Light Valley Solar

08.25 The Applicant's Response to the Examining Authority's First Written Questions

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Light Valley Solar

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The Infrastructure Planning
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(as amended)

Light Valley Solar

Deadline 3 Submission

The Applicant's Response to the Examining Authority's First Written Questions

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1 Introduction

1.1 Purpose of the Document

1.1.1 This report sets out the Applicant's response to the Examining Authority's (ExA) first written questions, issued on 22 September 2026 **[PD-008]**

1.1.2 In some cases where the Examining Authority has requested further information, the Applicant has deferred a response to the next deadline in order that a full response can be provided. Where this is the case, this is set out in this document.

1.2 Structure of the Report

1.2.1 Section 2 of this report is tabulated to include the ExA's questions and a response to each question as follows:

- General and cross-topic questions
- Design, parameters and other details of the proposed development
- Need
- Agriculture and land use
- Cultural heritage
- Cumulative and In-combination effects
- Ecology and biodiversity
- Habitat Regulations Assessment (HRA)
- Landscape and visual effects
- Noise and vibration
- Other matters
- Site selection and alternatives
- Socioeconomic effects
- Traffic and transport including public rights of way
- Water environment (including Water Framework Directive Assessment and Flood Risk Assessment)
- The draft Development Consent Order
- Compulsory acquisition, temporary possession and other land or rights considerations

1.2.2 The submissions made by interested parties, as well as references to the Application documentation are provided in accordance with the referencing system set out in the Planning Inspectorate's Light Valley Solar Examination Library.

1.2.3 Revision suffixes have also been attached to any documents which have been revised and resubmitted to the Planning Inspectorate during the Examination.

Table 1-1 List of Acronyms for Submission Documents

Term	Definition
AIA	Arboricultural Impact Assessment
AIS	Air Insulated Switchgear
ALC	Agricultural Land Classification
AMS	Archaeological Mitigation Strategy
BESS	Battery Energy Storage System
BMA	Bird Mitigation Area
BNG	Biodiversity Net Gain
CEMP	Construction Environmental Management Plan
CIEEM	Chartered Institute of Ecology and Environmental Management
CNP	Critical National Priority
CRC	Cable Route Corridor
CRT	Canal and River Trust
DAD	Design Approach Document
DCO	Development Consent Order
DEMP	Decommissioning Environmental Management Plan
DESNZ	Department for Energy Security and Net Zero
DPC	Design Parameters and Commitments
EA	Environment Agency
EIA	Environmental Impact Assessment
EMF	Electromagnetic Field
ES	Environmental Statement
ExA	Examining Authority
FFL	Finished Flood Level
FRA	Flood Risk Assessment
FWEP	Flood Warning and Evacuation Plan
GB	Great Britain
GLVIA3	Guidelines for Landscape and Visual Impact Assessment, 3rd Edition
ha	Hectare
HDD	Horizontal Directional Drilling
HRA	Habitat Regulations Assessment
IDB	Internal Drainage Board
LCA	Landscape Character Area
LEMP	Landscape and Ecological Management Plan
LIR	Local Impact Report
LLFA	Lead Local Flood Authority
LNRS	Local Nature Recovery Strategy
LSFT	Large Scale Fire Testing

Term	Definition
MW	Megawatt
MWh	Megawatt-hour
NE	Natural England
NESO	National Energy System Operator
NGT	National Gas Transmission
NPPF	National Planning Policy Framework
NPS	National Planning Statement
NYC	North Yorkshire Council
oBMAMP	Outline Bird Mitigation Area Management Plan
ODS	Outline Drainage Strategy
OEM	Outline Environmental Plan
oISMP	Outline Invasive Species Management Plan
oLEMP	Outline Landscape and Ecological Management Plan
oMWMP	Outline Materials and Waste Management Plan
oOEMP	Outline Operational Environmental Management Plan
oPRoWMP	Outline Public Rights of Way Management Plan
oSRMP	Outline Soil Resources Management Plan
PCE	Property Cost Estimate
PPW	Permitted Preliminary Works
PRoW	Public Rights of Way
PRS	Private Rented Sector
RPA	Root Protection Area
RSPB	Royal Society for the Protection of Birds
RVAA	Residential Visual Amenity Assessment
RVAT	Residential Visual Amenity Threshold
SDS	Solar Development Site
sHRA	Shadow Habitat Regulations Assessment
SINC	Site of Importance for Nature Conservation
SMS	Strip Map Sample
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Special Site of Scientific Interest
TGN	Technical Guidance Note
YWT	Yorkshire Wildlife Trust

2 Written Questions

2.1 General and cross-topic questions

Table 2-1 Applicant's Response to the Examining Authority's First Written Questions: General

ExQ	Question to	Question	Applicant's Response
Q1.1.1	The Applicant	**Documentation errata** The applicant is to review the errata and clarifications in annex A of this document and make amendments to the relevant application documents for deadline 4 (Tuesday 17 November 2026). This list is not exhaustive, and the applicant should undertake a thorough check of all documents for accuracy during any future revision.	The Applicant notes this comment and confirms that the errata will be corrected no later than Deadline 4. Where documents are updated for the Change Order Application these updates will be incorporated accordingly.
Q1.1.2	The Applicant	**Recreational area and permissive paths in Solar Development Site 4** NYC's LIR [REP1-006] explains its concerns that the arrangement and layout of the proposed permissive paths may not provide sufficient visual interest for users. Figure 12.06 of the Outline Environmental Masterplan [PDA-008] also shows an area in the southeast corner of the site as a proposed recreational space. The applicant is to explain: a) what is the intended purpose/ use of the proposed recreational space and how would it be managed and maintained during the lifetime of the development (or signpost where it can be found in the application documents) b) the proposed means of access to the recreational area appears to be via a permissive path only. Are any other means of access proposed and if	The area in the south-east corner of Solar Development Site 4, close to Haddlesey Road, is excluded from solar infrastructure. At submission it was described as having an alternative land use, "currently indicated as a potential recreational space" (response to WHPM-24 in **The Applicant's Response to Relevant Representations (Part 1) [PDV-005]**). Following ongoing discussions with NYC and as discussed in the response to 1.7.6 below, the area is no longer proposed as a recreational space. The Applicant will submit an updated Figure 12.06 of the **Outline Environmental Masterplan [submitted alongside this submission]** and, where relevant, an updated **Outline Landscape and Ecological Management Plan (oLEMP)** at Deadline 4. **a) Purpose, management and maintenance** The area would create bird habitat (ground-nesting birds, particularly passerines) for the operational life of the Proposed

ExQ	Question to	Question	Applicant's Response
		so, what and where is this? Set out what equipment would be needed for maintenance and whether the proposed access would allow for that, and whether accessible access would be required or desirable, such as for wheelchair or mobility scooter access.	Development. Its management and maintenance will be set out in the detailed Landscape and Ecological Management Plan (LEMP), which must be substantially in accordance with the **oLEMP [REP2-095]** and approved by North Yorkshire Council (NYC) under the LEMP Requirement of the **draft DCO [REP2-004]**. The measures in the detailed LEMP must be maintained for the lifetime of the Proposed Development (response to RNC-20 **[PDV-005]**). **b) Access, maintenance equipment and accessibility** The primary purpose of the permissive path south of Woodhouse Farm and along Haddlesey Road (Work No. 10C) is to improve safety by avoiding the need for people to walk along the road. The path provides a dedicated off-road route, open to pedestrians, cyclists and equestrians, so that users can travel alongside Haddlesey Road rather than on it (Section 4.2 of the **Outline Public Rights of Way Management Plan (oPRoWMP) [APP-199]**). This separation of users from road traffic is a clear safety benefit that the scheme provides for the local community. Maintenance access would use the permanent access points and internal tracks established during construction (paragraph 2.6.1 of the **Outline Operational Environmental Management Plan (oOEMP) [REP2-091]**), with routine operational maintenance expected to involve around five visits per site per month, typically by vans or 4x4 vehicles (paragraph 2.2.8 of the oOEMP; Section 4.1 of the oPRoWMP). As the area is no longer proposed for recreation, access for wheelchairs or mobility scooters to it would not be needed. The value of the path instead lies in the safe, off-road alternative it offers to walking along Haddlesey Road, with users able to join footpath 35.10/3/1 and 35.37/U1082/70

ExQ	Question to	Question	Applicant's Response
			without using the carriageway (Section 4.2 of the oPRoWMP). For the permissive paths generally, surfacing materials and widths will be agreed with NYC before the paths open (Section 4.2 of the oPRoWMP). The paths will be open up to 364 days a year for the 60-year operational life (Table 3-11 of the oOEMP), providing a long-term safety benefit. On NYC's concern about visual interest **[REP1-006]**, the main benefit of this permissive path is the improved safety it provides by keeping users off the road, rather than its function as a destination in itself. Nonetheless, the permissive paths are designed to create new links between existing PRoW and new loops (Section 4.2 of the oPRoWMP). The oLEMP sets out measures to establish and maintain the amenity value of the paths, including regular maintenance and planting (response to SOC-39 in **The Applicant's Response to Relevant Representations (Part 2) [AS-036]**).
Q1.1.3	The Applicant	**Mitigation route map** The Commitments Register [REP2-069] does not provide a sufficiently comprehensive audit trail of the specific mitigation and controls relied upon by the ES to avoid, reduce or offset significant effects. The audit trail should include clear reference to identify the impact requiring mitigation; the relevant phase of the development such as construction, decommissioning etc; the proposed controls and the enforceable securing mechanism such as DCO requirements, protective provisions, s106 obligations, other consent regimes; and details of the monitoring mechanism. The source documents for each mitigation should be specified, including relevant document chapters/ sections/ paragraphs (including the	The Applicant notes this comment and confirms that the **Commitments Register [REP2-069]** will be updated no later than Deadline 4 to account for these requirements.

ExQ	Question to	Question	Applicant's Response
		current Examination Library reference); all to be cross-referenced to other related mitigation where appropriate. The applicant should: a) provide a single mitigation route map that brings together the controls and mitigation measures identified across the ES and related documents. Examples of suitable mitigation route maps can be found in the Sizewell C project, Byers Gill Solar project, and the Lower Thames Crossing project b) either update the Commitments Register to include the required information, or produce a separate document. In either case, the document should be maintained throughout the examination and the final version certified alongside the draft DCO.	
Q1.1.4	The Applicant	**Restoration Bonds** Several representations raised concerns regarding the long-term certainty that the site could be decommissioned and restored if ownership of the proposed development were to change over time. Whilst the applicant has previously explained in its representations why it considers a restoration bond to be unnecessary (reference CON-21 of [AS-036] and BPC-23 of [REP2-109]), the applicant is to further comment and advise on the following: a) given the Funding Statement [APP-021] demonstrates only that the current applicant has the financial capacity to fund the proposed development, including decommissioning, how can the Examining Authority be satisfied that any	a) The Applicant first notes that this would be a matter the Secretary of State would consider in determining whether consent should be granted for the transfer of benefit of the DCO (where that is required) and is therefore not a matter for the ExA to be satisfied of at this stage. In any event, as with the Applicant itself, the key point is that the DCO requires a DEMP to be developed and decommissioning to be carried out pursuant to that DEMP. That must be complied with (and thus funded) by any future undertaker in the same way as applies for the Applicant. b) and c) The Applicant can confirm that no DCOs have a specific requirement for a decommissioning bond to be

ExQ	Question to	Question	Applicant's Response
		future undertaker, owner or operator would also have the financial resources necessary to undertake decommissioning and site restoration works? At deadline 2 in its response to written representations (reference T-WR-CON-01 of [REP2-120]) the applicant stated "…it is not routine for energy DCOs and while similar arguments have been advanced requesting a decommissioning bond, the Secretary of State has not required in most of the solar DCOs to date". This response suggests bonds may have been secured in some cases. The applicant should, therefore, explain: b) which, if any, made solar DCOs has the Secretary of State required restoration bonds to be secured, what were the reasons given in those cases as to why a bond was considered necessary and how was this secured c) explain further why, in light of those decisions and cases, the applicant maintains a restoration or decommissioning bond is not required for the proposed Light Valley Solar project.	put in place pursuant to the DCO itself. The need for such a Requirement was specifically considered in the Oaklands decision, where the Secretary of State specifically determined that such a Requirement bond would not be required. This is a matter that is raised frequently in solar Examinations and each time the Secretary of State has made a DCO that does not include such a requirement. The only nuance to this position relates to the Helios DCO project, where that promoter voluntarily put the following drafting onto the face of the DCO: *No later than year 15 of operation the undertaker must notify the local planning authority that the undertaker has put in place the requisite decommissioning security in the form as required by the landowners* However, a number of other solar DCOs have been granted since that project (Springwell, Peartree Hill, Dean Moor, One Earth and Beacon Fen), none of whom have included similar drafting. There is nothing different about the Proposed Development which would require a different position to be taken, and so the Applicant maintains that decommissioning band drafting is not required on the face of the DCO.

2.2 Design, parameters and other details of the proposed development

Table 2-2 Applicant's Response to the Examining Authority's First Written Questions: Design

ExQ	Question to	Question	Applicant's Response
Q1.2.1	The Applicant	**On-site cabling and interconnecting underground cabling** The DPC [REP2-021] sets out that for on-site cabling and underground cabling trenches would be up to 2m deep. Paragraph 1.5.1 of the Cable Route Method Statement [APP-147] sets out that if joint boxes are to be used to link sections of underground cables that these could be 3m deep. How does the worst-case scenario assumed for cable trenches take into account the potential use of joint boxes given the cited depths?	The assessment included within the ES has been completed based on the parameters set out within both the **DPC [REP2-021]** and the **Cable Route Method Statement [APP-147]** and therefore as a worst-case assessment the 3m depth has been utilised where required. The **DPC [REP2-021]** will be updated for Deadline 4 to include the potential for joint boxes to be used and the required 3m depth where that is the case.
Q1.2.2	The Applicant	**Maximum parameters associated with integrated/ disaggregated conversion units and 33kV switchrooms** At ISH1 the applicant explained (summarised in [REP1-004]) that the cumulative height of any concrete plinth, required freeboard for flood levels and the height of the proposed integrated	In relation to Conversion Units and 33kV Switchrooms, the **DPC [REP2-021]** states: ▪ Their maximum height of 3.5 m; and ▪ The commitment that "*the minimum Finished Floor Level (FFL) would be set to the design event flood level plus 0.3 m freeboard or the credible maximum scenario flood level, whichever is greater. In the event voided structures are used, freeboard will be a minimum of 600 mm.*" The applicant has assessed maximum parameters for the Scheme set out within the Design Parameters and Commitments. The maximum parameter which the applicant has assessed for the Solar Development Sites, where the Conversion Units and 33kV Switchrooms are located, is the 4.5 m height associated the Solar PV Panels. This allows

ExQ	Question to	Question	Applicant's Response
		conversion unit or switchrooms would not exceed a maximum height of 4.5m. Paragraph 1.3.2 of the updated DPC [REP2-021] sets out that all heights defined in the document are above ground level unless otherwise specified. The Examining Authority remains concerned that the document does not provide sufficient clarity as to whether the stated maximum height parameter for these proposed components is a cumulative measurement to include any concrete plinth, finished floor level adjustment and freeboard allowance. For the avoidance of doubt, the applicant is to: a) update the DPC to make it explicit whether the maximum cumulative height parameter applicable to the proposed integrated conversion units and switchrooms is inclusive of, or in addition to, any external housing, required foundation or concrete plinth depth, finished floor level and	for a 1 m variation in the FFL for the Conversion Units 33kV Switchrooms to ensure the correct height above flood level. The Applicant has reviewed the proposed locations of Conversion Units and 33kV Switchrooms against the anticipated maximum flood depths at these locations (refer to Table 8-1 and paragraph 8.1.7 of the **FRA [REP2-079]**) and can confirm that there are no locations where the cumulative height of the FFL and associated infrastructure would exceed the 4.5 m parameter. Should detailed design identify that 4.5 m envelope be at risk of being exceeded, Conversion Units and 33kV Switchrooms would be re-located to avoid deeper areas of flooding. The Applicant has similarly reviewed the Onsite Substations (see Table 8-1 and paragraph 8.1.7 of the **FRA [REP2-079]**) whose total height above ground level is dependent on estimated flood depth and can confirm the relevant maximum parameters would not be exceeded by cumulative height of the FFL and associated infrastructure. Furthermore, the BESS Compound is within Flood Zone 1 and therefore does not require raising above an anticipated flood level. The Applicant has reviewed the **DPC [REP2-021]** and can confirm that the parameters for heights set out within that document have been accounted for within the Rochdale envelope considered in EIA inclusive of any external housing, required foundation or concrete plinth depth, finished floor level and freeboard allowance. Notwithstanding the above, the Applicant will include within the updated DPC submitted at deadline 4 commitments for each relevant component that the total height above ground level inclusive of any external housing, required foundation or concrete plinth depth, finished floor level and freeboard allowance will not exceed the relevant maximum parameter assessed within the EIA.

ExQ	Question to	Question	Applicant's Response
		freeboard allowance required for flood risk mitigation b) review the DPC and identify any other components of the proposed development where the overall height could increase as a consequence of external housing, foundation type or depth, finished floor level adjustments and freeboard requirements. Where relevant, update the document to make the maximum cumulative height of such elements explicit and confirm that this would not be inconsistent with any of the parameters used in assessing those elements or assessment conclusions.	
Q1.2.3	The Applicant	**Generating output for the proposed development** Provide the predicted annual electricity generating capacity, expressed in megawatt hours (MWh) for the proposed tracker	**a) Percentage bands** The Applicant has used PVsyst, an industry-standard tool, to simulate the output effect of and interpolated historical satellite data of insolation levels on the Scheme's indicative design for both Fixed and Tracker options. However the Applicant notes that the

<table>
<tr><th>ExQ</th><th>Question to</th><th>Question</th><th>Applicant's Response</th></tr>
<tr><td></td><td></td><td>and fixed solar panel options including:
a) the estimated total number of hours in a year when the proposed development would be expected to generate electricity at levels within each of the following percentage bands of its grid export capacity: 0 to 9; 10 to 19; 20 to 29; 30 to 39; 40 to 49; 50 to 59; 60 to 69; 70 to 79; 80 to 89; and 90 to 100%
b) the estimated total number of hours in a year when the proposed development could generate electricity in excess of 500MW
c) the estimated annual volume of generation (MWh/year) that would otherwise be curtailed in the absence of battery energy storage.</td><td>generation output achieved in any individual future hour will be dependent upon a number of environmental, climate and weather factors prevailing in that individual future hour.

The Grid Connection Capacity is 500MW, therefore the Scheme cannot export more than this amount. The simulation is based on Year 1 operation.

Consistent with its approach throughout the Examination, the Applicant has based its indicative design on technologies which are currently readily available on the market. Following consent, if granted, at the detailed design stage the Applicant will seek to maximise the efficiency and effectiveness of the Scheme within the control parameters established by the made DCO. The delivered generation may differ from the indicative design on which this simulation is based.

Table 1 following shows the aggregated results of the simulation for both technology layouts

All hours of the year, including nighttime when there is no generation, have been included in the results table. The Percentage Bands cover the range strictly greater than the lower range, and lower than or including the upper range (i.e. > lower, <= upper).

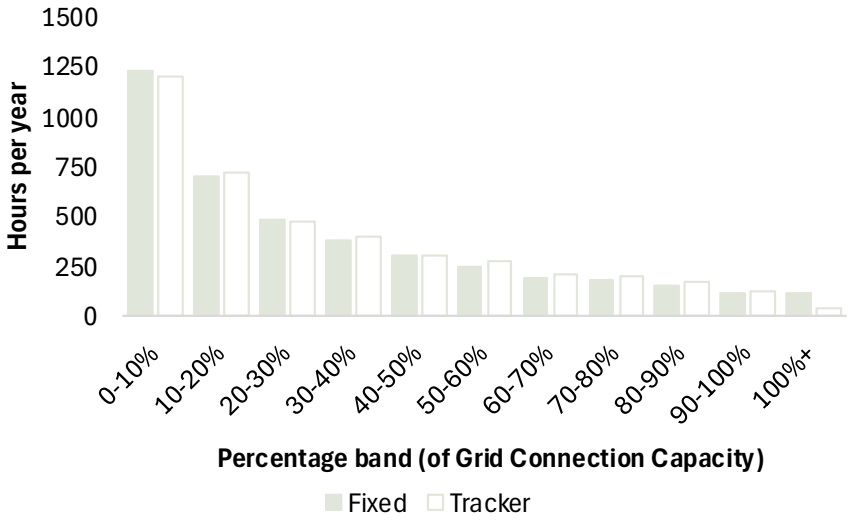
Table 1 - Hours per year at each generation output band

<table>
<tr><th>Percentage Band (of 500MW)</th><th>Lower band (MW)</th><th>Upper band (MW)</th><th>Hours of the year (Fixed)</th><th>Percentage of the 8760 hours of a year (Fixed)</th><th>Hours of the year (Tracker)</th><th>Percentage of the 8760 hours of a year (Tracker)</th></tr>
<tr><td>0% / Hours of darkness</td><td>0</td><td>0</td><td>4621</td><td>52.8%</td><td>4614</td><td>52.7%</td></tr>
<tr><td>0-10%</td><td>0<</td><td>50</td><td>1240</td><td>14.2%</td><td>1206</td><td>13.8%</td></tr>
<tr><td>10-20%</td><td>50<</td><td>100</td><td>705</td><td>8.0%</td><td>728</td><td>8.3%</td></tr>
<tr><td>20-30%</td><td>100<</td><td>150</td><td>485</td><td>5.5%</td><td>472</td><td>5.4%</td></tr>
</table>
</td></tr>
</table>

ExQ	Question to	Question	Applicant's Response

30-40%	**150<**	**200**	381	4.3%	405	4.6%
40-50%	**200<**	**250**	309	3.5%	306	3.5%
50-60%	**250<**	**300**	253	2.9%	274	3.1%
60-70%	**300<**	**350**	191	2.2%	213	2.4%
70-80%	**350<**	**400**	181	2.1%	203	2.3%
80-90%	**400<**	**450**	157	1.8%	171	2.0%
90-100%	**450<**	**500**	117	1.3%	125	1.4%
100%+	**500<**	**N/A**	120	1.4%	43	0.5%

Figure 1 – Hours per year at each generation output band (excluding hours of darkness)

ExQ	Question to	Question	Applicant's Response
			 **b) Generation in excess of 500MW** The simulation results in Table 1 above show that the total number of hours in a year when the proposed development could generate electricity in excess of 500MW is estimated to be 120 for the Fixed layout, and 43 for the Tracker layout. **c) Curtailed volumes** Section 9.4 of the **Statement of Need [APP-214]** describes the ways that generation can be curtailed in the GB electricity market. Broadly, these are: • For network constraints • Due to national over-supply

ExQ	Question to	Question	Applicant's Response
			• Due to co-located asset over-generation (clipping) As associated development to the Proposed Development, the BESS will support the operation of the main solar array, for example by reducing the impact of curtailment on its output. The **Statement of Need [APP-214]** also explains that an asset located on a transmission network which is well connected to demand centres, such as the Proposed Development, is unlikely to be curtailed for network constraints. Although curtailment for this reason remains a possibility during the operational life of the Proposed Development, when, go how long, how frequently and the quantity of curtailment which may occur would be dependent on a large number of variables. These would include: the weather; the composition of local generation assets; network development to increase local transmission capacity, and levels of local electricity demand including progress in increasing the electrification of energy demand from non-electric source. The Applicant is therefore unable to estimate the annual volume of generation that would otherwise be curtailed due to network constraints in the absence of battery energy storage. The **Statement of Need [APP-214]** also explains that curtailment could occur because more energy was being generated nationally than that which could be consumed or stored nationally at that time. Curtailment for national over-supply reasons also remains a possibility during the operational life of the Proposed Development. The factors contributing to national over-supply of electricity are similar to the factors which contribute to network constraints, save for the fact that they require consideration over a national, not local geography. Similarly, therefore, the Applicant is unable to estimate the annual volume of generation that would otherwise be curtailed due to national oversupply in the absence of battery energy storage. In each of these cases however, it is clear that storage, co-located with the principal solar site, would be able to store electricity generated by the Proposed Development if either of

ExQ	Question to	Question	Applicant's Response
			these types of curtailment were to occur. This would increase security of supply (because the stored energy could then be used when it is needed), affordability (because the energy stored would have been bought at very low or negative prices and therefore could undercut more expensive generation at its point of release, thereby reducing the cost of electricity) and decarbonisation (because stored energy would be predominantly low-carbon, and would predominantly displace higher-carbon generation when released). The simulation above also estimates that the volume of electricity generated in excess of 500MW ('clipped' generation) is 2,823 MWh for the Fixed layout, and 651 MWh for the Tracker layout.
Q1.2.4	The Applicant	**Battery energy storage system foundations** At ISH1 the Examining Authority noted that pile foundations for the BESS compound could be up to 15m deep. The Examining Authority questioned why this depth would be necessary, and whether there could be more certainty around foundation type required given the location of the compound has been identified as a specific works area. The applicant advised it would be updating the DPC document and this was identified as an action point reference ISH1-9 [EV5-010]. The updated DPC submitted at deadline 2 [REP2-021] still contains reference to the 15m	The applicant updated **ES Volume 1, Chapter 2: Proposed Development** and the **DPC**, as indicated in tracked version of these documents **[REP2-027]** and **[REP2-021]** respectively. The updated text clarifies that BESS enclosures will either be mounted on foundations up to 2m in depth or piles up to 15m deep. The 15m pile depth considered in the EIA allows for sufficient flexibility for the detailed design work to refine the ultimate foundation design. The detailed design would be informed by pre-construction technical surveys and engineering work carried out, should development consent be granted.

ExQ	Question to	Question	Applicant's Response
		depth. The applicant should explain why pile foundations of up to 15m would be necessary and why there cannot be more certainty about foundation type at this stage.	
Q1.2.5	The Applicant	**Capacity of the proposed battery energy storage system** To demonstrate the proposed BESS is of a nature and scale proportionate to the principal development, and would accord with the principles for associated development, the applicant is to provide (or signpost where it can be found in the application documents): a) the anticipated power and storage capacity of the proposed BESS (per unit and in total) b) how many hours it would take to fully charge and fully discharge the proposed BESS c) what informed the extent of land identified for Work No.2 on the Work Plans [AS-004] and the justification for this	**a) Anticipated power and storage capacity of the proposed BESS** A Battery Energy Storage System (BESS) is proposed as associated development to the Proposed Development. The BESS is proposed to support the principal solar sites through their operational life by storing energy when it is generated in abundance and releasing it the grid when demand is higher. At times when the BESS is not supporting the operation of the principal solar sites, it may be useful for the BESS to support the national supply and demand balance by importing directly from the grid rather than from the co-located solar. The benefits arising from the BESS are set out in Sections 6.11, 7.9, and 7.10 of the **Statement of Need [APP-214]**. In particular, Section 6.11 of the **Statement of Need** provides information on factors related to the size of the BESS. Alongside the export capacity secured through a scheme's grid connection agreement, the size of the import connection secured by connection agreement with NESO at the point of connection is also an important input into the maximum power capacity of the BESS proposed at a facility. Other physical parameters may control specific elements of a scheme, including parameters which will have the effect of capping the energy capacity of the proposed BESS. For this reason, the BESS is proposed to have a power capacity of 500MW. **ES Volume 1 Chapter 2 - The Proposed Development [REP2-027]** provides that the assessed energy capacity of the battery storage is 2,000MWh. BESS designs are

ExQ	Question to	Question	Applicant's Response
		d) what proportion of a calendar year would the proposed BESS store energy from the proposed generating station for commercial use e) an explanation whether the generating station elements of the proposed development would or would not be financially viable without a BESS.	evolving and technology is advancing. As they do, energy density (MWh energy storage capacity per BESS Container) is increasing. Further, the **Outline Battery Safety Management Plan [REP2-097]** explains that NFCC guidelines have been complied with, and that NFCC guidance will be followed with any deviations fully discussed and agreed with the relevant safety authorities. This may include revisions to design parameters such as spacing between battery containers and therefore may also impact the MWh capacity of the Proposed Development at a future time. For these reasons, energy storage capacity (expressed in MWh) is not a reasonable control parameter for the design of the BESS component of the Proposed Development. Rather, the candidate BESS design must not exceed the maximum parameters committed to within the DCO through Table 2-2 of the **Design Parameters and Commitments document [REP2-021]**. The Applicant confirms that the assessed 2,000MWh of storage capacity represents a reasonable assumption of the energy storage capacity which may be accommodated within the maximum parameters committed to within the DCO through Design Parameters and Commitments [APP-217]. This has been derived from industry standard software and the Applicant's own design experience to prepare an indicative design for the BESS element of the Proposed Development (measured in MWh), using key inputs such as the Applicant's proposed plans, current BESS technology and knowledge of the Site. The Applicant can confirm that its current assumption on the energy storage capacity of a single BESS Unit is 5 MWh. **b) Charge and discharge rates**

ExQ	Question to	Question	Applicant's Response
			Assuming the assessed parameters set out above (500MW power capacity and 2,000 MWh energy storage capacity), the BESS would take four hours to charge from empty to full, and four hours to discharge, from full to empty, if charging / discharging at the maximum import / export capacity of 500MW. However, the BESS would take longer to charge from empty to full if it was to be charged at a lower rate than its maximum import / export capacity. An example of when this might happen is if the BESS was to charge from the solar site at times of lower insolation. Conversely, the BESS could be scheduled to discharge at a lower power level, meaning that it could discharge at a steady rate for a longer period of time. **c) Extent of land identified for Work No.2** The Applicant's **EIA Scoping Report [APP-143]**, paragraph 3.3.1.2, confirmed the site selection for the BESS development area would be within the Solar Development Sites (SDS). Co-location of the BESS with the solar panels and with a 275 KV substation is a key design requirement. This will maximise operational efficiencies and cost savings. The search area for the proposed BESS compound was set at 10.5 ha. This search parameter is described in **ES Chapter 2 The Proposed Development** [**REP2-027**] and was a suitable assumption to accommodate both a BESS Compound and a 275 kV substation. The area for a BESS Compound was determined based on the Applicant's experience in the design of BESS. This takes into account the potential number of batteries and enclosures that would be required, it also reflects relevant good practice and safety guidance that the Applicant will follow (details of which are outlined in the outline Battery Safety Management Plan [REP2-098]. This requires, for example, minimum separation distance between the enclosures, sufficient access for maintenance and in the event of fire response as well as for the provision of fire water stored on site. Since the final BESS design and site layout cannot be confirmed until the battery system has been selected and Large Scale Fire Testing (LSFT) is undertaken, the extent of land identified

ExQ	Question to	Question	Applicant's Response
			reflects the requirements set out in the above. For example, allowing a separation distance of 2.5 m between BESS blocks and 3.5 m to ESS equipment, and 2.5 m between adjacent and back-to-back BESS enclosures. An assessment of potentially suitable sites across all the SDSs determined that SDS 2 is the most suitable technical (area, access, safety, proximity to point of connection, utilities), and environmentally sustainable (flood, heritage, landscape and visual, noise, ground conditions and agricultural land) location. On SDS 2, Works No.2, to accommodate the BESS, and Works No. 3 to accommodate a 275 kV substation, are located side by side (**Works Plans [AS-004]**). **d) Use of the BESS through the year** The energy generated by the main solar development over the course of one day will regularly exceed the energy storage capacity of the BESS, based on the current assumed scheme parameters. This may happen at all times of the year, however, clearly is more likely to happen in months with higher insolation (for example, from March to October). However, when, how often and over what period this occurs will depend on many factors including national demand, the weather and the composition of the future GB generation fleet. The Applicant is therefore not able to provide a meaningful quantified response to this question. On less sunny days, the solar array may be generating a lower output, and it would therefore take longer to fill the BESS. On less sunny days therefore, the BESS may store less energy from the proposed generating station. However, this will not always be the case due to factors outside of the control of the proposed generating station (as listed above). Days during which the proposed solar array would generate more power than the BESS could store, could regularly occur at all times of the year and the full capacity of the

ExQ	Question to	Question	Applicant's Response
			proposed BESS is expected to be used regularly by (i.e. filled with) energy from the proposed solar array. **e) Financial viability of the generating station without the BESS** Section 7.11 of the **Statement of Need [APP-214]** sets out the Applicant's responses to the tests for associated development (Department for Communities and Local Government (2013) Planning Act 2008, Guidance on associated development applications for major infrastructure projects). In particular, paragraph 7.11.8 of the **Statement of Need** explains that investing in unsubsidised solar is economically rational on a stand-alone basis and requires no cross-subsidisation financially to justify the cost of the principal development. The market-based evidence for this is that there is a significant proportion of existing solar farms which are currently operational and which are not co-located with a BESS. Table 1 of the Clean Power 2030 Action Plan stated that, as of mid-2024, 17GW of solar capacity was operational but only 5GW of batteries. Therefore, at least 12GW of existing solar capacity (but in reality significantly higher because the majority of currently operational batteries are themselves standalone) operates without co-located batteries. The Government's policy position also supports this, explaining at paragraph 2.10.5 of NPS EN-3 that: "Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation". As such, it is clear that the generating station elements of the proposed development would be financially viable without a BESS. However, NPS EN-1 provides policy support for energy storage, including: • Paragraph 3.3.6 – the need for increased flexibility of providing new storage and interconnectors.

ExQ	Question to	Question	Applicant's Response
			• Paragraph 3.3.25 – storage has a key role to play in achieving net zero when providing flexibility to the energy systems. • Paragraph 3.3.26 – storage is needed to reduce the cost of the electricity system and increase reliability by storing surplus electricity Further, paragraph 2.10.24 of NPS EN-3 provides policy support for co-located assets to maximise the efficiency of land use. It is for these reasons that the Applicant is including BESS facilities in its development proposals.
Q1.2.6	The Applicant	**Sulphur hexafluoride emissions – NPS EN-5** The Examining Authority notes that that GIS components such as switchgears and transformers are proposed to be used. Notwithstanding that the ES assumes that sulphur hexafluoride (SF6) emissions would be negligible, and that the contents of paragraphs 9.6.4(9), 9.9.14 and 9.9.15 of ES Chapter 9 [APP-047] are noted, the applicant is to: a) explain why consideration has not been given to avoiding or prioritising the use of SF6-free electrical components so as to eliminate emissions from gas insulated switchgear and components, which is a requirement of	The Applicant confirms that the BESS units, inverters, transformers and control panels would not contain SF6. The **oOEMP [REP2-091]** already provides that the Proposed Development will adhere to good practice regarding SF6 emissions. Such good practice includes the statements in paragraphs 2.10.14 and 2.10.15 of NPS EN-5. The **oOEMP [REP2-091]** will be amended at Deadline 5 to make this clear, that SF6 will be avoided where practicable, and to set out that that in producing the detailed OEMP, the Applicant will be required explain if it has been able to avoid the use of SF6 or provide the evidence that 2.10.15 can apply, taking account of the process set by paragraphs 2.9.62-2.9.64, and if it does, the monitoring processes it will put in place to be compliant with the F-gas Regulation. This commitment is made in the context that detailed design of the Proposed Development has not yet been undertaken and so it cannot yet be confirmed that it is technically feasible and not grossly disproportionate in cost (as per the language in 2.10.15), for all parts of the Proposed Development to be SF6 free. This is also important in the context of paragraph 2.9.62 to 2.9.65. At this stage it is clear that the Proposed Development will involve the potential SF6 using switchgears, circuit breakers and AIS equipment as a starting point, as these are basic necessities of any solar development (i.e. there is no alternative to exporting electricity to the grid without this equipment). Such equipment has historically used SF6, albeit as noted in the ES, the market and standard practice is such now that SF6 free material for them is likely to be available. As such, for the Proposed Development to function, there is no alternative form of 'asset' (to use the language of NPS paragraphs 2.9.62-2.9.64) that could be considered as part of this stage of the design of the Proposed Development.

ExQ	Question to	Question	Applicant's Response
		paragraph 2.10.14 of NPS EN-5 b) include a commitment to avoid or prioritise the use of SF6-free electrical components as a mitigation measure and update the oCEMP, oOEMP and oDEMP (and any other relevant application documentation) to secure this c) if no such commitment is to be made, further explain and provide evidence to support its position that, having regard to the requirements set out in paragraphs 2.9.62 to 2.9.65 and 2.10.14 and 2.10.15 of NPS EN-5, the use of GIS and SF6 components would be necessary.	The precise material make up of those development aspects is not known at this stage, as is common with all other solar developments. That material make up would be determined by the detailed electrical design of the Proposed Development, and, importantly, the supply chain options for those components which exist at the time that orders are placed for them (which would not happen until after consent is granted and the decision to financially proceed with the Proposed Development is made). As such, the Proposed Development has not to date, and is not currently, in a position to be choosing between different alternative materials (and their SF6 status), including whether there is a costs differential between them, for these components. On this basis, the Applicant is content to make the changes to the **oOEMP [REP2-091]** to ensure compliance with NPS EN-5 which reflects the level of design at this stage, and the base design need of the Proposed Development.
Q1.2.7	The Applicant	**Storm resiliece** The applicant's response to relevant representations reference RNC-25 of [REP2-109] explained that solar panels are typically tested and rated to withstand up	The Applicant confirms that the detailed design of the Scheme will incorporate solar PV modules, mounting structures and associated infrastructure that are designed and certified in accordance with relevant industry standards and engineering requirements relating to wind loading, structural stability and resilience to extreme weather events.

ExQ	Question to	Question	Applicant's Response
		to 140mph wind, and that it intends to use such panels as part of the proposed development. Section 2.13 of the oOEMP [REP2-091] also sets out measures to address any issues in the event of a storm or extreme weather. The applicant should: a) explain whether it can commit to using panels and components that meet the standards referenced rather than simply say it 'intends' to do so? For example, could the DPC be updated to secure this? b) confirm that there is no section 2.13 of the oOEMP, and either signpost where this information is set out, or update the oOEMP accordingly.	The reference in **The Applicant's Response to Relevant Reps (Part 1) (Version 3) [REP2-109]** to panels being tested and rated to withstand wind speeds of up to 140mph was provided as an example of the specifications of commercially available solar PV technology that could be used within the Scheme. The Applicant's intention is to procure equipment that is suitable for the site-specific conditions and capable of meeting all relevant design standards applicable at the time of construction. The Applicant does not consider it appropriate to specify a particular panel manufacturer, model or minimum wind-speed rating within the DCO framework, as this would unnecessarily restrict procurement flexibility and could prevent the adoption of improved technologies that may become available prior to construction. However, the Applicant is content to clarify within the Design Parameters and Commitments that all solar PV modules and associated infrastructure will be designed and installed in accordance with the relevant standards and engineering requirements relating to wind loading and extreme weather resilience applicable at the time of detailed design. This will ensure that the Scheme is appropriately resilient to storm and extreme weather conditions throughout its operational lifetime while retaining necessary flexibility in equipment selection The Applicant can confirm that there is no Section 2.13 within the **oOEMP [REP2-091]** – the reference should have been to section 2.12. That section and Table 3-4 within the oOEMP sets out relevant mitigation and monitoring for extreme weather events and Section 2.12 outlines that a Flood Warning and Evacuation Plan (FWEP) will be developed prior to the commencement of construction and will be a live document that will be updated during the operation and decommissioning phases of the Proposed Development. An Emergency Response Plan will also be developed.
Q1.2.8	The Applicant	**Perimeter fencing** The DPC [REP2-021] sets out that perimeter fencing would generally comprise deer wire mesh fencing	Table 2-5 of the **Design Parameters and Commitments document [REP2-021]**, updated at Deadline 2, provides parameters for fencing design, whilst acknowledging that at this stage it is not possible to specify details such as aperture dimensions and wire spacing as these are matters of detailed design and supply chain availability. As set out in

ExQ	Question to	Question	Applicant's Response
		with timber posts and allow the passage of small mammals. Whilst noting details of fencing are secured by requirement 9 of the draft DCO [REP2-004], NYC's LIR [REP1-006] comments that further details including, amongst others, minimum ground clearance, mesh aperture dimensions, wire spacing and use of use of rabbit mesh should be defined at this stage. The applicant is to update the aforementioned documentation to strengthen the commitment that fencing details to be approved would address and secure the matters identified by NYC.	that document, the Applicant has committed to designing the fencing to let mammals pass through them where practicable, and the 150 mm height committed to in the DPC will help to facilitate this. However, commitment is to 'where practicable' in recognition that there may be circumstances in which it is not possible to allow mammals to pass through fencing (e.g. perimeter fencing around the BESS, where animal entry could cause an electrical safety risk). In approving the detailed design of the scheme, and the detailed design of fencing, North Yorkshire Council will be able to consider if they feel the Applicant has sufficiently considered the interests of biodiversity in developing its fencing design. Sub-paragraph (4) of Requirement 9 confirms that the permanent fencing, which must be approved under sub-paragraph (2), must be substantially in accordance with the design parameters and commitments. As set out in the draft Statement of Common Ground with NYC, this matter is considered to be resolved between both the Applicant and NYC. The updates already implemented have been confirmed as accepted by NYC.
Q1.2.9	The Applicant	**Substations and cable route options CRC1-4 and CRC1-4a** Table 1-1 of the Technical Note: Plot Optionality [REP2-111] indicates that if substation components were to be in SDS4 then CRC1-4 would be used whereas if substation components were to be in SDS2 then CRC1-4a would be used. However, paragraph 2.5.34 of ES Chapter 2 [REP2-027] states "the Proposed Development requires substations	The Applicant confirms that although components may be located in either the Onsite Substation located in Solar Development Site 2 or Solar Development Site 4, both Onsite Substation locations are required by the Proposed Development as set out in 2.5.34 of **ES Chapter 2 [REP2-027]**. Therefore, in response to the Examining Authority's points: a. A total number of three Onsite Substations are required as part of the Proposed Development, across SDS 1, 2, 4. As noted above, the optionality between SDS 2 and 4 relates to the electrical design of the substation areas. b. It is acknowledged that if the final design of the sub-station at SDS4 requires a cable connection from Solar Development Site 1 then it would technically be feasible for CRC1-4a, in combination with CRC2-4 to facilitate this. However, CRC1-4 would be the most electrically efficient routing. The important point is that only one route would be used.

ExQ	Question to	Question	Applicant's Response
		on Solar Development Sites 1, 2 and 4…" and paragraph 2.5.50 explains that the decision on the cable route to be taken would depend on the detailed electrical design of interconnecting cables. These statements therefore appear inconsistent. The applicant is to: a) confirm the number of substations required as part of the proposed development b) if the final design proposes a substation at SDS4, explain why it would be infeasible for CRC1-4a to facilitate the cable connection c) clarify the basis on which the choice between CRC1-4 and CRC1-4a would be made, including whether the route selection would be: ▪ dependent upon the location of substation components ▪ dependent upon the detailed electrical	c. Selection of CRC1-4 or CRC1-4a would be dependent on the location / specification of substation components, and will also influenced by the detailed electrical design of the interconnecting cables, all of which will be informed by the overall electrical design (which itself is also influenced by BESS and panel design/capacity, as discussed at ISH1).

ExQ	Question to	Question	Applicant's Response
		design of the interconnecting cables ▪ or if it would be influenced by both factors.	
Q1.2.10	The Applicant North Yorkshire Council	**Offset to public highways** The DPC [REP2-021] does not specify any minimum offsets from public highways be incorporated into the proposed work no. 6 areas which includes fencing, lighting, acoustic barriers, and gates. The applicant is to: a) explain and provide justification for the lack of a prescribed offset to the public highways in the Order limits b) if offsets are not considered necessary: ▪ explain how can the Examining Authority can be reassured that fencing, lighting, acoustic barriers, and gates would not be erected at the edge of the public highway and therefore not give rise to potential impacts on	The Applicant can confirm that there are a number of buffers/setbacks applied across the Proposed Development applicable and which in turn confirm that works will not be undertaken directly adjacent to the Public Highway. A 2m buffer has been applied to highways across the scheme and applied on the Works Plans, with setbacks also determined by other buffers where applicable and which include: - Buffers from hedgerows (on the field boundaries) of 8m as shown on the **OEM [EN0110012/APP/LVS/02.12]** (updated alongside this submission) and which are then followed through to the extent of the built works on the Works Plans - PROW 15 m buffers As shown on the **Works Plans [AS-004]** the developable area for solar is set back from the field margins such that no development will be against the field boundary and therefore directly adjacent to the public highways. As this is secured on the Works Plans, no further commitment is required in respect of the solar areas. However, in respect of other infrastructure (i.e. Work No. 6) the Applicant recognises that there is no buffer shown on the **Works Plans [AS-004]**. However it is considered that this is not necessary given the nature of those works and the controls within the DCO. Specifically: • the role of fencing and boundary treatment would be to protect the Proposed Development from interference from highway users and vice versa. Under Requirement 9, NYC would approve the details of fencing, which would ensure that it is of a standard; • lighting is controlled by the principles in the **oCEMP [REP2-089]/oOEMP [REP2-091]** the details of which the local planning authority would approve; • CCTV would potentially be located at the locations of fencing, but this is already accounted for in the assessment of visual amenity; and the Applicant considers

ExQ	Question to	Question	Applicant's Response
		visual amenity and highway safety? ▪ give details of other made solar DCO projects where the lack on minimum offsets from public highways has previously been found to be acceptable c) NYC is to confirm its position on this matter as both the planning and highway authority.	that it is not likely to cause an issue to highway safety. Its height is also controlled through the **Design Parameters and Commitments [REP2-021]**; • weather stations and communication infrastructure would not be located in locations that would affect highway safety given what they do; • landscaping would be considered as part of approval of the **oLEMP [REP2-095]**; • the use/improvement of existing access tracks would not affect visual amenity/highway safety as by definition they are internal works; • the laying down of internal tracks/ramps/bridges/means of access/footpaths would be giving effect to the detailed design/LEMP which NYC could consider in discharging the relevant requirements; • footpath diversions would be controlled via approval of the detailed PROWMP; • earthworks are part of overall construction activities that have already been assessed in the ES, and would be controlled as necessary via the CEMP and Soil Resource Management Plan (SRMP) that NYC would approve; • any sustainable drainage infrastructure would approved pursuant to the drainage requirement; • acoustic barriers would be located in and near to relevant construction works and so would be close to the overall commitments on set-offs within the **DPC [REP2-021]** and the **oCEMP [REP2-089]**. As such they would be in locations unlikely to affect highways safety or visual amenity. In any event, their provision would be a general construction activity already accounted for in the LVIA assessment in the ES; • electricity and telecommunications connections would take place at the point of connection and would be underground so not likely to cause amenity or highway safety issues; and • Laydown areas would be progressively established across the Solar Development Sites in addition to the Temporary Construction Compounds (shown on **ES Volume 2, Figure 2.1: Illustrative Site Layout Plans [APP-059]**) which are

ExQ	Question to	Question	Applicant's Response
			necessarily located near site entrances. The purpose of the laydown areas is to avoid unnecessary movement of resources from the interior of the SDSs. The Applicant has reviewed the Works Plans and DPC equivalents for the most recent made DCOs – Dean Moor, Pear Tree, Springwell, One Earth, and Beacon Fen. None of those DCOs have any secured set-off for their Work No. 6 equivalents, and there is nothing special to the Proposed Development to require a different approach.
Q1.2.11	The Applicant	**Offsets to non-ancient/ non-veteran trees** The Commitments Register [REP2-069] at C14 and the DPC [REP2-021] (e.g. tables 2-1 and 2-2) both require specified elements of the proposed development to have a minimum 5m offset, or an offset of the root protection area from non-ancient/ non-veteran trees. However, the Commitments Register is inconsistent with the DPC in that it does not include the caveat 'whichever is larger' but instead uses the phrase 'where practicable'. The applicant is to review, and update as necessary, the Commitments Register to align with the DPC in relation to offsets to non-ancient/ non-veteran trees.	The Applicant can confirm that both are applicable. For Ancient woodland or veteran trees, a minimum 15m buffer or the Root Protection Area will be applied depending on which is the greater. If the Root Protection Area is under 15m a 15m buffer will be applied. For non-ancient woodland (as identified in the National Forestry Inventory and site surveys) a minimum of 10 m or the Root Protection Area depending on which is the greater area will be applied. For all other trees a minimum 5 m offset to RPA will be applied where practicable. There are instances where construction traffic uses the existing access track and therefore these buffers cannot be applied and therefore the requirement for "where practicable". The Applicant will review the wording across the Commitments Register and DPC for Deadline 4 to ensure that this is clear.
Q1.2.12	The Applicant	**Minimum buffer to Common Wood Site of Importance for Nature Conservation**	A minimum 15 m buffer or the RPA, whichever is larger will be proved to all ancient woodland. This buffer may however be breached where the Cable Route Corridor passes Common wood SINC to enable Cable Route Corridor construction traffic to utilise the

ExQ	Question to	Question	Applicant's Response
		The Commitments Register [REP2-069] at C14 sets out that for construction, operation and decommissioning there would be a minimum buffer of 20m adjacent to Common Wood SINC, whereas there is no minimum buffer measurement specified in the DPC [REP2-021] (e.g. in tables 2-1 and 2-2). The applicant is to: a) update the DPC to be consistent with the Commitments Register b) update the oCEMP [REP2-089] to include a minimum buffer for Common Wood SINC, including a specified exception where the cable route corridor construction traffic utilises an existing culvert to cross an associated ditch at Common Wood.	existing culvert to cross an associated ditch in this location. This is set out in the **oCEMP [REP2-089]**. The Applicant can confirm that there will be no permanent works within 20 m unless access is required for the use of the existing culvert. As set out in the **oCEMP [REP2-089]** trenchless solutions will be utilised when/if crossing ditches that lead to the following designated sites: Common Wood SINC, Nightingale Wood SINC, Burr Closes SSSI, and Barber Rain SINC. Trenchless solutions will also be employed to pass beneath Ouse Bank-Westfield-Riccall Ings SINC that flanks the River Ouse, which will avoid direct impacts to the designated site. Trenchless solutions would also be used for railway crossings. Road crossings will be a combination of trenchless and open cut crossings. The **Commitments Register [REP2-069]** will be updated to ensure consistency with the wording of the **oCEMP** at Deadline 4.

2.3 Need

Table 2-3 Applicant's Response to the Examining Authority's First Written Questions: Need

ExQ	Question to	Question	Applicant's Response
Q1.3.1	The Applicant National Energy System Operator (NESO)	**Need for the proposed battery energy storage system** In an open letter from the Department for Energy Security and Net Zero and Ofgem on connections reform delivery, dated 16 April 2026, it explained there was 14.8GW above the top of the Clean Power 2030 Action Plan battery capacity range for 2030, and 61.7GW above the projected battery system need in 2035, after the reforms process. Parties should provide a view on the relevance of this letter, and its contents, in considering the need for the proposed BESS. Responses should consider that the proposed BESS only has a Gate 1 offer without an indicative connection date, as set out in section 3.7 of the Statement of Need [APP-214].	Section 3.8 of the **Statement of Need [APP-214]** explains that through the Clean Power Action Plan a process to reduce and reform the grid connections process was instigated to prioritise projects needed for 2030, while maintaining a robust pipeline of projects beyond 2030. The Clean Power Action Plan clarifies that "It is crucial we complement renewables with flexible capacity to ensure we can deliver clean power no matter the weather" Following the 2030 Clean Power Action Plan a revised suite of NPSs were published in December 2025 and designated on 6 January 2026. In the Planning for New Energy Infrastructure Consultation Response (the consultation on the new NPSs), the Government states that "Clean Power 2030 is a milestone that reflects the scale of ambition required to meet our Net Zero 2050 target; it is not a fixed ceiling on technology deployment or project approvals" Paragraph 3.2.6 of the currently designated NPS EN-1 states that: "It is not the government's intention in presenting any of the figures or targets in this NPS to propose limits on any new infrastructure that can be consented in accordance with the energy NPSs".

ExQ	Question to	Question	Applicant's Response
			It is the Applicant's position that this paragraph applies to associated development. This is because paragraph 1.3.12 of NPS EN-1 requires NPS EN-1 to be the main framework for decision-making, and NPS EN-1 contains specific sections on energy storage, for example: • Paragraph 3.3.6 – the need for increased flexibility of providing new storage and interconnectors. • Paragraph 3.3.25 – storage has a key role to play in achieving net zero when providing flexibility to the energy systems. • Paragraph 3.3.26 – storage is needed to reduce the cost of the electricity system and increase reliability by storing surplus electricity Therefore there is a need for flexible storage assets including BESS, and that need extends beyond the 2030 capacity ranges established by the Government in its Clean Power 2030 Action Plan to ensure that the pipeline of projects coming forwards is robust. The Applicant's view is that it is therefore clear that the capacity ranges, which form part or all of the "figures or targets" in the currently designated NPSs and are the ranges used by NESO to guide 'strategic alignment' as part of the Connections Reform process, and therefore which 'drive' the allocation of Gate status to projects which remain in the queue, should not limit project approvals. Put another way, the Gate status of a project which is coming forward for consent does not alter the policy position that the project is needed and therefore the substantial weight in favour of project consent provided by the policy position set out in NPS EN-1

ExQ	Question to	Question	Applicant's Response
			should be applied as it would have been to the scheme should the Connections Reform prioritisation process and Gate status never have been implemented. The Applicant has summarised key parts of DESNZ and Ofgem's April 2026 letter in relation to its relevance to this Examination. In paragraph 4 of the letter, DESNZ and Ofgem reiterate their support for electricity storage and the benefits it brings: "The government and Ofgem strongly support the deployment of electricity storage, which plays a crucial role in allowing the clean, low-cost energy generated by renewables to be used more efficiently over time, thereby reducing the reliance of the power system on unabated gas" In paragraph 5 of the letter, the root cause of the current 'over-prioritisation' of BESS schemes to 2030 and 2035 has been identified as due to "the number of 'protection' measures in the connections methodologies for well-advanced projects, such as those with planning consent, Capacity Market agreements, or near-term connection expectations" In paragraph 7 of the letter, measures to increase the speed of delivery of BESS projects "such as expanding the use of bay-sharing" are discussed. While in paragraph 8 of the letter, it is discussed that "some projects will likely leave the queue" including potentially non-viable projects which remain in the queue due to the 'protections' they benefitted from as part of the prioritisation process itself.

ExQ	Question to	Question	Applicant's Response
			At the time of making this submission, it is well understood that not all connection agreements have been issued to Gate 2 (or Gate 1) projects. It is therefore not the case that NESO, DESNZ, Ofgem or the industry have complete and accurate data on what the final level of attrition of projects from the queue will be. As a point of reference, Section 6.3 of the Statement of Need provides data on attrition at all stages of project development, including NESO's own analysis from February 2023 that "only 30-40% of projects in the [connections] queue make it to fruition" i.e. an attrition rate of 60-70% of 'queued' projects. Similarly, because the government has retained optionality in the setting of its Clean Power capacity ranges to enable that "potential challenges in some areas of clean power delivery can be compensated by deployment elsewhere" the scale of BESS needed to sustain a Clean Power system through to 2050 and beyond is also not yet known and crucially will not be known until a Clean Power system and net zero itself is reached. Therefore, the Applicant considers that this letter does not contradict the established policy position that: • there is an urgent need for new flexible capacity up to 2030; • a robust pipeline of flexible projects must be maintained beyond 2030; and • the capacity ranges, and through them the Gate status of projects being considered for planning consent, do

ExQ	Question to	Question	Applicant's Response
			not affect the substantial weight that the current policy position attaches to the need for those projects.

2.4 Agriculture and land use

Table 2-4 Applicant's Response to the Examining Authority's First Written Questions: Agriculture and land use

ExQ	Question to	Question	Applicant's Response
Q1.4.1	The Applicant	**Continued agricultural use** Section 3.3 of ES Chapter 3 [REP2-029] sets out that project objective 5 is to support the on-going agricultural economy. Paragraph 5.10.1 of ES Chapter 5 [REP2-031] explains that the loss of agricultural land could be partially mitigated through continued agricultural use alongside the development. However, this remains only an option for future consideration, with no firm commitment at this stage. The applicant should explain: a) what form of agricultural production or activity would be undertaken, and how is this committed to b) if a continued agricultural use is not committed to, or secured, at this stage: ▪ how does this align with project objective 5 and what reliance (if any) can be given to this as a mitigation method? ▪ how could this be secured or agreed post-consent?	In relation to part a), the assessment of effects on agricultural land set out in **ES Chapter 5 [REP2-031]** does not rely on continued agricultural activity as mitigation to reduce the temporary loss of agricultural land use. Paragraph 10.5.1 deliberately does not refer to it as a mitigation measure, and it is placed under the Enhancement heading as it is seen as something that **could** be a positive legacy of the Proposed Development but is not relied upon. As such, continued use is not committed to as a mitigation measure, however, there are no known restrictive covenants that would prevent co-location of solar panels and agricultural activity. In light of this, as set out in Section 4.6 of the **oLEMP [REP2-095]**, the Applicant will be exploring opportunities for sheep grazing to take place, which will also have the effect of helping to manage the grassland proposed around the solar areas, but this is not relied upon (as noted in paragraph 4.6.10).

ExQ	Question to	Question	Applicant's Response
			In response to part b), Table 5-1 of **ES Chapter 5 [REP2-031]** details how the Proposed Development will provide a long-term stable income source to the agricultural holdings with land within the Solar PV Sites through ground rent, which will enable landowners to make long-term plans and investments for their wider farming/agricultural business, thus supporting the agricultural economy in the area. That is how the Proposed Development (and its location) is aligned with project objective 5, given the farming businesses in question were willing to enter into negotiations with the Applicant to enable this outcome to be achieved). How a landowner chooses to invest in their wider business is a private matter and therefore this cannot be secured or agreed via the DCO. Financial support for landholdings has similarly not been relied upon as mitigation in the ES.
Q1.4.2	North Yorkshire Council.	**Green Belt** Green Belt matters were discussed at ISH1 [EV5-004]. NYC agreed with the applicant that the cable corridor works constitute engineering operations and that the SDSs fall within the grey belt, meaning neither is inappropriate development in Green Belt terms. However, NYC reserved its position on the cable corridor compound at CRC 4-POC, pending submission of its LIR. NYC's LIR [REP1-006] does not address this issue, or Green Belt matters more generally, however, the applicant updated the Planning Statement [REP2-015] and Appendix 2: Grey Belt Assessment [REP2-019] at deadline 2. In light of this, NYC is to:	Not for Applicant to respond on.

ExQ	Question to	Question	Applicant's Response
		a) confirm its position regarding Green Belt policy matters and whether it agrees with the applicant's assessment and conclusions b) if it disagrees, provide an explanation and reasoning.	
Q1.4.3	Skipwith Parish Council	**Agricultural land classification of SDS1** Skipwith Parish Council stated [RR-1289] that it rejects the applicant's contention that 80% of the land within SDS1 is subgrade 3. However, table 5-12 of ES Chapter 5 [REP2-031] identifies the site as comprising 45% subgrade 3a and 44% subgrade 3b (a total of 89% subgrade 3) and when considered in the context of other proposed development land, as a whole, the site comprises of approximately 54% best and most versatile agricultural land. Given this, can the Parish Council explain the basis on which it disagrees with the applicant's assessment and provide evidence that supports its position that the assessment is incorrect?	Not for Applicant to respond on.
Q1.4.4	The Applicant	**Soil storage** Section 6.2 of the oSRMP [REP2-105] explains that the locations and depths of topsoil and subsoil stripping would be confirmed through the detailed SRMP and that stockpiles would not exceed 4m in height. Paragraphs 4.2.4 and 4.2.5 of the oMWMP [APP-197] indicate that approximately 124,214 tonnes of topsoil would be excavated and retained for reuse whilst approximately 111,118 tonnes of subsoil would be surplus to requirements and managed as a waste stream for off-site reuse, recovery or disposal. Given the substantial quantities of material involved, and as the locations for the storage of excavated soils has not been identified or	The **Outline Materials and Waste Management Plan (oMWMP) [APP-197]** is a working document. The oMWMP notes that '*It is expected that the waste estimates will be reviewed and updated throughout each stage of design development as further information becomes available*'. Upon review of the calculated topsoil and subsoil quanta, recalculations estimate these at 65,432 tonnes of topsoil and 134,514 tonnes of subsoil. In respect of topsoil, the updated calculations take account of the fact that the initial calculations assumed that concrete feet locations would require excavations to 0.3m below ground across their extents. However, concrete feet locations are prescribed in areas of high archaeological potential, as a non-ground penetrative

ExQ	Question to	Question	Applicant's Response
		demonstrated as being capable of being accommodated within the Order limits at this stage, the applicant is to: a) provide evidence demonstrating that the forecast volumes of topsoil and subsoil requiring storage on site throughout the operation of the development could be accommodated within the Order limits. This should include: ▪ the maximum land take required for such storage ▪ the broad locations and anticipated footprint of all soil stockpiles, having regard to the stated stockpile parameters. b) explain how the likely environmental effects of soil storage have been assessed, with specific reference to the potential effects of any soil mounds or stockpiles on landscape and visual amenity, drainage, and flood risk c) explain where the estimated 111,118 tonnes of subsoil to be taken offsite is derived and what implications this may have on the ability to restore and reinstate the site following decommissioning.	technique and would therefore not require removal of topsoil, aside from possibly some localised levelling. Once removed from the calculations this significantly lowered the quantum of topsoil. As part of the recalculation, spoil generated by construction of attenuation features for the BESS and Substations was also added in to the waste calculations. An update to the **oMWMP [APP-197]** at Deadline 4 will be undertaken to reflect the updates to the waste calculations. It should also be noted that the waste numbers quoted in the oMWMP are conservative and based on a Rochdale Envelope/total Works Plan extent for key infrastructure such as the BESS, resulting in an over-estimation of potential soil removal. The proposed locations for stockpiles will sit within the parameters set for Works Nos.1, 2 & 3 (solar arrays, BESS and Substations respectively) which include the defined parameters, buffers and offsets for these as set out in **ES Volume 1, Chapter 3: Alternatives and Design Iteration [REP2-029]**, Table 3-3, which aim to avoid potential impacts on key environmental constraints and set limitations on heights. In addition, the proposed locations for stockpiles will accord with the following parameters / control measures: ▪ Stockpiles will not be positioned within the root- or crown-spread of trees, as set out in the **oSRMP [REP2-105]**. ▪ Stockpiles will not be located adjacent to watercourses or in locations where they will be disturbed or contaminated by other construction

ExQ	Question to	Question	Applicant's Response
			activities as set out in the oSRMP. They will be offset a minimum offset of 10 m from bank top for all watercourses (50 m for Canal and River Trust watercourses, e.g. River Ouse) and their associated riparian zones, as set out in the **oCEMP [REP2-089]**. ▪ Stockpiles should be located outside of Flood Zones 2 & 3. ▪ No stockpiles should be placed within ecological buffer zones as set out in **ES Volume 1, Chapter 3: Alternatives and Design Iteration [REP2-029]**, Table 3-3. ▪ Stockpiles shall only be created in fields where ecological pre-commencement/pre-clearance checks have been undertaken, in line with the measures set out in Table 3-3 of the Outline Construction Environmental Management Plan; and absence of active nests for ground-nesting bird species and other ecologically sensitive features such as additional badger setts/sett entrances has been confirmed by the Ecological Clerk of Works. Should such features be identified, appropriate buffers should be adhered to in line with the parameters as set out in **ES Volume 1, Chapter 3: Alternatives and Design Iteration [REP2-029]**, Table 3-3 in determining stockpile locations. ▪ No stockpiles should be stored within the Landscape and Visual buffer zones as set out in **ES Volume 1, Chapter 3: Alternatives and Design Iteration [REP2-029]**, Table 3-3. These buffers are set at 30m between residential properties and built development; and at 15m for

ExQ	Question to	Question	Applicant's Response
			PRoWs. At detailed design stage, further advice from the landscape specialist would inform the siting and heights of any stockpiles in relation to visual receptors established through the EIA. ▪ No soil is to be stockpiled upon any areas identified for archaeological mitigation in the form of preservation in situ. These areas are identified on **Figure 2.6 Solar Panels Concrete Feet or Other Non-Ground Penetrative Techniques in ES Volume 2 [APP-063]**. ▪ Stockpiling can occur in areas identified for archaeological mitigation by record (i.e. Strip Map Sample (SMS) excavation) once the mitigation has been carried out and the area signed off for construction works. ▪ Consideration to the nature of stockpiling (i.e. dimensions) should be given where proposed to be located adjacent to built heritage assets, to ensure there are no further impacts as a result of changes to the setting of the asset beyond that identified as a result of other infrastructure associated with the scheme. Where there is a potential for impact to a built heritage asset as a result of stockpiling, stockpiles should be sited away from the asset. The **oSRMP [REP2-105]** will be updated at Deadline 4 to reflect all of the environmental parameters, constraints and buffers set out above in relation to potential stockpile locations. In addition to the measures above, there was also additional consideration in the embedded mitigation within the ES of further measures around stockpile management during both construction and decommissioning phases (such as covering

ExQ	Question to	Question	Applicant's Response
			and seeding of stockpiles to control dust). Although the likely environmental effects of specific soil storage and stockpile locations were not assessed, the principles of the presence of stockpiles and the management and decommissioning of these was considered within the environmental assessments. Notwithstanding the exact location of stockpiling, the above parameters and control measures will ensure that environmental effects are no worse than those assessed in the ES. Within the defined areas for solar panels (Works No. 1 on the **Works Plans [AS-004]**) the illustrative layout indicates that the linear layout of the solar panels results in numerous spaces in the corners of fields and/or along field margins which are potential locations for stockpiles. Whilst the Illustrative Design may change, the defined pattern of solar panels resulting from the parameters set out in the **Design Parameters and Commitments Document [REP2-021]** against the irregular field boundaries that the Applicant has committed to retaining mean there will be spaces not capable of hosting solar panels. In addition, the Applicant would look to optimise opportunities for landscaping and/or acoustic bunds in relation to Works No.2 and 3 (BESS and Substation locations) at detailed design should space requirements for infrastructure allow it. When looking at these collectively it is identified that enough space is available to accommodate the topsoil quantum and the associated required stockpile spatial extents generated by the Proposed Development. For Solar Development Sites (SDS) 1,2,6,7 and 8 the topsoil volumes are either relatively small and/or there is adequate potential space to accommodate all spoil generated on site within the Site. For SDS 3 and 4 constraints related to flood zones which

ExQ	Question to	Question	Applicant's Response
			cover almost the entirety of the Sites means that a strategy for managing spoil generation will be developed that firstly looks at accommodating that spoil within other Solar Development Sites in close proximity or as a worst case looks at off-site solutions for re-use through soil sharing schemes. A commitment to produce this strategy for managing spoil generation will be added to the **oSRMP [REP2-105]** and **oMWMP [APP-197]** at Deadline 4. The exact locations of potential stockpiles have not been defined at this stage due to a number of variables including panel layouts only being at an outline and illustrative stage and subject to change, ground investigation and foundation design to be carried out at detailed design stage, as well as flexibility around heights of stockpiles that may need to vary across the sites and at different locations. There is a commitment in the **oSRMP [REP2-105]** to determine the exact locations of stockpiles in the detailed SRMP. The subsoil figure is a worst-case figure, where the maximum subsoil quantities are generated and assumes that all of that subsoil needs to be removed from site. In the first instance detailed design will seek to minimise the volume of sub-soil generated through choice and design of foundations. The **oMWMP [APP-197]** also notes that excavated material will be used to satisfy the fill material requirements of the Proposed Development wherever reasonably practicable, but that excavated material surplus to the requirements of the Proposed Development will be reused off-site where suitable receptor sites exist, these may include restoration of mineral sites, environmental mitigation and habitat creation projects, landscape and land raising works, and other local construction

ExQ	Question to	Question	Applicant's Response
			projects. These locations will be defined through the detailed SRMP at detailed design.

2.5 Cultural heritage

Table 2-5 Applicant's Response to the Examining Authority's First Written Questions: Cultural heritage

ExQ	Question to	Question	Applicant's Response
Q1.5.1	North Yorkshire Council	**Setting of Heritage Assets** Paragraph 10.16 of NYC's LIR [REP1-006] advised that discussions were ongoing between NYC and the applicant, regarding impacts on the setting of heritage assets. NYC is to provide a schedule summarising: ▪ all designated heritage assets where disagreement remains ▪ the nature of that disagreement ▪ whether it relates to the magnitude of change, significance of effect, effectiveness of mitigation, or overall conclusion	Not for Applicant to respond on.
Q1.5.2	The Applicant North Yorkshire Council Historic England	**Level of harm** For each heritage asset the applicant has assessed as experiencing 'less than substantial harm', the applicant should: a) update its assessment of that harm based on the updated NPPF (2026) assessment terms of positive effect, no effect, harm, substantial harm or total loss for heritage assets affected by the proposed development b) identify or signpost to where in the application documents that harm lies within the spectrum of	As set out within **ES Volume 1 Chapter 8 – Cultural Heritage [REP2-035]**, the EIA determines a significance of effect, rather than 'harm' as per NPPF/NPS EN-1. The criteria for determining the significance of effect are set out within Table 8-13. Section 8.5.15 states that '*Whilst adverse significant effects typically equate to 'substantial harm' as described in NPS EN-1 (Ref 18) and defined in the NPPF (Ref 21), moderate adverse effects might, depending on the nature of the asset affected, equate to an NPS EN-1/NPPF assessment outcome of 'less than substantial harm'. This assessment is made based on professional judgement.*' In line with this statement, all outcomes of minor adverse or

ExQ	Question to	Question	Applicant's Response
		'less than substantial harm' and where it lies within the updated NPPF (2026) assessment terms. c) With reference to the updated NPPF (2026), the applicant, NYC and Historic England should: d) comment on the extent to which the proposed development may give rise to a positive effect, no effect, harm, substantial harm or total loss for heritage assets affected by the proposed development.	negligible adverse would have previously automatically equated to 'less than substantial harm'. Within the impact assessments set out in **ES Volume 3 - Appendix 8.5 Statements of Significance and Impact Assessment [APP165]** all outcomes where a significance of effect is determined to be *minor adverse* or *negligible adverse*, these would equate to 'harm' under the revised classification system. Where the significance of effect is recorded as *neutral*, this would equate to 'No Effect'. No effects which could equate to 'Positive Effect' are recorded within the EIA. Further detail relating to this question is provided within **Technical Note – Cultural Heritage Level of Harm [EN0110012/APP/LVS/08.39]**.
Q1.5.3	The Applicant North Yorkshire Council Historic England	**Archaeological Mitigation Strategy** The submitted AMS [REP2-101] identified a range of embedded mitigation measures including preservation in situ, the use of non-intrusive construction techniques in sensitive locations, targeted archaeological investigation and recording, and area-specific mitigation responses. NYC noted within its LIR, at paragraphs 11.10 to 11.13 [REP1-006] that the proposed archaeological mitigation is acceptable and supports the embedded mitigation approach incorporated into the scheme design. Historic England and NYC should each confirm its understanding of the status and purpose of the AMS and specifically: a) whether it is intended to function as a definitive mitigation strategy rather than an outline	The following areas for Strip, Map, Sample are fixed: • SDS_SMS_ Area_A • SDS_SMS_ Area_B • SDS_SMS_ Area_C • SDS_SMS_ Area_D • SDS_SMS_ Area_E • SDS_SMS_ Area_F • SDS_SMS_ Area_G • CRC_SMS_ Area_A • CRC_SMS_ Area_B • CRC_SMS_ Area_C • CRC_SMS_ Area_D • CRC_SMS_ Area_E

ExQ	Question to	Question	Applicant's Response
		framework requiring substantial further development post-consent? b) confirm the extent to which it provides sufficient certainty regarding the archaeological mitigation measures to be implemented across the Order limits c) whether any significant elements of archaeological mitigation remain to be determined at a later stage d) whether the AMS, together with the draft DCO requirements and associated documents, provides an adequate basis for archaeological mitigation e) whether any additional approvals or mechanisms are necessary to secure implementation of the mitigation measures identified. The applicant is to: f) identify which elements of archaeological mitigation are fixed by the submitted AMS and which, if any, remain subject to further agreement, investigation or detailed design and how these would be secured.	Other fixed elements are: • Archaeological monitoring is proposed for the excavation of scrapes within the southern part of Site 1. These environmental enhancements have been designed to avoid archaeological features identified during geophysical survey, however, given the elevated archaeological sensitivity within this area additional archaeological monitoring has been requested by NYC Archaeological Officer. • Archaeological monitoring is proposed for any areas within the cable corridor which have not been subject to geophysical survey (and review by the NYC Archaeological Officer) • 2 No. Trial Trenches in Site 1 to investigate a possible enclosure Notwithstanding that these areas are fixed for the submitted scheme, further design development post-consent may enable impacts to be reduced, and the areas would be amended to reflect this. Any changes would be subject to agreement by the NYC Archaeological Officer. The outcome of the additional trial trenches in Solar Development Site 1 may require a further area of Strip Map Sample, which would be agreed with the NYC Archaeological Officer. Additional archaeological monitoring may be required on access to Solar Development Site 8, if the Scalm Lane option is taken forward. Similarly, where any areas which have not

ExQ	Question to	Question	Applicant's Response
			been subject to geophysical survey that require topsoil to be stripped as part of Highways Improvement Areas. The AMS stipulates that consultation must be undertaken with NYC's Archaeological Officer on the finalised designs to determine what, if any, archaeological mitigation is required in these locations.
Q1.5.4	The Applicant North Yorkshire Council Historic England	**Additional requirement for Archaeological Mitigation Strategy** Paragraphs 11.8 to 11.10 of NYC's LIR [REP1-006] confirmed that NYC is broadly supportive of the embedded mitigation, the use of non-intrusive mounting systems in certain locations, and the AMS. However, paragraph 11.12 of the LIR states that "The embedded mitigation is set out within the application and also within the oCEMP. The specific agreement of the embedded mitigation on an area by area basis could form an additional requirement of the DCO". Whilst ES Figure 2.6 Solar Panels Concrete Feet or Other Non-Ground Penetrative Techniques [APP-063] and ES Figure 8.4 Archaeological Mitigation Areas [APP-088] identify various mitigation proposals outlined in the AMS, these are not certified documents per schedule 13 of the draft DCO [REP2-004]. All parties should, therefore: a) explain whether there is a need for a separate approval mechanism requiring confirmation of the precise mitigation to be applied in each area before works commence and whether the oCEMP [REP2-089] could potentially be secured through an additional requirement within the DCO requiring agreement of mitigation measures on an area-by-area basis.	a) There is no need for a separate mechanism as this is the function of the AMS. As set out in response to Q1.5.3, it sets out what is fixed and requires relevant details to be agreed by the relevant stakeholders. Where elements are not fixed, that is to be agreed by relevant stakeholders. An additional DCO requirement would simply duplicate what is in the Archaeological Mitigation Strategy (AMS) [REP2-101], which is not needed as the AMS is secured by the DCO. e) The existing DCO framework already secures what is required by the ES. The AMS [REP2-101] and oCEMP [REP2-089] set out the mitigation measures referred to by the ES and are secured via DCO requirement. f) As such there is no additional benefit in a DCO requirement – it would just duplicate. g) The AMS sets out what needs to happen, by location area, in a fashion that is appropriate to a mitigation document. There is no need to either duplicate this detail in the DCO or have some kind of wording requiring locational specific mitigation to be agreed by NYC, as that is all set out in the AMS.

ExQ	Question to	Question	Applicant's Response
		NYC should explain the following: b) whether it considers the AMS and current drafting of requirement 11 in the draft DCO provide sufficient certainty regarding delivery of embedded archaeological mitigation c) if an additional requirement Is needed, the purpose of such a requirement, how it would operate in practice and whether any proposed rafting can be provided d) which forms of embedded mitigation it considers would benefit from separate approval or verification. The applicant is to provide, or signpost to where in the application documents that the following can be found: e) whether the existing DCO framework would secure the embedded archaeological mitigation identified through the ES, AMS and oCEMP f) whether there would be any practical benefit in an additional requirement g) whether a location-specific approval process would provide any additional safeguards beyond those currently proposed. Historic England should provide: h) comments upon whether any additional DCO mechanism is necessary and proportionate.	

ExQ	Question to	Question	Applicant's Response
Q1.5.5	The Applicant	**Mitigation** Landscape mitigation planting is relied upon to reduce effects on heritage settings. The applicant is to: a) explain how the planting has been assessed from a heritage perspective and specifically whether introducing substantial new vegetation has the potential to alter or obscure historic relationships that contribute positively to significance b) for each heritage asset where mitigation planting forms part of the assessment, identify the planting relied upon, assumed planting maturity, anticipated effectiveness timescale, whether the planting itself alters historic landscape relationships, how significance conclusions would change should planting fail to establish.	a) The assessment of the effect of landscape planting on the historic environment has been led primarily by the professional judgement of the landscape specialists in designing planting that is of a scale and density to enhance and reinforce the existing hedgerows and woodlands. From a heritage perspective the historic landscape and its components is constantly evolving, and as such so are the relationships between these elements. Therefore, our professional judgement is grounded in whether the proposals result in a landscape appearance that could reasonably be expected to occur as a result of natural or human driven processes without the scheme being present. Our professional judgement is that the planting proposed meets these criteria and as such no proposed interventions would adversely affect elements that contribute to either the significance of the historic landscape, nor individual heritage assets within it. b) Across the majority of the scheme, whilst landscape enhancements will serve to enhance and reinforce existing planting, thus limiting glimpsed views to the Proposed Development, these would not materially alter the outcomes of the assessment presented within of **ES Volume 3, Appendix 8.5: Significance and Impact Assessment [APP-165]** as existing screening already limits intervisibility and this will only be improved by the proposed landscape mitigation measures. Additionally, seasonable variability in the density of deciduous vegetation was a consideration in all assessments.

ExQ	Question to	Question	Applicant's Response
			Landscape mitigation measures have only formed a significant consideration in the mitigation of impacts upon one heritage asset: Birkin House (detailed below). This assessment has been supported by technical expertise and professional judgement from the landscape team. All assumptions regarding planting maturity and anticipated timescales of effectiveness are set out within the response to Q1.9.6. **Birkin House** The setting of Birkin House (NHLE 1216672) is well defined and heavily edged by existing planting. To further limit intervisibility between this garden setting and the Proposed Development, native trees and a native woodland block are proposed to strengthen the existing natural screening surrounding the grounds of the property. The proposed mitigation does not alter the relationship between the heritage asset and its surrounding landscape as its setting is already well defined by trees, representing what is likely to have been an extended garden associated with the property. As set out within **ES Volume 1 Chapter 8 - Cultural Heritage [REP2-035]**, section 8.9.69, the Applicant's assessment considered the potential for seasonal fluctuation in the density of any planting and therefore, should additional planting fail to establish, a worst-case scenario resulted in glimpsed views only of the Proposed Development. This would not change the conclusions of our assessment.

ExQ	Question to	Question	Applicant's Response
Q1.5.6	The Applicant	**Duration of heritage impact** The proposed development has an anticipated operational life of up to 60 years. Explain whether effects experienced over a period of 60 years are appropriately described as temporary and how this consideration has informed conclusions regarding the significance of heritage impacts.	As set out in **ES Volume 1 Chapter 8 Cultural Heritage [REP2-035]**, Paragraph. 8.9.3, the assessment has treated these effects as permanent due to the extended duration of operation. For the purposes of the assessment, Paragraph 8.9.3 states that a 'permanent effect' is either direct physical damage to a heritage asset or a long-term change to the heritage asset's setting. Whilst the Proposed Development is temporary in nature, given the 60-year lifespan of the panels, the Applicant considers that the conclusions made accurately reflect the impact that would occur for the operation of the Proposed Development. Extended duration effects on heritage assets can be difficult to place in terms of whether they are temporary or permanent. Whilst effects with 60-year duration could be considered temporary in comparison to how long an asset has been in existence, the presence of the Proposed Development would be cross-generational and would therefore be present in the setting of heritage assets for a period of time that individuals seeking to understand the significance of a particular asset would perceive to be permanent.
Q1.5.7	The Applicant North Yorkshire Council Historic England	**SDS8** The archaeological mitigation approach for SDS8 appears different to the approach adopted elsewhere. Other SDSs contain defined mitigation areas, preservation in-situ measures, and prescribed archaeological responses. SDS8 is subject to comparatively limited constraints (excepting the identification of heritage assets and Romano-British archaeological remains). Paragraph 6.1.8 of the AMS	SDS 8 was subject to the same approach adopted on all SDSs, namely geophysical survey, trial trenching and, in consultation with the NYC Archaeological Officer, subject to further archaeological mitigation (SDS_SMS_ Area_G) as set out within Table 6-1 of the **Archaeological Mitigation Strategy [REP2-101]**. a) The mitigation approach in SDS8 is, therefore prescriptive – strip map and sample. Where there is

ExQ	Question to	Question	Applicant's Response
		[REP2-101] explains that access to SDS8 would be refined post-consent, and paragraph 6.1.9 provides for archaeological mitigation associated with the Scalm Lane access option to be agreed at a later stage. The applicant is to: a) explain, or signpost to where in the application documents that it can be found, why SDS8 would be subject to a less prescriptive archaeological strategy than other SDSs and demonstrate that the archaeological resources within SDS8 have been sufficiently characterised to justify this. In responding to (a) above, the applicant should explain: b) what level of residual archaeological uncertainty remains within SDS8 following geophysical survey and trial trench evaluation, and the evidence supports this c) why it is appropriate for archaeological mitigation associated with the SDS8 access route to be determined post-consent d) the extent to which the approach relies on matters being addressed subsequently rather than through mitigation identified and assessed during the application. NYC and Historic England should also provide comments on the above approach, specifically: e) whether they consider the archaeological evidence base for SDS8 to be sufficiently complete	less prescription is in the SDS8 Access Area, which relates to retained optionality regarding access to SDS8 only. The mitigation strategy for this area is less 'prescriptive' than the rest of the mitigation strategy because the impacts from development of this access road will be highly localised to the finalised route and will not cover the full area defined by the Order Limits. Detailed design of the route will be informed by mitigation agreed with the NYC Archaeological Officer which would take account of the current understanding of the archaeological resource within the access area which is informed by the sources set out within ES Volume 3, Appendix 8.1: Cultural Heritage Baseline [APP-159] section 2.1 and points 1 and 2 of section 2.2, but acknowledging that full geophysical survey and trial trenching has not been undertaken, which is what has informed the more specific mitigation strategies deployed elsewhere. b) Within SDS8 there is no residual level of archaeological uncertainty as full geophysical survey and trial trenching were undertaken pre-submission. Within the potential SDS8 access area, no field surveys (with the exception of site walkover survey) have taken place (noting that it is not unusual for there not be 100% coverage of surveys with planning and DCO applications) meaning the current understanding of the archaeological potential of the area is limited to existing records of potential features derived from aerial photography and cartographic sources. There is an acknowledged potential for archaeological features within the area retained for optionality on the route which will be a consideration in the design process.

ExQ	Question to	Question	Applicant's Response
		f) whether they are satisfied that the significance of any archaeological remains within SDS8 has been adequately understood and assessed, and if the approach would provide certainty that likely significant archaeological effects have been appropriately assessed and secured.	This understanding is set out in table 8-25 of the ES. On the basis of these records, where mitigation is necessary, the Applicant considers that at least one of the methods set out in paragraph 6.1.1 and table 6-1 of the AMS [REP2-101] will be able to be applied - the uncertainty is simply which of these methods could be deployed. In particular, the Applicant considers that it is likely that there is sufficient room in the Order limits such that the access road can be microsited to avoid any archaeology that may be identified by any post consent survey (and as such mitigate via preservation in situ), but that it is not possible to confirm this at this stage in design, meaning that there needs to be flexibility for one of the other strategies to be deployed if necessary. c) and d) The ES reaches its conclusions on the basis that in circumstances where preservation in situ is not possible, that, even with the other mitigation methods potentially being deployed, likely significant effects cannot be ruled out for areas such as the Site 8 access on a precautionary basis. As such, any mitigation measures that are able to be deployed, including in particular preservation in situ, could only lead to a betterment of that position. As such, the ES does not rely on any particular mitigation measure being deployed to reach its conclusions.
Q1.5.8	The Applicant	**Archaeological Mitigation Strategy** The AMS [REP2-101] is titled as an 'Archaeological Mitigation Strategy' and is referred to as such throughout the application documents. However, the file has been	Yes, it is an **Archaeological Mitigation Strategy** and this will be updated at Deadline 4.

ExQ	Question to	Question	Applicant's Response
		submitted and saved as an 'Archaeological Management Strategy'. Please confirm that this is an Archaeological Mitigation Strategy.	

2.6 Cumulative and In-combination effects

Table 2-6 Applicant's Response to the Examining Authority's First Written Questions: Cumulative and in-combination effects

ExQ	Question to	Question	Applicant's Response
Q1.6.1	The Applicant	**Proposed wood processing plant, King Rudding Lane** Riccall Parish Council [REP1-012] raised concerns about potential cumulative traffic impacts of the proposed development and an existing wood-processing operation on King Rudding Lane. Whilst noting the applicant's response in its written representation at deadline 2 (reference WR-RPC-20 of [REP2-119]) that, as an existing route, use and traffic associated with this development is accounted for within the baseline traffic flows, the applicant is to: a) update tables 14-33 and 14-34 of ES Chapter 14 [REP2-041] to clarify that this development has been considered as part of the cumulative assessment (notwithstanding the fact that it is seeking retrospective permission) b) if necessary, add any additional commentary to this chapter to clarify and explain how traffic associated with this development has been considered as part of the assessment.	As an existing use, for which planning permission is being sought retrospectively, the environmental aspects of this wood processing plant, including its presence in the landscape, contribution to traffic flows, contribution to the baseline noise environment etc have all been considered as part of the existing baseline environment across all topics. It is the Applicant's understanding that the retrospective planning application and consent, if granted, would not change the existing structures, processes or activities at this location in any way as what is being applied for retrospectively is already in place or process. As such, the traffic movements which currently exist for that project, in the baseline, would not change if retrospective planning permission is granted. The development is therefore considered as part of the existing baseline and would therefore not be the subject of cumulative assessment. As noted in the **Applicant's Response to Submission Received at Deadline 1 – Parish Councils and Non-Statutory Organisations [REP2-119]** traffic associated with

ExQ	Question to	Question	Applicant's Response
			the wood processing facility is included within the baseline traffic flows used in the assessment. The Applicant's baseline traffic survey undertaken on King Rudding Lane at Link 24 in 2025 recorded 381 daily vehicle movements, including 27 HGV movements. As the wood processing facility was already operational at the time of the survey, traffic associated with its operation would have formed part of the observed baseline traffic flows. The observed baseline was subsequently factored into the 2029 future baseline, resulting in 393 daily vehicle movements, including 28 HGV movements. It would therefore not be appropriate to then include these numbers in table 14-33 and 14-34 as these are dealing with **additional** numbers to the baseline created by cumulative developments. The Planning Statement submitted with the retrospective application identifies approximately 5,112 HGV movements per annum, equivalent to approximately 20 HGV movements per day, together with six staff car movements per day. These stated average daily movements associated with the facility can be accounted for within the recorded baseline survey data for King Rudding Lane, survey Link 24 (i.e. making up 20 of the 27 movements the Applicant recorded). Furthermore, even if the movements associated with this development were taken out of 14-14 and put in 14-33 and 14-34, this would simply be putting the numbers into a different part of the overall assessment calculations (i.e. baseline + future baseline + cumulative + the Proposed Development) and would not change the assessment. As such, no additional commentary would be required.

ExQ	Question to	Question	Applicant's Response
Q1.6.2	The Applicant	**Hillam Solar Farm** Table 10-27 in ES Chapter 10 [APP-048] does not include development ID67 (Solar Farm AP/2025/0037/REF) which was recently granted planning permission and is in the vicinity of the proposed SDS2, SDS3 and SDS4. This site does, however, appear in table 17-11 of ES Chapter 17 [REP2-047]. The applicant is to: a) confirm whether ID67 has been identified and assessed in terms of potential cumulative landscape and visual effects including on landscape character areas LCA11 Sherburn Farmlands and LCA13 Haddlesey Farmland and viewpoints 11, 55 and 69 b) if it has been assessed, update the tables contained in ES Chapter 10 [APP-048] to reflect this.	As noted in the **Interrelationships Report [REP2-112]** Hillam Solar Farm was originally included in the cumulative development short list at ID 67. However, at the time of the cut-off date for cumulative developments (10 Dec 2025), the planning application had been refused. A subsequent appeal was allowed on 19 December 2025. It was not included as a cumulative development in the LVIA, as the scheme was expected to form part of the established landscape by the time the Proposed Development becomes operational, and was therefore considered as a future baseline component rather than cumulative developments. Whilst this development does now have consent, construction has not commenced as had been anticipated at the time that the LVIA was completed and it is not clear if it will commence and be operational prior to the Proposed Development. A sensitivity test has therefore been undertaken to consider if different effects would arise if ID67 was assessed as a cumulative development. In line with **ES Chapter 10: Landscape and Visual [APP-048]**, paragraph 10.14.7, this is based on a worst-case assumption that all of the included cumulative developments that are located in the same LCA would be built out. The full details of this sensitivity test are provided in the **Applicant's Response to Local Impact Report [REP2-117].** In summary, whether the consented Hillam Solar Farm (ID67) is considered to form part of the future baseline or is assessed as a cumulative development, it is unlikely to change the findings of the assessment. This is because the value attached to the landscape and its susceptibility to change is low and with the mitigation measures proposed for the Proposed Development, it can be integrated into a much stronger landscape framework than exists in the baseline,

ExQ	Question to	Question	Applicant's Response
			enhancing the capacity of the landscape to absorb larger areas of solar farm development. This would deliver appropriate levels of mitigation that address adverse effects but also layer on benefits in strengthening the nature and green infrastructure network, for example. An update to the cumulative assessment tables in **ES Chapter 10: Landscape and Visual [APP-048]** will be undertaken at Deadline 4 to reflect this.

2.7 Ecology and biodiversity

Table 2-7 Applicant's Response to the Examining Authority's First Written Questions: Ecology and biodiversity

ExQ	Question to	Question	Applicant's Response
Q1.7.1	The Applicant	**Invasive species** At section 5 of the oISMP [APP-206] the applicant sets out mitigation measures to be implemented to prevent the spread of Himalayan balsam and Japanese knotweed known to be present within the Order limits. The measures are detailed and prescriptive, and would be implemented prior to the start of works. However, C7 of the Commitments Register [REP2-069] indicates that these invasive species would be removed from the Order limits 'where practicable' prior to the start of work. The applicant should: a) confirm how this commitment accords with the mitigation measures set out in section 5 of the oISMP, the requirements in the oLEMP [REP2-095], the oCEMP [REP2-089] and whether any	C7 of the **Commitments Register [REP2-069]** will be updated at Deadline 4 to accord with section 5 of the **oISMP [APP-206]**, the requirements in the **oLEMP [REP2-095]**, the **oCEMP [REP2-089]**. As only one stand of Japanese knotweed was identified within the Order Limits, within Solar Development Site 8, it is likely this species (where currently located) can be fully eradicated from the Order Limits. It is also the case that due to the size of the Order Limits and higher prevalence of Himalayan balsam, it may not be possible to completely eradicate this species from the Order Limits. In this case, or should any new stands of Japanese knotweed be identified, the spread of the species will be prevented by the biosecurity measures outlined in Table 5.2 within the

ExQ	Question to	Question	Applicant's Response
		amendments to these documents are required for consistency b) explain how if any Himalayan balsam and Japanese knotweed were to be left remaining within the Order limits, as it was not practicable to completely remove, how would spread be prevented from that which remained, and how would workers or users of rights of way during the operation stage be protected from coming into contact.	oISMP and the implementation of the measures set out in section 5 if new strands are found.
Q1.7.2	The Applicant	**York Local Nature Recovery Strategy** YWT's relevant representation [RR-1455] refers to the objectives of the North Yorkshire and York Local Nature Recovery Strategy and highlights the importance of habitat connectivity between the Lower Derwent Valley and surrounding landscapes. The applicant should provide, or signpost where in the application documents, the following can be found: a) an explanation of how the proposed habitat creation has been designed to support the Local Nature Recovery Strategy objectives b) identification of which elements of the proposed ecological mitigation are intended to function as ecological corridors, movement corridors, habitat expansion and buffer zones.	The **Outline Landscape and Ecological Management Plan (oLEMP) [REP2-095]** provides further detail with regards to the mapped measures within the North Yorkshire and York Local Nature Recovery Strategy (LNRS) within Paragraphs 1.3.4 to 1.3.9. The proposed habitat creation/enhancement within the Solar Development Sites has been designed to support the LNRS objectives through, but not limited to: • the creation of 197 ha of neutral grassland or field margin (and the retention of 28.18 ha of neutral grassland) which will support the LNRS priority of "Enhance species rich grassland", • the creation of 8.52 ha woodland (and retention of all baseline woodland) which will support the LNRS priority of "Enhance, expand and connect new and existing woodland", and • the enhancement of 8.97 km of ditches will support the LNRS priority of "Enhance and expand watercourse habitats".

ExQ	Question to	Question	Applicant's Response
			• the creation of 35 km of new hedgerow will support the LNRS farmland priority "Expanding the hedgerow network" and the specific Measure FRM_M05.6 The aims and objectives of the LNRS, will also be considered in the development of the detailed landscape and planting plans. The mammal movement corridors are shown on the **Outline Environmental Masterplan [submitted alongside this submission]** as "Proposed Meadow Grassland Margins-Commuting Corridors". They connect the retained habitats and their buffer zones, and the Bird Mitigation Area, and connect these habitats within the Order Limits to further important habitat outside of the Order Limits. Further information on how landscape considerations align with the LNRS can be found in the response to Q1.9.9. The response details the green infrastructure multifunctional benefits (or benefits from nature) arising from the creation and management prescriptions in the **oLEMP [REP2-095]**.
Q1.7.3	The Applicant	**Electromagnetic fields and underground cabling** Item EA01 of the Environment Agency's representation [REP1-019] identifies uncertainty regarding the assessment of electromagnetic field effects arising from underground cabling on fish, lamprey and eel species. The applicant has submitted an updated oCEMP [REP2-089] at deadline 2 which specifies additional mitigation measures. The Examining Authority notes the updated oCEMP, and requests that the applicant should:	The assessment has not been undertaken on the basis of a 'final' cable design, as that is not yet known. The assessment is made on the basis that the appropriate mitigation measures will be put in place to ensure that no likely significant effects (in EIA terms) or adverse effects on integrity (in HRA terms) will arise from EMFs. The Applicant is committed to avoiding impacts through deploying effective mitigation measures but there needs to be some degree of flexibility to reflect the latest industry thinking

ExQ	Question to	Question	Applicant's Response
		a) confirm that the assessment has been undertaken against the final proposed cable design b) explain how, if these matters remain subject to detailed design, the Examining Authority could be satisfied that the conclusions of the assessment represent a realistic, worst case scenario.	on mitigation (which continues to evolve) at the time of construction. The **oCEMP [REP2-089]** is drafted on the basis that the starting point is that the depth of cabling will be 5 metres, which is the current standard measure deployed in respect of EMF cabling effects. However, it then enables a change from that, but only if the EA or the NE, as the relevant environment regulators, agree. NE and the EA would not agree to a change in methodology if they felt that such a change would not protect against likely significant effects/adverse effects on integrity.
Q1.7.4	The Applicant Environment Agency	**Hagg Lane Drain and Mearley Drain** Item EA02 of the Environment Agency's relevant representation [RR-0419] disputed the decision to scope Hagg Lane Drain and Mearley Drain out of detailed fish survey work. The applicant responded to EA02 on page 23 of its response to relevant representations [PDA-014], that Mearley Drain would not be crossed by the proposed development, and impacts would be avoided through a 10m buffer within SDS4. Hagg Lane Drain would be crossed by the lower voltage 33kV cable alignment; however, it is envisaged this watercourse would be crossed using an existing crossing. The Environment Agency has not commented further. The applicant should: a) provide, or signpost to, further explanation of the basis upon which those watercourses were determined unsuitable for fish and how hydrological connectivity was considered. Has a precautionary principle been applied? And what	A combination of Fish Habitat Assessment, desk study records and eDNA define the fisheries baseline for the Proposed Development. eDNA sampling was targeted at watercourses crossed by the 275kV cable (with the exception of the River Ouse – known migratory route), as agreed during consultation with the EA (04 March 2025 and 23 June 2025). The EAs Relevant Representation flagged Hagg Lane and Mearley Drain as being scoped out of the eDNA surveys, stating that the Applicant concluded that these watercourses were '*unsuitable for fish'*. However, this was not the conclusion made by the Applicant. **Appendix 6.5 Fish Habitat Assessment and eDNA Survey (Aquatics Report) (APP-155)** states that Hagg Lane Drain is considered 'unlikely to support fish of conservation value'. The habitat assessment of Mearley Drian states that while habitat conditions may support minor fish species, the watercourse was considered unlikely to support fish of conservation value.

ExQ	Question to	Question	Applicant's Response
		are the implications for the EIA if fish are subsequently found to be present with respect to the assessment of likely significant effects and any potential mitigation measures. The Environment Agency should: b) respond to the applicant's suggestion that for Mearley Drain and Hagg Lane Drain the desk study position is proportionate to inform the EIA of impacts to these watercourses.	Crucially, however, in determining the mitigation approach, the Applicant has assumed presence of fish in these watercourses, so as to adopt a precautionary principle, whilst also considering the potential impact that could be caused by the Proposed Development. Mearly Drain is not crossed by the Proposed Development, and impacts will be avoided through a 10m buffer at Solar Development Site 4 and other measures contained in the **oCEMP [REP2-089]**. Hagg Lane Drain is crossed by the lower voltage (lower impact) 33kV cable alignment (negligible EMF effects); however, it is envisaged that this watercourse will be crossed using an existing crossing. The mitigation measures for fish set out in the **oCEMP [REP2-089]** would apply, meaning if fish were present, they would be protected such that no likely significant effects would arise to them In summary, no in-channel works are proposed for Hagg Lane Drain and Mearley Drain, which are considered to support fish, but unlikely to support notable fish. Construction effects in the vicinity of these watercourses (Mearley Drain is located outside the boundary of Solar Development Site 4 and the 33kV will cross Hagg Lane Drain using an existing crossing) will be controlled by standard measures / commitments with regards working near watercourse as outlined in the **oCEMP [REP2-089]**. As such, the level of baseline data collection and consideration of the desk study position is proportionate to inform the EIA of impacts to these watercourses and is aligned with what was agreed with the EA fisheries during engagement with them.

ExQ	Question to	Question	Applicant's Response
Q1.7.5	The Applicant Environment Agency	**Fish spawning, lamprey migration and salmon incubation periods** Items EA03, EA04 and EA05 of the Environment Agency's relevant representation [RR-0419] identified a number of factual inaccuracies relating to fish spawning periods (EA03), lamprey migration periods (EA04) and salmon incubation periods (EA05). At deadline 1, the Environment Agency confirmed [REP1-019] that the Atlantic salmon incubation period (EA05) had been resolved. The applicant submitted an updated oCEMP at deadline 2 [REP2-089]. The Environment Agency should: a) comment on the updates in the oCEMP, and the extent to which its concerns within the original relevant representation [RR-0419] have been addressed, specifically in relation to EA03 and EA04. The applicant should: b) confirm the updated oCEMP does not require further changes to any assessment, management plan, mitigation commitment or construction programming assumption which relies upon these timings to be revised. If any revision is necessary, explain why.	The updated **oCEMP [REP2-089]** submitted at deadline 2 included updated migration periods for lamprey and a commitment to undertake River Ouse HDD within the optimal timing/window as recommended by the EA. The updated **oCEMP [REP2-089]** does not require further changes to any assessment, management plan, mitigation commitment or construction programming assumption, as they rely upon the appropriate seasonal restriction being delivered.
Q1.7.6	The Applicant Natural England North Yorkshire Council	**Data corruption** Following discussion around data corruption of breeding survey data for SDS1 to SDS4 at ISH1 [EV5-007] the applicant shared a note with NYC on 7 August 2026 in response to Action Point ISH1-21 [EV5-010]. Paragraph 9.29 of NYC's LIR [REP1-006] explains the Council's view that "...whilst the applicant maintains that this correction does not alter the overall conclusions of the	The Applicant can confirm that the data corruption issue has been satisfactorily resolved with NYC, and that NYC have confirmed that they are satisfied with the reassessment of the baseline and overall assessment, including surveys and the methodology. The Applicant has addressed the implications of the updated baseline data on the conclusions of **ES Volume 1, Chapter 12: Ornithology of the Environmental Statement [REP2-037]** within the **Technical Note Updated**

ExQ	Question to	Question	Applicant's Response
		Environmental Statement, the Council considers that the revised baseline represents a materially different ornithological baseline to that assessed within the submitted ES". All parties are requested to confirm that the data corruption issue has been resolved satisfactorily, and set out what, if any, outstanding issues remain as a result.	**Ground Nesting Bird Baseline [REP2-114]**. As set out in that note, the Applicant is confident that the revised bird territory data does not change the conclusions of Chapter 12, and that the predicted effects and mitigation strategy remain appropriate. Following discussions with NYC regarding the data corruption issue, the Applicant has included an additional Bird Habitat Area within Solar Development Site 6 to further mitigate the impacts of the Proposed Development. Whilst the Applicant confirms that its position is that additional habitat is not required, this has been included to proactively respond to NYC's concerns regarding the habitat provision of the Proposed Development. This has been addressed within Change 7: Solar Development 6 Bird Habitat Area within the **Change Notification [CR1-001]**. Furthermore, the Applicant is proposing to revise the land management of the area currently indicated as a potential recreational area on Site 4 shown on Figure 12.06 of the **Outline Environmental Masterplan [submitted alongside this submission]** to increase suitability for breeding birds will include a further area and will submit an updated Figure 12.06 of the **Outline Environmental Masterplan [submitted alongside this submission]** and, where relevant, an updated **Outline Landscape and Ecological Management Plan (oLEMP)** at Deadline 4.
Q1.7.7	The Applicant Natural England	**Water vole pre-commencement surveys and mitigation** NYC's concerns on water voles are set out paragraph 9.12 of its LIR [REP1-006]. The applicant responded at reference LIR-NYC-100 [REP2-117] to provide further	The Applicant considers that further certainty has been provided through the updates made to the oCEMP at Deadline 2 in relation to water vole pre-commencement surveys, proposed mitigation and response mechanisms are at Table 3-3.

ExQ	Question to	Question	Applicant's Response
		certainty within the oCEMP [REP2-089] regarding pre-commencement surveys and response mechanisms for water vole. The oLEMP has also been updated. The applicant should respond and comment on those concerns and explain how it addresses NYC's concerns that: a) further certainty is required in relation to water vole pre-commencement surveys, proposed mitigation and response mechanisms, given the extensive ditch network and uncertainty regarding the functional value of seasonally wet ditches b) the oLEMP [REP2-095] and oBMAMP [APP-205] would benefit from clearer ecological success criteria, monitoring thresholds, reporting requirements, adaptive management triggers and remedial actions. NYC should explain, having regard to the oLEMP and oCEMP: c) if further certainty is required regarding the specification of operational fencing and the measures proposed to maintain habitat connectivity and mammal movement across the SDSs. NE should explain whether it: d) has any reason to consider there being any impediment, at this stage, to a protected species licence being issued at the appropriate time.	The **oLEMP [REP2-095]** was updated at Deadline 2 to provide further information on NYC's requests and the Applicant is happy to continue to discuss this further with them. The Applicant notes that the 'success criteria' have been clearly set through the reference to BNG target conditions and the additional text added at Deadline 2 sets out specific adaptive management triggers and remedial action for each relevant habitat types, as well as linking this to monitoring thresholds. .
Q1.7.8	The Applicant North Yorkshire Council	**Great crested newt assessment** The originally submitted great crested newt assessment [APP-156] was limited by lack of access to a number of ponds within the relevant survey area. An updated	Details of how the precautionary assumption is carried through into the detailed mitigation strategy is included at paragraph 6.9.203 to 6.9.224 of the **ES Chapter 6:**

ExQ	Question to	Question	Applicant's Response
	Natural England	assessment was submitted at deadline 2 [REP2-074]. As this represents a limitation to the baseline, the applicant has adopted a precautionary approach by assuming presence in un-surveyed ponds where appropriate. The applicant should: a) confirm how this precautionary assumption is carried through into the detailed mitigation strategy, or signpost where in the application documentation this is set out. NYC should: b) provide updated comments on the great crested newt assessment, including the adequacy of the assessment in relation to access to ponds within the survey area. NE should explain whether it: c) has any reason to consider there being any impediment, at this stage, to a protected species licence being issued at the appropriate time.	**Biodiversity [REP2-033]** and Table 3-3 within the **oCEMP [REP2-090]** updated at Deadline 2.
Q1.7.9	The Applicant North Yorkshire Council Natural England	**Mammal movement corridors** The Design Approach Document [APP-216] refers to the retention of mammal movement corridors, and that the proposed fencing has been designed to minimise disturbance to mammal movement through the development. The locations of corridors, the mechanism by which connectivity would be maintained and the design standards that would be applied are not clearly secured within the DPC [REP2-021] or elsewhere. Requirement 9 of the draft DCO would require details of permanent means of enclosure to be submitted to and approved by the relevant planning authority. However, those details must be assessed against the parameters	The mammal movement corridors are shown on the **Outline Environmental Masterplan (OEM) [EN0110012/APP/LVS/02.12] [updated alongside this submission]** as "Proposed Meadow Grassland Margins-Commuting Corridors". These corridors were largely identified to follow existing commuting features, such as hedgerows, treelines and ditches (identified and mapped during the UK habitat surveys), maintaining these known commuting routes within the proposed development. The buffer zones established around these habitat features ensured the commuting corridors were embedded in scheme design from the outset.

ExQ	Question to	Question	Applicant's Response
		established through the draft DCO and certified documents. The applicant is to confirm: a) what are the parameters for fencing design in relation to mammals, against which the detailed submission that would be required under requirement 9, could be assessed at the post-consent stage. ES Chapter 6, updated at deadline 2 [REP2-033] explains that conclusions regarding badger, hedgehog, brown hare and other terrestrial mammal species rely, in part, upon the assumption that fencing would maintain ecological permeability and habitat connectivity across the SDSs. The application refers to deer mesh fencing and that small mammals would be able to pass through where practicable. The update to ES Chapter 6 [REP2-033] provides some additional information, for example within paragraphs. 6.9.158 and 6.9.314. The applicant is to: a) explain how this provides sufficient detail regarding ground clearance, mesh aperture sizes, wire spacing, treatment of fence bases, use of rabbit mesh, anti-dig measures, or the location and specification of mammal movement corridors b) provide a detailed explanation of how operational fencing would maintain habitat connectivity and facilitate the movement of badger, hedgehog, brown hare and other terrestrial mammals throughout the lifetime of the development	As set out at paragraph 1.2.7 of the **outline LEMP [REP2-095]**, the **OEM [EN0110012/APP/LVS/02.12] [updated alongside this submission]** is an illustration of how the mitigation and enhancement commitments and outcomes set out in the ES could be delivered. The detailed LEMP(s) will include an updated version of the environmental masterplan for each Solar Development Site, setting out the detailed design of the Proposed Development in a way which delivers the commitments and outcomes set out in the ES. As can be seen from the plans, the habitats within these corridors lie outside of the solar area fencing, allowing continued permeability of the site by a range of fauna through these commuting routes. The corridors will connect habitats of importance to fauna (including badger, hedgehog, brown hare and other terrestrial mammals) within the Solar Development Sites to one other, such as the retained habitats and their buffer zones, and the Bird Mitigation Area. The corridors will also connect these on-site habitats to further important habitats outside of the Order Limits. The specification and ongoing management/maintenance of these corridors is detailed within 4.7 and 4.8 of the **oLEMP [REP2-095]**, cognisant of the use by fauna. These methods will maintain habitat connectivity and facilitate the movement of badger, hedgehog, brown hare and other terrestrial mammals throughout the lifetime of the development Table 2-5 of the **Design Parameters and Commitments document [REP2-021]**, updated at Deadline 2, provides parameters for fencing design, whilst acknowledging that at this stage it is not possible to specify details such as aperture dimensions and wire spacing as these are matters of detailed design and supply chain availability. As set out in that document, the Applicant has committed to designing the

ExQ	Question to	Question	Applicant's Response
		c) identify the minimum design standards proposed for fencing, including ground clearance, mesh dimensions, wire spacing and any exclusions to those standards d) explain how retained mammal movement corridors have been identified, mapped and incorporated into the proposed scheme design e) demonstrate how the effectiveness of the proposed fencing design has been assessed and whether any evidence from comparable operational solar developments has informed the approach f) explain whether mammals would be excluded from any existing foraging habitat and, if so, how the resulting effects have been assessed g) identify how the relevant fencing specifications and connectivity measures would be secured through the draft DCO and associated certified documents. NYC and NE should a) comment on the long-term habitat connectivity and wildlife permeability, and what additional provisions, if any, may be required b) explain whether the oCEMP [REP2-089] submitted at deadline 2 provides sufficient mammal movement opportunity c) with reference to Work No.6 in table 2-5 of the DPC submitted at deadline 2 [REP2-021], explain if there is adequate allowance for small mammals. Are the provisions within the	fencing to let mammals pass through them where practicable, and the 150 mm height committed to in the DPC will help to facilitate this. This will provide additional opportunities for commuting and foraging. However, commitment is to 'where practicable' in recognition that there may be circumstances in which it is not possible to allow mammals to pass through fencing (e.g. perimeter fencing around the BESS, where animal entry could cause an electrical safety risk). In approving the detailed design of the scheme, and the detailed design of fencing, North Yorkshire Council will be able to consider if they feel the Applicant has sufficiently considered the interests of mammals in developing its fencing design. To make the link to the DPC clearer, the Applicant will update Requirement 9 of the DCO to require that the fencing brought forward under that Requirement must be in accordance with the DPC. As described in paragraph 4.2.21-4.2.27 of the **oLEMP [REP2-095]**, where larger areas of newly created woodland and scrub planting blocks are proposed, these areas will be protected collectively from existing populations of both rabbit and deer through the installation of a deer and rabbit proof fencing, alleviating the need to provide excess quantities of individual guards. Specific fencing specifications for these areas are included in the **oLEMP [REP2-095]** which details that the fence should continue below ground in an outward facing L shape to prevent rabbits from tunnelling under the fence. This is the only location within the Proposed Development where anti-dig measures would be recommended. As these measures are being put in places to ensure the initial success and development of proposed scrub and woodland, they will not exclude mammals from existing foraging habitats, and as the Order Limits are extensive,

ExQ	Question to	Question	Applicant's Response
		oCEMP [REP2-089] and oOEMP [REP2-091] sufficient?	temporary exclusion from these areas will not have a major impact on the long-term success of these mammals. However, of most importance to note is that these measures will be temporary, and only in place until the habitats are robust enough to withstand browsing, and in the long-term, this fencing will allow the establishment of higher value foraging and commuting habitats for mammals, providing these mammal species with higher importance habitat post-development. The Applicant has assessed the effectiveness of this fencing approach through consideration of the ecology and movement behaviour of the terrestrial mammal assemblage relevant to the Proposed Development, the physical characteristics of the proposed fencing, the location and continuity of existing hedgerows/ditches and other ecological features, current legislation, national policy and relevant best-practice guidance, and evidence from comparable operational and consented solar developments that has ultimately played out in the movement corridors that it has provided for and the commitments it has been able to make in the DPC. The proposed fencing design is therefore in line with National Policy Statement for Renewable Energy Infrastructure (EN-3), 2025. The Applicant has considered evidence from operational solar developments, including the Solar Habitat monitoring programme developed by Solar Energy UK, Lancaster University, Clarkson & Woods and Wychwood Biodiversity, which draws on ecological monitoring data from 124 solar sites. The operational evidence outlined in the report demonstrates that solar-farm infrastructure deigned to allow

ExQ	Question to	Question	Applicant's Response
			mammal movement does not prevent continued use of solar-farm sites by terrestrial mammals. The effectiveness of the fencing within the Proposed Development will be subject to ecological management and monitoring for the lifetime of the scheme.
Q1.7.10	The Applicant Natural England	**Impacts from construction dust (Construction phase) - Burr Close, Selby Site of Special Scientific Interest** Item NE9 of NE's relevant representation, and its deadline 1 submission [REP1-025] explains that nationally designated site Burr Closes, Selby SSSI should be identified as an ecological receptor in the CEMP due to proximity to the proposed cable route. At page 15 of the applicant's Response to Relevant Representations [REP2-109], the applicant explains that specific ecological receptors would not be specified in the CEMP, but instead measures would be applied to the full Order limits. The applicant and NE should set out whether: a) sensitive receptors and specific measures required to prevent impacts should be identified explicitly in the oCEMP b) the proposed measures that would be secured under requirement 12 of the draft DCO would be sufficient to mitigate impacts to Burr Closes, Selby SSSI? NE should explain: c) if the proposed measures in requirement 12 are not considered to be satisfactory to fully mitigate any impacts, what additional measures would NE consider would fully mitigate impacts.	Sensitive receptors and specific measures required to prevent impacts do not need to be identified explicitly in the **oCEMP [REP2-089]** as that is the purpose of the ES. The **oCEMP [REP2-089]** sets out the measures that will apply to all sites. [In the Natural England SoCG, they have agreed with the Applicant's approach to this matter.] Natural England agreed in their Relevant Representations **[REP1-025]** that the measures already in place in **ES Appendix 16.1 [APP-183]** and the **oCEMP [REP2-089]** would be sufficient to mitigate potential impacts to Burr Closes, Selby SSSI from dust.

ExQ	Question to	Question	Applicant's Response
Q1.7.11	The Applicant	**Timing of trenchless solutions for watercourse crossings** Paragraph 2.5.1 and table 3-3 of the oCEMP [REP2-089] and The Commitments Register [REP2-069] at C18 and C161, refer to trenchless techniques and HDD being undertaken between July and September, unless otherwise agreed with the Environment Agency. This would be to avoid sensitive times for fish. The DPC [REP2-021] at Work No. 2 (table 2-2) and Work No. 5 (table 2-4) does not specify a July-September construction window. The applicant is to review the DPC for consistency and update as necessary.	Commitments in regard to the timing of construction works are included in the **oCEMP [REP2-089]** instead of the Design Parameters and Commitments (DPC) document as the purpose of the DPC is to set out the design parameters and commitments by which the Proposed Development will be designed rather than how it will be constructed which is secured within the **oCEMP [REP2-089]**.
Q1.7.12	The Applicant	**EMF mitigation commitment for main river crossings** The Commitments Register [REP2-069] at C18 and the oCEMP [REP2-089] at table 3-3 refer to EMF mitigation measures including the depth of the cabling being a minimum of 5m below the main riverbeds, unless otherwise agreed by the Environment Agency and NE. The applicant should signpost where this commitment is set out in the DPC [REP2-021], and update that document for consistency as necessary.	The Applicant considers that this measure does not need to be duplicated between the **oCEMP [REP2-089]** and **DPC [REP2-021]**. Its inclusion in the oCEMP ensures that the measure is secured. Given that there is potential for the cable to be dug at a different depth than 5 metres, if the EA and NE agree, the wording is not in the form of a 'design' 'commitment' and so is better located in the oCEMP. .
Q1.7.13	The Applicant	**Under-panel habitat condition** A substantial proportion of the predicted BNG relies upon habitats established beneath solar arrays [APP-220]. However, the Statutory Biodiversity Metric [APP-221] contains no specific habitat classification for land beneath solar panels. The applicant should, therefore: a) explain the extent to which professional judgement has been used regarding habitat condition assumptions.	Habitat condition assessment for under panel habitats are included in Table 4-11 of the **oLEMP [REP2-095]** updated at Deadline 2. This approach was adopted on a precautionary basis to reflect the potential influence of shading and panel infrastructure on vegetation composition and structure. As such, a low distinctiveness habitat is proposed for the area beneath and surrounding the solar panels, which represent a realistic and precautionary outcome.

ExQ	Question to	Question	Applicant's Response
		The applicant should also provide, or signpost where in the application documents the following can be found: a) evidence supporting the habitat condition assumptions adopted for under-panel habitat b) examples from comparable operational solar developments c) details of monitoring proposed to validate those assumptions d) justification that the biodiversity gains relied upon in the assessment represent a realistic and precautionary outcome.	The Applicant acknowledges that the Statutory Biodiversity Metric does not contain a discrete habitat category for land beneath solar panels. The current Statutory Biodiversity Metric Technical Annex confirms that when assessing habitat type and condition professional judgement may be used to apply the most accurate habitat description. As such, the proposed habitat beneath and between the solar arrays has been assessed against the relevant grassland habitat category. The use of professional judgement has therefore been limited to determining whether the proposed habitat is realistically capable of meeting the established Statutory Biodiversity Metric criteria for the chosen habitat in the context of the proposed solar farm design and management regime. This assessment and associated justifications are provided in Table 4-11 and 4-12 of the **oLEMP [REP2-095]**, requiring the listed criterion to be met to achieve the target habitat type and condition. The condition assessment methodology therefore provides an objective means of testing whether the target condition has been achieved rather than relying solely upon an ecological opinion and professional judgement. This approach is consistent with current Government guidance for NSIPs. There is now a substantial and growing body of evidence from operational UK solar farms demonstrating that grassland can establish and persist beneath solar panels. The most directly relevant evidence is the Solar Habitat monitoring programme developed by Solar Energy UK, Lancaster University, Clarkson & Woods and Wychwood Biodiversity, which draws on ecological monitoring data from 124 solar sites. The Solar Habitat 2025 report found that the average number of plant species per quadrat was six, demonstrating that vegetation is

ExQ	Question to	Question	Applicant's Response
			capable of establishing within the shaded environment beneath operational arrays, and achieving the target condition criterion set out in Table 4-11 of the **oLEMP [REP2-095]**. The 2025 results also demonstrated that on average, species richness was lower beneath panels and higher in the between panel areas. However, this is anticipated due to the differing conditions, and the Applicant has taken this distinction into account within the target habitat and condition of the solar panel area. Details of monitoring proposed to validate those assumptions is included in the **oLEMP [REP2-095]** at paragraph 5.2.4. The requirements for monitoring under Biodiversity Net Gain will be fully detailed in the BNG strategy to be prepared alongside the detailed LEMP.
Q1.7.14	North Yorkshire Council	**Compensation for wider farmland and ground-nesting bird assemblages** Paragraph 9.11 of NYC's LIR [REP1-006] states that its "principal concern relates to the degree of certainty with which species compensation, mitigation and monitoring outcomes are secured". It explains NYC's view that whilst the BMA provides a dedicated mechanism for mitigating effects on functionally linked land associated with SPA/ Ramsar qualifying bird species, NYC seeks further clarification regarding compensation for wider farmland and ground-nesting bird assemblages across all SDSs. The applicant responded in LIR-NYC-99 [REP2-117] that it has updated the oLEMP at deadline 2, stating that it will take these points into consideration. NYC should further explain:	Not for Applicant to respond on.

ExQ	Question to	Question	Applicant's Response
		a) what compensation for wider farmland and ground-nesting bird assemblages across all SDSs it considered should be provided.	

2.8 Habitat Regulations Assessment (HRA)

Table 2-8 Applicant's Response to the Examining Authority's First Written Questions: HRA

ExQ	Question to	Question	Applicant's Response
Q1.8.1	The Applicant Natural England North Yorkshire Council Yorkshire Wildlife Trust	**Wintering Bird Survey** NE's issue NE1, as explained in its representations [RR-1039] and [REP1-025], supports the applicant's approach to undertaking a single season of wintering bird surveys, subject to additional contextual information regarding flooding and land use. Paragraph 9.41 of NYC's LIR [REP1-006] considers that this introduces residual uncertainty concerning inter-annual variability in bird use. YWT [RR-1455] also considers that two years of field survey effort would have provided a more robust evidence base. In response to these concerns, the applicant submitted a technical note at deadline 2 [REP2-114], which it considers to be a more representative basis for considering the proposed development's contribution to breeding bird mitigation. The note was issued to NYC on 7th August 2026. The applicant's response to relevant representation reference YWT-14 [REP2-109] explained that the sHRA [REP2-023] relies on a single year of ornithological survey data supplemented by desk-based evidence and precautionary buffers. It stated that the approach has been accepted with close liaison with NE. In doing so, it	a) The Applicant considers that the one-year baseline for non-breeding bird surveys is sufficient for the purposes of the HRA when read alongside the wider evidence base, and not in isolation. Natural England initially sought two years of data for Solar Development Site 1 only, because of its proximity to the Lower Derwent Valley SPA and its suitability for non-breeding birds (open and relatively wet). The Applicant therefore assessed whether the surveyed season (2024/2025) was representative, using historic cropping records, five years of flood information and wider bird data, and allowed for variation in the assessment- which included all relevant birds within and surrounding the entirety of the Order Limits, when some of the Solar Development Sites did not fit the broad criteria of "Functionally Linked Land". These sources provided evidence of environmental and habitat conditions covered by the survey season, in the context of those experienced (or to be experienced) in other years. Natural England subsequently confirmed that the cropping and flood evidence supported the use of a representative survey year, subject to its remaining points being addressed. Note that these were addressed and Natural England accepted the further evidence within the submitted sHRA as

ExQ	Question to	Question	Applicant's Response
		sets out that a precautionary approach was adopted that goes beyond what is typically considered standard practice when a two-year approach is used. The applicant confirmed that inter annual variability is acknowledged throughout the documents and the examples provided within the sHRA using other comparable solar NSIP sites evidence that numbers can fluctuate significantly, both up and down per annum. The Examining Authority acknowledges NE's position on this matter outlined in its representation [RR-1039]. NE should provide comments on concerns raised by NYC and YWT regarding the adequacy of the wintering bird survey data as follows: a) does NE consider the wintering bird survey data to be sufficient to conclude no Adverse Effects on Integrity on the Lower Derwent Valley SPA and Ramsar and the Humber Estuary SPA and Ramsar? Given the above, NYC and YWT should: a) explicitly state whether they consider that a second year of surveys should have been undertaken, having regard to advice from NE b) confirm if each is satisfied that the current survey information provides sufficient evidence to assess the effects of the proposed development on wintering bird species c) whether a second year of wintering bird survey effort would be likely to have materially influenced the conclusions of the HRA. The applicant is to explain:	per NE1 of **RR-1039.** These details include evidence and consideration details of an alternative and precautionary approaches to mitigation, should scrape creation not be feasible (paragraphs 8.2.27-8.2.29 / paragraphs 8.2.43-47) and frequency of use and whether the foraging resource proposed is considered sufficient (paragraph 8.2.20-8.2.26; Annex A.1 and Annex A.2), where additional assessment was provided to evidence that peak counts were not sustained each month i.e. 234 lapwing recorded during one out of three surveys, overall mean was 58 birds/ November peak count= 126 lapwing, mean that month was 33.6. These results indicate that peak counts represent episodic use, with substantially lower mean counts. Applying buffers to the maximum peak counts therefore provides a further margin of precaution in determining mitigation requirements. Cropping and flooding affect the availability of feeding habitat and the distribution for non-breeding birds. The historic records indicate that Site 1's arable rotation was largely consistent, while the flood analysis places the surveyed winter in the context of conditions experienced in other years, the flooding data also showed some positive correlation between species and number of flood days, but this was not always the case. This evidence established that the one year (surveyed) was representative and provided a sufficient basis for understanding the relationship between habitat conditions and bird use under different circumstances. This was agreed by Natural England **[REP-1039]** and together with that information and with the field data collected, this aided the design of the BMA through the creation of scrapes, extensive muddy areas and sward heights- tailored to the species recorded.

ExQ	Question to	Question	Applicant's Response
		a) why a single winter survey season, supplemented by desk-based evidence and flood-condition analysis, is or is not sufficient for the purposes of HRA b) any uncertainty that remains and how that uncertainty has been addressed or satisfied within the HRA conclusions.	It is important to note that there is no specific method or metric that can establish bird numbers that would occur in every future year, so the HRA must also show that its assumptions and mitigation remain adequate under plausible higher-use conditions. As noted by Natural England **[REP-1039]**, Natural England did not anticipate a change in outcome of the mitigation design following a second year of surveys and therefore accepted the proposed approach [**NE01**]. As such, the overall assessment adopts a precautionary approach by the following breakdown of steps: assumes peak counts persist throughout each assessed month rather than using overall monthly mean counts to calculate bird-days which is the standard approach (Table 1.7 of Evaluation of Bird Usage Variability and Justification for One-Year Survey Effort, provided in Annex A.5 of the **sHRA [REP2-023]**). For example, the maximum count of 234 lapwing recorded at Site 1 during October 2024 is assumed to be present every day throughout the 31-day month, giving 7,254 bird-days before any buffer is applied. **Applies additional buffers to the assumed consistent value (234)**: There was no data from the SPA (Lower Derwent Valley) Wetland Bird Survey data for this month across 5 years (lapwing not recorded), so therefore a default buffer of x1.25 was applied = 7254 bird days (pre buffer) and 9067.5 post buffer applied- which inputs and increases the overall hectarage required = 19.5ha (combined with golden plover as both species share resource as agreed with by Natural England [UDS-A015616; Annex A.6 of the **sHRA [REP2-023]**] correspondence December 2025. **Considers the frequency and magnitude of recorded use of the Site within the one-year survey dataset** (Annex A.2; Table A-2 of the **sHRA [REP2-023]**): October 2024- lapwing-

ExQ	Question to	Question	Applicant's Response
			recorded a total of nine times across the three surveys for that month, with a peak count of 234 and lowest count of 1, with an average of 58 birds recorded across that month. These observations demonstrate variability in recorded use, with the peak count not sustained across survey observations. **Assesses whether the mitigation area remains sufficient without relying on improvements in habitat quality or successful scrape creation:** with alternative, precautionary mitigation approaches identified should scrape creation prove infeasible (paragraphs 8.2.27–8.2.29). Taken together, the survey results, historical cropping and flood data, wider bird records and multi-layer precautionary assessment provide the evidence on which the Applicant concludes, beyond reasonable scientific doubt, that the Proposed Development will not adversely affect the integrity of the relevant European sites and Ramsar sites, notwithstanding the reliance on a single survey season. Neither Natural England nor the RSPB has expressed disagreement with the Applicant's approach. b) The HRA acknowledges that a single non-breeding season cannot fully characterise/capture inter-annual variation in bird numbers and habitat use. It addresses that uncertainty through the survey evidence, SPA data, cropping and hydrological data, and a precautionary assessment of the habitat that could be required, as well as the design of mitigation measures. The bird-day calculations include peak counts from adjacent fields outside of all of the Solar Development Sites (not just Solar Development Site 1).

ExQ	Question to	Question	Applicant's Response
			Importantly, the assessment also assumes that monthly peak numbers are present throughout each month, although the survey assessment shows that large flocks were generally episodic rather than continuously present (**sHRA [REP2-023]** paragraphs 8.2.15 and 8.2.20–8.2.26). To account for variation between years and the potential risk of missing a higher peak, the HRA applies monthly multipliers of 1.25, 1.5 or 2, informed by five years of Lower Derwent Valley SPA WeBS data. These factors provide an allowance for the possibility of higher bird use in other years. These are variable buffers, rather than a uniform 50% uplift. The resulting calculation identifies approximately 30.5 ha for lapwing, golden plover and greylag goose, compared with approximately 61 ha of habitat available to birds within the Bird Mitigation Area (BMA)- note that this includes 50m offsets from all boundaries and in total the Bird Mitigation Area totals to ~80ha. The calculation assumes like-for-like habitat and does not assign additional carrying capacity to the proposed habitat improvements, scrapes or adaptive management. The HRA therefore treats it as an indicator of scale, supported by a separate assessment of the BMA's function (paragraphs 8.2.16–8.2.19). Uncertainty about the BMA's future performance is addressed through its design and management through the **oBMAMP [APP-205]** which details species-rich managed grassland, shallow wet features and muddy edges, open sightlines, removal of public access, monitoring and adaptive management; all of which are based on the species recorded requirements. The BMA will also remain free of works-related

ExQ	Question to	Question	Applicant's Response
			disturbance, whereby works (construction, operational and decommissioning) within 250m of the BMA will not be undertaken during the non-breeding period (paragraphs 8.2.56-8.2.64). The conclusion does not depend on the proposition that one survey year captures every possible level of bird use; rather the evidence demonstrated that the survey year was representative of the prevailing range of conditions, while the assessment and mitigation design explicitly allow for higher bird use and inter-annual variation. It is also important to note that the Applicant and Natural England have engaged throughout the process, and the Applicant has included all aspects that Natural England required. There is no uncertainty remaining with regard to the assessment and the conclusions of the **sHRA [REP2-023]**.
Q1.8.2	The Applicant	**Measurable outcomes for wider farmland and ground-nesting bird assemblages** Paragraph 9.11 of NYC's LIR [REP1-006] states that its "principal concern relates to the degree of certainty with which species compensation, mitigation and monitoring outcomes are secured". NYC's view is that that whilst the BMA provides a dedicated mechanism for mitigating effects on functionally linked land associated with SPA/ Ramsar qualifying bird species, NYC seeks further clarification regarding measurable outcomes for wider farmland and ground-nesting bird assemblages across all SDSs. The applicant responded LIR-NYC-99 [REP2-117] that it has updated the oLEMP at deadline 2, stating that	a) The updated **oLEMP [REP2-095]** submitted at D2 provides measurable habitat and monitoring outcomes for ground-nesting birds across the Solar Development Sites. It identifies approximately 108.3 ha of relevant habitat, comprising 29 ha of arable field margins and 79.3 ha of neutral grassland and sets out the objectives, management and remedial measures which NYC have welcomed in ongoing engagement and are reassured that corn bunting are well mitigated for. The outcomes will be checked through breeding bird surveys in post-construction Years 1-5 and every five years thereafter, alongside habitat condition assessments, vegetation monitoring and fixed-point photography. Species richness, abundance and distribution will be reported, but territory

ExQ	Question to	Question	Applicant's Response
		it will take these points into consideration. The applicant should: a) provide further clarification regarding measurable outcomes for ground-nesting and farmland birds across SDS2 to SDS8 b) comment on NYC's view that the oLEMP should include explicit species-specific objectives and management measures for farmland birds, and set out, or signpost to which of the measures have been taken into consideration.	numbers alone will not determine success because they can vary for reasons beyond habitat management/the Applicant's control, particularly across the 60 years lifetime of a project, and bird populations naturally shift and adapt as evidenced historically. As per the updated oLEMP, measurable habitat condition targets and associated adaptive measures will be agreed with NYC and defined in the detailed LEMP (Sections 5.3.1–5.3.6). b) The Applicant welcomes NYC's comments and engagement, and agreement has progressed considerably since Deadline 2. The updated **oLEMP [REP2-095]** has moved, at Deadline 2, beyond general biodiversity objectives by adding ground-nesting birds specific objectives in Section 2.4 and corresponding prescriptions for field margins and grassland in Sections 4.7 and 4.8, supported by the monitoring and remedial process in Section 5.3. These measures address nesting and foraging opportunities for farmland birds, including skylark, through open habitat, varied sward structure, appropriately managed margins and cutting outside the main breeding period. NYC has indicated to the Applicant that it welcomes these changes and has expressed that NYC would prefer to see the o **oBMAMP [APP-205]** deal solely with the management of the Bird Mitigation Area, with the detailed LEMP covering the remainder of the Solar Development Sites. The two documents will need to be read together where their prescriptions interact. The Applicant will make the relevant updates accordingly at Deadline 4, having shared them with NYC for comment beforehand (which it will aim to do prior to the November hearings).

ExQ	Question to	Question	Applicant's Response
Q1.8.3	The Applicant Natural England	**Noise disturbance impacts to birds using functionally linked land** Item NE2 of NE's written representation [REP1-025] explains that during the construction phase there would be potential for disturbance to wintering and passage birds using the wetland bird mitigation area associated with SDS1, as well as adjacent functionally linked land outside of the proposed Order limits. The applicant has submitted an updated sHRA [REP2-023] including 8.2.65, 8.2.75 and 8.2.78 to address this. The applicant should: a) provide further information on the characteristics of the noise that would be generated during construction of SDS1 and, if piling methods are to be used, demonstrate that birds would not be subjected to disturbing 'loud bangs' during construction. If this information is presented already signpost to where this can be found. In light of the information presented in the updated sHRA [REP2-023] NE should: b) confirm whether it is satisfied that the applicant's assessment and proposed approach adequately address potential noise impacts on birds using functionally linked land and explain why.	a) The Applicant has engaged with Natural England following submission of the **sHRA [REP2-023]**, and Natural England has confirmed that it is satisfied with the updates provided. These updates are set out in paragraphs 8.2.75 to 8.2.81 and Figure 1 in Appendix A.7 of the **sHRA [REP2-023]**. The Applicant has committed to a 250 m setback during the construction within Solar Development Site 1 and where the BMA meet, while the noise modelling demonstrates that predicted construction noise effects do not extend beyond 183 m which includes the installation of solar array (mini piling rigs) and electrical cable installation works. Natural England's concerns relate to whether any construction activity would produce "loud bangs" through HDD or piling, it is noted that percussive piling which creates loud bangs or works associated with the HDD are not anticipated within Solar Development Site 1. With respect to Horizontal Directional Drilling (HDD), this is a drilling (boring) technique rather than a percussive activity. Consequently, percussive piling is not anticipated within Solar Development Site 1 and therefore have not been modelled. However, as set out in the **sHRA [REP2-023]**, any works which would produce such noise or activities such as percussive piling that would generate "loud bangs" would be completed during the breeding period (April-August, inclusive) as set out in paragraph 8.2.78 of the **sHRA [REP2-023]**. This is also secured in the updated **oCEMP [REP2-089]** submitted at Deadline 2, set out in Table 3-10. The noise assessment represents a worst-case scenario and has been undertaken using the LAeq,T metric, rather than LAmax or LApeak, which is considered appropriate for characterising continuous construction noise without the need for additional time-based corrections.

ExQ	Question to	Question	Applicant's Response
			Natural England has welcomed and accepted these updates.
Q1.8.4	The Applicant Natural England	**River and Sea Lamprey (Operational phase)** Item NE5 of NE's written representation [REP1-025] explains that the application documents did not secure precautionary mitigation for impacts of electromagnetic fields (EMF) on migrating lamprey associated with designated sites. The applicant has updated the sHRA at deadline 2, in which paragraph 8.3.34 [REP2-023] states that "The detailed CEMP will set out the EMF mitigation measures that have been deployed (including the depth of cabling) across the Proposed Development and explain how that has taken account of the latest research and practice and consultation with NE and the Environmental Agency on this matter. The starting point will be that the depth of the cabling will be a minimum of 5 metres, unless otherwise agreed by the Environment Agency and NE as part of the aforementioned consultation". The applicant should: a) confirm that the starting point of cable depth, referred to in paragraph 8.3.34 [REP2-023], as being a minimum of 5m includes all cases With reference to the updated sHRA, NE should: a) confirm whether or not it is satisfied that this matter is now resolved and advise on any further comments.	The Applicant can confirm as outlined within Table 3-3 of the **oCEMP [REP2-089]** that this commitment is for all main rivers.
Q1.8.5	The Applicant Natural England	**Bird Mitigation Area, functionally linked land and wider ornithological compensation** The BMA is relied upon principally within the HRA as mitigation for the loss and disturbance of functionally linked land associated with qualifying species of the	a) The Applicant confirms that the BMA is not intended solely to mitigate effects limited to non-breeding birds. As stated in **ES Chapter 12: Ornithology [REP2-037]** [paragraph 12.17.19], the BMA has also been designed and is relied upon to mitigate ground nesting birds, which require very similar

ExQ	Question to	Question	Applicant's Response
	North Yorkshire Council	Lower Derwent Valley SPA/ Ramsar. Paragraph 9.34 of NYC's LIR [REP1-006] explains that the Council's concern regarding the extent to which the BMA is also relied upon, either explicitly or implicitly, in support of conclusions relating to breeding farmland and ground-nesting birds, including skylark, corn bunting, lapwing and yellow wagtail. Section 4.9 of the oBMAMP [APP-205] sets out the bird surveys that would be undertaken. This includes at paragraph 4.9.7 a reference to bird boxes: "Bird boxes, particularly tree sparrow colony boxes and A-frames to support nesting kestrel and barn owl. These will be monitored under the oLEMP. These will be monitored by a licensed person(s) and will be checked and cleaned out between September and February, annually". This would appear to contradict paragraph 4.4.2 of the oBMAMP [APP-205] which states that "The BMA will be managed exclusively for the benefit of non-breeding birds, including qualifying species and those that form part of the wider waterbird assemblage" as it seems to imply that the BMA is also intended to create habitat for species other than qualifying SPA and Ramsar species. The applicant is to: a) explain whether the BMA is intended solely as mitigation for effects on functionally linked land and qualifying SPA and Ramsar bird species, or whether it is also intended to mitigate for impacts upon breeding farmland and ground-nesting bird assemblage b) confirm whether the BMA has been sized and designed solely to address HRA related requirements or whether it includes additional	characteristics to that of non-breeding waterbirds and habitat management. Ground nesting birds, like non-breeding waterbirds require disturbance free and open vistas, both of which are provided through the design of the BMA. It is the Applicants single, integrated area for ornithological habitat measures across the scheme and will perform the following functions: **Breeding ground-nesting birds**; it will provide enhanced breeding and foraging habitat for skylark, lapwing and other ground-nesting birds, forming part of the mitigation relied upon in the ES paragraph 12.17.19. nesting provision for tree sparrow, kestrel and barn owl through the bird boxes in **oBMAMP [APP-205]** paragraph 4.9.7 relied upon as enhancement too. **Non-breeding birds**; it will provide enhanced habitat for qualifying species of the Lower Derwent Valley SPA Ramsar site and for the wider waterbird assemblage, to address the loss and disturbance of functionally linked land. This is the only function relied upon to conclude no adverse effects on the integrity of the SPA / Ramsar site. These functions share the same land because the habitat is compatible: open, managed grassland with limited disturbance. The Applicant acknowledges that **oBMAMP [APP-205]** paragraph 4.4.2 which describes the BMA as managed "exclusively" for non-breeding birds, does not reflect the full scope of functions the BMA will serve and appears inconsistent with paragraph 4.9.7. The Applicant intends to update this document by Deadline 4.

ExQ	Question to	Question	Applicant's Response
		provision beyond that necessary to conclude no adverse effect on site integrity c) explain if the BMA provides capacity beyond that required for HRA purposes, quantify that additional provision and explain whether it is relied upon within the ES d) explain whether the proposed development could proceed, and the relevant assessment conclusions [REP2-023] remain unchanged, if the BMA were to be reduced to the minimum area necessary to mitigate effects on functionally linked land e) provide a clear explanation of the relationship, if any, between the BMA and the mitigation, compensation and monitoring proposed for breeding farmland and ground nesting birds f) explain how any risks of double-counting ecological benefits have been avoided.	b) The Bird Mitigation Area (BMA) has not been designed solely to address HRA requirements. Its size provides substantial headroom for non-breeding birds: the HRA's precautionary bird-day calculations indicate a requirement of approximately 30.5 ha, compared with approximately 61 ha of habitat available to birds within the BMA. The HRA also makes clear that the calculation is an indicator of scale and does not quantify the additional benefit expected from habitat improvements (quality). The BMA has a dual purpose. Its habitat and seasonal management are designed to support qualifying non-breeding birds, enabling the HRA to conclude no adverse effect on site integrity, and to provide breeding and foraging and nesting habitat for ground-nesting birds assessed through the EIA. These functions share the same land because the habitat requirements are compatible and they operated in different seasons. The BMA is therefore larger than the HRA requirement alone, but this is not a separate reserve of land. The same hectares serve both the HRA and EIA functions, secured through the **oBMAMP [APP-205]** and oLEMP. c) Yes, the BMA provides capacity beyond that required solely for HRA mitigation, although this additional capacity cannot be precisely quantified, as there is no metric that exists that can quantify every species recorded throughout the Order Limits. The bird-day calculations indicate a habitat requirement of approximately 30 ha, but this can only be applied to a subset of species and do not quantify the benefits of improved habitat quality, which would increase its carrying capacity, however again this uplift cannot be quantified. They therefore provide one line of evidence and cannot be used as the sole

ExQ	Question to	Question	Applicant's Response
			numerical basis for determining the overall mitigation requirement or surplus capacity. The additional habitat provision provides a precautionary margin, increasing confidence that the BMA can accommodate variation in bird use between winters and potential increases in the numbers of birds requiring supporting habitat. The ES relies on the BMA's capacity to support breeding skylark and other ground nesting birds (lapwing, grey partridge), as part of its mitigation provision. This function can overlap spatially with its provision for non-breeding SPA birds; it does not represent a separately allocated area of surplus habitat. The original ES assessment anticipated that the BMA, accounting for the 50 m offsets, would support approximately 50% of the skylark territories potentially lost. Following correction of the baseline and reassessment, this is estimated at up to 40%. The reassessment continues to conclude a residual minor adverse effect, which is not significant. d) The Applicant does not consider that the 30.5 ha bird-day calculation establishes a minimum BMA area to which the Scheme could be reduced while leaving the assessment conclusions unchanged. The conclusions in the sHRA and the ES are based on the BMA as proposed, including its extent, design and seasonal management. As explained in the HRA, that calculation is a broad indicator of scale derived from published metrics for lapwing, golden plover and greylag goose. It does not quantify the habitat requirements of other non-breeding waterbirds, and it does not demonstrate that a smaller BMA would deliver the same function under varying conditions.

ExQ	Question to	Question	Applicant's Response
			The BMA also provides breeding habitat for ground-nesting birds, which forms part of the EIA assessment which is relied upon. Reducing its area could therefore affect both the HRA and EIA conclusions. The Applicant's conclusions in [REP2-023] are based on the BMA as proposed, including its extent, design and seasonal management for both breeding and non-breeding birds. e) The ES relies on the BMA to support breeding skylark and other ground-nesting birds, including lapwing and grey partridge, displaced by the development. The BMA comprises retained land (embedded) where existing habitats will be enhanced and managed to improve breeding and foraging conditions, forming part of the additional mitigation described in the ES. This then results in a non-significant neutral to minor adverse effects at a local level. This follows the principals underpinned by the Ecological Impact Assessment guidance (CIEEM, 2018). This provision overlaps with the BMA's function for non-breeding SPA birds; it is not a separately allocated area of surplus habitat. The original ES assessment anticipated that the BMA, accounting for the 50 m offsets, would support approximately 50% of the skylark territories potentially lost. Following correction of the baseline and reassessment, this is estimated at up to 40%. The reassessment continues to conclude a residual minor adverse effect (local level), which is not significant. The Applicant considers that the secured BMA measures adequately address the effects and that no additional compensation is necessary.

ExQ	Question to	Question	Applicant's Response
			The **oLEMP [REP2-095]** sets breeding season habitat objectives and management prescriptions for the BMA and the wider Solar Development Sites. It also requires breeding bird surveys in post-construction Years 1–5 and every five years thereafter, considered alongside habitat condition monitoring. The results will inform changes to grazing, cutting and other vegetation management where the intended habitat conditions are not achieved (oLEMP Sections 2.4, 4.7–4.8 and 5.3). The BMA's non-breeding waterbird requirements are addressed through the separate bird mitigation area management plan(**oBMAMP [APP-205]**). Its seasonal prescriptions must operate together so that management for one group does not prevent the BMA from functioning for the other. f) The Applicant has not added the BMA's HRA and EIA benefits together as though they arise from separate areas of land, using the same land for two seasonal functions is not, by itself, double counting. The 65.7 ha core BMA is one physical area, managed to provide habitat for non-breeding waterbirds and breeding ground-nesting birds in their respective seasons. For the skylark assessment, the Technical Note estimates that this core area could support up to approximately 33 territories using an indicative density of 0.51 territories/ha. That estimate is a potential contribution to the breeding bird assessment; it is not an additional 65.7 ha of land or a claim that all 83 potentially displaced territories would be replaced within the BMA. The Technical Note identifies habitat elsewhere across the Order Limits separately, including approximately 79.4 ha of neutral grassland margins and 29 ha of arable field margins,

ExQ	Question to	Question	Applicant's Response
			excluding the BMA. Those areas have therefore not been included within the BMA's 65.7 ha figure due to the majority of these being suitable for corn bunting and other passerines (not nesting skylark or lapwing). The HRA assesses whether the BMA maintains the function of habitat used by qualifying non-breeding birds, whereas the EIA assesses its contribution to breeding bird mitigation alongside the wider habitat measures, which do not play a role in the sHRA conclusions. Each conclusion is based on the relevant species' needs and the management proposed for that season. Monitoring and adaptive management will be used to check that the shared area continues to perform both functions. Management will be adjusted where either set of objects is not being met.
Q1.8.6	The Applicant Natural England North Yorkshire Council	Long-term certainty and effectiveness of the Bird Mitigation Area Paragraphs 9.26 to 9.39 of NYC's LIR [REP1-006] explains NYC's view that further clarification is required regarding compensation and measurable outcomes for wider farmland and ground nesting bird assemblages across all SDSs. NYC considers that greater certainty is required regarding detailed design, hydrological feasibility, performance targets, monitoring arrangements and adaptive management. It considers that the oBMAMP should be strengthened by defining measurable success criteria, monitoring thresholds, remedial triggers and contingency measures. The applicant responded at deadline 2 [REP2-117] that it considers that the oBMAMP [APP-205] already establishes a clear framework for the development of measurable success criteria, monitoring requirements, reporting mechanisms and adaptive management	a) Success of the BMA would be measured through bird surveys i.e. distribution and behaviour of such birds and how they are utilising the habitats implemented. The success would also be measured against the habitat value and condition, with a particular focus on scrape (hydrological levels), extent of muddy edge and sward height, as well as disturbance (i.e. are PRoWs being utilised appropriately). This will also be agreed in consultation with Natural England and NYC as part of the process of developing the detailed BMAMP. b/c) Where monitoring identifies unsuitable sward conditions, inadequate seasonal wet features, disturbance, or bird use below the agreed performance target, the nature conservation professional will review the cause and specify corrective management. Depending on the finding, this could include changes to grazing or cutting, vegetation removal, adjustment or repair of wet features, or additional disturbance controls.

ExQ	Question to	Question	Applicant's Response
		measures, which would be agreed in consultation with NYC and NE. Section 4.9 of the oBMAMP [APP-205] provides for the agreement of measurable targets against which the success of the BMA would be assessed. Having regard to NYC's comments, as set out above, the applicant should explain: a) specifically, how success of the BMA would be measured, including the quantitative success criteria, monitoring thresholds and performance indicators b) what remedial triggers would be used if monitoring demonstrates that the intended outcomes are not being achieved c) what adaptive management or contingency measures would be implemented and secured With specific reference to the implementation and completion of the BMA, the applicant should also: a) provide, or signpost where in the application documents other than the Commitments Register, (for example the oBMAMP, oLEMP or oCEMP or DPC) confirmation that the BMA would be made functional prior to commencement of development In paragraph 9.36 of its LIR [REP1-006], NYC set out that "The Council is also concerned that the Bird Mitigation Area is located within an isolated part of the scheme and is spatially remote from many of the development areas where displacement of breeding territories will occur". Given that paragraph 1.1.2 of the oBMAMP [APP-205]	The action, timescale and follow-up monitoring will be reported through the review process agreed with NYC and Natural England as part of the process of developing the detailed BMAMP. a2) For clarity, the Applicant is committed to ensuring that the Bird Mitigation Area (BMA) is functional prior to commencement of solar and cable works during the non-breeding period, in accordance with the definition of "functional" agreed with Natural England and set out in paragraph 8.2.34 of the **sHRA [REP2-023]** - *The BMA is free from disturbance during the non-breeding period*. The **oBMAMP [APP-205]** requires that construction works to the BMA will be undertaken between the beginning of April and the end of August to ensure the safeguarding of the non-breeding period as informed through the surveys undertaken by the Applicant (Section 4.6). As approval of the detailed BMAMP has to take place prior to commencement of the authorised development, and the authorised development must then be carried out in accordance with the detailed plan, the delivery of this commitment is secured. The Applicant acknowledges, however, that although the commitment to achieving a functional BMA prior to commencement is stated in the sHRA and reflected in the intended implementation sequence, it is not clearly expressly stated in the relevant outline management documents. These documents will therefore be updated to make this requirement explicit and ensure that the timing of BMA establishment and confirmation of its functionality are clearly secured. This

ExQ	Question to	Question	Applicant's Response
		confirms that its purpose is "to outline how measures proposed will provide mitigation for the anticipated displacement of wetland birds associated with Lower Derwent Valley and the Humber Estuary SPA and Ramsar site" as a result of the proposed development, NYC is to: a) provide a view on whether the BMA should provide for other species (non-functionally linked land) affected by other parts of the Order limits, including development sites which are more remote from the SPA and Ramsar sites b) if NYC considers that the BMA should provide for species within the Order limits which are more remote from SDS1, it should summarise why this may be considered necessary and explain if provision of habitat for other species could result in any further consequences that would need to be assessed NYC and NE should also: a) provide comments on whether the BMA has been appropriately distinguished from mitigation and compensation proposed for wider farmland bird assemblages and whether sufficient certainty exists regarding its long-term delivery and effectiveness.	clarification reflects the Applicant's existing commitment, as agreed with Natural England. These documents (**oBMAMP [APP-205] and oCEMP [REP2-089]**) will be updated for Deadline 4 to clearly state that the BMA will be functional prior to the non-breeding bird period (September to March) prior to works in the Solar Development Sites and Cable Route commencing so that any works within the Solar Development Sites and Cable Route being carried out during the non-breeding period (September to March) do not cause disturbance and/or impacts to the qualifying features of which it is to support.
Q1.8.7	Natural England	**Mitigation and Adverse Effects on Integrity** NE should set out, at this point, its views on the overall proposed mitigation and effects on integrity of designated sites. NE should explain:	Not for Applicant to respond on.

ExQ	Question to	Question	Applicant's Response
		a) whether or not the applicant has proposed and secured sufficient mitigation to rule out adverse effects on integrity for the Lower Derwent Valley SPA and Ramsar and the Humber Estuary SPA and Ramsar b) if not, what further mitigation would NE consider necessary?	

2.9 Landscape and visual effects

Table 2-9 Applicant's Response to the Examining Authority's First Written Questions: Landscape and visual effects

ExQ	Question to	Question	Applicant's Response
Q1.9.1	The Applicant	**Cumulative effects on landscape character** Paragraph 8.18 of NYC's LIR [REP1-006] and its relevant representation [RR-1075] explains its concerns regarding the assessment of cumulative landscape effects. Paragraphs 9.14.1 to 9.14.3 of ES Chapter 10 [APP-048], and table 17-12 of ES Chapter 17 [REP2-047] provides broad overall conclusions regarding cumulative and in-combination landscape effects. These conclude that the proposed development would be likely to lead to some cumulative landscape and visual effects during construction, Year 1 of operation and decommissioning stages. The applicant is to: a) explain how the assessment adequately distinguishes between cumulative visual effects and cumulative landscape transformation	Paragraph 8.18 of NYC's LIR **[REP1-006]** regards the user experience of public rights of way (PRoW) and permissive paths, which is addressed further in the Applicant's response to ExA question 1.9.12. It is NYC's LIR paragraph 8.17 which refers to the assessment of cumulative landscape and visual effects and this is addressed below. a.) The assessment of likely cumulative landscape effects and likely cumulative visual effects has been carried out separately and in accordance with published best practice, including section 7 of the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3) and section 7 of Landscape Institute Technical Guidance Note 01/24 Notes and Clarifications on Aspects of GLVIA3 (LI TGN 01/24). Reference has also been made to the government's Advice on Cumulative Effects Assessment for NSIPs.

ExQ	Question to	Question	Applicant's Response
		b) explain whether the concentration of existing, consented and proposed solar developments would result in fundamental change to the landscape character c) comment on the extent to which the proposed development, when combined with others would significantly alter the character of the landscape such that it could no longer be regarded as a rural location.	Paragraph 7.2 of GLVIA3 defines cumulative landscape and visual effects as those which *"result from additional changes to the landscape or visual amenity caused by the proposed development in conjunction with other developments (associated with or separate to it), or actions that occurred in the past, present or are likely to occur in the foreseeable future.*" Paragraph 7.4 goes on to state that "*the challenge is to keep the task reasonable and in proportion to the nature of the project under consideration*" and that "*it is always important to remember that the emphasis in EIA is on likely significant effects rather than on comprehensive cataloguing of every conceivable effect that might occur* " This is the approach that the Applicant has applied to the assessment of cumulative landscape and visual effects set out in section 10.14 of **ES Volume 1 Chapter 10 - Landscape and Visual [APP-048]**. Paragraph 10.14.2 of ES Chapter 10 explains that the assessment has been made with reference to the methodology and guidance set out in **ES Chapter 17 Cumulative and in-combination effects [REP2-047]**. The LVIA has considered the additional cumulative effects of the Proposed Development in conjunction with other developments of the same or similar type, in accordance with 7(3) of LI TGN 01/24. Cumulative landscape effects and cumulative visual effects have been assessed and reported adequately and separately with the key findings for cumulative landscape effects set out in Table 10.28 of **ES Chapter 10 [APP-048]** and cumulative visual effects in Table 10.29 of ES Chapter 10. Cumulative landscape effects concern changes to the landscape as a resource, including its fabric, elements, aesthetic and perceptual qualities and landscape character brought about by the Proposed Development in addition to

ExQ	Question to	Question	Applicant's Response
			consented schemes scoped into the assessment. Paragraph 7.29 of GLVIA3 defines cumulative visual effects as "*effects on views and visual amenity enjoyed by people, which may result either from adding the effects of the project being assessed to the effects of the other projects on the baseline conditions or from their combined effect*". Consideration of potential cumulative landscape transformation is a product of the assessment cumulative landscape effects, not a separate assessment in itself. Paragraph 4.3.19 of NPS EN-1 requires the Secretary of State to consider how the accumulation of, and interrelationship between, effects might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place. The LVIA, which may form part of this consideration, has not identified any residual cumulative landscape effects which would transform the landscape in combination with the cumulative schemes scoped into the assessment. b.) The Applicant has identified one existing 5MW solar farm in the existing baseline (Land at Ash Farm, north of Bishopdyke Road, Sherburn-in-Elmet) and two consented solar farms (ID67 Hillam Solar Farm and ID69 Scalm Park Solar) within the study area (being 3 km from the Order Limits of Solar Development Sites and 1 km from the Cable Route Corridors) for the assessment of cumulative landscape and visual effects. This study area for the LVIA was discussed and agreed with NYC. The detailed desk study and fieldwork carried out shows that intervening landform, buildings and

ExQ	Question to	Question	Applicant's Response
			vegetation generally limit the extent of views beyond these distances. Hillam Solar Farm was considered in the ES as a future baseline scheme. NYC asked the Applicant to consider this as a cumulative scheme and Applicant responded to this in point LIR-NYC-15 of the **Applicant's Response to North Yorkshire Council's Local Impact Report (Version 1) [REP2-117]**, explaining that ID67 was considered to form part of the future baseline in **ES Chapter 10 [APP-048]** and providing a sensitivity test demonstrating that if was assessed as a cumulative scheme, this would not change the cumulative landscape effects reported (including effects to landscape character). In respect of the proposed Scalm Park Solar and BESS scheme (ID 69), this consented development falls within LCA 13 Sherburn Farmland, which is shown on **ES Volume 2 - Figure 10.3.2 Selby District Published Landscape Character Areas [APP-092]**. This large LCA extends west from the edge of South Milford to Wistow and is the host receptor for SDS 2, SDS 7 an SDS 8. Discounting this development from the future baseline would not change the sensitivity of LCA 13, which is derived from its large-scale landscape, degraded pattern and lack of distinctiveness. The Scalm Park scheme would occupy two fields, extending approximately 94ha to the north of the Leeds to Selby railway line and south of the extensive Bishop Wood. Substantial existing woodland along the western boundary would strengthen physical enclosure and separation from industrial development further west at Sherburn Enterprise Park. These physical features would create strong separation from the

ExQ	Question to	Question	Applicant's Response
			Proposed Development, with SDS 8 lying approximately 1.5km to the west and SDS 2 approximately 3km to the south west. Although the proposed Scalm Park scheme would lie within the same LCA as parts of the Proposed Development, there would be very limited intervisibility and the lack of road and PRoW connections means that there would be limited opportunities to experience them together on the same journey. For these reasons, there would be no changes to the cumulative effects reported for LCA 13 if the Scalm Park scheme was considered a cumulative development and not part of the future baseline. One of the projects scoped into the cumulative assessment is a proposed solar farm (ID88) of under 25ha next to the former Gascoigne Wood Mine. Thus, there are four existing or consented solar farms within the study area with a total area of approximately 192ha. The total area that would be physically affected is set out below, considering these schemes in combination with the Proposed Development: LCA 11 : Sherburn Farmland (total area = 5,072ha) • SDS 2, SDS 6, SDS 7 and SDS 8 plus cumulative schemes = 378ha (7.5% of the total area of LCA 11). LCA 13: Haddlesey Farmland (total area = 3,659ha) • SDs 3 and SDS 4 plus cumulative schemes = 326ha (8.9% of the total area of LCA 13)

ExQ	Question to	Question	Applicant's Response
			The small scale and physical separation between these cumulative schemes and the Proposed Development and the robustness of the proposed mitigation means that they would not result in new or materially different cumulative effects to those reported in the ES. It is also noted that **ES Volume 2 - Figure 17.1 Locations of Short List Cumulative Schemes [APP-142]** identifies three NSIP solar farm proposals: East Yorkshire Solar Farm, Helios Solar Farm and Mylen Solar Farm. The solar NSIPs are all more than 5km from the closest Solar Development Sites within the Proposed Development and therefore outside of the study area There would therefore be no in-combination effects with these projects, which are located in different landscape character areas. Paragraph 7.28 of GLVIA3 states that *"the most significant cumulative landscape effects are likely to be those that would give rise to changes in the landscape character of the study area of such an extent as to have major effects on its key characteristics and even, in some cases, to transform it into a different landscape type. This may be the case where the project being considered itself tips the balance through its additional effects. The emphasis must always remain on the main project being assessed and how or whether it adds to or combines with the others being considered to create a significant cumulative effect*." The assessment recognises that the Proposed Development, in combination with existing, consented and proposed energy infrastructure, would result in some significant cumulative

ExQ	Question to	Question	Applicant's Response
			effects. Moderate adverse significant cumulative landscape effects are identified for LCA11 during construction, decommissioning and Year 1, and for LCA13 during construction and decommissioning (Table 10-28 of **ES Chapter 10 [APP-048]**). However, these effects are geographically localised and do not affect the entirety of the relevant Landscape Character Areas. Large parts of LCA11 and LCA13 would remain unaffected, and the significant cumulative effects reduce following establishment of the proposed landscape mitigation. The assessment therefore does not identify a fundamental change to the defining character of the wider landscape, although it acknowledges localised changes. Paragraph 5.10.5 of NPS EN-1 recognises that "*virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation."* The Applicant has applied an environmentally-led design approach and the application of the design principles described in the **Design Approach Document [APP-216]** has avoided residual significant adverse landscape effects through the siting and design of the scheme, including in consideration of other consented solar farm development. Consequently, the LVIA has not identified any cumulative landscape effects of major significance, with or without mitigation, and there is no evidence to support the position that the Proposed Development in combination with other consented solar developments would transform it into a different landscape type. This is also not the position of NYC, with paragraph 8.17 of the LIR querying the omission of the consented ID67 Hillam Solar Farm as part of the cumulative

ExQ	Question to	Question	Applicant's Response
			assessment. The Applicant responded to this in point LIR-NYC-15 of the **Applicant's Response to North Yorkshire Council's Local Impact Report (Version 1) [REP2-117]**, explaining that ID67 was considered to form part of the future baseline in **ES Chapter 10 [APP-048]** and providing a sensitivity test demonstrating that if was assessed as a cumulative scheme, this would not change the cumulative landscape effects reported. c.) National planning policy recognises that large-scale solar photovoltaic development is a form of renewable energy infrastructure that is commonly and appropriately located within rural areas, subject to the consideration of landscape and visual, and other environmental effects. The Applicant acknowledges that the Proposed Development would increase the presence of infrastructure and result in localised changes to openness, landscape pattern and rural character as detailed in section 10.14 Cumulative assessment of **ES Chapter 10 [APP-048]**. However, these effects would be geographically limited rather than affecting the wider landscape uniformly. The wider landscape would continue to comprise predominantly agricultural land, rural settlements, PRoW and areas of countryside unaffected by the Proposed Development or the other identified schemes. The Proposed Development has also been designed to avoid encroachment on existing settlement boundaries, to avoid permanent above-ground infrastructure in sensitive landscapes and views, and to retain and reinforce landscape structure through embedded mitigation. Whilst there would be some adverse visual and perceptual effects of various elements of the solar farm

ExQ	Question to	Question	Applicant's Response
			moving through parts of the landscape, these effects would be localised by distance and intervening vegetation and proposed planting. By year 15 of operation, effects on landscape character are assessed as not significant. National planning policy recognises that large-scale solar photovoltaic development is a form of renewable energy infrastructure that is commonly and appropriately located within rural areas, subject to the consideration of landscape and visual, and other environmental effects. Therefore, there is no evidence to support a position that that study area could no longer be regarded as a rural location.
Q1.9.2	The Applicant	**Assessment of cumulative landscape effects** Explain how sufficient weight has been given to cumulative impacts arising from other large-scale solar proposals in the wider area when forming the assessment of effects on overall character of this part of North Yorkshire.	There is no definition in policy for what constitutes 'large-scale solar farm development', but in undertaking the cumulative assessments, the Applicant has considered all solar farms which meet the threshold for inclusion in the cumulative assessment, which has included schemes under 50MW. As noted in response to ExA Q1.9.1, the only existing solar development identified within the ZOI for the LVIA is Land at Ash Farm, a 5MW facility north of Bishopdyke Road, Sherburn-in-Elmet. This site is contained within two fields and is located within LCA 11 Sherburn Farmland. It lies approximately 2km north west of SDS8 and 2.5km north of SDS7 at its closest point, with the extensive industrial development of Sherburn Enterprise Park lying in between. As such, there would be no intervisibility between this small existing solar farm and the Proposed Development. The Applicant has provided a sensitivity test in response to Q1.9.1 above for the consented Scalm Park Solar and BESS scheme, considering how this could change the cumulative effects reported in the ES if it was considered a cumulative scheme and not part of the future baseline. The conclusion is that, due to its scale, strong enclosure and physical separation

ExQ	Question to	Question	Applicant's Response
			it would result in new or materially different cumulative effects. No other solar farm development has been identified within the Zone of Influence defined in **ES Volume 1 Chapter 17 - Cumulative and In-Combination Effects [REP2-047]**, which is defined as 3km from the Order Limits of Solar Development Sites and 1km from the Cable Route Corridors. Other schemes beyond this distance can be reasonably discounted because the intervening distance and screening within the mostly flat landscape means that there would be no intervisibility between them. As such, the Applicant has specifically considered solar farm development in carrying out its assessment of impacts on local character. The assessment of cumulative landscape and visual effects included reviewing the longlist of developments in **ES Volume 3, Appendix 17.1 [APP-189]**. The Applicant considered the interaction between the Proposed Development and other reasonably foreseeable, proposed and consented developments in the wider area, including other solar and energy infrastructure as illustrated on **Figure 17.1 Locations of Short List Cumulative Schemes [APP-142]**. For landscape and visual matters, projects were shortlisted where there was potential for spatial or temporal interaction with the effects of the Proposed Development. Seven developments were scoped into the assessment of cumulative landscape and visual effects in the LVIA and these are set out in Table 10-27 of **ES Volume 1 Chapter 10 - Landscape and Visual [APP-048]**. One of the projects scoped into the cumulative assessment is a proposed solar farm (ID88) of under 25ha next to the former Gascoigne Wood Mine. The assessment assumed that all seven cumulative developments would be constructed and in operation at the same time as the

ExQ	Question to	Question	Applicant's Response
			Proposed Development to represent the worst-case scenario, therefore also including projects which are not solar farm development. The future baseline for the LVIA also separately incorporates two consented solar farm projects due to their scale and proximity to the Order Limits. These comprise the Scalm Park Solar and BESS scheme (planning application ZG2024/1129/FULM), located south of Scalm Park and in close proximity to Cable Construction Compound 1, and Hillham Solar Farm (planning application AP/2025/0037/REF), situated adjacent to Solar Development Sites 3 and 4. Both of these projects are for 49.9MW solar farms, which is below the current and previous NSIP threshold. The assessment of cumulative landscape and visual effects is set out in Section 10.14 of **ES Chapter 10 [APP-048]** and follows the cumulative assessment methodology **in ES Chapter 17 [REP2-047]** and specifically reports on cumulative effects with the identified solar developments. The Applicant provided a sensitivity test in the **Applicant's Response to North Yorkshire Council's Local Impact Report (Version 1) [REP2-117]**, demonstrating that if the proposed Hillam Solar Farm was assessed as a cumulative scheme, this would not change the cumulative landscape effects reported in the ES. A sensitivity test for the consented Scalm Park Solar and BESS scheme is provided in the Applicant's response to Q1.9.2 above and this also concludes that this development, if considered as part of the cumulative assessment and not the future baseline, would not result in new or materially different effects to those reported in the ES.

ExQ	Question to	Question	Applicant's Response
			The LVIA in ES Chapter 10 reports that, of the nine Landscape Character Areas (LCA) assessed in Table 10-28 of **ES Chapter 10 [APP-048]**, four (LCA7, LCA8, LCA11 and LCA13) would experience potential cumulative landscape effects based on the Proposed Development and the seven cumulative developments taken together. At year 1 of operation, LCA11 was the only LCA where the cumulative interaction would change both the assessed magnitude of impact and significance of effect. This conclusion represents the position before the proposed mitigation has established. Additional cumulative effects have not been identified once that mitigation has established by year 15 of operation. In conclusion, the Applicant has carried out a rigorous scoping and assessment, giving sufficient weight to cumulative impacts arising from other solar proposals in the wider area when forming the assessment of effects on overall character of this part of North Yorkshire.
Q1.9.3	The Applicant North Yorkshire Council	**Cumulative landscape effects** Monk Fryston Parish Council's relevant representation [RR-0991] draws attention to the remarks of NYC's landscape officer in their report to NYC's strategic planning committee on 10 February 2026. In it, paragraph 4.8 states: "We [NYC] have concerns about the potential negative cumulative effects on local communities such as Escrick, Monk Fryston, Hillam, Birkin, Hambleton: the major transformative scale of the proposed development in combination with other major development; the significance of the grid connection point at Monk Fryston Substation; the pace of change and the erosion of the	The NYC's landscape officer's report to NYC's strategic planning committee on 10 February 2026 is noted and reflects the feedback on the Preliminary Environmental Information Report (PEIR) provided to the Applicant as per of the statutory consultation carried out in early 2026 rather than the proposals subject to Examination, including the suite of management plans and the further developed Commitments Register. The Applicant has continued to engage with the NYC landscape officer throughout the pre-application and Examination period to understand and address the concerns raised where possible. The current position on these matters is set out in the draft SoCG (EN0110012/APP/LVS/08.33) submitted at Deadline 3.

ExQ	Question to	Question	Applicant's Response
		landscape and visual baseline around those settlement areas affected." The applicant should: a) provide comments, and a response, to the content of the landscape officer's report to its strategic planning committee of 10 February 2026 NYC should: a) submit the report and provide an expansion and further explanation on the basis for these concerns.	Regarding the potential cumulative effects on local communities, it was not clear in the officer's report if this was a concern about inter-project effects relating to the Proposed Development alone or intra-project effects with other developments proposed in the area. The Applicant has demonstrated through the ES that in both cases, effects can be avoided or effectively mitigated through the application of the design principles set out in the Design Approach Document [APP-216], the **Design Parameters and Commitments [REP2-021]** and the **Outline Landscape and Ecological Management Plan [REP2-05]**. The design of the Proposed Development has sought to maintain separation from settlements and residential receptors through offsets, retention of landscape structure, and embedded mitigation, rather than excluding development from areas between settlements altogether. The design has therefore avoided or minimised landscape effects through layout refinement, buffers and screening, whilst avoiding the most sensitive landscapes and views. Regarding other development proposed within the study area, this is either not the same type as the Proposed Development, for example residential development or overhead power lines, or smaller scale, maintaining physical and visual separation through existing landscape features or proposed planting. The Applicant has determined that the proposed Hillam Solar Farm could contribute to additional effects in year 1 of operation, but by year 15 of operation would be integrated into the landscape pattern and would not increase the significance of effects reported for the Proposed Development.

ExQ	Question to	Question	Applicant's Response
			Minor works would be required to connect the Proposed Development to the national grid at Monk Fryston Substation, which is currently under construction. The Applicant has not identified any significant landscape or visual effects with respect to this connection, which would be in the context of a large scale, operational facility. The pace of change is addressed by the government's imperative to decarbonise power generation to meet the Clean Power 2030 Mission. This is explained further in section 3 of NPS EN-1 and the critical national priority for low carbon infrastructure set out in section 4.2. Paragraph 4.2.3 recognises that high environmental standards can be maintained and impacts minimised whilst increasing the levels of deployment at the scale and pace needed to meet the government's energy security and net zero ambitions. The Applicant has applied an environmentally-led design approach and the application of the design principles described in the Design Approach Document [APP-216] has avoided residual significant adverse landscape effects through the siting and design of the scheme. Concerns were also raised regarding the perceived erosion of the existing landscape and visual baseline around settlements. The decision will not rest on determining how much change is too much. Rather, it must consider the sensitivity of the receiving landscape, its ability to accommodate the type of change proposed and the extent to which embedded and additional mitigation can reduce adverse effects. National energy policy recognises that renewable energy infrastructure should, where possible, be directed towards areas of lower landscape value. In the case

ExQ	Question to	Question	Applicant's Response
			of the Proposed Development, the Solar Development Sites avoid nationally and locally designated landscapes. The evidence strongly indicates that the value attached to the affected landscapes is generally low or medium when rigorously assessed against the factors set out by the Landscape Institute Technical Guidance Note 02/21: *Assessing landscape value outside national designations*. Such landscapes are typically more capable of accommodating change because they either lack highly valued features and qualities or present opportunities for landscape enhancement and restoration. The masterplan incorporates substantial planting, habitat creation and landscape mitigation measures, which North Yorkshire Council has supported, and these measures will strengthen landscape structure around settlements over time, making a contribution to delivery of the North Yorkshire Local Nature Recovery Strategy (LNRS). When the sensitivity of the landscape resource, the relatively low value attached to it and the substantial mitigation package are considered together, the Proposed Development is considered to be appropriately located. While landscape character would inevitably change at the site level, the assessment concludes that the Proposed Development would not fundamentally alter the defining characteristics of the landscape or materially erode the distinct identity of surrounding landscape or settlements.
Q1.9.4	The Applicant	**Methodology and conclusions (SDS2)** NYC's LIR [REP1-006] identifies concerns regarding the methodology and conclusions of the cumulative landscape assessment, particularly in relation to SDS2, the BESS and substation proposals. NYC considers the assessment of the substation and BESS requires further investigation in terms of effects on landscape and views,	The Applicant met with the landscape officer of NYC on 16 September 2026 and discussed this matter further. No further comments were made regarding concerns with the methodology for the assessment of cumulative landscape effects. There is common ground that there would be intensive change within SDS2, with the proposed substation, BESS and solar panels replacing the existing open arable fields. The

ExQ	Question to	Question	Applicant's Response
		embedded mitigation and mitigation proposals. Therefore, the applicant should provide, or signpost to where in the application documents, the following: a) a detailed explanation of how the applicant distinguishes between: ▪ cumulative visibility ▪ cumulative landscape effects ▪ cumulative landscape transformation b) an explanation as to whether there is a point at which individually acceptable developments collectively become capable of changing the defining characteristics of the landscape at SDS2.	discussion focused on the outcomes of the assessment and additional material to assist in understanding the likely impacts and effects and refining the design of SDS2, including embedded mitigation measures. The Applicant's position is that the 25m offset from the A63 is sufficient to provide physical separation and space to accommodate a substantial belt of woodland that, in combination with the existing hedgerow along the road, would substantially screen the infrastructure by year 15 of operation. With reference to Sheet 13 of the **Works Plans [AS-004]**, the entirety of the field where the 275kv substation and BESS are proposed within SDS2 is within Works Number 6, which includes for landscaping and biodiversity mitigation and enhancement measures including planting. Therefore, at the detailed design stage post-consent the Applicant has the flexibility to consider further opportunities to increase the area of planting between the A63 and infrastructure within SDS2 where practicable. NYC would be able to consider this as part of approving the detailed design and LEMP DCO Requirements. a.) Table 10-24 of **ES Volume 1 Chapter 10 - Landscape and Visual [APP-048]** concludes that the effects on SDS2 at the site scale at year 15 of operation for the Proposed Development alone would be moderate adverse, which is significant. The LVIA has not identified any interaction between the Proposed Development and the cumulative schemes scoped into the assessment with respect to SDS2 due to the intervening distance and abundance of vegetation, landform at the former Gascoigne Wood Mine and other development.

ExQ	Question to	Question	Applicant's Response
			LVIA is two separate but related assessments of the impacts on the landscape as a resource in its own right and on people's views of the landscape and their visual amenity. This is clearly set out in paragraph 2.21 of GLVIA3 and replicated in paragraph 10.1.4 of **ES Volume 1 Chapter 10 - Landscape and Visual [APP-048]**. ES Chapter 10 is explicitly structured in this way to distinguish between these two assessments. It is supported by **ES Volume 3 - Appendix 10.2 Landscape Baseline and Effects [APP-168]** and **ES Volume 3 - Appendix 10.3 Visual Baseline and Effects [APP-169]**. The assessment of cumulative effects is also separated in this way in section 10.14 of **ES Chapter 10 [APP-048]** including Table 10-28, which addresses cumulative landscape effects and Table 10-29 which sets out cumulative visual effects. Consideration of potential cumulative landscape transformation is a product of the assessment cumulative landscape effects, not a separate assessment in itself. Paragraph 4.3.19 of NPS EN-1 requires the Secretary of State to consider how the accumulation of, and interrelationship between, effects might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place. The LVIA, which may form part of this consideration, has not identified any residual cumulative landscape effects which would transform the landscape in combination with the cumulative schemes scoped into the assessment. b.) As noted above, there is common ground with NYC that there would be intensive change within SDS2 at the site

ExQ	Question to	Question	Applicant's Response
			scale, with the proposed substation, BESS and solar panels replacing the existing open arable fields. However, this change must be considered against the baseline conditions and context. The LVIA identifies that there has been substantial erosion of natural and cultural heritage within SDS2 through agricultural intensification. The result is a site which lacks natural features. This contributes strongly to the low value attached to the landscape, which must carry weight in decisions on land use change because the defining characteristics are weak and should not be conflated with quality. The openness identified as contributing to tranquillity is a product of this agricultural intensification, not an inherent positive quality. Tranquillity is also strongly affected by the proximity of the A63. These characteristics and context of SDS2 mean that it has low susceptibility to the changes proposed and a high capacity to accommodate the development with appropriate mitigation. This includes the potential of the Proposed Development to substantially restore green infrastructure and contribute to nature recovery through proposed planting. As noted above, the LVIA has not identified any interaction between the Proposed Development and the cumulative schemes scoped into the LVIA. Furthermore, even when considering the wider effects within LCA 11: Sherburn Farmland, which also includes SDS 6, SDS7 and SDS8, cumulative landscape effects would reduce from moderate adverse (significant) at year 1 of operation to minor adverse (not significant) by year 15 of operation with the establishment of proposed planting.
Q1.9.5	The Applicant	**Methodology and conclusions (cumulative)** The applicant concludes that significant cumulative effects would not result in fundamental alteration of landscape character [APP-048]. Given this, the applicant	The methodology for the assessment of cumulative effects is set out in **ES Volume 1 Chapter 17 - Cumulative and In-Combination Effects [REP2-047]**. Further information is provided in the **Interrelationships Report [REP2-112]**.

ExQ	Question to	Question	Applicant's Response
		is to provide, or signpost to where in the application documents, the following: a) the basis upon which this conclusion is reached having regard to: ▪ existing solar development ▪ consented solar development ▪ proposed solar development ▪ transmission infrastructure ▪ associated energy infrastructure b) evidence demonstrating where the threshold between cumulative impact and cumulative landscape transformation has been drawn.	The assessment of cumulative landscape and visual effects is set out in section 10.14 of **ES Volume 1 Chapter 10 - Landscape and Visual [APP-048]**. As noted in response to ExA Q1.9.1, the only existing solar development identified within the ZOI for the LVIA is Land at Ash Farm, a 5MW facility north of Bishopdyke Road, Sherburn-in-Elmet. This site is contained within two fields and is located within LCA 11 Sherburn Farmland. It lies approximately 2km north west of SDS8 and 2.5km north of SDS7 at its closest point, with the extensive industrial development of Sherburn Enterprise Park lying in between. As such, there would be no intervisibility between this small existing solar farm and the Proposed Development. Paragraph 10.7.107 of **ES Chapter 10 [APP-048]** explains that the future baseline incorporates two incorporates two consented solar farm projects due to their scale and proximity to the Order Limits. These comprise the Scalm Park Solar and BESS scheme (planning application ZG2024/1129/FULM), located south of Scalm Park and in close proximity to Cable Construction Compound 1, and Hillham Solar Farm (planning application AP/2025/0037/REF), situated adjacent to Solar Development Sites 3 and 4. The Applicant provided a sensitivity test in the **Applicant's Response to North Yorkshire Council's Local Impact Report [REP2-117]**, demonstrating that the proposed Hillam Solar Farm was assessed as a cumulative scheme, this would not change the cumulative landscape effects reported. This would also apply

ExQ	Question to	Question	Applicant's Response
			to the proposed Scalm Park Solar and BESS scheme in view of the intervening distance, infrastructure and screening. Seven developments were scoped into the assessment of cumulative landscape and visual effects in the LVIA and these are set out in Table 10-27 of **ES Volume 1 Chapter 10 - Landscape and Visual [APP-048]**. One of the projects scoped into the cumulative assessment is a small proposed solar farm (ID88) of under 25ha next to the former Gascoigne Wood Mine. This is separated from SDS7 by two railway lines on embankment and is located between Gascgoine Wood Mine to the east and Sherburn Enterprise Park to the north, which it would be strongly associated with. There would be no intervisibility and no physical access with the Proposed Development. Regarding proposed transmission infrastructure, the LVIA has scoped in and assessed potential cumulative landscape and visual effects relating to the Yorkshire GREEN project, which is currently under construction. As noted in LIR-NYC-15 in the **Applicant's Response to North Yorkshire Council's Local Impact Report (Version 1) [REP2-117]**, the Order Limits for Yorkshire GREEN end on the western side of the A162 and whilst the LVIA identifies that there may be some cumulative construction effects, in reality construction of this development is likely to be complete in 2028, before construction of the Proposed Development commences. The proposed above ground infrastructure relating to the Yorkshire GREEN project is located approximately 2.8km from the closest part of SDS 3, beyond the village of Hillam. No cumulative effects are

ExQ	Question to	Question	Applicant's Response
			anticipated for the operational phase of the Proposed Development. The remaining five cumulative schemes assessed as part of the LVIA relate to other types of industrial and energy development, including BESS and associated infrastructure at the Monk Fryston substation, which is currently under construction. These are listed in Table 10-27 of ES Chapter 10. The assessment of cumulative landscape effects is set out in Table 10-28 of **ES Chapter 10 [APP-048]** with cumulative visual effects set out in Table 10-29. In summary, this assessment, which makes the worst-case assumption that the existing, consented and proposed developments would be constructed and be operational at the same time concludes that cumulative landscape and visual effects would not be significant following the establishment of proposed mitigation. This assessment is made in consideration of the low sensitivity of the landscape, the extent and integration with existing development, the physical separation of developments, the extent of open landscape which would remain unaltered and the extensive mitigation proposed, that would reduce the magnitude of impacts and contribute to strengthening local nature networks, helping to support the delivery of local landscape policies. The identification of cumulative landscape transformation is a product of the assessment cumulative landscape effects, not a separate assessment in itself. Paragraph 4.3.19 of NPS EN-1 requires the Secretary of State to consider how the

ExQ	Question to	Question	Applicant's Response
			accumulation of, and interrelationship between, effects might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place. The LVIA, which may form part of this consideration, has not identified any residual cumulative landscape effects which would transform the landscape in combination with the cumulative schemes scoped into the assessment. The distinction between cumulative impact and cumulative landscape transformation depends on whether the combined influence of developments would result in a fundamental and widespread change to landscape character, perceptual qualities and sense of place, rather than simply introducing substantial localised change. This must be considered in the context of the baseline landscape, including the strength of its defining characteristics, its value, susceptibility to change and capacity to accommodate development. Where a landscape has already experienced substantial modification, exhibits low sensitivity to the proposed changes, and where there is no meaningful interaction between developments that would give rise to combined effects, cumulative change is unlikely to amount to cumulative landscape transformation. The potential for the Proposed Development to deliver landscape enhancement, including restoration of green infrastructure and nature recovery benefits, is also relevant to this judgement. In this case, while there is agreement that significant residual landscape effects would remain at the site scale for SDS2,

ExQ	Question to	Question	Applicant's Response
			SDS6 and SDS7, the evidence does not demonstrate that the defining characteristics or overall character of the wider landscape would be fundamentally altered. Nor has any interaction been identified between the Proposed Development and other cumulative schemes that would give rise to combined landscape effects in the long-term. Accordingly, the available evidence does not support a conclusion that the threshold between cumulative landscape effects and cumulative landscape transformation has been crossed.
Q1.9.6	The Applicant	**Mitigation** Mitigation planting forms an important component of the assessment in a number of locations. For each viewpoint where planting materially influences the residual significance conclusion: a) identify the planting relied upon b) state its assumed height and maturity c) identify the assumed year of effectiveness d) explain how the assessment outcomes would change should that planting fail to establish	**a)** The type of planting proposed is illustrated on the **Outline Environmental Masterplans (OEM) [EN0110012/APP/LVS/02.12] [submitted alongside this submission]**. The OEMs identify the location and type of mitigation associated with each Solar Development Site (SDS), including new native hedgerows, hedgerows with trees, native trees, woodland belts and blocks, and scrub with scattered trees. The material requested for points a, b and c for each viewpoint where planting materially influences the residual significance conclusion is provided in **Technical Note – Residential Amenity and Living Conditions [EN0110012/LVS/APP/08.38]** b) The relevant implementation, establishment, maintenance and long-term management prescriptions for these planting types are set out in the **Outline Landscape and Ecological Management Plan (oLEMP) [REP2-095]**. As noted in paragraph 10.6.11 of **ES Volume 1 Chapter 10 - Landscape and Visual [APP-048]** and further clarified in point 4.7(a) of the **Applicant's Written Summary of Applicant's Oral**

ExQ	Question to	Question	Applicant's Response
			Submissions at ISH1 [REP1-004], the Applicant has assumed a conservative average growth rate of 0.3m per year. The Applicant has applied this growth rate to each planting typology below further assist the ExA in understanding how the proposed planting would gradually reduce effects over time. As noted by Applicant at ISH and in post-hearing submissions, in reality the establishment of the proposed planting would be variable and would depend on a range of factors. Therefore, the interim heights given are indicative and do not change the basis of the assessment. • **New native hedgerows** planted at approximately 0.4 to 0.6m would have an indicative height of 1.8m by year 5 of operation and 3.3m by year 10 of operation, reaching approximately 4.6m to 4.8m at year 15 of operation. Once fully established, they would be maintained at approximately 4 to 4.5 m. At year 15 of operation they would form, dense vegetation, screening views in winter and summer. • **Hedgerow trees and individual native trees** planted as approximately 3.0–3.5m standards, they would have an indicative average height of approximately 4.7m by year 5 of operation, 6.2m by year 10 of operation and 7.7m by year 15 of operation. They are assumed to be established young trees with developing crowns, providing vertical structure and further softening and filtering of the view, rather than trees that have reached their ultimate spread and maturity.

ExQ	Question to	Question	Applicant's Response
			• **Woodland belts and blocks** would comprise a mix of planting sizes, with transplants reaching an average of approximately 2.2m by year 5 of operation and 3.7m by year 10 of operation, reaching approximately 5.2m at year 15 of operation, whips approximately 2.9m by year 5 of operation and 4.4m by year 10 of operation, reaching approximately 5.9m at year 15 of operation and feathered trees approximately 3.8m by year 5 of operation and 5.3m by year 10 of operation, reaching approximately 6.8m at year 15 of operation. Collectively, these are assumed to form established young woodland with a developing layered structure that provides effective landscape integration and screening. The assessment does not assume fully mature woodland. • **Native scrub with scattered trees** would reflect the approximate heights for woodland above, with a predominance of shrubs. The scrub would be managed so that scattered scrub and grasses form the boundary with adjacent habitat, creating a well-developed edge with scattered scrub, tall grassland and/or forbs. c) The year of effectiveness of proposed planting for assessment purposes is year 15 of operation. However, the analysis in point (b) above indicates that planting could begin to become effective in visually screening solar panels at their highest point of 4.5m above ground level between year 5 and year 10 of operation for most typologies. The assessment of year

ExQ	Question to	Question	Applicant's Response
			15 of operation is in an industry standard norm and is reflected in guidance such as the Design Manual for Roads and Bridges (DMRB), LA 107: Landscape and Visual Effects. It does not assume that all infrastructure would be completely screened in all views or that all trees, hedgerows and woodland have reached their full maturity. d) The management and replacement requirements secured within the **oLEMP [REP2-095]** will ensure that the mitigation planting thrives to achieve its intended landscape and visual function. This approach is consistent with consented solar farm developments. The **oLEMP [REP2-095]** also secures the long-term management of habitats created as part of the Proposed Development, such as infilling gaps within hedgerows and maintaining hedgerow height and width in accordance with the management prescriptions set out in Table 4-1 of the **oLEMP [REP2-095]**. This also includes prescriptions explaining how the plants would be planted in the field, the quality of the plant material, the mulching and the irrigation which would be carried out to establish these plants. The aim is to achieve establishment within the first five years following planting. This is the period where most plants fail and the **oLEMP [REP2-095]** includes is a commitment in paragraph 4.2.46 of the oLEMP to replace any plants which die within that period. Most of the plants would be forestry transplants which establish better in the field as they are smaller with less well-developed root systems. The **oLEMP [REP2-095]** also specifies larger trees to assist in providing more immediate impact. Long term

ExQ	Question to	Question	Applicant's Response
			management prescriptions apply throughout the lifetime of the project to ensure that the plants continue to establish in the field. Further information regarding this question is provided in point 4.7(a) of **Applicant's Written Summary of Applicant's Oral Submissions at ISH1 [REP1-004]**.
Q1.9.7	The Applicant	**Perceptual landscape change** Explain how the assessment has considered effects on tranquillity, experiential qualities, rural character and perceptual responses to landscape change. In responding, distinguish between visual effects and broader experiential effects.	Landscape character is the product of the interaction between people, place and nature. Natural England's *An approach to Landscape Character Assessment* explains that people's responses to landscapes are subjective, they are personal and influenced by the experiences of the individual. Therefore, there can be wide and varied views and opinions on the perceptions of landscape within communities. Best practice recognises that landscape character is derived from a combination of physical, cultural, social and perceptual influences, and that landscape is defined as an area "perceived by people". The LVIA has therefore considered both the attributes of the landscape itself and how it is experienced by different receptors, including in daily routines. This includes tranquillity, experiential qualities, rural character and perceptual responses to landscape change as integral components of the landscape baseline and assessment of landscape effects. The LVIA set out in **ES Volume 1 Chapter 10 - Landscape and Visual [APP-048]** has been prepared by landscape professionals with extensive experience of similar projects. The methodology set out in **ES Volume 3 - Appendix 10.1 Landscape and Visual Assessment Methodology [APP-167]** makes reference to the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3) and other guidance including Landscape Institute TGN 02/21 *Assessing*

ExQ	Question to	Question	Applicant's Response
			landscape value outside of national designations. Where possible, published data sources (such as CPRE's national tranquillity mapping and England's Light Pollution and Dark Skies map) have been used to provide a common baseline for aspects such as tranquillity and night-time lighting. This reduces ambiguity and supports professional judgements. The tables set out in **Volume 3 - Appendix 10.2 Landscape Baseline and Effects [APP-168]** provide a detailed analysis of the current baseline, including these perceptual characteristics, grounded in evidence. Landscape effects relate to changes in the character of the landscape and the way it is experienced. The assessment considers the effects of the Proposed Development on the relevant key characteristics of Landscape Character Areas and Solar Development Sites, including perceptual qualities and the influence of existing human activity and infrastructure. These factors form part of the baseline descriptions and have been taken into account when determining the value attached to the landscape, its susceptibility to change and overall sensitivity. The magnitude of impact (landscape change) has been assessed by considering the size and scale, geographical extent, duration and reversibility of impacts, as set out in paragraph 1.1.41 of **ES Appendix 10.1 [APP-167]** as a combined judgement alongside consideration of changes to the physical fabric of the landscape. This includes changes to tranquillity and other experiential qualities where relevant. Tranquillity is treated as a perceptual attribute of landscape, informed by desk-based evidence including CPRE data and field observations. Consideration has been given to factors such as the presence of roads, existing settlement influence, noise, movement, lighting, agricultural activity and the degree of naturalness experienced on the ground. The assessment

ExQ	Question to	Question	Applicant's Response
			therefore recognises that tranquillity is influenced by a range of sensory and contextual factors, many of which already affect parts of the study area. It is important not to conflate emotional responses to landscape change with changes to perceptual characteristics. This is because the latter relate to identifiable qualities of the landscape itself, while the former reflect personal attitudes, values or preferences about that change. The Applicant acknowledges that some local people feel strongly that the Proposed Development will harm the character of the landscape which they relate to. The Applicant as carried out a robust landscape assessment based on demonstrable changes to perceptual attributes, supported by evidence and professional judgement, rather than the varying emotional reactions of individuals. The LVIA concludes that, whilst there will be some changes within the SDSs and the surrounding landscape, effects on the perceptual characteristics will be localised. Visual effects relate specifically to changes in people's views and visual amenity. These effects have been assessed through consideration of the nature of views available to different receptor groups, the sensitivity of those receptors and the magnitude of impact arising from alterations to those views including the extent to which the Proposed Development would be visible. Visual effects are therefore concerned with what people see, with the detailed assessment provided in **ES Volume 3 - Appendix 10.3 Visual Baseline and Effects [APP-169]**.

ExQ	Question to	Question	Applicant's Response
			Overall, the LVIA considers tranquillity, experiential qualities, rural character and perceptual responses as part of the assessment of landscape effects on character, while visual effects are assessed separately through consideration of changes to people's views. The assessment therefore clearly distinguishes between the effect of the Proposed Development on what people see and its effect on how the landscape is experienced, whilst recognising that these matters are often related.
Q1.9.8	The Applicant	**Residential amenity and living conditions** The Commitments Register [REP2-069] confirms that embedded visual mitigation includes designing the preliminary layout of the SDSs to incorporate minimum offsets, including 30m from the curtilage of residential properties. The securing mechanism for this would be the oCEMP and the DPC [REP2-021]. At OFH1 [EV4-002], Louise Billingham cited the recently consented Botley West Solar Farm proposal, in which comparable offsets are proposed as 250m from residential curtilages. Table 10-5 of the LVIA [APP-048] set out the applicant's view the Residential Visual Amenity Threshold (RVAT) would not be reached. It referred to the Landscape Institute's Technical Guidance Note 02/19: Residential Visual Amenity Assessment (RVAA) (LI TGN 02/19), which explains that the aim of RVAA is to identify those residential properties whose visual amenity has the potential to be affected to such an extent that it may affect the living conditions of the occupants. The LVIA explains that it has not identified "any significant adverse residual effects on the views of residents that will remain	UK planning and case law has established that there is no legal right to an unchanged view from a residential property. This principle has been repeatedly recognised in planning appeals and is reflected in Landscape Institute guidance, which states that "*views from houses and individual properties are a matter of private amenity*" and that "*it is an established planning principle that there is no right to a view*". The Residential Visual Amenity Threshold (RVAT) is intended to identify exceptional circumstances where a development becomes so overwhelming, overbearing or inescapably dominant in the experience of a home that it becomes a matter of public concern. The existence of substantial built development in close proximity in the outlook of millions of residential properties across the country demonstrates that the planning system does not regard the mere presence of development within principal views as unacceptable. Accordingly, the relevant question is not whether development is visible, but whether the resulting visual conditions are so materially different from ordinary residential experience that they affect living conditions and cross the exceptionally high threshold identified in RVAA guidance and case law.

ExQ	Question to	Question	Applicant's Response
		of major significance (the highest category) at Year 15 of operation, which may indicate that the living conditions could be affected. This is due to the minimum 30m setbacks and mitigation planting embedded …Therefore, in line with LI TGN 02/19 …a RVAA has not been carried out." The RVAT represents a very high threshold for private views and would indicate a substantial degree of visual change. Given this, the Examining Authority would query whether increased offsets or further design refinement could reduce the severity of effects at residential receptors, given the proximity of development and the presence of views of panels in multiple orientations. Whilst mitigation planting is proposed to screen views of solar panels over time and may reduce the likelihood of the RVAT being reached at Year 15, residual visual effects would remain at Year 15 due to the alteration and foreshortening of existing open rural view. Regarding the living conditions of the residential receptors identified, the applicant should: a) provide a schedule of residential properties where visual effects are considered to be significant at Year 1 of operation. For each, set out in the schedule the corresponding effects at Year 15 of operation. Where this has reduced, provide a comment as to the scope of reduction and the point or points at which it is considered to reduce. Where it does not reduce (e.g. at Siddle House, as stated in Table 10-26 of the LVIA within ES Chapter 10	The ExA acknowledges that a breach of the RVAT would indicate a substantial degree of visual change. Case law indicates that there would need to be a degree of harm over and above an identified major adverse effect to take a case into the category of refusal in the public interest. As such, changing the outlook from a property is not sufficient. The Applicant has provided the information requested in items (a) and (b) in Table 1-2 in **Technical Note: Residential Amenity and Living Conditions [EN0110012/LVS/APP/08.38]**, and this reinforces the Applicant's position that the RVAT has not been reached for any residential receptors living within proximity to the Proposed Development. This is further supported by the detailed evidence within **ES Volume 1 Chapter 10 - Landscape and Visual [APP-048]** and **ES Volume 3 - Appendix 10.3 Visual Baseline and Effects [APP-169]**. Therefore, in considering whether increased offsets or further design refinement could reduce the severity of effects on residential receptors significant weight must also be placed against the potential reduction in energy generating capacity of the Proposed Development as critical national priority (CNP) low carbon infrastructure. Paragraph 1 4.2.24 of NPS EN-1 states that Applicants must apply the mitigation hierarchy, demonstrate that it has been applied and that all residual impacts are those that cannot be avoided, reduced or mitigated. Measures that result in a significant reduction in generation capacity for CNP infrastructure are unlikely to be considered to be appropriate as mitigation. It notes that there may be exceptional

ExQ	Question to	Question	Applicant's Response
		[APP-048]) comment as to the effectiveness of mitigation to reduce the effects. b) identify any properties where more than 50% of the principal outlook would include solar infrastructure, security fencing, BESS infrastructure, substations or associated mitigation planting at Year 1 and Year 15 and explain the conclusion that effects at those properties would not become overbearing, overwhelming or otherwise unacceptable c) provide individual and updated Work Plans to demonstrate the impact that larger offsets from the identified residential properties in (a) and (b) above, would have on the layout and potential generating capacity of the proposed development. Buffer distances to be considered include a doubling of the proposed buffer to 60m, and an additional doubling to 120m, and 240m. A complete set of alternative plans should be provided with each scenario therefore having a different drawing number d) provide any additional comments or further information it wishes to make on the implications of each of the above scenarios e) with reference to these additional distances, explain and justify the applicant's position that a RVAA is not required.	circumstances where the mitigation could have a significant benefit and warrant a small reduction in generation capacity and function, but this is a general point and not specific to residential amenity. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the effects outweigh the marginal loss of function. Paragraph 4.2.28 goes onto to state that where residual non-HRA or non-MCZ impacts (which is the case for the Proposed Development) remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Standard offsets from residential properties to solar farm development are not defined in law or policy. Neither national planning policy, the adopted Selby development plan nor current North Yorkshire planning policy prescribes a minimum separation distance between solar infrastructure and residential properties. The appropriate offset is consequently a matter of planning judgement informed by site circumstances, environmental assessment outcomes and good design rather than compliance with a fixed policy standard. Evidence from recent solar DCOs show that schemes incorporating adequate offsets from residential properties, mitigation planting and design refinement have concluded that the RVAT is not reached, even where significant visual effects exist. Furthermore, there are very few examples of where planning permission has been refused solely because RVAT was in fact considered to have been breached and the vast majority of cases where this has been tested relate to wind farm development.

ExQ	Question to	Question	Applicant's Response
			The Applicant provided a detailed explanation as to why the 30m minimum offset from residential properties secured in the **Design Parameters and Commitments [REP2-021]** is justified in point 4.7(b) of the **Applicant's Written Summary of Applicant's Oral Submissions at ISH1 [REP1-004]**. The Applicant's position remains that minimum offsets should be landscape-led and that the minimum offset secured is appropriate considering the local landscape context and the extensive mitigation proposed. Notwithstanding this, paragraph 5.10.25 of NPS EN-1 invites the Applicant to draw attention to other consented infrastructure projects where similar visual effects have been identified. Consented solar farm NSIPs have taken a range of approaches to residential offsets. For example, West Burton, Tillbridge and Cottam NSIPs have incorporated minimum 50m offsets measured from residential properties. These developments are located in similar, largely flat landscapes where the magnitude of impact and sensitivity of receptors is similar. However, it is important to note that these offsets are typically measured from residential properties, whereas the minimum offsets secured in the DCO for the Proposed Development are measured from the curtilage, which is larger. Therefore, in reality these minimum offsets are similar to existing consented solar farm developments in similar contexts. Imposing larger, arbitrary offsets would not be appropriate or necessary. The avoidance of long term significant adverse residual visual effects demonstrates that the design robustly applies the mitigation hierarchy by siting the Proposed Development on land with low landscape sensitivity, avoiding permanent above ground infrastructure in more sensitive landscapes and views and embedding mitigation which are capable of reducing the majority of residual landscape and visual effects to not

ExQ	Question to	Question	Applicant's Response
			significant. A wider offset cannot therefore be justified based on the evidence presented. The Applicant notes the reference to the proposed Botley West Solar Farm. At the time of writing, the application has not been determined, with the Secretary of State's decision deadline extended to 10 November 2026. Accordingly, the approach considered during that examination has not been endorsed through a Secretary of State decision and does not establish a precedent for Light Valley Solar Farm or other subsequent applications. The 250m separation did not form part of the Botley West submitted design, which incorporated a 25m minimum residential buffer. During the examination, the Applicant submitted further Residential Visual Amenity Assessment (RVAA) material and without prejudice plans showing increased buffers, including 75m at certain properties. In its Rule 17 Request for Further Information (23 October 2025), the Botley West ExA identified omissions and errors in the RVAA and questioned the evidential basis for the 75m buffers and their application to some properties but not others. Given the limited time remaining in the examination and the late receipt of the RVAA, the ExA expressly identified the proposed 250m separation as a precautionary approach, with the opportunity for more definitive work to be undertaken at detailed design stage should consent be granted. Following the close of examination, the SoS issued a RFI (28 April 2026), seeking further evidence on the property-specific effects, and in the Applicants response (09 June 2026), the

ExQ	Question to	Question	Applicant's Response
			Botley West Applicant did not support the 250m setback, and proposed a property specific approach. The Applicant therefore considers that the 250m separation arose from the specific evidential and procedural circumstances of the Botley West examination and should not be regarded as a generally applicable benchmark for solar development. Each project must be considered based on its individual circumstances with particular regard to the existing features and character of the landscape and the ability of proposed mitigation to avoid or reduce likely adverse effects. For the Proposed Development, the 30m offset is a minimum design parameter rather than the actual separation applied at every residential property. This is consistent with the approach taken at West Burton Solar Project, granted development consent in January 2025, which incorporated a minimum 50m offset from residential curtilages alongside receptor-specific design and mitigation. The Applicant has responded to the ExA's request for a schedule of residential properties addressing points (a) and (b) and individual and buffer plans addressing point (c) in the **Technical Note – Residential Amenity and Living Conditions [EN0110012/LVS/APP/08.38]**. In response to point (a), the schedule provided identifies each residential visual receptor where visual effects are considered to be significant at Year 1 of operation and the corresponding effects at Year 15 of operation. Paragraph 4.31 of GLVIA3 recognises that "*mitigation measures, especially planting schemes, are not always immediately effective*" The minimum

ExQ	Question to	Question	Applicant's Response
			offset established in the **Design Parameters and Commitments document [REP2-021]** addresses this fact, providing space for planting within the Order Limits. Paragraph 4.31 of GLVIA3 goes on to state that "*where planting is intended to provide a visual screen for the development it may be appropriate to assess the effects for different seasons and periods of time (for example, at year 0, representing the start of the operational stage, year 5 and year 15) in order to demonstrate the contribution to reducing the adverse effects of the scheme at different stages. In such projections the assumptions made about growth rates of planting should be clearly stated*." It is therefore reasonable and appropriate to consider the RVAT within this context, recognising that there may be effects in the early years of operation that are significant, that do not breach the RVAT and which will gradually reach a point of not being significant as the proposed planting establishes. This is consistent with paragraph 5.10.13 of NPS EN-1, which states that "*all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites.*" With regards to point (b), the Applicant notes that "principal outlook" is not defined in policy or guidance. LI TGN 02/19 refers to "principal rooms", which are usually living spaces on the ground floor. This is the assumption that has been applied when referring to the principal outlook in the accompanying table. The Applicant has carried out visits to some of the properties listed and has used this information to support the analysis. Where this is not the case, maps, aerial and site photographs have been used to support professional judgement. As noted above, the RVAT is not defined in policy and cannot be equated to a percentage of a view affected.

ExQ	Question to	Question	Applicant's Response
			The assimilation of a development into views is an important consideration as particular parts may contribute positively or negatively to amenity overall. For example, proposed planting may curtail longer distance views but screen existing views of traffic on a busy road. Planting as the main feature of a view once established in unlikely to breach the RVAT because it is a common feature of the rural landscape. The additional Works Plans requested provide buffer distances of 60m, 120m and 240m measured radially from the curtilage of those residential properties where the LVIA has identified significant adverse effects at year 1 of operation. No consideration has been made of the extent of existing vegetation or the capacity for additional planting to further mitigate visual impacts in drawing these buffers. In summary, the implications of applying these larger offsets would be: • 60m offset – No additional benefit over the current 30m offset when taking account of the extent of existing vegetation retained and the mitigation planting already proposed. • 120m – Unlikely to reduce significant effects at year 1 of operation and year 15 of operation to not significant, subject to re-design, including proposed mitigation. • 240m – May reduce some significant effects at year 1 of operation and year 15 of operation to not significant, subject to re-design, including proposed mitigation. The Applicant considers that the substantial reductions in MW installed that would be caused by such additional setbacks are not outweighed by the no/potential benefit to the LVIA conclusions that would arise as a result.

ExQ	Question to	Question	Applicant's Response
Q1.9.9	The Applicant	**Local Nature Recovery Strategy** NYC in its LIR [REP1-006] considers that there is opportunity for the oLEMP [REP2-095] to be strengthened in terms of alignment with the North Yorkshire and York Local Nature Recovery Strategy (LNRS) as well as confirming that there would be green infrastructure multifunctional benefits (or benefits from nature) arising from the creation and management prescriptions in the oLEMP. The applicant is to explain whether, and how, the document could be more explicit about which prescriptions align with the LNRS overarching priorities and the priorities, and update as necessary.	The Applicant discussed this matter further with the landscape officer of NYC on 16 September 2026. The Applicant agrees with and welcomes the comments from NYC regarding the contribution of the Proposed Development to the delivery of the North Yorkshire and York Local Nature Recovery Strategy (LNRS) and the green infrastructure multifunctional benefits (or benefits from nature) arising from the creation and management prescriptions in the **oLEMP [REP2-095]**. A further update will be made to the **oLEMP [REP2-095]** (which had already included updates in respect of the LNRS at Deadline 2) at a future deadline to expressly address alignment with unmapped measures outlined in the LNRS including for Farmland Priority (FRM_P05), Measure FRM_M05.6 (hedgerows), Woodland Priority WLD_P04 and Grassland Priorities.
Q1.9.10	The Applicant	**Landscaping requirements: North Yorkshire Council input** Paragraph 8.33 of NYC's LIR [REP1-006] explains that as part of the oLEMP, requirement 6 should provide clarification as to the scoping and frequency of auditing and monitoring visits, and subsequent reporting and sign-off by NYC. The applicant's response at reference LIR-NYC-24 notes this comment but does not respond to it. Response reference LIR-NYC-25 goes on to state that the updated oLEMP [REP2-095] makes clear at paragraph 1.2.7 that Figure 3.1: of the Outline Environmental Masterplan is an illustration of how the mitigation and enhancement commitments and outcomes could be delivered. The applicant and NYC should explain the scope for consultation with NYC, and the	Requirement 6 does not need to set out this detail. Section 5.3 is clear that the detail of these matters will be set out in the detailed LEMP, and it is for NYC to determine if it is content with that at the time of submission of that detailed LEMP. There is no need to duplicate matters in the Requirement itself. Paragraph 1.2.7 of the **oLEMP [REP2-095]** states that: *The detailed LEMP(s) will include an updated version of the environmental masterplan for each Solar Development Site, setting out the detailed design of the Proposed Development in a way which delivers the commitments and outcomes set out in the ES*. As such, the updated detailed design will form part of the detailed LEMP, which NYC must approve under

ExQ	Question to	Question	Applicant's Response
		extent to which there is agreement on the mechanism for approval of the detailed landscape proposals arising from the Outline Environmental Masterplans.	DCO Requirement 6. There is no need to set out any further consultation mechanism on that basis.
Q1.9.11	The Applicant	**Settlement separation and coalescence** The proposed development occupies land within a predominantly rural setting and therefore could result in a perceived separation of settlements. Whilst the LVIA within ES Chapter 10 [APP-048] assesses landscape character and visual effects, it is not clear whether the role of the site in maintaining settlement identity and separation has been assessed as a discrete matter. The Examining Authority notes that GLVIA3 makes a distinction between effects on landscape character and effects on specific landscape features and qualities. Settlement separation can be considered a landscape characteristic or valued landscape attribute even where it is not formally designated. The applicant should: a) confirm that the LVIA specifically assessed the contribution of the application site to settlement pattern, settlement separation and the maintenance of individual settlement identity b) confirm that the conclusions on these matters are adequately captured within the landscape character assessment Additionally, the applicant should explain, or if relevant, signpost to where in the application documents the following can be found: c) whether the development would alter perceptions of separation between settlements, and whether areas of solar	Paragraph 2.19 of GLVIA3 notes that "*character is not just about the physical elements and features that make up a landscape, but also embraces the aesthetic, perceptual and experiential aspects of the landscape that make different places distinctive.*" Paragraph 5.4 goes on to state that in rural landscapes, Landscape Character Assessment is the key tool for understanding the landscape and should be used for baseline studies. Landscape Institute Technical Guidance Note (TGN) 01/24 Notes and Clarifications on GLVIA3 explains that landscape features, elements and characteristics that could be subject to change must be clearly described in their own right and could be treated as receptors if appropriate. Permanent impacts on landscape features as a consequence of the Proposed Development would be very limited and these effects are reported in **ES Volume 3 - Appendix 16.2 Arboricultural Impact Assessment [APP-184]** and **ES Volume 1 Chapter 6 - Biodiversity [REP2-033]**. The results of these assessments have informed the LVIA, as explained in paragraph 10.1.6 of **ES Volume 1 Chapter 10 - Landscape and Visual [APP-048]**. This is why ES Chapter 10 is structured around Landscape Character Areas (LCA) because it inherently recognises that character is informed by the particular combinations of elements and aesthetic and perceptual aspects are what make each landscape distinctive and assesses the Proposed Development's impact on that accordingly.

ExQ	Question to	Question	Applicant's Response
		infrastructure, substations, BESS compounds or mitigation planting would influence perceptions of settlement identity d) whether this matter has been assessed separately from landscape character effects and if not, why the applicant considers this unnecessary.	One of the spatial functions of the rural landscape can be providing physical separation between settlements and this may be relevant to their character and sense of place. This is likely to be most relevant where settlements are in close proximity. However, this should not in itself be considered an indicator of higher value as it is a common function of the countryside across the UK. It is also important that a clear distinction is drawn between the permanent coalescence that would be caused by housing or mixed-use development filling gaps between existing settlements and merging them and the temporary solar farm development that is proposed, which is not settlement and intentionally avoids settlement edges. Solar farm development does not relate to or change settlement patterns and, whilst it can affect the character of the landscape at a local level, it does not affect the identity of individual settlements as additional housing development could. a) The LVIA recognises that there is a relationship between settlements and the surrounding rural landscape within the study area. This is explained where relevant within the detailed descriptions of the LCAs in **ES Volume 3 - Appendix 10.2 Landscape Baseline and Effects [APP-168]**. Section 3.8 of the **Design Approach Document (DAD) [APP-216]** explains how the Proposed Development has been designed to deliver positive design outcomes, including sustainable infrastructure which is sensitive to place. Paragraph 3.8.5 explains that the LVIA has informed the iterative design process of the Proposed Development, specifically with regards to siting and

ExQ	Question to	Question	Applicant's Response
			layout, minimising visibility and perceived scale and mass within the landscape and providing mitigation measures. Table 3-3 identified the proximity of the Proposed Development to small settlements to be a constraint at an early stage and the Proposed Development has been designed to avoid physical impacts on settlements and encroachment on existing settlement boundaries. Specific Design Principles 6: Enhanced placemaking was introduced to address the careful design of interfaces to settlements to integrate within wider context. These avoidance and mitigation measures have informed the Order Limits and therefore inherently form part of the scope of the LVIA. b) As a result, the Applicant confirms that the conclusions on these matters are adequately captured within the landscape character assessment. c) Reference should be made to **ES Volume 3 - Appendix 10.2 Landscape Baseline and Effects [APP-168]**, which describes the likely effects on the landscape character within the study area for the LVIA defined in **ES Volume 2 - Figure 10.1 LVIA Study Area [APP-089]**. Approximate distances between the Proposed Development and settlements within the study area are provided for each SDS below. This demonstrates that in most cases, there is at least 500m from the nearest residential development within existing settlements to the closest above ground elements of the Proposed Development. Furthermore, existing landscape features such as blocks of woodland, roads and railway lines lie in the intervening

ExQ	Question to	Question	Applicant's Response
			landscape. These physical offsets are helpful in demonstrating how the Proposed Development has been designed to avoid encroachment, and would avoid alerting perceptions of separation between settlements. • SDS1 – approximately 600m from Escrick, 1.9km from Wheldrake and 3km from Skipwith. • SDS2 – 1.1km from Monk Fryston, 2.4km from Hambleton and 1.3km from Hillam. • SDS3 – 400m from Hillam and 1.5km from Birkin. • SDS4 – 1.3km from Hillam, 800m from Gateforth and 175m from Birkin. • SDS6 – 490m from Monk Fryston, 540m from South Milford and 2.2km from Hambleton • SDS7 – 500m from South Milford and 1.5km from Monk Fryston. • SDS8 – 700m from Hambleton, 3km from Monk Fryston. d) This was not a matter raised in the Scoping Opinion and for the reasons given above and below, the LVIA does not expressly assess effects on the contribution of the application site to settlement pattern, settlement separation and the maintenance of individual settlement identity. The evidence from recent solar DCO examinations, including Sunnica Energy Farm, Mallard Pass Solar Farm and Gate Burton Energy Park, demonstrates that large-scale solar development is not regarded as a form of settlement development and does not inherently contribute to settlement

ExQ	Question to	Question	Applicant's Response
			coalescence or loss of settlement identity. Examination of these projects considered concerns regarding the influence of solar arrays on the setting of villages, the perception of separation between settlements and changes to rural character. However, such effects were assessed as matters of landscape character and visual amenity rather than as the erosion of settlement identity through physical or functional merging. Unlike residential or commercial expansion, solar farms do not extend settlement boundaries, introduce urbanising land uses or create continuity between settlements. Whilst they may localised changes to the character of intervening countryside, this represents landscape change rather than settlement coalescence, provided settlements remain physically separate and retain their individual form, character and legibility within the wider landscape, as is demonstrated above with respect to the Proposed Development.
Q1.9.12	The Applicant	**Sequential experience of Public Rights of Way** The LVIA within ES Chapter 10 [APP-048] uses representative viewpoints. GLVIA3 recognises that views experienced by people moving through the landscape, , including users of PRoWs may differ from those observed at fixed representative viewpoints and should be considered as part of the assessment of visual effects. Users of PRoWs experience the landscape sequentially rather than from fixed locations. The applicant should: a) explain how the experience of users travelling along key PRoWs and recreational routes would be affected	**ES Volume 1 Chapter 10 - Landscape and Visual [APP-048]** assess the likely impacts and effects on people's views of the landscape with reference to representative viewpoints. Paragraph 6.19 of GLVIA3 defines representative viewpoints as those: "*selected to represent the experience of different types of visual receptor, where larger numbers of viewpoints cannot all be included individually and where the significant effects are unlikely to differ – for example, certain points may be chosen to represent the views of users of particular public footpaths and bridleways.*"

ExQ	Question to	Question	Applicant's Response
		b) list those routes where proposed solar infrastructure would form a defining component of the view c) set out whether significant effects occur across extended route sections even where individual viewpoints are assessed as less than significant d) confirm that cumulative sequential effects have been fully assessed.	Paragraph 6.22 of GLVIA3 notes that viewpoints should also, as far as possible, cover important sequential views along key routes and transport corridors. This makes it clear that viewpoints are still relevant to the assessment of sequential views and this is the approach that the Applicant has taken. In general, viewpoints located on PRoW and transport routes have been selected because they represent the worst-case, for example where there the most open views towards the Proposed Development. The LVIA has considered the nature of views of the Proposed Development, for example whether they are direct, oblique, intermittent and screened. With respect to sequential views, this includes changes in proximity and orientation, the duration and geographic extent of visibility, and changes to openness and enclosure. The effects on users of each route vary according to the relationship between the route and the Proposed Development. • Most surrounding PRoWs are separated from the Proposed Development by distance and existing hedgerows, woodland, field boundaries and landform, which would limit the extent and duration of visibility. The experience would comprise intermittent, filtered or glimpsed views, with long sections where the Proposed Development would not be visible. • For routes passing through or immediately adjacent to Solar Development Sites, users of PRoW would experience direct and sequential views of panels, fencing and associated infrastructure, particularly at year 1 of operation, before mitigation planting has established. In open

ExQ	Question to	Question	Applicant's Response
			sections, the solar infrastructure would introduce a regular, linear and geometric form, reduce the perceived openness of agricultural fields and, in some cases, increase the sense of enclosure. • For the routes affected principally by the Cable Route Corridors the effects would arise principally during construction and would be temporary and reversible. a) At Year 1 of Operation the PRoWs where the Proposed Development would be in direct view of users prior to the establishment of mitigation planting are principally those passing through or immediately adjoining the Solar Development Sites (SDS) as detailed in **Appendix 10.3 [APP-169]**: • Bridleway 35.28/1/1 within SDS1, represented by VP4 and VP6. Users would have direct and sequential views of the solar panels and associated infrastructure in the middle ground when moving through SDS 1 prior to the establishment of mitigation planting. • Footpath 35.28/3/1 within SDS1, represented by VP9. Users would experience direct, sequential views of panels and associated infrastructure prior to the establishment of mitigation planting. • Footpath 35.37/8/1 alongside SDS4, represented by VP15. Panels would extend across the middle ground with limited screening at year 1 of operation, changing the open and panoramic route experience. • Footpath 35.37/7/1 adjoining SDS4, represented by VP16. Users would have direct views of the

ExQ	Question to	Question	Applicant's Response
			solar panels prior to the establishment of mitigation planting. • Footpath 35.10/2/1 through SDS4, represented by VP20. Users would have direct views of solar panels from the middle ground to the background, with panels adding a linear and geometric element to the open landscape prior to the establishment of mitigation planting. • Footpath 35.59/6/1 through and alongside SDS6, represented by VP44, VP45 and VP47. Users would experience sequential views of panels, including panoramic views with infrastructure on both sides in the middle ground along some sections prior to the establishment of mitigation planting. • Footpath 35.59/1/1 along Habholme Dike at SDS8, represented by VP48. Solar panels would be clearly visible in the open middle ground prior to the establishment of mitigation planting. • Footpath 35.59/4/1 north of SDS8, represented by VP49. Prior to the establishment of mitigation planting the panels would be visible sequentially along the route, albeit partly obscured at low level by landform and vegetation. • Footpath 35.32/2/1, Philip Lane, adjoining SDS8, represented by VP50. Panels would be clearly visible in the open middle ground prior to the establishment of mitigation planting. • Stocking Lane and associated recreational routes near SDS3, represented by VP66. Solar panels and the 275 kV substation would be noticeable in

ExQ	Question to	Question	Applicant's Response
			the background at Year 1, prior to the establishment of mitigation planting. For all PRoWs within the LVIA study area, solar panels would be screened and would not form a defining component of the view by year 15 of operation. b) The assessment reports the greatest adverse effect likely to be experienced by each receptor group, representing a reasonable worst-case outcome. Representative viewpoints were used to inform receptor-group and route-based conclusions. These were complemented by fieldwork and were not treated as isolated fixed views. Significant effects were identified along the closest and most exposed part of each route. c) Cumulative visual effects were assessed where the Proposed Development and other developments could be experienced in combined or sequential views, as reported in Section 10.14 of the LVIA. The cumulative assessment includes relevant receptors represented by VP13, VP14, VP17, VP19, VP20, VP21, VP22, VP23, VP26, VP27, VP43, VP56 and VP57 as outlined in Table 10-29. Adverse cumulative effects were identified only for construction phase, in particular: • at VP21, the cumulative construction effect for PRoW users increases from minor adverse to moderate adverse significant because the Ferrybridge works would be closer to the PRoW and affect longer stretches of the route; • at VP22 and VP26, cumulative construction effects increase because the additional works would

ExQ	Question to	Question	Applicant's Response
			extend the section of the route affected, although the resulting effects remain minor adverse; • at VP20, the cumulative effect remains moderate adverse significant, with overlapping work areas and limited additional operational change; • at VP27, Yorkshire Green increases the magnitude of construction impact, although it does not alter the overall significance category; and • at VP56, the potential for the Proposed Development to be experienced with Yorkshire Green and Ferrybridge works is assessed, with the construction effect remaining moderate adverse significant.
Q1.9.13	Forestry Commission	**Ancient Woodland, Ancient and Veteran Trees** Paragraph 10.7.24 of the applicant's LVIA within ES Chapter 10 [APP-048] sets out that across the Order limits, tree cover is generally sparse, with most trees located along field boundaries or within woodland blocks. The arboricultural impact assessment [APP-184] identifies 25 woodland blocks and 435 hedges within or near the Order limits, with 1682 individual trees and 257 tree groups surveyed. It explains that ancient woodland is limited, with Gilbertson's Wood (to the north-east of SDS1) designated as ancient seminatural woodland. Other notable ancient woodlands include Bishop Wood and Little Moss Hagg (approximately 650 m north-east of SDS8), Holly Carrs, Hart Nooking Wood and Common Wood within Escrick Park Estate (approximately 300m south-west of SDS1), and Moreby Wood (approximately 2.3km west of SDS1). ES Chapter 10 [APP-048] confirms that a buffer of 15 times the stem diameter, as	Not for Applicant to respond on.

ExQ	Question to	Question	Applicant's Response
		measured at 1.5m, would be put in place around ancient or veteran trees and that a minimum 10m offset or the root protection area, whichever is greater, would be maintained around non-ancient woodland. For all other non-ancient/non-veteran trees, a minimum 5m offset or the root protection area would be provided where practicable. In relation to Gilbertson's Wood and identified ancient and veteran trees, a minimum 15m offset would be provided, security fencing would be located at least 20m from the woodland edge, and no construction activity would occur within 20m of the woodland. The Forestry Commission should: a) confirm to what extent it agrees with these conclusions and provide further comments on the assessment of effects b) explain if the proposed buffers and offsets are sufficient to avoid direct and indirect deterioration of the ancient woodland, or are further measures required	
Q1.9.14	The Applicant	**Decommissioning and permanent loss of mitigation** The oDEMP [REP2-093] indicated that, following decommissioning, land may be returned to previous agricultural uses. NYC raised concerns in its LIR [REP1-006] that extensive mitigation planting, woodland, hedgerows and green infrastructure established during the operational life of the development could subsequently be removed. The applicant should set out the following:	a.) The Applicant has applied the criteria for good design for energy infrastructure set out in section 4.7 of NPS EN-1. Mitigation and enhancement measures have been considered together as part of a single environmental design strategy, moving from impact avoidance and mitigation towards the creation of long-term environmental value. The **Outline Environmental Masterplan (OEM) [EN0110012/APP/LVS/02.12] [updated alongside this submission]** therefore does not distinguish between proposed mitigation and enhancement measures. Whether

ExQ	Question to	Question	Applicant's Response
		a) distinguish between what is provided as mitigation and what is an enhancement, and therefore what proportion of proposed planting and habitat creation could lawfully be removed following decommissioning b) whether the decommissioning assessment has considered the environmental effects arising from removal of established mitigation c) what mechanisms exist to retain successful landscape and biodiversity mitigation post-decommissioning d) whether retention of mature green infrastructure would provide greater long-term environmental benefits than restoration to previous agricultural use.	the landscape design relates to mitigation or enhancement is irrelevant to whether it could be lawfully removed following decommissioning. The question at the point of decommissioning would only be 'what is the ecological status of that planting' and whether there is therefore any legal protection for it at the time (e.g. because bats now roost there). It is not therefore possible to determine what proportion of proposed planting and habitat creation could lawfully be removed following decommissioning at this time. b.) **ES Volume 1 Chapter 10 - Landscape and Visual [APP-048]** assesses the activities relating to the process of decommissioning of the Proposed Development. It assumes that for decommissioning the solar panels and associated above ground structures and equipment, including substations, will be removed in a manner similar to the construction phase, requiring machinery and localised excavation. The LVIA also assumes that the proposed green infrastructure would be retained, except where required for access. It notes that post-decommissioning, landowners will choose how the land is to be used and managed. Therefore, landowners may return all of the land to arable use, although it is likely that established habitats such as hedgerows and woodland will be retained given their potential benefits to agricultural land and the wider farming estate. If the proposed planting were to be removed, this would be in the context of wider decommissioning activity across the site. It remains that the conclusions of the construction assessment stand for the decommissioning effects as a reasonable worst-case scenario. The end result would be that the landscape framework within the site would be returned to the baseline, except that existing vegetation such as hedgerows would

ExQ	Question to	Question	Applicant's Response
			have had the benefit of 60 years of being reinforced and managed in accordance with the **oLEMP [REP2-095]**. c.) The Applicant's position is that post decommissioning, planning and environmental law will still apply to the land that is currently in the Order limits. By the time the Proposed Development is decommissioned, habitats would be well established, and any change by the landowner would have to account for policy and legal considerations at that time. For example, the Bird Mitigation Area associated with SDS1 would be functionally linked land, meaning that any change to it would involve having to achieve a positive HRA conclusion. d.) The Applicant acknowledges that the retention of mature green infrastructure would provide greater long-term environmental benefits than restoration to previous agricultural use. However, as noted in the **Written Summary of Applicant's Oral Submissions at ISH1 [REP1-004]**, it is not appropriate for the DCO to impose controls on landowners who are receiving their land back as agricultural land to keep the planting in place, regardless of whether the Applicant considers this to be desirable. This is because the DCO will cease to have force once the Proposed Development has been decommissioned. As noted in the **Applicant's Response to North Yorkshire Council's Local Impact Report (Version 1) [REP2-117]**, the Development Consent Order is linked to the undertaker (save for any transfer of benefit undertaken) and does not 'run with the land' like a typical planning permission. Any enforcement action can therefore only be taken against the undertaker, not any third party. Once the Proposed Development is decommissioned, there would be no 'development' causing impacts that requires mitigation. It would not be appropriate for a DCO to impose restrictions on land where development is no longer in

ExQ	Question to	Question	Applicant's Response
			place. There is no precedent for any DCO imposing obligations on landowners post decommissioning, noting that this was a subject extensively debated on the Sunnica solar DCO. As such, it would not be appropriate for the DCO to impose such obligations on landowners.

2.10 Noise and vibration

Table 2-10 Applicant's Response to the Examining Authority's First Written Questions: Noise and vibration

ExQ	Question to	Question	Applicant's Response
Q1.10.1	The Applicant North Yorkshire Council Natural England	**Construction noise (SPA and Ramsar Site)** NE's written representation [REP1-025] identifies outstanding uncertainty regarding the assessment of noise effects on qualifying bird populations associated with the Lower Derwent Valley SPA and Ramsar site. Item NE2 of NE's relevant representation explains that it considers that this outstanding issue can be addressed through provision of further information to demonstrate the characteristics of the noise generated during construction of SDS1. The applicant's response submitted at deadline 2 [REP2-118] confirms that changes are proposed by the applicant to the sHRA, also submitted at deadline 2 [REP2-023]. The Examining Authority notes these proposed changes by the applicant to the sHRA. In response, NE and NYC should: a) set out whether they believe these proposed changes would be sufficient to rule out Adverse Effects on Integrity to the Lower Derwent Valley SPA and Ramsar site and the Humber Estuary SPA and Ramsar site from	The details of the construction activities for the HRA are presented in **ES Volume 3 - Appendix 11.2 Construction Noise and Vibration Assumptions and Results [APP-172]**. Section 4 Construction noise information for ecology receptors, explains that in order to present a worst-case scenario for predicted $L_{Aeq,T}$, no time correction is applied (i.e. all equipment required for a construction activity is operational simultaneously) to represent a realistic maximum $L_{Aeq,T}$. Note that Natural England welcomes this approach and the updates to the **sHRA [REP2-023]** submitted at Deadline 2. This appendix also presents the sound power levels assumed and details about construction plant items. The **sHRA [REP2-023]** presents further information about the construction activities. Section "Noise, vibration and visual disturbance (construction and decommissioning)" notes in paragraph 8.2.77 that "*Figure 1 (A.7) presents the predicted noise levels associated with key activities, including the installation of solar PV panels (Activity Reference A1), located to the south of Solar Development Site 1, and the construction of electrical cables and joint bays (Activity Reference A3) within the cable route corridor closest to Solar Development*

ExQ	Question to	Question	Applicant's Response
		noise disturbance impacts to birds using functionally linked land Alongside this, the applicant is asked to provide a detailed explanation of: b) the construction activities relied upon in the assessment including piling methods and the sound power levels assumed. This should include the duration and frequency of works and a noise assessment that does not include time corrections to demonstrate the level of noise above baseline at source.	*Site 1. The modelled plant associated with solar PV installation includes articulated dump trucks, cranes, generators, mini-piling rigs, cement mixer trucks, dumpers, tracked excavators and hand tools. For electrical cable installation, plant includes tracked and wheeled backhoe loaders, dumpers, telescopic handlers, vibratory rollers, cement mixer lorries and hand tools. As a worst-case scenario, Figure 1 (A.7) shows construction activities occurring at the same time, though this is not necessarily the case in practice.*" The noise modelling presented in Figure 1 (A.7), together with the secured 250 m setback for construction activities within Solar Development Site 1 from its boundary with the BMA during the non-breeding period, as set out in the **oCEMP [REP2-089]**, indicates that construction noise would not reach levels likely to cause disturbance to birds using the BMA based on the activities listed above. These measures will safeguard the BMA's function as an undisturbed refuge during the non-breeding period throughout construction. It is important to note that percussive piling is not anticipated within Solar Development Site 1 and has therefore not been included in the noise modelling. Nevertheless, should this activity or similar be required, these activities will be restricted to April-August inclusive, outside the non-breeding period, to avoid disturbance to non-breeding birds using the BMA, which is secured in the **oCEMP [REP2-089]**.

ExQ	Question to	Question	Applicant's Response
Q1.10.2	The Applicant	**Construction noise (mitigation)** The assessment of construction noise effects [APP-172] relies upon mitigation and management measures to reduce construction noise effects. The applicant should provide, or signpost where within the application documents, that the following can be found: a) the exact mitigation measures which are secured through the draft DCO, including identification of those which are within certified documents b) which measures remain subject to detailed design.	Embedded mitigation measures for the Proposed Development, based upon BS5228-1 (and constituting Best Practice Means) are set out in **ES Volume 1 Chapter 11 – Noise and vibration [APP-049]**, Section 8: Embedded and good practice mitigation and enhancement measures. Those applicable to the construction phase can be found listed in paragraph 11.8.3 for example the use of plant complying with relevant standards on noise and vibration emissions, and the design and use of site enclosures, housing and temporary stockpiles, to provide acoustic screening. These are secured through the **oCEMP [REP-2-089]** where noise control measures are established and presented in Table 3-9: Noise and Vibration. Construction works will be conducted in accordance with the detailed CEMP(s), which will be prepared in substantial accordance with the oCEMP. No matters are subject to 'detailed design' per se. Once the detailed construction methodology is known, the detail of the measures would be able to be put forward through the detailed CEMP, e.g. the specific location of temporary noise barriers. Further BPM measures could also be applied if necessary based on that detailed methodology and would be considered by NYC in the approval of the detailed CEMP.
Q1.10.3	The Applicant North Yorkshire Council	**Cumulative and in combination construction noise** Construction activities would occur concurrently across multiple solar development sites, cable corridors and infrastructure compounds. The applicant should provide an explanation, or signpost where it can be found in the application documents:	Assumptions made for the assessment of both operational and construction phases are discussed in Section 6 of **ES Chapter 11 - Noise and vibration [APP-049]**. As stated in paragraph 11.6.2, to err on the side of caution, the operational noise assessment assumes a worst-case scenario that all plant items operate simultaneously. This approach has also been followed in the construction assessment, as stated in

ExQ	Question to	Question	Applicant's Response
		a) how the assessment has addressed simultaneous construction activities, mobile construction plant, multiple concurrent receptors and changing construction scenarios over the anticipated build programme b) how the findings of the Construction Noise and Vibration Assumptions and Results [APP-172] correlate with conclusions reached in the assessment of other effects in the ES such as public health; Landscape and Visual; Ecology; HRA; and living conditions c) how cumulative operational noise effects have been assessed in combination with existing energy infrastructure; and consented schemes under construction. This should include schemes currently within the TCPA system. NYC's LIR [REP1-006] confirms that the ES presents a comprehensive and robust assessment of noise and vibration impacts across all phases of development. NYC sets out key local issues at paragraph 7.7 of its LIR. Given this, NYC is asked to confirm: d) whether this view applies to cumulative construction noise, and that cumulative and in combination impacts are not considered to form part of the key local issues e) having regard to the number of solar, battery storage and electricity infrastructure projects proposed within the wider area, whether cumulative operational noise could materially	paragraph 11.9.4 (daytime construction) where it is noted that "As a worst-case scenario, the construction assessment assumes that all relevant construction works to be carried out during the day occur simultaneously". Paragraph 11.9.19 further notes that the prediction is based on a conservative assessment assuming that the two closest HDD drives take place simultaneously. Representative source locations have been assumed as stated in paragraph 11.6.3 of **ES Chapter 11 [APP-049]**, where it is noted that "where details about the precise location of certain plant is not available at this stage of project design, the sources are assumed to be located at representative locations within the identified field parcels, based on Figure 2.1: Illustrative Site Layout Plan". For moving plant, such as the cable corridor construction, sources have been assumed to be located along the corridor at representative positions to assess the realistic worst-case levels as works occur at the closest distance to receptors. The conclusions of the noise assessment have been considered in: • **ES Chapter 6: Biodiversity [REP2-033]**, as explained at the start of that chapter, but also referenced in paragraph 6.9.2(4) and from 6.9.255 onwards; • the **sHRA [REP2-023]**, when considering impacts to birds present on Functionally Linked Land and impacts to lamprey; • **ES Chapter 13: Socioeconomics [REP2-039]** (e.g. the section on local business impacts and effects); and

ExQ	Question to	Question	Applicant's Response
		alter background sound environments within nearby settlements.	• **ES Chapter 10: Landscape and Visual [APP-048]**, where, in the assessment of landscape effects, there is specific consideration of tranquillity impacts, influenced by the conclusions of the noise assessment (as set out in numerous locations across that chapter) • **ES Chapter 17: Cumulative and In-Combination Effects [REP2-048]** where the combined effects of individual impacts from the Proposed Development on receptors are assessed. In relation to health/living conditions, there is not a separate ES chapter for these matters. However, the Noise and Vibration chapter itself has specifically considered noise sensitive receptors at residences and PRoWs and considered effects to those receptors, which draw on Government noise policy and guidance on health and wellbeing effects of noise. With regards to operational noise effects in combination with existing energy infrastructure and consented schemes, this is presented as part of paragraph 11.14 (Cumulative Assessment) of **ES Chapter 11 [APP-049]**. Paragraphs 11.14.1-11.14.8 present the methodology for the cumulative assessment of construction and operational noise, and the results of the assessment are presented subsequently in Table 11-23.
Q1.10.4	The Applicant North Yorkshire Council	**Operational noise** Table 2-2 of ES Appendix 11.3 [APP-173] sets out operational noise rating levels by reference to the predicted operational noise rating levels at assessed receptors. Paragraph 2.2.2 notes that a +4dB feature correction has been applied to the specific sound level to	The Applicant confirms that in the assessment of operational noise as presented in **ES Chapter 11 - Noise and vibration [APP-049]** and in **Appendix 11.3: Operational Noise and Vibration Assumptions and Results [APP-173]**, exceedances of the SOAEL threshold have not been identified. This conclusion is noted in paragraph 11.9.50 of **ES**

ExQ	Question to	Question	Applicant's Response
		determine the rating level as a BS4142 style assessment approach, comparing the operational rating level against background sound levels. ES Appendix 11.3 [APP-173] also identifies where receptors are more than +5dB above background (LOAEL) and less than +10dB above background (SOAEL). The applicant is to: a) confirm, or signpost to where in the application documents that it can be found, that none of the receptors are predicted to exceed the +10dB SOAEL threshold b) confirm that the levels in table 2-2 [APP-173] are the assessed maxima noise levels at the receptors which provide clear, enforceable noise limits c) comment on whether these could be secured through the draft DCO or, for example, through the oOEMP [REP2-091] Paragraph 7.7 to 7.9 of NYC's LIR [REP1-006] confirms NYC's view that the ES presents a comprehensive and robust assessment of noise and vibration impacts across all phases of development and its views on the adequacy of the draft DCO. It sets out that robust controls are required through the DCO including a clear operational noise design criterion relative to background sound levels at sensitive receptors, detailed management plans, post-construction noise monitoring and verification, and mechanisms for remedial action. Subject to these matters being secured, NYC has no objection in respect of noise and vibration. NYC and the applicant should therefore provide:	**Chapter 11 [APP-049]** where it notes "*In Government policy terms, provided mitigation measures are implemented, the SOAEL is not expected to be exceeded during the operational phase of the Proposed Development*." The predicted operational sound levels presented in Table 2-2 of **ES Chapter 11, Appendix 11.3 [APP-173]** show the predicted operational noise levels at the identified receptors based on the assumptions presented in Table 2-1 of the same appendix. For these sources, sound power levels and spectral information are based on manufacturer equipment specifications from similar schemes. The levels presented in Table 2.2 **[APP-173]** reflect a reasonable but cautious assessment scenario in which noise sources are positioned in representative locations but operating simultaneously. As such, they provide a clear basis for assessing compliance with the assessed operational noise effects. Discussions are still ongoing with NYC with regards to the proposed approach to securing operational noise controls. The **Applicant's Response to North Yorkshire Council's Local Impact Report (Version 1) [REP2-117]** notes in Reference ID LIR-NYC-04 the proposed approach. The Applicant response outlines that "*rather than specifying operational noise limits at this stage of the design process, the committed approach is to undertake a noise impact assessment of the final detailed design to demonstrate that operational noise effects would not result in materially new or materially different effects that are worse than those reported in the ES. As above, the Applicant has also committed to*

ExQ	Question to	Question	Applicant's Response
		d) further commentary on the need for the inclusion of absolute noise levels within a requirement, and the linking of this to a certified document.	*post-construction verification monitoring and, where necessary, remedial actions.*" These commitments are set out in the **Outline Operational Environmental Management Plan (oOEMP) [REP2-089]**. Compliance with the oOEMP is required by the DCO.
Q1.10.5	The Applicant North Yorkshire Council	The applicant has updated the oOEMP deadline 2 [REP2-091]. Rather than specifying operational noise limits, the approach would be to undertake a noise impact assessment of the final detailed design to demonstrate that operational noise effects would not result in materially new or materially different effects that are worse than those reported in the ES. NYC and the applicant should: a) comment on this approach, and the extent to which it secures those matters outlines in NYC's LIR [REP1-006] b) explain how the assessment demonstrates that operational noise limits can be achieved under the maximum assessed design scenario.	The Applicant considers that the approach set out in the updated **oOEMP [REP2-091]** is appropriate and proportionate. This approach ensures that any detailed design developed post-consent remains within the environmental envelope assessed in the ES and provides a mechanism for verification of operational noise effects prior to operation. Discussions with NYC regarding the detailed approach to securing operational noise controls are ongoing. The operational noise assessment presented in **ES Chapter 11, Appendix 11.3 [APP-173]** assesses a reasonable but cautious design scenario based on the assumptions set out in Table 2-1. The predicted noise levels presented in Table 2-2 represent the assessed operational noise levels at the identified receptors under that scenario. The assessment demonstrates that the assessed design scenario would not result in significant adverse operational noise effects. The detailed design noise assessment secured through the **oOEMP [REP2-089]** would be required to demonstrate that operational noise effects do not result in materially new or materially different effects that are worse than those reported in the ES. Imposing fixed operational noise limits based only on existing background sound levels would be overly restrictive and

ExQ	Question to	Question	Applicant's Response
			would not provide a proportionate mechanism for controlling operational noise effects. As presented in **Appendix 11.1 Environmental Sound Survey [APP-171]** and **Appendix 11.3 Operational Noise Assumptions and Results [APP-173]**, there are receptors where existing background sound levels are as low as 22dB$L_{A90,T}$. Setting a fixed operational noise limit based solely on such low background levels could unnecessarily constrain the final design. For this example, an operational noise level exceeding this background would still be very low in absolute terms and would not necessarily result in a materially new or materially different significant environmental effect. Consequently, an assessment following the methodology reported in the ES, and demonstration that the final design would not result in materially new or materially worse effects than those reported in the ES, provides a more proportionate and environmentally relevant mechanism than compliance with fixed numerical noise limits or limits related to the background level at each receptor. This scenario occurs at a number of receptors across the study area, where existing background sound levels are very low. In such circumstances, an exceedance of the existing background sound level does not necessarily indicate the presence of a significant effect. Rather, the significance of effects depends on the absolute operational noise level and the specific context of the receptor, as recognised by BS 4142:2014+A1:2019, which is the appropriate industry standard for the assessment of this type of operational noise, and the Association of Noise Consultants Technical Note to this standard (available at https://www.association-of-noise-consultants.co.uk/wp-content/uploads/2020/07/ANC-BS-4142-Guide-March-2020.pdf).

ExQ	Question to	Question	Applicant's Response
Q1.10.6	The Applicant	**Lowest Observed Adverse Effect Level and Significant Observed Adverse Effect Level** Appendix 11.2 [APP-172] and 11.3 [APP-173] and ES Figures 11.2 [APP-099] and 11.3 [APP-100] provide an analysis of those receptors predicted to experience between +5dB and+10dB. The applicant should provide an update, disaggregating the data provided in ES Appendix 11.2 and 11.3, identifying the following: a) receptors predicted to experience effects above LOAEL b) all receptors predicted to experience effects approaching or exceeding SOAEL c) the magnitude of exceedance d) the duration of that exceedance e) how these findings have informed the assessment conclusions.	**Technical note: Noise and Vibration – Results Tables [EN0110012/APP/LVS/08.40]** has been produced to respond to this request. The tables indicate whether there is an exceedance of the LOAEL and/or the SOAEL. The tables are presented for construction noise, construction vibration and operational noise. Consideration of the LOAEL and SOAEL to inform the assessment conclusions is provided in the **ES Chapter 11 – Noise and vibration [APP-049]** for each assessment component as listed below. - Construction noise: Paragraphs 11.9.11 and 11.9.19 - Construction vibration: Paragraph 11.9.23, noting that the SOAEL is defined in 11.5.26 - Construction traffic noise: Paragraph 11.9.33 - Operational noise: Paragraphs 11.9.44, 11.9.47 and 11.9.50 This is considered further in the technical note.
Q1.10.7	The Applicant	**Tonal, impulsive, intermittent and low-frequency noise characteristics** The applicant is to: a) explain how the assessment has addressed tonal, impulsive, intermittent and low-frequency noise characteristics b) where acoustic penalties have not been applied, explain why not.	As stated in paragraph 11.9.39 of **ES Chapter 11 – Noise and vibration [APP-049]**, "*In line with BS4142, a +4dB feature correction for clearly perceptible tonality has been applied to the specific sound level to determine the rating level. This is considered a reasonable worst-case scenario.*" No further penalties for impulsivity and/or intermittency have been applied as these are not expected to be characteristics of the sound experienced at receptors due to operational noise sources. With regards to low-frequency impacts, paragraph 11.9.48 of **ES Chapter 11 [APP-049]** considers the highest predicted

ExQ	Question to	Question	Applicant's Response
			operational night-time level at any receptor of 39dBLAr,Tr is discussed. A corresponding internal noise level of 24-27dBLAr,Tr is then derived assuming 12-15dB(A) attenuation for a partially open window. These levels were found to be below the LOAELs set out in WHO Night Noise Guidelines for Europe (2009). The assessment also concludes that the predicted internal noise levels are below the low frequency noise criterion established in NANR45 (Procedure for the assessment of low frequency noise disturbance, 2025). Further information on this point is presented in the Written Summary of Applicant's Oral Submissions at ISH1 [REO1-004] under the 'Operational Noise' and 'Tonality' sections (pages 26-32).
Q1.10.8	The Applicant North Yorkshire Council	**BESS noise** Paragraph 7.6, 7.8 and 7.9 of NYC's LIR [REP1-006] explains its view that embedded mitigation measures, including plant siting, orientation, acoustic screening and selection of low-noise equipment, has been incorporated into the scheme design. It notes that mitigation measures are currently defined at an outline level and would be refined at detailed design stage. The applicant should provide, or signpost to where the following can be found: a) a clear and enforceable operational noise limit including whether it is considered necessary, and if not, why not NYC should confirm: b) whether or not a clear and enforceable operational noise limit has been sufficiently defined, and whether this is considered to be sufficient and enforceable.	Discussions are still ongoing with NYC with regards to proposed approach to securing operational noise controls. The Applicant's position on this is set out in the response to Q1.10.5 above.

ExQ	Question to	Question	Applicant's Response
Q1.10.9	The Applicant	**Emergency operational noise** The applicant is to: a) explain how battery fault conditions, fire suppression events have been considered within the operational noise assessment b) explain how back-up diesel generators at substations have been considered as it is unclear whether these have been assessed in Table 2-1 of ES Appendix 11.3 [APP-173] despite being referred to in para 11.9.55 of ES Chapter 11 [APP-049] c) if such events as outline above have been excluded, explain why.	The assessment of other operational stationary sources, including diesel generators, is presented in paragraph 11.9.55 of **ES Chapter 11 – Noise and vibration [APP-049]**. Generators are expected to operate only during maintenance or commissioning activities, or in the event of an emergency. Maintenance works will be scheduled during daytime hours, when the potential for noise impacts is lower, and would typically be of short duration. This measure is presented within the **oOEMP [REP2-091]**. The **oOEMP [REP2-091]** notes in Table 3-9, that to control potential impacts of noise due to maintenance activities, operator will (where practicable) schedule maintenance and replacement works which may result in considerable levels of noise for daytime periods only. Operator will implement measures to minimise potential noise impacts at sensitive receptors as presented in **ES Chapter 11 [APP-049]**. Taking the above into account and recognising that emergency operation of generators is anticipated to be infrequent and exceptional in nature, further detailed assessment has not been undertaken as significant noise effects are considered unlikely. Emergency operations associated with the BESS, would by definition be infrequent and exceptional in nature, and as such further assessment has not been undertaken.
Q1.10.10	The Applicant	**Noise, health and wellbeing** NYC's LIR [REP1-006] identified concerns regarding health and wellbeing impacts over the operational life of the proposed development. The applicant is to provide, or signpost where it can be found in the application documents, an explanation as to how operational noise	The Applicant notes that it did not, following the Scoping Opinion, specifically carry out a specific 'public health' assessment. Relevant receptors who would be affected by health outcomes are specifically considered in the operational assessment within the ES Noise and Vibration Chapter. That

ExQ	Question to	Question	Applicant's Response
		contributes to the public health assessment and whether any receptors may experience long-term effects because of continuous exposure.	chapter concludes that no significant effects (including long-term) will arise from the Proposed Development. Please see also the Applicant's response to Q1.11.4.
Q1.10.11	The Applicant North Yorkshire Council	**Noise monitoring** Table 3-9 of the oOEMP [REP2-091] confirms that detailed design of measures to be implemented, and noise impact assessment including noise monitoring would be agreed with NYC, with a verification survey undertaken 3 months from operation to demonstrate compliance. The applicant should provide, or signpost to where in the application documents that the following can be found: a) monitoring locations, monitoring frequency, trigger levels, exceedance procedures, reporting arrangements, corrective actions b) explain what mechanisms would be available to investigate and resolve future noise complaints from residents and other sensitive receptors throughout the operational life of the proposed development NYC should: c) confirm whether the noise monitoring measures including the verification survey would be sufficient.	The detailed noise impact assessment, including any operational noise monitoring requirements, will be developed as part of the detailed OEMP(s) and agreed with the relevant local authority prior to operation of the Proposed Development. The detailed assessment and any associated monitoring requirements would be undertaken in accordance with the principles and assessment methodology set out in **ES Chapter 11 - Noise and Vibration [APP-049]**. This will include, where required, details of monitoring locations, monitoring frequency, trigger levels, exceedance procedures, reporting arrangements and any necessary corrective actions. The requirement for these elements to be developed with NYC, where relevant, will be added to the **oOEMP [REP2-091]** at deadline 4. At this stage, the detailed design of the Proposed Development has not been finalised and therefore it would not be proportionate to prescribe these requirements in advance, as doing so could unnecessarily constrain the detailed design process. The detailed monitoring requirements can be more appropriately defined once the final design and operational characteristics are known. The detailed OEMP(s) will also include procedures for the receipt, investigation and resolution of noise complaints from residents and other sensitive receptors during operation of the Proposed Development. These procedures will be developed in consultation with the relevant local authority to ensure that

ExQ	Question to	Question	Applicant's Response
			any complaints are appropriately investigated and, where necessary, mitigation or corrective actions are implemented.
Q1.10.12	The Applicant	**Mass movement of tracker panels** At deadline 2 the applicant set out its response [REP2-001] to action point ISH1-11 that the assessment of tracking solar panels tables included an assumption that these would "…move progressively throughout the day such that a mass movement at the start or end of the day is unlikely to occur". The Examining Authority notes that in section 2.2.4 of ES Appendix 16.4: Glint and Glare Assessment [APP-186] it is explained that the modelling for that assessment assumes the panels would revert to a resting angle of 0 degrees and therefore lie horizontally from sunrise until the sun enters the rotation range, and immediately after the sun leaves the rotation range until sunset daily. This therefore suggests the mass movement of panels at the start and end of each day has been assessed as likely elsewhere in the ES. Given the above, the applicant is to: a) explain and account for the apparent differing assumptions and methodologies adopted in these assessments and confirm whether, in practice, the proposed development would result in a mass movement of panels at the start and/ or end of each day b) if mass movement is proposed, explain whether this alters or amends the findings and conclusions in relation to the noise assessment	The worst-case assumptions adopted for tracking panels differs depending on the relevant assessment. For Glint and Glare, in the absence of a specific tracking algorithm (which is typically unavailable until detailed design is confirmed), an assumption is made that panels would backtrack to flat as soon as the sun moves outside of the tracking range. Based on previous experience, this provides a worst-case assumption of impacts and ensures that effects are not understated. The assumption is made due to both the complexity of assessing individual panels and the fact that all panels moving together would present a single cohesive glare source which would represent the worst-case effects for an observer, as opposed to individual panels moving separately which would cause a less sustained reflection due to not all panels reflecting at the same time. Therefore, the mass movement at the start and/or end of each day needs to be understood as a worst-case modelling assumption, rather than what would occur in practice. From a noise and vibration perspective, mass movement of the tracker panels is not expected to occur in practice over relatively long periods. As noted within "Noise modelling of tracker motors (response to Action Point ISH1-11)" of REP2-001: "*All nearby Tracking Solar PV Tables are assumed to emit noise simultaneously. This represents a worst-case assessment of the potential for tracker panel movement,*

ExQ	Question to	Question	Applicant's Response
		c) if mass movement is not proposed, explain whether this alters or amends the findings and conclusions in relation to the glint and glare assessment.	*including the possibility of multiple panels moving at the same time as a reasonable worst-case scenario*." The assessment then presents the assumption that: "*The Tracking Solar PV Tables are assumed to operate for 10 seconds every three minutes throughout the day. The panels would move progressively throughout the day such that a mass movement at the start or end of the day is unlikely to occur.*" The assessment therefore adopts a conservative approach by assuming that all tracker panels operate simultaneously. However, tracker movement is assumed to comprise incremental adjustments of approximately 10 seconds every three minutes throughout the day, rather than a prolonged mass movement of all panels at the start or end of the day.

2.11 Other matters

Table 2-11 Applicant's Response to the Examining Authority's First Written Questions: Other matters

ExQ	Question to	Question	Applicant's Response
Q1.11.1	Network Rail	**Glint and glare effects on railway users** Potential significant effects in Year 1 of operation are identified on railway users associated with SDS6. Paragraph 16.8.13 of ES Chapter 16 [REP2-045] explains additional mitigation in the form of advanced planting would be carried out at the commencement of the construction phase to address these effects.	Not for Applicant to respond on.

ExQ	Question to	Question	Applicant's Response
		a) Confirm whether it agrees with the applicant's assessment, its conclusions and the proposed mitigation identified to address adverse effects as set out in ES Chapter 16? If not explain why. b) Provide a view on the measures contained in section 4.2 of the oLEMP [REP2-095] and whether these are acceptable and sufficient.	
Q1.11.2	The Applicant	**Glint and glare effects along Skipwith Road (SDS1)** Table 16-4 of ES Chapter 16 [REP2-045] confirms significant glint and glare impacts are predicted at Year 1 along Skipwith Road. Advanced planting is proposed to mitigate such effects and the locations of this are shown on ES Figure 16.1 [APP-141]. This plan does not show planting proposed along Skipworth Road. a) Confirm whether advanced planting is proposed along Skipworth Road and, if it is, update ES Figure 16.1 to reflect this. b) If advanced planting in this location is not considered necessary, explain why having regard to the current limited planting that exists along this boundary.	Advanced planting to mitigate glint and glare impacts is proposed for a section of Skipwith Road, as shown in the Advanced Planting for Glint and Glare Mitigation **ES Figure 16.1 [APP-141]**. This is proposed to mitigate receptor N25, where glare is predicted to be visible within a driver's primary field-of-view (50 degrees either side of the direction of travel). Advanced planting is not proposed for the remainder of Skipwith Road, as effects are predicted to occur outside of a driver's primary field-of-view and are therefore not considered to require mitigation.
Q1.11.3	The Applicant	**Glint and glare – NPS- EN3** Paragraph 2.10.98 of NPS EN-3 advises that when a glint and glare assessment is undertaken, the potential for solar PV panels, frames and supports to have a combined reflective quality may need to be assessed. Paragraph 3.4.1 of ES Appendix 16.4: Glint and Glare Assessment [APP-186] confirms that only a reflection from the face of the solar panel has been considered and not the frame or the reverse of the frame considered.	In Pager Power's experience, the solar panels themselves are the overriding source of specular reflections because they are large and flat. Frames and supports are far smaller and more angular which means that the potential for specular reflections to be produced will be significantly lower despite the surfaces having higher reflectivity. In addition, the frames and supports are often not visible to an observer and/or from the Sun, because they are obscured from view by the panel face itself or by intervening vegetation. The assessment approach is

ExQ	Question to	Question	Applicant's Response
		a) Explain and justify why the assessment did not consider effects from the frames and supports in combination with the panels. Paragraph 2.10.126 of NPS EN-3 advises that applicants should consider using solar panels to comprise (or be covered with) anti-glare or anti-reflective coating with a specified angle of maximum reflection attenuation for the lifetime of the permission. Noting adverse effects have been identified on some receptors, the applicant should also: b) confirm whether consideration has been given to the use of anti-glare or reflective coatings to mitigate those effects c) if not, set out the reasons as to why this has not been considered.	deemed appropriate in this context. It is considered there is a very low potential for combined effects due to a low likelihood of frames and supports being visible to receptors and the potential for specular reflections to occur being significantly lower than for solar panels. Any reflections experienced from panel frames or supports would be fleeting and of a low intensity, due to the small and angular nature of the reflectors. It is understood that almost all commercially available solar PVs now include a form of anti-reflective coating, and as such the glint and glare modelling has utilised a generic surface of 'solar PV with anti-reflective coating' where relevant (for aviation receptors where glare intensity is a key consideration), but an anti-reflective coating would typically have only a minor impact on the time, duration or location of glare. Anti-reflective coating is not typically a suitable mitigation method on its own, as it only reduces the intensity of reflections rather than preventing them from occurring. As such, where adverse effects are predicted the Applicant has considered alternative mitigation measures in the first instance, such as advanced planting to physically screen views of reflecting panels. However, notwithstanding this, the Applicant has also committed to anti-reflective coating. This is secured in the Design Parameters and Commitments which secures that: *Solar PV Panels will be bifacial monocrystalline panels, comprising smooth glass with an antireflective coating.*
Q1.11.4	The Applicant	**Human mental health and well-being** Section 17 of NYC's LIR [REP1-006] explains NYC's concerns regarding human health. Paragraph 17.9	The Applicant has prepared a Technical note on Health **[EN0110012/APP/LVS/08.37]** to respond to this question which is submitted at Deadline 3.

ExQ	Question to	Question	Applicant's Response
		requests that a separate assessment of the direct and indirect effects upon human health, encompassing mental and physical health in line with the IEMA 2022 guidance 'Determining Significance for Human Health in Environmental Impact Assessment' should be undertaken. Submissions were also made by numerous IPs on the potential effects of the proposed development on mental health and wellbeing. Whilst noting the approach set out in table 4-1 of ES Chapter 4 [APP-042] that the effect on human health is considered within individual topic chapters of the ES, given the concerns raised by NYC and other IPs the applicant is to provide a Health and Wellbeing Summary Statement. This should summarise, in a single document, the approach to the consideration and assessment of effects of the proposed development on human health and wellbeing (both physical and mental health). An example of such a document was submitted into the examination of the recent Springwell Solar Farm NSIP (see [REP1-067 of EN010149] Springwell Solar Farm). The applicant should prepare and submit a similar document covering the same issues specific to the proposed Light Valley Solar project.	
Q1.11.5	Sherburn Aero Club	**Effects on Sherburn Aero Club** The written representation submitted by Sherburn Aero Club [REP1-029] raised concerns relating to glint and glare effects on wider pilot field of vision, adequacy and efficacy of the proposed emergency landing strip and the effects of thermal radiation and electromagnetic interference. The applicant's response to reference AVI-06 [AS-036] and references WR-SAC-03 to 07 [REP2-119] advised that discussions were ongoing and a	Not for Applicant to respond on.

ExQ	Question to	Question	Applicant's Response
		statement of common ground was being progressed. Sherburn Aero Club is to review the applicant's response provided at deadline 2 and confirm, whether in its view, any of the matters and concerns raised in its previous representations remain, or whether these have been resolved.	
Q1.11.6	The Applicant	**Effects on other airfields** Paragraph 16.8.12 of ES Chapter 16 [REP2-045] states "Consultation has also been undertaken with other airfields where 'yellow' glare is predicted but is considered operationally accommodatable, given the short durations of yellow glare and low traffic volumes at the airfields". a) Confirm and provide, or signpost where it can be found in the application documents, evidence that the airfield operators assessed as part of the glint and glare assessment were consulted on the proposals and assessment findings. b) If they were not consulted, provide an explanation and justification for this.	Three airfields were identified in Table 16-4 of **ES Chapter 16 [REP2-045]** where 'yellow' glare is predicted but is considered operationally accommodatable. These are Redmoor Farm Airfield where it is understood that the airfield ceased operation in 2015, Gilrudding Grange Airfield and Elvington Airfield. The Applicant emailed Elvington Airfield on 17th December 2025 and wrote to the owners of Redmoor Farm Airfield and Gilrudding Grange Airfield on 18th December 2025 advising of the assessment conclusions and inviting further discussions. For the remaining airfields, no 'yellow' glare was identified and it is therefore considered that there is no more than a low impact towards these airfields. It is standard practice only to consult with airfields where there is a potential for significant impacts, as identified through a prediction of 'yellow' glare.
Q1.11.7	North Yorkshire Council	**Minerals and waste safeguarding** Matters relating to minerals and waste safeguarding are contained within the Minerals Assessment [APP-210]. This assessment confirms that designated safeguarded minerals of brick clay and sand are present within the Order limits and that there is an existing and safeguarded waste site (The Maltings) near to the proposed SDS7. NYC's LIR [REP1-006], submitted at deadline 1, does not	Not for Applicant to respond on.

ExQ	Question to	Question	Applicant's Response
		set out NYCs position on these matters. Therefore, NYC is to: a) confirm its position and whether it agrees with the applicant's assessment and conclusions b) if it disagrees with the applicant, provide an explanation and reasoning.	

2.12 Site selection and alternatives

Table 2-12 Applicant's Response to the Examining Authority's First Written Questions: Site selection and alternatives

ExQ	Question to	Question	Applicant's Response
Q1.12.1	The Applicant	**Future risk of flooding** Confirm what dataset was used to represent the future risk of flooding in the site selection process, and signpost to where this is stated in the Site Selection Assessment Report [AS-019].	For additional context, please refer to the Applicant's response to Action Point ISH1-26 in the **Written Summary of Application's Oral Submissions (Issue Specific Hearing 1 [REP1-004]**. Future risk of flooding was not considered as part of the **Site Selection Assessment Report [AS-019]** because the publicly available datasets available at the time did not account for future risk of flooding. The Site Selection Assessment instead considered the Environment Agency Flood Map for Planning and other flood risk information, including the NaFRA2 surface water data, available at the time of the assessment. The NaFRA2 data was published on 28 January 2025 and updated Flood Zones followed on 25 March 2025, both of which are captured in the assessment presented by the Applicant in the **FRA [APP-179]** and the **Site Selection Assessment Report [AS-019]**.

ExQ	Question to	Question	Applicant's Response
			Since the Site Selection Assessment was carried out, the new NaFRA2 dataset for consolidated Flood Zones plus Climate Change has been published (later in 2025). This is a national screening tool which, in some locations, provides an indication of how the combined extent of Flood Zones 2 and 3 may increase as a consequence of climate change. A retrospective review indicated that this new dataset does not cover the Solar Development Sites, stating that "climate change data unavailable" as can be seen on **Figure 15.10 [REP2-055]**. Therefore, its publication does not change the assessment or conclusions of the **Site Selection Assessment Report [AS-019]** in relation to the Solar Development Sites. Further, as the new dataset does not provide broad coverage in this area, there is no identified basis on which retrospective application of the dataset would make an alternative PDA more favourable. Since site selection, the Applicant has gone on to complete detailed flood modelling in relationship to the Solar Development Sites, as the chosen location for the Proposed Development. That site-specific flood modelling is more thorough and accurate that national publicly available datasets, and takes into account future flood risk through the application of climate change as agreed with the EA. The site-specific modelling is presented in the **FRA [APP-179].**

2.13 Socioeconomic effects

Table 2-13 Applicant's Response to the Examining Authority's First Written Questions: Socioeconomic

ExQ	Question to	Question	Applicant's Response
Q1.13.1	The Applicant	**Cumulative effects on rural communities** a) explain how the socio-economic assessment has considered the cumulative effect of multiple infrastructure developments on rural communities. In particular: ▪ identify the developments included within the cumulative assessment ▪ explain whether repeated exposure to large-scale energy infrastructure has been considered ▪ identify whether cumulative effects on community identity, perception of place, recreation and community wellbeing have been assessed ▪ explain how the applicant has distinguished cumulative socio-economic effects from cumulative landscape effects b) provide reasons for any conclusion that cumulative socio-economic effects would be less than significant.	**a) Consideration of cumulative socio-economic effects on rural communities** The cumulative assessment for socioeconomics is presented in Section 13.14 of **ES Volume 1, Chapter 13: Socioeconomics [REP2-039]**. It follows the methodology set out in **ES Volume 1, Chapter 17: Cumulative and In-Combination Effects [REP2-047]** and uses the shortlist of cumulative plans and projects identified in that chapter. For each receptor, the assessment identifies where effects of the Proposed Development could interact with effects of other plans and projects, spatially and/or in time. Having reviewed the shortlisted plans and projects, the assessment identifies the primary cumulative socio-economic effect as the influx of construction workers across multiple developments in the same area. This could bring economic benefits and support local skills development but could also put pressure on accommodation and local services. The cumulative assessment therefore focuses on the effect of construction workforces on access to accommodation, covering both the Private Rented Sector (PRS) and tourist accommodation. *Developments included within the cumulative assessment* The plans and projects relevant to the socioeconomics cumulative assessment are listed in Table 13-24 of **ES Chapter 13 [REP2-039]**. They are drawn from the shortlist in **ES Chapter 17 [REP2-047]**, shown on **ES Volume 2, Figure 17.1: Locations of Short List Cumulative Schemes [APP-142]**. The cumulative assessment of access to

ExQ	Question to	Question	Applicant's Response
			accommodation considers major infrastructure projects within a 20km radius, the largest Zone of Interest used in other assessments. The shortlist includes Nationally Significant Infrastructure Projects and other energy schemes, such as Drax Bioenergy with Carbon Capture and Storage, Helios Renewable Energy Project, Fenwick Solar Farm, East Yorkshire Solar Farm, Yorkshire Green, the Ferrybridge schemes and Eggborough CCGT. It also includes smaller solar and battery storage schemes, residential developments and minerals proposals. This includes the energy projects within the relevant search area. The Applicant has previously explained the scope of the cumulative assessment in its response to Riccall Parish Council (RCPC-05) in **The Applicant's Response to Relevant Representations (Part 1) [REP2-109]**, and to Thorganby and Hambleton Parish Councils (WR-THPC-27 and WR-HaPC-05) in **The Applicant's Response to Submissions Received at Deadline 1 – Parish Councils and Non-Statutory Organisations [REP2-119]**. In summary, a long list of 196 developments is provided in Table 2-1 of **ES Volume 3, Appendix 17.1 [APP-189]**. **Figure 17.1 [APP-142]** shows nine other NSIPs, two of which intersect the Order Limits (Yorkshire Green and Ferrybridge Next Generation Power Station). Three further NSIP applications have been made public since submission, bringing the total within the zone of influence to 14; these are shown in the **Interrelationships Report [REP2-112]**. Of particular relevance to the rural communities closest to the Order Limits are the following schemes, which are also described in the **Interrelationships Report [REP2-112]** submitted at Deadline 2:

ExQ	Question to	Question	Applicant's Response
			▪ Erection of a solar farm, ref. APP/2025/0037/REF (Hillam Grange Solar Farm; ID 67 in Table 13-24) – adjacent to the boundary of Solar Development Sites 3 and 4 and intersecting Cable Route Corridors 3-4 and 3-4a. Planning permission has been granted; and ▪ Solar development with co-located Battery Energy Storage System, ref. ZG2024/1129/FULM (Scalm Park; ID 69 in Table 13-24) – approximately 1.55km east of Solar Development Site 8 and 100m north of Cable Route Corridor 1-4. The **Interrelationships Report [REP2-112]** sets out the timing, construction phasing, grid connection and start of operation of these and other relevant projects, together with how the Applicant has coordinated with them. This has informed the consideration of whether effects on the same receptors would overlap in time and space. *Repeated exposure to large-scale energy infrastructure* The socioeconomics cumulative assessment addresses the combined pressure from multiple schemes where a clear socio-economic pathway exists, namely the combined demand for accommodation from construction workforces across overlapping projects. It adopts a worst case in which all identified projects are under construction at the same time (Section 13.14 of **ES Chapter 13 [REP2-039]**). To help coordinate the management of construction-related impacts across schemes, including workforce accommodation, transport and service provision, the Applicant has committed through the **Outline Construction Environmental Management Plan (oCEMP) [REP2-089]** to form a liaison

ExQ	Question to	Question	Applicant's Response
			group. This will involve the local planning authority and the local highway authority, and representatives from other nearby projects will be invited. The assessment does not attribute a separate socio-economic effect to the number of schemes present in an area. Section 5.13 of the Overarching National Policy Statement for Energy (EN-1) requires cumulative socio-economic effects to be considered, and the assessment has done so. However, neither EN-1 nor the National Policy Statement for Renewable Energy Infrastructure (EN-3) identifies 'repeated exposure' as a discrete matter for assessment, and the Applicant is not aware of an established method for quantifying it objectively as a socio-economic effect. Where effects of this nature arise, they are experienced mainly through changes to landscape character and views, amenity or travel. As set out in Table 13-1 of **ES Chapter 13 [REP2-039]**, amenity effects on the local population are assessed in the relevant technical chapters rather than in the socioeconomics chapter. Interactions between topics are considered in the in-combination assessment in **ES Chapter 17 [REP2-047]**. Hambleton Parish Council raised a closely related concern at Deadline 1: that residents would encounter solar development on every journey (WR-HaPC-12 **[REP2-119]**). As set out in the Applicant's response, this is captured by the cumulative landscape and visual assessment in Section 10.14 of **ES Chapter 10 [APP-048]**, which considers cumulative effects on landscape character areas, residents, road users and PRoW users. It identifies some cumulative landscape and visual effects during construction, year 1 of operation and decommissioning, which reduce as mitigation planting

ExQ	Question to	Question	Applicant's Response
			establishes, and no physical or visual merging of separate developments or villages. For example, cumulative effects with Scalm Solar Farm on LCA 11: Sherburn Farmland would be moderate adverse during construction and year 1, but the separation between the schemes and the intervening Bishop Wood mean openness would be retained and there would be no coalescence with Hambleton. As the Applicant has previously noted (WR-SkPC-02 **[REP2-119]**), the presence of several energy projects in an area does not in itself make a development unacceptable, given the scale of new generating capacity that national policy recognises is needed. *Community identity, perception of place, recreation and community wellbeing* Recreation has been assessed directly for the Proposed Development in Section 13.9 of **ES Chapter 13 [REP2-039]**. This covers community and recreational facilities (including village greens) and PRoW and other recreational routes, all of which are assessed as minor adverse (not significant), taking account of embedded mitigation. These effects are localised, occur mainly during construction, and would be managed through the detailed management plans required by the DCO. When the shortlisted plans and projects were reviewed, the cumulative socio-economic effect identified was the influx of construction workers, rather than combined effects on individual recreational receptors. Community identity and perception of place are inherently subjective and not a matter of EIA assessment. They are not identified as specific matters for assessment in EN-1, EN-3 or

ExQ	Question to	Question	Applicant's Response
			the **Scoping Opinion [APP-144]** and have not been assessed as discrete socio-economic receptors. The socioeconomics assessment has been reviewed against the ISEP guidance on Social Impact Assessment in EIA (October 2025) and is considered generally consistent with its principles (Table 13-4 of ES **Chapter 13 [REP2-039]**). The tangible parts of these matters are captured across the Environmental Statement: the character and experience of the landscape, including cumulative landscape and visual effects, in ES **Chapter 10: Landscape and Visual Assessment [APP-048]**; the cumulative effects to the setting of heritage assets in **ES Chapter 8: Cultural Heritage [REP2-035]**; and cumulative effect to access to and use of community and recreational resources in **ES Chapter 13 [REP2-039]**. The Applicant has previously responded to Hambleton Parish Council's concern about village identity (WR-HaPC-03 [**REP2-19]**). **ES Chapter 13 [REP2-039]** assessed community facilities in Hambleton and found effects of negligible to minor adverse at worst, given their distance from the Solar Development Sites and the limited, short-term nature of nearby highway improvement works. In relation to community wellbeing, **ES Chapter 13 [REP2-039]** recognises that the local network of PRoW and recreational routes is important to the local population for personal health and wellbeing, and for local amenity and has assessed impacts to them accordingly (in terms of effects on their ability to be used, and on amenity of their users). It also considers the capacity of local GP services, including the cumulative demand from workers on other NSIPs raised by North Yorkshire Council: 19 of the 20 GP practices in Selby

ExQ	Question to	Question	Applicant's Response
			are accepting new patients and all accept temporary residents. Effects on Fairfield Equine Facilitated Wellbeing, which provides therapeutic services, are further explored in the **Equality Impact Assessment [APP-212]**. *Distinguishing cumulative socio-economic effects from cumulative landscape effects* The socioeconomics assessment focuses on whether effects would change patterns of activity, social or economic (Section 13.5 of **ES Chapter 13 [REP2-039]**), for example employment, the use of tourism accommodation, the use of community and recreational facilities and PRoW, the operation of local businesses and access to accommodation. It does not assess changes to the visual or physical character of the landscape, or visual impacts from PRoWs which are assessed in **ES Chapter 10: Landscape and Visual Assessment [APP-048]**. Where a landscape or visual change could influence how a receptor is used, such as the experience of a PRoW user, the socioeconomics assessment has had regard to the conclusions of the other topic chapters in considering effects on the overall amenity of the PRoW but does not re-assess the visual effect, to avoid double counting. Where another topic identifies a significant effect on a receptor with a likely pathway to socio-economic, tourism or recreation effects, the worst case is assumed that the effects could occur at the same time, and this is further investigated in **ES Chapter 17 [REP2-047]**. **b) Reasons for concluding that cumulative socio-economic effects would not be significant**

ExQ	Question to	Question	Applicant's Response
			The conclusions of the cumulative assessment are reported in Section 13.14 and Table 13-25 of **ES Chapter 13 [REP2-039]**. The reasons for concluding that cumulative socio-economic effects would not be significant are summarised below: ▪ in the absence of detailed programme information, the assessment adopts a worst case in which all identified projects are under construction at the same time, reduced to 30% of the approximately 5,511 estimated workers (approximately 1,653) as peak periods are unlikely to fully coincide. Assuming 50% are sourced locally in line with the HCA Additionality Guide, approximately 1,021 non-local workers, including those for the Proposed Development, could require temporary accommodation. This is around 20% of Selby District's approximately 5,311 private rented properties, but demand is likely to be dispersed across larger urban centres within commuting distance and met through a mix of PRS, tourism and other accommodation. Cumulative effects on both the PRS and tourist accommodation are therefore assessed as minor adverse (not significant). Embedded mitigation in the oCEMP [REP2-089], including the liaison group with the local authorities and other nearby projects, would support the coordinated management of workforce accommodation. ▪ construction is phased and staggered across the Solar Development Sites and Cable Route Corridor, reducing the peak number of workers needing local accommodation, and the contractor will help workers find accommodation in locations where effects on residents and visitors can be minimised (Table 3-11 of the **oCEMP [REP2-089]**); ▪ operational effects are limited. **ES Chapter 13 [REP2-039]** estimates approximately 188 FTE during normal operation

ExQ	Question to	Question	Applicant's Response
			and up to 541 workers during peak replacement months, below construction levels. If a replacement campaign would exceed a daily average of 485 workers, NYC must be notified with an accommodation strategy demonstrating that effects would not be significant (Table 3-11 of the **oOEMP [REP2-091]**); ▪ a Community Liaison Group will be set up under the DCO, with a Community Liaison Officer acting as the point of contact for local communities, and the contractor will prepare a Stakeholder Communications Plan with a complaints procedure (paragraphs 2.2.1, 2.14.2 and 2.14.4 of the **oCEMP [REP2-089]**); ▪ effects on recreational receptors are localised, mainly temporary and managed through the **Outline Public Rights of Way Management Plan [APP-199]** and oCEMP, and the review of shortlisted schemes did not identify a pathway for them to combine into a significant cumulative effect; and ▪ the **Interrelationships Report [REP2-112]** sets out how the Applicant is coordinating with nearby schemes. For example, two cable route options are provided so the Proposed Development can proceed whether or not Hillam Solar Farm is built first (response to WR-HaPC-13 **[REP2-119]**). The Applicant therefore considers that the assessment appropriately captures the cumulative socio-economic effects on rural communities. Matters of perception and identity are addressed, insofar as they can be objectively assessed, by reading the socioeconomics, landscape and visual, cultural heritage, noise and traffic assessments together with the in-combination assessment in **ES Chapter 17 [REP2-047]**.

ExQ	Question to	Question	Applicant's Response
Q1.13.2	The Applicant	**Tourism and visitor economy** The area contains a range of environmental, heritage and countryside assets which contribute to the local visitor economy. The applicant should summarise how the assessment has considered the potential relationship between the following: ▪ landscape character ▪ heritage setting ▪ recreational access ▪ visitor experience ▪ tourism-related economic activity	In considering this question, it is first important to define what might be meant by the 'visitor local economy' for the area. As a starting point to this question, it is noted that there is a lack of specific tourist sites in the vicinity, and PINS therefore agreed that effects on tourism facilities could be scoped out (table 13-1 of **ES Chapter 13 [REP2-039]**). Selby District (now North Yorkshire Council) produced a Visitor Economy Strategy 2018-2022 and a refresh in 2022-2025. The former of these set out that the Strengths of the District as a visitor economy were: • *Selby Abbey* • *Nature, Cycling and Walking* • *International Appeal (US and China)* • *Screen Yorkshire* • *Rich Layers of History including Buildings, Battle Sites and Beer* • *Canals and Shipbuilding Heritage* • *Road and Rail Connections* The latter sets out that: "*Selby District is located right at the centre, or heart, of the historic county of Yorkshire, with bustling market towns, charming villages, stunning medieval architecture and beautiful countryside. The area has witnessed monumental moments of history that have left their mark and influenced the district's unique character".* It goes on to state that, with a strategy that builds on a Heart of Yorkshire Strategy, a compelling story around a visitor and culture offer can be developed which: *Encourage[s] residents to learn more about their district and explore from their own doorstep* and *Entice visitors from neighbouring towns, cities*

ExQ	Question to	Question	Applicant's Response
			and villages to discover the area's rich cultural heritage and unique locations. It set out that Selby District has a "*diverse and exciting offer for residents and visitors, including Heritage, Arts and Culture, Food and Drink, and Nature and Green Spaces*" then provides an overview of some of the district's Visitor Economy and Experiences as including 117 accommodation establishments, 400+ food and drink establishments and hundreds of unique attractions as set out in the snipped image below: •Heritage attractions e.g. Selby Abbey, Towton Battlefield, Carlton Towers, village churches and trails •Nature & wildlife attractions e.g. Stillingfleet Lodge Gardens, Skipwith Common, Barlow Common, Trans-Pennine Trail •Cultural experiences e.g. Selby Town Hall, rural touring at village halls, Riley Smith Hall, Festivals and specialist markets •Art & craft experiences e.g. Dragon Willow, Silver & Stone, Clay Fever •Adventure e.g. Elmet Alpaca Trekking Centre, Hillam Potting Shed, Yorkshire Paintball Centre, footgolf at Scalm Park •Aviation & transport experiences e.g. Tiger Moth Experience, The Motorist, Sherburn Aero Club, Burn Gliding Club

ExQ	Question to	Question	Applicant's Response
			The Applicant does not impact upon any of the named 'products and experiences' in this list (noting that the scheme does not impact upon the ability to have experiences at Sherburn Aero Club notwithstanding the on-going discussions in relation to glint and glare). The landscape of the area is not one that is subject to any statutory landscape designations and, as per the responses to the 1.9 series of questions, the Proposed Development is designed in such a way so as to not cause landscape character transformation and does not itself prevent the Selby District as a whole as still being considered to be part of the countryside. From a heritage point of view, the ES considers the historic landscape character (i.e. the overlap of heritage and landscape considerations) to be of negligible or low importance. Of the assets considered in the ES only the referenced churches are publicly accessible to 'visit'. The Escrick Park Estate is able to be viewed through privately booked experiences, but in all effects are assessed as not significant. The Proposed Development certainly does not affect '*monumental moments of history that have left their mark and influenced the district's unique character* or the setting of *unique medieval architecture'.* In this context, the focus of the potential impact of the Proposed Development on the 'visitor economy' is one that is local and recreational, based on PRoW and recreational routes, community and recreational facilities, small rural businesses such as fisheries, tea rooms and equestrian

ExQ	Question to	Question	Applicant's Response
			facilities and six tourism accommodation receptors which lie within 1km of the Order Limits, all either bed and breakfasts, guest houses, a caravan and glamping site or a hotel. For these aspects of the visitor economy, the Applicant has considered all relevant factors which could affect the enjoyment of those facilities as a visitor who has come to use them in **ES Chapter 13 [REP2-039],** such as access, noise, and amenity. Through the mitigations in the **Outline Public Rights of Way Management Plan [APP-199]**, 15m buffers to PRoWs, and measures in the **oCEMP [REP2-089]**, there will be no significant effects to users of recreational routes and facilities. Business effects to tourism accommodation and tourism businesses considered proximity to construction activities and construction traffic, and whether temporary changes in environmental conditions such as noise and air quality may influence their use. All tourism accommodation receptors are assessed as minor adverse (not significant). Four local businesses whose economic value depends on a quiet, undisturbed environment or on safe access for visitors are assessed as moderate adverse (significant) before additional mitigation: Birkin Fishery, Birkin Fisheries Tea Room, Gascoigne Wood Fishery and Fairfield Equine Facilitated Wellbeing. Additional mitigation is set out in Section 13.10 and required through the **oCEMP [REP2-089]**. It includes ongoing engagement with operators, scheduling noisy activities outside peak times, managing HGV movements and temporary acoustic and visual screening, and reduces

ExQ	Question to	Question	Applicant's Response
			residual effects on all four to minor adverse (not significant). All other local businesses are assessed as not significant. Separately, the effect of the construction workforce on access to tourism accommodation is assessed as minor adverse (not significant). An effect to the visitor economy, particularly one that is limited in scope in and around the Order limits, would primarily arise if it were large enough to change patterns of activity that seek to utilise the visitor 'offer', for example by reducing visits or trade. This reflects the focus of the socioeconomics assessment on whether effects would change patterns of activity, social or economic (Section 13.5 of **ES Chapter 13 [REP2-039]**). The socioeconomics assessment is the final step in this chain. Its in-combination approach draws on the findings of the transport and access, landscape and visual, noise and cultural heritage assessments and incorporated mitigation measures to reach relevant conclusions. On this basis, the Applicant considers that the relationship between landscape character, heritage setting, recreational access, visitor experience and tourism-related economic activity has been appropriately considered in the context of the visitor economy that exists. Taking account of embedded and additional mitigation, no significant residual effects on the tourism accommodation, community and recreational facilities, PRoW or local businesses which make up the visitor economy are identified in **ES Chapter 13 [REP2-039]**.

2.14 Traffic and transport including public rights of way

Table 2-14 Applicant's Response to the Examining Authority's First Written Questions: Traffic and Transport (incl. PRoW)

ExQ	Question to	Question	Applicant's Response
Q1.14.1	The Applicant	**Baseline assumptions** Paragraph 2.7.1 of ES Chapter 2 [REP2-027]) explains that 'construction' could start in 2028, whereas elsewhere in paragraph 14.8.70 of ES Chapter 14 [REP2-041] it is stated that 'mobilisation' works could start in 2028. a) Confirm whether construction works would commence in 2028, or mobilisation works? If they are mobilisation works, the applicant should confirm: b) what are these and how are they defined (e.g. 'permitted preliminary works' as defined in the draft DCO) c) traffic movements associated with these works have been factored into the traffic assessment (or signpost where this can be found in the application documents) noting paragraph 14.7.4 of ES Chapter 14 indicates that, for the purposes of the assessment, traffic movements have been added to the network in the future base year scenario of 2029 d) what implications, if any, this would have for the assessment in terms of traffic impacts given the potential traffic movements associated with these works.	Mobilisation typically involves site set-up, i.e. getting land the ready for construction (e.g. clearance, fencing, getting compounds ready and getting resources to site).. Some of these activities do fall within the definition of permitted preliminary works, but the key point is that it is the first part of the overall construction process. As such, the movements associated with it are part of the overall construction numbers. The **Transport Assessment [REP2-077]** has been prepared on the basis of assessing the impacts of a worst-case scenario. Based on the construction programme, 2029 was identified as the peak year for construction activity and has therefore been adopted as the assessment year (i.e. post the mobilisation phase and works taking place across the Order limits). In response to point c), traffic movements associated with mobilisation in 2028 would be lower than those forecast for the peak construction year of 2029. The assessment of the 2029 scenario therefore represents a robust worst-case assessment and encompasses the lesser level of traffic impact anticipated during mobilisation in 2028. In response to point d), as the **Transport Assessment [REP2-077]** considers the worst-case level of traffic

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			associated with the Proposed Development in 2029, the implication is that the conclusion of the assessment can also be applied to 2028, when construction traffic volumes would be lower.
Q1.14.2	The Applicant	**Agricultural traffic** The written representation of Thorganby Parish Council [REP1-015] noted that the rural road network experiences significant seasonal increases in agricultural and large vehicle movements. Noting the previous comments to relevant and written representations contained within response references TGPC-09 of [REP2-109] and WR-THPC-23 [REP2-119], the applicant should: a) confirm, and explain, how seasonal agricultural traffic have been reflected in the baseline and traffic assessment given that the traffic surveys were undertaken outside the main harvest period b) if assumptions have been applied to represent agricultural traffic movements, confirm what those assumptions were and the evidence base supporting them (or signpost where this is can be found in the application documents).	The Applicant acknowledges that agricultural activity and associated vehicle movements vary throughout the year, with periods such as harvest generating temporary increases in the number of tractors, trailers and other large agricultural vehicles using the rural highway network. These established seasonal variations demonstrate that the local highway network is accustomed to accommodating temporary fluctuations in both traffic volumes and the proportion of large vehicles. The temporary increase associated with the Proposed Development should be considered in that context. Construction traffic would introduce a temporary and managed increase in vehicle movements on roads that already accommodate variable levels of agricultural and other large-vehicle traffic. With regard to point a), seasonal variations have not been accounted for within the **Transport Assessment [REP2-077]**. It is generally regarded best practice to assess transport impacts on normal network conditions. Therefore, in response to point b), there have been no specific assumptions made in regard to agricultural movements. The **Transport Assessment [REP2-077]** considers the effect of additional vehicles using classified total traffic and HGV flows, thereby expressly accounting for the influence of additional large vehicles on each assessed link. Where

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			percentage increases appear comparatively high, this is often a consequence of the low baseline traffic and HGV flows recorded on rural links and should be considered alongside the relatively limited absolute number of additional movements forecast. Had the baseline surveys been undertaken during a period of greater seasonal agricultural activity, the recorded baseline traffic and HGV flows would reasonably be expected to have been higher. Assuming the same forecast construction traffic, this would have resulted in a lower percentage increase in total traffic and HGV movements than reported in the assessment. The survey timing therefore does not understate the proportional change associated with the Proposed Development and may, in this respect, produce a more conservative assessment of the percentage increase. Section 3.10 of the **Outline Construction Traffic Management Plan [REP2-103]** provides for temporary passing places to be identified by the Contractor through the detailed CTMP where required, with their locations and associated arrangements to be agreed with North Yorkshire Council. This process will enable the detailed arrangements to take account of the characteristics of vehicles using the route, including agricultural traffic where relevant, and to ensure that suitable opportunities for vehicles to pass are provided where necessary. When considered alongside the temporary nature of the construction programme, the limited absolute number of additional movements and the controls secured through the detailed Construction Traffic Management Plan, this provides

ExQ	Question to	Question	Applicant's Response
			further confidence that construction traffic can be appropriately accommodated. The absence of a separate harvest-period uplift therefore does not alter the conclusions of **ES Volume 1, Chapter 14: Traffic and Movement [REP2-041]** or the **Transport Assessment [REP2-077]**.
Q1.14.3	The Applicant	**Construction traffic numbers – worst case scenario** Paragraph 14.7.3 of ES Chapter 14 [REP2-041] explains that construction vehicle forecasts have been estimated based on other similar solar developments, the MW capacity at each location and the length of the construction programme. Table 5-1 of the Transport Assessment contained within ES Appendix 14.1 [REP2-077] sets out the assumed generating capacities and associated HGV movements for each SDS. The total capacity figure of 608MW presented is based on a scheme using single axis tracker panels (as confirmed in [REP1-004]) whereas a fixed south facing panel layout would generate approximately 662MW and require more panels (as confirmed by para 9.6.4(3) of ES Chapter 9 [APP-047]). In light of this: a) confirm whether the Transport Assessment has assessed construction traffic based on single axis tracker panels or fixed south facing panels and therefore the realistic worst-case scenario in terms of traffic movement. b) provide a breakdown of the construction traffic requirements associated with the installation of single axis tracker panels and fixed south facing panels having regard to any differences	a) It can be confirmed that the **Transport Assessment [REP2-041]** was prepared on the basis of single-axis tracker panels. This assumption was adopted as tracker panels were considered the most likely technology for a development of this scale, given their generally higher performance, and therefore represented the most realistic scenario for the assessment. b) It is recognised, however, that a fixed-panel solution could require a greater number of panels and consequently could in theory, result in a higher number of HGV deliveries, depending on the technology and detailed design of the Proposed Development. For comparison, a capacity of 608 MW was estimated to require approximately 920,640 panels. Based on an assumed standard container capacity of 500 panels, this would equate to approximately 1,841 HGV deliveries. A fixed-panel scenario based on 662 MW (1,002,696 panels) would result in approximately 2,005 HGV deliveries, around 164 additional deliveries compared with the single-axis tracker scenario presented in the **Transport Assessment [REP2-041]**. Spread across an average 304-day construction period for the Solar Development Sites (programmes ranging from 79 days up to 670 days), this

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		in terms of the number of panels and supporting infrastructure. c) if the construction traffic forecasts in table 5-1 of the Transport Assessment are based on a single-axis tracker panel layout, provide equivalent forecasts for a fixed south facing panel layout and confirm whether this would alter the total HGV movements, peak construction traffic flows or any conclusions of the Transport Assessment. Where changes arise, update the relevant tables, figures and assessment results accordingly.	would equate to an average of 1 additional HGV delivery per day across the network. c) The **Transport Assessment [REP2-041]** will be updated at Deadline 4 to demonstrate the potential variation in construction traffic forecasts associated with the alternative panel types on the basis of the above scenario, the scale of the potential increase associated with a fixed-panel solution is limited and would not materially affect the assessed construction traffic impacts or alter the conclusions of the **Transport Assessment [REP2-041].**
Q1.14.4	The Applicant	**Construction traffic movements** Table 14-20 of ES Chapter 14 [REP2-041] and table 5-7 of ES Appendix 14.1 [REP2-077] both contain numerical figures on forecast construction movements. In both tables, odd numbers are identified in relation to average daily HGV/ LGV movements despite these being cited as two-way movements. Paragraph 14.10.54 of ES Chapter 14 also explains that, during the construction phase there could be an average of 790 daily vehicle movements in total (two-way) including 291 HGVs. These figures differ to those contained within table 5-7 of ES Appendix 14.1 which indicate a total of 750 average daily vehicle movements (comprising of 251 HGVs and 499 LGVs and cars). a) Explain why odd numbers are cited for average HGV/ LGV movements when they are identified as being two-way movements and comment on whether these should be	a. The Applicant confirms that the odd numbers presented within Table 14-20 of **Chapter 14: Traffic and Movement [REP2-041]** and **Table 5-7 of ES Volume 3, Appendix 14.1: Transport Assessment [REP2-077]** arise because the figures are rounded and represent average daily vehicle movements across the relevant construction period. Although individual vehicle trips would result in an arrival and corresponding departure and would therefore generally generate an even number of two-way movements on a particular day, the average calculated across a longer construction period can result in either an odd or even number. The Applicant therefore does not consider that the use of odd numbers within the average daily forecasts represents an error or that these figures require rounding to the next even number. Rounding the calculated average to an even number would not make the average more representative of the forecast construction activity.

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		rounded up to provide a more accurate assessment. b) Explain and account for the differences in the total average daily vehicle numbers cited in table 5-7 and paragraph 14.10.54 and, if necessary, update and amend the documentation accordingly so the figures are consistent throughout.	b. The Cable Route Corridor construction vehicle forecasts were provided by the cable route contractor and are presented in Table 5-5 of the **Transport Assessment [REP2-077]**. These forecasts indicate that, on a typical construction day, up to 120 HGVs could access the Cable Route Corridor, equating to 240 HGV movements. During the assessment process, it was subsequently advised that the scale of cable route corridor works would be reduced by approximately 50% during the four-month wintering bird season. On this basis, the forecast 240 daily HGV movements would reduce to 120 daily HGV movements during those four months. Averaged across a 12-month period, this results in 200 daily HGV movements, as reflected in the traffic forecast tables in Table 5-7 of the **Transport Assessment [REP2-077]** and Table 14-20 of **Chapter 14 [REP2-041]** of the Environmental Statement. The figure quoted in paragraph 14.10.54 of **Chapter 14: Traffic and Movement [REP2-041]**, which refers to an average of 291 HGVs, is therefore incorrect and appears not to have been updated to reflect the subsequent reduction in the scale of Cable Route Corridor works during the wintering bird season. To clarify, the assessment initially assumed a worst-case level of 240 HGV movements per day throughout the construction programme. Following advice that activity would be reduced during the wintering bird season, the average construction traffic forecast was revised accordingly. The resulting forecast

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			is 750 total vehicle movements per day, of which 251 are HGV movements. This table will be updated at Deadline 4. Additionally, paragraph 5.2.12 in the **Transport Assessment [REP2-077]** states that "No peak trip assumption has been added" for the Cable Route Corridor trips. While this was originally true as outlined above, this is no longer the case. This text will be updated for Deadline 4 to reflect that there is a difference between the average and peak HGV trips associated with the Cable Route Corridor.
Q1.14.5	The Applicant North Yorkshire Council	**Swept path and junction analysis drawings** The updated drawings contained in ES Appendix 14.1 [REP2-077] are noted and welcomed. However, the Examining Authority notes several of the drawings only show swept paths demonstrating access or egress from one direction despite those accesses lying along proposed construction routes which suggest traffic could approach and exit those sites from both directions. Examples include Drawing Nos EN0110012/APP/LVS/06.03.14.B.T001_3; EN0110012/APP/LVS/06.03.14.B.T002_1; EN0110012/APP/LVS/06.03.14.B.T002_2 and EN0110012/APP/LVS/06.03.14.B.T003_1. Additionally, some of the junction visibility analysis drawings submitted at deadline 2 are also in black and white and not colour. Therefore, the applicant should: a) provide swept path analysis drawings demonstrating access and egress can be achieved in both directions where accesses are located along construction routes that	a) The Applicant notes this comment and confirms that the swept path analysis provided for each access (in Annex B of the **Transport Assessment [REP2-077]**) has been undertaken on the basis of the construction routing strategy shown in **ES Volume 2, Figure 14.4 Construction Routing [APP-113]**. The analysis therefore reflects the anticipated direction of approach and departure for construction vehicles. The Applicant acknowledges that, at some accesses, construction vehicles could potentially approach or depart from an alternative direction. A review of each access has therefore been undertaken to identify where additional swept path analysis is appropriate. The outcome of this review is set out below: • Site 1 – EN0110012/APP/LVS/06.03.14.B.T001_2 – Wheldrake Lane: HGVs would not route via Escrick Village. The swept path analysis therefore shows HGVs arriving from and departing to the east only. • Site 1 – EN0110012/APP/LVS/06.03.14.B.T001_3 – Skipwith Road: HGVs would not route via Skipwith

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		could allow such use and if such drawings are not considered necessary, explain why and how the Examining Authority can be satisfied access from only one direction (as shown) would be secured given the construction routes allow movement in both directions b) update and amend the junction visibility drawings that are in black and white so that these are shown in colour. The applicant's response to the LIR reference LIR-NYC-53 [REP2-117] explained that a swept path analysis drawing is not considered necessary for the Wheldrake Lane/ Main Street junction to the east of SDS1 given its existing arrangement and use. Therefore, NYC should: c) advise whether it is agreeable and content with the applicant's position and, if not, give its reasoning.	Village and would therefore arrive from and depart to the north only. The construction route to the south is for cable route corridor access only. • Site 2 – EN0110012/APP/LVS/06.03.14.B.T002_1 – A63: Construction vehicles are proposed to route to/from the A1(M) to the west. However, as vehicles could potentially approach from or depart to the east, additional swept path analysis will be undertaken and will be provided in the updated documents to be submitted at Deadline 4. • Site 2 – EN0110012/APP/LVS/06.03.14.B.T002_2 – emergency access on the A63: Construction vehicles are proposed to route to/from the A1(M) to the west. However, as vehicles could potentially approach from or depart to the east, additional swept path analysis will be undertaken and will be provided in the updated documents to be submitted at Deadline 4. • Site 3 – EN0110012/APP/LVS/06.03.14.B.T003_1 – Hillam Common Lane: Construction vehicles are proposed to route to/from the A1(M) to the north and west. However, as vehicles could potentially approach from or depart to the east, additional swept path analysis will be undertaken and will be provided in the updated documents to be submitted at Deadline 4. • Site 4 – EN0110012/APP/LVS/06.03.14.B.T004_1 – Roe Lane: Construction vehicles are proposed to approach from and depart to the south. However, as vehicles could potentially approach from or depart to the north, additional swept path analysis will be undertaken and will be provided in the updated documents to be submitted at Deadline 4.

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			• Site 4 – EN0110012/APP/LVS/06.03.14.B.T004_2 – Haddlesey Road: Construction vehicles would approach from and depart to the east. HGVs would not route through Birkin Village and, consequently, swept path analysis for HGV movements to/from the west has not been undertaken. • Sites 6 and 7: Construction vehicles would route to/from the A162 to the west. • Site 8 – EN0110012/APP/LVS/06.03.14.B.T008_1 – Phillip Lane: Construction vehicles would approach from and depart to the south only. • Site 8 – EN0110012/APP/LVS/06.03.14.B.T008_2 – A63: The submitted swept path analysis shows vehicles approaching from and departing to the east on the A63. However, as vehicles could potentially approach from or depart to the west, additional swept path analysis will be undertaken and will be provided in the updated documents to be submitted at Deadline 4. • Site 8 – EN0110012/APP/LVS/06.03.14.B.T008_3 – Scalm Lane: Construction vehicles would approach from and depart to the north via the B1222. To summarise, additional swept path analysis will be provided where movements from an alternative direction could reasonably occur. Where an alternative approach or departure is not proposed, the Applicant will make this clear in updates to the outline CTMP at Deadline 4 to ensure that this is secured. In those locations, additional swept path analysis is therefore not considered necessary.

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			Similarly, if, the updated swept path analysis indicates that certain directions for access cannot be safely taken, these will be precluded in updates to the oCTMP, alongside confirmation as to how this aligns with the assumptions in the Transport Assessment. b) The Applicant confirms that the junction visibility drawings will be updated to show colour for Deadline 4
Q1.14.6	The Applicant North Yorkshire Council	**Construction traffic routes and highway improvement works - SDS 3, SDS6 andSDS8** Section 12 of NYC's LIR [REP1-006] notes sections of the proposed construction routes serving SDS3 (Austfield Lane), SDS6 (Common Lane, South Milford) and SDS8 (Common Lane, Hambleton) could be less than 5.5m wide. Whilst the Order limits extend along some of these routes, they do not cover Austfield Lane or a section of highway between eastwards of the second railway bridge between SDS6 and SDS7. The applicant should, therefore: a) explain what measures would be adopted to manage traffic over the section of highway that crosses the railway bridge between SDS6 and SDS7 (or signpost where it can be found in the application documents) b) if improvement works are required outside the Order limits, including along Austfield Lane, explain how would they be secured. Additionally, NYC is to: c) confirm whether the broad locations for highway improvement works along the above routes (as identified on the Works Plan [AS-	The Applicant acknowledges the matters raised by North Yorkshire Council in its Local Impact Report regarding sections of the construction routes serving Solar Development Sites 3, 6 and 8 where the existing carriageway width may be constrained. With regard to Common Lane serving Solar Development Sites 6 and 7, the Applicant acknowledges that the carriageway narrows in the vicinity of the railway bridge and that this section requires careful management of construction traffic. This was considered during the Applicant's site visit with North Yorkshire Council, where it was recognised that traffic management would be required to ensure that other highway users, including pedestrians and cyclists, can continue to use Common Lane safely during construction. Where construction vehicles are required to pass through constrained sections of the route, the detailed Construction Traffic Management Plan (CTMP) will identify and secure suitable traffic management measures in consultation with North Yorkshire Council. The measures available would include temporary traffic signal control to manage opposing vehicle movements through

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		004]) are agreeable (accepting further details would be approved post-consent).	constrained sections of the route, the use of passing places to provide opportunities for construction vehicles and other road users to pass safely, and temporary restrictions or controls on construction vehicle movements where required. The precise measures would respond to the characteristics of the individual section of highway and would be agreed with North Yorkshire Council through the detailed CTMP. The existing signal-controlled arrangement at the railway bridge provides an established means of managing traffic through this constrained section, which could be supplemented or adjusted through the detailed traffic management arrangements where required. The process of agreeing the detailed CTMP will finalise the appropriate measures with North Yorkshire Council having regard to the characteristics of the route and the construction activities taking place. This would allow construction vehicle movements to be appropriately managed through constrained sections of the highway and minimise potential conflicts with other road users. b. With regard to Austfield Lane, the Applicant acknowledges the constrained width of sections of the route and the potential requirement for passing opportunities to facilitate construction traffic movements. The Applicant has considered the approach adopted for the consented Hillam Grange Solar development, which also proposes the use of Austfield Lane for construction traffic. That scheme provides for temporary passing places within the existing highway boundary, together with other measures secured through its Construction Traffic Management Plan. North Yorkshire Council did not raise an objection to the use of Austfield Lane in that case subject to

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			the provision of the temporary passing places and associated construction traffic management measures. The Applicant proposes to adopt the same principle for the Proposed Development, providing opportunities for construction vehicles and other road users to pass without requiring permanent widening of the carriageway or reliance on third-party land outside the highway boundary. The precise locations and detailed arrangements for the temporary passing places will be developed through the detailed Construction Traffic Management Plan and agreed with North Yorkshire Council prior to construction. This approach reflects the established local precedent for managing temporary solar construction traffic on Austfield Lane and provides an appropriate mechanism for accommodating the temporary increase in HGV movements associated with the Proposed Development. The Applicant is in discussion with the street works team in North Yorkshire Council to arrange a meeting, which will include discussion around traffic management proposals on Austfield Lane and Common Lane. Following a previous meeting with NYC Highways, the Applicant is preparing a plan to illustrate the proposed traffic management measures.
Q1.14.7	Network Rail	**Railway assets and access to SDS8** Two potential access points are proposed to SDS8 which cross Network Rail land. During the construction period an average of 16 trips (4 HGVs and 12 LGVs/ cars) equating to 32 two-way movements (8 HGVs movements	Not for Applicant to respond on.

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		and 24 LGV/car movements) per day are predicted in association with SDS8. During the peak construction period these could increase to 28 trips (5 HGVs and 23 LGVs/cars) or 56 two-way movements (10 HGV movements and 46 LGV/car movements per day) according to the information in Tables 14-24 of ES Chapter 14 [REP2-041] and Table 6-3 of ES Appendix 14.1 [REP2-077]. Network Rail is to: a) advise and comment on the suitability and use of the two proposed southern routes whether there is any preference or reason why one or both of these routes should not be used b) provide justification and reasoning to support your position.	
Q1.14.8	The Applicant North Yorkshire Council	**Construction traffic route - SDS4** Appendix B of the applicant's written summary of oral submissions at ISH1 [REP1-004] contains a note in response to action point ISH1-15 [EV5-010] on why the construction route through West Haddlesey has been chosen over other alternatives. Whilst the conclusions of that note are acknowledged, the route via Gateforth considered in that note differs to that of a proposed construction route to SDS4 via Gateforth and along Hillam Road and Roe Lane shown on ES Figure 14.4 (Sheet 8) [APP-113]. Given that this route has already been identified as suitable for construction traffic the applicant should: a) comment whether the construction route via Gateforth and along Hillam Road and Roe Lane could be used for all construction traffic as an alternative to that through West	The Technical Note submitted at Deadline 1 within the Written Summary of the **Applicant's Oral Submissions at Issue Specific Hearing 1 [REP1-004]** was prepared for the specific purpose of explaining the selection of the construction route from the A19 via West Haddlesey to the southern access to Solar Development Site 4 on Birkin Road. The scope of that note was therefore limited to the alternative routes available for accessing that particular part of Solar Development Site 4 and was not intended to constitute a comprehensive review of the construction routing arrangements for all Solar Development Site 4 accesses. The Applicant's wider construction traffic strategy seeks, where practicable, to serve Solar Development Sites from more than one direction and to distribute construction traffic between available access points. The Applicant has subsequently considered whether Gateforth New Road could provide an appropriate approach to the northern Solar

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		Haddlesey. If this route is not considered preferable, explain why with reasoning b) explain, if this route were to be used instead of the route through West Haddlesey, what implications would this have on the findings of the assessment NYC is to provide: c) comments on the use of the route via Gateforth and along Hillam Road and Roe Lane for all construction traffic as an alternative to that through West Haddlesey.	Development Site 4 accesses (via Hillam Road and Roe Lane), whilst retaining the route via West Haddlesey for the southern Solar Development Site 4 access. The principle of applying the same reasonable worst-case Solar Development Site 4 trip generation to Gateforth New Road for assessment purposes has previously been considered by the Applicant. The Applicant intends to undertake additional traffic surveys on Gateforth New Road to provide baseline data against which the potential traffic effects of this routing arrangement can be assessed. The collection of this data has been affected by temporary roadworks, and the Applicant considers that undertaking surveys while those works are in place would be unlikely to provide a representative baseline of normal traffic conditions. In the interim, the Applicant has reviewed the Department for Transport count point located on Gateforth New Road (Count Point 800974). The latest available AADF estimate is from 2019 and records approximately 755 vehicles per day, including 21 HGVs. The 2019 figure is itself estimated using the previous year's data, with the most recent manual count having been undertaken in 2018. The Applicant therefore acknowledges the limitations of using this information as evidence of current traffic conditions and does not propose to rely upon it as a replacement for the additional surveys. Nevertheless, the DfT data provide a useful high-level indication of the relative scale of traffic on Gateforth New Road. Applying the same reasonable worst-case Solar Development Site 4 traffic generation assessed on the West Haddlesey route, approximately 78 additional two-way vehicle

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			movements per day would represent an increase of approximately 10% against the 2019 Gateforth New Road AADF of 755 vehicles. By comparison, the equivalent Solar Development Site 4 traffic assignment to Haddlesey Road results in a substantially greater proportional increase because of the lower baseline flow on that route. A similar relationship is apparent for HGVs. The DfT data record 21 HGV movements per day on Gateforth New Road. On an indicative basis, adding the same Solar Development Site 4 HGV movements would therefore result in a lower proportional change in HGV traffic than occurs on the lower-flow West Haddlesey route. This comparison should not be treated as a substitute for the proposed contemporary surveys, but it provides an initial indication that diversion of Solar Development Site 4 construction traffic to Gateforth New Road would not be expected to result in a greater proportional traffic effect than that already assessed for the West Haddlesey route. The Applicant also notes that Gateforth New Road already forms part of the construction traffic strategy for access to the Cable Route Corridor. The Applicant is therefore progressing further assessment of Gateforth New Road as a potential route to the northern Site 4 accesses. The additional survey data will provide the appropriate baseline for confirming the magnitude of change and the associated assessment conclusions. The proposed routing arrangement would retain access to the southern Solar Development Site 4 access via the West Haddlesey

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			route whilst providing an alternative approach to the northern Solar Development Site 4 accesses. The Applicant will seek to provide an oral update on progress with this at the November hearings and update the **Transport Assessment [REP2-077]** and **oCTMP [REP2-103]** as necessary at Deadline 4.
Q1.14.9	North Yorkshire Council	**Cable Access Locations** Cable route access locations are identified in table 14-23 of ES Chapter 14 [REP2-041] and whilst no visibility splay assessment has been undertaken of these junctions at this stage, these are located within the Order limits. Paragraphs 3.7.5 of the oCTMP [REP2-103] explains that details of these would be subject to agreement with the Local Highway Authority. With reference to the applicant's response to the LIR reference LIR-NYC-58 [REP2-117], NYC should: a) confirm whether this is an acceptable approach, and that it is satisfied that details could be agreed post-consent, noting the locations of these are within the Order limits b) identify any specific cable access locations where NYC consider further assessment is required at this stage to demonstrate feasibility.	Not for Applicant to respond on.
Q1.14.10	The Applicant	**Monk Fryston roundabout** Paragraph 14.10.60 of ES Chapter 14 [REP2-041] indicates that construction vehicles and staff trips accessing SDS2, SDS6 and SDS7 are forecast to route via the A63/A162 Monk Fryston roundabout,	The Applicant acknowledges that the traffic movements shown on the individual arms of the junction do not sum to the overall total. This is not an error, but reflects the methodology used to assign Cable Route Corridor construction traffic to the highway network.

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		accumulating to 198 daily two-way movements at this junction. Paragraph 14.15.14 states "The Proposed Development could add 120 movements in total to the A63 Main Street arm of the junction (60 in and 60 out), and 44 movements to the A162 northern arm (22 in and 22 out)". The applicant is to check and explain the difference between the two numbers cited. If this is an error, update and amend the documentation accordingly.	The total forecast Cable Route Corridor movements represent construction activity across the corridor as a whole. As construction activity will move progressively along the corridor, traffic has been assigned to the individual access routes and highway links that could be affected to demonstrate the worst-case localised impact on each link. These link-level traffic flows should therefore not be summed to derive the overall traffic total. Where routes from individual Cable Route Corridor access locations converge onto the same section of the highway network, the assessment does not add together the traffic associated with each access. To do so would effectively assume that the same underlying corridor construction activity was occurring independently at each access and would therefore double count traffic as it progresses towards the strategic road network. Instead, traffic is aggregated at points of convergence so that the underlying Cable Route Corridor activity is counted only once. By way of example, there are 120 movements assigned to the A63 Main Street arm of the A63/A162 roundabout, 44 movements to the northern A162 arm and a further 58 movements on the A162 south of the roundabout. Although these figures total 222 movements, there would not be 222 movements through the junction as both the A63 and A162 link flows include traffic associated with individual Cable Route Corridor accesses, and not all accesses would be in use at the same time. Where those routes converge at the junction, the Cable Route Corridor traffic is accounted for only

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			once, as reflected in the traffic flows shown on the A63 west of the roundabout. The methodology has ensured that traffic associated with Cable Route Corridor accesses is represented on each of the local roads potentially affected, providing an appropriate assessment of the worst-case impact on individual links, whilst avoiding double counting where access routes converge onto the wider highway network.
Q1.14.11	The Applicant	**Replacement works traffic management** Paragraph 14.10.90 of ES Chapter 14 [REP2-041] states that "…. relevant measures to manage replacement traffic, consistent with the oCTMP are detailed in the oOEMP". Section 2.6 of the oOEMP [REP2-091] only refers to maintenance activities and not replacement works whilst table 3-12 explains that if replacement activities are expected to generate more than 12 HGV movements at a SDS, then a reassessment of transport impacts would be carried out. The applicant should: a) update section 2.6 of the oOEMP to explain how measures to manage traffic associated with replacement works would be identified, agreed and secured b) confirm whether the figure of 12 HGVs refers to overall total movements or some other specified period c) explain upon what basis has the 12 HGV figure been determined as a relevant trigger for identifying whether a reassessment is required. What guidance or evidence is this based upon.	a) Section 2.6 of the **oOEMP [REP2-091]** will be updated to include a requirement for the detailed OEMP to include the requirement for each Site Manager to record HGV movements during replacement activities. These monitoring records shall be retained and made available to the Local Highway Authority on request. b & c) A trigger point of 12 movements was identified as this is the forecast peak number of movements associated with the construction of a Solar Development Site as outlined in Tabel 5-7 of the **Transport Assessment [REP2-077]**. Therefore, if replacement traffic exceeds these peak movements covered by the assessment an updated assessment would be required and mitigation measures agreed with North Yorkshire Council.

ExQ	Question to	Question	Applicant's Response
Q1.14.12	The Applicant North Yorkshire Council	**Footpath 35.59/6/1** Paragraph 13.3 of NYCs LIR [REP1-006] confirms that footpath 35.56/6/1 has been subject of a stopping up order but is still shown on the Figure 13.3 [APP-109]. Given this, NYC is to: a) confirm whether the stopping up order affects the whole route of footpath 35.56/6/1 or part of the route b) provide a plan showing which section of the route is affected and (if any) which remains intact. The applicant is to: c) provide updated figures and documents that reflect the correct status of this route d) confirm whether the proposed closure of this route alters any of the assessment findings such as increased use and potential increase risk and conflicts with users of Common Lane, South Milford as a result of displacement.	The Applicant understands that the route referred to at paragraph 13.3 of NYC's LIR **[REP1-006]** is footpath 35.59/5/1, rather than footpath 35.59/6/1 (or 35.56/6/1, as stated in the question). Footpath 35.59/5/1 ran from Common Lane through Solar Development Sites 6 and 7 towards the industrial site (Table 13-19 of **ES Chapter 13 [REP2-039]**). It was extinguished by a Rail Crossing Extinguishment Order under section 118A of the Highways Act 1980, promoted by Network Rail (order reference ROW/3344780), which the Planning Inspectorate confirmed in November 2025 (response to SOC-39 [AS-036]). The order is separate from, and not required for, the Proposed Development. Footpath 35.59/6/1, along Turpin Lane in Solar Development Site 6, remains open. It is the subject of a Definitive Map Modification Order application (SEL/2021/01/DMMO) seeking a change of status to bridleway (Table 13-22 of **ES Chapter 13 [REP2-039]**). The PRoW baseline was compiled from NYC's definitive mapping data and a ground-truthing survey on 5 September 2025, before the mapping had been updated, although the order was confirmed. This is why footpath 35.59/5/1 is shown on **ES Figure 13.3 [APP-109]** and in the **Outline Public Rights of Way Management Plan (oPRoWMP) [APP-199]**. The Applicant will submit updated versions of both at Deadline 4. *Effect on the assessment findings* **ES Chapter 13 [REP2-039]** assessed footpath 35.59/5/1 as a PRoW receptor, with a minor adverse (not significant) effect during construction and decommissioning (Table 13-21). With the route extinguished, that receptor no longer exists and the

ExQ	Question to	Question	Applicant's Response
			effect reported for it falls away. The closure does not increase any effect of the Proposed Development on PRoW users. *Displacement onto Common Lane, South Milford* Any displacement of former users onto Common Lane results from Network Rail's order rather than the Proposed Development. This displacement is already underway as the route was closed ahead of the Stopping up Order, and therefore the impact has already been assessed. This assessment is detailed below: ▪ Solar Development Sites 6 and 7 are both accessed from Common Lane (Section 2.1 of the **oPRoWMP [APP-199]**), so construction traffic will use it. **ES Chapter 14: Traffic and Movement [REP2-041]** assesses fear and intimidation for users of Common Lane, South Milford, and Tables 14-30 and 14-31 show a 'Small' level both in the baseline and with construction traffic (response to SMPC-24 **[PDV-005]**). The fear and intimidation assessment is based on traffic flow, HGV composition and vehicle speed; pedestrian numbers are not an input to the calculation of the hazard score. Accordingly, an increase in pedestrian use of Common Lane would not, in itself, alter the assessed fear and intimidation category. ▪ Construction traffic will be managed through the **oCTMP [REP2-103]**, including prescribed routes, signage, warning signs where sensitive receptors cross construction routes, and banksmen at site access junctions where required (Tables 3-11 and 3-12 of the **oCEMP [REP2-089]**). Road closures or temporary traffic management would be notified at least seven days in advance.

ExQ	Question to	Question	Applicant's Response
			▪ The solar development is generally set back more than 10m from Common Lane, separated by retained vegetation and new native hedgerow and tree planting (**Outline Environmental Masterplans [EN0110012/APP/LVS/02.12] [updated alongside this submission]; Works Plans [AS-004]**). ▪ The Applicant has committed to a permissive path forming a loop around Solar Development Site 7 for pedestrians, cyclists and equestrians (Work No. 10C), and to a permissive path at Solar Development Site 6 linking Turpin Lane (footpath 35.59/6/1) to Common Lane and creating two circular routes (Section 4.2 of the **oPRoWMP [APP-199]**). Together these provide off-road alternatives to walking along Common Lane. Section 4.2 of the **oPRoWMP [APP-199]** describes the Solar Development Site 7 permissive path as connecting Common Lane to footpath 35.59/5/1, whereas the Applicant's response to SOC-39 **[AS-036]** describes it as connecting Common Lane onward to footpath 35.59/6/1. The Applicant will update the **oPRoWMP [APP-199]** and **oLEMP [REP2-095]** at Deadline 4 to confirm that the path connects to the retained network and does not rely on the extinguished route. *Conclusion* The extinguishment of footpath 35.59/5/1 does not change the conclusions of **ES Chapter 13 [REP2-039]** or **ES Chapter 14 [REP2-041]**. Effects on PRoW and recreational routes remain minor adverse (not significant), and the permissive paths at Solar Development Sites 6 and 7 provide off-road alternatives for walkers.
Q1.14.13	The Applicant North Yorkshire Council	**Permanent diversion of footpath 35.28/3/1** A section of footpath 35.28/3/1 (as shown on Sheet 2 of ES Figure 13.3 [APP-109]) is proposed to be	Footpath 35.28/3/1 runs south from Manor Farm, off Skipwith Road, towards Pallion Dike and Low Cover Wood within Solar Development Site 1. As recorded in Table 3-3 of the **Outline**

ExQ	Question to	Question	Applicant's Response
		permanently diverted where it passes through the BMA, resulting in the loss of the existing north-south connectivity currently enjoyed by users. The applicant is to: a) explain whether consideration has been given to retaining footpath 35.28/3/1 in-situ rather than its proposed closure (with appropriate fencing or other mitigation measures to minimise potential conflicts between public users and bird habitats) b) if this option has been considered and discounted, explain why it is not considered feasible to retain this route (or signpost to where this can be found in the application documents) NYC is to: c) provide comments and its views on this this matter.	**Public Rights of Way Management Plan (oPRoWMP) [APP-199]**, the existing footpath does not connect to any other PRoW at its southern end and so the permanent diversion would not result in any loss of connectivity. The Applicant proposes to stop up approximately 900m of the footpath and provide a new footpath of approximately 800m, routed along the boundary between the Bird Mitigation Area (BMA) and the solar array footprint. The new route would connect with bridleway 35.67/6/1, which in turn connects with bridleway 35.28/1/1 and onwards to Wheldrake Lane, as shown on Sheet 2 of **ES Figure 13.3 [APP-109]**, thereby increasing connectivity for users. **a) Consideration of retaining footpath 35.28/3/1 in situ** The alignments of existing PRoW have been incorporated into the design of the Proposed Development wherever practicable. Only three PRoW are proposed to be permanently diverted, all within Solar Development Site 1. In the case of footpath 35.28/3/1, the option of retaining the footpath on its existing alignment was considered but discounted for the reasons set out in part b). **b) Reasons for not retaining the existing route** The Applicant does not consider it feasible to retain footpath 35.28/3/1 on its existing alignment through the BMA, for the following reasons: ▪ Purpose of the BMA: the BMA provides mitigation for non-breeding birds using functionally linked land associated with the Lower Derwent Valley SPA and Ramsar site and the Humber Estuary SPA and

ExQ	Question to	Question	Applicant's Response
			Ramsar site. This mitigation underpins the conclusion of no adverse effect on the integrity of those sites in the **Shadow Habitats Regulations Assessment (sHRA) [REP2-023].** As explained at **ISH1 [REP1-004],** the BMA is also designed to provide for ground-nesting birds, which require large, open areas, through seasonal management. The BMA is secured through Work No. 9B and Requirement 7 of the **draft DCO [EN0110012/APP/LVS/03.01]** [updated as part of this submission] and the **oBMAMP [APP-205].** ▪ Disturbance: Natural England has identified the potential for disturbance to wintering and passage birds using the **BMA [REP1-025].** The existing footpath currently runs through the central area of the BMA, and **ES Chapter 12: Ornithology [REP2-037]** identifies existing PRoW use as a current source of disturbance within Solar Development Site 1 (paragraphs 12.13.39 and 12.13.44). Retaining it would bring people, and potentially dogs (off leads), into the centre of the habitat throughout the year. The BMA is designed around open sightlines, including the selective removal of internal hedgerows to reduce visual disturbance for flocking species, and ground-nesting species such as skylark and lapwing prefer large open fields with clear sightlines (paragraphs 12.9.16 and 12.16.16 of **ES Chapter 12: Ornithology [REP2-037])**. Fencing would restrict physical access to the habitat but would not prevent visual and noise disturbance from users of the route and would divide the large open area that the assessed species rely on. **ES Chapter 12: Ornithology [REP2-037]** therefore identifies the diversion of the footpath, with stock fencing along the realigned route to prevent public and dog encroachment, as embedded mitigation within the BMA (paragraph 12.9.16), and concludes that this will

ExQ	Question to	Question	Applicant's Response
			effectively remove current disturbance pressures associated with uncontrolled public access (paragraph 12.13.87). Retaining the existing route would reduce the effectiveness of the BMA as mitigation resulting in localised disturbance during the breeding and non-breeding season. ▪ Connectivity: the existing footpath does not connect to any other PRoW. The diverted route, of a broadly similar length (approximately 800m compared with approximately 900m stopped up), would connect with bridleway 35.67/6/1 and the wider bridleway network, improving onward connectivity for users (Table 3-3 of the **oPRoWMP [APP-199]).** ▪ North–south access: during operation, a new permissive path along the north-west of Solar Development Site 1 would connect footpath 35.28/3/1 and bridleway 35.28/1/1, including a north–south section open to pedestrians and cyclists (Section 4.2 of the **oPRoWMP [APP-199]).** Its provision, surfacing and maintenance are secured through the LEMP Requirement and the **Outline Landscape and Ecological Management Plan (oLEMP) [REP2-095].** ▪ Continuity of access: the diversion would be implemented before construction, alongside the BMA works, and prior to construction of the adjacent parts of Solar Development Site 1 (Section 3.2 of the **oPRoWMP [APP-199]).** The **draft DCO [EN0110012/APP/LVS/03.01]** [updated as part of this submission] requires any alternative route to be provided before the existing route is extinguished (Section 2.6 of the **oPRoWMP [APP-199]),** so there would be no period without a route. ▪ Timing and operational controls: the re-routing and any fencing will be completed during the bird breeding

ExQ	Question to	Question	Applicant's Response
			period (April to August) alongside the BMA works, avoiding disturbance to non-breeding birds (Section 3.2 of the **oPRoWMP [APP-199]**). During operation, PRoW near the BMA will include signage, waymarkers and screening vegetation or fencing to reduce visual and acoustic disturbance (Table 3-10 of the **Outline Operational Environmental Management Plan [REP2-091]**). ▪ Stakeholder engagement: North Yorkshire Council agreed in principle to the proposed diversions in Solar Development Site 1 on 23 September 2025 (Table 13-8 of **ES Chapter 13 - Socioeconomics [REP2-039**]), and engagement with representatives of North Yorkshire paths confirmed their support for the proposed enhancements and diversions (Section 2.4 of the **oPRoWMP [APP-199])**. Details such as widths, surfacing and buffers will be agreed with the Council through approval of the detailed PRoW Management Plan and LEMP. The Applicant therefore considers that diverting footpath 35.28/3/1 along the boundary of the BMA, with a new north–south permissive path, is the most appropriate way of balancing the needs of PRoW users with the effectiveness of the BMA. The overall effect on recreational access is not significant.
Q1.14.14	The Applicant	**Road condition survey** Paragraphs 3.19.1 and 3.19.2 of the oCTMP [REP2-103] explain that a road condition survey would be carried out prior to commencement of construction, with details agreed with NYC prior to a road condition survey being	The road condition survey process is intended to establish the condition of the relevant highway network prior to construction and provide a baseline against which any deterioration attributable to construction activities associated with the Proposed Development can subsequently be identified.

ExQ	Question to	Question	Applicant's Response
		undertaken. On completion of construction activities, a follow-up survey would be undertaken. Explain the mechanism by which this would be agreed and approved and where this is secured?	The mechanism for securing the road condition survey is the Construction Traffic Management Plan which must be approved by North Yorkshire Council prior to the commencement of the Proposed Development. The detailed Construction Traffic Management Plan will be based upon the **Outline Construction Traffic Management Plan (oCTMP) [REP2-103]** which commits to a road condition survey being undertaken prior to commencement of construction, with the scope of that survey, including the routes to be surveyed, agreed with North Yorkshire Council. The Applicant is in discussion with the street works team in North Yorkshire Council to arrange a meeting to talk through the requirements of the survey. Section 3.19.2 of the **oCTMP [REP2-103]** also commits to a follow-up survey on completion of construction activities and requires any issues attributable to construction activities associated with the Proposed Development to be resolved by the Principal Contractor to the satisfaction of North Yorkshire Council. The Applicant considers that these existing commitments provide an appropriate mechanism for identifying and addressing any deterioration attributable to construction traffic. However, if the Examining Authority considers that further certainty is required, the Applicant can amend the relevant outline management plan wording to require the detailed CEMP to confirm that the scope and timing of follow-up road condition surveys, together with the need for and scope of any resultant remedial works, will be agreed with North Yorkshire Council. This would supplement, rather than replace, the existing commitments within the **oCTMP [REP2-103]** and provide

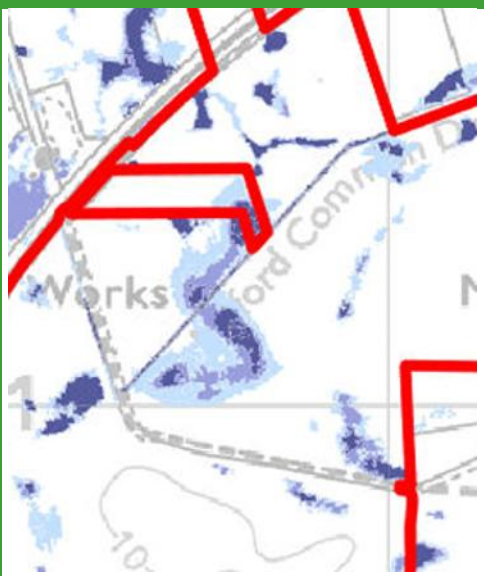
ExQ	Question to	Question	Applicant's Response
			further clarity that both the monitoring of highway condition following construction and any necessary remedial measures would be agreed with the Local Highway Authority.

2.15 Water environment (including Water Framework Directive Assessment and Flood Risk Assessment)

Table 2-15 Applicant's Response to the Examining Authority's First Written Questions: Water

ExQ	Question to	Question	Applicant's Response
Flood Risk			
Q1.15.1	The Applicant	**The risk from surface water flooding to the development** Paragraph 6.2.18 of the FRA [REP2-079] explains the risk from surface water flooding would be "managed through the detailed siting and design of infrastructure, including by applying the committed Design Principle of 10m from the bank top of all watercourses, minimum panel ground clearances, and the minimum finished floor level and freeboard requirements for flood-sensitive assets". ES Figure 15.9 [REP2-054] identifies areas of SDS3, SDS4, SDS6, SDS7 and SDS8 at risk of surface water flooding which may be deeper than 0.4m (the minimum panel ground clearance secured in the DPC [REP2-021]) and greater than 10m away from the bank top of watercourses. The applicant is therefore to confirm if solar panels would: ▪ not be sited in these locations as suggested in the FRA	Some panels will be sited within areas at risk of surface water flooding, but the Solar PVs themselves will be raised above predicted flood levels. The areas of deeper flooding (>400mm) are highly localised. They reflect small-scale variations in site topography and the presence of watercourses, to which a 10m buffer will be applied. For example, this is the case in the extract provided for SDS4, with the linear area of surface water flooding from east to west correlating with the location of a network of ordinary watercourses. There are no notable surface water flow routes originating outside of the Sites, which then pass across the Sites, that are outside of these existing watercourse corridors. More detail is provided below. Review of the site-specific rainfall-runoff modelling undertaken for Solar Development Sites 1 and 2 indicates that areas of surface water flooding that exceed the minimum panel clearance threshold of 0.4 m are highly localised and are predominantly associated with existing watercourses and drainage features. Away from these

ExQ	Question to	Question	Applicant's Response
		▪ be raised above the identified risk of surface water flooding as suggested at ISH1, and if so, what height that would be ▪ be allowed to flood? The extracts from ES Figure 15.9 below are provided as examples to illustrate this risk.  SDS4	corridors, to which a 10m buffer is applied in accordance with the Design Principles, modelled surface water flooding is shallow and almost exclusively below 0.4 m in depth. Accordingly, a specific panel raising height in response to surface water flooding is not considered necessary, because panel heights are driven by the deeper fluvial flooding predicted in these areas. **ES Figures 15.23 – 15.26 [REP2-065 – REP2-068]**, which are to be revised and reissued at Deadline 4 (per the Applicants response to Q1.15.7), will also be amended to highlight the 0.4m threshold. Given their limited extent, and in accordance with the **Design Parameters and Commitments [REP2-021]**, these risks will primarily be managed by detailed panel layout design, including appropriate positioning of solar arrays to avoid areas of localised flooding where practical, or by elevating equipment above flood levels. Any localised raising of panels to accommodate surface water flood risk in areas of ponding will remain within the parameters of the assessed design envelope and maximum development heights secured through the DCO. It has been agreed with the EA that adapting/raising panels is preferable to wholescale ground raising, which could displace or concentrate surface water runoff and potentially increase flood risk elsewhere.

ExQ	Question to	Question	Applicant's Response
		 SDS6	

ExQ	Question to	Question	Applicant's Response
		 SDS8	
Q1.15.2	The Applicant	**Solar panel design flood level** Annex F of the applicant's cover letter submitted at deadline 2 [REP2-001] explains that proposed solar panels at SDS1 would either have their lower edge raised above the design fluvial flood level, or, where this cannot be achieved within the assessed parameters, the layouts would be refined to avoid areas of fluvial flooding. The applicant should: a) confirm the maximum height the lower edge of a proposed solar panel could be raised and remain in the assessed parameters b) confirm the minimum height a proposed tracker solar panel would be when horizontal c) to enable the Examining Authority to understand the spatial extent of SDS1 that	(a) The Applicant confirms that there is not a single fixed maximum parameter for the height of the lower edge of a Solar PV panel above existing ground level. The assessed parameters establish the overall dimensional envelope for the Solar PV infrastructure, including the maximum overall panel height and the minimum lower-edge clearance of 0.4 m above ground level. However, the height of the lower edge varies according to the panel technology selected and the angle of the panel. Accordingly, the precise lower-edge elevation achievable at any particular location will be established at detailed design to remain within the assessed parameter envelope, which

ExQ	Question to	Question	Applicant's Response
		could not accommodate raising the lower edge of the proposed solar panels above the design flood level within the assessed parameters, provide a plan identifying such locations and calculate the total affected area in hectares. Annex F of the applicant's cover letter submitted at deadline 2 also explains that the credible maximum scenario should not be interpreted as establishing a design requirement for the lower edge of the proposed solar panels. However, paragraph 6.3.19 of the FRA [REP2-079] explains the bottom edge of the panel would be set above the flood level associated with the design event plus 300mm freeboard or the credible maximum scenario, whichever is greater. Therefore, the applicant should: d) confirm if one of these documents is erroneous and if so, which approach is correct e) if the solar panels are proposed to be raised above the credible maximum scenario flood level, provide a plan identifying locations where this could not be achieved within the assessed design parameters, together with a calculation of the total area affected (in hectares).	includes specific maximum panel heights above ground level. At Solar Development Site 1, detailed design will seek to position panels such that the lower edge is above the applicable flood level. Where this cannot be achieved within the assessed panel parameters, the panel layout will be refined and panels relocated away from the affected area. The Applicant has confirmed that the Solar PV infrastructure can tolerate flood depths of up to 1.0 m (FRA paragraph ref). Where modelled flood depths exceed this level, and the panel arrangement cannot be refined to accommodate the flood level within the design parameters in that locale, panels would not be retained in those locations, and the detailed layout would be adjusted accordingly. The **Design Parameters and Commitments [REP2-021]** document will be updated at Deadline 4 to make this clear. (b) If a tracking panel type is used, the assessed maximum height of the panel when horizontal or in a 'stow' position is 2.5 m above ground level (FRA paragraph ref). (c) Please see response to (e) (d) The Applicant confirms that paragraph 6.3.19 of the **FRA [REP2-079]** correctly describes the design approach applicable to Solar Development Site 1. For panels within the relevant flood extents at Solar Development Site 1, the detailed design will seek to position the lower edge of panels above the design flood level plus 300 mm freeboard, or above the credible maximum scenario

ExQ	Question to	Question	Applicant's Response
			flood level where this is higher, within the assessed panel parameters. The statement in Annex F of the Deadline 2 cover letter was intended to clarify that the credible maximum scenario does not establish a general or scheme-wide design standard requiring all Solar PV panels to remain above the credible maximum flood level. This level is only used to inform the panel elevations if it higher than the design flood level (1% AEP plus climate change) plus 300mm freeboard. This is a means of managing the residual flood risk at the Sites. The Applicant acknowledges that the wording of Annex F did not make sufficiently clear the distinction between the use of the credible maximum scenario as a residual flood-risk assessment scenario across the Scheme; and its role in informing the detailed elevation of panels within the relevant flood extents at Solar Development Site 1. For clarity, at Solar Development Site 1, as reported in the **FRA [REP2-079]** the detailed design will seek to accommodate the higher of the design flood level plus freeboard and the credible maximum scenario flood level within the assessed panel envelope. Where this cannot be achieved, the layout will be refined and panels relocated. (e) As reported in Table 6-3 and the following paragraphs of the **FRA [REP2-079]** the Solar PV panel area of Solar Development Site 1 that intersects the Credible Maximum Scenario (CMS) flood extent is 17.5ha (approximately 5%). With reference to paragraph 6.3.9 **[REP2-079]** the maximum modelled flood depth within Solar Development Site 1 under

ExQ	Question to	Question	Applicant's Response
			this scenario is approximately 1.25 m. As the CMS results in worst-case flood depths, these have been used to provide a conservative assessment. The design parameters (**Design Parameters and Commitments [REP2-0217])** allow for fixed south-facing Solar PV Panels with a tilt angle of between +10 and 35 degrees from horizontal and a maximum panel height of 3.5 m above ground level. On the basis of these parameters, there is flexibility within the design envelope to vary the elevation of the lower edge of the panel while remaining within the assessed maximum height. Accordingly, the Applicant has not identified any location where the maximum flood depth of 1.25 m would, in itself, prevent the Solar PV Panels from being raised above the modelled flood level within the assessed design parameters. The final panel layouts, elevations, tilt angles and resulting lower-edge heights would be determined at detailed design stage, taking account of the flood model results and the other requirements of the agreed design parameters. As no locations have presently been identified where achieving an elevation above the CMS flood level would necessarily fall outside the assessed design parameters, the Applicant does not consider that a separate plan identifying such locations is necessary.
Q1.15.3	The Applicant Environment Agency	**Loss of flood storage** Paragraphs 6.3.13 and 6.3.20 of the FRA [REP2-079] identify 6,626m3 and 991m3 loss of flood storage in the River Ouse and River Aire catchments respectively, due	The assessment of potential floodwater displacement was discussed at length and agreed with the EA. The assessment concludes that the proposed solar PV areas, and the calculated volumes of floodwater they would

ExQ	Question to	Question	Applicant's Response
		to the proposed development in SDS1, SDS3 and SDS4. Can the applicant confirm if it proposes to provide compensatory storage in accordance with paragraph 5.8.30 or 5.8.31 of NPS EN-1? The Environment Agency is to provide its view on the loss of flood storage and whether opportunities exist to compensate for it.	displace, will have a negligible impact on off-site flood risk in the credible maximum scenario. Section 6.3 of the **FRA** [**REP2-079**] reports in full that the corresponding predicted increases in flood depths, calculated on the basis of conservative assumptions, are minimal (< 1 mm), which is presented alongside a supporting GIS assessment of the connected floodplain. Whilst 6,626 m³ may appear substantial in isolation, when considered within the context of the hydraulically connected floodplain associated with the modelled event, it equates to an increase in flood level of below 1mm when distributed. Additional mitigation measures such as the proposed scrapes in the Bird Mitigation Area on Solar Development Site 1 are also likely to further reduce any residual effects. The total area of these scrapes is anticipated to be around 8 ha, with final details to be confirmed during detailed design. The EA has agreed that compensatory floodplain storage is not required on the basis of the current assessment, which demonstrates no material loss of floodplain storage. As set out in the **FRA** [**REP2-079**] and the **oCEMP** [**REP2-089**], the detailed CEMP will identify any localised changes to ground levels required during construction and confirm, through site-specific assessment where necessary, that existing floodplain storage and overland flow routes are maintained and that flood risk is not increased elsewhere. Any mitigation measures identified through this process will be implemented prior to the relevant works commencing.
Q1.15.4	The Applicant	**Risk of reservoir flooding**	The Applicant acknowledges that a residual risk remains from reservoir flood events. The consequence of a reservoir failure would depend on whether the failure occurred during

ExQ	Question to	Question	Applicant's Response
		The proposed SDS3 and SDS4 are identified at risk of reservoir flooding. The applicant is to explain what would the consequence of a reservoir failure be for the proposed development, and would flood sensitive equipment remain operational during a flood? If not, could it be quickly brought back into operation without significant refurbishment in accordance with policy F7 of the NPPF? In addition, the applicant is to explain what discussions have been held with the relevant reservoir owner(s) and whether the proposed development increases risks that would require the reservoir owners to increase their standard of protection, in accordance with paragraph 5.8.18 and footnote 191 of NPS EN-1.	a fluvial flood (wet-day), or during low flow (dry-day) conditions and it should be noted that the Risk of Flooding from Reservoir flood maps show the areas that could be affected in either case, but they do not indicate the likelihood of such an event occurring. The likelihood of reservoir failure remains extremely low due to strict safety standards. The chances of a Large Raised Reservoir breach occurring at the same time as the peak of a 1% AEP flood is sufficiently remote for this to be managed as a residual risk. The SFRA for North Yorkshire states the following: "*Reservoir flooding is extremely unlikely to happen. There has been no loss of life in the UK from reservoir flooding since 1925*." The consequence of a reservoir failure occurring would potentially be severe for local residents, businesses and infrastructure. This residual risk is managed in the UK through a combination of strict legislation (Reservoir Safety Act, 1975), routine structural oversight, national mapping, and emergency planning. All Large Raised Reservoirs must be inspected and supervised by reservoir panel engineers appointed by Defra on a yearly basis. As the enforcement authority for the Reservoirs Act 1975 in England, the Environment Agency is responsible for ensuring that reservoirs are inspected regularly and essential safety work is carried out. In an emergency, precautionary evacuation of a community at risk will take place using well-established and practised procedures set up in accordance with the Civil Contingencies Act (2004). Decisions will be made by the relevant organisations such as the police, the Environment Agency and the dam operator (which in this case is the EA) and will

ExQ	Question to	Question	Applicant's Response
			include advice from the Engineer responsible for the reservoir appointed by Defra under reservoir safety legislation. It should be noted that reservoir breach flooding represents a residual risk associated with an exceptionally remote failure scenario, rather than a flood event for which mitigation measures are normally designed. As such, the assessment focus is on ensuring that residual risks are recognised and can be safely managed through appropriate emergency planning and operational procedures, including the Flood Warning and Evacuation Plan (FWEP) and the wider Environmental Management Plan suite. The Applicant considers that the relevant policy consideration is whether this residual risk can be appropriately recognised and managed, consistent with paragraph F7(c) of the NPPF. The FWEP recognises and explicitly addresses this residual risk. Furthermore, the residual reservoir risk assessed is predicated on continued operation of the relevant reservoir infrastructure. Whilst the Proposed Development is nationally significant, the reservoir is already classified as High Risk, so locating the Proposed Development within the reservoir's associated inundation zone, does not alter its risk category. Nor does it affect the reservoir's infrastructure, operations, or probability of failure.
Q1.15.5	The Applicant Environment Agency	**Reservoir at Wistow** Considering the reservoir referred to in the Environment Agency's representation [REP1-019], both parties are to collaborate to confirm the following:	The Applicant confirms ongoing engagement with the EA to obtain further information regarding this flood storage reservoir and the Applicant responded to the EA representation in **The Applicant's Response to Submissions**

ExQ	Question to	Question	Applicant's Response
		▪ what is the current condition of the relevant defences ▪ what is the likelihood of issues occurring during the construction phase of the proposed development ▪ how could foreseen issues be avoided or what mitigation is proposed ▪ what additional mitigation would be required should shifting or cracking of the defences occur and what delay would this have to the construction phase ▪ what the consequence would be if a defence associated with the reservoir failed	**Received at Deadline 1 Statutory Bodies (Version 1) [REP2-118]** on this basis. The EA AIMS data shows a Water Storage Basin (Asset ID 343025) in this location in 'Fair' condition; no further information is currently available. It is understood that this asset functions as a flood storage reservoir for the River Ouse and falls under the Reservoirs Act 1975 due to the available storage volume. Under normal conditions, the area is dry. The associated flood defence has been considered by the Applicant. An assessment of interactions with the flood defence is provided in paragraph 7.2.6 of **Appendix 15.1: Flood Risk Assessment** [**REP2-079**] and a summary of known information regarding the flood defences are also provided in paragraph H.4.4 of **Appendix 15.1: Flood Risk Assessment** [**REP2-079**]. The EA AIMS data reports the defence associated with the flood storage reservoir is in Good condition. There are no foreseen issues associated with this that warrant specific mitigation measures over and above those already established. Measures to avoid and manage potential impacts are set out within **Appendix 15.1: Flood Risk Assessment** [**REP2-079**] and the **outline Construction Environmental Management Plan (oCEMP)** [**REP2-089**]. This includes mitigation measures such as pre- and post- construction condition surveys and monitoring during the construction works. A contingency plan for use if embankments become damaged, or if shifting/cracking appears, will be produced prior to

ExQ	Question to	Question	Applicant's Response
			works commencing and is secured via the **oCEMP** [**REP2-089**]. Should any evidence of damage or deterioration be identified, works would cease and the contingency plan implemented. Any resulting programme implications would depend on the nature and extent of the issue identified. It is noted that the EA will have control of all works that may affect the structure pursuant to their Protective Provisions in the DCO. The consequences of failure of a defence associated with the flood storage reservoir would depend on the nature, location and timing of the failure. The inundation plans included on the Environment Agency's Flood Map are designed to provide an indication of the areas that could be affected under the extremely low probability of a failure occurring. Such events represent a residual risk and are considered within **Appendix 15.1: Flood Risk Assessment** [**REP2-079**]. The assessment focuses on ensuring residual risks are recognised and can be safely managed through the FWEP and CEMP. Through the implementation of best practice measures and methods, such as locating construction compounds outside of Flood Zone 3, and the use of trenchless construction techniques, the Proposed Development can be constructed such that it does not affect the operation, integrity or management of the flood storage reservoir. Furthermore, the construction of the Cable Route Corridor which crosses this area will be limited to April – October [**REP2-027**, paragraph 2.7.4] avoiding likely wetter winter periods.

ExQ	Question to	Question	Applicant's Response
Q1.15.6	The Applicant	**Figure 15.10** ES Figure 15.10 revision 1A submitted at procedural deadline A [PDA-011] identifies areas at risk of rivers and sea flooding including climate change for years 2070 to 2125. Revision P02 submitted at deadline 2 [REP2-055] identifies different areas at risk of flooding with climate change and does not provide a relevant time period. The applicant is to explain why these revisions differ, and to confirm if they use the same dataset to identify the risk of flooding from climate change?	The Applicant notes this discrepancy and confirms that the data used is the current NaFRA2 data. The previously issued **Figure 15.10: Risk of Flooding from Rivers and Sea revision 1A** [**PDA-011**] contained a graphical error; the 'Flood Zones with Climate Change' dataset contains two layers (1) Flood Zones with Climate Change and (2) Climate Change Data Unavailable in this Area. In revision 1A, both layers shared one symbology. This error was fixed and **Figure 15.10: Risk of Flooding from Rivers and Sea** subsequently reissued as revision P02 [**REP2-055**], which displays the correct symbology for the two layers. This can be cross-referenced with the online Flood Map for Planning. The relevant time period is 2070 – 2125, as is shown within the layer name in the key.
Q1.15.7	The Applicant	**Direct rainfall modelling figures** ES Figure 15.23 revision P02 submitted at deadline 2 [REP2-065] identifies a much larger area at risk of flooding than revision P01 [APP-137]. The same observation is made for all 15.23 figures submitted at deadline 2 when compared to those submitted when the application was accepted. The applicant is to explain why these figure revisions differ, and confirm if the same dataset was used?	The Applicant confirms the direct rainfall modelling presented within **ES Figures 15.23 – 15.26 revision P01** [**APP-137 to APP-140**] and revision P02 [**REP2-065 to REP2-068**] is based on the same underlying modelling dataset. The difference between the revisions relates to the presentation of the model outputs only. Direct rainfall modelling applies rainfall across the entire modelled surface. Consequently, very shallow depths of surface water are present across all of the model domain as runoff is generated and conveyed across the land surface. These very shallow depths do not represent flooding but rather the normal response of the model to rainfall being applied to the terrain.

ExQ	Question to	Question	Applicant's Response
			In revision P01, modelled flood depths of less than 5mm (0.005m) were excluded. This is typical to remove very shallow rainfall that is not generally indicative of flooding and allows areas of concentrated runoff and ponding to be identified more clearly. The 5mm (0.005m) threshold was selected because for the majority of rainfall events the first few millimetres of rainfall do not generate runoff and are instead lost to interception, infiltration and evaporation processes. Revision P02 does not have this presentation filter applied. As a result, all flooding within the 0 – 0.05m band is displayed, including depths below 0.005m). This therefore also displays the widespread direct rainfall in the region of 0mm – 5mm rather than any increase in predicted flood risk. These figures will be updated at Deadline 4 to apply the presentation threshold consistently with revision P01 and an explanatory note will be added to clarify the treatment of modelled depths below 5mm.
Q1.15.8	The Applicant	**Cable corridor – fluvial risk** Paragraph H.2.33 of the FRA [REP2-079] explains ES Figure 15.15 [REP2-057] identifies "a small area of the northern corner of Compound 2 lies within the modelled flood extent the design event". ES Figure 15.15 appears to only identify SDS compounds and not cable construction compounds. The applicant should clarify the specific sheet of ES figure 15.15 that the aforementioned paragraph is referring to or	The Applicant confirms that the Cable Construction Compounds are shown on **Figure 15.14: Spatial Flood Defences** [**APP-128**]. Paragraph H.2.30 of the **FRA** [**REP2-079**] refers to this figure and Table H-1 identifies the Flood Zone classification of each Cable Construction Compound. The flood risk assessment of the Cable Construction Compounds was informed by the relevant hydraulic modelling outputs shown in **Figure 15.15: Design Event [REP2-057]**, including the modelled flood depths reported in

ExQ	Question to	Question	Applicant's Response
		update the figure to identify all construction compounds relative to the risk of fluvial flooding.	paragraphs H.2.33 and H.2.34, but these are not shown on a specific Figure with the Cable Construction Compounds. The reference in paragraph H.2.33 of the **FRA** [**REP2-079**] to Figure 15.15**: Design Event** [**REP2-057**] is an erroneous cross-reference. **Figure 15.15: Design Event** [**REP2-057**] presents the modelled design event for the Solar Development Sites and does not show the Cable Construction Compounds. There is therefore no specific sheet of Figure 15.15**: Design Event** [**REP2-057**] to which paragraph H.2.33 relates. Similarly, the reference in the following paragraph H.2.34 to **Figure 15.16: Credible Maximum Scenario Depth** [**REP2-058**] will also be corrected. The **FRA** [**REP2-079**] will be revised at Deadline 4 to correct these figure references and clarify the basis of the assessment. The Applicant does not consider that an additional figure is required, as the locations of the Cable Construction Compounds are already identified on **Figure 15.14: Spatial Flood Defences** [**APP-128**].
Drainage			
Q1.15.9	The Applicant	**Surface water drainage** The proposed development would introduce many impermeable elements (solar panels and supports, smaller electrical infrastructure associated with solar panels, substations, BESS area, access tracks, etc) which could potentially have important drainage impacts locally and cumulatively if not addressed on each site. The oDS [REP2-085] provides little quantification of the impact of	The Applicant considers that the **Outline Drainage Strategy (oDS)** [**REP2-085**] provides appropriate quantification of the proposed surface water drainage arrangements. Section 5.2 of the **oDS** [**REP2-085**] establishes the drainage hierarchy, design standards, and allowable discharge controls and provides indicative attenuation calculations for the impermeable development areas.

ExQ	Question to	Question	Applicant's Response
		the proposed development on surface water runoff or the sustainable drainage systems (SuDS) proposed. The oDS proposes to discharge surface water to ground in the first instance which would be subject to further investigations. However, the Examining Authority notes from the ES that infiltration may not be feasible due to ground conditions, the presence of groundwater and the need to protect groundwater bodies. In these circumstances, the oDS proposes to discharge surface water to watercourses. However, it does not identify the receiving watercourse for each proposed impermeable area or assess the catchment's suitability to accept the discharge. Section 5.2 of the oDS explains that, should a discharge to a ground or surface waterbody be unachievable, then the drainage hierarchy would be followed and a discharge to the public sewer network would be considered as the final resort. However, the Examining Authority notes that annexes A to G of the FRA [REP2-079] state "no existing sewers or private drainage systems have been identified" within any of the proposed solar development sites. It is therefore not clear from the oDS how surface water runoff from the proposed development would be managed to prevent increasing flood risk elsewhere and demonstrate compliance with paragraph 5.8.15 of NPS EN-1. Therefore, the applicant is to: a) provide a high-level calculation of the effect of all impermeable areas for each solar development site, setting out the existing rates and volumes of surface water run-off	The drainage approach has been developed through consultation with the EA and the relevant Internal Drainage Boards, as summarised in the **Flood Risk Assessment** [**REP2-079**]. In particular, consultation with the Ouse and Derwent IDB established the key surface water principles that Solar PV areas and access roads constructed from Type 3 materials are to be treated as permeable, whilst BESS, substations and access roads constructed from Type 1 materials treated as impermeable. These treatments are in accordance with relevant standards and best practice referenced within the **oDS** [**REP2-085**], including NPS EN-3. The **oDS** [**REP2-085**] applies these agreed principles. Solar PV panels are not treated as an impermeable ground cover; as explained in Section 5.3. Panels are elevated to allow light penetration, do not form continuous ground coverage, and rainfall will runoff onto maintained vegetated ground. Internal Solar PV access tracks would similarly be of permeable construction. Accordingly, the sustainable drainage approach for these areas is specifically intended to retain the existing greenfield runoff response/rates rather than collecting and positively draining rainfall from panels as though they constitute a conventional impermeable surface like a roof or paved car park. Conversely, the areas giving rise to a material change in runoff response are the BESS and substation compounds. For these areas, the maximum impermeable development area and their associated runoff controls are already quantified in of the **oDS** [**REP2-085**]. Table 5-3 illustrates the

ExQ	Question to	Question	Applicant's Response
		generated by the site and their existing catchments b) provide outline drainage layouts for each site showing potential SuDS discharge points or connections with existing drainage features, the type of drainage features that could be used and exceedance routing c) explain how the proposed SuDS have been integrated with other aspects of the proposed development such as open space or green infrastructure, and describe the multifunctional benefits they would provide.	maximum anticipated compound areas and presents conservative attenuation requirements for three scenarios (infiltration, partial-infiltration and no-infiltration). The **oDS** [**REP2-085**] reflects that site-specific infiltration testing is a requirement and must be evidenced prior to discounting infiltration as a viable means of full or partial discharge by the NYC SuDS design guide. Given the setting of the Proposed Development, infiltration may be achieved via appropriately sized features despite anticipated low infiltration rates. The anticipated location and maximum size of these features is shown on **Indicative Engineering Drawings** [**REP2-071**]. Where infiltration is not viable, runoff would be attenuated prior to discharge to a suitable receiving watercourse at an appropriate controlled rate, with the final drainage arrangements and outfall locations confirmed following site-specific investigation and development of detailed layouts with the detailed strategy secured by Requirement 10 of the **draft DCO** [**REP2-004**]. The reference to sewers is expressly the final option in the hierarchy; it is not anticipated that this will be required. For the reasons above, the Applicant considers that the oDS already presents the relevant calculations including catchment areas, existing runoff and proposed discharge rates (for various scenarios), and attenuation volume estimates.

ExQ	Question to	Question	Applicant's Response
			The **Indicative Engineering Drawings** [**REP2-071**] illustrate the attenuation features in the form of centralised lagoons based on the attenuation volumes presented in the oDS. The existing surface water networks and catchments are also identified in **Figure 15.1** [**APP-115**] and the **FRA** [**REP2-079**]. Across the Proposed Development, numerous field margin drains ultimately convey flows to the wider IDB-maintained networks (highlighted on **Figure 15.1** [**APP-115**]). Suitable discharge routes have been established in principle and have informed the drainage strategy. It is not considered appropriate to identify definitive outfall locations at this stage, as this could inadvertently constrain the detailed design process before the necessary site-specific investigations have been completed. However, with reference to **Figure 15.1** [**APP-115**], nearby watercourses to the substations and BESS include: • SDS 1 Substation – arterial field drain draining to Ouse & Derwent IDB drain to the south. • SDS 2 BESS and Substation – Selby IDB drain to the south (Causeway Dyke). • SDS 4 Substation – Selby IDB unnamed drain to the south. The final form, size, layout, location, number and type of drainage feature(s) including SuDS, together with final discharge points, will depend on the final detailed layouts and results of site-specific infiltration testing. This information has implications for the size of drainage features required and their optimum locations, therefore provision of more detailed layouts at this stage is not possible and it is considered sufficient to establish that the land take required

ExQ	Question to	Question	Applicant's Response
			to accommodate appropriately sized infiltration features can be achieved, as shown on the Indicative drawings. SuDS attenuation features have significant potential to be designed with amenity and biodiversity in mind. The detailed design would be developed in collaboration with landscape architects and ecologists, using best practice guidance including the SuDS Manual (CIRIA, 2015) and the National Standards for SuDS. SuDS that provide attenuation, with or without infiltration, together with water-quality treatment and opportunities for vegetated habitat creation. The detailed form and planting of individual features will be coordinated with the landscape and ecological proposals at detailed design. The ODS and the OLEMP will be updated at Deadline 4 to ensure that these coordination activities happen and are reported upon in the detailed versions of those plans.
Q1.15.10	The Applicant	**Solar panel runoff** Section 5.3 of the oDS [REP2-085] sets out that solar panels would drain freely onto the surrounding vegetated ground with no introduction of hard infrastructure such as pipework, manholes or storage features. Furthermore, that grass or wildflower cover would be present across the proposed solar panel areas. The applicant is to: a) confirm what assessment of the soil type and topography has been undertaken to conclude runoff from the proposed solar panel areas would not have adverse effects on discharge rates, soil erosion and siltation deposition	In accordance with national policy and the drainage hierarchy, infiltration will be pursued as the primary means of surface water disposal wherever this is feasible. The objective will be to minimise impacts on the existing patterns of runoff. Rain falling on the panels will runoff directly to the adjacent ground surface. A minimum of 2.5-metre-wide vegetative areas will be maintained in between the solar arrays to prevent erosion, enhance the ground's infiltration capacity and prevent channels from forming over the ground surface. The panels themselves will be a minimum of 400mm above the ground surface allowing light penetration and shade-tolerant vegetation establishment under the panels.

ExQ	Question to	Question		Applicant's Response
		b)	explain to what extent tracking solar panels would affect the ground cover due to the vegetation receiving (presumably) significantly less sunlight.	All of the agricultural land within the Solar Development Sites has been subject to soil and Agricultural Land Classification (ALC) survey, with representative samples also taken within the Cable Route Corridor. The soil surveys have identified four main soil types within the Order Limits, broadly defined as: 1) Clay loam or clay topsoils over slowly permeable clay subsoils (Soil Type1); 2) Sandy loam or sandy clay loam topsoils over sandy or coarse loamy subsoils (Soil Type 2); 3) An amalgamation of the clay and sandy soil types (Soil Type 3); and 4) Clay loam or silty clay loam textures throughout, with permeable subsoils (Soil Type 4). In locations where the ground has very low permeability (clay soils), more water will runoff over the surface than in areas of sandy loam, reflecting the existing drainage of the site. By avoiding positive drainage infrastructure, all runoff will therefore flow either into the ground, promoting groundwater recharge, or over the ground, which will comprise vegetated surfaces. The vegetation will attenuate the flow and help prevent rills (shallow erosion features) from forming. This technique of draining the solar arrays is considered the most sustainable at this site. The approach is supported by NPS EN-3, the Ouse and Derwent IDB (as detailed in Table 15-6 of **Chapter 15: Water Resources and Flood Risk (ES Volume 1)** [**REP2-043**]), and previous studies, including a paper within the Journal of Hydrologic Engineering on the hydrological implications of solar

ExQ	Question to	Question	Applicant's Response
			farms (Ref 20). This study concluded that solar panels should not have a significant impact on run-off volumes, peak rates or time to peak rates, providing the ground beneath them remains well vegetated. The Applicant considers that tracking solar panels do affect the ground cover below panels due to the vegetation receiving less sunlight. The shading associated with solar arrays favours shade-tolerant planting using species such as creeping red fescue, rough-stalked meadow grass, and wood meadow-grass. This will be able to be confirmed pursuant to the management requirements set out in section 4.6 of the **oLEMP** [**REP2-095**]. Such planting will receive moisture from runoff from upslope panels, presenting another reason not to introduce a positive outfall and drain this water away. Vegetation will play a key role in managing erosion and runoff and will be managed in accordance with the **Outline Landscape and Ecological Management Plan** [**REP2-095**].
Q1.15.11	The Applicant	**Drainage of access roads** The oDS [REP2-085] does not clearly differentiate between temporary and permanent access roads and internal roads. Furthermore, the oDS does not appear to calculate runoff volumes for proposed roads or alteration of existing public and private roads and seems to provide flexibility for impermeable surfaces at detail design. In addition, the applicant's response to representation reference IDB-11 [REP2-109] explained surfacing would be permeable where feasible and where high flows or overtopping are possible, more robust or reinforced	The Applicant considers that Section 5.6 of the **oDS** [**REP2-085**] already distinguishes the relevant types of access road. Paragraph 5.6.2 addresses access tracks serving the BESS and substations, which may be impermeable; paragraph 5.6.3 addresses internal Solar PV access tracks, which are proposed to be of permeable construction; and paragraph 5.6.7 separately addresses temporary construction accesses.

ExQ	Question to	Question	Applicant's Response
		surfaces may be required. The applicant is to review the oDS to provide clarity between temporary and permanent access roads and internal roads; and review the DPC [REP2-021] and oCEMP [REP2-089] to ensure consistency.	Section 5.7 highlights that temporary drainage measures must also be provided as described in the above sections to ensure that surface water is adequately controlled, with flow rates mimicking greenfield conditions. For the BESS and substation areas, the attenuation estimates in Table 5-3 of the **oDS** [**REP2-085**] are based on the whole impermeable area assumptions for the compounds. This includes any access tracks and hardstanding within the compound footprint. Accordingly, runoff from any impermeable access tracks is already captured within the attenuation estimates. The Applicant has reviewed the relevant provisions of the **DPC** [**REP2-021**] and **oCEMP** [**REP2-089**]. These should be read with the above distinction. The oDSwill be amended for clarity to explicitly label the permanent BESS/substation accesses, permanent internal Solar PV tracks and any temporary access roads at Deadline 4. However, this would present a clarification rather than a change to the assessed drainage approach. Where an impermeable access road forms part of the final design, runoff from that surface will be incorporated into the detailed drainage catchment and managed in accordance with the principles in the **oDS** [**REP2-085**] and the drainage details approved pursuant to Requirement 10. Paragraph 5.6.6 further confirms that swales, cross-drains and basins may be incorporated where detailed alignment and topography indicate that these are required. The

ExQ	Question to	Question	Applicant's Response
			statement in **The Applicants Response to Relevant Reps (Part 1)** [**REP2-109**] regarding the use of more robust surfacing in locations susceptible to high flows is consistent with paragraph 5.6.4 of the **oDS** [**REP2-085**] and does not alter the underlying drainage principles. Runoff from impermeable access roads will be attenuated and may be drained over-edge via grass verges into linear SuDS features such as swales. Such features may also be designed to provide attenuation, via the incorporation of check dams or similar, or may provide conveyance to a centralised attenuation feature. This infrastructure cannot be designed in detail without ground investigation and infiltration testing data.
Q1.15.12	The Applicant Lead Local Flood Authority Environment Agency Ouse and Derwent Internal Drainage Board The Selby Area Internal Drainage Board	**Existing land drainage** Paragraph 5.7.10 of the oDS states "Where land use changes from agricultural use to solar PV, existing agricultural land drainage systems would no longer be required. Where there is the potential for interaction with existing land drains that are required to be retained, their locations would be identified through pre-construction surveys and measures implemented to avoid, protect and/ or divert them where practicable". This suggests that existing land drainage systems may be removed, or not protected, during the lifetime of the proposed development, unless identified as required to be retained. All parties are to provide a view on what extent this could affect the water environment and whether removal or alterations to agricultural land drainage systems should be included in drainage plans to be submitted and approved through requirement 10 of the draft DCO?	The Applicant considers that the interpretation in the question does not reflect paragraph 5.7.10 of the **oDS** [**REP2-085**] when read in full. Paragraph 5.7.9 requires existing agricultural drainage infrastructure not to be obstructed, damaged or compromised during construction. Paragraph 5.7.10 then requires land drains affected by construction to be identified and avoided, protected or diverted as appropriate and expressly provides that any drains temporarily disturbed or damaged will be reinstated, diverted or otherwise made good so that existing surface-water and land-drainage arrangements are maintained post-construction. Paragraph 5.7.11 additionally provides for the reinstatement or equivalent replacement of drains at decommissioning where agricultural use is restored.

ExQ	Question to	Question	Applicant's Response
			Within the areas used for Solar PV, existing under-drainage systems will no longer serve a critical purpose, indeed re-wetting of the soils may have ecological benefits. It is anticipated that land drains may be removed within Bird Mitigation Areas for the creation of scrapes and in addition may be required elsewhere within the Order Limits. However, it will be important to ensure that the proposals do not interfere with land drainage systems on adjacent farmland in accordance with paragraph 5.7.9. There is therefore no intention to remove existing land drainage indiscriminately or to permit an adverse effect on wider drainage systems. The Applicant therefore confirms that in the scenario where any permanent removal, diversion or material alteration of an existing land drain is identified, this would be included in the detailed drainage plans submitted pursuant to Requirement 10 of the **draft DCO [REP2-004]**. The Applicant also proposes to amend paragraph 5.7.10 of the oDS at Deadline 4 in line with the above and to provide clarity that an existing land drain would only be permanently removed or altered where the detailed drainage design demonstrates that it is no longer required and that its removal would not adversely affect land drainage, surface-water management or third-party land.
Q1.15.13	The Applicant Lead Local Flood Authority	**Planting near watercourses** The updated DPC [REP2-021] submitted at deadline 2 states that "planting within the 10m buffer of Ouse and Derwent IDB watercourses will only be on one side of the	The commitment in the **DPC** [**REP2-021**] to restrict planting to the side of an Ouse and Derwent IDB watercourse from which the IDB does not work responds to the particular

ExQ	Question to	Question	Applicant's Response
	Environment Agency Ouse and Derwent Internal Drainage Board The Selby Area Internal Drainage Board	watercourses and will be on the side that the IDB don't work from". Parties are to provide a view whether the same, or similar, commitment should be made for all other watercourses?	operational maintenance access requirements agreed with the IDB. For other watercourses, the **oLEMP** [**REP2-095**] provides the appropriate general controls, including a minimum 10 m buffer where practicable and the siting of trees adjacent to ditches and rivers only where this would not conflict with access and maintenance requirements. This allows the treatment of each watercourse to respond to its ownership and maintenance arrangements. A blanket requirement for all watercourses to allow planting within the 10 m buffer on one side is not considered necessary and could unnecessarily constrain the landscape and ecological function of the buffers, however, similar agreements could indeed be made with the other drainage authorities provided that access is retained for inspection and maintenance purposes from at least one side.
Q1.15.14	The Applicant Environment Agency	**Substation drainage** The applicant's response to the Environment Agency's representation reference EA13 [REP2-109] explained that the proposed drainage network would incorporate appropriate means of isolation to prevent the uncontrolled release of potentially contaminated water to surface or ground waters and the associated firewater containment measures and capacity would be determined at detailed design. To demonstrate the water environment would be sufficiently protected during a fire event, the applicant is to:	The Applicant agrees that potentially contaminated firefighting water from a substation fire must be capable of being isolated from the wider water environment. a) A quantified firewater volume for substation fires is not appropriate to fix at this stage as it will depend on the final substation equipment, layout and firefighting strategy. This is different from the BESS, for which a defined boundary-cooling scenario is adopted. The **oDS** [**REP2-085**] requires dedicated containment for oil-filled transformers. Paragraph 5.5.10 – 5.5.11 in the **oDS** [**REP2-085**] already requires the required firewater containment capacity to be defined at

ExQ	Question to	Question	Applicant's Response
		a) quantify the volume of firefighting water that would be required and demonstrate how and where that would be contained b) explain why the BESS drainage mitigation measures set out in table 3-13 of the oOEMP [REP2-091] are not relevant for fire events at a proposed substation In relation to its representation on this matter, the Environment Agency is to: c) confirm if it is principally concerned with the proposed substation at SDS4 due to the underlying strata, or if the same concerns apply to SDS1 and SDS2.	detailed design. In addition, the estimated surface water attenuation and firewater storage requirements for the BESS are also shown on **the Indicative Engineering Drawings [REP2-071].** b) The BESS measures in Table 3-13 of the **oOEMP** [**REP2-091**] respond to the particular characteristics of a BESS fire, including the adopted defensive/boundary-cooling strategy. Section 5.4 of the **oDS** [**REP2-085**] consequently establishes specific BESS containment arrangements. Those particular design assumptions are not directly transferable to a substation fire; oil-filled transformers have dedicated bunded containment and segregated drainage arrangements. However, the underlying environmental protection principle is applicable to both: potentially contaminated firefighting water must be capable of being isolated and contained so that it cannot be released uncontrolled to surface water or groundwater. The Applicant therefore proposes to make this outcome explicit for the substations in Table 3-13 of the **oOEMP** [**REP2-091**] at Deadline 4 to align with Section 5.5 of the **oDS** [**REP2-085**].
Water resources			
Q1.15.15	The Applicant	**BESS cooling system**	The wording in the **Water Resource Assessment** [**REP2-107**] states '*For the purposes of this assessment, it is*

ExQ	Question to	Question	Applicant's Response
		The Water Resource Assessment [REP2-107] explains that the BESS cooling systems implemented would be closed loop and therefore would not result in significant consumptive water use. Can the applicant signpost where the commitment to a closed loop system is set out within the application documents?	*assumed that the BESS cooling systems implemented will be closed-loop and therefore will not result in significant consumptive water use.*' This is based on the current thinking and the typical systems used with regards to the project but is not committed to within the application documents. Most modern utility scale BESS suppliers now use liquid cooling systems, which are closed loop. If they are not using this, they would likely be using an air-cooled system using HVAC fans and would use less water than the proposed closed-loop system. Therefore, a closed loop system is the worst case in terms of water demand for BESS cooling for the Proposed Development. The estimates of water demand utilised in the WRA are intended to demonstrate the general feasibility of water supply options rather than provide finalised figures. The water demand estimates will be refined as the design progresses. The next steps presented in Section 5.2 of the WRA recognises the need to '*Reassess BESS cooling requirements once system specifications are confirmed, to determine if additional operational water demand should be included.*'
Q1.15.16	The Applicant	**Watercourse crossing assessment** Paragraphs 7.4.15 to 7.4.20 of the Water Environment Regulations Assessment [REP2-081] identify several proposed watercourse crossings on the same waterbody or within the same catchment, each of which is assessed as resulting in minor or negligible effects. The applicant is to:	Table 7-3 (surface water) and Table 7-4 (groundwater) within the **Water Environment Regulations Assessment** [**REP2-081**] consider overall effects at the watercourse level per water body. The text within Section 7.4 has considered the cumulative effects of having multiple minor or negligible effects within one water body arising from the Proposed Development. However, to make this clear Table 7-3 and

ExQ	Question to	Question	Applicant's Response
		a) signpost where the combined or cumulative effects of these crossings have been considered within the assessment Similarly, table 15-21 of ES Chapter 15 [REP2-043] identifies several projects which have a potential for cumulative impacts from coinciding construction and operation phases. The applicant is to: b) signpost where the effects of cumulative watercourse crossings across all projects for each waterbody or catchment have been considered within the assessment.	Table 7-4 will be updated at Deadline 4 to include an extra column to state the overall effect at the water body level (all of which will be minor or negligible) having considered in-combination/cumulative effects. Within **ES Chapter 15 – Water Resources and Flood Risk [REP2-043]**, the sections below Table 15-21 'Potential cumulative effects' column have assessed the potential cumulative impact of the Proposed Development and other plans/projects happening in combination. This assessment considered effects to surface water quality and groundwater quality and concludes that no likely significant effects would arise with assumed mitigation applied by the Proposed Development and other projects which would have carried out their own WER assessment to inform what those measures should be. As such, these conclusions would be able to be applied to the WER assessment (i.e. those same mitigation measures would prevent deterioration/ prevention of an improvement in status in WER waterbodies/ catchments). However, the Applicant acknowledges that this matter is not specifically covered in the submitted WER Assessment. As such, for Deadline 4, the information available on watercourse crossings for the developments highlighted in Table 15-21 will be reviewed and the consideration of cumulative effects on WER waterbodies/ catchments will be added in to the Water Environment Regulations Assessment.
Q1.15.17	The Applicant Canal and River Trust	**Watercourse crossing depth** The Canal and River Trust is to: a) provide further reasoning for requesting, in its relevant representation [RR-0177], a minimum 5m cable	The 50 m offsets from Canal and River Trust Watercourses (e.g. the River Ouse) are set out in the **oCEMP [REP2-089]** for construction works including stockpiling of materials, HDD pits and oil/fuel storage. The DPC secures the setbacks for relevant permanent works.

ExQ	Question to	Question	Applicant's Response
	Environment Agency	crossing depth for the River Ouse including the risk and implications if lower depths were used The Environment Agency is to: b) provide a view on the requested 5m cable crossing depth and whether potential interactions with ground waterbodies would be a concern The applicant is to: c) explain why the 50m offset from the bank top for all watercourses only appears committed to for the proposed solar generating stations (Work No.1) and the BESS (Work No.2), as set out in the DPC [REP2-021] d) explain why this commitment is not extended to the proposed construction works (e.g. oil and fuel storage, stockpiles, HDD entry and exit pits etc).	As set out in the **oCEMP [REP2-089]** the only exception to this is where watercourse crossings are required (access tracks / cable routing /fencing will be located to pass across existing watercourse crossings where feasible).
Q1.15.18	The Applicant	**Haul road culvert crossings** Paragraph 5.3.7 of the Water Environment Regulations Assessment [REP2-081] explains that culverts required for the proposed haul roads were assumed to be in place for a maximum of 2 years as a worst case for the purposes of the assessment. The applicant is to explain how this 2 year period is secured in the draft DCO.	The Applicant will update the **oCEMP** [**REP2-089**] for Deadline 4 to confirm that if longer than 2 years is required, the Applicant will consult with the Environment Agency and IDB.
Q1.15.19	The Applicant	**Hydrogeological impact assessment** The oCEMP [REP2-089] states "A Hydrogeological Impact Assessment will be prepared (as required)". The applicant is to explain what is meant by "as required" and how this would be determined and by whom.	The requirement for HIA will be determined by the Applicant and their designers in consultation with the Environment Agency at detailed design stage. In practical terms, this would be undertaken in consultation with the EA, given that they would otherwise simply state that one is required when consulted on the draft CEMP pursuant to Requirement 12 of the draft DCO.

ExQ	Question to	Question	Applicant's Response
			This will be informed by targeted ground investigations required to support the detailed design of certain elements of the Proposed Development. In particular, groundwater level data will be used to establish whether temporary construction dewatering is required for the construction of BESS and substation foundations, and for HDD entry and exit pits. Where temporary construction dewatering is identified as necessary, an HIA will be undertaken.

2.16 The draft Development Consent Order

Table 2-16 Applicant's Response to the Examining Authority's First Written Questions: draft DCO

ExQ	Question to	Question	Applicant's Response
Q1.16.1	The Applicant	**Explanatory Memorandum** Paragraph 1.5.3 of the Explanatory Memorandum [REP2-007] states "Outside of the main construction period, there will be commissioning and connection to the National Grid. The timing of these works is dependent on National Grid". To what extent does this relate to Work No.4 and what implications would this have on the construction period?	This statement does relate to Work No. 4, which comprises works to the National Grid substation to facilitate connection of the authorised development to the National Grid. The connection works and commissioning are within National Grid's operational boundary hence why the timing of these works is dependent on National Grid but are authorised through the DCO to ensure planning consent is granted. As set out in paragraph 4.2.1 of the **Grid Connection Statement [APP-222],** National Grid will oversee the installation of the 275 kV Air Insulated Switchgear (AIS) works to the existing National Grid Monk Fryston 275kV substation spare bay by the Applicant. These works form part of Work No. 4.

ExQ	Question to	Question	Applicant's Response
			The point of the sentence in the Explanatory Memorandum was to make the point that, within the construction period of the Proposed Development, National Grid will control when these works happen, but they are fully expected to take place within that overall construction period.
Q1.16.2	The Applicant	**Battery energy storage system** The applicant is to explain: a) what prevents the undertaker only constructing and operating the proposed BESS and not the proposed solar development sites? b) whether the draft DCO could be amended to control the operation of the proposed BESS prior to the final commissioning of the proposed solar development sites to secure it as associated development?	(a) The Applicant is prevented from only constructing the proposed BESS in isolation because that is not what is consented by the DCO. Schedule 1 authorises the solar development sites as the NSIP within Work No. 1 and then goes on to authorise the BESS only as associated development within the meaning of section 115(2) of the 2008 Act. Section 115(2) of the 2008 Act is clear that associated development can only be development associated with development for which development consent is required, in this case, being the solar development as an electricity generating station under section 15 of the Act. As such, the BESS is only authorised by the DCO as associated development to the solar farm. This means that it would be unlawful for the Applicant to construct the proposed BESS in isolation as the DCO only authorises its construction as associated development. If it tried to do so, NYC would be able to refuse to consider Requirement discharges in relation to it and take enforcement action with regards to it. As such, no further control is needed, and the Applicant notes that in this context it is unsurprising to see that there is no such control in other solar DCOs. (b) The Applicant has set out in the Statement of Need and Explanatory Memorandum why the BESS proposed as part of

ExQ	Question to	Question	Applicant's Response
			the authorised development can be considered associated development in size terms. In the same way as A, the Applicant could not construct a BESS that did not continue to meet that test. There is therefore no reason to impose any further control in relation to the timing of the BESS.
Q1.16.3	The Applicant	**Typographical and formatting errors** There are several typographical and formatting errors within the draft DCO which require attention. Examples include: • schedule 4 where it reads "0on sheet..." instead of "on sheet...". There are 53 separate examples of this error. • schedule 5 where it reads "Vehicular access form the A63..." instead of "from the A63". • schedule 7 where it reads "Cl A63" instead of "the A63" or "A63". • There are also instances where table formatting breaks extend across pages resulting in descriptions appearing on separate rows/ pages. This can make it difficult for the reader to follow. The applicant is to check and amend these errors as well as check the draft DCO for any similar such typographical errors or formatting issues.	The typographical and formatting errors highlighted in the question have been corrected. A review of the draft DCO has been completed to identify any other typographical or formatting errors and these are reflected in the draft DCO submitted alongside this submission. The Applicant notes that whilst the table formatting breaks have been updated as per the fourth bullet point in the ExA's question, the interim draft DCO has not been through the SI Validation process and therefore it is not known if this will be acceptable in the final draft.
Q1.16.4	The Applicant	**Incorrect road name references - Skipwith Road and Phillip Lane** Within schedule 5 there are references to 'Philip Lane' and 'Skipworth Road' instead 'Phillip Lane' and 'Skipwith Road'. The applicant is to check and amend these errors as well as check the draft DCO for any similar such typographical errors.	The road name references have been corrected. A review of the draft DCO has also been completed to identify similar typographical errors and these are reflected in the draft DCO submitted alongside this submission.

ExQ	Question to	Question	Applicant's Response
Articles			
Q1.16.5	The Applicant	**Article 2 – Interpretation** The applicant is to: a) review and amend the drafting to include the title, in brackets, for each instance an article or schedule is referenced b) update the Explanatory Memorandum [REP2-007] to explain why it is necessary to include a definition of "applicable period" and why paragraph 1(1) of schedule 2 includes this term rather than "5 years from the date of the Order"? The response should identify any precedent for the approach c) consider amending the definition of authorised development to "means the development described in Schedule 1 (authorised development) and any other associated development within the meaning of section 32 (meaning of "development") of the 2008 Act authorised by this Order" d) consider amending the definition for "date of final commissioning" so it includes associated development elements not only energy generating e) explain what is meant by "commercial basis" in the definitions for "commercial use" and "date of final commissioning" f) consider amending the definition of "outline drainage strategy" to "means appendix 15.4 of the environmental statement and the document of that name identified in the table at schedule 13 and which is certified by the Secretary of State as the outline drainage strategy for the purposes of this Order"	(a) Modern drafting practice is to include the title of article or schedule once per article or paragraph. This balances transparency for the reader and cutting superfluous text. (b) The **Explanatory Memorandum [EN0110012/APP/LVS/03.02] [updated alongside this submission]** explains at paragraph 4.5.4 that the use of the definition of "applicable period" reflects changes made to wider compulsory purchase legislation by the Levelling-up and Regeneration Act 2023. The definition is used in Article 22 (time limit for exercise of authority to possess land temporarily or to acquire land compulsorily), such that the provisions in the Compulsory Purchase Act 1965 and the Compulsory Purchase (Vesting Declarations) Act 1981 that extend the period for compulsory acquisition to allow for any delays caused by a judicial challenge of the compulsory purchase order also apply to the period for compulsory acquisition permitted by the Order. The time limit for the exercise of temporary possession powers in Article 31, and the time limit to commence the Authorised Development have also been tied to this concept of the "applicable period" to provide consistency and certainty for when the land powers may be exercised. (c) The structure of the definition is intentional to be clear that "authorised development" includes the development and associated development described in Schedule 1, as well as associated development within the meaning of section 32 of the Planning Act 2008 that is authorised by the Order but is not described in Schedule 1. It is considered clearer to refer to

ExQ	Question to	Question	Applicant's Response
		g) provide justification for article 2(10) including "the avoidance, removal or reduction of an assessed…positive environmental effect" in the context that weight may have been given to that positive effect by the Secretary of State when determining the application for the proposed development.	both development and associated development, in the context of the Planning Act 2008 enabling a DCO to authorise both categories of works, and to align with the separation of works in Schedule 1. (d) The Applicant considers that this is not necessary as the current wording refers to "authorised development" which is defined to include associated development. (e) A definition is not required as "Commercial basis" is a well understood term (i.e. undertaking commerce/the buying and selling of a product/service) and does not have a special meaning for the Proposed Development as opposed to normal use. This is likely why the term has not been defined in other DCOs which use the term. (f) This amendment has been reflected in the draft DCO submitted at Deadline 3. (g) The Applicant's position is that this article would not lead to this scenario arising in respect of the Proposed Development. The benefits of the Proposed Development, as set out in the Planning Statement are: • meeting the need for energy infrastructure, which comes from the Proposed Development as a whole; • job creation and wider socio-economic impacts – these arise from the Proposed Development as a whole and the Applicant cannot see that where this term is used in the DCO would lead to a position where those same

ExQ	Question to	Question	Applicant's Response
			benefits do not arise (and noting the limited weight placed upon them in any event); • the BMA having benefits beyond non-breeding birds; As the Applicant is required to deliver the BMA as a result of the conclusions of the HRA (and the operation of Requirement 9) then these benefits will always arise; and • improvements to soil health – these come as result of moving away from agricultural use which arises as a result of the Proposed Development existing, not one specific element. In respect of BNG and the other enhancements arising from the **OEM [EN0110012/APP/LVS/02.12] [submitted at Deadline 3]/oLEMP [REP2-095]**, the Applicant recognises that the application of this term in Requirement 2 means that an updated OLEMP, could mean, for example, that the Applicant could change the exact characteristics of the benefit that arises (e.g. the type of habitat referred to in the BNG Metric), such that the exact nature of the benefit slightly reduces. However, the Applicant notes that, given the extent of landscaping and ecological areas shown on the Works Plans, and given the need for a LEMP to be discharged before any works being commenced, it would not be possible for these benefits to be avoided or reduced in any significant way such that a positive benefit of the Proposed Development would be reduced.
Q1.16.6	The Applicant	**Article 2(3) – Interpretation** The applicant is to review the draft DCO to identify and consider amending instances of unnecessary repetition of similar drafting to that already defined in article 2(3).	The Applicant has undertaken this review, but in the context that much of the drafting in the DCO is well precedented, so changes have not been made where it would move away from this precedent.

ExQ	Question to	Question	Applicant's Response
		For example, article 7, article 10, article 12, article 13, article 16, and schedule 3.	
Q1.16.7	The Applicant	**Article 3(1) – Development consent etc. granted by this Order** Explain whether, for clarity, the drafting should be updated to include the underlined words as follows: "Subject to the provisions of this Order and the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development in Schedule 1 to be carried out within the Order limits."	The Applicant has updated the draft DCO at Deadline 3 to provide for the first suggested change. The definition of "authorised development" includes associated development within the meaning of section 32 of the Planning Act 2008, which is not limited to Schedule 1. The second change would therefore not be supported by the Applicant.
Q1.16.8	The Applicant	**Article 5 – Power to maintain the authorised development** The drafting of this article does not follow best practice, therefore the applicant is to consider an amendment to include the underlined words as follows: 5(2) This article only authorises the carrying out of maintenance works within the Order limits 5(3) This article does not authorise the carrying out of any maintenance works which are likely to give rise to any materially new or materially different effects that have not been assessed in the environmental statement.	"Maintain" is defined in article 1 to include "inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace (including scheduled replacement) and improve any part of the authorised development and "maintenance" and "maintaining" are to be construed accordingly". As such the use of the term 'maintenance' in articles 5(2) and (3) refers to all of the activities listed in the definition, not just 'works'. Furthermore, the act of 'maintaining' something does not always involve 'works' per se, e.g. cleaning/inspection is an activity, not a work. The Applicant notes that precedents on this are mixed – for example, the Cory Decarbonisation Project Order 2025 follows similar wording to what is proposed here by the Applicant.
Q1.16.9	The Applicant	**Article 5 – Power to maintain the authorised development** a) Confirm whether the definition of 'maintain' in article 2 would, in the absence of an output capacity limit	This definition would not allow the replacement of the consented project with effectively a different project. Any replacement infrastructure will still be controlled by all of the controls in the DCO – the limits of deviation, the commitments in the DPC, and all of the measures in the detailed

ExQ	Question to	Question	Applicant's Response
		for Work No. 1, allow the replacement of the consented project with what is effectively a different project. b) If so, explain how this reflects the relevant section of the Planning Inspectorate's Advice Note Fifteen?	management plans that would have been discharged (e.g. so landscaping/ecological mitigation in place could not be removed). Furthermore, article 5(3) ensures that any maintenance activity must ensure that it does not give rise to any materially new or materially different effects in comparison with those reported in the environmental statement, the conclusions of which are predicated on those mitigation measures being deployed. As such, there cannot be a different project, and therefore no inconsistency with the intent of Advice Note Fifteen.
Q1.16.10	The Applicant	**Article 6 – Disapplication and modification of legislation, etc.** The Explanatory Memorandum [REP2-007] provides limited information regarding the reasons for disapplying any of the provisions specified in article 6. The applicant is to provide, or signpost where it can be found in the application documents: a) justification that paragraphs (2) and (4) of article 6 are necessary, specifically in the circumstances of the proposed Light Valley Solar development b) justification that each provision identified in schedule 3 of the draft DCO is relevant in the particular circumstances of the proposed Light Valley Solar development, and how this relevance is demonstrated if the "list has been prepared taking a precautionary approach" as stated in paragraph 4.2.22 of the Explanatory Memorandum c) evidence that the views of any relevant authority or government department which has responsibility for the provisions that would be disapplied or modified have	(a) In relation to paragraph (2), the **Explanatory Memorandum [EN0110012/APP/LVS/03.02] [updated alongside this submission]** explains at paragraph 4.2.18 that: "Paragraph 2 of Article 6 also applies section 9 of the Forestry Act 1967 to any felling required as a result of the Authorised Development. Section 9(1) of the 1967 Act provides that a Forestry Commission licence is required for felling growing trees. Section 9(4)(d) disapplies the requirement from felling required to implement development authorised by a planning permission – but not to development authorised by a DCO. Paragraph (2) of Article 6 extends the exception to any trees felled as a result of the Authorised Development. As noted in the **Arboricultural Impact Assessment [APP-184]**, such felling is required for the Proposed Development. This drafting has precedent in the Mallard Pass Solar Farm Order 2024." The **Arboricultural Impact Assessment [APP-184]** explains at paragraph 3.2.3 that felling is required either "to facilitate the Cable Route Corridor or to maintain appropriate visibility

ExQ	Question to	Question	Applicant's Response
		been sought, and the relevant regulator agrees where such consent or authorisation is prescribed d) an explanation of the implications for the proposed development if consent is not obtained from the relevant authority for having the relevant provision disapplied or modified e) confirmation if the provisions sought to be disapplied or modified relate to the permitted preliminary works.	splays for direct accesses to either the Cable Route Corridor or the Solar Development Sites". As such, this provision is needed to avoid the need for a felling licence, which if the Proposed Development was being authorised by TCPA, it would automatically benefit from. In relation to paragraph (4), the Explanatory Memorandum explains at paragraph 4.2.20: "Article 6(4) provides for the modification of Regulation 3(2) of The Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006. This modification addresses a lacuna in the existing legislative regime whereby restoration of land taken temporarily out of agricultural use under a planning permission for EIA development is exempt from the application of the Regulations, but no equivalent provision is made for development consent under the 2008 Act. The DCO application for the Scheme has included an environmental impact assessment which assesses the impacts of decommissioning and restoration. This obviates the requirement for these Regulations to apply to the restoration of the land for agricultural use as part of the decommissioning of the Scheme." Without this modification, restoration of the land at decommissioning would require an EIA Agriculture screening application. Were the Scheme consented by a planning permission, it would be exempt from this requirement. This modification has been added to ensure that there is no impediment to the proposed restoration of the land to

ExQ	Question to	Question	Applicant's Response
			agricultural use following decommissioning, as has been assessed within the Environmental Statement. The Applicant notes that following the examination of the Green Hill Solar Farm DCO, the Secretary of State invited comment from Natural England on this article. Natural England confirmed it was satisfied with the wording as set out and had no concerns around adding it into the DCO. See EN010170-001893-C2-002 Response to Secretary of State's Consultation 2.pdf. (b) Schedule 3 lists Acts of local effect that the Applicant believes are or may be still in force and contain provisions which could conflict with the powers in the draft DCO. Acts of Parliament are primary legislation whilst a DCO is secondary legislation. Accordingly, to give full effect to the provisions of the DCO, the Acts in Schedule 3 are disapplied insofar as the provisions are still in force and incompatible with the powers in the draft DCO. As explained in the Explanatory Memorandum, in some cases it was difficult to conclusively determine whether or not the provisions of the legislation were relevant to the DCO, given that plans were not available in respect of the majority of the Acts considered to make clear their precise geographic scope. Hence the precautionary approach. This does not mean that these Acts are automatically disapplied, they are only disapplied to the extent that they are still in force and incompatible with the powers in the draft DCO.

ExQ	Question to	Question	Applicant's Response
			Additionally, protective provisions are included within the draft DCO for railway interests in Part 5, for drainage undertakers in Part 3, for the Canal & River Trust in Part 10 and for water undertakers in Part 1 of Schedule 15. These provide appropriate protection for the relevant undertakings in the event of interaction with the Scheme, notwithstanding the disapplication. (c) + (d) None of the consents listed in Schedule 3 falls within the ambit of section 150 of the Planning Act 2008. As such, consent is not required from any party for disapplication to be permitted by the DCO and they can be included in the DCO. If the Schedule was removed the DCO, the Applicant would need to make individual applications for the relevant consents, negating the purpose of the DCO as a one-stop shop regime, as encouraged by section 120 of the Act. The Applicant's approach here is no different than any other DCO. The Applicant has not specifically sought the agreement of approval of relevant bodies under these Acts specifically, but notes that the vast majority of these Acts are historical, and due to the re-organisation of local government, rail and water authorities in the UK over time, relate to the activities of bodies the Applicant is engaging with on the Proposed Development. Specifically: • the water-based legislation involves matters (i.e. works near watercourses that are their responsibility) that are the responsibility now of the IDB, LLFA, CRT, or EA that would be controlled by their 'main' legislation (e.g. the Land Drainage Act 1991 and the Environmental Permitting Regulations) now (and thus the old legislation is essentially a statutory 'hangover'). The control of works around watercourses that the above

ExQ	Question to	Question	Applicant's Response
			authorities have an interest in is the subject of the Protective Provisions with those parties; • the Hull and Barnsley Act 1914 has a typo and should refer to the Hull and Barnsley Railway Act 1914 (this has been corrected in the DCO at Deadline 3). The Applicant is in discussion with Network Rail in respect of Protective Provisions who have taken on the responsibilities of that historic railway company that is protected by that Act; and • the Local Government Board's Provisional Orders Confirmation (Gas) Act 1891 refers to gas responsibilities that have, post privatisation, now passed to has distribution and gas transmission companies (Northern Gas Network and National Gas Transmission (NGT) in this location). The Applicant is discussing Protective Provisions with these parties. In respect of the Inclosure Act 1857 and Commons Act 1876, these disapplications are required due to the Proposed Development's impacts on Town and Village Greens. It is not possible to obtain 'consent' for these works under these Acts – they simply create offences. As such, the acceptability of the Applicant's proposals on the Town and Village Green are a matter able to be considered by the ExA, Secretary of State and NYC as part of the Examination process. (e) The disapplications in Schedule 3 relate to the permitted preliminary works in the same way as they do the rest of the authorised development as the Permitted Preliminary Works (PPWs) fall within the definition of the authorised development referred to in Schedule 3.

ExQ	Question to	Question	Applicant's Response
Q1.16.11	The Applicant	**Article 6(3) – Disapplication and modification of legislation, etc.** The applicant is to provide, or signpost where it can be found in the application documents: a) confirmation whether the modification of the Regulation 6(1) of the Hedgerows Regulations 1997 would extend beyond the hedgerows identified in schedule 12 of the draft DCO and if the drafting could provide clarity and certainty of this b) what is meant by "exercise of any functions" and where this is defined.	(a) Article 6(3) does not result in uncontrolled hedgerow removal, as this continues to be controlled by Article 40(4) which provides that the undertaker may remove the hedgerows specified in Schedule 12 to the extent set out in the landscape and ecological management plan pursuant to Requirement 6. The provision in article 6 simply regularises the statutory overlap position and does not need to refer to article 40, as they do two separate things. (b) The draft DCO would grant the Applicant a number of functions above and beyond simply 'development' and this wording ensures that there is no ambiguity that the Applicant has consent to affect hedgerows that may in itself not constitute development, as defined by section 55 of the TCPA 1990, but also more broadly. By way of example, some acts that may be undertaken to a hedgerow may not in and of themselves, be considered to be development.
Q1.16.12	The Applicant	**Article 7 – Defence to proceedings in respect of statutory nuisance** Paragraph 4.2.23 of the Explanatory Memorandum [REP2-007] explains that there is no statutory nuisance expected as a result of the authorised development. Given that statement, can the applicant explain why this article is necessary, or confirm it can be deleted.	It is correct that the Applicant does not expect there to be statutory nuisance as a result of the authorised development. However, given the importance of maintaining the pace of construction, this article provides a backstop in the event proceedings in respect of statutory nuisance are brought.
Q1.16.13	The Applicant	**Article 8 - Street works** Confirm if paragraphs (1)(c) and (d) should refer to "in or under" or should only be "under".	The wording of this article is drafted as such to ensure that the power granted does not put the Applicant in a lesser position

ExQ	Question to	Question	Applicant's Response
			that what would otherwise be authorised by the New Roads and Street Woks Act 1991. Under section 48(3) of that Act, the legislation defines 'street works' as including works 'in' a street and tunnelling or boring under the street. The Applicant also notes that there is often factual complexity in determining the depth of a statutory street (which has been the matter of judicial action). This wording ensures that, whatever the depth of the 'street' in legal terms, the Applicant has the power to put its apparatus at the level it needs to be safely laid in for the purposes of the Proposed Development.
Q1.16.14	The Applicant North Yorkshire Council	**Article 9 - Application of the permit scheme** The Explanatory Memorandum [REP2-007] explains that the intention of article 9 is "ensuring that the permit schemes are not an impediment to the delivery of the authorised development". The applicant is to: a) confirm if article 9 only applies to the streets identified in schedule 4 of the draft DCO b) explain if the powers were limited to use prior to the date of final commissioning and during decommissioning, would this still achieve the aim of article 9? c) review paragraph 4.3.2 in the Explanatory Memorandum [REP2-007] and revise to: • explain what is meant by "located across three administrative areas" • improve general clarity. NYC should:	(a) Yes, Article 9(1) provides that the permit scheme applies with the modifications set out in the article to street works carried out under the power conferred by article 8 (street works) in the draft DCO, which as per paragraph (1) only applies to the streets specified in Schedule 4. (b) Street works may be required during the maintenance of the authorised development, and therefore, the Applicant requires Article 9 to apply during all phases of the authorised development. The Applicant is not clear on how such a restriction is proposed to operate as an effective restraint, noting that save for this limited restriction on the permitting authority's discretion, the Applicant is proposing to fully comply with the permit schemes when carrying out street works under the Order. The article operates in a very limited way to modify the application of the permit scheme such that it cannot be used

ExQ	Question to	Question	Applicant's Response
		d) provide its view on how article 9 would work in practice in its currently drafted form, and whether restricting the power to use only on certain roads, prior to the date of final commissioning and during decommissioning would be a more suitable outcome.	in a manner that would impede delivery of the Scheme. It applies generally in recognition that all street works for the Scheme will require a permit, but it is not known at this time what other works may be being carried out by third parties (if any) that might enable a highway authority to prohibit the works associated with the Scheme on the basis that there have been prior substantial road works. Any restriction as to the timing of this limited restriction, risks the restriction not being available when needed, with the consequence that a moratorium could be imposed delaying delivery of the Scheme. (c) The Applicant has updated paragraph 4.3.2 at Deadline 3 as requested.
Q1.16.15	The Applicant North Yorkshire Council	**Article 10 - Power to alter layout, etc., of streets** The power in article 10 authorises alteration etc. of any street within and beyond the Order limits. The Explanatory Memorandum [REP2-007] does not explain why this wide general power is needed and reliance on precedent is insufficient justification. The applicant should explain, in the particular circumstances of the proposed Light Valley Solar development: a) why it requires power to alter any street, including ones outside the Order limits, rather than those streets identified in the relevant schedules? b) would paragraph (2) enable the undertaker to fell, lop or remove hedgerows and trees? c) under what circumstances paragraph (5) would be relevant?	(a) In order to construct, operate, maintain and decommission the Scheme, the undertaker will need to alter street layouts and establish suitable accesses to ensure that the Scheme can be accessed effectively while ensuring there is minimal disruption to the local highway network. The Applicant does not consider that this power should be limited to identified streets, as this would result in a disproportionate restriction on the Applicant to deliver the Scheme if, for example, those identified streets were altered or damaged or otherwise unavailable before/during the lifetime of the Scheme, or if, following the development of the detailed CTMP it was agreed with NYC that more alterations should be put in place (e.g. passing places). The power conferred by article 10(2) requires the consent of the street authority before it can be exercised by the Applicant, which provides sufficient comfort that the power is regulated.

ExQ	Question to	Question	Applicant's Response
		d) whether article 47 (Procedure in relation to certain approvals etc.) would be applicable to article 10 and if so, provide justification for this? NYC should: e) provide its view on how article 10 would work in practice in its currently drafted form and whether the deemed consent provision of article 47(4) is appropriate for article 10(2).	(b) No, any requirement to fell, lop or remove hedgerows and trees as part of street works would be controlled by article 40 in the draft DCO. (c) Section 49(1) of the New Roads and Street Works Act 1991 provides "the street authority" in relation to a street means, subject to the following provisions – (a) if the street is a maintainable highway, the highway authority, and (b) if the street is not a maintainable highway, the street managers. "Street managers" means, in relation to a street which is not a maintainable highway, the authority, body or person liable to the public to maintain or repair the street or, if there is none, any authority, body or person having the management or control of the street (section 49(4)). As such, once the Applicant has taken control of the Solar Development Sites, it may have control of streets within those, and would therefore be the street manager, and thus street authority for those streets. (d) Article 47 would apply to article 10. Deemed consent is considered appropriate for the majority of consents required for the Scheme. This is to ensure that the requirement for a consent (that must not, in any event, be unreasonably withheld or delayed) does not lead to undue delay in implementing the Scheme. Deemed consent would only apply in the event that the consenting authority failed to take any action. It does not prevent the consenting authority from refusing consent.

ExQ	Question to	Question	Applicant's Response
Q1.16.16	The Applicant North Yorkshire Council	**Article 11 - Construction and maintenance of altered streets** The applicant is to explain: a) as construction is set to last up to 3 years, does article 11(1)(b)(ii) mean that a street altered in the early construction phase would need to be maintained at the Council's expense for the second and third years of the construction period and thereafter? b) what is the mechanism for the street authority to inspect and confirm any alteration is to its satisfaction? c) as the definition of "permitted preliminary works" in its currently drafted form includes Work No. 8, does article 11(1)(b)(ii) mean that a street altered prior to the commencement of construction would need to be maintained at the Council's expense prior and during the construction phase? d) whether article 11(1)(b)(ii) means that a street altered for the purposes of replacement works during the operation phase would need to be maintained at the Council's expense for the duration of the replacement works that last longer than 12 months? e) For the above three questions, provide justification for the associated financial liability that would be imposed by article 11 on the Council. Both parties should: f) provide its view on a potential amendment to article 11(1)(b)(i) that requires the undertaker to maintain the streets it alters for the entire duration of the construction phase and replacement works plus a subsequent 12 months.	(a) Article 11(1)(b) provides that, following an alteration to a street, the Applicant must maintain the street for 12 months. This 12-month period runs from completion of the alteration work in question and is not connected to the wider construction phase of the Scheme. At the expiry of 12 months, responsibility for maintenance reverts to the street authority. This approach reflects the typical sharing of responsibility for highway works, where the developer carries out highway works and is then issued a provisional certificate that confirms the works have met the standards expected by the highway authority. The developer continues to maintain the street for 12 months, after which a final certificate is issued. This period enables defects that could not be identified through an inspection to come to light and be rectified by the developer. (b) Inspection is implicit in the works being to the reasonable satisfaction of the street authority under article 11(1)(a). This process is supplemented by the road condition surveys that the Applicant has committed to in the **Outline CTMP [REP2-103].** (c) Yes, this would be the case. However, the Applicant's commitments to road condition surveys and remedial action would apply to any permanently improved roads as well as existing ones (i.e. if the Proposed Development damaged a road improved during the PPWs before construction started, then the Applicant's commitments would apply). The Applicant notes that this is equally true for roads improved in the early stages of the construction period.

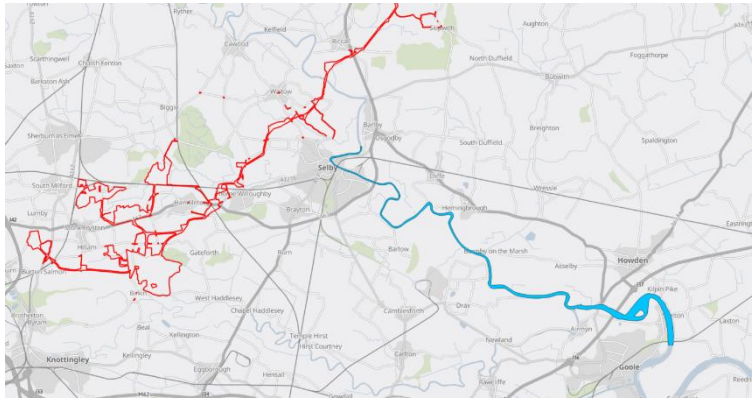
ExQ	Question to	Question	Applicant's Response
			(d) The Applicant notes that where an access point is to be used throughout the lifetime of the Proposed Development (i.e. including during the operation of it), then these are subject to where the Applicant has sought powers to permanently alter streets. As such, there is very limited scope for there to be a need to alter streets only at the replacements stage, and if this were required, it would be a temporary alteration to facilitate those works, which would then be subject to the provisions of article 10. (e) In light of the responses provided above, the Applicant does not agree that there would be an increased financial liability outside of the 'norm' in planning. The Applicant would deal with any impacts that the Proposed Development would cause, and it has committed to the 12 month norm that is seen in, for example, section 278 Agreements. (e) It is not considered necessary to alter the timescales in article 11(1)(b) given the responses above. Furthermore and in any event, the timescales may be changed by agreement with the street authority, pursuant to article 15. .
Q1.16.17	The Applicant	**Article 12 - Temporary and permanent closure, restriction or prohibition of use or stopping up of streets and public rights of way** The applicant is to explain, in the particular circumstances of the proposed Light Valley Solar development: a) what it means by "for any reasonable time" in paragraph (1), as those words are not defined or	(a) Article 12(1)(c) provides the Applicant with a power to prevent persons from passing along the street or public right of way. This is, in essence, the power to stop people from using the street or public right of way during the period of temporary closure. This power is subject to paragraph (2), which restricts the extent of any closure. The Applicant must provide reasonable access to pedestrians going to and from premises where, if they were unable to use

ExQ	Question to	Question	Applicant's Response
		qualified. Should the drafting be changed to limit this power? b) why it requires power to temporarily close, prohibit the use of, restrict the use of, stop up, alter or divert any street or public right of way, rather than those streets identified in the schedule 6? c) why paragraph (2) only provides access for pedestrians and not for other street or public right of way users? d) the justification for the inclusion of "without prejudice to the generality of paragraph (1)" in paragraphs (4) and (5), and clarify if this phrase is intended to prevent the argument of ejusdem generis and preserve the wider interpretation? e) why it requires the power sought in paragraph (6)(b) to permanently close, prohibit the use of, restrict the use of, stop up, alter or divert any other street or public right of way, rather than those identified in the schedule 6? f) the justification for use of any street or public right of way which has been temporarily closed or restricted as a temporary working site as provided for in paragraph (8)? Where is the need established to have a temporary working site in a specific location(s) and where is "temporary working site" defined?	the street or public right of way that is temporarily closed, they would have no other way of accessing the premises. The power to stop persons using a street or public right of way is consistent with a temporary closure. The requirement to maintain access to premises reflects the obligation that would arise were the temporary closure to be carried out under wider highways law. What is considered a reasonable time for the closure will depend on the circumstances of that closure and any relevant health and safety requirements. The use of 'reasonable time' ensures that the closure cannot be for longer than is actually necessary to achieve the purposes of the closure. What is 'reasonable' in the circumstances will be controlled by NYC's approval of the detailed Construction Traffic Management Plan (in respect of highways) and the detailed Public Rights of Way Management Plan. (b) Schedule 6 identifies the streets and public rights of way which are known at the time of the application to require temporary closure and diversion. However, as the detailed design of the Scheme develops, it is possible that this requirement will extend to other streets and public rights of way. Limiting the streets identified in Schedule 6 would result in a disproportionate restriction on the Applicant to deliver the Scheme. NYC would be able to consider this in the context of the detailed Construction Traffic Management Plan (in respect of highways) and the detailed Public Rights of Way Management Plan. (c) The restriction in article 12(2) mirrors section 14 of the Road Traffic Regulation Act 1984 (RTRA 1984). That section provides that a traffic regulation order may be made to restrict or prohibit use of a road where works are being or are

ExQ	Question to	Question	Applicant's Response
			proposed to be executed on or near the road. The restriction may restrict or prohibit the use by vehicles, vehicles of any class, or by pedestrians. However, sub-section (4) confirms that such a restriction must not be made "with respect to any road which would have the effect of preventing at any time access for pedestrians to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians from, and only from, the road." Accordingly, the power under the DCO must be exercised in the same way as the equivalent restriction issued under the RTRA 1984. The requirement for access is limited to pedestrians who must utilise the road (or, as the case may be, the PRoW) to access a premises where no alternative route exists. The temporary closure will be taking place to facilitate the construction of works on or near the road or PRoW, it is therefore appropriate that any exceptions whereby members of the public or other non-motorised users may nevertheless utilise the road (which will be within a construction site) are kept to a minimum. (d) That's correct. (e) Please refer to our answer in (b). (f) This is to provide clarity that the Applicant may carry out the necessary works for which the temporary closure has been affected, without such activity being contrary to the closure itself. This clarification is required, noting that the reason for temporary closure of streets and PRoW is most likely to occur where these are crossed by the electrical cables (Work No. 1(d) or Work No. 5) using open trench methods.

ExQ	Question to	Question	Applicant's Response
Q1.16.18	The Applicant	**Article 13 - Use of private roads** The applicant is to explain: a) under what circumstances an undertaker would invoke article 13 to use, rather than compulsorily acquire or temporary possess, private roads in the Order limits? b) how are these circumstances controlled in the draft DCO to ensure affected persons would be compensated for the associated disruption and the repair of the private road? c) how the value of compensation, referred to in paragraph (2), would be calculated and whether a commitment to pre- and post-condition surveys would be appropriate?	(a) Article 13 provides a power to use private roads within the Order Limits without needing to acquire permanent rights to do so. This is particularly important along the cable route corridor, where it may be inappropriate to take exclusive temporary possession of private streets that continue to be in use to facilitate construction. Permanent rights would also be excessive where access along the private street is required only temporarily for the purposes of construction. (b) Article 13(2) provides that the undertaker must compensate the person liable for the repair of a road to which the power applies for any loss or damage which that person may suffer by reason of the exercise of the power. This reflects the limited scope of the power, and if more than simple use of the road is needed, other powers in the DCO would be engaged. For example, to the extent exclusive possession is required, compensation for the interference caused would be available under article 31 (temporary use of land for constructing the authorised development). (c) As set out in (b), compensation is provided for road damage only in recognition of the limited scope of this power. The Applicant will update the **Outline CTMP [REP2-103]** at Deadline 4 to commit to pre- and post-condition surveys of private roads, in discussion with the relevant landowners.
Q1.16.19	The Applicant North Yorkshire Council	**Article 14 - Access to works** To explain whether the provision in paragraph (c) should be clarified to not authorise any access which is likely to give rise to any materially new or materially different effects in comparison with those assessed in the environmental statement?	The Applicant does not consider this is necessary, particularly given the nature of such works. The power in paragraph (c) is subject to local planning authority, who would consider if the works to take such access are acceptable or not.

ExQ	Question to	Question	Applicant's Response
Q1.16.20	North Yorkshire Council	**Article 16 - Traffic regulation measures** NYC is to provide its view on whether the minimum notice publication period of 7 days is sufficient, and whether the notice needs to be extended to digital publication and/ or site notifications.	Whilst the Applicant notes this question is directed to NYC, it notes that this (precedented) article should be seen in the context of the provisions of the **oCTMP [REP2-103]**, which requires the details of TRMs to be agreed with the Council as part of agreeing the detailed CTMP. As such the drafting in this article would be additional to that process, once there has been agreement of the measures to be imposed.
Q1.16.21	The Applicant North Yorkshire Council Lead Local Flood Authority Ouse and Derwent Internal Drainage Board The Selby Area Internal Drainage Board	**Article 17 – Discharge of water** All parties are to provide a view on whether article 17 should, for certainty and clarity, reference that any discharge of water should be in accordance with the approved surface water drainage scheme and foul water drainage scheme. The applicant should explain why article 17 does not include a reference to harbour authorities as there appears to be a harbour authority for the River Ouse under The Yorkshire Ouse (Pilotage Powers) Order 1998. Consider whether an update to the current drafting is required.	Article 17(6) in the draft DCO already requires the undertaker to "to take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil and other solid substance, oil or matter in suspension" and so water quality issues (e.g. in respect of foul water) are already dealt with. The Applicant notes that in any event such a provision is not required. The undertaker must comply with the surface water drainage scheme in carrying out the authorised development under the DCO Requirement, the definition of which incorporates this power. The Applicant has reviewed the referenced 1988 Order, and note that its ambit applies to the area within the harbour which comprises the waters of the River Ouse bounded by— (a) an imaginary straight line drawn across the river Ouse at a distance of 91.44 metres below and parallel to the south side of the bridge known as Skelton or Hook Railway Bridge at latitude 53°42'. 7 N; and (b) (b) an imaginary straight line running West across the river Ouse at latitude 53°47'. 5 N at Barlby.

ExQ	Question to	Question	Applicant's Response
			That area has been mapped against the Order limits in the image below and there is no overlap with the Order limits. As such this article does not need to reference this Order. 
Q1.16.22	The Applicant	**Article 18 – Removal of human remains** The applicant is to confirm and provide evidence, or signpost where it can be found in the application documents, if there are any burial grounds or consecrated land in the Order limits.	The **ES Volume 3 - Appendix 8.1 Cultural Heritage Baseline [APP-159]** did not identify any potential burial grounds or consecrated land within the Order Limits. However, this article is not limited to having effect only on burial grounds or consecrated land – it can apply to any human remains. This has been brought forward in order to dovetail with the proposals in the **Archaeological Mitigation Strategy [REP2-101]** which sets out the procedure to be implemented should unexpected human remains be encountered during works associated with the Proposed Development (Section 8.4). This may be required given that some of the features to be investigated pursuant to that strategy include settlements, and taking account the number of crash sites near to the Order

ExQ	Question to	Question	Applicant's Response
			Limits, the presence of them within the Order limits (and associated remains) cannot be completely discounted.
Q1.16.23	The Applicant	**Article 19 – Protective works to buildings** The applicant is to review article 19(5)(c) and consider if "or" should be added to the end that paragraph.	The Applicant has made this amendment to the draft DCO at Deadline 3.
Q1.16.24	The Applicant North Yorkshire Council	**Article 20 – Authority to survey and investigate the land** Article 20 includes the provision to "enter on any land shown within the Order limits or enter on any land which may be affected by the authorised development or enter on any land upon which entry is required in order to carry out monitoring or surveys in respect of the authorised development". This is a broad power without time limits or control measures. The applicant is to: a) identify the land outside of the Order limits that may be affected by the proposed development b) identify the land outside of the Order limits that would be required to carry out monitoring or surveys in respect of the proposed development c) explain, if land outside of the Order limits is required for the authorised development or to facilitate, or as is incidental, to it, why has such land not been included in the Order limits or power to possess temporarily sought d) explain what surveys and monitoring would be needed on land outside of the Order limits e) consider and suggest how the power sought by article 20 could be better controlled than currently drafted NYC should:	The broad scope of the power in Article 20 (which should also be seen in the context that the Applicant has agreed Options for all the SDSs) is required as surveys may be needed outside of the Order limits to monitor noise, ecological receptors (such as the presence of protected species) and ensure safe construction practices and take account of the detailed design. For example, it may be necessary to monitor noise levels at sensitive receptors to demonstrate that noise mitigation measures are effective or in the event of any complaints. This means that it is not possible to identify the exact extent of the land that relates to this power at this stage. The Applicant notes that the scope of the power in Article 20 is similar to the survey powers contained in section 172 of the Housing and Planning Act 2017, section 53 of the Planning Act 2008 (as it will be amended by the Planning and Infrastructure Act 2025) and paragraph 10 of Schedule 4 to the Electricity Act 1989. Each of these powers is also available to the Applicant as a statutory undertaker. The Applicant notes that its approach to the drafting of this Article is consistent with the recent solar and energy DCOs authorised by the Secretary of State, which have all been justified for similar reasons.

ExQ	Question to	Question	Applicant's Response
		f) provide its view on how article 20 would work in practice in its currently drafted form.	
Q1.16.25	The Applicant	**Article 37 – Consent to transfer the benefit of the Order** The applicant should explain: a) if paragraph (1) should be drafted as "Subject to the powers of this Order paragraph (3), the undertaker may—"? b) if paragraph (2) should be drafted to include reference to paragraphs (7) and (8)? c) why the power in paragraphs (1)(a) and (3)(b) to transfer the on-going management of the bird mitigation area (Work No. 9B) to a separate entity is necessary and how the on-going management would be secured if that entity ceased to exist? d) how there can be certainty that a transferee could cover the cost of decommissioning? e) if paragraphs (3)(c)(ii) to (v) would be improved by drafting as "any such claims"? f) if paragraph (5) should include the provision of "a copy of the document effecting the transfer or grant"? g) in context of the proposed Light Valley Solar development, why paragraph (6) includes for 10 working days when made Orders typically include 14 working days? h) if article 37 should include a provision for a copy of any decision by the Secretary of State to approve a transfer or grant under paragraph (3) or the notification of a transfer or grant issues under paragraph (4) to be	(a) Article 37(1) as drafted is standard drafting. Reference to "this Order" ensures that any restrictions on transfer of part of the authorised development, such as in protective provisions, or the Crown rights article, are caught. (b) Paragraph (2) already refers to paragraph (8). Paragraph (7) should not be referred to in paragraph (2) because otherwise if a transferee was to complete a second transfer, it would need to get the original undertaker to sign the notice rather than doing it itself. c. As explained in the **oLEMP [REP2-095]**, the management of the bird mitigation area (BMA) will be undertaken by an appropriate body or professional with nature conservation experience. It is entirely possible that that body could be one that is not directly employed by the Applicant – for example, the RSPB, the Wildlife Trust, or indeed a specifically created entity. If all stakeholders agree an approach (that is ultimately approved as part of approving the detailed BMA management plan – see below) then the Applicant considers it is not necessary for the Secretary of State to also have to consent the identity of that body. Such an approach was deemed acceptable in the Mallard Pass Solar project. The Applicant notes that the management of the BMA is currently secured by the oLEMP, however, as set out in the SoCG with NYC, the BMA provisions will be extracted and secured by a separate BMA management plan. A standalone management plan will further facilitate the ability for the BMA

ExQ	Question to	Question	Applicant's Response
		provided by the undertaker to the relevant planning authority?	Requirements to be carved out of the Scheme and dealt with by an appropriate body. NYC would be able to consider if that appropriate body was sufficiently robust and not likely to cease to exist, and if necessary, put in place safeguards in approving the detailed BMA management plan. The Applicant notes that the ExA's question would equally apply to any entity that looks after the BMA, including the Applicant itself. Ultimately any body that takes on the benefit of any powers in the DCO is also subject to its Requirements. If there was any failure to comply, then NYC could take the appropriate enforcement steps. (d) In relation to transferees generally, this is a matter that the Secretary of State would consider in determining whether to give consent where that is required. In relation to an entity under paragraph 3(b), such an entity would not need to cover the costs of decommissioning, as that entity would only be responsible for managing the bird mitigation area. In a paragraph (3)(c) scenario – please see the response to question 1.1.4(a). (e) This amendment is not necessary in light of article 2(8) of the draft DCO. (f) Paragraph (7) provides that the notification given to the Secretary of State must be "signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted as specified in that notification". This serves as the same function as the proposed amendment as in practical terms the transferee would have signed the form of transfer.

ExQ	Question to	Question	Applicant's Response
			(g) 10 working days is well precedented in made solar DCOs including the East Yorkshire Solar Farm Order 2025, the Oaklands Farm Solar Park Order 2025 and the West Burton Solar Project Order 2025. (h) This amendment is not necessary as any transfer of benefit is published on the Planning Inspectorate website (see, for example, the North Killingholme Power Project DCO).
Q1.16.26	The Applicant North Yorkshire Council	**Article 39 – Planning permission, etc.** The applicant should: a) explain whether paragraph (1) would allow the undertaker to make changes to the authorised development without applying to the Secretary of State through section 153 of the Planning Act 2008, and if so, why this is justified? b) consider if paragraph (3)(a) should be amended to include a situation where a planning permission granted under the 1990 Act remains implementable, but the proposed Light Valley Solar development does not? c) provide justification for the broad provision of paragraph (3)(b) that would prevent enforcement action related to a planning permission granted under the 1990 Act outside of the Order limits. Consider if the drafting should be amended to limit the provision. d) confirm if paragraph (4) would apply if a planning permission granted under the 1990 Act sterilises land in the Order limits, occupies land subject to compulsory	(a) No. Article 39(1) is clear that it only applies any development which 'does not constitute part of the authorised development'. An amendment to the authorised development can only be facilitated by applying to the Secretary of State through section 153 of the Planning Act 2008. A planning permission is granted separately under a different regime. The purpose of Article 39 is to confirm that the planning permission is not a breach of the DCO itself. (b) We understand the question is referring to the reverse situation provided for in paragraph (3)(a) which we consider is already provided for in paragraph (4). (c) The purpose of paragraph 3(b) is to ensure that the Order does not sterilise a pre-existing planning permission by placing the holder of that permission in breach of its conditions as a direct consequence of the authorised development. The protection is limited to only "in respect of that inconsistency" i.e. the specific inconsistency identified under Article 39(3)(a). The reference to development "whether

ExQ	Question to	Question	Applicant's Response
		acquisition, or physically blocks or prevents the delivery of a proposed Work No.? e) explain why article 39 is required in relation to the Ferrybridge Next Generation Power Station, as stated in paragraph 4.6.14 of the Explanatory Memorandum [REP2-007], and how the current drafting achieves this. NYC is to: f) provide its view on how article 39 would work in practice in its currently drafted form and in context of the questions above to the applicant.	inside or outside the Order limits" is necessary to address the situation where a planning permission encompasses land both within and outside the Order limits, and the conditions of that permission requirement elements in those two areas to function together as a whole. For example, a planning permission may require a landscaping or mitigation strategy to be implemented across land both inside and outside the Order limits. If the authorised development renders the inside element incapable of implementation, the holder of the planning permission would be in breach of the relevant condition in respect of the outside element too. The provision therefore prevents this situation arising. It does not prevent the local planning authority from taking enforcement action for any breach of a planning permission that is unrelated to the Order. (d) Confirmed. (e) Article 39 includes bespoke Hillside drafting to address the implications of the Supreme Court's decision in Hillside Parks Ltd v Snowdonia National Park Authority [2022] in which the Court held that an existing planning permission will be extinguished if a later planning permission is commenced that, if full constructed, would render the first planning permission impossible to implement. The grant of the DCO is considered to have the same effect on planning permissions. The drafting is required because the Order limits for the authorised development cross land that will be within the Order limits for the Ferrybridge Next Generation Power Station gas connection corridor. The **Interrelationships Report [REP2-112]** confirms that the Ferrybridge Next Generation Order Limits overlap with the Proposed Development at SDS 4

ExQ	Question to	Question	Applicant's Response
			where the northern route option for the underground natural gas connection traverses the site, including a permissive path proposed as part of the proposed Development. It also confirms that the construction programme for both projects is expected to overlap at SDS 4 where the northern route. Without Article 39, the commencement of the authorised development could inadvertently extinguish the consent granted in the Ferrybridge DCO for the gas connection corridor, and also put the Ferrrybridge DCO promoter in breach of the terms of its consent, and vice versa.
Q1.16.27	The Applicant	**Article 40 – Felling or lopping of trees and removal of hedgerows** The applicant is to explain what is meant by "near" in paragraph (1) and should this be better defined? For example, "Subject to paragraph (2) and article 40 (trees subject to tree preservation orders) the undertaker may fell or lop any tree or shrub within or overhanging the Order limits or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from—"	The meaning of 'near' is ascertained through the context of the remainder of paragraph (1). In order to have the power to lop a tree or shrub, the Applicant must reasonably believe it necessary to do so because of obstruction or interference with the construction, maintenance or operation of the authorised development, is a danger to persons using the authorised development, or obstructs construction vehicles. The tree must therefore be of such proximity to the Order limits that it causing such an interference and would therefore only apply to trees that are effectively adjacent to the Order limits.
Q1.16.28	The Applicant North Yorkshire Council	**Article 41 – Trees subject to trees preservation orders** The inclusion of "decommissioning" in paragraph (1) may broaden the interference that may be undertaken to trees protected by a tree preservation order in the future. The applicant should explain: a) what justification is there for extending the power beyond construction, maintenance and operation, and how is it demonstrated that such an extension is reasonable, necessary and proportionate, particularly	(a) The inclusion of decommissioning within the scope of Article 41 is justified on the same basis as its inclusion for construction, maintenance and operation. The power is needed to ensure that any obstruction or interference caused by a tree subject to a TPO does prevent or delay decommissioning. Article 41 only applies to TPOs made after the submission of the application, meaning that the Applicant cannot use the power to circumvent protections that were already in place at the time of the application. Indeed, the duration of the operational period means it is likely that new

ExQ	Question to	Question	Applicant's Response
		given the potentially significant period that may elapse before any decommissioning activities occur b) paragraph (2)(b) removes the application of section 206(1) of the 1990 Act (replacement of trees) in relation to an activity authorised by paragraph (1). If trees subject to preservation orders made after the date of the DCO, if made, were felled, how would this be mitigated and where is this mitigation secured? NYC should c) provide its view on how article 41 would work in practice in its currently drafted form.	TPOs will be made. Additionally, the power can only be used where the undertaker "reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or interfering with the construction, maintenance, operation or decommissioning of the authorised development or any apparatus used in connection with the authorised development." Additionally, trees that may be placed under TPOs in the future have been surveyed and identified in the preparation of the Environmental Statement, and the potential for impacts to those trees fully assessed in the Arboricultural Impact Assessment. This drafting ensures that issuing new tree preservation orders for the trees within the Order Limits cannot be used as a way to impede the delivery of the Scheme. Noting that there would be no difference in environmental effects to a given tree if it is subsequently made subject to a TPO. (b) Further to the answer to (a), the Applicant has already made its commitments in respect of the trees it affects in its application documentation (such as the **Arboricultural Impact Assessment (AIA) [APP-184] and OLEMP [REP2-095])**, including any commitments to make replacement. Where the Applicant has chosen not to provide for replacement, then this can be weighed up in the determination of the DCO application. If at a later date, a TPO is applied to any one of those trees, that does not change the fact that a development consent decision has already been made in respect of the impact that has been caused. As such, the Applicant should not be required to provide additional mitigation above and beyond that which it has already

ExQ	Question to	Question	Applicant's Response
			committed, if its approach has previously been found acceptable, just because a later TPO decision has been made.
Q1.16.29	The Applicant	**Article 42 – Certification of plans and documents, etc.** The applicant should: a) explain whether the references to Parts 1 and 2 in paragraphs (1) and (2) are errors, and thus should be removed? The Examining Authority notes schedule 13 does not appear to contain "parts" of different documents Paragraphs (2) and (3) would appear to enable the undertaker to submit plans and documents for certification which were not submitted during the examination. The applicant is, therefore, to: b) explain why these provisions are necessary in the particular circumstances of the proposed Light Valley Solar development.	Schedule 13 contains Part 1 (Documents and Plans) and Part 2 (Substantive and Supplementary Documents). Paragraph (2) relates to the examination documents and paragraph (3) relates to any updates requested by the Secretary of State prior to the DCO being made. Nothing in the article would allow for further amends/substitutions of those documents post consent (albeit noting Requirement 3). This provision is necessary as the Applicant has already had to update parts of the Environmental Statement, as part of the Examination, as seen by the documents listed in Part 2 and its submissions at Deadline 2.
Q1.16.30	The Applicant	**Article 43 – No double recovery** The applicant is to explain why it is necessary to include "or under two or more different provisions of this Order". Paragraph 4.6.20 of the Explanatory Memorandum [REP2-007] incorrectly suggests precedent for this drafting is included in several made Orders.	It provides that compensation is not payable both under the Order and any other enactment, contract or other rule of law. It follows that well established principle of equivalence that a claimant is compensated for no more and no less than their loss. The draft DCO contains multiple overlapping compensation provisions that, taken together, could in principle give rise to a claim for the same 'loss' under more than one provision of the DCO, for example a party trying to seek damage for removal of a tree that happens to be TPO'd under both articles 40 and 42.

ExQ	Question to	Question	Applicant's Response
			This drafting is well precedented in made DCOs, including made solar DCOs such as the Springwell Solar Farm Order 2026, the One Earth Solar Farm Order 2026 and the Heckington Fen Solar Park Order 2025.
Q1.16.31	The Applicant North Yorkshire Council	**Article 47 – Procedure in relation to certain approvals etc. and Schedule 16 – Procedure for discharge of requirements** The applicant is to: a) provide, or signpost where it can be found in the application documents, that all organisations that would become requirement consultees agree with the drafting of article 47 and schedule 16 b) identify where the current drafting of schedule 16 does not align with the Planning Inspectorate's Advice Note Fifteen and justify each instance in the particular circumstances of the proposed Light Valley Solar development, for example paragraph (4)(2) does not include a timeline for an appeal to be made by the undertaker and has amended other stated timelines. NYC is to provide its view on: c) whether the provision of 10 working days to decide whether it needs further information, as stated in schedule 16, paragraph (3)(2), is sufficient and achievable d) whether the provision in paragraph (3)(3) of schedule 16 is achievable where it states "the relevant planning authority must issue the consultation to the requirement consultee within 5 working days of receipt of the application, and must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or that is requested by the	(a) The Applicant notes that the only party who is affected by article 47 who isn't already the beneficiary of the Protective Provisions in the DCO is NYC as planning, highways, traffic and street authority. The Applicant is in on-going conversations with North Yorkshire Council on DCO drafting as a whole. The other parties who would be affected by that article are well advised and would consider consent-giving processes as part of discussions on Protective Provisions, and the Applicant has separately provided updates on progress in discussions on those. The ExA will note that the EA and NH have commented on Schedule 16 and the Applicant is discussing those matters as part of wider discussions with them. (b) As a starting point, the Applicant notes that Advice Note Fifteen, in respect of Schedule 16, has not been slavishly followed by the Secretary of State in determining DCOs since that Advice Note has come out. As such, the Applicant considers that it is not the definitive statement for how that Schedule should be drafted. Indeed, in common with many other DCOs, the Applicant's Schedule 16 has a number of additional paragraphs compared to Advice Note Fifteen, which the Applicant considers are of benefit to all parties, as they provide greater clarity on the overall process. Above and beyond this, the main changes from AN15 are therefore as follows:

ExQ	Question to	Question	Applicant's Response
		requirement consultee within 5 working days of receipt of such a request"? The response should consider the Environment Agency's view on this matter and the applicant's response to relevant representations [REP2-109], reference EA58 e) the appropriateness of fees set in paragraph 5 of schedule 16 f) the provision of article 47 and schedule 16 that allow for a deemed approval of applications not responded to within 6 weeks, and any effect this might have considering such applications.	• AN15 gives the decision period as 42 days, whereas the DCO refers to six weeks. That is the same time period in practical terms; • the DCO provides more detail on the fees position compared to AN15 in terms of the amounts to be paid; • the refund period for fees in the DCO is four weeks rather than 42 days (as per AN15). The Applicant considers this is reasonable in the context that the local planning authority will know, before the decision is made/or not made that the time period is to start, and so can make finance arrangements accordingly; • AN15 puts a time limit on an appeal being launched, where the DCO does not. For a nationally significant piece of infrastructure, and where legal and technical advice may need to be taken before committing to an appeal, it is considered appropriate that the Applicant is given time to consider whether to appeal. An example where a longer time period might be relevant is a situation where a CEMP is refused, and an adapted version is then sought to be discharged and still refused (for example for political reasons). In that scenario, where a consented NSIP is being stymied and the Applicant has sought to find a way through, the Applicant should be able to have a chance to take forward its original option as a way of proceeding with the scheme; • in the appeal process, the timescales for engaging with the process in both 4(2)(c) and (d) (for both the LPA and the undertaker) have been reduced from 20 working days in AN15 to 10 working days in the DCO. The Applicant considers that this is appropriate in the

ExQ	Question to	Question	Applicant's Response
			context of a NSIP and requires both parties to engage efficiently; and • in paragraph (4)(2)(e) seeks a time limit for the appointed person to make a decision within 30 working days which is not provided for within AN15. The Applicant notes that these latter two points in particular are frequently debated in Examinations. In each case, the debating points are the same – applicants make the case for efficiency, and local authorities raise concerns about resourcing. When comparing these paragraphs to the most recent four solar DCOs – Springwell, Dean Moor, Pear Tree, One Earth and Beacon Fen, there is not a consistent approach across them all on these points – each one is slightly different, and the decision letters of the Secretary of State do not indicate why (although in some instances it appears that applicants and local planning authorities came to an agreed position on the first aspect). The Applicant will keep discussing this with NYC, but makes the point that, for Light Valley Solar, the Applicant anticipates moving quickly to delivery to ensure its grid connection date is met, as evidenced by the assessed construction timescales, and so considers that ensuring an efficient process to the post-consent discharge regime will ensure that process is as efficient as possible. The Applicant notes, in respect of (d), that paragraph 3(3) should be read as a whole. The second reference to 5 working days is to put a timeline between NYC receiving comments from the consultee and passing it onto the Applicant.

ExQ	Question to	Question	Applicant's Response
Q1.16.32	The Applicant	**Article 48 – Guarantees in respect of payment of compensation** The applicant is to explain why paragraph (2) does not list the provisions of article 29 – Acquisition of subsoil only and article 30 – Rights under street?	Article 29 provides that "the undertaker may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in paragraph (1) of article 21 (compulsory acquisition of land) as may be required for any purpose for which that land or rights in that land may be acquired under that provision instead of acquiring or acquiring rights in the whole of the land." Therefore Article 29 is not a standalone power and the guarantee in respect of article 21 could be replied on. Article 30 does not confer any powers of acquisition and therefore can be distinguished from the compulsory acquisition and temporary possession liabilities Article 48 seeks to guarantee. It follows the same approach to other articles under the DCO which permit works and refer to the 1961 Act.
Schedule 1 – Authorised development			
Q1.16.33	The Applicant	**Paragraph 1** The applicant is to consider: a) if this paragraph is missing the title Interpretation". b) if the following terms should be defined to provide clarity: • Inverter • Switch room	This paragraph is not missing a title. The standard DCO drafting position for Schedule 1s is not to include this term. The Applicant has added a definition of inverter to the DCO at Deadline 3: "*electrical equipment required to convert direct current power to alternating current"* as this aligns with recent precedent. The Applicant does not intend to add a definition of switch room as this is considered to be an understood term and is not defined in other solar DCOs.
Q1.16.34	The Applicant	**Paragraph 2** The applicant is to explain whether Work No. 2 (e) is referring to disaggregated conversion units and if so,	The ExA is correct that this is dealing with disaggregated conversion units however, the Applicant requires these components to be listed separately to make clear that consent

ExQ	Question to	Question	Applicant's Response
		consider if this could be better defined to avoid any confusion with the same elements listed in (d).	has been given for each of them as a separate bit of equipment that will be installed on land. By contrast (d) is referring to those components in the context that they would be housed inside a container.
Q1.16.35	The Applicant	**Temporary construction and decommissioning laydown areas** Work no. 7 provides for the proposed temporary construction and decommissioning laydown areas, and these are defined on the submitted Work Plans [AS-004] at the proposed SDSs and along the cable route corridor. Work No.5 (e) also provides for proposed temporary construction and decommissioning laydown areas however these are not defined thus could be anywhere in land identified for that work number on the Work Plans. The applicant is to: a) signpost where it can be found in the application documents that the siting of the temporary construction and decommissioning laydown areas anywhere in land identified for work no. 5 demonstrates the requirement to consider alternatives as explained in ES Chapter 3 [REP2-029] b) confirm whether the temporary construction and decommissioning laydown areas of work no. 7 would be sufficient for facilitating work no. 5? If not, then a detailed justification is to be provided why these provisions are necessary in the particular circumstances of the proposed Light Valley Solar development, including why more land was not identified for work no.7. Work no. 6 provides for proposed secondary temporary construction and decommissioning laydown areas, however this term is not defined. The applicant is to:	The Applicant's approach to compounds and laydown areas is explained in **Chapter 2 of the ES** [**REP2-027**]. As noted in paragraph 2.7.8, alongside the identified compound locations (Work No. 7), '*temporary laydown areas may be located anywhere within the Solar Development Sites and the Cable Route Corridor. The assessments in the ES have been carried out accordingly*'. Paragraph 2.7.32 also references that, having first discussed what would be in the Work No. 7 compounds in paragraph 2.7.31, that: *There will also be temporary laydown areas progressively established across the Solar Development Sites. The purpose of each one will be to service the local works. This includes but is not limited to storage for materials, fuel, equipment needed for such works as well as welfare facilities, office space required to avoid unnecessary internal movement of personnel over long distances.* Paragraph 2.7.34 goes on, in referring to the Cable Route Corridor, to refer to the temporary compounds on the Works Plans and '*additional laydown areas*', before setting out the assumptions underpinning those areas. As such:

ExQ	Question to	Question	Applicant's Response
		c) explain what is meant by secondary temporary construction and decommissioning laydown areas and consider how this could be defined in the draft DCO d) confirm whether the temporary construction and decommissioning laydown areas of work no. 7 would be sufficient for facilitating work no.6? If not, then a detailed justification is to be provided why these provisions are necessary in the particular circumstances of the proposed Light Valley Solar development, including why more land was not identified for work no.7.	• Work No. 6, which is only in the Solar Development Sites, provides consent for the additional laydown areas referred to in paragraph 2.7.32; and • The reference to laydown areas in Work No. 5 provides consent for the 'additional laydown areas' referred to in paragraph 2.7.34. Work No. 7 is therefore the main compounds for the Proposed Development, and the references in Work No.5 and 6 are for secondary laydown areas, required to support works in a local area, as explained in Chapter 2. Given the size of the Order limits, this approach will help to minimise the number of movements (of workers and materials) to and from the Work No. 7 locations. It also reflects the basis that in the Cable Route Corridor, works will be undertaken by 'gangs' of workers, moving along the Corridor, meaning that these secondary laydown areas will move and adjust on a regular basis, rather than being a set location throughout the construction programme. Given this context, in response to the specific questions: (a) these secondary laydown areas are not specific 'sites', as they reflect small scale support activities that will adjust in nature and need as the Proposed Development is built out. As such, an alternatives assessment was not carried out; (b) as noted above, the laydown areas in Work No. 5 are separate from the defined Cable Route Corridor Construction Compounds (as defined in the ES) that are

ExQ	Question to	Question	Applicant's Response
			indicated as Work No. 7 and serve a different function. The Work No. 7 locations will support large sections of the build-out of the CRC, whilst the Work No. 5 locations will provide small scale support as groups of workers move along the corridor. Where those locations might be will be dependent on the progress a group of workers make over a given day/week; (c) the likely nature of the secondary laydown areas is explained in Chapter 2 at the paragraphs referenced above. The Applicant does not consider that a separate definition is needed in the DCO itself, as a secondary laydown area is a well understood term. It also notes that a similar approach was taken on both the West Burton and Cottam Solar projects where no definition is provided in those DCOs; and (d) Work No. 6 is, by definition, a 'catch-all' work which enables the Applicant to undertake a range of ancillary/minor works across the Solar Development sites of which one aspect is secondary laydown areas. It therefore provides consent for those compounds as a secondary activity to the wider works taking place within the Solar Development Sites. As such, the secondary laydown areas are not laydown areas just for the activities listed in Work No. 6 – they are for the SDSs as a whole. For the reasons given above therefore, they are additional to the role being provided for Work No. 7, which are the 'main' compounds for the SDSs.

ExQ	Question to	Question	Applicant's Response
Schedule 2 - Requirements			
Q1.16.36	North Yorkshire Council	**Use of the word "substantially"** Requirements 6 to 20 of schedule 2 require approval of detailed documents to "be substantially in accordance with…" the outline version of the said document. The Examining Authority is concerned that inclusion of the word "substantially" provides flexibility that is not justified and notes that the Environment Agency has also commented on this issue in its relevant representation [RR-0419] and written representation [REP1-019]. The applicant's response to the Environment Agency's comments is set out in its deadline 2 submission [REP2-118]. NYC is to provide a view on the inclusion of the term "substantially" in schedule 2 of the draft DCO, including the implications its use may have when determining applications to discharge requirements and when seeking to secure or enforce commitments in outline certified documents.	Not for applicant to respond on.
Q1.16.37	The Applicant North Yorkshire Council	**Certainty of the authorised development** Several of the requirements require the implementation of the relevant mitigation or management plan but would not expressly secure its ongoing maintenance throughout the lifetime of the proposed development. Parties are to comment on whether the inclusion of the underlined text in the example below, or comparable drafting, would	The Requirements provide that management plans are required to be "substantially in accordance with" the outline plan. This ensures that the obligations set out in the outline plan will be secured as part of the detailed management plan. The Requirements also provide that the management plan must be "implemented as approved" i.e. the ongoing obligations contained within the detailed plan must be

ExQ	Question to	Question	Applicant's Response
		provide greater certainty if applied to the relevant requirements within schedule 2: "Any bird mitigation area management plan approved under sub-paragraph (1) must be implemented as approved and thereafter maintained and adhered to throughout the duration of the authorised development".	implemented. The suggested drafting is therefore considered unnecessary as any ongoing obligations are already secured by the requirement that the plan is implemented as approved. Additionally, the Environmental Statement assesses the Proposed Development on the basis of an operational period of up to 60 years. The assessment therefore assumes that the mitigation relied upon to avoid, reduce or compensate for environmental effects will remain in place and be appropriately managed for the corresponding period. There is consequently no temporal shortfall between the duration of the mitigation relied upon in the Environmental Statement and the maximum operational period authorised by the draft DCO.
Q1.16.38	The Applicant North Yorkshire Council	**Permissive paths** Requirements 6(4) and 16(5) provide that permission for the public to use permissive paths ceases on the date of decommissioning for that part of the authorised development. Parties are to comment on whether the drafting should clearly secure the continued availability of permissive paths for public use throughout the lifetime of the authorised development and until all affected streets and public rights of way would be open to the public. Your response may include suggested drafting for the draft DCO.	Permissive paths are dealt with the Outline Landscape and Ecological Management Plan (LEMP) **[REP2-095]** which requires the permissive paths to be put in place. Requirement 6 requires the detailed LEMP to be substantially in accordance with the oLEMP which will provide for the provision of the permissive paths. That detailed LEMP must then be implemented as approved, including all the measures within it. It is therefore unnecessary to duplicate this obligation in the Requirements.
Q1.16.39	The Applicant North Yorkshire Council	**Requirement 1 – Commencement of the authorised development** Requirement 1 of schedule 2 includes for details of construction phasing to be submitted to the relevant planning authority. However, unlike phasing requirements in other made solar DCOs, it does not	The purpose of the provision of the phasing scheme is to inform the Council of the construction phases in advance of construction commencing to enable the Council to prepare its resources for the Proposed Development coming forward. It is not intended that the Council has any role in the approval of the construction phases.

ExQ	Question to	Question	Applicant's Response
		include a definition of phase or phasing (or parts thereof), does not require the submitted phasing scheme or timetable to be approved in writing by the local planning authority or implemented as submitted, and does not use terminology in requirement 1(4) consistent with that in requirement 1(2) and 1(3). Both the applicant and NYC should provide a view on requirement 1 in terms of: a) how the revised wording complies with the relevant section of the Planning Inspectorate's Advice Note Fifteen b) a drafting amendment to include a definition of phasing (to include 'part' or 'parts' of phases) c) the need for the approval, in writing, of the local planning authority to phasing schemes and timetables d) a drafting amendment to secure implementation of the approved phasing schemes and timetables e) the use of consistent terminology throughout the requirement.	Nothing in the ES relies upon the Proposed Development being built in a certain order (indeed the assessments are based on the Proposed Development all being built at once). This is with the exception of works around the Bird Mitigation Area, the phasing of which will be secured via the LEMP and BMAMP. There is therefore no potential harm or worse environmental effect that would be managed through phasing. As such, to require approval would not meet the tests set by policy for a Requirement, as it is not necessary or relevant to planning for the Council to require the Proposed Development to be built in a certain order. The Requirement is deliberately worded to refer to 'part' and 'phases' as separate terms. When the Applicant seeks to submit a phasing strategy, the phases of the Proposed Development will not yet exist, because they will be set out in the phasing strategy that is being submitted for approval. As such, it needs to refer to 'part' to ensure that the phasing strategy is submitted prior to commencing any part of the Proposed Development. 'Part' is used throughout the rest of the Requirements, because the discharge of Requirements may not align with the phases of works carried out (and the associated contracting for them). For example, there could be two separate drainage strategies for two parts of one phase of works (e.g. Sites 2 and 6 as two separate parts of one phase), because whilst that phase of work may be built in the same time frame, the drainage contractor or design is slightly

ExQ	Question to	Question	Applicant's Response
			different for those two sites ('parts'). A further example may be that a Requirement could be discharged for more than one phase of works. For example, there may be one construction contractor for the whole Cable Route Corridor. That contractor could thus do a CEMP for that whole CRC as it would have thought about its planning for the whole series of work, even though the works may take place across multiple 'phases'. It is therefore important for there to be two separate terms used, and it also means that it is not possible to define them, as they could have different practical uses, post-consent.
Q1.16.40	The Applicant	**Requirement 2 – Approved details and amendment to them** Both the applicant and NYC should: a) provide a view on adding the following text to requirement 2 for the purposes of certainty that any approval etc. is provided in writing: "Where under any of the requirements the approval, agreement or confirmation of the relevant planning authority is required, that approval, agreement or confirmation must be provided in writing" The applicant should explain whether: b) requirement 2(1) of schedule 2 allows for the amendment to any certified document under article 42 and to provide a view on including a specific exclusion for the Book of Reference and Land, Crown Land and Special Category Land Plan documents. The response can include proposed amended drafting for the draft DCO.	(a) Paragraph 2(2) of Schedule 16 requires that the relevant planning authority must "give notice in writing to the undertaker of its decision". The Applicant does not consider it is necessary to duplicate this requirement in Requirement 2. (b) The Applicant does not consider this amendment is necessary and nor is it precedented. A change to the Book of Reference and Land, Crown Land and Special Category Land Plan would still engage the not materially different/worse tests as changes to those documents would only happen as part of a change to the strategy in delivering works.
Q1.16.41	The Applicant	**Requirement 3 – Community Liaison Group (CLG)**	The Applicant confirms that the Community Liaison Group is committed to being set up through the construction phase,

ExQ	Question to	Question	Applicant's Response
		This requires a CLG to be established before commencement of the proposed development, that would meet until the date of final commissioning. However, requirement 3 does not secure the continued operation of the CLG during the operation, maintenance and replacement activities, or decommissioning. The oDEMP [REP2-093] and the outline Pollution and Spillage Response Plan [REP2-099] confirm that a community liaison officer would be appointed during decommissioning. The Examining Authority considers that the CLG should remain active throughout the key phases of the development, up to and including decommissioning. The applicant should explain whether or not amendments are necessary to requirement 3, to include the underlined words and omit the struck through words, as follows (or to propose comparable drafting): "(1) Prior to the commencement of the authorised development the undertaker must submit to the relevant planning authority for approval in writing the terms of reference for a community liaison group whose aim is to facilitate liaison between representatives of people living in the vicinity of the Order limits and other relevant organisations in relation to the construction, operation and decommissioning (as relevant) of the authorised development." "(3) The community liaison group is to continue to meet until ~~the date of final commissioning of the authorised development~~ decommissioning has been completed pursuant to the approved decommissioning environmental management plan for the final part of the authorised development to be decommissioned unless	peak replacement activities, and the decommissioning phase of the Scheme. Requirement 19 makes it explicit that the Community Liaison Group is committed to being set up ahead of decommissioning. For the operational phase, the Applicant has updated Requirement 4(3) as follows: "The community liaison group is to continue to meet until ~~the date of final commissioning of the authorised development~~ the first anniversary of the date of final commissioning of the authorised development unless otherwise agreed with the relevant planning ~~authorities~~ authority." The Applicant considers that the CLG does not need to be in operation when the Proposed Development is in normal operation, as there would be nothing to 'liaise on' as the Proposed Development will simply be existing on land. The Applicant has committed to a single point of contact and a complaints process in the OEMP, and considers these are sufficient to ensure that any community concerns can be dealt with in that period, rather than requiring a regular group meeting. The Applicant will also update the Outline OEMP and Outline DEMP for Deadline 4 to commit to the reestablishment of the group on the same terms of reference prior to planned replacement activities and decommissioning. The Applicant considers these updates will satisfy the ExA's concerns.

ExQ	Question to	Question	Applicant's Response
		otherwise agreed in writing with the relevant planning authority."	Note the Applicant has also corrected Requirement 3(3) to correct the typo reference to 'relevant planning authorities'.
Q1.16.42	The Applicant	**Requirement 7 – Bird mitigation area management plan** Requirement 7(3) reads "(3) (3) Any bird mitigation area…" and so contains a duplicate sub-paragraph. The applicant is to amend the draft DCO as necessary.	The Applicant has updated the draft DCO as per the ExA's comment.
Q1.16.43	The Applicant North Yorkshire Council Lead Local Flood Authority Environment Agency Ouse and Derwent Internal Drainage Board The Selby Area Internal Drainage Board	**Requirement 10 – Surface and foul water drainage** The applicant's response to relevant representation reference IDB-12 [REP2-109] explained that if a drainage strategy was deemed necessary by the Ouse and Derwent Internal Drainage Board due to the duration of the proposed temporary works, the protection provisions in part 3 of schedule 15 in draft DCO [REP2-004] would facilitate this. The Examining Authority's understanding is these protective provisions would only apply to drainage works within 7m to 9m of a watercourse, as defined in paragraph 20, part 3 of schedule 15. Parties are to provide a view on: a) whether requirement 10 of schedule 2 in the draft DCO should explicitly require a drainage plan for the construction and operation phases of the proposed development, to be submitted and approved in writing by the planning authority b) whether the relevant planning authority must consult with the Lead Local Flood Authority, Internal Drainage Board and the Environment Agency before	(a) "Specified work" in Part 3 of Schedule 15 of the draft DCO is defined as: "so much of the authorised development as is in, on, under, over or within 8 metres (or 9 metres in the case of any drainage work under the control of the Ouse and Derwent Internal Drainage Board, or 7 metres in the case of any drainage work under the control of the Selby Area Internal Drainage Board) of a drainage work or is otherwise likely to affect the flow of water in any watercourse." The underlined part of the definition broadens the application of the protective provisions for the IDB to cover these matters. In respect of question (a), the Applicant does consider this is necessary. Construction phase drainage, temporary drainage, runoff control, silt management and construction-stage water management will be secured through the detailed CEMP required under Requirement 12, pursuant to the requirements in the outline CEMP.

ExQ	Question to	Question	Applicant's Response
		determining an application for approval of the final surface and foul water drainage details. An example of such drafting is contained in requirement 16 of schedule 2 in the Dogger Bank South East and West Offshore Wind Farms Order 2026.	Operational drainage inspection, testing and maintenance will be secured through the detailed OEMP requirement under Requirement 13 of the draft DCO. The Applicant therefore does not consider that additional drainage-specific requirements are necessary. The existing Requirements provide a proportionate approach to control drainage. (b) The Applicant has added the drainage authority (which is defined in article 2 to include both the lead local flood authority and internal drainage boards in article 2) (alongside the Environment Agency who were already included) as consultee to this Requirement for Deadline 3.
Q1.16.44	The Applicant North Yorkshire Council Historic England	**Requirement 11 – Archaeology** Parties should provide a view on whether Historic England and NYC's lead archaeologist should be consulted on any amendments to the Archaeological Mitigation Strategy that may be submitted under requirement 2 of schedule 2.	The **Archaeological Mitigation Strategy [REP2-101]** has been developed in consultation with the Archaeological Officer for NYC, who should be consulted on any changes to the document. The Proposed Development does not include works impacting any designated heritage assets, where the DCO would supersede the need for Listed Building or Scheduled Monument Consents, therefore it is unlikely that further consultation with Historic England would be required. Requirement 2 requires NYC to approve amendments to an approved document as the relevant planning authority. As NYC is a unitary authority, the NYC Archaeological Officer is part of the Council. It is not the case that the relevant archaeological officer is employed by a different Council, as may be the case where the officer was employed by a County Council whilst the relevant planning authority was the District Council. It is therefore considered that consultation with the relevant Archaeological Officer is built into the discharge of an application to amend the AMS made under Requirement 2,

ExQ	Question to	Question	Applicant's Response
			and it is therefore not necessary to make separate provision for this.
Q1.16.45	The Applicant North Yorkshire Council	**Requirement 15 – Operational noise** Parties should provide a view on whether the drafting should be amended as below, for the purpose of clarity: (1) No part of Work Nos 1, 2 or 3 may commence until an operational noise management ~~plan~~ assessment containing details of how the design of that part of that numbered work has incorporated the operational mitigation measures to ensure the operational noise rating levels set out in table 2-2 of appendix 11.3 of the environmental statement and the outline operational environmental management plan are complied with for that part has been submitted to and approved by the relevant planning authority.	Please see the Applicant's responses to FWQs 1.10.3 to 1.10.5 which explain why the Applicant considers that a requirement which refers to operational noise limits should not be the way forward in respect of operational noise mitigation. As a result, it would not agree drafting in the DCO which refers to levels.
Q1.16.46	The Applicant	**Requirement 16 – Public rights of way** Requirement 16(5) refers to the 'the public rights of way and permissive paths management plan' whereas the proposed certified document in Schedule 13 is 'outline public rights of way management plan'. The applicant is to provide clarification and amend the draft DCO as necessary.	The Applicant has corrected Requirement 16(5) to refer to 'the public rights of way management plan'.
Q1.16.47	The Applicant North Yorkshire Council Natural England	**Requirement 17 – Soil management and Requirement 19 – Decommissioning and restoration** Parties are to provide a view whether NE should be a consultee to an application for approval of a submitted soil management plan and/ or decommissioning environmental management plan.	Natural England has not requested this change as of yet, so the Applicant does not consider it is necessary at this time.

ExQ	Question to	Question	Applicant's Response
Q1.16.48	The Applicant	**Requirement 19 – Decommissioning and restoration** Revised requirement 19 includes reference to 'part' or 'parts' of the works. The proposed revisions to requirement 1 include reference to 'phase' or 'phases' of construction. The applicant is to provide a view on the consistency of the terms used in requirement 1 and requirement 19 and provide amended drafting as necessary.	Please see the response to FWQ 1.16.39 – the logic discussed there equally applies to the decommissioning phase.
Schedule 5 – Alteration of Streets			
Q1.16.49	The Applicant		
		Black Lane and Fryston Common Lane Part 2 of schedule 5, and schedule 8 contain duplicate entries for proposed works associated with Black Lane and Fryston Cmmon Lane. These are follows: • Black Lane – works between reference points 8g and 8h • Fryston Common Lane – works between reference points 13a and 13b The applicant is to check and amend the draft DCO as necessary.	The Applicant has identified that the apparent duplication is an incorrect reference to streets shown on the **Streets Plans [AS-005]**. The references have been corrected in the draft DCO submitted at Deadline 3.
Schedule 6 – Steets and public rights of way			
Q1.16.50	The Applicant	**Definitive Map Modification Orders** In schedule 6 there are references to SEL/2021/01/DMMOO not SEL/2021/01/DMMO. The applicant is to amend the draft DCO as necessary. In the table under part 2 there are also several entries identifying different DMMOs and measures proposed to be taken should those routes be adopted. Some of the DMMO references cited in the second column do not	The Applicant has updated the draft DCO submitted at Deadline 3 as per the ExA's question. The Applicant assumes the ExA is referring to the Public Rights of Way Plans rather than the **Streets Plans [AS-005]**.

ExQ	Question to	Question	Applicant's Response
		correspond with that cited and shown on the Streets Plans [AS-007]. The applicant is to check all references and amend the draft DCO and/ or Streets Plans as necessary	
Schedule 9 – Land in which only new rights etc. may be acquired			
Q1.16.51	The Applicant	**Clarity of powers sought** Column 2 of the table in schedule 9 contains broad purposes for which rights over land may be required and restrictive covenants imposed while column 1 groups the affected plot numbers to which those purposes apply. However, the current format of schedule 9 makes it difficult to ascertain whether each of the rights and restrictive covenants listed in column 2 are necessary, proportionate and justified in relation to every plot number identified in Column 1. The applicant is to amend schedule 9 to include a row for each plot number that identifies the purposes for which rights may be required in column 2 and the work numbers in column 3. This would assist in assessing whether the extent of the powers sought is proportionate on a plot-by-plot basis. Examples can be found in the Springwell Solar Farm Order 2026 and the draft Order for the proposed Fosse Green Energy development.	The Applicant's position is that the full extent of rights/restrictive covenant powers that are listed in column 2 are required for all of the plots that are listed in column 1. In high level, broad terms, the first row of plot numbers relates to plots that are needed for access related works and requirements, and the second row relates to plots associated with the provision of cabling, and the rights/restrictive covenants sought seek to ensure that the Applicant can deliver, maintain, and protect those works. The Applicant's approach is consistent with the made DCOs for West Burton and Cottam projects, and so is one that has been supported by the Secretary of State. As such, the Applicant has not made this requested change in the Deadline 3 draft DCO.
Schedule 10 – Modifications of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants			
Q1.16.52	The Applicant	**Paragraph 4 - Application of Part 1 of the 1965 Act** The descriptions of articles 20, 22 and 27 in this paragraph are inconsistent with those cited elsewhere in the draft DCO. Article 20 is cited in the contents as 'authority to survey and investigate the land', but in this	These references have been checked and updated where necessary in the DCO submitted at Deadline 3.

ExQ	Question to	Question	Applicant's Response
		paragraph, it is cited as 'compulsory acquisition of land' (which in the contents relates to article 21). The applicant is to clarify the reason for these apparent anomalies and should amend the paragraph as necessary.	
Schedule 13 – Documents and plans to be certified			
Q1.16.53	The Applicant	**Additional documents** The applicant is to include the following as certified documents in schedule 13, and include a definition in article 2, or explain why they should not be included: • Outline Materials and Waste Management Plan • Outline Pollution and Spillage Response Plan • Outline Invasive Species Management Plan	The Applicant does not consider that these documents should be added as certified documents, as certified documents, and article 2, only need to include plans where they are referenced in the main body of the DCO. These plans are not referenced by the DCO itself. They are referenced in the **OCEMP [REP2-089], OOEMP [REP2-091]** and **ODEMP [REP2-093]** as necessary to ensure that detailed versions of the measures in these plans accompany the detailed versions of those 'parent' EMPs. This does not need to be duplicated in the DCO itself, and therefore they are not mentioned it, and by consequence do not need to be a certified document.
Q1.16.54	The Applicant	**Work Plans** The applicant is to provide, or signpost where it can be found in the application documents, an explanation why the cable route corridor 2-8 is identified partly as work no. 1(d) and work no. 5 on sheet 16 of the Work Plans [AS-004]. If this is an error, provide updated Work Plans for deadline 4.	The Applicant confirm this is a drafting error and reference to work no. 1(d) on sheet 14 and 16 of the **Work Plans [AS-004]** will be removed from an updated version of the Work Plans provided at Deadline 4.
Schedule 15 – Protective provisions			
Q1.16.55	The Applicant Ouse and Derwent Internal	**Part 3 – paragraph 20** Parties are to provide a view whether the distances stated in "specified work" should be updated to reflect the applicant's new commitment that planting in the 10m	The Applicant does not consider this is necessary, as the definition of specified work relates to what triggers the need for the IDB approval. The planting buffer is a commitment of the Applicant as to how works are to be carried out, and the IDB would be able to consider if the Applicant had complied

ExQ	Question to	Question	Applicant's Response
	Drainage Board	buffer on Ouse and Derwent IDB watercourses would only be on one side of a watercourse?	with that commitment in approving the details of the specified works.
Q1.16.56	The Applicant	**Part 6 – paragraphs 79(1) and (6), Part 7 – paragraph 74, and Part 8 – paragraph 109** These all refer to article 43 (arbitration) whereas elsewhere in the draft DCO that article 43 is cited as relating to double recovery. The applicant should: a) clarify if these references are incorrect, and if these should be replaced by article 44 (arbitration) b) provide an update to the draft DCO as necessary.	These references have been corrected to article 44 in the DCO submitted at Deadline 3.
Q1.16.57	The Applicant	**Part 6 – paragraph 64(3)(i) and (j)** These refer to article 23 (compulsory acquisition of land), however article 23 covers 'Compulsory acquisition of land – incorporation of mineral code' and article 21 covers 'Compulsory acquisition of land'. The applicant should provide confirmation which articles are intended to be referred to in paragraph 63 and amend the draft DCO as necessary.	This has been corrected at Deadline 3 to refer to article 21.

2.17 Compulsory acquisition, temporary possession and other land or rights considerations

Table 2-17 Applicant's Response to the Examining Authority's First Written Questions: Land

ExQ	Question to	Question	Applicant's Response
Q1.17.1	The Applicant	**Adequacy of voluntary agreements** The applicant explained during CAH1 [EV3-002] agenda item 3.1 that the signed voluntary agreements could not be relied upon in circumstances where a landowner does not grant a lease in accordance with the option agreement, or if a landowner dies or becomes insolvent. Furthermore, that these circumstances could not be	(a) The Applicant considers it is not usual practice or indeed possible as a matter of property law for an Option Agreement to state that, where a landlord does not enter into a lease when it is triggered under the terms of an Option, that the Lease should be considered as having been entered into in any event, and no landlord would be well advised by its

ExQ	Question to	Question	Applicant's Response
		included in voluntary agreements. The applicant is to explain: a) why these circumstances have not been incorporated in a voluntary agreement including signposting to any relevant legislation or case law? b) in the absence of pursuing voluntary agreements which incorporate foreseeable and not unusual circumstances, how does it demonstrate that all reasonable alternatives to compulsory acquisition have been explored? c) in the absence of pursuing a voluntary freehold agreement for the relevant land plots, how does it demonstrate that all reasonable alternatives to compulsory acquisition have been explored?	solicitor to sign up to a term that sought to have such an effect. In any event, it is noted that a Lease is a two-party document that creates an interest in land and must be entered into by deed under s.52 of the Law of Property Act 1925 – it cannot exist without a landlord entering into it with a tenant. In a situation where the delivery of a Nationally Significant Infrastructure Project is not at stake, the Tenant would need to commence legal proceedings for a breach of the Option and seek specific performance. This is not a quick process and if a Tenant were forced to do so in this context the impact on the delivery of a consented project could be severe. It has therefore become standard practice in the context of an NSIP/DCO to provide for compulsory acquisition powers to become available in these circumstances to ensure delivery of the consented project. Where a landowner dies, there is a separate legal process to determine what happens to his/her estate. It is not possible for an Option to state that when a party dies, that a certain named other party can be 'substituted' as the Landlord when a lease is triggered. Furthermore, it is entirely possible for a will or an estate (where no will applies) to be challenged. As such, compulsory acquisition powers are required to ensure that the authorised development can be built without having to wait for the estate to be dealt with, and the successor in title of the land identified. Where a landowner goes insolvent (where it is a business), what happens next will be entirely dependent on the process of insolvency that has applies (administration or liquidation). However, in either process, a third party practitioner is then involved to deal with the landowner's business, and in balancing all creditors and interests in that landowner's land, there may be a substantive delay in entering into the Lease/it

ExQ	Question to	Question	Applicant's Response
			may be decided to not enter into the Lease, thus frustrating the authorised development. Importantly, an option cannot force an insolvency practitioner to take certain steps before an Insolvency Event has taken place. As a result it is not possible for a voluntary Option agreement to deal with these circumstances, and compulsory acquisition powers are therefore required as a 'back-up' in case these circumstances arise. Accordingly, it is necessary for the Applicant to seek powers for the compulsory acquisition to ensure that the Scheme can be delivered without impediment. (b) Given the response to (a), the alternative of a 'voluntary agreement which caters for these circumstances' is in fact not an 'alternative' to compulsory acquisition. Through agreeing a number of options, the Applicant has sought to reduce the scope of when compulsory acquisition powers would need to be utilised as they cannot be avoided. However, given the compelling case in the public interest for the Proposed Development, they do need to be retained to ensure that it can be delivered when those circumstances do arise. (c)The Applicant notes that securing 'unrestricted' freehold acquisition of the land (i.e. not an Option) was not an option available to the Applicant. As is usual practice, the landowners would not want to transfer the land to the Applicant unless planning consent was granted for the Scheme. That route was therefore not an alternative to seeking compulsory acquisition powers either.

ExQ	Question to	Question	Applicant's Response
			As voluntary options are already in place for all land plots where freehold acquisition is sought, the Applicant is satisfied that it can demonstrate that all reasonable alternatives to compulsory acquisition have been explored and pursued. Finally, the Applicant would emphasise that the Applicant's approach is no different from all other solar DCOs which have taken the same approach, i.e. seeking compulsory acquisition powers over land where Options have been agreed. Whilst it is acknowledged that every case has to be considered on its own facts, the important point is that there is nothing different about the circumstances of the Proposed Development compared to those other schemes – in all these cases options have been granted for solar areas, but CA powers have still been sought to ensure that the authorised development can be brought forward in the situation when the option is unable to all exercised. In all such cases, the Secretary of State has considered that this approach is appropriate and the Applicant submits there is no reason that the same conclusion cannot be reached for the Proposed Development.
Q1.17.2	The Applicant	**Assessment of private loss** The applicant's response to CAH1 [EV3-006] agenda item 3.4 and action point CAH1-11[REP1-005] asserted the private losses that would arise from compulsory acquisition powers, or consequences of, are losses that can be adequately compensated. The Examining Authority notes that the compulsory acquisition guidance requires a balancing exercise between public benefit and private loss when considering whether there is a compelling case in the public interest. It does not refer to	The Applicant agrees that a balancing exercise needs to be undertaken between the public benefit of the Proposed Development and the private loss that may be suffered by the landowners affected. However, the Applicant does not consider that this exercise needs to be supported by a specific assessment which seeks to quantity the private loss that is suffered. The Applicant has reviewed seven recent solar DCO decisions and notes that no such specific assessment was required. Furthermore, neither the recommendation of the

ExQ	Question to	Question	Applicant's Response
		balancing public benefit against compensation paid. Similarly, under Article 1 of Protocol 1 to the European Court of Human Rights, the question is whether the interference with property rights is proportionate. Compensation addresses the financial consequences of compulsory acquisition, whereas the statutory balancing exercise requires consideration of the underlying private loss and interference with property rights. The applicant is to confirm what assessment has been undertaken of the underlying loss and interference with private rights, and signpost to the evidence that can be used to inform a conclusion whether that loss if outweighed by the public benefit?	ExA, nor the decision of the Secretary of State, in those cases, sought to specifically quantity the private loss that would be suffered (or indeed the public benefits that would arise). As set out in REP1-005, the 'private loss' that would potentially be suffered by land interests are all compensatable – whether that be crop loss, impacts to access, severance, injurious affection or direct loss of land. The Applicant has considered the compensation that could arise under all 'heads' of claim and quantified this in the Funding Statement. The private 'loss' is that parties subject to compulsory acquisition powers would no longer be able to enjoy their land in the same way as they currently do – in the main this will be either because the Applicant will take full control, or that it will be subject to a cable being in the ground that the Applicant will need to access from time to time. The Applicant has not sought to assess these qualitative impacts for each landowner, because those effects can be compensated and as noted above, there is no precedent for such an assessment to be carried out (or indeed any specific requirement in law or Guidance). The Applicant submits that it is for the ExA to recommend whether or not the public benefits of the Proposed Development outweigh the fact that these private losses may arise, full stop; but in the knowledge that they can be compensated and that the Applicant has been successful in negotiating Options.
Q1.17.3	The Applicant	**Interference with private rights** National Highways, in its written representation [REP1-023] and [REP1-024], referred to potential existing claims	The Applicant can confirm that National Highways is included within the Book of Reference in respect of various rights interests. As noted within REP1-023 and REP1-024 these comprise:

ExQ	Question to	Question	Applicant's Response
		or interests affecting the plots identified in paragraph 2.10. The applicant is to: a) identify the nature and beneficiaries of those rights and interests in the Book of Reference as necessary b) explain whether extinguishment, suspension or interference with those rights is required for the proposed development and why c) confirm whether these affected persons have been notified, and if yes signpost to the evidence.	• Plots 10-063, 10-065 and 10-067, in relation to rights of access to maintain the highway; • Plot 10-064, in relation to rights and covenants granted by a Transfer dated 4 August 2006; • Plots 10-071, 10-083 and 11-017, in relation to rights of access; • Plots 20-014, 20-017, 20-019 and 20-020, in relation to rights granted by a Transfer dated 21 August 2006 concerning light and air; and • Plots 20-025, 20-040 and 20-041, in relation to rights contained within a Transfer dated 5 July 2004. The Applicant therefore confirms that National Highways has been identified in the **Book of Reference [REP2-011]** in respect of the above rights interests alongside other interests not listed within REP1-023 and REP1-024. The Plots raised in REP1-023 and REP1-024 are those which National Highways hold a third-party interest in. National Highways received a s.42 notice on 24/06/2025 and a s.56 of 17/03/2026. The Applicant is confident that the rights and restrictions identified in REP1-023 and REP1-024 over land within the Order Limits are capable of subsisting alongside the project. During the detailed design phase of the Project, should it become apparent those rights or restrictions will be affected, the Applicant is committed to working with interested parties to ensure no adverse consequences. This is secured, in respect of National Highways' interests, in the Protective Provisions in Part 6 of Schedule 15 to the draft DCO which

ExQ	Question to	Question	Applicant's Response
			secures that powers of compulsory acquisition may only be exercised over National Highways' interests with its consent.
Q1.17.4	The Applicant	**Negotiations with affected persons** Paragraph 1.7.2 of the Statement of Reasons [REP2-009] explains the negotiations are continuing with persons with interests in land affected by the proposed development. The applicant is to provide, or signpost where it can be found in the application documents: a) evidence that it has engaged with the beneficiaries of the affected rights, listed in part 3 of the Book of Reference [REP2-011], and evidence it explored whether the rights could be acquired, varied, released, suspended or otherwise addressed by agreement before seeking compulsory powers b) evidence that it has made genuine and proportionate efforts to acquire by agreement the relevant category 2 persons land interests or rights identified in Part 1 of the Book of Reference.	Part 3 of the Book of Reference contains the names of persons who have easements or other private rights over the land. There is extensive overlap between the persons listed in Part 3 and the Category 2 interests identified in Part 1 of the Book of Reference. This is because a Category 2 person is one who has an interest in land, or who has the power to sell and convey or to release the land. An easement or private right, resulting in a person being listed in Part 3 of the Book of Reference, is an interest in land establishing them as holding a Category 2 interest. The engagement with Category 2 interests, as detailed in this response, applies equally to the Category 2 interests listed in Part 1 and the persons listed in Part 3, being the same persons listed in each section. In relation to the Cable Route Corridor, the Applicant is seeking either Temporary Possession or Permanent Rights and is therefore satisfied that existing third-party rights are unlikely to be impeded by the rights which the Project is seeking. As such, it has not sought to undertake negotiations with these interests. If this position were to change due to the detailed design of the Proposed Development (e.g. if unexpected obstructions mean that a third party right being affected cannot be avoided), then negotiations would occur at that time. Where rights may be affected, the Applicant has actively engaging with the relevant interest to secure voluntary agreements where necessary, as detailed in Part 2 of the **Land and Rights Negotiation Tracker [REP2-013].** By way

ExQ	Question to	Question	Applicant's Response
			of example, the Applicant has sought to do this with the developers of Hillam Solar. The Applicant HAS worked collaboratively with both the landowner and the developer to understand the extent and nature of the interests. This engagement resulted in flexibility being incorporated into the draft Order Limits and ongoing negotiation of a side agreement with the developer to allow both Projects to co-exist. Otherwise in respect of the Solar Development Sites, the Applicant has entered into Options for Lease which make clear that the Applicant would take on the land subject to all matters contained within the title (including third party rights). The use of powers would thus only become necessary if the Option for Lease was unable to be exercised. Accordingly, the Applicant is confident that all relevant interests have either been addressed through negotiations or are capable of coexisting alongside the Project without conflict.
Q1.17.5	Harworth Estates (Agricultural Land) Limited	**SDS8 access** Your relevant representation [RR-0526] stated, "Construction and Operational Access for Site 8; works number 8A and 8B look to comprise the only southern access options to the site, on this understanding Harworth has no further comment to make". Sheets 16 and 17 of the Works Plans [AS-004] identify proposed works to facilitate permanent access to SDS8 from the north. Could you provide further comments in relation to the proposed north access, as you feel necessary.	Not for applicant to respond on.
Q1.17.6	The Applicant Nick Billingham	**Book of reference** Parties are to:	The Applicant considers that the updated **Book of Reference [REP2-011]** identifies all legal interests that have been identified through the Land Referencing process undertaken

ExQ	Question to	Question	Applicant's Response
		a) explain the current position on identifying potential missing affected persons that were raised in [RR-1051] b) explain whether the updated Book of Reference [REP2-011] is considered to identify all legal interests.	to date. The document reflects the outcome of the Applicant's investigations and updates arising from further Land Referencing work carried out since the submission of previous iterations of the Book of Reference. The Applicant's approach to ensuring this is set out in the Technical Note submitted in response to the ExA's Rule 17 request [**AS-039**]. While the Applicant considers the Book of Reference to be complete based on the information currently available, Land Referencing is an ongoing process and, should any additional legal interests be identified through ongoing investigations, these would be addressed through further updates in accordance with the examination process and applicable requirements.
Q1.17.7	The Applicant	**Funding statement** The applicant is to: a) confirm how the total project cost of £925 to £975 million stated in section 2.2 of the Funding Statement [APP-021] has been derived, including a breakdown of the principal cost components including construction, land acquisition, compensation, professional fees, financing costs, environmental mitigation, contingency and inflation allowances b) whether the cost estimate has been independently reviewed or assured? If so, by whom and when? c) how the submitted cost estimate of £925 to £975 million compares with equivalent or comparable projects, and what explains any material differences?	The costs referred to in the Funding Statement [APP-021] were estimated by making separate estimates for the solar, BESS and grid connection (including substations) elements of the Scheme. Additionally estimated costs were further evaluated for land and consenting, and balance of plant (civil engineering) costs, with contingency on top. The majority of costs were estimated using Applicant market knowledge of average construction costs within the solar industry. Land and consenting costs were calculated by a Chartered Surveyor in the form of a Property Cost Estimate. The costs estimate covers all costs associated with the construction of the Scheme including construction, land acquisition, compensation, professional fees, financing costs, environmental mitigation and contingency.

ExQ	Question to	Question	Applicant's Response
		d) aside from section 2.3 of the Funding Statement explaining that, if an Order was granted for the proposed development, the applicant would consult a variety of financial institutions, advisors and investors, what substantive steps have been taken to secure funding? e) how can the Examining Authority be satisfied that there is a reasonable prospect of the requisite funds being available to meet project costs, including the costs of acquiring land and rights, given that no funding sources have been identified or evidence provided to demonstrate that adequate funding would be available at the point any compulsory acquisition powers are exercised.	The cost estimate has necessarily been made at an early stage in the process, before detailed design, tendering for services or procurement of infrastructure. As such the final amounts could vary from this. Accordingly, it is not typical to provide a detailed breakdown of costs as there are ultimately subject to change as the design is developed post-consent. To allow for this, and to avoid a potentially inaccurate granular assessment, contingency amounts have been included in the estimates. It is is therefore not expected for the final cost of the Proposed Development to differ materially from the estimate. Contingency amounts also account for inflation and hence a range has been specified for the total estimated cost. The Applicant confirms that the land-related element of the project cost estimate has been derived from the detailed Property Cost Estimate (PCE) prepared for the Proposed Development. The assessment includes provision for the acquisition of land and rights, associated land transaction costs, compensation liabilities arising from the implementation of the Proposed Development, and reasonable third-party professional fees incurred by affected landowners and occupiers. The estimate also includes appropriate contingency and interest allowances to reflect risk and the timing of payments. The Applicant is therefore satisfied that the PCE provides a robust assessment of the principal land and compensation liabilities associated with the Proposed Development. The PCE was prepared by an external consultant on behalf of the Applicant. The assessment has subsequently been reviewed and assured by the Applicant's wider land and project team, comprising suitably qualified and experienced

ExQ	Question to	Question	Applicant's Response

professionals with expertise in land acquisition, compensation and compulsory purchase matters. The Applicant is satisfied that the PCE therefore provides a robust and proportionate assessment of the likely land-related costs associated with the Proposed Development.

The Applicant has undertaken a review of comparable Nationally Significant Infrastructure Projects promoted by the wider Island Green Power group, including the Lime Down Solar Park, East Pye Solar and West Burton Solar Project as demonstrated within the table below. This benchmarking exercise indicates that the estimated project cost for the Proposed Development is broadly consistent with comparable utility-scale solar and battery storage projects of a similar nature and scale.

Project	Funding Statement	Capacity
Light Valley Solar	£925 million - £975 million	500 MW
Lime Down Solar Park	£900 million - £950 million	500 MW
East Pye Solar	£1.0 billion - £1.05 billion	500 MW
West Burton Solar Project	£500 million	480 MW
Green Hill Solar Farm	£950 million - £1 billion	500 MW
Botley West Solar Farm	£820 million	840 MW
		800MW

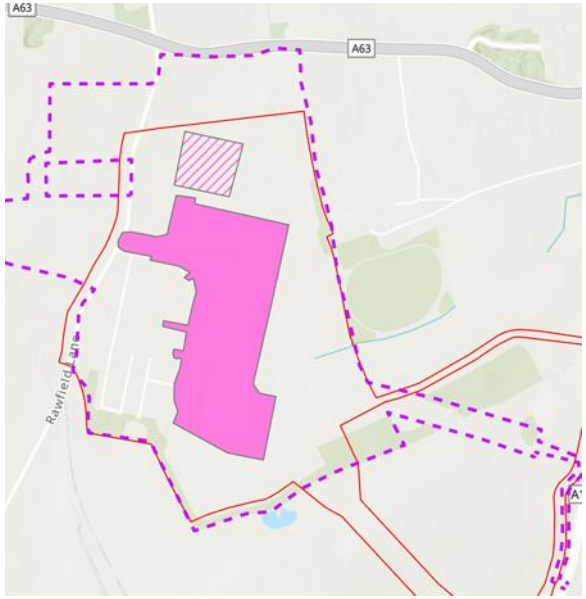
ExQ	Question to	Question	Applicant's Response
			<table><tr><td>Springwell Energy Farm</td><td>£650 - £750 million</td></tr></table> The Applicant is satisfied that the overall cost estimate falls within the range that would reasonably be expected for a project of this type. Variations between projects are expected and can arise from a range of factors including site location, project scale, land use requirements, prevailing land values, the extent and complexity of grid connection infrastructure, cable route lengths, environmental constraints, mitigation requirements and market conditions at the time that costs are prepared. The Proposed Development is at an early stage of development and it is premature to approach financial institutions to discuss future finance. This would be done post-consent. Nevertheless, the Applicant notes that Island Green Power (the Applicant's parent company) is in the advanced stages of securing the finance for a commensurate project, West Burton Solar Project, indicating that such Funding Statement estimates are robust and the finance is available to meet project costs. The table above shows the West Burton Solar Project cost estimate to be notably lower than more recent projects, as it predated the recent significant increases in construction costs. The approach to funding that project, as with the Proposed Development, is demonstrably robust as it does not rely on pre-existing funds that may be overtaken by rapid inflationary increases. Furthermore, it should be noted that the Applicant recently obtained substantial financing to support the growth of the company

ExQ	Question to	Question	Applicant's Response
			into an independent power producer, which would be achieved by building projects such as Light Valley Solar. This finance facility would support the post-consent development stage before other financial institutions become involved but indicates that the company's portfolio, including Light Valley Solar, is of interest to investors. As such there is a reasonable prospect of the requisite funds being available to meet project costs, including the costs of acquiring land and rights.
Acquisition of rights			
Q1.17.8	The Applicant	**Rights over land identified for acquisition of freehold** Article 24(1) of the draft DCO appears to be drafted to enable compulsory acquisition of new rights over all of the Order land. While article 24(2) limits the compulsory acquisition power in defined plots to the defined rights listed in schedule 9, it does not prevent new rights over any other part of the Order land being acquired under article 24(1). As a result, there may be persons with an interest in Order land not identified in schedule 9 but who could nonetheless be affected by the exercise of those powers. The applicant should provide evidence to demonstrate that persons with an interest in any part of the Order land were aware that such undefined new rights could potentially be sought over their land.	The understanding of the Examining Authority is correct in that rights may be acquired over any of the 'pink' land, over which freehold acquisition is sought. The only persons who could be affected by the use of article 24(1) are those whom have an interest in the pink land. Article 24(1) allows a right to be taken instead of acquiring the freehold in its entirety where this is more appropriate and proportionate. For example, where the whole of the pink land is not required, the rights for cabling could be taken up to the boundary of the freehold, rather than needing to acquire the freehold when only rights are required. This right is not undefined as it must still meet the tests set out in Article 21 (i.e. it must be required for the authorised development or required to facilitate or is incidental to the authorised development). However, the crucial point is that acquiring a right is a less onerous power than acquiring the freehold and so it is considered to be proportionate. The Applicant did not consult specifically on this power, as in doing so, and in undertaking negotiations, both its and the landowners starting point was that the Applicant would be seeking an Option, and back-up powers for full control of the

ExQ	Question to	Question	Applicant's Response
			land (via compulsory freehold or a granted lease). Anything less than that would thus be a lesser imposition (i.e. losing an element of enjoyment of their land) to the landowner than that full acquisition (i.e. losing complete control of their land). As such, the focus was on negotiating a commercial position in respect of what the greatest impact on land could be. This is in common with standard practice on DCO projects. In the context that voluntary agreements with landowners covering all of the land identified in pink on the Land, Special Category and Crown Land Plans have been agreed, this means that article 24(1) would only be used in the situation where the Option cannot be relied upon; but would leave landowners in a position where they are affected by a lesser imposition than they had previously agreed an option over. This form of drafting is standard and well precedented drafting including in the Cleve Hill Solar Farm Order 2020, the Longfield Solar Farm Order 2023, the West Burton Solar Project Order 2025, and every recently made solar DCO.
Q1.17.9	The Applicant	**Rights over land identified for the proposed cable route corridor** During CAH1, the applicant explained that temporary possession powers would be used during surveys and construction initially for a wider cable route corridor, then a narrower permanent easement identified over the final cable alignment. The applicant is to explain how the draft DCO secures that a permanent easement could only be made over a narrower cable corridor rather than all of the land marked blue on the Land Plan.	Article 21 of the Draft DCO enables the compulsory acquisition only of "*so much of* the Order land as is required for the authorised development, or to facilitate or is incidental, to it" (emphasis added). Any attempt to exercise the compulsory acquisition powers to acquire a permanent easement over parts of the cable corridor in which the cable is not installed would not be required for the authorised development, nor would it facilitate or be incidental to it. As a result, the exercise of the compulsory acquisition power would be *ultra vires,* and any GVD which sought to acquire powers in such a way would be able to be challenged.

ExQ	Question to	Question	Applicant's Response
Q1.17.10	The Applicant	**Rights over the public highway** The draft DCO seeks compulsory acquisition of rights over public highway land, including the full suite of rights and restrictive covenants set out in schedule 9. The applicant is to explain why it is reasonable and necessary for the undertaker to acquire the full extent of those rights and restrictive covenants over all highway land? In particular, where the proposed cable only passes beneath the highway and there is no associated above-ground infrastructure, should the powers instead be limited to those rights and restrictive covenants that are demonstrably required to protect, operate, maintain, inspect and repair the cable?	The inclusion of the power to compulsorily acquire rights over the public highway land is to resolve two potential impediments to the implementation of the Scheme: the potential that the cable is laid outside of the 'top two spits' of the highway and therefore in private land (the subsoil), for which an easement is required; and to ensure that any uncertainty as to the exact boundary of the highway does not result in any gap along the cable route where the necessary land rights cannot be acquired. Inclusion of all land up to the centreline of the highway ensures that a cable easement can be acquired, even if it later transpires that the highway extent is narrower than currently assumed. This can occur where the highway extent includes more than the area of tarmac, or where the boundary is defined by features such as a ditch.
Temporary possession			
Q1.17.11	The Applicant	**Temporary possession of solar development sites** During CAH1, the applicant explained that temporary possession powers could be used over all of the land in the Order limits and such powers would be used to enable construction of the scheme to take place before using compulsory powers to reflect the final design of the proposed development. The applicant is to: a) explain under what circumstances, specific to the Light Valley Solar development, might the land identified as necessary for the proposed solar development sites reduce, and for each site the extent of each plot number that this would affect b) confirm whether, and if so explain why, it is necessary for the undertaker to have powers of temporary possession over the land plots associated with the proposed solar development sites prior to either	a) The DCO would authorise the outline design that has been assessed, being the Rochdale Envelope. Design flexibility is built into the Order Limits, to allow for the design to be refined through detailed design informed by further survey work. There is a potential inherent in this approach for the footprint for works to be reduced, within the limits of deviation for the works as shown on the Works Plans. It is not known how the design will develop post-consent, nor which areas may be reduced, as this can only be informed by the detailed design process that will be carried out post-consent. As such, it is not possible to identify specific plot numbers where this might occur. b) The Applicant is seeking voluntary agreements with landowner that would enable it to enter the land and carry out works (being the purposes for which temporary possession would be used), and subsequently to acquire the land rights

ExQ	Question to	Question	Applicant's Response
		executing a voluntary agreement with the landowner or exercising powers to compulsorily acquire the freehold interest in those plots. In particular, what activities are envisaged to take place under temporary possession powers, and why could those activities not be undertaken after the relevant land interest has been secured through agreement or acquisition c) confirm the implications for the proposed development if the undertaker did not have the power to temporarily possess the land identified for the proposed solar development sites.	necessary for the operation of the Scheme. The Applicant does not anticipate exercising the power of temporary possession over land where an agreement is in place as access would be taken pursuant to that agreement. However, as with the compulsory acquisition powers, if the agreement falls away for any reason or the Option is unable to be exercised, temporary possession would need to be utilised to take access to ensure that works on the Proposed Development can commence whilst the compulsory acquisition process played out. c) If the Applicant did not have the power to temporarily possess the land identified for the proposed solar development sites, and in the event the voluntary agreements could not be relied upon, the Applicant would have no option but to acquire the freehold title, even though detailed design and construction have the potential to reduce the extent of land that would actually need to be acquired. Please see the response to Q1.17.8 for further information. In this way, the primary method of facilitating proportionality in the exercise of the compulsory acquisition powers would no longer be available.
Plot specific			
Q1.17.12	The Applicant National Grid Electricity Transmission (NGET) Harmony MF Ltd Any other interested party	**Monk Fryston substation (north)** The applicant's response to relevant representations reference NGET-01 [REP2-109] acknowledges that the majority of plot 21-031 will form part of the operational Monk Fryston substation once the Yorkshire GREEN extension is completed. Appendix E.1 of the Interrelationships Report [REP2-112] identifies the Yorkshire GREEN location and main features. In addition, appendix C of the Interrelationships Report	In response to the Examining Authority's points: a. The Applicant is continuing to work with National Grid in respect of the connection position, including the location of the feeder bay which the Proposed Development would connect into. The detailed design of that feeder bay will then determine the nature and location of Works No. 5 which will be delivered within the Order Limits at these locations. Due to the physical constraints presented by the developments the Examining Authority highlights, the

ExQ	Question to	Question	Applicant's Response
		identifies a consented BESS development on land to the east of Rawfield Lane to be within the proposed Order limits (plot 21-030). An extract of both appendices is included below with the pink and yellow areas identifying the other developments respectively.  	Order Limits include sufficient space around Monk Fryston Substation to facilitate the connection into the substation. b. As set out in a. the Applicant continues to work with National Grid as to confirm the location of feeder bay which the Proposed Development would connect into (Work No. 4). Accordingly, the Order Limits contain sufficient flexibility to ensure that access via CA41 can be achieved, notwithstanding that it is not yet known exactly where the grid connection cable will connect into the substation, nor how the access may need to be routed around existing development or to accommodate future development. Therefore, the Applicant is unable to provide specific details as to how access via CA41 to the proposed Work No. 4 would be achieved. However, the Order Limits includes sufficient space around Monk Fryston Substation including access, to facilitate Work No. 4. c. The Applicant cannot at this stage limit the powers it seeks to areas that do not cross over with these other developments, as that could impact upon the ability for the Proposed Development to connect to the Monk Fryston substation, if those plots were then needed to deliver that connection. d. The Applicant considers that the rights it is seeking will not impact on the operability of these developments, given they are focussed on enabling and protecting a cable connection. In respect of Yorkshire Green, NGET have protective provisions in the DCO which mean that such rights cannot be utilised without their consent.

ExQ	Question to	Question	Applicant's Response
		 The applicant is to: a) clarify what elements of Work No.5 are envisaged at these plots in context of the cable route corridor meeting the Monk Fryston substation at its south-eastern boundary b) given the proximity of these consented developments to each other within the proposed Light Valley Solar development Order limits, demonstrate how the access via CA41 to the proposed Work No. 4 would be achieved c) explain whether the rights of compulsory acquisition and temporary possession could be limited to the areas not shared with the aforementioned developments	

ExQ	Question to	Question	Applicant's Response
		d) confirm whether the purposes for which rights over land may be required and restrictive covenants imposed set out in schedule 9 of the draft DCO [REP2-004] would hinder the operation of the aforementioned developments. All other listed parties are to provide a view on the matters covered in the above questions.	
Q1.17.13	The Applicant SSE HD777FRY Ltd Constantine Energy Storage Any other interested party	**Monk Fryston substation (south)** The Examining Authority understands plot 21-035 includes a BESS operated by HD777FRY Ltd and Constantine Energy Storage. In addition, appendix C of the Interrelationships Report identifies another consented BESS off Rawfield Lane to be within the proposed Order limits (plot 21-040), marked green on the extract plan in Q1.17.3 above. The applicant is to: a) clarify what elements of Work No.5 are envisaged at these plots b) provide further explanation on the need and justification for compulsory acquisition and temporary possession of these plots c) confirm whether the purposes for which rights over land may be required and restrictive covenants imposed set out in schedule 9 of the draft DCO [REP2-004] would hinder the operation of the aforementioned developments and what protections are included in the draft DCO All other listed parties are to provide a view on the matters covered in the above questions.	In response to the Examining Authority's points: a. The Applicant continues to work with National Grid to confirm the location of the feeder bay which the Proposed Development would connect into. Once this location is known, the detailed design will determine the aspects of Works No. 5 which will be delivered within the Order Limits at these locations, as well as the access routing required. If the Applicant is required to connect into the south of the substation, it is anticipated that the cable will be required to cross the access route to the BESS site, however this will be determined by the exact location of the feeder bay, the turn radii of the cable, and the avoidance of built infrastructure. The Order Limits include sufficient space around Monk Fryston Substation to facilitate the alignment of Works No. 5. b. As set out in a. the Applicant continues to work with National Grid as to confirm the location of feeder bay which the Proposed Development would connect into (Work No. 4). Accordingly, the Order Limits contain sufficient flexibility to ensure that the grid connection cable can be routed as necessary to connect with Monk Fryston substation. Flexibility is required in order that the installation of the cable and the access to that cable can accommodate the Yorkshire Green development, as well

ExQ	Question to	Question	Applicant's Response
			as this existing and proposed development. The Applicant is committed to working with the developers in this location to ensure the cable routing can coexist with their developments. Accordingly, as the Applicant is unable to provide specific details as to the exact routing of the cable prior to the connection details being finalised, compulsory acquisition and temporary possession powers are required to ensure that there is sufficient land available for the detailed design of the cable. The Order Limits therefore include sufficient space around Monk Fryston Substation including access, to facilitate this. c. The Applicant cannot at this stage limit the powers it seeks to areas that do not cross over with these other developments, as that could impact upon the ability for the Proposed Development to connect to the Monk Fryston substation, if those plots were then needed to deliver that connection.
Q1.17.14	The Applicant	**Emergency landing strip** The applicant's response to relevant representation reference AVI-02 [AS-036] confirmed the strip of land in plot 13-051 is proposed as an emergency landing strip for Sherburn Airfield. The Examining Authority notes that the Work Plans [AS-004] identify this strip of land for Work No. 5 and 6 and that several proposed elements included in the definition of Work No. 6 may not be compatible with an emergency landing strip. Similarly, temporary construction and decommissioning laydown areas included in the definition of Work No.5 may not be compatible. During ISH1 the applicant explained the	The need to preserve existing fields for potential emergency use by aircraft suffering an engine failure on take-off is derived from a combined assessment of (a) legislation and guidance and (b) a risk assessment which analyses the predicted frequency of such events and the severity of their consequences. Combined Aerodrome Safeguarding Team guidance on solar PV developments (2023)[1] recommends that "a designated EFATO safeguarded area could be considered for any proposed solar energy development that is to be located along the extended runway centre line". On that basis the Applicant identified the strip of land in plot 13-051 as the only part of the Proposed Development that is located under

[1] https://www.caa.co.uk/media/hlsmmmoi/cast-renewable-energy-developments-solar-july-2023.pdf

ExQ	Question to	Question	Applicant's Response
		landing strip is not a specific mitigation measure but being set aside for potential emergency use by the airfield. The applicant is to confirm: a) whether the emergency landing strip is a necessary mitigation measure b) if the answer to a) is yes, signpost to how this is specifically secured and how the proposed works numbers would be compatible with an emergency landing strip c) if the answer to a) is no, justify why this strip of land in Plot 13-051 is necessary to facilitate the proposed development. The response should explain why panels are not proposed in this wide strip of land and how that compares with similar areas elsewhere in the Order limits.	the extended centre line of any of the runways at Sherburn-in-Elmet aerodrome. In discussions with Sherburn Aerodrome it has been established that runway 19 is infrequently used due to its restricted length, relative rarity of southerly winds and constraints of existing obstacles in the climb-out. In addition Sherburn Aero Club's consultant has highlighted a number of practical operational constraints on the use of the strip of land in plot 13-051 as an EFATO field. However in discussions with Sherburn Aero Club they have intimated that the retention of the designated strip would be beneficial. The landing strip location provides additional separation to the residents of Milford Lodge Cottage, longer views for people moving along the Common Lane as well as a wide corridor in which large mammals can move. Since those discussions with Sherburn Aero Club the Applicant has submitted a Notification of Intention to Submit a **Change Application [CR1-001]** which includes a larger panel-free area extending to the east of the designated emergency landing strip. While the purpose of that change is not related to the function of the emergency landing strip, the document notes [paragraph 2.3.9] that "the removal of solar PV panels adjacent to the proposed emergency landing strip in Site 6 would be beneficial for emergency landings as required." The Applicant notes the ExA's comment that some elements of Work No. 6 may not be compatible with an emergency landscaping strip. However, Work No. 6 also includes elements that support the retention of this land as an area available for emergency landings, and supporting the other benefits detailed above. The Applicant is engaged in discussions with Sherburn Aerodrome and these will continue

ExQ	Question to	Question	Applicant's Response
			to ensure that they are made aware of any period should this area be subject to an incompatible use, for example during cable laying. The oCEMP will be updated at Deadline 4 to reflect this.
Q1.17.15	The Applicant	**Cable route corridor 1-4** The applicant is to confirm, if the final design proposes a substation at SDS4, would it be infeasible for CRC1-4a to facilitate the cable connection and explain why?	Please see the Applicant's response to Q1.2.9
Q1.17.16	The Applicant Hillam Solar Limited Noventum Power Limited	**Cable route corridor 3-4** The submitted Plot Optionality Note [REP2-111] explains that route option CRC3-4a would be used if the Hillam Solar development is brought forward to ensure that this development and the proposed Light Valley Solar development could coexist. The applicant is to confirm: a) why could the developments not coexist if CRC3-4 was used? b) whether the purposes for which rights over land may be required and restrictive covenants imposed set out in schedule 9 of the draft DCO [REP2-004] would hinder the construction or operation of the Hillam Solar development as consented? The Plot Optionality Note explains that CRC3-4 is the preferred route as it is shorter and does not necessitate the use of trenchless techniques. However, paragraph 3.3.18 of the Interrelationships Report [REP2-112] stated that the proposed "Light Valley Solar [development] has committed to a trenchless solution within the Hillam Solar location". The applicant is to: c) provide clarity whether a trenchless crossing solution is proposed for both route options or only CRC3-4a, and how this would be secured	In response to the examining authority's points: a. The easement requirements associated with CRC3-4 would 'sterilise' a strip within Hillam Solar over which solar panels and other infrastructure could not be developed. It is necessary to be able to access below-ground cables for maintenance purposes, meaning no infrastructure could be located in a corridor above the cable. This would compromise the capacity of Hillam Solar, and unnecessarily reduce the contribution the scheme would make to meeting the UK's legally-binding climate change targets and delivering Net Zero carbon emissions by 2050 – Hillam Solar have indicated that they would not find this acceptable. In the absence of an easement provision, the presence of Hillam Solar infrastructure would compromise the operation and maintenance of the Proposed Development's Interconnecting Cables (i.e. because the piling for that infrastructure could affect them, and access to them would not be possible in the event that maintenance was required during the operational phase). As such, the developments cannot co-exist if CRC3-4 was used. b. Please refer to the response to a. The Applicant recognises that the rights required for the cable route

ExQ	Question to	Question	Applicant's Response
		d) provide the total length of each route option from SDS3 to the proposed substation location in SDS4 e) confirm whether the alternative design solution that would align the interconnecting cable for the proposed Light Valley Solar development with an existing hedgerow between two separate fields forming part of the Hillam Solar project, as set out in paragraph 3.3.13 of the Interrelationships Report [REP2-112], is a reference to CRC3-4 or CRC3-4a? Hillam Solar Limited and Noventum Power Limited are to provide its view on the matters covered in the above questions.	would sterilise land required for the Hillam Solar development to the extent that the two developments are incompatible. Accordingly, if the Hillam Solar development is confirmed to be being built out, the Applicant will lay the cable through option CRC3-4a instead. The alternative route is less direct and requires the use of trenchless techniques and therefore would only be used to avoid hindering construction of the Hillam Solar development. The alternative route would lay the cable in a buffer area where Hillam Solar does not propose any solar panels, avoiding impacts on the installed capacity for that project. Hillam Solar has confirmed to the Applicant that the use of CRC3-4a would not impact the design of that project. c. A trenchless crossing solution is proposed only for CRC3-4a as illustrated by sheet 7 of **ES Volume 2, Figure 2.5: Avoidance Areas [APP-062]**. Avoidance Areas are secured by the **Outline Construction Environmental Management Plan [REP2-089]**. d. The total distance from Solar Development Site 3 to the Onsite Substation in Solar Development Site 4 is approximately 600m via CRC3-4 and 700m via CRC3-4a. e. Paragraph 3.3.13 of the **Interrelationships Report [REP2-112]** is referring to CRC3-4a.

W: Lightvalleysolar.co.uk
E: info@lightvalleysolar.co.uk