

ExQ3: 19 November 2025

Responses due by deadline 6: Wednesday 3 December 2025

ExQ3	Question to:	Question:
1. General and cross-topic questions		
Q1.0.1	To the applicant and all IPS	<p>Health Survey</p> <p>A number of parties have referenced a survey undertaken in advance of the application being accepted. To date this has not been submitted into the examination. Should any party consider that it has important and relevant information which the SoS should be aware of and for it to be considered by the ExA in our report, it should be submitted into the examination.</p> <p>We therefore invite all parties that might have access to this survey and consider it important and relevant to submit it into the examination.</p> <p>Note: For all parties, there has been suggestion that the Applicant is required to submit all information submitted to them during the pre-application consultation exercise. The ExA is of the view this is not correct, the Guidance states “The consultation report shouldset out a summary of relevant responses to consultation (but not a complete list of responses)”</p> <p>NSDC have previously been provided with a copy of the survey and we enclose a copy with our response.</p>
Q1.0.2	The applicant	<p>Previous Written Question</p> <p>In your D4 submission [REP4- 052] response to ExQ2 – Q1.01 We asked for clarification in respect of the consultation documents as set out below.</p> <p>(1) Can the applicant reexamine their submissions in this respect, and to aid both the ExA and concerned IPs identify where within the documentation a full suite of consultation documentation can be found. The ExA wonder if a table with index may</p>

ExQ3: 19 November 2025**Responses due by deadline 6: Wednesday 3 December 2025**

ExQ3	Question to:	Question:
		<p>provide a simple way of identifying for all parties the full information with corresponding EL references.</p> <p>(2) In undertaking the review if documents are identified to be absent, please ensure any missing elements are provided.</p> <p>As part of your answer you state “<i>All responses received were reviewed and considered, and presented in Appendix J of the Consultation Report</i>”</p> <p>However, you did not provide an answer to part 2 of our question.</p> <p>Can you confirm whether you received the 2 documents referenced by IPs, a survey of 109 people by a local Doctor Sarah Fletcher and the script of the meeting held on 1 August with the SCPC and others.</p> <p>In the event that they were received can you provide copies, and a summary from your perspective of their importance and relevance to the examination.</p> <p>If you do not consider them to be important and relevant to the examination please explain why this is the case.</p>
2.	Design, parameters and other details of the proposed development	
Q2.0.1		No further questions at this time
3.	The Environmental Statement (general)	
Q3.0.1		No further questions at this time
4.	Need	
Q4.0.1		No further questions at this time

ExQ3: 19 November 2025

Responses due by deadline 6: Wednesday 3 December 2025

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5. Site selection and alternatives		
Q5.0.1	<p>The applicant, the Environment Agency, the Councils, all IPs.</p> <p>NSDC Response:</p>	<p>Application of the Mitigation Hierarchy</p> <p>In undertaking an application through the Planning Act, which is recognised as EIA development, both the EIA Regulations and the NPS expect the applicant to undertake a consideration of alternatives having followed the mitigation hierarchy.</p> <p>In light of the ongoing debate with regard to the suitability of the sequential test. Can all parties present the evidence they would wish the ExA to consider in deciding how the mitigation hierarchy has been applied to avoid, reduce, mitigate or compensate for any adverse impacts.</p> <p><i>NSDC have no new evidence to present, beyond the responses to the Second Written Questions at Deadline 4 and as confirmed in our Written Summary of verbal representations at ISH3.</i></p>
6. Air quality and emissions		
Q6.0.1	<p>The applicant</p>	<p>BESS unplanned emissions</p> <p>At ISH3, an IP stated that in the assessment of unplanned emissions contained within the oBSMP [APP-183], it states that no sensitive receptors have been identified.</p> <p>Can the Applicant please confirm how this conclusion has been reached, including why poultry sheds and a reservoir in the locations affected have not been identified?</p>
7. Biodiversity, ecology and natural environment (including Habitats Regulations Assessment (HRA))		
Q7.0.1	<p>The applicant and the Environment Agency</p>	<p>Adequacy of fish assessment</p> <p>1) In light of the outstanding matters in the latest iteration of the draft SoCG can both parties advise on their position and how you anticipate the differences between you can be resolved.</p>

ExQ3: 19 November 2025

Responses due by deadline 6: Wednesday 3 December 2025

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		2) In the event the matters remain in dispute can the EA advise how either a requirement or management plan might be adjusted to provide appropriate mitigation to ensure the relevant species are appropriately protected.
Q7.0.2	NCC	Assessment of Individual Species Within the LIR the council identified a series of concerns in respect of the quality of assessment and the subsequent conclusions reached and management plans prepared for a variety of species including Skylark, Yellow Wagtail, Bats, and Otter. Are the Councils now content with how the proposed development is proposed to be carried out and the mitigation to be delivered through the management plans and requirements?
8. Habitats Regulations Assessment		
Q8.0.1		No further questions at this time
9. Compulsory acquisition, temporary possession and other land or rights considerations		
Q9.0.1	JG Pears	Outstanding Objection to Compulsory Acquisition At the present time there remains an objection to the powers being sought by the applicant over your land interests. 1) Please advise what the latest position is in respect of the objection, and if the negotiations with the applicant are likely to resolve the objections prior to the end of the examination. 2) Do the changes to the extent of powers being sort submitted by the applicant at Deadline 5 address your concerns, and if not what do you regard as outstanding?
10. The draft Development Consent Order (DCO)		
Q10.0.1	LCC, Nottinghamshire Fire and Rescue Service	Protective Provisions Can both authorities advise on their position in respect of the Protective Provisions now proposed in the DCO provided at D5.

ExQ3: 19 November 2025**Responses due by deadline 6: Wednesday 3 December 2025**

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		In the event there is not agreement to the wording proposed, please provide your alternate wording along with a justification for the changes proposed.
Q10.0.2	Trent Vallet IDB	Protective Provisions 1) Can the Trent Valley IDB confirm their position in respect of the Protective Provisions included in the draft DCO. 2) In the event that the draft wording is not agreed, please provide your preferred wording and any justification for the changes proposed.
10.1	Articles	
Q10.1.1		No further questions at this time
10.2	Schedule 1 – Authorised development	
Q10.2.1		No further questions at this time
10.3	Schedule 2 - Requirements	
Q10.3.1	The applicant	Schedule 2(5) (detailed design approval) The change introduced at D2 to respond to concerns from Local Authorities appears to seek approval in consultation with the county authority for (f) external appearance. Should this be (h) vehicular and pedestrian access, parking and circulation areas?
10.4	Schedule 3 – Legislation to be disappplied	
Q10.4.1		No further questions at this time
10.5	Schedule 16 – Procedure for discharge of requirements	
Q10.5.1	NCC, WLDC, BDC NSDC Response:	Timeline for Discharging Requirements Can each authority advise if you are now content with the time period for the discharge of requirements <i>Whilst we welcome the fact that the Applicant has increased the time period for discharge of requirements to 12 weeks, NSDC remain of the view that 16 weeks is</i>

ExQ3: 19 November 2025

Responses due by deadline 6: Wednesday 3 December 2025

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		<i>appropriate to reflect the resourcing demands this and other NSIP projects places on the authority.</i>
11. Historic environment		
Q11.0.1	The applicant and Historic England	Draft SoCG Within the latest iteration of the draft SoCG issued at D5 there remain a series of matters under discussion <ul style="list-style-type: none">• Magnitude of effects,• Impact upon built heritage assets (02-05, 02-06, 02-08), and• Mitigation. <ol style="list-style-type: none">1) Can both the applicant and Historic England update the ExA with their latest position and can HE advise on what additional work if any is required from the applicant to reach a position of agreement, and what the timeframe is for achieving this.2) In the event that agreement is not likely to be reached by the time the examination closes can Historic England advise on what changes to the dDCO or supporting management plans if any you would recommend that would ensure that the mechanisms are in place either prior to commencement (or other suitable time frame) that the historic environment is suitably safeguarded.
Q11.0.2	NCC and LCC	Archaeological Investigation Can the County Councils advise on their latest position with regard to the archaeological investigations undertaken to date, and if they are now satisfied the Written Scheme of Investigation (WSI) and other supporting management plans provide suitable mitigation.
Q11.0.3	NCC and LCC	Extent of Assessment Can the County Councils advise on their latest position in respect of the extent of investigations carried out, the conclusions drawn from those investigations, and

ExQ3: 19 November 2025

Responses due by deadline 6: Wednesday 3 December 2025

ExQ3	Question to:	Question:
		whether there is now an agreed position in respect of the extent of impact where investigations are yet to be carried out.
12. Hydrology and Hydrogeology and the Water Environment		
Q12.0.1	The applicant, the Environment Agency, NCC and LCC as Lead Local Flood Authorities	Additional Submissions The ExA has decided to accept two additional submissions [AS-061 and AS-062] from Mr Fox which have been published on the infrastructure website for the examination. 1) Can each party set out a detailed response to all matters in each document.
Q12.0.2	The Environment Agency	Policy compliance Paragraph 5.8.12 of NPS EN-1 states: <i>“Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques.”</i> 1) Does an increase in flood levels of any amount, caused by the proposed development, result in a higher flood risk, in policy terms as outlined above? Please provide evidence and policy context for the position. 2) Does the proposed development result in a net loss of floodplain storage? 3) Has the scheme been designed to ensure that any deflection or constriction of flood flow rates are safely managed?
Q12.0.3	The Environment Agency	Policy compliance

ExQ3: 19 November 2025

Responses due by deadline 6: Wednesday 3 December 2025

ExQ3	Question to:	Question:
		<p>Paragraphs 5.8.30 and 5.8.31 of, NPS EN-1 states:</p> <p><i>“Where a development may result in an increase in flood risk elsewhere through the loss of flood storage, on-site level-for-level compensatory storage, accounting for the predicted impacts of climate change over the lifetime of the development, should be provided.</i></p> <p><i>Where it is not possible to provide compensatory storage on site, it may be acceptable to provide it off-site if it is hydraulically and hydrologically linked. Where development may cause the deflection or constriction of flood flow routes, these will need to be safely managed within the site.”</i></p> <ol style="list-style-type: none">1) Does the proposed development result in an increase in flood risk elsewhere through the loss of flood storage?2) Can the EA please provide their position on whether both aspects of this policy test have been met, including evidence to support the position.
Q12.0.4	The Applicant The Environment Agency	<p>Policy compliance</p> <p>Paragraph 5.8.41 of NPS EN-1 states:</p> <p><i>“Energy projects should not normally be consented within Flood Zone 3b, or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows.” (Our Highlighting)</i></p>

ExQ3: 19 November 2025**Responses due by deadline 6: Wednesday 3 December 2025**

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		<ol style="list-style-type: none">1) Can the EA confirm that the proposed development would not result in a net loss of floodplain storage?2) Can the EA confirm that the proposed development would not impede water flows?3) In light of the above two questions can the Applicant and the EA please provide their position on whether both aspects of this policy test have been met, including evidence to support the position.
Q12.0.5	The Environment Agency	<p>Policy compliance</p> <p>In the event that one or both aspects of the policy tests set out in question Q12.0.3 above, paragraph 5.8.42 of NPS EN-1 states:</p> <p><i>“Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the Secretary of State may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable and safe level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the Secretary of State should make clear how, in reaching their decision, they have weighed up the increased flood risk against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA or NRW and other relevant bodies.”</i></p> <p>Can the EA please set out their position on this policy requirement, including evidence to support the position taken.</p>
Q12.0.6	The Environment Agency	Mitigation hierarchy

ExQ3: 19 November 2025**Responses due by deadline 6: Wednesday 3 December 2025**

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		<p>At ISH3 the EA stated that they were satisfied with the Applicant's approach to the mitigation hierarchy.</p> <p>1) Can the EA please provide a full explanation and reasoning for this position, including reference to national policy.</p> <p>2) Can the EA please explain how they consider the first stage of the mitigation hierarchy, avoid, has been addressed successfully?</p>
Q12.0.7	The Applicant The Environment Agency	SoCG Can the Applicant and the EA please update the SoCG to account for D5 submissions.
Q12.0.8	The Environment Agency	Cumulative Impacts Are the EA satisfied that the cumulative impacts of the proposed development on the Trent Valley catchment have been assessed adequately?
Q12.0.9	The Applicant	Sequential Test With in their D5 submission [REP5-081] WLDC repeated their request for a table showing for each AP site, the area of the sites within each of the flood zones. For clarity, the full request is as follows: (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. Can the Applicant please provide the full details of the request made by WLDC to further assist the examination in understanding the relative position of the sites considered.

ExQ3: 19 November 2025

Responses due by deadline 6: Wednesday 3 December 2025

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Q12.0.10	LCC	<p>Sequential Test</p> <p>The following submissions have been made by LCC with regards to the sequential test:</p> <p>D4 Responses ExQ2 [REP4-055] Q12.0.5 states:</p> <p><i>“LCC notes that there is no set approach within policy nor guidance for the size of smaller sites that could create a series of plots to create the wider development order limits. The lower limit of 250ha assessed by the applicant could be called into question as other NSIPs within Lincolnshire have smaller land parcels making up their order limits. Cottam for example consists of 4 land parcels, 3 of these are below 250ha (168ha, 132ha and 73ha). However, as stated above neither guidance nor policy states a fixed land size to be included within searches for reasonably available land. As such LCC cannot identify any policy basis for why the sequential test has not been met.”</i></p> <p>D5 Post hearing submissions 1 [REP5-075] states:</p> <p><i>“LCC maintains its objections in relation to the scope of the sequential test as set out within its written response to the ExA’s Second Written Questions. LCC would highlight that neither EN-1 nor EN-3 treat flood risk or the sequential test element of flood risk policy as irrelevant or in any way optional even for infrastructure which falls within the definition of CNP. Paragraph 4.1.7 of EN-1 does not very clearly differentiate between the two elements of the Government’s policy on flood risk (i.e. sequential and exceptions tests) but instead discusses broadly a reference to ‘flood risk’ without further definition. Even if ‘flood risk’ is interpreted as relating to only part of the Government’s policy on flood risk, EN-1 and EN-3 treat the sequential test as a key policy test to be considered and weighed properly in the balance overall. Paragraph 5.8.36 requires the Secretary of State to consider, in relation to all applications for development consent (CNP or otherwise) whether the sequential test has been applied to site selection.”</i></p>

ExQ3: 19 November 2025

Responses due by deadline 6: Wednesday 3 December 2025

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		<p>D5 SoCG REP5-048] states:</p> <p><i>“LCC does however acknowledge that Neither guidance nor policy states a fixed land size to be included within searches for reasonably available land. As such LCC cannot identify any policy basis for why the sequential test has not been met.”</i></p> <p>From the above, the ExA is unclear as to what the exact policy position of LCC is in relation to the sequential test. Can LCC please confirm their position in explicit policy terms with respect to the Sequential Test?</p>
13. Land use and Soils		
Q13.0.1	The applicant and Natural England	<p>Draft SoCG – Soil Storage</p> <ol style="list-style-type: none">1) Within the latest iteration of the draft SoCG reference is made to WG – please clarify what this refers to.2) Please clarify the status of the position in respect of soil storage, there appears there may be a discrepancy between Table 18.4 and the Risk and Issues Log NE17.3) In respect of NE17 reference is made to a meeting with the Applicant on 15 September 2025, which document before the Examination addresses the concern identified?
14. Human Health		
Q14.0.1	UKHSA	<p>Impact of BESS on human health</p> <p>During the recent Open Floor Hearing held on 6 November (Recording available at EV9-002) (Relevant extract from the transcript page 3 of EV9-003) Interested Parties raised concerns that the UKHSA had not been involved in the application.</p> <p>This concern has been explained further in the submissions from Sheila and Jane Pumfrey [REP5-109 and REP5-100]</p> <p>Can the UKHSA confirm they have no concerns in respect of effects on human health from this proposed development.</p>

ExQ3: 19 November 2025

Responses due by deadline 6: Wednesday 3 December 2025

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15.	Landscape and visual	
Q15.0.1		No further questions at this time
16.	Noise and vibration	
Q16.0.1	<p>The councils</p> <p>NSDC Response:</p>	<p>Noise Limits</p> <p>Are the Councils content with the change to the dDCO with regards to the noise limits for the proposed development?</p> <p>NSDC have reviewed the changes to Requirement 16 (Operational Noise) in the Draft DCO and are content at the reference to noise rating levels, linked to Chapter 15 (Noise and Vibration) of the ES.</p>
17.	Socio-economic effects	
Q17.0.1		No further questions at this time
18.	Transportation and traffic	
Q18.0.1	The applicant	<p>Visibility splays</p> <ol style="list-style-type: none">1) Can the Applicant please provide evidence to substantiate the claim made at ISH3 and subsequently stated at D5 [REP5-071], that land outside the control of the Applicant (i.e. outside of the RLB and not on public highway) will not be required to provide visibility splays, as shown on drawings.2) Whilst noting the Applicant's reference to Requirements 5 and 15, can the Applicant please explain what happens in the situation that speed surveys show that full visibility splays are required for access points, being greater than the land within the RLB?3) Can the Applicant please explain what actions are necessary to give the SoS comfort that the access points as described with the dDCO are deliverable and

ExQ3: 19 November 2025

Responses due by deadline 6: Wednesday 3 December 2025

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		appropriate visibility splays can be achieved to ensure the safe operation of the proposed access points?
Q18.0.2	NCC	<p>Visibility splays</p> <p>Paragraph 5.14.121 of NPS EN-1 states:</p> <p><i>“The Secretary of State should only consider refusing development on highways grounds if there would be an unacceptable impact on highway safety, residual cumulative impacts on the road network would be severe, or it does not show how consideration has been given to the provision of adequate active public or shared transport access and provision.”</i></p> <p>In the event that visibility splay requirements are greater than the available land within the RLB or public highway, can NCC please confirm whether they consider this policy requirement has been met or otherwise, including evidence to support that position.</p>
Q18.0.3	NCC	<p>A57 access point</p> <p>Following the submissions at D5 from the Applicant, can NCC please confirm whether there are any outstanding matters still to be resolved?</p>
Q18.0.4	NCC	<p>Access junction drawings</p> <p>Are NCC now satisfied that all relevant drawings have been submitted by the Applicant at D5 and those drawings provide the necessary detail you require? If not, please provide details of what matters remain outstanding.</p>
Q18.0.5	NCC	<p>New access points</p> <p>Are NCC satisfied with the details within Requirement 5 (detailed design) and Requirement 15 (CTMP), with regards to the ability for safe access points to be delivered?</p>
19. Cumulative Effects		

ExQ3: 19 November 2025**Responses due by deadline 6: Wednesday 3 December 2025**

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Q19.0.1	Natural England	Cumulative Effects on agricultural land and soil function. Can Natural England advise on the latest position in respect of this matter, the latest iteration of the SoCG at 03-06 advises the applicant was to address this matter at D4. Are NE now content with the evidence provided by the applicant?