. AP4 is presented as being partly in flood zone 1, but this is also discounted as a whole due to some elements being in flood zones 2 and 3. AP7 is presented as being partially within flood zones 2 and 3, but a visual review would appear to indicate all but the central north to south strip is outwith flood zones 2 and 3, which would appear to be similar or better than the current NSIP boundary. AP9, AP11 and AP12 are presented as being in an area of high probability of flooding but a visual review would indicate that a significant proportion of each site is in flood zone 1. This has been perpetuated in the Sequential Test Addendum submitted at deadline 3 [REP3-069]. In particular AP16 has been identified</p>	<p>Applicant has also sought to identify smaller parcels of land that could be used to create one project boundary to meet the same development need as the scheme. No alternative sites that could be used alone or in combination were identified.</p> <p>(2) The Applicant considers that a robust assessment of each alternative site has been undertaken within the Sequential Test and Exception Test Assessment documents [REP2-080] and [REP3-069]. 12 alternative sites were originally identified and assessed in [REP2-080], with a further 5 being identified and assessed in [REP3-069]. Sites wholly, predominately or partially within Flood Zone 2 and 3 were discounted because they were not sequentially preferable to the Proposed Development site, but not for this reason alone.</p> <p>(3) As set out by the Applicant at Deadline 4 [REP4-051] ref: D3R1 it is an over simplification to make a direct comparison between the proportion of the flood zones within alternative sites as a whole located compared with the Order Limits, as no design work has been undertaken (and no further environmental impact assessment), meaning, and doing that further work could result in infrastructure other than panels being located wholly within Flood Zone 2 and 3 (whereas, with the Proposed Development the Applicant has avoided siting substations or the BESS in Flood Zones 2 and 3). Without developing each alternative site and undertaking detailed environmental assessments, and design development, a direct comparable of apportionment in each flood zone is not possible, and to do this additional work would not be reasonable or proportionate (nor required by the policy nor guidance). The approach taken to date is proportionate, and the Applicant must balance a wide range of considerations when selecting a site, which was done carefully and robustly both at site selection stage and during Examination. Further detailed</p>

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		<p>as “predominantly within Flood Zones 2 and 3” (paragraph 4.2.4) whereas the plans in Appendix B would appear to indicate only around half of the site area is in such zones. Likewise in Appendix A, site Alternative AP17 is identified as being “wholly within Flood Zones 1”, when the accompanying mapping would appear to indicate the site is partially within flood zones 2 and 3.</p> <p>(3) To provide clarity, WLDC request the applicant provide, for all sites considered in the sequential test, a table setting out, for each of the AP sites considered, the area (in hectares) located within each of flood zones 1, 2 and 3. WLDC also request a similar table setting out agricultural land classification per AP site. This will provide clear comparable data for each of the alternative sites.</p> <p>(4) In relation to a policy basis, WLDC note paragraph 27a (Reference ID 7-027a-20220825) in the Planning Practice Guidance on Flood Risk and Coastal Change, particularly the final sub-paragraph which states <i>“For infrastructure proposals of regional or national importance the area of search may reasonably extend beyond the local planning authority boundary. It may also, in some cases, be relevant to consider whether large scale development could be split across a number of alternative sites at lower risk of flooding, but only where those alternative sites would be capable of accommodating the development in a way which would still serve its intended market(s) as effectively”</i>.</p>	<p>assessments of the alternative sites are not considered necessary to confirm that the sequential test has been met</p>

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D4R70	Newark and Sherwood District Council – Examining Authority’s Written Questions & Requests for Information (ExQ2) – Deadline 4 Response EN010159-000831	In relation to the Site Selection Criterion on page 6 of the document, it is noted that a criterion was established to not locate development wholly within the higher risk Flood Zones 2&3. It is also noted at this point that the Applicant makes an incorrect reference to paragraph 5.8.3 of NPS EN1, it is assumed they are referring to 5.8.23. NSDC would also question why the Applicant did not start with a preference of locating all sites within Flood Zone 1, rather than those sites with higher areas of Flood Zone 1.	The comments relating to the criterion and incorrect reference have been noted. As set out in paragraph 5.2.5 of the Sequential and Exception Test Assessment [REP2-080], a stepped approach to the sequential assessment was taken, with the Applicant initially looking for alternative suitable sites wholly within Flood Zone 1. However, no sites were identified. The Applicant then looked for alternative suitable sites wholly within Flood Zones 1 and 2, however due to the significant amount of Flood Zone 3 within the extended search area, none were identified. As such, all of the alternative suitable site options listed above include a percentage of Flood Zone 3 within them.
D4R71	Heather Fox Deadline 4 comments ExQ12.0.3	Although the applicant has assessed the project as having satisfied the Exception test, it is questionable. The flood risk assessment includes an increase in levels with no indication of how this increase would be contained within the site. The flood risk overall is not reduced and given that a percentage of panels would be flooded and part of the Western Bess area could be flooded in certain flood events, safety for its lifetime is not secure. How could the Exception test have been fulfilled, let alone the SoS be confident that it would not increase flood risk elsewhere? In view of the above it would seem inadvisable and would risk non- compliance to rely on the applicant’s intention that the future FRA will be “no worse than the outcomes included in the FRA.”	As set out in Section 6 of the Sequential and Exception Test Assessment [REP2-080], the Applicant’s position is that the exception test has been met and that the project will be safe for its lifetime without increasing flood risk elsewhere. Within the EA’s response to ExQ2 [REP4-062] the EA confirm the agreed tolerance of 5mm, below which the development is considered to ‘not have an unacceptable increase’ to the surrounding area. The FRA states the following about the Western Bess: <i>“A breach of the flood defences on the western bank of the River Trent would result in partial flooding of the Site and western BESS land parcel. However, sufficient space has been provided within the parcel to allow infrastructure to be placed outside of the estimated breach extent. Furthermore, if required, infrastructure within the BESS compound can be set 300mm above the potential</i>

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			<p><i>breach flood level to provide protection during the residual risk event."</i></p> <p>It is evident that the area is only predicted to be subject to flooding during an extreme event whereby the flood defences fail and even so, mitigation options are available to manage flood risk to the BESS for its lifetime.</p> <p>In regard to panels, all panels are now proposed to be raised above the design flood level as agreed with the EA. The Flood Risk Assessment has also been updated to confirm the panel raising and is submitted at Deadline 5.</p>
Cumulative			
D4R72	Natural England Volume 6.0: Environmental Statement [EN010159] Volume 2: Aspect Chapters Chapter 18: Cumulative Effects	18.5.7 Cite source.	Official Statistics, Land use statistics: England 2022, Published 27 October 2022 ¹
D4R73	Natural England Volume 6.0: Environmental Statement [EN010159] Volume 2: Aspect Chapters Chapter 18: Cumulative Effects	Table 18.4 NB indication of BESS etc considered temporary, after discussion with WG and considering the lack of robust evidence to suggest that Best and Most Versatile (BMV) soils Grades 1, 2, and 3a under the Agricultural Land Classification can be stored for such long operational periods and still be successfully reinstated with full restoration of	Soils will be stored and managed for the duration of the operation as outlined within the Soil Management Plan (SMP) [EN010159/APP/7.10.3]. Soils will be stored separately dependent on soil type and depth and grassed over when stored for periods greater than six months or over winter. The bunds will be controlled through grass management and weeding to prevent soil anaerobic conditions developing. During reinstatement the soil will be

¹ [https://www.gov.uk/government/statistics/land-use-in-england-2022/land-use-statistics-england-2022#:~:text=statistics%2Dengland%2D2022-1,after%20accounting%20for%20flood%20defences\).](https://www.gov.uk/government/statistics/land-use-in-england-2022/land-use-statistics-england-2022#:~:text=statistics%2Dengland%2D2022-1,after%20accounting%20for%20flood%20defences).)



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		their original functions. NEs advice needs to be reconsidered on this.	handled in dry conditions and reinstated in correct soil order. Correct soil handling will be followed, under the guidance of Defra (2009) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and Institute of Quarrying (2021) Guide Practice Guide for Handling Soils in Mineral Workings.
D4R74	Natural England EN010159/APP/6.21	The acronym N/S (Not Surveyed) does not appear anywhere in the table. In the absence of this designation, it is presumed that all listed sites have been surveyed. If any sites remain unsurveyed, this should be clearly indicated to avoid misinterpretation. Despite providing regional estimates of Best and Most Versatile (BMV) land within Lincolnshire and Nottinghamshire, no cumulative assessment has been undertaken to reflect the combined impacts set out in Table 1 of Appendix 18.2. As a result, the total extent of high-quality agricultural land loss across both counties remains unquantified, preventing a coherent evaluation of landscape-scale pressures. This omission undermines the transparency and proportionality central to a robust cumulative effects assessment, leaving decision-makers without the full picture needed to determine. Natural England believe the figure presented in table 2 appendix 18.2 provide the basis for these calculation however this date need to be related back to both the regional and national potential BMV figures presented (para 18.5.6)	Paragraph 18.5.11 has been added to REP4-016 6.18.2 Chapter 18: Cumulative Effects to relate back to both the regional and national potential BMV figures presented. Column O of Appendix 18.3 has been included with Deadline 4 which states if surveys gave been completed or not for each development.



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Other Matters			
D4R75	WS2 (REP4-072) WS3 (REP4-073)	Technical and Legal Review of Applicant's Deadline 3 Submissions: One Earth Solar Farm NSIP (EN010159) A Systematic Critique of One Earth Solar Farm's Responses to Stakeholder Submissions	The Applicant has and continues to engage in the Examination of the DCO application in a constructive manner, in accordance with the process set by the Examining Authority in accordance with the Planning Act and associated Regulations, policy and guidance. Given the number and complexity of documents already submitted into Examination, it is often most efficient and user friendly to signpost, rather than repeat or unnecessarily summarise, technical and other evidence. It is also sometimes necessary to defer submission of responses to a later deadline to ensure that required updates can be made and quality checked, and where necessary consulted on with key statutory authorities (such as the highways authority or the Environment Agency). The Applicant has responded constructively to requests from the Examining Authority and concerns raised by interested parties, making updates where necessary and appropriate. The Applicant will continue to participate constructively throughout the remainder of the Examination.
D4R76	WS4 (REP4-074)	Submission of a critical analysis of flood risk assessment for the one earth tilbridge [sic] and great north road NISP Solar Proposals	Please see main responses on the undertaking of flood modelling in the Applicants D4 submission. With regards to the points made on cumulative effects; the Proposed Development alongside other relevant development proposals have been considered in Chapter 18: Cumulative Effects [REP4-016]. At Issue-Specific Hearing 2, it was agreed with the Host Authorities that the approach to the assessment was appropriate, which includes the assessment of likely significant cumulative flood effects. This approach is consistent with the decision for the Tillbridge Solar Project in October 25 [EN010142], in which the Secretary of State stated that no cumulative effects were likely "where is an assumption that all other development in proximity to the Proposed Development will have an appropriate drainage strategy to accommodate surface



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			<p><i>water run-off in accordance with either the NPS or the NPPF. The ExA stated that this should make flood risk no worse for any adjacent development. In addition, the ExA stated that the other developments will have to ensure that their sites will not exacerbate fluvial flood risk to other developments”.</i></p> <p>The Applicant has considered the potential for significant effects from soil compaction during construction, operation, maintenance, and decommissioning. Appropriate mitigation measures are set out in the outline Soil Management Plan [REP3-051] (oSMP). These measures have been discussed in detail with Natural England, and a Statement of Common Ground is currently being finalised for agreement.</p> <p>Soil compaction has been fully considered within the oSMP in relation to the construction, operation, and decommissioning phases of the Proposed Development. Soil compaction is recognised as one of the key potential effects to soils, and appropriate mitigation measures have been identified and incorporated to ensure likely significant effects do not occur. As above, these measures have been discussed with Natural England to ensure they align with best practice and a Statement of Common Ground is currently being finalised for agreement.</p>
D4R77	WS5 (REP4-075)	CRITICAL SUBMISSION & POLICY OVERRIDE (17 September 2025): Immediate Requirement to Review Sequential Test Compliance of One Earth Solar Farm (OEP) DCO	<p>The Applicant has not discounted any sites because it does not own the land. As is standard practice, identifying willing landowners was a factor in the site selection process alongside technical and environmental constraints including flood risk. The Applicant has submitted information on the Sequential Test into Examination (specifically REP2-080 and REP3-069). When considering alternative sites, the Applicant has considered (as per the PPG) whether the site is suitable for the type of development, whether it is able to meet the same development need and, crucially, whether it has a reasonable prospect of being developed at the same time as the proposal. Whilst not a determining factor</p>



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			<p>in site selection, having a willing landowner increases confidence in delivery of the scheme within planned timescales and reduces the burden of compulsory acquisition. In any case the Sequential Test assessment provided by the Applicant confirms that there are no available sites which could deliver the scheme in areas of lower flood risk. No alternative site was discounted solely because it was not within the ownership of the Applicant.</p>
D4R78	WS7 (REP4-077)	The Unresolved Cumulative Hydrological Deficit	<p>Please see main responses on Baiamonte et al. (2023) and flood modelling in the Applicants D4 submission.</p> <p>As above, with regards to cumulative effects, the Proposed Development alongside other relevant development proposals have been considered in Chapter 18: Cumulative Effects [REP4-016]. At Issue-Specific Hearing 2, it was agreed with the Host Authorities that the approach to the assessment was appropriate. This approach is consistent with the decision for the Tillbridge Solar Project in October 25 [EN010142], in which the Secretary of State stated that no cumulative effects were likely.</p> <p>The RoFSW dataset by its nature does not seek to demonstrate post-development surface water flood risk on a site-specific level. Instead, it provides a picture of present day and future baseline surface water flood risk. Responses detailing why solar panel development is not considered to result in significant increases in surface water runoff have already been provided.</p> <p>We have responded in detail previously with regards to the 'safe for its lifetime' point, however for clarity: the Applicant has provided a suite of documents that form a robust and evidence-based case that the project is safe for its lifetime. These have been developed in full consultation with the Environment Agency and Lead Local Flood Authority.</p>



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D4R79	WS8 (REP4-078)	Submission of Forensic Critique Regarding Site Selection Rationale for the One Earth Solar Farm Nationally Significant Infrastructure Project (NSIP)	<p>Mr Fox has made several assertions around the chronology of connections and extrapolated that to the viability of siting. The Applicant entered into a grid connection agreement with National Grid Energy Transmission (NGET) in June 2021 for a 500MW connection the 275Kv High Marnham Substation. An additional Grid Connection Agreement was entered into for 240MW in November 2021. These agreements were entered into significantly before proposal for the Great Grid upgrade. As such, site selection was based on a legally binding connection agreement for a Substation with capacity. This connection and policy in EN-1 at the time (notably <i>“In considering any proposed development, the applicant should have considered the availability of existing transmission and distribution infrastructure or the need to develop new infrastructure for connection to the grid”</i>) guided the site selection process, including environmental constraints, including flood.</p> <p>Those grid connection agreements remained extant until a ModApp was agreed with NGET in Q4 2024. This was done in collaboration with NGET who were seeking to route connections into the proposed 400Kv substation. It is important to note, that at no point did the Applicant not have an extant grid connection agreement for 740MW at High Marnham.</p> <p>The chronology of events is clearly explained within the Grid Connection Statement [APP-174].</p> <p>Mr Fox appears to assert that the substation development is both a Development Consent Order and has an operation date of 2031. Both of these assertions are incorrect. Planning for the proposed 400Kv substation is to be submitted under the Town and Country Planning Act (TCPA) and has a stated operational date, in their literature, of 2029.</p>



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D4R80	WS9 (REP4-079)	Request for Robust Consideration of Alternative Site Constellations, in light of New Technical and Financial Evidence.	The Applicant has considered whether a series of smaller sites could meet the same development need as the scheme, in areas of lower flood risk. This assessment is contained within REP2-080 and REP3-069 and concludes that there are no other alternative smaller sites which could have been combined to deliver the same development need as the scheme.
D4R81	WS10 (REP4-081)	Formal Objection and Analysis in Reply to ExA's Second Written Question Q12.0.3: Policy Non-Compliance and Procedural Impropriety Regarding Flood Risk Assessment (FRA) and Draft Development Consent Order (DCO) Requirements	<p>The Applicant has engaged constructively with the Environment Agency throughout the pre-application and Examination process, as is standard practice, and as is encouraged by the Planning Inspectorate.</p> <p>The Applicant is confident its position is compliant with policy as it goes above and beyond the requirement for an FRA to accompany the DCO application. As for all similar schemes, the FRA has been submitted with the DCO application based on scheme parameters as secured via the draft DCO and Outline Design Parameters. The role of the FRA is to demonstrate to the Secretary of State at the point of DCO decision that any detailed design would be acceptable from a flood risk perspective, as it would (as secured via the Outline Design Parameters) fall within the scheme parameters which are assessed in the FRA.</p> <p>Given the concerns raised regarding flooding for this Scheme, the Applicant proposes to go one step further and to commit to updating the FRA assessment based on detailed design.</p>
D4R82	WS 12 (REP4-082)	Technical Assessment of Flood Plain Storage Compromise in Nationally Significant Infrastructure Projects	There is no policy or Environment Agency technical guidance that sets out that the use of tolerances is strictly prohibited when flood risk impacts or compensatory storage is considered.



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			<p>The potential impact on floodplain storage has been assessed by means of a volumetric assessment, the principles of which have been agreed to by the Environment Agency.</p> <p>As per the D4 submission, the Applicant recognises that there is no blanket tolerance for change in flood level. In the case of the Proposed Development a tolerance of 5mm has been agreed by the Environment Agency.</p> <p>Separately to the above, the EA have requested that fluvial hydraulic modelling be undertaken to assess the impact of the Proposed Development on flood flows. This modelling exercise is ongoing.</p> <p>Mitigation for the construction stage is set out in the oCEMP.</p> <p>With regards to the Exception Test, please refer to our previous responses and the Sequential Test and Exception Test Assessment documents.</p>
D4R83	WS13 (REP4-083)	Statutory and Guidance Breaches Arising from the Deadline 3 Submissions for One Earth Solar Farm NSIP	The Applicant refers to its response to WS2 and WS3 (REP4-072 and REP4-073) above. The Applicant is confident it has submitted robust technical evidence, which has and continues to be subject to proper scrutiny by the appointed ExA and interested parties throughout the Examination process, orally and in writing.
D4R84	WS14 (REP4-084)	Enhanced Protective Provisions for the One Earth Solar NSIP Development Consent Order	The Applicant notes the submission entitled 'Enhanced Protective Provisions – The Mandate of Stringency'. The matters raised do not reflect any findings of the Examining Authority, nor do they have basis in the Planning Act 2008 or relevant regulations. The Applicant confirms that standard and proportionate Protective



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			Provisions and Requirements are included consistent with NSIP precedent and relevant statutory guidance.
D4R85	WS15 (REP4-085)	Legal Assessment of Statutory Consultation Compliance: One Earth Solar Farm	The Applicant notes the submission entitled “Urgent Recommendation for Cessation of Examination.” The matters raised do not reflect any findings of the Examining Authority or Planning Inspectorate. The Examination is proceeding lawfully under the Planning Act 2008, and all relevant consultation and engagement materials, including any previously referenced documents, have been transparently provided to the Examination Library.
D4R86	ExQ2-1 (REP4-086) ExQ2-2 (REP4-087) ExQ2-3 (REP4-088)	Legal Opinion on Systemic Breaches of Statutory Consultation Duties (Planning Act 2008) and the of the One Earth Solar Farm DCO A Critical Assessment of the One Earth Solar Farm Consultation and Examination Process: Legal Deficiencies under Chapter 2 of the Planning Act 2008 Addendum to Critical Assessment of the One Earth Solar Farm Proposal: Demonstrating Breaches of the Planning Act 2008 and Associated Legal Guidance	The Applicant has complied with its statutory pre-application duties, as demonstrated via the Consultation Report [APP-155] submitted with the DCO application. This Consultation Report was analysed and the s55 Acceptance Checklist [PD-055] from the Planning Inspectorate confirms statutory pre-application duties had been complied with, as per that Report. The Applicant has also continued to have regard to representations from interested parties, demonstrated for example by its Response to Relevant Representations [REP1-075] and then further its Response to Relevant Representation Responses [REP3-068]. The Applicant also refers to its response to Q1.01 of ExQ2 confirming compliance with its statutory consultation duties.



one earth
solar farm