Light Valley Solar

8.45 Applicant's Comments on Responses to WQ1

Document Reference: EN0110012/APP/LVS/08.45

November 2026

Planning Inspectorate Reference: EN0110012
The Infrastructure Planning (Examination Procedure) Rules 2010
Rules 8(1)(c)

Light Valley
Solar

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning
(Applications: Prescribed Forms and Procedure) Regulations 2009
(as amended)

Light Valley Solar

Deadline 4 Submission

Applicant's Comments on Responses to WQ1

Regulation Reference	APFP Regulation 5(2)(a)
Planning Inspectorate Case Reference	EN0110012
Application Document Reference	EN0110012/APP/LVS/08.45
Author	Light Valley Solar Limited

Version	Date	Status of Version
1.0	November 2026	Deadline 4 Submission

Contents

1 Introduction **1**
1.1 Purpose of this document 1
1.2 Structure of the report 1
2 Applicant's Comments on Responses to WQ1 **1**
2.1 Overview 1

List of tables

Table 1-1 List of Acronyms for Submission Documents 2
Table 2-1 Applicant's Comments on Responses to WQ1 1

List of Plates

No table of figures entries found.

1 Introduction

1.1 Purpose of this document

1.1.1 This document provides the Applicant's comments on responses from Interested Parties received as part of the Examination Authority's Written Questions at Deadline 1 (WQ1).

1.2 Structure of the report

1.2.1 Section 2 of this report is tabulated to include the ExA's Written Question and all comments received by the Interested Parties in response. The table provides a response from the Applicant to each comment to seek resolution where there is a discrepancy between the Applicant's response to WQ1 [REP3-019] at Deadline 3.

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.

Table 1-1 List of Acronyms for Submission Documents

Term	Definition
AEoI	Adverse Effect on Integrity
AEP	Annual Exceedance Probability
AIA	Arboricultural Impact Assessment
AMS	Archaeological Mitigation Strategy
AP	Affected Person
APFP Regulations	Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
BESS	Battery Energy Storage System
BHA	Bird Habitat Area
BMA	Bird Mitigation Area
BMAMP	Bird Mitigation Area Management Plan
CEMP	Construction Environmental Management Plan
CIEEM	Chartered Institute of Ecology and Environmental Management
CNP	Critical National Priority
CRC	Cable Route Corridor
CTMP	Construction Traffic Management Plan
DBH	Diameter at Breast Height
DCO	Development Consent Order
DEMP	Decommissioning Environmental Management Plan
DESNZ	Department for Energy Security and Net Zero
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
DPC	Design Parameters and Commitments Document
EA	Environment Agency
EcIA	Ecological Impact Assessment
eDNA	Environmental DNA
EIA	Environmental Impact Assessment
EMF	Electromagnetic Field
ES	Environmental Statement
ExA	Examining Authority
ExQ1	Examining Authority's First Written Questions
FFL	Finished Floor Level
FLL	Functionally Linked Land
FRA	Flood Risk Assessment
GCN	Great Crested Newt
GW	Gigawatt

Term	Definition
HDD	Horizontal Directional Drilling
HE	Historic England
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
HSL	Hillam Solar Limited
IDB	Internal Drainage Board
IEMA	Institute of Environmental Management and Assessment
IP	Interested Party
ISH	Issue Specific Hearing
LEMP	Landscape and Ecological Management Plan
LHA	Local Highway Authority
LIQ	Land Interest Questionnaire
LIR	Local Impact Report
LLFA	Lead Local Flood Authority
LOAEL	Lowest Observed Adverse Effect Level
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
LVS	Light Valley Solar
MW	Megawatt
NE	Natural England
NESO	National Energy System Operator
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NYC	North Yorkshire Council
O&D IDB	Ouse & Derwent Internal Drainage Board
OBMAMP	Outline Bird Mitigation Area Management Plan
OCEMP	Outline Construction Environmental Management Plan
OCTMP	Outline Construction Traffic Management Plan
ODEMP	Outline Decommissioning Environmental Management Plan
ODS	Outline Drainage Strategy
OEM	Outline Environmental Masterplan
OLEMP	Outline Landscape and Ecological Management Plan
OOEMP	Outline Operational Environmental Management Plan
OEMP	Operational Environmental Management Plan
Ofgem	Office of Gas and Electricity Markets
PC	Parish Council

Term	Definition
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PRoW	Public Right of Way
PV	Photovoltaic
RPA	Root Protection Area
RSPB	Royal Society for the Protection of Birds
SDS	Solar Development Site
SMP	Soil Management Plan
SOAEL	Significant Observed Adverse Effect Level
SoCG	Statement of Common Ground
SPA	Special Protection Area
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
TCPA	Town and Country Planning Act 1990
TPO	Tree Preservation Order
VP	Viewpoint
VSC	Very Special Circumstances
WQ1	Examining Authority's First Written Questions
WSI	Written Scheme of Investigation
YWT	Yorkshire Wildlife Trust

2 Applicant's Comments on Responses to WQ1

2.1 Overview

2.1.1 Table 2-1 provides the Applicant's comments on Interested Parties' responses to WQ1 received at Deadline 1.

Table 2-1 Applicant's Comments on Responses to WQ1

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
Q1.2.2 - 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 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 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.	The Applicant	**Annette Exley (REP3-055)** The Design Parameters and Commitments Document [REP2-021] contains the finished floor level (FFL) rule verbatim four times, applying to the 33 kV switch rooms, integrated conversion units, disaggregated conversion units and, as "the minimum FFL of all equipment including transformers and switchgear", the onsite substations. The relevant provision states: "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 draft Order [REP2-004] contains no equivalent provision. The terms "freeboard" and "finished floor" do not appear in any article or Requirement, including Schedule 2. Requirement 4(1) identifies the details to be submitted and approved for Work Nos. 1, 2 and 3, namely the layout, scale, proposed finished ground levels, external appearances, hard surfacing materials, and vehicular and pedestrian access, parking and circulation areas. Finished floor levels and freeboard are not included among those details. Requirement 4(2) requires the submitted details to accord with the Design Parameters and Commitments Document, while Requirement 4(3) requires each part of the authorised development to be carried out in accordance with the approved details for that part. Requirement 4(4) provides that "Work No. 5 must be carried out in accordance with the Design Parameters and Commitments Document". Work No. 5 comprises the cable route and is defined at paragraph 2.6.1 of the Design Parameters and Commitments Document as "works in connection with electrical and communication cabling comprising works to lay electrical cables up to 275 kV". Requirement 4(2) requires the details submitted under Requirement 4(1) to accord with the Design Parameters and Commitments Document. However, Requirement 4(1) does not require finished floor levels or freeboard to be submitted for approval. If that interpretation is correct, there appears to	For the avoidance of doubt, the **Design Parameters and Commitments Document (DPC) [EN0110012/APP/LVS/05.06] [updated alongside this submission]** set out the minimum finished floor levels (FFLs) in respect of each of the relevant components. As confirmed in **The Applicant's Response to the Examining Authority's First Written Questions [REP3-019],** the maximum parameters assessed within the EIA are inclusive of any external housing, foundation or concrete plinth depth, finished floor level and freeboard allowance.. In response to Ms Exley's concerns around compliance and enforceability. The Applicant's compliance with the DPC is secured via Requirement 4 of the Draft DCO. In respect of the detailed design, Requirement 4 of Schedule 2 requires the detail of various aspects of the Proposed Development to be approved by the local planning authority. Compliance with the FFL commitments would therefore be demonstrated as part of the Requirement 4 discharge submission. Compliance would be assessed by the local planning authority determining the Requirement 4 submission and secured through Requirement 4(3), which requires the authorised development to be carried out in accordance with the approved details. Therefore, given the detail around the FFLs is contained in the DPCs which are secured, it would be superfluous to include any such detail on the face of the Order because it would result in overlap of existing controls. There are legal mechanisms in place to deter breach and enforce compliance. The DCO is a statutory instrument, and it is a criminal offence under section 161 of the Planning Act 2008 if the Applicant were to breach any terms of the DCO. Therefore, the Applicant must strictly adhere to the terms of the DCO, and NYC as the local planning authority is empowered to enforce compliance under the Planning Act 2008 if there were to be a breach of a requirement.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			be no mechanism through which compliance with the finished floor level rule would be assessed when details for Work Nos. 1, 2 and 3 are approved, nor any approved detail against which compliance could subsequently be enforced under Requirement 4(3). As drafted, the only numbered work expressly required to be carried out in accordance with the Design Parameters and Commitments Document is Work No. 5, being the cable route, which is not the work containing the conversion units, switch rooms or substations to which the finished floor level rule applies. I may be mistaken as to the legal effect of Requirement 4 and would welcome clarification. The question I respectfully ask the Examining Authority to put to the Applicant is: by what mechanism is the finished floor level rule enforceable in respect of Work Nos. 1, 2 and 3, and how would compliance with that requirement be assessed and monitored? Paragraph 8.1.7 of the Flood Risk Assessment [REP2-079] states that "the resulting infrastructure heights have been assessed to remain within the maximum development heights reported in Section 4.2 and secured by the Design Parameters". That proposition is being tested through ExQ1 Question 1.2.2. However, it is asserted rather than demonstrated. The Design Parameters and Commitments Document does not specify whether the stated maximum heights are inclusive of, or additional to, plinths, foundations, finished floor levels and freeboard allowances. Paragraph 8.1.10 of the Flood Risk Assessment states that the levels in Table 8-1 "are indicative and based on the current illustrative locations of the flood-sensitive assets. There is no single FFL applicable to all elements of the Proposed Development. Final FFLs will be confirmed during detailed design, taking account of the final siting within the limits of deviation on the Works Plans". The levels are therefore subject to change as the final siting of assets is determined, and there appears to be no provision within the draft Order that fixes those levels. I respectfully invite the Examining Authority, in addition to the updates already requested from the Applicant, to consider whether Requirement 4 should be amended so that Work Nos. 1, 2 and 3 are expressly required to be carried out in accordance with the Design Parameters and Commitments Document, in equivalent terms to Work No. 5. Consideration may also be given to adding finished floor levels and freeboard to the list of details requiring approval under Requirement 4(1).	
Q1.2.10 - 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	The Applicant	**North Yorkshire Council (REP3-035)** The Local Highway Authority would require any gates at site accesses to be set back 15m from the carriageway in	As outlined in the **Applicant's Response to the Examining Authority's First Written Questions [REP3-019]**, a 2m buffer has been applied to the highways across the

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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 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.	North Yorkshire Council	accordance with NYC Standard Detail E30 (E30 Rev C Rural Quarry and Major Industrial Concrete Verge Crossing) to allow HGVs to wait clear of the carriageway. All gates shall open inwards. The LHA would not require a developer to set back fencing or similar barriers to enable forward visibility above and beyond what can be achieved with the highway extents. For clarity, the intensified use of an existing access or the introduction of a new access will require visibility splays to be kept clear and available. The LPA needs to consider the impact that any proposed fencing, lighting, acoustic barriers and gates will have on the character and appearance of the surrounding area, landscape and visual amenity impacts. The LPA accepts that a single offset may not be appropriate as offsets may vary depending on local context. The Council as LPA would prefer that sufficient controls are secured through the DCO requirements to ensure that fencing, lighting, acoustic barriers and gates are designed and located to protect character and appearance, landscape and visual amenity. Further explanation should be provided by the applicant on how this will be controlled if no fixed offset is identified.	Proposed Development with larger setbacks applying in certain locations, including hedgerow buffers and PROW buffers. NYC has requested that gates at site accesses should be set back 15 m from the carriageway in accordance with its standard detail to allow HGVs to wait clear of the highway, and that all gates should open inwards. In response to this, the Applicant has updated the **Design Parameters and Commitments [EN0110012/APP/LVS/05.06] [updated alongside this submission]** to set out that: Where accesses to the Proposed Development are gated, the gates will be set back a sufficient distance from the carriageway to enable an HGV to wait clear of the highway while the gates are opened or closed. All gates will open inwards into the Proposed Development. NYC accepts that a fixed offset may not be appropriate but requested further explanation on how fencing, lighting, acoustic barriers and gates would be controlled in the absence of a prescribed setback. The Applicant refers to the measures listed in response to this question in **The Applicant's Response to the Examining Authority's First Written Questions [**REP3-019**]** and confirms that these matters are controlled through a combination of DCO requirements and secured documents. The Applicant trusts this provides NYC with the necessary assurance.
Q1.3.1 – 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].	The Applicant National Energy System Operator (NESO)	**Annette Exley (REP3-055)** The Other Consents and Licences Statement [APP-215] records at Table 2-1 that: "The connection for the solar component of the Proposed Development secured a Gate 2 Phase 1 prioritisation in December 2025 (i.e. in 2030 or earlier)." It further states that: "The BESS component of the Proposed Development holds a Gate 1 connection offer, the indicative connection date of which has not yet been confirmed." The same table explains that: "A Gate 2 offer is a firm offer for the connection of a specified MW capacity at a specified location by a specified date." The verbs used by the Applicant are notably different. The solar component is said to have "secured a Gate 2 Phase 1 prioritisation", whereas the BESS component is said to "hold a Gate 1 connection offer". A prioritisation in the reformed connections queue is not itself a connection offer, nor is it an executed connection agreement. Based on published commentary regarding the National Energy System Operator's connections reform timetable, the	The response from Annette Exley (REP3-055) relates to whether the DESNZ/Ofgem April 2026 letter and the project's grid connection status affect the need for the proposed BESS. As explained in the **Applicant's Response to the Examining Authority's First Written Questions [REP3-019]**, Government policy continues to identify a need for electricity storage and flexibility, and that Gate status does not alter the substantial weight afforded to need under NPS EN-1. The Applicant therefore considers that the connection reform process and a project's Gate status are not determinative of need for the scheme. The matter is therefore considered addressed. Please see the Grid Connection Update appended to the cover letter for Deadline 4 for the latest position on discussions with NESO.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			December 2025 announcement represented the outcome of the queue assessment process, with Gate 2 offers being issued thereafter. Gate 2 Phase 1 transmission offers were scheduled to be issued between mid-May and mid-September 2026, with a standard acceptance period of 90 calendar days. I rely on published commentary rather than a National Energy System Operator document and would welcome correction if that timetable has changed. If it is broadly correct, both the issue of any Gate 2 offer for the Proposed Development and the deadline for accepting that offer would fall within the period of this Examination. That timetable provides context only, and the following point does not depend upon it. Either the Applicant now holds a Gate 2 offer, which by its own definition specifies a connection date, in which case that date has not been disclosed to the Examination, or it does not. If it does not, the only connection instruments disclosed appear to be the December 2021 Bilateral Connection Agreement made under a superseded regime and the subsequent queue prioritisation. The Examination has not been informed which of those positions applies, and I do not assert one position over the other. The connection date contracted under the December 2021 Bilateral Connection Agreement is not stated in the Grid Connection Statement, the Other Consents and Licences Statement [APP-215], or elsewhere within the application documents that I have been able to identify. In any event, the Applicant's own programme does not appear to support an early connection date. Environmental Statement Volume 1, Chapter 15 [REP2-043], at Table 15-21, assesses cumulative effects on the basis of "a 2028 project start date", with Solar Development Site 3 being "planned to start construction 24 months after" that date. The battery energy storage system holds a Gate 1 offer with no confirmed indicative connection date, as recorded in the Examining Authority's question and, as I understand it, in section 3.7 of the Statement of Need [APP-214]. I have not reviewed the open letter dated 16 April 2026 and therefore rely on the Examining Authority's summary of it. On that basis, the figures cited, namely 14.8 GW above the upper end of the Clean Power 2030 Action Plan battery capacity range for 2030 and 61.7 GW above projected battery system need in 2035, represent the position following the connections reform process. If that understanding is correct, the identified surplus is that which remains after the queue has already been filtered on grounds of readiness and deliverability. It is therefore not simply a backlog that would be removed through further filtering.	

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			I respectfully invite the Examining Authority to require the Applicant to clarify, and to provide supporting evidence for, the connection date contracted under the December 2021 Bilateral Connection Agreement and whether that date has now passed; whether a Gate 2 offer has been issued for the solar component, on what date it was issued, what connection date it specifies, whether it has been accepted and by what date it must be accepted; the current status of the battery energy storage system's Gate 1 offer, including when the Applicant expects an indicative connection date to be confirmed; and whether the Applicant would continue to pursue the Proposed Development if the battery energy storage system component did not proceed.	
Q1.4.2 - 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: a) confirm its position regarding Green Belt policy matters and whether it agrees with the applicant's assessment and conclusions b) b) if it disagrees, provide an explanation and reasoning.	North Yorkshire Council	**North Yorkshire Council (REP3-035)** NYC notes the applicant's updated Planning Statement (REP2-015) and Appendix 2: Grey Belt Assessment (REP2-019). NYC agrees that with the applicant's conclusion that the Green Belt land affected by the proposed development can be identified as Grey Belt. NYC notes that the applicant's assessment advances both Green Belt policy pathways. It concludes that the proposed development constitutes "not inappropriate" development by virtue of satisfying NPPF Policy GB7, however it then advances that the proposed development should instead be assessed as inappropriate development requiring justification through Very Special Circumstances (VSC). The Council considers these to be distinct policy routes and that the applicant should be clear which policy pathway is being pursued in order that the Council and ExA can reach a view on the application of Green Belt policy to the proposed development. The Council agrees that the Cable Route Corridors would be an exception under para 154 h) ii engineering operations. Assessment of above ground works/buildings associated with the CRCs within Green Belt and CRC 4-POC needs further consideration by the applicant. Where CRCs within the Green Belt necessitate the removal of existing landscape features, this should also form part of the assessment.	The Applicant welcomes NYCs agreement with the conclusions set out in the updated **Planning Statement Appendix 2: Grey Belt Assessment** [**REP2-019**] that the Green Belt land affected by the proposed development can be identified as Grey Belt. For clarity, as requested by NYC, the Applicant is satisfied that the very special circumstances test does not need to be engaged. The reason the Applicant has considered 'both Green Belt policy pathways', is explained in Section 1.5 of the Grey Belt Assessment [**REP2-019**]. Information regarding very special circumstances (VSC) is presented to inform the Examining Authority and Secretary of State should there be a scenario where the Applicant's grey belt position is not agreed. In paragraph 1.5.2 of the Grey Belt Assessment, it is explained that "*should the Secretary of State disagree with the stated position on grey belt, the Applicant considers the Proposed Development is critical national priority (CNP) infrastructure*". NPS EN-1 paragraph 4.2.30 states that the Secretary of State will take as the starting point for decision-making that, where a proposal is CNP Infrastructure, this is to be treated as meeting the very special circumstances test. The Applicant's Grey Belt Assessment paragraph 1.5.10 goes on to explain "*Should the Secretary of State for any reason disagree with the conclusion that the Proposed Development is CNP Infrastructure and therefore that the very special circumstances test in Policy GB 6 of the NPPF should be met, very special circumstances exist for the Proposed Development in any case, that would outweigh harm to the Green Belt by reason of inappropriateness, and any other harm*." In summary, the Applicant has set out 'fall-back' scenarios whereby should the Applicant's position regarding grey belt,

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
				and CNP, not be supported by the Secretary of State, then VSC can nevertheless be shown to exist. Regarding removal of existing landscape features along the CRC in the Green Belt, the above position regarding grey belt land, CNP, and VSC, in the Applicant's opinion, applies. Further assessment of landscape features does not need to be included in the Planning Statement or Grey Belt Assessment. Rather such matters are appropriately considered under the Landscape and Visual **[EN0110012/APP/LVS/06.01.10] [updated alongside this submission]** and in the Biodiversity [**REP2-033**] chapters of the Environmental Statement. However, for the purposes of completeness, the CRC largely comprises agricultural fields with associated boundary features. Where landscape features including hedgerows, watercourses and ditches are affected by cable trenching, any impacts will be temporary and short-term. Features will be returned at a to baseline condition once cables have been installed making impacts temporary and reversible. The Applicant's position in respect of compounds associated with the CRC is set out in pages 21-22 of its Written Summary of Oral Submissions at ISH1 [**REP1-112]**.
Q1.5.1 - 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	North Yorkshire Council	**North Yorkshire Council (REP3-035)** With regards to the four Scheduled Monuments that are within proximity to the DCO area NYC have reached agreement with the applicant that there is no impact to setting or that impact is limited to the construction phase and therefore not significant. North Yorkshire Council have been working constructively with the applicants to ensure harm to the highest of significance assets has been avoided. It is considered that there are no substantive disagreements between the applicants and North Yorkshire Council in terms of the assessment of harm to heritage assets. The level of harm has been weighted as less than substantial prior to the 2026 NPPF publication. The cultural heritage assessment Appendix 8.5 Statement of Significance and Impact Assessment (EN110012/APP/LVS/06.03.08.05 February 2026 has made assessments of heritage assets within proximity of the DCO area. North Yorkshire Council agrees with the Applicant's assessment of the significance of the identified designated heritage assets, including the contribution made by their settings, and the effects of the Proposed Development upon that significance. The Council also agrees with the Applicant's conclusions as to the nature and degree of harm arising. The	The Applicant welcomes North Yorkshire Council's confirmation that there are no substantive disagreements regarding the assessment of heritage assets and that it agrees with the Applicant's conclusions. No further comment is required.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			Council considers that the assessment is consistent with the approach to the historic environment set out in Chapter 20 of the National Planning Policy Framework (2026)	
Q1.5.2 – 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 'less than substantial harm' and where it lies within the updated NPPF (2026) assessment terms. With reference to the updated NPPF (2026), the applicant, NYC and Historic England should: c) 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	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** With respect to the level of harm North Yorkshire Council has reviewed the Applicant's assessment (Appendix 8.5 Statement of Significance and Impact Assessment (EN110012/APP/LVS/06.03.08.05 February 2026) of the above-ground designated heritage assets potentially affected by the Proposed Development including effects arising through changes within their settings. The Council is satisfied that the assessment appropriately considers the significance of the identified heritage assets, the contribution made by their settings to that significance, and the potential effects of the Proposed Development upon their significance. Having regard to Policy HE5 of the National Planning Policy Framework (2026) and reviewed the assessment made by the applicants the Council is satisfied with that assessment. Proposed Development would give rise to either no effect, or harm in respect of significance identified above-ground heritage assets. Where harm has been identified, the Council is satisfied that the degree of harm has been appropriately identified and assessed.	The Applicant welcomes North Yorkshire Council's confirmation that it is satisfied with the Applicant's assessment of heritage impacts and agrees that the Proposed Development would result in either no effect or harm appropriately identified and assessed within the application documentation. No further comment is required.
Q1.5.3 - 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 framework requiring substantial further development post-consent?	The Applicant North Yorkshire Council Historic England	**North Yorkshire Council (REP3-035)** a) The Archaeological Mitigation Strategy is intended to function as an outline framework (see paragraph 1.1.2). The parcel specific archaeological mitigation strategies are set out in Table 6.1 and each area of additional fieldwork mitigation will require its own Written Scheme of Investigation (WSI) to be agreed with the local authority post-consent (paragraph 6.1.5). Where mitigation is for physical preservation then this is covered by the Outline Construction Environmental Management Plan or agreed details of the scheme (see Section 7.3). Although further work is required post-consent to agree these additional documents and details the AMS itself should not require substantial further development. b) The Archaeological Mitigation Strategy sets out a proportionate and appropriate archaeological response to the expected impact of the proposal. The document provides sufficient certainty regarding the archaeological mitigation measures.	The Applicant notes that Requirement 11 (Archaeology) secures the Archaeological Mitigation Strategy by requiring the authorised development to be carried out in accordance with the Archaeological Mitigation Strategy submitted with the DCO. That Strategy requires site specific WSIs to be brought forward. This does not need to be duplicated on the face of the DCO. The Applicant's position is that Requirement 12 (Construction Environmental Management Plan) secures detailed CEMPs to be brought forward, and subsequently no changes are required to the drafting of Requirement 12 in the **draft DCO [EN0110012/APP/LVS/03.01]** [**updated alongside this submission**].

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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.		c) The AMS indicates that design details for access to Site 8 will be agreed post-consent and may require additional mitigation (paragraph 6.1.8) and this will be agreed with NYC if needed (paragraph 6.1.9). NYC consider that this a minor matter and likely to be in keeping with the existing mitigation measures and not significant. d) The Archaeological Mitigation Strategy and subsequent agreement of area specific Written Schemes of Investigation and site specific CEMPs will provide an adequate basis for archaeological mitigation. NYC recommend that the agreement and implementation of these could be made specific requirements of the DCO. e) Please see answer to Q1.5.3d – the agreement of site-specific Written Schemes of Investigation and site specific CEMPs could be made a clearer requirement of the DCO. **** Note, Historic England did not respond at D3**	The Applicant will provide an additional response to any matters raised by Historic England, following submission to the Examining Authority.
Q1.5.4 - 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	The Applicant North Yorkshire Council Historic England	**North Yorkshire Council (REP3-035)** a) The Schedule 2 requirements include Archaeology (Section 11, p. 46). This requires that the development must be carried out in accordance with the archaeological mitigation strategy. The Archaeological Mitigation Strategy is included in the list of certified plans in Schedule 13. As with the other methodological documents submitted, the Archaeological Mitigation Strategy is an overarching document and requires that separate Written Schemes of Investigation are provided and agreed for each specific piece of archaeological fieldwork mitigation fieldwork (paragraph 6.1.5 and table 6-1 of the AMS) and that any preservation by design solutions follow the agreed scheme details and site-specific CEMPs. NYC recommends that agreement and implementation of each site-specific Written Scheme of Investigation for archaeological fieldwork is specifically controlled by the requirement. Other requirements, such as Requirement 7– 'Bird mitigation management plan' provides a useful example as to how the archaeological requirement	As set out in the **Applicant's Response to the Examining Authority's First Written Questions [REP3-019]**, specifically, Q1.5.4(a), (e), (f) and (g), the Applicant does not consider that an additional approval mechanism for site-specific mitigation measures and Written Schemes of Investigation (WSI) is necessary or proportionate. The Applicant maintains its position that there would be no benefit in introducing additional DCO requirement or changes to the drafting. The Applicant does not consider that the amendments suggested by NYC would provide any additional safeguards beyond those already secured through Requirement 11, Requirement 12, the AMS and the site-specific approval processes already secured by those documents.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	secured through an additional requirement within the DCO requiring agreement of mitigation measures on an area-by-area basis. 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.		might be set out as a more robust, multi-part, requirement. b) The Archaeological Mitigation Strategy only details the proposed fieldwork mitigation and not embedded design mitigation including the use of less destructive building techniques in areas of archaeological sensitivity. There are several areas of solar arrays where surface mounting is proposed to preserve archaeological remains and these are set out in the Outline Construction Environment Management Plan (Table 3-5, page 29-30). The Outline CEMP requires that the exact location of where archaeological protection is required will be detailed in site specific CEMPs. NYC agree that this embedded mitigation could sit within the CEMP and that this has its own requirement which has benefits as it puts archaeological preservation at the heart of the CEMP process. The alternative would be to include the agreement of the archaeological preservation areas within the Archaeological requirement, and this has benefits in clearly grouping the archaeological mitigation into one requirement. c) The archaeology requirement could be amended as follows: *11 (1) The authorised development must be carried out in accordance with the archaeological mitigation strategy.* *11(2) No parts of the authorised development set out in Table 6-1 of the Archaeological Mitigation Strategy may commence until written details of the embedded mitigation and/or an archaeological Written Scheme of Investigation have been submitted to and approved by the relevant planning authority.* *11 (3) Any details submitted under this paragraph must be in accordance with the Archaeological Mitigation Strategy.* *11 (4) Any details approved under this paragraph must be implemented as approved.* d) Embedded mitigation that could be controlled by requirement would be the agreed methodology for setting out and preventing physical access to exclusion areas during the construction phase. In areas where surface mounting is required additional information on the exact construction method could be set out against the known depth of archaeological deposits (established during previous trial trenching) and maximum dig depths for each site established, for	

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			example if minor site levelling is necessary, or shallow concrete rafts.	
Q1.5.7 – 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 [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	The Applicant North Yorkshire Council Historic England	**North Yorkshire Council (REP3-035)** e) With the exception of the access arrangement, the archaeological evidence base for SDS8 is complete and follows the procedure employed throughout the development of desk-based assessment, geophysical survey and trial trenching. f) NYC agree that the significance of archaeological deposits within SDS8 are adequately understood and that any mitigation associated with the preferred access arrangements can be agreed post-consent.	The Applicant welcomes North Yorkshire Council's confirmation that the archaeological evidence base for SDS8 is complete and follows correct procedure. The Applicant also notes NYC's agreement that any mitigation associated with the preferred access arrangements can appropriately be agreed post-consent. The Applicant agrees with NYC's conclusions. No further comment is required.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP 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.			
Q1.7.4 - 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: f) 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 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: g) 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.	The Applicant Environment Agency	**Environment Agency (REP3-042)** We are satisfied with the Applicant's response to this issue. No updates are required to the recently submitted draft documents as part of this consultation, as the relevant detail is already captured within the Examination Library, namely Figure 6.12 Fish Habitat Assessment, EA Monitoring Locations and eDNA Survey Locations [APP-083]. The Applicant has provided clarification that reassures us on the design approach and baseline survey methodology. We are satisfied that the eDNA surveys were appropriately targeted at watercourses and waterbodies where suitable fish habitat exists and where potential impact pathways to fish receptors are present, which represents a sensible and proportionate approach to the baseline assessment. The Applicant has also confirmed that no impact pathways to fish receptors exist within Hagg Lane Drain and Mearley Drain, given the retention of a 10 m buffer and the use of an existing crossing. We are therefore satisfied with the Applicant's response, and this issue is considered resolved.	The Applicant notes that the Environment Agency is satisfied that the assessment approach for Hagg Lane Drain and Mearley Drain is proportionate and that the Applicant's clarification provides reassurance regarding the design approach and baseline survey methodology. The Environment Agency has confirmed that no updates to the submitted documents are required and considers the issue resolved. Accordingly, the Applicant considers that no further response is required.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
Q1.7.5 - 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: f) 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: g) 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 Applicant Environment Agency	**Environment Agency (REP3-042)** EA03 is now resolved based on the change of wording in Table 3-3 of the outline CEMP [REP2-089]. We are satisfied that sensitive migratory times for diadromous fish will be avoided by noisy construction activities. EA04 is now resolved. We are satisfied that the correct migratory times are avoided and stated in Table 3-3 of the outline **CEMP [REP2-089]**. We are also satisfied with the updated wording in the Shadow Habitats Regulations Assessment [REP2-023].	The Applicant notes that the Environment Agency is satisfied with the updates made to the **Outline Construction Management Plan (oCEMP) [EN0110012/APP/LVS/07.02] [updated alongside this submission]** and has confirmed that its concerns raised in its original Relevant Representation **[RR-0419]**, specifically EA03 and EA04, have been addressed and are now resolved. Accordingly, the Applicant considers that no further response is required
Q1.7.6 – 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 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.	The Applicant Natural England North Yorkshire Council	**Natural England (REP3-046)** Natural England do not have advice to provide on the breeding bird survey results and therefore have not commented on this issue. **North Yorkshire Council (REP3-035)** NYC considers that the data corruption issue itself has now been satisfactorily resolved and accepts the corrected breeding bird baseline. The Applicant has significantly strengthened the breeding bird case through the revised oLEMP and Technical Note, and NYC accepts that the BMA is intended to contribute to mitigation for breeding farmland birds. However, the ecological consequences arising from the corrected baseline remain unresolved. The Applicant's Technical Note and subsequent discussions have confirmed that the BMA is expected to provide capacity equivalent to approximately 40% of the impacted skylark territories. NYC does not consider that sufficient evidence has been provided to demonstrate that this level of provision adequately compensates for the substantially increased baseline. NYC	The Applicant notes that there is agreement with NYC that the data corruption issue has been satisfactorily resolved and that NYC accepts the corrected breeding bird baseline. There remains a difference in position regarding the ecological consequences of the corrected baseline and the adequacy of the proposed habitat provision for breeding farmland birds. As set out in its response to ExA First Written Question **[REP3-019],** with NYCs specific numerical and spatial concern which focusses on skylark. The Applicant's position remains that the revised baseline does not alter the conclusions of the Environmental Statement and that additional habitat is not required. The basis on this judgement is set out in the Technical Note: Updated Ground Nesting Bird Baseline [REP2-114] where the assessment reviews and considers territory numbers, alongside baseline habitat functionality and existing conditions, wider population context and the location, quality and long-term management of the Bird Mitigation Area. This approach is consistent with CIEEM's EcIA Guidelines

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			therefore maintains that additional compensation is required in relation to the revised breeding bird numbers.	(2024), including paragraphs 5.27-5.28, which relate significance and mitigation outcomes to the relevant geographic scale. in response to NYC's concerns, the Applicant has proposed additional Bird Habitat Areas (BHAs) within Solar Development Sites 4 and 6. Together with the BMA and the two open grassland areas greater than 2 ha within Site 1, these provide an indicative capacity of approximately 38 skylark territories, equivalent to approximately 46% of the 83 territories identified as affected. The remaining difference of approximately 45 territories represents approximately 0.056% of the estimated county breeding population and 0.1% of the vice counties population, which are noted as healthy populations and stable over the past decade. These percentages provide supporting context rather than the sole basis for the assessment conclusion. It is also noted that there is no set level of mitigation required. Management of these areas seeks to maintain reliable nesting and foraging conditions throughout the breeding season (note that the species will still positively benefit from the solar array areas), supporting repeated nesting attempts and improved productivity beyond the existing baseline. RSPB advice (see Royal Society for the Protection of Birds (RSPB) (no date) *Skylark conservation: advice for farmers*. Available at: https://www.rspb.org.uk/helping-nature/what-we-do/influence-government-and-business/farming/advice-for-farmers-helping-bird-species/skylark-advice-for-farmers (Accessed: 4 November 2026.) identifies that winter wheat (which covers ~60%+ of SDS 4) becomes unsuitable for more than a single brood, whereas skylarks have the capability to attempt 4 broods to sustain their population. NYC's response identifies the proportion of territories accommodated as a concern but does not explain which elements of the Technical Note's wider ecological assessment it considers insufficient or provide an alternative assessment, nor evidence. The Applicant would welcome clarification of those specific matters to facilitate resolution of the remaining disagreement. On the evidence presented, the Applicant maintains that the habitat provision is proportionate and that the residual effect remains minor adverse at a local scale and not significant.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
Q1.7.7 - 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 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: f) 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 g) 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: h) 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: i) has any reason to consider there being any impediment, at this stage, to a protected species licence being issued at the appropriate time.	The Applicant Natural England	**Natural England** (REP3-046) The Letter of No Impediment application for a Class Licence for water voles is still pending decision within Natural England. However this will be determined prior to Deadline 4, so an update can be provided at this time.	The Letter of No Impediment has been received by the Applicant from Natural England on 5 November 2026, a copy of which is appended to this document.
Q1.7.8 – 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 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 North Yorkshire Council Natural England	**Natural England** (REP3-046) Natural England does not consider a likely impediment to a licence being issued at an appropriate time. If a District Level Licence is applied for, survey information would not necessarily be required for all waterbodies. If there are ponds on site or within 250m of the application boundary which are known, but which have not been surveyed, the license can apply the appropriate level of pond compensation.	The Applicant notes that Natural England does not consider there to be a likely impediment to a protected species licence being issued at the appropriate time. The Applicant notes that NYC accepts the precautionary approach adopted in respect of ponds that could not be accessed and considers the precautionary working methods secured through the **oCEMP [EN0110012/APP/LVS/07.02] [updated alongside this submission]** to be appropriate. NYC has confirmed that it has no further concerns in relation

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	The applicant should: f) 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: g) 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: h) has any reason to consider there being any impediment, at this stage, to a protected species licence being issued at the appropriate time.		**North Yorkshire Council (REP3-035)** NYC recognises the limitations the applicant faced in accessing ponds across the scheme area. NYC accepts the precautionary approach to assuming presence in the ponds not accessed and undertaking the impact assessment and mitigation on that basis. The precautionary working methods to be secured through the CEMP are considered appropriate to the risks identified. No further concerns exist in relation to GCN.	to great crested newts. Accordingly, the Applicant considers that no further response is required.
Q1.7.9 - 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	The Applicant North Yorkshire Council Natural England	**Natural England (REP3-046)** Natural England do not have comments to make on mammal movement matters where they are not associated with a designated site or a protected species licence.	The Applicant notes that there is agreement with NYC that sufficient principles have been established regarding operational fencing and mammal movement corridors to maintain habitat connectivity and wildlife permeability across the Solar Development Sites. NYC has confirmed that it does not consider any further provisions are required at this stage, provided that these principles remain secured through the DCO and certified documents. The Applicant updated Requirement 9 in the DCO submitted with the Change Application to require fencing brought forward under that Requirement to be in accordance with the **DPC [EN0110012/APP/LVS/05.06] [updated alongside this submission]**.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	details must be assessed against the parameters 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: b) 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 c) 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 d) identify the minimum design standards proposed for fencing, including ground clearance, mesh dimensions, wire spacing and any exclusions to those standards e) explain how retained mammal movement corridors have been		**North Yorkshire Council (REP3-035)** NYC welcomes the clarification within the Design Parameters and Commitments (DPC) document in relation to fencing specifications. This provides a clear set of standards against which NYC can review detailed fencing designs as they are submitted. In relation to the opportunities for mammal movement and foraging, the mammal movement corridors set out on the updated OEMs provide confidence that there will be no long term adverse effect upon mammals as a result of fencing. On this basis, NYC considers that sufficient principles are now established against which the detailed fencing proposals can be assessed and does not consider that further provisions are required at this stage, provided those principles remain secured through the DCO and certified documents.	The Applicant notes that Natural England has not provided comments on this matter.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	identified, mapped and incorporated into the proposed scheme design f) 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 g) explain whether mammals would be excluded from any existing foraging habitat and, if so, how the resulting effects have been assessed h) identify how the relevant fencing specifications and connectivity measures would be secured through the draft DCO and associated certified documents. i) NYC and NE should comment on the long-term habitat connectivity and wildlife permeability, and what additional provisions, if any, may be required j) explain whether the oCEMP [REP2-089] submitted at deadline 2 provides sufficient mammal movement opportunity k) 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 oCEMP [REP2-089] and oOEMP [REP2-091] sufficient?			
Q1.7.10 – Impacts from construction dust (Construction Phase) – Burr Close, Selby Site of Specific 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:	The Applicant Natural England	**Natural England** (REP3-046) a) Natural England would recommend that sensitive receptors such as nationally designated sites are identified in the oCEMP to enable explanation of specific measures taken to prevent impacts. However, following the Applicant's clarification in REP2-109 that the outlined measures will be applied for the full scheme limits we accept that there will not be a change in outcome if this is not actioned. Natural England consider the proposed measures are sufficient to mitigate the impacts.	The Applicant notes that Natural England has confirmed its agreement with the Applicant's approach to construction dust impacts at Burr Closes, Selby SSSI. The Applicant's position is set out in its response to the ExA's First Written Questions **[REP3-019]**. No further response is required.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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.			
Q1.7.14 – 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: a) what compensation for wider farmland and ground-nesting bird assemblages across all SDSs it considered should be provided.	North Yorkshire Council	**North Yorkshire Council (REP3-035)** NYC welcomes the strengthened breeding bird case through the revised oLEMP and Technical Note, and we accept that the BMA is intended to contribute to mitigation for breeding farmland birds. However, NYC remains unconvinced that the BMA alone can provide adequate compensation for the loss of skylark territories in particular. The BMA, if managed appropriately for ground nesting birds, will compensate for 40% of the lost territories. NYC considers that this leaves an inadequately compensated residual adverse effect. NYC also maintains that the BMA is geographically remote from the main impact on ground nesting birds at Site 4. NYC would expect to see the applicant provide additional compensatory habitat, either in the form of specifically managed habitat (as per the BMA) or the incorporation of measures such as skylark plots within farmland in proximity to Site 4. There would need to be an assessment of the existing ground nesting bird baseline, the ability to uplift the carrying capacity and assurance that the size and openness of the compensation areas are suitable for the intended species. NYC would expect to see the additional compensation areas secured through the DCO with outline objectives built into the oLEMP, with final details to be submitted through the DCO requirements.	There is an overlap in response with Q1.7.6 and therefore the Applicant refers to the answer there without repeating it here, as well as the below. The justification for the contribution of the BMA to breeding bird mitigation, including its location relative to the affected territories, is set out in paragraphs 2.1.3-2.1.22 of the Technical Note [**REP2-114**]. The Applicant maintains that the assessment supports a minor adverse residual effect at a local scale for skylark only, which is not significant. Nevertheless, additional BHAs are proposed within Solar Development Sites 4 and 6, providing managed habitat at the southern Solar Development Sites, including provision within Site 4 itself. These supplement the BMA without reducing its extent or management commitments. Note that skylark will still utilise the solar areas, which will also benefit breeding productivity and outputs through the habitat enhancements and resources available to skylark. For avoidance of doubt, the additional areas included for skylark are not compensation, as per the CIEEM EcIA principals: *compensation: Where there are significant residual negative ecological effects despite the mitigation proposed, these should be offset by appropriate compensatory measures*. The BHAs comprise approximately 15.25 ha, with approximately 5.33 ha remaining after precautionary 50 m offsets from relevant boundary features. Applying an indicative density of 0.51 skylark territories/ha gives a combined capacity of approximately three territories. This

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
				represents potential total capacity, rather than an uplift above existing baseline use, noting that there are no existing territories in the areas used as additional mitigation. The other areas of note include the two larger open grassland areas (greater than 2 hectares) located within Solar Development Site 1, which are likely to support at least one territory in each grassland area. The Applicant notes that this kind of approach to skylark mitigation was agreed for Pear Hill Solar Farm which was recently consented. Therefore, the BHAs provide indicative capacity for three skylark territories, the additional grasslands within SDS1 for two, and the BMA for 33, giving a combined total of ~38 territories=46% of the 83 territories identified as affected. As discussed with NYC, the BHA objectives, establishment requirements, seasonal management, monitoring and adaptive management measures have been incorporated into the oLEMP (updated alongside this submission), with detailed prescriptions submitted for approval through the relevant DCO requirement. Management within the BMA will remain secured separately through the updated outline BMAMP. It is important to note that NYC has reviewed drafts of both the updated oLEMP and oBMAMP documents (updated alongside this submission) and has confirmed via email (6th November 2026) that it agrees with the proposed updates for both non-breeding and breeding birds which address previous concerns. It is the Applicant's understanding that all documented concerns regarding breeding and non-breeding birds from NYC have now been addressed. Further to this, the Applicant is actively engaging with an experienced nature conservation professional regarding the long-term management of the BMA. These specialists have extensive experience and knowledge in delivering conservation management within the local area, including at Skipwith Common in partnership with Natural England, the management of more than 350 acres of farmland under Countryside Stewardship schemes and conservation grazing initiatives, as well as the design and implementation of a wide range of habitat management and creation projects, particularly those focused on hydrological restoration and enhancement. NYC have been updated with regard to these discussions and welcomes the involvement of this nature conservation professional.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
				With the appropriate and experienced management in place, it is reasonable to anticipate that the management would further increase the carrying capacity of the BMA for both non-breeding and ground nesting birds (not limited to), as is evidenced with other nature managed areas. The BTO states that several studies conclude that protected areas (reserves) support increased productivity, which is associated with positive trends in abundance .This was also confirmed through the use of ringing data which demonstrated that some species with higher abundance and positive abundance trends over time with a greater extent of protected areas also supported increased productivity and trends in productivity over time, respectively - (the number of young birds fledged per adult). See: British Trust for Ornithology (BTO) (no date) What role do protected areas play in the future of bird conservation? Available at: https://www.bto.org/our-work/science/impact/protected-areas (Accessed: 9 November 2026) This is further evidenced for well-designed and managed solar farms, see: Copping, J. P., Waite, C. E., Balmford, A., Bradbury, R. B., Field, R. H., Morris, I., & Finch, T. (2025). Solar farm management influences breeding bird responses in an arable-dominated landscape. Bird Study, 72, Article 3. https://doi.org/10.1080/00063657.2025.2450392 as referenced in the oBMAMP [**updated alongside this document].** The BMA and the Solar Development Sites have been designed to provide long-term ecological and ornithological benefits, including enhanced hedgerow networks and comprehensive monitoring and adaptive management in place. Collectively, these measures are intended to create and maintain habitat conditions akin to those found within a managed nature reserve, supported by the expertise of an experienced nature conservation professional with extensive local knowledge to ensure that the BMA is delivered to a high quality.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
Q1.8.1 - 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 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	The Applicant Natural England North Yorkshire Council Yorkshire Wildlife Trust	**Natural England** (REP3-046) Natural England is satisfied that the bird survey data provided is sufficient for this application. We worked with the Applicant during the pre-application process and took a bespoke decision on the suitability of the survey approach. We have therefore provided further justification for why we came to this decision for this Application. Initially, for the majority of the Application 'Sites' our request for surveys was for one year of passage and wintering for the land within the development boundary due to the significant distance between the application land and both the Lower Derwent Valley SPA and Humber Estuary SPA. It should be noted that these sections of the application are located over 15km from the designated sites, and developments at this distance are less likely to impact significantly on designated site populations. Therefore it was determined that survey information was required to identify use by these species, but a full two year period would not be proportionate. The exception to this was 'Site 1' due to the close proximity of this section to the Lower Derwent Valley SPA. For this section of the development we initially requested two years of wintering and passage surveys through early consultation. Following completion of the first survey year the Applicant engaged Natural England through our Discretionary Advice Service on whether their mitigation design could be developed to sufficiently account for annual variation in bird use. The initial peak bird number results demonstrated that lapwing and golden plover were using 'Site 1' primarily. Significant numbers of greylag geese were identified using 'Site 4', however we did not have the expectation that this species would be a primary driver of mitigation delivery and welcomed that sufficient headroom was included in the mitigation design. Based on the results demonstrating significant use in 'Site 1', we also considered that the designated site that was primarily impacted was the Lower Derwent Valley SPA, rather than the Humber Estuary SPA. Therefore, in order to determine whether the mitigation proposed could be considered 'precautionary', we asked the Applicant to consider factors which may influence variation in bird use for this site, and demonstrate whether their mitigation land proposal would enable support of satisfactory bird peak numbers to account for this variation. Appendix 'A.6. One Year baseline approach' of the Shadow Habitats Regulations Assessment (September 2026) includes Natural England's advice on the factors to consider, along with the Applicant's submitted evidence. We considered that the multiplier justification provided by the Applicant demonstrated the habitat delivery would be sufficient	The Applicant notes that Natural England and NYC agree that the available wintering bird survey information is sufficient for assessment purposes and that a second year of surveys would be unlikely to materially alter the conclusions of the HRA. The Applicant's position regarding the adequacy of the survey evidence and the precautionary approach adopted is set out in its response to ExA First Written Question [**REP3-019].** In respect of NYC's comments in respect of the **outline BMAMP [EN0110012/APP/LVS/07.19] [updated alongside this submission]**, following discussions with them, the Applicant has updated both that plan and the **outline LEMP [EN0110012/APP/LVS/07.05] [updated alongside this submission]** at Deadline 4. NYC has reviewed both the updated oLEMP and oBMAMP documents [**updated alongside this submission]** and has confirmed via email (6th November 2026) that it agrees with the proposed updates for both non-breeding and breeding birds which address any previous concerns. It is the Applicants understanding that all document concerns regarding breeding and non-breeding birds from NYC have now been addressed. As stated in a previous response [**Q1.7.14**], NYC also welcomes the discussions evolving with the Nature Conservation Professional role over the fulfilment of the implementation and management requirements set out in the detailed BMAMP [**updated alongside this submission**].

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	and the Humber Estuary SPA and Ramsar? Given the above, NYC and YWT should: b) explicitly state whether they consider that a second year of surveys should have been undertaken, having regard to advice from NE c) 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 d) 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: e) 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 f) any uncertainty that remains and how that uncertainty has been addressed or satisfied within the HRA conclusions.		to account for this potential variation, and we welcomed that mitigation for greylag geese was included within the design. We did not agree with the justification in size being entirely based on Bird Days calculations and advised this should be used as supporting information. We also did not agree with the calculation of lapwing and golden plover combined "plover days" as use of this was accepted under specific circumstances for a previous solar farm NSIP. However, considering the additional capacity in wet grassland habitat type beyond the arable used in this calculation, the incorporation of scrapes, and the openness of the design, it was considered there would be additional provision accounted for beyond the calculated bird use. Therefore, for this application, we were minded to accept the approach and the proposed mitigation based on the evidence provided.	
			North Yorkshire Council (REP3-035) NYC considers that two years of wintering bird survey would ordinarily have provided a more robust baseline. However, having regard to the precautionary approach adopted in the HRA and the position of Natural England, NYC does not consider that undertaking a second year would be likely to materially alter the conclusions of the HRA. NYC therefore considers that the available information is sufficient for assessment purposes. However, this places greater importance on the BMA Management Plan – ensuring that the proposals are capable of being delivered, they are legally secured, the objectives in terms of habitats and species are clear, monitoring and adaptive management frameworks are clear and in place. NYC would query the need for a more detailed management plan at this stage to ensure that the outcomes the HRA relies on are secured and therefore capable of supporting the HRA conclusions. NYC will be required to approve the detailed BMAMP and there is concern that the objectives are not currently clear enough and there is ambiguity between the oLEMP management objectives of the BMA and those set out within the BMAMP. The BMAMP leaves flexibility in relation to	

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			management and outcomes, which may be sensible at this early stage but a HRA related mitigation scheme is expected to be certain. **** Note, Yorkshire Wildlife Trust did not respond at D3**	
Q1.8.3 - 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.	The Applicant Natural England	**Natural England** **(REP3-046)** Natural England is now satisfied that the assessment adequately addresses potential noise impacts on birds using functionally linked land.	As per **The Applicant's Response to the Examining Authority's First Written Questions [REP3-018],** the Applicant has engaged with Natural England and Natural England has confirmed that it is satisfied with the updates provided to the **sHRA [REP2-023]**. Refer to REP3-018 for a full response to Q1.8.3.
Q1.8.4 - 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 Applicant Natural England	**Natural England** **(REP3-046)** Natural England is now satisfied this matter is resolved. Following discussions with the Applicant it was agreed that the matter could be controlled via the CEMP, to be discharged prior to the commencement of the construction period. There will be an assumption of 5m depth secured via this document, unless otherwise agreed during discharge of requirement. As this matter is required as mitigation and will require further advice at a later stage, Natural England request to be secured as a statutory consultee in the wording of the DCO Requirement 12.	Natural England does not need to be added as a consultee for Requirement 12, as it does not need to be consulted on the whole plan. The commitment in respect of consulting with Natural England is specific to the crossing methodologies. The requirement to do this is secured via the **outline CEMP [EN0110012/APP/LVS/07.02] [updated alongside this submission]** itself with the results of the consultation then explained to the local planning authority in the detailed CEMP.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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: b) confirm whether or not it is satisfied that this matter is now resolved and advise on any further comments.			
Q1.8.5 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 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	The Applicant Natural England North Yorkshire Council	**North Yorkshire Council (REP3-035)** NYC remains concerned about the clarity of the objectives of the BMA for non breeding and ground nesting breeding birds. NYC welcomes the additional breeding bird objectives introduced through the revised oLEMP. However, these amendments have resulted in an unresolved inconsistency with the oBMAMP, which has not been correspondingly updated and continues to describe the BMA as being managed exclusively for non-breeding birds. NYC considers that the ecological objectives, management prescriptions, monitoring requirements and success criteria applying specifically to the BMA should be consolidated within an updated oBMAMP, with the oLEMP cross-referring consistently to that document. The current BMAMP provides too much flexibility in relation to grassland management (cutting and grazing). Greater clarity and consistency between the documents is necessary to provide a clear benchmark against which NYC can subsequently determine the detailed BMAMP and to avoid uncertainty where different certified outline documents contain differing management prescriptions. In addition, NYC maintains that where mitigation and/or compensation measures are required for specific species, those species requirements should be set out within the oLEMP and BMAMP with clear success criteria and monitoring which will be able to determine success and implement remedial measures as needed.A	As set out in the Applicant's response to ExA First Written Question Q1.8.5 **[REP3-019]**, the Applicant acknowledges the inconsistency between the oBMAMP **[EN0110012/APP/LVS/07.19] [updated alongside this submission]** and **oLEMP [EN0110012/APP/LVS/07.05] [updated alongside this submission]** regarding the functions of the BMA and the **oBMAMP [EN0110012/APP/LVS/07.19] [updated alongside this submission]** has been updated Deadline 4 to reflect its role for both non-breeding and breeding birds. NYC has reviewed both the updated oLEMP and oBMAMP documents **[updated alongside this submission]** and has confirmed via email (6th November 2026) that it agrees with the proposed updates for both non-breeding and breeding birds which address any previous concerns. It is the Applicants understanding that all document concerns regarding breeding and non-breeding birds from NYC have now been addressed.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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 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.		**** Note, Natural England did not respond at D3**	

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
Q1.8.6 - 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 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: d) 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	The Applicant Natural England North Yorkshire Council	**Natural England (REP3-046)** Natural England's advice is on birds which are likely to be associated with the Lower Derwent Valley SPA and Ramsar, and which also have potential association with the Humber Estuary SPA and Ramsar. The mitigation we have required is for the wintering and passage birds which utilise functionally linked land only. It is not within our remit to determine whether there is sufficient mitigation provided for wider farmland bird assemblages, or breeding habitat outside of designated sites. **North Yorkshire Council (REP3-035)** NYC considers that it is acceptable in principle for the BMA to provide mitigation and/or compensation for other non-SPA species such as ground-nesting birds, provided there is clear evidence that the size, habitat type and management regime are capable of delivering this function alongside the primary objective of mitigating the loss/disturbance of FLL, and that the respective objectives are ecologically compatible. This is particularly important because the Applicant's justification for the breeding bird capacity of the BMA depends upon improved habitat quality and associated productivity. The Council therefore considers that the management regime underpinning those assumptions must be clear and consistent across the certified documents. In addition, whilst NYC is satisfied that the BMA can provide compensation for impacts on ground nesting birds such as skylark from the area around Site 1, it is not satisfied that the BMA has sufficient carrying capacity to compensate for the loss of all breeding territories across the whole development area. The applicant has confirmed that the BMA could compensate for 40% of the lost skylark territories. NYC does not accept that this represents sufficient compensation to avoid a residual adverse effect. Further compensation should be sought in proximity to Site 4 where the majority of the skylark territories will be lost.	The Applicant's position is aligned with Natural England regarding the function of the BMA in providing mitigation for wintering and passage birds using functionally linked land associated with the SPA and Ramsar sites. There currently remains a difference in position between the Applicant and NYC regarding the adequacy of the BMA and wider measures in mitigating impacts on breeding ground-nesting birds, with NYC seeking further mitigation in proximity to Site 4. The Applicant's position on this matter is set out in its responses to ExA First Written Questions Q1.8.5 and Q1.8.6 **[REP3-019]**. The Applicant refers to its response to Q1.7.6 and Q1.7.14 regarding habitat capacity, the location of provision and the additional BHAs and other open grasslands (SDS1). The Applicant maintains its position, supported by the reassessment of the corrected baseline in **REP2-114**, and has proactively responded to NYC's concerns through supplementary Bird Habitat Areas alongside the BMA. The Applicant considers that the extent, quality and proposed management of these areas provide a proportionate response to the assessed effects, which remain minor adverse at a local scale and not significant. The BMA's seasonal management is intended to provide reliable nesting and foraging habitat during the breeding season and suitable foraging and resting/roosting conditions for wintering and passage birds during the non-breeding period. The updated **oBMAMP [EN0110012/APP/LVS/07.19] [updated alongside this submission]** and **oLEMP [EN0110012/APP/LVS/07.05] [updated alongside this submission]** sets out the seasonal prescriptions supporting these functions, with corresponding provisions aligned across the relevant documents. NYC has reviewed both the updated oLEMP and oBMAMP documents **[updated alongside this submission]** and has confirmed via email (6th November 2026) that it agrees with the proposed updates for both non-breeding and breeding birds which address any previous concerns. It is the Applicants understanding that all document concerns regarding breeding and non-breeding birds from NYC have now been addressed.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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] 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: e) 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 f) 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: g) 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.			
Q1.8.7 - 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: 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	Natural England	**Natural England** (REP3-046) Following the updates to the shadow Habitats Regulations Assessment (deadline 2, 4 September 2026) and the associated documents which secure the agreed mitigation, Natural England considers that adverse effect on integrity can be ruled out for the Lower Derwent Valley SPA and Ramsar and the Humber Estuary SPA and Ramsar.	The Applicant notes the response from Natural England. No further action required.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	b) if not, what further mitigation would NE consider necessary?			
Q1.9.3 – 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 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: b) submit the report and provide an expansion and further explanation on the basis for these concerns.	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** We think the ExA has made an error referencing the NYC's landscape officer report to NYC's strategic planning committee on 10 February 2026. We have researched the matter and established that paragraph 4.8 (above) is quoted from Appendix A - Light Valley Solar - NYC PEIR response (the committee report and Appendix A is uploaded separately). In terms of the concerns about potential negative cumulative effects on local communities, these have been considered in the ES Chapter 17: Cumulative and In-Combination Effects (February 2026). Significant effects are reported for LCA 11 Sherburn Farmlands during construction, decommissioning and year 1 of operation. Significant effects are reported for LCA 13 Haddlesey Farmland during construction and decommissioning. The settlements of Monk Fryston, Hillam, Birkin, Hambleton are in either of these two landscape character areas (or very close to their respective boundaries). Furthermore, significant effects are reported during construction and decommissioning for viewpoints 14, 19, 20, 21, 27, 43 and 56 and for the majority of these receptors also at year 1 operation. These viewpoints are in either of the two landscape character areas LCA 11 and LCA 13 (or very close to their respective boundaries). As indicated previously, NYC remains concerned about the period of time between construction and the assumed year of effectiveness of the mitigation. The reference below indicates that the effectiveness would not occur until at least year 10 of operation. (In the Issue Specific Hearing 1, the applicant advised that: hedgerow and woodland stock would typically be planted at an initial height of 0.6m with an assumed growth rate of 0.3m per year, reaching a height of 1.8m by year 5 and 3.3m year 10, however this assumes successful establishment, particularly during the first five years when failures are most likely to occur.) In that respect, NYC remains concerned about the negative cumulative effects, in terms of major transformative scale of the proposed development and erosion of landscape and visual baseline of the proposed development on local communities such as Monk Fryston, Hillam, Birkin, Hambleton and for public rights of way (PRoW) receptors for the period of construction and for the period of operation from year 1 to year 10. Furthermore, the Council's Landscape Architect does not consider that the current proposal to install the 275kV	There remains a difference in position with NYC regarding the significance and definition of cumulative landscape and visual effects on surrounding communities during construction and the early years of operation. The Applicant also notes NYC's further comments regarding the assessment and mitigation of the 275kV substation and BESS at Site 2. The Applicant maintains that these effects have been appropriately assessed and mitigated through the design of the Proposed Development, for the reasons set out in its response to ExA First Written Questions **[REP3-019].** With reference to **ES Volume 1 Chapter 10 - Landscape and Visual [EN0110012/APP/LVS/06.01.10] [updated alongside this submission]** the Applicant recognises that there will be views of these features from a section of the busy A63 (VP11, VP12 and VP55) during construction and the early years of operation where there are gaps in the existing roadside hedgerow, before new planting has established. However, by year 15 of operation, the planting proposed within the southern part of SDS2 will effectively screen most of the infrastructure such that effects would not be significant. Viewpoints VP11, VP12 and VP55, which were agreed with NYC during the pre-application period, provide the basis for a thorough and proportionate assessment of the likely effects. This includes consideration of the low sensitivity of receptors and the high speed and therefore short duration of oblique views that would be experienced. Paragraph 10.8.8 of **ES Volume 1 Chapter 10 - Landscape and Visual [EN0110012/APP/LVS/06.01.10] [updated alongside this submission]** acknowledges that it takes time for planting to establish. This is commonly understood for all projects where planting is proposed as part of the mitigation and is consistent with other consented large solar farm developments, such as Sunnica Energy Farm, Gate Burton Energy Park and Longfield Solar Farm. The successful establishment of proposed planting will be secured through the measures set out in the **oLEMP [EN0110012/APP/LVS/07.05] [updated alongside this submission].**

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			substation and battery energy storage system (BESS) in Site 2 forming a continuous 700m frontage onto the A63 (in the locality of Monk Fryston, Hillam and Hambleton) has not been sufficiently assessed as reported in Appendix 10.3 Visual Baseline and Effects, nor mitigated adequately for those adverse effects. These two elements of infrastructure would also contribute the negative cumulative effects on the local communities.	
Q1.9.13 - 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 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	Forestry Commission	a) Forestry Commission response, Dan Brown, Local Partnership Advisor, Yorkshire and North East Area, 06/10/2026 The Forestry Commission welcomes the applicant's commitment to avoid direct loss of the identified ancient woodlands, and ancient and veteran trees, and the provision of buffer zones of 15m for ancient woodlands and 15 times the stem diameter at 1.5m for ancient and veteran trees. Note that the Standing Advice states that the buffer zone for ancient and veteran trees should be 15 times the diameter OR 5m from the edge of the canopy, whichever is greater. While the Standing Advice states that 15m should be considered the minimum buffer zone allowable for ancient woodlands, it makes clear the following: The size and type of buffer zone should vary depending on the: • scale and type of development and its effect on ancient woodland, ancient and veteran trees • character of the surrounding area For example, larger buffer zones are more likely to be needed if the surrounding area is: • less densley woodled • close to residential areas • steeply sloped Section 10.7.4, Chapter 10: Landscape and visual (EN0110012/APP/LVS/06.01.10) states that "Tree cover across the Study Area is generally sparse". While the proposed 15m buffer proposed for Glibertson's Wood ASNW is consistent with the minimum buffer described in the Standing Advice, the provision of this buffer does not in itself demonstrate that all direct, indirect and cumulative effects have been assessed and will be avoided or mitigated. Section 2.4.5 of the Arboricultural Impact Assessment states "the additional buffer zone of 15m has been considered as the minimum offset between the woodland and the development proposals as part of the embedded mitigation, as per Natural England Standing Advice". The Arboricultural Impact	The retention and protection of ancient woodland and ancient and veteran trees have been integral considerations in the development of the design principles. Both the direct and indirect effects identified in the Natural England and Forestry Commission Standing Advice have been considered in determining the minimum buffer distances. In all cases, the buffer distance calculated using 15 times the diameter at breast height (DBH) of ancient and veteran trees exceeded the canopy edge plus 5 m. The 15 times DBH calculation was therefore used to establish the minimum buffer distances. No construction or maintenance activities will take place within the buffer zones of ancient woodland or ancient and veteran trees, with the exception of T475, for which the proposed mitigation has already been accepted by the Forestry Commission. Accordingly, the likelihood of the Proposed Development giving rise to the adverse direct effects identified in the Standing Advice is considered to be low. The construction footprint associated with the installation of solar panels, associated infrastructure and connecting cables will be located outside the established buffer zones, thereby reducing the potential for indirect effects, including increased dust, light, water, air, soil and noise pollution on ancient woodland and ancient and veteran trees. Potential for these indirect effects will be further minimised through the implementation of appropriate mitigation measures set out in the **outline Construction Environmental Management Plan (oCEMP) [EN0110012/APP/LVS/07.02] [updated alongside this submission]** and **outline Operational Environmental Management Plan (oOEMP) [EN0110012/APP/LVS/07.03] [updated alongside this submission]**. The Proposed Development does not provide for additional recreational access within ancient woodland or the buffer zones of ancient and veteran trees within the Order Limits,

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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		Assessment identifies potential construction interactions, particularly in relation to T475, and proposes measures to mitigate these (which should be appropriately detailed, secured and implemented) which represents a reasonable assessment of direct arboricultural effects. The application documents provide limited detail in demonstrating that deterioration of ancient woodland, and ancient and veteran trees, resulting particularly from indirect effects, have been assessed and will be avoided or mitigated. One example of possible indirect effects is detailed in the Arboricultural Impact Assessment: *3.6.1 Planned tree maintenance work is likely to be required during the operational phase of the Proposed Development. This is likely to include:* *1. Removal of trees succumbing to ash dieback or other disease;* *2. Removal or pruning of trees experiencing partial or total structural failure due to storm damage, where that failure threatens to damage infrastructure;* *3. Hedge trimming and maintenance.* The situation describing failure of trees due to storms "where that failure threatens to damage infrastructure" describes a potential conflict whereby infrastructure may be installed within striking distance of trees forming part of an irreplaceable habitat. Tree failures as a result of storms are part of the natural processes associated with woodlands, and can contribute to the creation of standing and lying deadwood, which serve complex ecological functions. The desire to protect infrastructure could result in the pruning and/or removal of trees and/or deadwood, leading to deterioration of the habitat which would otherwise not occur. This potential impact is specifically identified within the Standing Advice as an indirect effect which can cause the loss or deterioration of ancient woodland, ancient and veteran trees. The Standing Advice states that the effects of a development should be assessed and the mitigation hierarchy should be applied to avoid significant harm to biodiversity, rather than considering a prescribed buffer to be sufficient to avoid or mitigate all effects. b) Forestry Commission response, Dan Brown, Local Partnership Advisor, Yorkshire and North East Area, 06/10/2026 The Forestry Commission considers that the proposed buffers represent appropriate minimum starting points however, it is not clear from the application documents that those minimum buffers are sufficient to avoid all indirect effects (leading to	nor does it introduce additional vehicular access that would increase the potential for fly-tipping or other associated disturbance. With the exception of deer fencing defining the boundaries of the Solar Development Areas, all infrastructure will be located beyond the potential fall zone of ancient and veteran trees and trees along ancient woodland edges, taking account of both their current and anticipated future heights. This approach minimises the potential for future pressure to prune or remove trees to safeguard infrastructure, while allowing the retention and continued development of woodland edge habitats including standing and fallen deadwood. The avoidance measures incorporated into the design, including the provision of buffer zones, together with the mitigation measures secured through the **oCEMP [EN0110012/APP/LVS/07.02] [updated alongside this submission]** and **oOEMP [EN0110012/APP/LVS/07.03] [updated alongside this submission]**, are intended to minimise such indirect effects that might reduce resilience in ancient woodland and ancient and veteran trees or increase their vulnerability to environmental change. With regards to habitat fragmentation, existing commuting corridors within the Solar Development Sites, such as hedgerows, ditches, and treelines, will be retained, buffered, and appropriately protected through all phases of the development to ensure fauna are still able to pass through the development, ensuing habitats do not become fragmented. Furthermore, fencing within the development will be constructed to allow small mammals (including otter and badger), amphibians and reptiles to pass through. In addition, large commuting corridors are proposed within the Solar Development Sites comprising neutral grassland and other valuable ecological habitats which will remain unfenced, allowing the maintained permeability of the Order Limits for a range of fauna including larger mammals such as deer. The presence of these numerous existing and newly created commuting corridors within the Proposed Development will limit habitat fragmentation; furthermore, the arable land that will be lost will be replaced with grassland beneath the solar panels, which will also form suitable commuting habitat for a range of fauna.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			possible deterioration), of all ancient woodland, and ancient and veteran trees, identified in the application. The applicant should demonstrate that the potential direct and indirect effects identified in the Standing Advice have been considered, and that the actual buffer zones proposed are sufficient to avoid those effects. Where effects may extend beyond the currently proposed minimum buffer zones, larger buffers zones and/or additional mitigation may be required. Infrastructure should not be located in positions which may create foreseeable future conflicts with ancient woodland, or ancient and veteran trees, for example due to falling trees/debris, or shading of solar panels caused by future growth of trees within ancient woodland, or ancient and veteran trees. The Forestry Commission also refers to our comments of 7 August 2025 in relation to biodiversity, which are also relevant to the design of buffer zones, to deliver habitats contributing to the wider ecological networks and green infrastructure of the area	
Q1.10.1 - 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 noise disturbance impacts to birds using functionally linked land Alongside this, the applicant is asked to provide a detailed explanation of:	The Applicant Natural England North Yorkshire Council	**Natural England** (REP3-046) Natural England is now satisfied that the assessment adequately addresses potential noise impacts on birds using functionally linked land and advises no AEOI can be determined for this impact pathway.	The Applicant notes North Yorkshire Council defers to Natural England's conclusions on this matter. The Applicant notes that Natural England is satisfied that the assessment adequately addresses potential noise impacts on birds using FLL.
			North Yorkshire Council (REP3-035) NYC has no separate evidence indicating that the Applicant's revised assessment is inadequate but considers that Natural England, as the statutory nature conservation body, is best placed to advise the ExA on whether the revised assessment provides sufficient certainty to rule out adverse effects on integrity arising from construction noise. NYC would therefore defer to Natural England's conclusions on this specific matter.	No further comment is required.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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.			
Q1.10.3 – Cumulative and in combination construction noise	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.	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** NYC considers that the Environmental Statement presents a generally comprehensive and robust assessment of noise and vibration impacts across all phases of development, including the construction phase. The Council has not identified cumulative construction noise as a principal outstanding area of concern. Construction noise impacts are temporary in nature and are proposed to be controlled through the Construction Environmental Management Plan and associated mitigation measures. The Council notes that construction activities will move across the Order Limits over time rather than occur at maximum intensity across all areas simultaneously. NYC is satisfied that cumulative construction noise has been considered on a reasonable worst-case basis and that no significant adverse cumulative construction noise effects have been identified. The Council's principal remaining concern relates to the mechanism by which operational noise outcomes will be secured and enforced during the operational phase of the development. In relation to cumulative operational noise, NYC is not currently aware of evidence demonstrating that cumulative operational noise from nearby consented or proposed energy developments would materially alter the prevailing background sound environment within nearby settlements. NYC's principal concern remains ensuring that operational noise arising from the Proposed Development itself is appropriately controlled through a clear and enforceable mechanism secured by the DCO.	The Applicant notes that there is agreement with NYC in respect of the assessment of cumulative construction noise, with the Applicant's position on cumulative construction noise set out in its response to **ExA First Written Question Q1.10.3 [REP3-019].** NYC has raised a separate concern regarding the mechanism by which operational noise is secured and enforced through the DCO. As set out in the **oOEMP [EN0110012/APP/LVS/07.03] [updated alongside this submission]** Table 3-9, the Applicant has committed to a noise impact assessment of the finalised design and to undertake a verification exercise (to be submitted to NYC) three months after operations begin for that element of the Proposed Development. If the verification exercise concludes that the conclusions of the noise impact have not been borne out remedial actions will be undertaken. Requirement 15 of the Draft DCO provides that no part of Works 1, 2 or 3 may commence until an operational noise management plan containing details of how the design of that respective work number has incorporated mitigation measures set out in the **oOEMP [EN0110012/APP/LVS/07.03] [updated alongside this submission]**. The noise management plan is to be submitted to NYC and once approved must be implemented as approved. With regards to the concern about enforceable mechanism secured by the DCO for operational noise, further engagement with NYC has been undertaken via meeting held on 9 October 2026 and in correspondence on 3 and 4 November 2026. It has been agreed with NYC that, with the proposed amendments and strengthening of the **oOEMP [EN0110012/APP/LVS/07.03] [updated alongside this submission]**, the Council is satisfied that the proposed approach is capable of addressing its concerns regarding operational noise control mechanisms. Further details are

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
				presented in response to Q1.10.4 – Operational noise below.
Q1.10.4 – 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 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	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** NYC accepts that the Environmental Statement presents a comprehensive and robust assessment of operational noise effects and acknowledges the conclusion that no significant adverse operational noise effects are predicted. However, the Council's concern is not principally with the assessment methodology or conclusions. Rather, NYC remains concerned that a clear and enforceable operational noise control mechanism has not yet been secured through the draft DCO. The Environmental Statement predicts that a limited number of receptors may experience operational noise levels above existing background sound levels, particularly during night-time periods, albeit not at levels considered significant in EIA terms. The Council therefore considers it important that the operational noise outcomes relied upon in the assessment are secured through an objective and enforceable mechanism. NYC considers there is merit in including absolute operational noise levels within a DCO requirement and linking those levels to a certified document. In particular, the operational noise levels assessed within Table 2-2 of Appendix 11.3 of the Environmental Statement could provide an objective benchmark against which compliance, verification monitoring and any future enforcement action could be measured. Such an approach would provide greater certainty than the current requirement to demonstrate that operational effects are not materially new or materially different from those assessed. It would also ensure that the final installed scheme does not exceed the operational noise levels upon which the Environmental Statement conclusions are based, whilst allowing flexibility in the detailed design process.	As set out in the Applicant's response to ExA First Written Question Q1.10.4 **[REP3-019]**, the final detailed design would be required 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, with post-construction verification monitoring and remedial action where necessary. As set out in the **oOEMP [EN0110012/APP/LVS/07.03] [updated alongside this submission]** Table 3-9, the Applicant has committed to a noise impact assessment of the finalised design and to undertake a verification exercise (to be submitted to NYC) three months after operations begin for that element of the Proposed Development. If the verification exercise concludes that the conclusions of the noise impact have not been borne out remedial actions will be undertaken. Requirement 15 of the Draft DCO provides that no part of Works 1, 2 or 3 may commence until an operational noise management plan containing details of how the design of that respective work number has incorporated mitigation measures set out in the **oOEMP [EN0110012/APP/LVS/07.03] [updated alongside this submission]**. The noise management plan is to be submitted to NYC and once approved must be implemented as approved. A productive meeting was held between the Applicant and NYC on the 9 October 2026, where NYC indicated that by strengthening the control mechanisms presented within the Outline Operational Environmental Management Plan, fixed operational limits would not be required. This has been confirmed with the NYC via e-mail on 3 and 4 November 2026. As such, the Applicant has updated the **oOEMP [EN0110012/APP/LVS/07.03] [updated alongside this submission]**, at Deadline 4 with strengthened controls (alongside some additions on complaints mechanisms). These have been agreed with NYC.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	noise and vibration. NYC and the applicant should therefore provide: 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.			
Q1.10.5 - oOEMP	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 North Yorkshire Council	**North Yorkshire Council (REP3-035)** NYC acknowledges the Applicant's proposal that operational noise controls should be secured through a requirement to demonstrate that the final design would not result in materially new or materially different effects that are worse than those assessed within the Environmental Statement, together with verification monitoring and remedial action where necessary. Whilst the Council welcomes these commitments, it remains of the view that this approach does not provide the same degree of certainty or enforceability as a clearly defined operational noise control mechanism. The proposed approach relies upon future judgement as to whether effects are materially new or materially different, whereas a defined operational standard provides a clearer benchmark for both compliance and enforcement purposes. NYC therefore considers that further discussion remains necessary regarding the mechanism by which operational noise controls are secured through the DCO. Common ground has not yet been reached on this specific matter.	Please refer to response to 1.10.4 above
Q1.10.8 - 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.	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** NYC considers that the assessment of BESS noise is acceptable in principle and notes that embedded mitigation measures, including plant siting, orientation, acoustic screening and selection of low-noise equipment, have been incorporated into the scheme design. However, mitigation measures remain defined at an outline level and operational noise outcomes remain dependent upon the final specification and detailed design of the development. NYC therefore remains of the view that a clear and enforceable operational noise control mechanism should be secured through the DCO. Whilst detailed assessment, verification monitoring and remedial measures are welcomed, these are primarily reactive measures. The Council considers that greater certainty would be achieved by securing an objective operational noise standard against which compliance can be demonstrated and enforced throughout the operational life of the development.	The Applicant notes that NYC considers the assessment of BESS noise to be acceptable in principle. For details about the operational noise mechanisms secured within the **oOEMP [EN0110012/APP/LVS/07.03] [updated alongside this submission]**, please refer to response to 1.10.4 above

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
Q1.10.11 - 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 Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** NYC supports the principle of post-construction verification monitoring and welcomes the Applicant's commitment to undertake a verification exercise following commencement of operations. The Council considers that monitoring locations, monitoring methodology, reporting procedures, complaint investigation arrangements and corrective actions should be agreed with the relevant planning authority through the detailed Operational Environmental Management Plan. However, NYC considers that monitoring can only be fully effective where it is linked to a clearly defined operational benchmark. The Council therefore continues to seek greater certainty regarding the operational noise standard that the development must achieve and against which future verification monitoring would be assessed.	Please refer to the responses of Q1.10.4 above.
Q1.11.4 - Human mental health and well-being	Section 17 of NYC's LIR [REP1-006] explains NYC's concerns regarding human health. Paragraph 17.9 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	The Applicant	**North Yorkshire Council (REP3-035)** NYC welcome the Examiner's request for the applicant to provide a Health and Wellbeing Summary Statement.	The Applicant has prepared a Technical Note on Health **[REP3-031]** to respond to this question which was submitted at Deadline 3.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	examination of the recent Springwell Solar Farm NSIP (see [REP1067 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 – 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 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.	Sherburn Aero Club	**Sherburn Aero Club (REP3-051)** I should like to advise that at present, all matters and concerns raised in previous representation remain unaddressed.	Following consultations between the Applicant and Sherburn Aero Club, the first draft of a Statement of Common Ground between the parties was submitted on 6 October 2026 **[REP3-028]**. On the issue of emergency access, the Applicant has confirmed that it is happy to discuss emergency service access arrangements for all parts of the site that are identified as having a potential for forced landings/accidents. A commitment has been included within the **oOEMP [EN0110012/APP/LVS/07.03] [updated alongside this submission]** under Table 3-8 to this effect. This issue is agreed between the parties. Issues of glint and glare, forced landing options, thermal turbulence and electromagnetic interference remain under discussion.
Q1.11.7 - 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 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.	North Yorkshire Council	**North Yorkshire Council (REP3-035)** The Minerals Resource Assessment (Document Reference: EN0110012/APP/LVS, dated 05.02.03 February 2026) has been considered by the authority and it is deemed that the proposed development is in compliance with the Minerals and Waste Joint Plan policies S01, S02 in regard to minerals as although would sterilise the mineral for a significant period of time the development is temporary and in this period of time be extracted elsewhere. It is also compliant with S04 as would not have an impact on the waste uses in proximity to the site with no mitigation considered to be required.	The Applicant notes North Yorkshire Council has deemed the Minerals Resource Assessment is compliant and is content with the conclusions within the assessment. No further action required.
Q1.13.1 - 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	The Applicant	**Hillam Parish Council, Hambleton Parish Council, Riccall Parish Council, South Milford Parish Council, West Haddlesey Parish Council (REP3-037)** The joint Parish Councils and other local impacted groups and residents continue to express concern over this topic which relates not only to the Applicant's proposal but the many other energy infrastructure projects underway, consented or proposed (See Q.1.9.1 to 1.9.3).	The Applicant notes these comments.. The landscape sensitivity has been addressed in the a Applicants repose to Written Questions [REP3-019] Q1.9.1. The Applicant acknowledges that the Proposed Development would increase the presence of infrastructure and result in localised changes to openness, landscape

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	• 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.		Notwithstanding the Applicant's proposing on that the landscape sensitivity has a low value, the landscape in this area remains rural in character and the proliferation of energy projects in combination will no doubt change its character from rural to urban. The Parish Councils have and continue to express concern over the Applicant's commitment to work with the Parish Council's on the subject of a mitigation Community Benefits package which, if the project is consented, will assist in delivering identified community infrastructure projects that go to the heart of community identity, and overall wellbeing. The Parish Council's spoke on this matter in the Hearing Sessions in late July 2026. The Parish Council's have since met following that event and collectively informed of their disappointment to the Applicant's verbal response at the Hearing on the topic. The Parish Councils accept the topic of 'Community Benefits' are to be considered outside the Planning Balance exercise, but equally consider it remains a topic closely related to the matter the Examining Authority has raised in Q.1.13.1 above. The Parish Councils have read the Applicant's response the NYC LIR on this point. See LIRNYC-17. It informs a Community Benefit Fund is proposed but contains no detail. The Parish Councils also note the Applicant's response to Nick Billingham in Deadline 1, page 52 (Sept 2026). In that response, the Applicant references the Government's working paper on a potential mandatory community benefits fund as a means of managing the wider impacts of having such projects in their area. The Applicant then goes on to state they are discussing this with North Yorkshire Council. There is no written evidence to support this claim and there is equally no reason as to why this is a matter for North Yorkshire Council. North Yorkshire Council have no mechanism for administering this type of fund. Notwithstanding the Parish Councils collective continued concern towards the cumulative effects from these projects, they remain open to formalising the Community Benefits proposals through a Statement of Common Ground or a Memorandum of Understanding that would start with the basic adoption of the draft funding recommendations in the Government's working paper. The combined Parish Councils can administrate such a fund collectively and request that this matter is raised with the applicant.	pattern and rural character as detailed in section 10.14 Cumulative assessment of ES Chapter 10 [**updated alongside this submission**]. However, these effects would be geographically limited rather than affecting the wider landscape uniformly. 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 notes that a Community Benefit Fund is not a planning matter. The Applicant has consistently stated its commitment to a voluntary Community Benefit Fund, to be designed based on community feedback if the project is consented; remains committed to it and is happy to discuss this with parish councils. In any case, the Applicant expects a mandatory approach to community benefits as a result of the Energy Independence Bill introduced in Parliament on 4 Nov 26, and that Light Valley Solar's fund would therefore need to be designed in accordance with the rules yet to be set by government. As it is not yet clear what might be specified in terms of scope or governance, the Applicant feels that detailed development of a fund should wait until there is more clarity. In the meantime, as North Yorkshire Council is the principal local authority, the Applicant believes that it is entirely appropriate to seek their views. This does not mean that the Applicant will not discuss the proposed fund with parishes. Other projects owned by the Applicant's parent company continue to engage with parish councils, and the approach would be no different here.
			Hambleton Parish Council (on behalf of 12 Councils) (REP3-036) Notwithstanding the Applicant's assessment that the landscape is of low sensitivity, the area retains a distinctly	

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			rural character, and the cumulative effect of the proposed energy projects is likely to result in its substantial urbanisation. The Parish Councils have and continue to express concern over the Applicant's commitment to work with the Parish Council's on the subject of a mitigating Community Benefits package which, if the project is consented, will assist in delivering identified community infrastructure projects that go to the heart of community identify, and overall wellbeing. We spoke in the Hearing Sessions in late July 2026. The Parish Council's have since met following that event and collectively share their disappointment to the Applicant's verbal response at the Hearing on the topic. The Parish Councils accept the topic of 'Community Benefits' are to be considered outside the Planning Balance exercise, but equally consider it remains a topic closely related to the matter the Examining Authority have raised in Q.1.13.1 above. The Parish Councils have read the Applicant's response the NYC LIR on this point. See LIR-NYC-17. It informs a Community Benefit Fund is proposed but contains no detail. The Parish Councils also note the Applicant's response to Nick Billingham in Deadline 1, page 52. (Sept 2026). In that response, the Applicant references the Government's working paper on a potential mandatory community benefits fund as a means of mitigating the wider impacts of having such projects in their area. The Applicant then goes on to state they are discussing this with North Yorkshire Council. There is no written evidence to support this claim and there is equally no reason as to why this is a matter for North Yorkshire Council. North Yorkshire Council have no mechanism for administering this type of fund. Notwithstanding the Parish Councils collective continued concern towards the cumulative effects from these projects, they remain open to formalising the Community Benefits proposals through a Statement of Common Ground or a Memorandum of Understanding that would start with the basic adoption of the draft funding recommendations in the Governments working paper. The combined Parish Councils can administrate such a fund collectively and request this matter is raised with the applicant. Hambleton PC has met with LVS in the early stages of the community meetings, to get a better understanding of the full project, questioned some of the traffic routes and we spoke about community benefits, specifically a road crossing and the prospect of a new or extended village hall. These conversations have been mentioned in later meetings also, so the applicant does have a record of our request.	

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			Hambleton PC used AI in this document to ensure correct spelling and grammar only – the content of the document is the opinion of Hambleton PC and the combined affected Parish Councils and we have shared opinions, information and reference points as the basis for this response.	
Q1.14.5 – 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 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.	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** The Local Highway Authority accepts that HGVs already utilise the junction of Wheldrake Lane/ Main Street; however, the Local Highway Authority's position is that the proposed construction activities will result in an intensification of HGV use of the junction and an increased likelihood that two HGVs would need to pass. As part of ongoing collaboration between the Local Highway Authority and the Applicant, it was agreed in a meeting on 25 September 2026 that the applicant will provide swept path analysis of the junction.	As per response to Q1.14.5 within the **Applicant's Response to the Examining Authority's First Written Questions [REP3-019]**, the Applicant has undertaken a review of each access to identify where additional swept path analysis is appropriate. Additional swept path analysis is provided as part of Deadline 4 where movements from an alternative direction could reasonably occur. This is included in Annex B of the updated **Appendix 14.1: Transport Assessment [EN0110012/APP/LVS/06.03.14.01] [updated alongside this application]**. The junction visibility splays in Annex B of **Appendix 14.1: Transport Assessment [EN0110012/APP/LVS/06.03.14.01] [updated alongside this submission]** have also been re-plotted to ensure all splays are shown in colour.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
Q1.14.6 - Construction traffic routes and highway improvement works - SDS 3, SDS6 and SDS8	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-004]) are agreeable (accepting further details would be approved post-consent).	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** The broad locations for highway improvement works are agreeable.	Refer to the **Applicant's Response to the Examining Authority's First Written Questions [REP3-019]** for a full response from the Applicant. This is in agreement with the response from North Yorkshire Council. The Applicant acknowledges that the Common Lane carriageway – providing access to SDS6 and SDS7 - narrows where it crosses the two railway bridges. However, Common Lane forms part of the adopted highway network and is not subject to any restrictions on use. The Applicant has met with the street works team from North Yorkshire Council (14 October 2026) and the Area Manager (21 October 2026) to discuss the proposed traffic management arrangements on Common Lane.
Q1.14.8 – 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 Haddlesey. If this	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** The Local Highway Authority has reviewed the note contained in Appendix B of the applicant's written summary of oral submissions at ISH1. The principal of maximising directness to/from the SRN and higher classification roads, whilst reducing the distance travelled on lower classification local roads is supported. As part of ongoing collaboration between the Local Highway Authority and the Applicant, it was discussed in a meeting on 25 September 2026 that there may be merit in utilising the Gateforth route to access Site 3 and the northern two accesses of Site 2, which would remove the need for construction traffic to travel through Birkin. The Local Highway Authority's position is still that an internal haul road should be provided through Site 4. The ability of two HGVs to pass on the bend of Gateforth New Road and Hillam Road in Gateforth would require further investigation.	The Applicant notes this comment and refers to the response provided as part of **The Applicant's Response to the Examining Authority's First Written Questions [REP3-019].** Gateforth New Road, which provides access to the Cable Route Corridor, could also be used to provide access to Solar Development Sites 3 and 4. In particular, use of this route as an alternative approach to Solar Development Site 4 would reduce construction traffic using the route via West Haddlesey. The West Haddlesey route would, however, be retained as the most suitable route to the southern Solar Development Site 4 access. Collection of additional traffic survey data to review the assignment of construction traffic has been affected by temporary roadworks. It has therefore been agreed with NYC that existing DfT traffic data can be used for this purpose, and this has been incorporated into the relevant

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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.			tables of **Appendix 14.1: Transport Assessment [EN0110012/APP/LVS/06.03.14.01]** [**updated alongside this submission**] and **Chapter 14: Traffic and Movement [EN0110012/APP/LVS/06.01.14] [updated alongside this submission]**. The assessment of the West Haddlesey route has not been altered. The original assessment has been retained and represents a reasonable worst-case scenario in which all construction traffic associated with Solar Development Site 4 is assumed to use the southern access route. The assessment has, however, been updated to include Gateforth New Road. This indicates that, if all Solar Development Site 4 traffic were to use Gateforth New Road on the same day as Cable Route Corridor traffic, there would be a temporary increase in total traffic of approximately 12%. This represents a reasonable worst-case scenario and is unlikely to occur in practice, as Solar Development Site 4 traffic would be distributed between the two access routes, while Cable Route Corridor traffic would occur only during a short section of the construction programme. Under this scenario, the composition of traffic on Gateforth New Road would change, with approximately 20 additional two-way HGV movements per day, equivalent to an 85% increase relative to the 2029 baseline flow of 24 HGV movements per day. This percentage increase should be viewed in the context of the low existing HGV flow and the conservative assumptions adopted. In practice, construction traffic would be distributed across the Solar Development Site 4 access locations and different phases of the works, reducing the level of impact experienced at any one location on the highway network.
Q1.14.9 - 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	North Yorkshire Council	**North Yorkshire Council (REP3-035)** As part of ongoing collaboration between the Local Highway Authority and the Applicant, it was agreed in a meeting on 25 September 2026 that DRMB visibility splays will be provided at the cable access junctions commensurate with the speed limit of the road. This approach is acceptable and no further assessment is required at this stage.	The Applicant notes the response from NYC. No further action required at this stage. It has been agreed with North Yorkshire Council that it is appropriate for the Cable Route Corridor access designs and associated traffic management measures to be developed and agreed closer to construction, alongside an updated Construction Traffic Management Plan (CTMP), which will be secured through the DCO and approved by the Local Highway Authority before construction begins. The updated CTMP will be based on the **oCTMP [EN0110012/APP/LVS/07.12] [updated alongside this submission]** that has been submitted.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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.			
Q1.14.12 – 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 North Yorkshire Council	**North Yorkshire Council (REP3-035)** Please note that the Stopping Up Order relates to Public Footpath 35.59/5/1 and not 35.56/6/1 as stated in documents under Q1.14.12. NYC have uploaded the stopping up order and plan which indicates that the full Footpath was stopped up.	The Applicant notes to response from NYC and refers to the responses to Q1.14.12 as part of **The Applicant's Response to the Examining Authority's First Written Questions [REP3-019].** The conclusion of this response is that the extinguishment of footpath 35.59/5/1 does not change the conclusions of **ES Chapter 13 [EN0110012/APP/LVS/06.01.13] [updated alongside this submission]** or **ES Chapter 14 [EN0110012/APP/LVS/06.01.14] [updated alongside this submission].** 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 - 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 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)	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** Looking at Sheet 2 of ES Figure 13.3 [APP-109]) the plans have appeared to have altered since our last comments were made. The plan indicates that the footpath 35.28/3/1 starting at Mill Hill and proceeding eastwards to SE65624164 is to be retained and then the section of 35.28/3/1 to be diverted into the Bridleway which would provide improved value as the original section if retained on its current alignment is a Cul De Sac Route. The proposed diversion does improve the connectivity of the network and would enable members of the public to traverse from Mill Hill to Southmoor Road and Wheldrake Lane.	The Applicant refers to response provided as part of **The Applicant's Response to the Examining Authority's First Written Questions [REP3-019]** for a response to a) and b). In regard to NYC's response to part c), the Applicant welcomes the response. No further comment required.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	NYC is to: c) provide comments and its views on this this matter.			
Q1.15.3 - 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 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.	The Applicant Environment Agency	**Environment Agency (REP3-042)** Across solar development sites 1, 3, and 4, the Applicant has used the fluvial (river) upper end climate change allowance to represent the credible maximum flood risk scenario. This scenario has been used by the Applicant to assess the impact of the solar panel support structures on floodplain storage and flood risk elsewhere. This approach is conservative, as the Environment Agency's climate change allowance guidance (available online at: Flood risk assessments: climate change allowances - GOV.UK) indicates that based on the vulnerability classification of the development, the higher central climate change allowance would ordinarily be used to assess off-site impacts associated with Essential Infrastructure. In this instance the relevant fluvial design event for sites 1, 3, and 4 is the 1% (1 in 100) annual exceedance probability scenario (AEP) event with a higher central climate change allowance of 31%. For solar development site 1, the Applicant has assessed the effect of the reduction in floodplain storage associated with the solar panel support structures during a credible maximum scenario, represented by the 1% (1 in 100) AEP event with a 50% uplift in flow to account for climate change. The volume of water displaced by the solar panel supports has been calculated for this scenario, and the potential effect on flood levels estimated by distributing the displaced volume across the hydraulically connected floodplain. The Applicant's calculations indicate that any resultant flood level increase would be sub-millimetre in magnitude. Site 1 is characterised by very low floodplain gradients and low floodplain flow velocities during both the design and credible maximum scenario flood events. With regards to level-for-level compensatory floodplain storage as referenced in paragraphs 5.8.30 and 5.8.31 of EN-1, it would be challenging to provide meaningful compensatory storage for a large number of distributed stilts across the floodplain. Having reviewed the Applicant's volumetric assessment, and nothing that it is based on the conservative credible maximum scenario, we are satisfied that the volume displaced by the solar panel support structures would not result in a measurable impact on flood levels or flood risk elsewhere. Water will be able to move freely below the panel structures around the support legs. We note that the Applicant has proposed several scrapes within the bird mitigation area associated with site 1. However,	The Applicant acknowledges the response from the Environment Agency and confirms that this is in agreement with the **Flood Risk Assessment [EN0110012/APP/LVS/06.03.15.01] [updated alongside this submission]** provided and consultation with the EA to date. No further comment is required.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			any storage benefits arising from these features have not been included in the volumetric assessment undertaken by the Applicant. While such features may provide a degree of additional floodplain storage, they are not material to our conclusion that the solar panel support legs will have a negligible impact on flood risk elsewhere within site 1. With regards to solar development sites 3 and 4, the Applicant has similarly assessed the loss of floodplain storage using a credible maximum scenario corresponding to the 1% (1 in 100) AEP event with a 51% climate change uplift for the River Aire, rather than the design event which comprises the 1% (1 in 100) AEP event with a 31% climate change uplift. Although sites 3 and 4 lie within the River Aire floodplain, they benefit from raised flood defence embankments and washlands which provide a high standard of flood risk protection. Consequently, neither site floods during the design flood event and hence there is no loss of floodplain storage under design event conditions. During the credible maximum scenario, the flood defences are overtopped and sites 3 and 4 are affected. The volume of storage lost within the inundated area during this scenario is small comparable to the inundated area and hence any impact on water levels is expected to be negligible.	
Q1.15.5 - 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: • 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	The Applicant Environment Agency	**Environment Agency (REP3-042)** All embankments are currently in good condition, and annual inspections are carried out by the Environment Agency. The Applicant has committed to undertaking a pre-works survey to understand the current condition of the embankments and if there are any weak spots to be aware of and avoid. In light of this, it is highly unlikely any issues will occur during the construction phase of the development, if the proposed construction methods and mitigation measures are implemented. We are not asking the Applicant to commit to any additional mitigation at this point. The proposed design of the cable corridor will be a minimum of 5m below all flood defences and watercourses alongside the proposed monitoring and contingency planning means most unforeseen issues will be avoided and the level of impact reduced. The Applicant has now included all necessary mitigation within Table 313 of the outline CEMP [REP2-089] and Table 2-4 of the Design Parameters and Commitments document [REP2-021] to mitigate and reduce the risk and severity of any cracking or slumping. Additionally, the Applicant has committed to undertaking monitoring during all works which is key to identifying any degradation occurring and implementing the necessary mitigation to ensure a line of defence is upheld.	The Applicant notes that its response (as part of **The Applicant's Response to the Examining Authority's First Written Questions [REP3-019])** and that of the Environment Agency are aligned. In particular, both parties agree that the relevant embankments are currently in good condition and that, subject to implementation of the proposed construction methods and mitigation measures, issues arising during construction are unlikely. The Environment Agency has confirmed that it is not seeking any additional mitigation at this stage and considers that the measures secured through the **outline CEMP [EN0110012/APP/LVS/07.02] [updated alongside this submission]** and **Design Parameters and Commitments document [EN0110012/APP/LVS/05.06] [updated alongside this submission]** appropriately address the identified risks, including through pre-works surveys, monitoring and contingency planning. The Applicant also notes the Environment Agency's further clarification regarding the measures that could be implemented in the event of damage and the potential consequences of embankment failure. These would be able to be secured via the EA's Protective Provisions approvals, if they were required. Accordingly, the Applicant considers that there are no material areas of disagreement or outstanding matters requiring further discussion in respect of this question.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			However, if damages were to occur depending on the extent of damage and weather conditions, we would expect for the following procedures to take place: • Minor foreseeable damage (Embankment damage due to planned activities, i.e. access tracks over the embankment or temporary haul roads) - For anything foreseeable, there will be a pre-planned response for temporarily repairing any issues should a filling event be forecast. Embankment repairs typically consist of over sheeting with a dampproofing membrane, such as Visqueen, and sand backing with the aim of ensuring the defence height is not compromised, and areas of damage or loss of grass cover are protected to prevent erosion (including from wind and wave action). • Unforeseeable damage to the embankment (Slips or cracks in the embankment) - If these occur without a forecast of filling, and weather conditions are suitable for earthwork repairs, repairs would need to be designed, approved, and undertaken in a timely manner. If that was not possible, then a temporary repair may be approved. What this involves would depend on the scale of the damage, but it may consist of over sheeting with a damp-proofing membrane, such as Visqueen and sandbagging the affected areas, installing a ring defence around the damaged area, or, in an extreme instance, a planned breach. If the embankments which are adjacent to the riverbank were to fail, this would lead to the reservoir filling earlier and a lower level of protection being provided. If a breach of the outer reservoir embankments were to occur, this would cause wider flooding impacts, however we note that the flooding impacts of this would be no different from if the embankment was to fail under natural circumstances. This breach has been modelled and mapped, but details are not in the public domain for national security reasons.	
Q1.15.11 – 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	The Applicant	**Ouse & Derwent Internal Drainage Board** **(REP3-050)** We appreciate that this question has not been directed to ourselves but we thought it may assist if we answer this also. Our understanding after discussions with the applicant is that for any temporary or permanent access roads (internal or external), the applicant will use permeable surfacing where possible. The Board wants to ensure that permeable really does mean permeable and will allow water to drain through. We therefore	The Applicant refers to it's response provided as part of **The Applicant's Response to the Examining Authority's First Written Questions [REP3-019]** and notes the additional response provided by Ouse & Derwent IDB. As confirmed by Ouse & Derwent IDB, access track permeability is clarified in Section 3.4.3 as part of **REP2-085** which states that Type 1 is to be treated as impermeable and Type 3 is to be treated as permeable. No further comment is required.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	[REP2-109] explained surfacing would be permeable where feasible and where high flows or overtopping are possible, more robust or reinforced 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.		raised the matter that we treat Type 1 materials as "impermeable" and Type 3 materials as "permeable" and that if Type 1 materials (or similar) are therefore used, a drainage strategy will be required. This was agreed with the applicant and is noted in section 3.4.3 of REP2-085 [ES Volume 3 - Appendix 15.4 Outline Drainage Strategy (Clean) (Version 2)].	
Q1.15.12 - 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 Lead Local Flood Authority Environment Agency Ouse and Derwent Internal Drainage Board The Selby Area Internal Drainage Board	**Ouse & Derwent Internal Drainage Board** (REP3-050) This is partially outside of our remit but the Board's view is that an agricultural land drainage system is usually installed to collect and redirect excess surface water and groundwater to ensure suitable soil health for crops to grow. A landowner is not required to install a land drainage system or to maintain their existing system. If the land drainage systems under the solar panels are retained/maintained then this could result in an increase of water being discharged into the outfall locations (such as watercourses) as the land will be going from fully permeable (with crops for example) to partially impermeable with the solar panels. The IDB has tried to find a compromise with solar panel sites requesting the following: a) There must be a greenfield buffer area 9 metres from the top of the embankment of any watercourse to try and slow any overland flows from the solar panels. b) The area directly underneath the solar panels must have continuous grass/vegetation all year round. The IDB do not want bare soil. We want vegetation to store the water and slow the flows coming off the solar panels. We hope that with the above provisions, this will slow water flows somewhat and hopefully avoid additional water being discharged into the watercourse systems. Provided the land drainage systems adjacent to the project are not cut off or are diverted around the project area, our view is that this should be satisfactory. The Board does not feel the agricultural land drainage systems for solar farm site itself need to remain. **Environment Agency** (REP3-042) In terms of the assessment on land drainage for the purposes of surface water flood management, we defer to comments from the Lead Local Flood Authority (LLFA) and Internal Drainage Boards (IDB). In respect of water quality, the oDS [REP2-085] has already committed to SuDS and mitigation measures which will help manage water quality. If land drainage systems will be removed (if they are no longer required), it may need to be	The Applicant notes the responses provided by the Interested Parties. However, as per response provided as part of **The Applicant's Response to the Examining Authority's First Written Questions [REP3-019],** the Applicant considers that the interpretation in the question does not reflect paragraph 5.7.10 of the **oDS [EN0110012/APP/LVS/06.03.15.04] [updated alongside this submission]** 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. There is 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 [EN0110012/APP/LVS/03.01] [updated alongside this submission].** The **oDS [EN0110012/APP/LVS/06.03.15.04] [updated alongside this submission]** has been amended at Deadline 4 to ensure absolutely clarity on these points.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			that the outline DEMP [REP2-093] adequately secures how they will be reinstated when the land is returned to agricultural state at the end of the project. From a fluvial flood risk perspective, we feel the changes and/or loss of the land drainage features will not have an impact on storage in the floodplain and not increase fluvial flood risk.	
			North Yorkshire Council (REP3-035) Yes, any alterations, removals, or protection measures for agricultural land drainage must be explicitly included within the detailed drainage plans submitted under Requirement 10 of the draft DCO. Pre-commencement Surveys - surveys to locate these drains must be mandatory before any layout is finalised, not left as an afterthought. Catchment Mapping - The applicant must map how the site's current agricultural drainage connects to the wider local network and ordinary watercourses. Failing to maintain/remove/integrate these assets can result in localized increased surface water runoff rates and waterlogging. If any assets are removed because of the proposal, they should be replaced/integrated as part of any decommissioning of the site.	
Q1.15.13 - 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 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?	The Applicant Lead Local Flood Authority Environment Agency Ouse and Derwent Internal Drainage Board The Selby Area Internal Drainage Board	**Ouse & Derwent Internal Drainage Board (REP3-050)** The IDB were able to agree this on this specific site, based on the size of the watercourses and what we have historically agreed with the landowners surrounding the watercourses on Site 1 specifically. However, this is not something we could agree on every watercourse in our district – we sometimes have to work on both sides. This agreement with the applicant was very much specific to Site 1.	The Applicant notes the responses by the Interested Parties. The Applicant refers to its response provided as part of **The Applicant's Response to the Examining Authority's First Written Questions [REP3-019]** and notes the additional clarification provided by Ouse & Derwent IDB that this is a specific agreement with this IDB for Site 1 due to historical agreement with landowners in the area. As per the response provided as part of **The Applicant's Response to the Examining Authority's First Written Questions [REP3-019]**, the **oLEMP [EN0110012/APP/LVS/07.05] [updated alongside this submission]** provides the appropriate general controls to ensure that planting near watercourses does not conflict with access and maintenance. The one-sided planting commitment cannot be extended to all ordinary watercourses within the Order Limits as Selby IDB may have different landowners on the right and left bank of their watercourses, indicating access may need to be retained for both banks. The controls set out in the **oLEMP [EN0110012/APP/LVS/07.05] [updated alongside this submission]** allow for watercourses to be treated in response to their specific ownership and maintenance arrangements and set out the Applicant's planting commitments.
			Environment Agency (REP3-042) The Environment Agency would defer to the IDBs on matters pertaining to IDB watercourses. However, we would recommend that the Applicant extends a similar planting commitment to watercourses where watercourse crossings (such as culverts) are proposed. This measure could compensate for the loss of vegetation due to watercourse crossings, or provide enhancement to riparian habitat. We stress that this recommendation is advisory.	
			North Yorkshire Council (REP3-035) The LLFA strongly advises that the commitment made in the updated Design Principles Document (DPC) [REP2-021] regarding one-sided planting should be extended to all ordinary watercourses within the order limits, not just those managed by the Ouse and Derwent IDB. This is to ensure that access is retained for maintenance purposes.	

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
Q1.15.14 - 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: 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.	The Applicant Environment Agency	**Environment Agency (REP3-042)** c) We can confirm that the concerns raised in EA13 apply to the proposed substations at SDS1, SDS2 and SDS4. There should be appropriate mechanisms to manage pollution incidents from all substations.	The Applicant acknowledges the responses by the EA. The following documents have been updated at Deadline 4: The **Outline Drainage Strategy (ODS) [EN0110012/APP/LVS/06.03.15.04] [updated alongside this submission]** Section 5.4 and 5.5 (paragraphs 5.4.24 and 5.5.15) now: • Commits to a risk assessment and options appraisal at detailed design to establish whether additional water quality monitoring at outfalls (including sensor-based systems) is required. • Confirms the findings and proposed measures will be included in the detailed drainage strategy. • Explicitly commits to the proposed substation pollution control measures. The **oOEMP [EN0110012/APP/LVS/07.03] [updated alongside this submission]**: • Has been updated to reflect the above – any monitoring requirements identified through the risk assessment will be incorporated into the detailed OEMP. The **Commitments Register** (C131) **[EN0110012/APP/LVS/06.03.01.03] [updated alongside this submission]**: • Explicitly references substations and align with the above commitments.
Q1.15.17 – 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 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:	The Applicant Canal & River Trust Environment Agency	**Canal and River Trust (REP3-040)** The Canal and River Trust is to: a) provide further reasoning for requesting, in its relevant representation [RR0177], a minimum 5m cable crossing depth for the River Ouse including the risk and implications if lower depths were used. The Trust is Navigation Authority for the River Ouse, with responsibilities for maintain safe vessel passage. Our request for Horizontal Directional Drilling to take place 5m below the bed of the River Ouse is to reduce the risk of any pipeline becoming exposed in the river channel. We consider that an appropriate depth (of at least 3m) is also required to	The Applicant acknowledges the response from the Interested Parties regarding the minimum 5 m cable crossing depth for the River Ouse (part a) and b)), and confirms that the oCEMP secures the commitments in this regard . As noted by the Environment Agency, watercourse crossings and crossings where the works may interact with groundwater in Principal or Secondary A aquifers are to be supported by a Hydrogeological Impact Assessment (secured in the **oCEMP [EN0110012/APP/LVS/07.02] [updated alongside this submission]**).

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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).		provide a suitable buffer should any accidental deviation from the planned route occur during its installation. Riverbeds are susceptible to scour and erosion as they are natural watercourses with higher rates of flow, which could expose shallow laid pipelines over time. Any exposed pipeline would be more vulnerable to Collison from river debris or to damage from any dredging activities. Any damage could result in new hazards for river users or the need for closures for maintenance and repair. A 5m depth for the cable would limit the potential for scour and erosion to expose any pipeline over time. A 5m depth would provide appropriate confidence that the potential for the pipeline to be exposed over time would be limited. We consider that a reduced depth of less than 5m would increase the risk of exposure over time. In addition to the comments above, there is the need for pipelines being laid at an appropriate depth to account for any accidental deviation during installation, to limit the potential for any breach into the river channel. A minimum depth of 3m is normally considered appropriate to limit this risk. Manmade waterways, such as canals, are less susceptible to erosion and scour. As a result, 3m threshold is normally considered appropriate in these waterways, unlike for rivers.	In relation to parts c) and d), the Applicant acknowledges Annette Exley's response. The Applicant clarifies that the 50 m offset from the bank top is related to Canal and River Trust watercourses only, e.g. River Ouse, and a minimum 10 m offset would be applied for all other watercourses. Except where watercourse crossings are required, the relevant minimum offset is applicable for construction works. HDD entry and exit pits will be located outside of the offset as secured within the **oCEMP [EN0110012/APP/LVS/07.02] [updated alongside this submission]**. Furthermore, **Figure 15.28 [AS0-42]** confirms that the proposed Solar Development Site Construction Compounds and Cable Construction Compounds are outside the modelled 1 in 30-year defended flood extent used to represent the functional floodplain. The qualifications "where practicable" and "where feasible" within the **FRA [EN0110012/APP/LVS/06.03.15.01] [updated alongside this submission]** relate to the management of construction activities within the wider floodplain, and do not provide for the currently proposed construction compounds, which are located as shown on the Works Plans, to be located within the functional floodplain. The proposed construction compound locations have been located to minimise exposure to flooding. The FRA demonstrates that the majority are sited outside the modelled fluvial 1 in 100-year plus climate change design flood extent, with limited encroachment affecting Solar Development Site 1 Construction Compound B and Cable Construction Compound 2. The Applicant therefore does not consider that removal of these qualifications is necessary. Where construction activities take place within the wider floodplain, the measures set out in the FRA and oCEMP will apply to manage flood risk, including the commitments relating to the siting and storage of materials, equipment, welfare facilities and fuel stores.
			Annette Exley (REP3-055) 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) This question concerns what appears to be the most significant unresolved issue within the water environment evidence. During consultation on ES Chapter 15, the Environment Agency stated: "It is unclear whether mitigation will be applied for construction activities within the floodplain, such as storing spoil from trenching for the cable corridor. This creates a risk of increasing flood risk during construction. A sequential approach should be taken, ensuring spoil is placed outside the functional floodplain and Flood Zone 3 wherever possible." The Applicant's response, recorded in the same chapter, is that the Flood Risk Assessment "includes measures such as the storage of spoil outside of Flood Zone 3 where practicable". Annex H of the Flood Risk Assessment adopts a similar approach. Paragraph H.2.39 states that construction compound siting will be adjusted "where feasible". Paragraph H.2.40 contemplates circumstances "where it is not feasible to avoid the floodplain entirely".	

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			The Applicant's principal response in relation to functional floodplain impacts, namely that the cable will be located below ground and therefore will not displace flood storage or impede flood flows, addresses the operational phase and permanent works only. It does not address construction-phase activities such as spoil storage, construction compounds, fuel storage areas or horizontal directional drilling entry and exit pits. These are the activities specifically identified by the Environment Agency and are also the subject of Q1.15.17(d). I respectfully invite the Examining Authority to consider whether any commitment relating to the location of spoil and construction compounds within the functional floodplain should be expressed without the qualifications "where practicable" and "where feasible", and whether such a commitment should be secured through a Requirement.	
			Environment Agency (REP3-042) The Applicant's commitment to a minimum 5m crossing depth beneath the surveyed base of the watercourse would reduce the potential for loss of drilling fluids ('frac-out') into the watercourse. We do not anticipate this would influence effects on groundwater bodies other than a potential increase in the likelihood, spatial and temporal extent of direct interaction with groundwater with increasing depth. We expect watercourse crossings and crossings where the works may interact with groundwater in Principal or Secondary A aquifers to be supported by a Hydrogeological Impact Assessment (secured in Table 3-13 of the outline CEMP [REP2-089]). These should be based on site specific intrusive investigation and groundwater monitoring to ensure that local ground conditions are understood, the risks associated with the crossing are suitably assessed, and sufficient mitigation is identified and secured.	
Q1.16.14 – 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:	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** Preliminary discussions are underway within NYC Streetworks to progress this and a collaborative meeting with the applicant is planned for 14th October which should form a conclusion on this.	The meeting was held on 14 October where the focus was on the practicalities of use of the permitting scheme. No direct amendment to this article has yet been proposed by North Yorkshire Council.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	• explain what is meant by "located across three administrative areas" • improve general clarity. NYC should: 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.			
Q1.16.15 - 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? 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).	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** Preliminary discussions are underway within NYC Streetworks to progress this and a collaborative meeting with the applicant is planned for 14th October which should form a conclusion on this.	The meeting was held on 14 October where the focus was on the practicalities of works being undertaken by the Applicant. No direct amendment to this article has yet been proposed by NYC.
Q1.16.16 – 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?	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** NYC as LHA find that a potential amendment as proposed could be a suitable mechanism for ensuring that liability remains with the undertaker for the whole period of construction and the subsequent 12 months. Such an amendment would replicate existing developer S278 agreements and the responsibilities and protections these provide to both parties.	f) As set out in the Applicant's responses (a) to (e) of **The Applicant's Response to the Examining Authority's First Written Questions [REP3-019]**, the Applicant maintains that it is not necessary nor proportionate to extend the timescales in Article 11(1)(b)(ii). The current 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

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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.			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. It is recognised that there is potential for construction traffic to cause damage to the public highway. The **outline Construction Traffic Management Plan [EN0110012/APP/LVS/07.12] [updated alongside this submission]** requires that road condition surveys must be carried out before and after construction. Any damage attributable to the construction of the Scheme will be resolved to the satisfaction of NYC. This ensures that the highway network will not be in any worse condition when the Scheme has been built than as at the start of construction. Accordingly, the proposed amendment would not offer any greater protection for the highway authority as the Applicant is already obliged to restore any damage caused to the highway. It would reduce clarity over the period for which the Applicant was responsible for the maintenance of that part of the Highway. If an access was created for construction and retained for operation, it is unclear if the Applicant would be expected to continue to maintain the access until all scheduled replacement works had been completed, or if it would be expected to assume maintenance responsibilities for any scheduled replacement works. It is considered that, if the local highway authority considers it appropriate for the Applicant to remain responsible for parts of the local highway network for longer than is provided for by article 11, the appropriate place to secure this is within an agreement entered into under article 15 of the DCO. Such an agreement would provide the LHA with detailed oversight of the practical aspects of highways works, typical to what is included in a Section 278 agreement. Such an agreement would set out the practicalities in much the same way as a Section 278 agreement, including with regard to financial security and other responsibilities such as any alternative duration for maintenance responsibilities.
Q1.16.19 – 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 North Yorkshire Council	**North Yorkshire Council (REP3-035)** The local highway authority would resist the formation or modification of any access that results in materially new or different effects. This is to ensure that there is no unacceptable impact on highway safety, the transport network or local communities.	The Applicant notes that the power in paragraph (c) is subject to local planning authority approval, in consultation with the local highways authority, who would consider if the works to take such accesses are acceptable or not.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
Q1.16.20 - 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.	North Yorkshire Council	**North Yorkshire Council (REP3-035)** The LHA considers that the proposed period of 7 days is insufficient to allow coordination with other key parties and other undertakers. Preliminary discussions are underway within NYC Streetworks to progress this and a collaborative meeting with the applicant is planned for 14th October which should form a conclusion on this.	The meeting was held on 14 October where the focus was on the practicalities of works being undertaken by the Applicant. No direct amendment to this article has yet been proposed by NYC.
Q1.16.21 - 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.	The Applicant North Yorkshire Council Lead Local Flood Authority Ouse and Derwent Internal Drainage Board The Selby Area Internal Drainage Board	**Annette Exley (REP3-055)** I support the Examining Authority's question and invite it to be read alongside Part B, section B.6 below (Note is included in Table 1 above). The absence of any provision relating to a harbour authority is one of two regimes applicable to the River Ouse that the draft Order does not address. **Ouse & Derwent Internal Drainage Board (REP3-050)** The IDB would ask that the provision states something along the following lines: "Notwithstanding the requirements set out within this article, any discharge of water should be in accordance with the surface water drainage scheme and foul water drainage scheme approved under Requirement 10." The IDB wants to ensure that it is clear that having an approved surface water/foul drainage scheme from the Planning Authority does not mean that any other necessary consents are not obtained as sometimes the Planning Authority may agree a drainage scheme which is not agreed/wholly agreed by the IDB. **North Yorkshire Council (REP3-035)** NYC and LLFA strongly agree that 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. As the for question regarding The Yorkshire Ouse (Pilotage Powers) Order 1998. The LLFA will not be making a comment on this as we feel it is not within our remit.	The Applicant notes that the Ouse & Derwent IDB and NYC / LLFA consider that Article 17 should expressly require any discharge of water to be in accordance with the surface water and foul water drainage schemes approved under Requirement 10. The Applicant agrees that discharges are required to accord with the approved drainage arrangements but considers that this is already secured through the Requirements and that any additional drafting in Article 17 is therefore unnecessary. The Applicant also notes the IDB's position regarding the need to obtain any separate consents that may be required. The Applicant has reviewed and mapped the geographical extent of the relevant harbour area against the Order Limits and has identified no overlap **[REP3-018]**, and therefore the Applicant maintains that an amendment to Article 17 to reference the harbour authority is not required.
Q1.16.24 - 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	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** As currently drafted Article 30 provides wide powers to enter, survey and investigate any third party land including vehicles and equipment for an unspecified duration so would apply indefinitely whilst the Order is in force. Powers also permit equipment to be placed on land, trial holes, boreholes or trenches for an unspecified period. These powers appear to be unnecessarily wide reaching and uncontrolled given that these relates to any third-party land outside of land identified in the Order Limits. The Order Limits should identify all the land that may be required to carry out the development to provide certainty and clarity.	a)-b) The Applicant notes NYC's concern regarding the inability to identify in advance all land outside the Order Limits that may require access. As explained in the Applicant's response **[REP3-018]**, the precise location of such land cannot be identified at this stage because monitoring and survey requirements may depend on detailed design and the location of relevant receptors, including for noise and ecology c) The Applicant considers that the Article 20 powers relate to access required for surveys and monitoring rather than land required to accommodate the authorised development itself. The Applicant therefore does not consider that such land needs to be incorporated within the Order Limits solely for this purpose.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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: f) provide its view on how article 20 would work in practice in its currently drafted form.			d) The Applicant identified in its response the types of monitoring and surveys that may be required outside of the Order Limits, including noise monitoring at sensitive receptors and ecological surveys, including in relation to protected species. e)-f) The Applicant notes NYC's concern that the powers are broad and insufficiently controlled. However, the Applicant considers that the flexibility provided by Article 20 is necessary because the precise locations of future monitoring and survey activities cannot presently be determined, and notes that comparable survey powers are provided through existing statutory regimes and recent DCOs.
Q1.16.26 - 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 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	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** Article 39(b) should not apply to land outside of the Order limits.	The Applicant does not agree with the Council's view that sub-paragraph (b) of Article 39(3) should only apply to land within the Order Limits. The Applicant maintains that reference to land outside the Order limits is needed to ensure that where a condition straddles land both inside and outside the Order Limits and the conditions of that permission require elements in those two areas to function together as a whole, the holder of the permission is not found to be in breach of a condition where the inside element is incapable of implementation. An example is given in **The Applicant's Response to the Examining Authority's First Written Questions [REP3-019]** at point (c), where a planning permission may require a landscaping or mitigation strategy to be implemented across land both inside and outside the Order limits. If the inside element is not capable of implementation as a result of the authorised development, Article 39(3)(b) prevents the holder of the permission from being 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.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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.			
Q1.16.28 - 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 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.	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** As drafted, Article 41 (2)(b) disapplies the requirement under Section 206(1)TCPA 1990 to plant replacement trees. In practice this could result in removal of trees subsequently identified by the LPA as have significant amenity value through the making of a TPO, without any secured mechanism for replacement planting. NYC considers that Article 41 provides a broader power than is necessary, and the practical consequences and mitigation measures are insufficiently justified.	The Applicant considers Article 41 is proportionate to ensure that the delivery of the Proposed Development is not impeded and notes that it is well precedented (see for example, the recently consented Green Hill Solar Farm Order 2026 and Springwell Solar Farm Order 2026). As set out in **The Applicant's Response to the Examination Authority's First Written Questions [REP3-019]**, the Applicant reiterates that 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 (AIA) [APP-184]**. Following its assessment, the Applicant has secured commitments in respect of the trees it affects in its application documentation (such as the **AIA [APP-184] and oLEMP [EN0110012/APP/LVS/07.05] [updated alongside this submission]**), including any commitments to make replacement. Where the Applicant has chosen not to provide for replacement, this can be weighed up in the planning balance and is a matter for the Secretary of State's determination of the DCO application.
Q1.16.31 - Article 47 – Procedure in relation to certain approvals etc. and Schedule 16 – Procedure for discharge of requirements	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	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** c) NYC does not consider 10 working days to be sufficient or consistently achievable, especially where applications require internal consultation with multiple specialist officers. NYC considers a period of 15 working days to be more realistic and would provide sufficient time to review the application submitted and determine if any further information is required. d) NYC agrees with the Environment Agency's concern that the timescales proposed within Schedule 16 may not provide sufficient opportunity for the review of complex applications by	c) The Applicant accepts NYC's response and has amended paragraph 3(2) of Schedule 16 of the **Draft DCO [EN0110012/APP/LVS/03.01] [updated alongside this submission]** at Deadline 4 to provide for a period of 15 working days. d) The Applicant acknowledges NYC's response and has amended paragraph 3(3) of Schedule 16 of the **Draft DCO**

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	application, and must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or that is requested by the 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.		technical consultees and for them to request further information if necessary. The applicant suggests that the timescales proposed are reasonable however NYC considers that a requirement to consult within 5 working days and determination of applications within a 6-week period is unlikely to be achievable for applications requiring specialist technical assessment. NYC therefore considers that a minimum consultation period of 21 days should be provided for consultees and that the overall determination period should be 8 weeks, aligning with the 8-week period applicable to planning applications under the TCPA regime. e) Based on the information currently available, NYC cannot confirm that the appropriateness of the proposed fees as they may not reflect the scale, complexity and officer resources required to assess the applications. This is of particular relevance where multiple SDSs are submitted together or specialist input required. f) The Council does not consider deemed provision should be given within 10 working days. Standard consultation periods for consultee responses are 21 days, and a planning application target is 8 weeks. The Council's Ecology officer raises the following concern: A key concern relates to the detailed Bird Mitigation Area Management Plan (BMAMP), which is a critical document relied upon both as mitigation within the Habitats Regulations Assessment (HRA) and as compensation for impacts on ground-nesting birds. Given its importance, the BMAMP cannot be subject to deemed approval without appropriate scrutiny. The applicant has indicated that the document will be agreed jointly between NYC and Natural England, and there remains the potential for Natural England to request further information, clarification or amendments during the consultation process. It is therefore essential that sufficient time is built into the discharge of requirement process to enable formal consultation with Natural England and for any reasonable requests arising from that consultation to be addressed. Alternatively, the applicant could engage proactively with Natural England during the preparation of the BMAMP, prior to its formal submission to NYC, and provide evidence of that engagement and any agreed outcomes. This would help ensure that the BMAMP can be determined efficiently while still meeting the mitigation and compensation requirements necessary to satisfy the HRA process. The consequence of deemed approval could be that applications	**[EN0110012/APP/LVS/03.01] [updated alongside this submission]** at Deadline 4 to extend the timescales. The provision now requires that NYC must issue the consultation to requirement consultee(s) within 10 working days (increased from 5 working days), and to notify the Applicant within 10 working days (increased from 5 working days) of receipt of any consultee request, and in any case within 20 working days of receipt of the application (increased from 15 working days). e) The Applicant notes that NYC cannot currently confirm the appropriateness of the proposed fees. The Applicant will continue to discuss the proposed fees with NYC. f) For the avoidance of doubt, there is no deemed provision within the **Draft DCO [EN0110012/APP/LVS/03.01] [updated alongside this submission]** for 10 working days. Rather applications not responded to are deemed to be approved within 6 weeks (i.e. 30 working days) which accords with the period in the Planning Inspectorate's Appendix 1 of Advice Note 15, beginning the later of: • the day immediately following that on which the application is received by the authority; • the day immediately following that on which further information has been supplied by the Applicant in circumstances where further information was requested; or • such longer period that is agreed in writing by the Applicant and NYC. The Applicant notes NYC's example of the approval of the BMAMP. Pursuant to Requirement 7, the BMAMP must be submitted to and approved by NYC in consultation with Natural England (NE). Therefore, NYC is the approving body, and NE holds a consultee role in respect of the final detailed plan. However, the Applicant notes that the **Outline BMAMP [EN0110012/APP/LVS/07.19] [updated alongside this submission]** itself embeds how the Applicant must proactively engage with NYC and NE while preparing the detailed BMAMP, see for example in relation to: the final design, detailed prescriptions and precise spatial extents of each measure (paragraph 1.3.4 of the **Outline BMAMP**)

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			requiring important mitigation or compensation measures, such as the BMAMP, are approved without the benefit of full technical scrutiny by NYC and Natural England, or other relevant consultees. The Council considers that this would create a risk that the measures relied upon with the HRA and DCO assessment process are not fully resolved prior to approval.	setting measurable targets to determine the success of the BMA (section 4.8), process and structure for the reporting of monitoring and reviews to ensure the creation and management of the BMA (section 4.9). This secures how the Applicant will already be engaging with NE prior to submitting the detailed BMAMP to NYC, and means that the Applicant must evidence this engagement. The Applicant considers that there is already appropriate time built into the discharge process. For example, in order to discharge Requirement 7, under the current provisions of Schedule 16, the Applicant would submit the detailed BMAMP to NYC for approval and send a copy of the application to NE as a requirement consultee. NYC must give written notice of its decision on the application to discharge the requirement within 6 weeks of the latest of: the day after NYC receives the application, the day after the Applicant provides further information as requested (by either NYC or NE as a requirement consultee) or any longer period is agreed in writing between the parties. The Applicant refers NYC to paragraph 3 of Schedule 16 which sets out the timescales in respect of further information requests and considers these to be fair and sufficiently flexible, as in each instance the parties can agree to a longer period in writing. As set out in the **Applicant's Response to ExQ1 [REP3-019]** at Q1.16.31 and in the **Explanatory Memorandum [EN0110012/APP/LVS/03.02] [updated alongside this submission]**, in many instances the Applicant's bespoke Schedule 16 goes beyond what is recommended in Appendix 1 of Advice Note 15. The Applicant considers it strikes the correct balance between giving both parties certainty but also flexibility around timescales in the discharge process.
Q1.16.36 - 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	North Yorkshire Council	**North Yorkshire Council (REP3-035)** NYC prefers to use 'in accordance with' rather than 'substantially'. The use of "substantially" could bring too much flexibility to the applicant & reduce the control of the planning authority.	The Applicant does not agree with North Yorkshire Council regarding this matter and maintains its position as previously stated. The use of the term "substantially" in requiring final plans to be substantially in accordance with the outline plans is standard and widely accepted in DCO drafting. The drafting provides the necessary flexibility to respond to issues arising at the detailed design stage or other relevant circumstances, whilst still enabling the relevant planning authority to withhold approval where proposals are inappropriate or inadequate. The Applicant considers that this approach strikes the necessary balance between securing the measures within the outline management plans (which are sufficiently detailed to provide comfort to stakeholders), whilst also preserving the necessary flexibility should

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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.			circumstances change at detailed design (for example, if measures were no longer considered the most appropriate or effective).
Q1.16.37 - 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 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".	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** NYC welcomes the addition of the underlined text to provide greater certainty.	The Applicant notes that both parties agree that the relevant mitigation and management measures should be implemented and maintained for the period for which they are required. The difference between the parties relates to the drafting necessary to secure this. NYC supports the proposed additional wording to provide greater clarity, whereas the Applicant considers that the existing requirement for the relevant management plans to be 'implement as approved' already secures any ongoing obligations contained within those plans. The Applicant therefore maintains that the additional wording is not necessary.
Q1.16.38 - 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	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** North Yorkshire Council supports the provision of permissive paths where these deliver additional recreational and access benefits. However, permissive paths do not have the same legal protection as recorded Public Rights of Way. The maintenance and control of these routes is mainly through the landowner, and do not routinely record these routes on our mapping network. We would expect where permissive paths are relied upon as part of the recreational, access or mitigation benefits of the Proposed Development, the draft DCO should provide sufficient certainty regarding their availability throughout the operational life of the development. Public Rights of Way would expect that either an alternative route or a permissive path would remain available for public use throughout the construction phase and operational phase of the development and until any affected Public Rights of Way are fully reopened and available for use.	The Applicant notes that there is agreement with NYC that, where permissive paths are relied upon to maintain public access, the relevant routes should remain available until affected Public Rights of Way are full reopened. The difference between the parties relates to the mechanism by which this is secured. NYC considers that greater certainty should be provided through the draft DCO, whereas the Applicant considers that the provision and implementation of the permissive paths is already adequately secured through the detailed LEMP and Requirement 6. The Applicant therefore maintains that additional drafting is not necessary.
Q1.16.39 - 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 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	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** In reviewing draft Requirement 1, NYC has referred to the wording of Schedule 2, Requirement 3 of Mallard Pass Solar Farm Order 2024. a) As currently drafted Requirement 1 serves little practical purpose as there is no mechanism for approval and no requirement for implementation. NYC considers that the current drafting therefore does not fully accord with the principles of certainty, enforceability and effective monitoring as set out in	The Applicant notes the difference in position with NYC regarding the drafting of Requirement 1 and maintains its position as set out in **The Applicant's Response to the Examination Authority's First Written Questions [REP3-019]**. To restate in response to NYC's response: a) Council's approval of the written scheme setting out the phase or phases of construction is not necessary or relevant to planning. It is not for the Council to require the Proposed

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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.		Advice Note 15. The Requirement secures submission of a phasing scheme but does not require approval of a scheme by the relevant planning authority nor implementation of any approved scheme. *b)* NYC supports inclusion of the following definition: *"Phase" means a phase, part of phase, or combination of phases of the authorised development identified within an approved phasing scheme"* c) NYC supports amendment of Requirement 1(2) to require submission and approval in writing by the relevant planning authority. d) NYC agrees that implementation should be secured and recommends the following sub-paragraph: "The scheme submitted and approved pursuant to sub-paragraph (1) must be implemented as approved". e) NYC agrees consistent terminology should be used throughout Requirement 1. If a definition of phase in added, references to "part or parts of the authorised development" (para (4)) should be replaced with reference to "phase", "part-phase" or "combination of phases".	Development to be built in a certain order, where there is nothing in the ES relying on the Proposed Development being built out in a certain order (with the exception of the works around the Bird Mitigation Area), and the assessment assume everything is built out at once. The purposes of Requirement 1(2) is to inform NYC of the construction phases and timetabling in advance to enable the Council to resource accordingly. b) "Phase" cannot be defined in the **Draft DCO [EN0110012/APP/LVS/03.01] [updated alongside this submission]** because the phases are not yet known. As per Requirement 2(3), the phases of the Proposed Development will be set out in the written scheme that is to be submitted to NYC under Requirement 2(2). c) The Applicant does not agree and refers to its response above at (a). d) The Applicant does not agree and refers to its response above at (a). e) Further to (b) above, the distinction between 'part' and 'phase' is necessary. The Applicant 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).
Q1.16.40 - 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.	The Applicant North Yorkshire Council	**North Yorkshire Council (REP3-035)** Agree that the inclusion of the proposed wording "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" would provide clarity and certainty.	The Applicant notes that both parties agree that decisions of the relevant planning authority should be provided in writing. The difference between the Applicant and NYC is limited to whether the ExA's proposed additional wording is necessary. The Applicant maintains that paragraph 2(2) of Schedule 16 already requires the relevant planning authority to give notice of its decision in writing and therefore considers that duplicating this provision in Requirement 2 is unnecessary. In relation to part (b), which was directed to the Applicant only, the Applicant maintains that a specific exclusion for the Book of Reference and Land, Crown Land and Special Category Land Plans is not necessary, as any amendments would remain subject to the applicable not materially different / not materially worse tests.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
Q1.16.43 - 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 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.	The Applicant North Yorkshire Council Lead Local Flood Authority Environment Agency Ouse and Derwent Internal Drainage Board The Selby Area Internal Drainage Board	**Ouse & Derwent Internal Drainage Board (REP3-050)** The IDB would welcome both proposals within a) and b). **Environment Agency (REP3-042)** a) We believe that there should be a drainage plan for the site for all phases of the development, therefore we agree that there should be a drainage plan submitted for the construction and operation phases. b) The Environment Agency is now named as a consultee in Requirement 10 Surface and foul water drainage, as we requested. **North Yorkshire Council (REP3-035)** a) The LLFA request that requirement 10 of Schedule 2 should be drafted to require distinct water drainage details for both the construction & operational phases of the project. b) The LLFA would require to be consulted before determining an application for approval of the final surface and foul water drainage details.	In respect of part (a), the Applicant's position remains that these matters are appropriately and proportionately secured through the detailed CEMP (for construction) and the drainage strategy for operations under Requirements 12 and 10 respectively. The Applicant confirms that agreement has been reached in respect of part (b), with Requirement 10 amended to secure consultation with the drainage authority (which includes LLFA and relevant Internal Drainage Boards), alongside the Environment Agency and Yorkshire Water.
Q1.16.44 - 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 Applicant North Yorkshire Council Natural England	**North Yorkshire Council (REP3-035)** NYC recommend their Principal Archaeologist is consulted on any amendments to the AMS that may be required under requirement 2 of schedule 2.	The Applicant notes that there is agreement with NYC that its Principal Archaeologist should be consulted on any amendments to the Archaeological Mitigation Strategy. As set out in the Applicant's previous response, the Applicant considers that this consultation is already encompassed within the Requirement 2 approval process, given that NYC is the relevant planning authority and its archaeological officer forms part of the Council. Accordingly, the Applicant does not consider that separate provision for consultation with the Principal Archaeologist is necessary. NYC has not raised any further matter in respect of consultation with Historic England.
Q1.16.45 - Requirement 15 – Operational noise	Parties should provide a view on whether the drafting should be amended as below, for the purpose of clarity:	The Applicant	**North Yorkshire Council (REP3-035)** NYC supports the intention behind the proposed amendment to Requirement 15 in principle. The Council's principal concern throughout the examination has been the absence of a clear	The Applicant notes that there remains a difference in position with NYC regarding the mechanism for securing operational noise controls. The Applicant and NYC agree in principle on the assessment methodology and the need for

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	(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.	North Yorkshire Council	and enforceable operational noise control mechanism. NYC considers that linking Requirement 15 to the operational noise levels assessed within Table 2-2 of Appendix 11.3 of the Environmental Statement would provide a more objective and enforceable mechanism than the current drafting, which relies upon demonstrating that effects are not materially new or materially different from those assessed. Subject to detailed review of the final wording, NYC considers that a requirement securing compliance with the operational noise levels relied upon by the Environmental Statement would go a substantial way towards resolving the Council's outstanding concerns regarding operational noise control, monitoring and enforcement. The Council's concern is not the assessment methodology itself, which is accepted in principle, but ensuring that the operational noise outcomes relied upon by the Environmental Statement are secured through a clear and enforceable DCO mechanism.	an effective mechanism to secure operational noise outcomes. However, NYC supports linking Requirement 15 directly to the operational noise levels reported in Table 2-2 of Appendix 11.3, whereas the Applicant considers that the approach secured through the updated **oOEMP [EN0110012/APP/LVS/07.03] [updated alongside this submission]** is more appropriate and proportionate, for the reasons set out its response to **ExA First Written Questions 1.10.5 [REP3-019].** A meeting was held with NYC on 23 October 2026 to discuss this matter, and in response updates have been made to the **oOEMP**. Please see response to 1.10.4 above.
Q1.16.47 - 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.	The Applicant North Yorkshire Council Natural England	**Natural England (REP3-046)** Natural England request to be a consultee on the approval of the final Soil Management Plan. We do not propose to be a consultee on the final Decommissioning Environmental Management Plan. **North Yorkshire Council (REP3-035)** NYC accepts the role as consultee for Requirement 17 and Requirement 19 and is also content to share the role with Natural England.	The Applicant notes that Natural England has now requested to be a consultee on the approval of the detailed Soil Management Plan, and that North Yorkshire Council is content to share this consultee role with Natural England. This represents a change from the position understood at the time of the Applicant's previous response to Q1.16.46 [**REP3-019**]. The Applicant will make the necessary amendment to reflect Natural England's request as part of Deadline 4. Natural England has confirmed that it does not propose to be a consultee on the final Decommissioning Environmental Management Plan, and therefore no change is considered necessary in this respect.
Q1.16.55 - 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 buffer on Ouse and Derwent IDB watercourses would only be on one side of a watercourse?	The Applicant Ouse and Derwent Internal Drainage Board	**Ouse & Derwent Internal Drainage Board (REP3-050)** This is something we have been able to agree specifically for Site 1 with the applicant. The IDB only needed a 9m commitment but the applicant agreed 10m. The IDB has provided the applicant directly with a drawing showing which side the IDB works from and therefore where planting must be avoided on Site 1. As the Protective Provisions mean that the applicant must obtain our approval for any works within 9 metres of a watercourse, we are satisfied we can ensure the planting is on the correct side. The IDB will also be reviewing the proposed updated Landscaping Plans once these are available. The IDB have already informally reviewed a draft version of the landscaping plans for Site 1 and provided comments directly to the consultant. We await amended versions.	The Applicant considers that its position is aligned with that of Ouse & Derwent IDB and that no amendment to the distances within the definition of "specified work" is required. The IDB has confirmed that the Protective Provisions provide sufficient control to ensure planting is undertaken on the appropriate side of the watercourse, and the approach has been specifically agreed between the parties for Site 1. The Applicant has consulted with Ouse & Derwent Internal Drainage Board and has made the additional amendments Ouse & Derwent IDB have outlined via email to the Applicant. The updated **Outline Environmental Masterplan (OEM) [EN0110012/APP/LVS/02.12] [updated alongside this submission]** is included within the Deadline 4 submission.
Q1.17.4 Negotiations with affected persons	Paragraph 1.7.2 of the Statement of Reasons [REP2-009] explains the negotiations are	The Applicant	**Harworth Estates (Agricultural Land) Limited, Harworth Estates Investments Limited (REP3-045)**	The Applicant has been engaging with Harworth in respect of its concerns and, prior to Deadline 4, has issued its

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	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.		Whilst Question 1.17.4 is directed to the Applicant, Harworth considers it appropriate to provide an update regarding matters which have arisen during the Examination, namely the inclusion of Harworth's interests within the Applicant's updated Book of Reference and Land Plans and the implications of the compulsory acquisition powers sought in respect of those interests. Harworth has engaged constructively with Light Valley Solar throughout the evolution of the Project. Harworth engaged with the Project during the pre-application stage, including through the Applicant's Phase Two Statutory Consultation in August 2025. These representations set out Harworth's land interests, strategic aspirations for Gascoigne Wood and concerns regarding potential interfaces between the Project and Harworth's landholdings. Following submission of the DCO application, Harworth submitted a Relevant Representation in April 2026. Since then, Harworth has continued to actively monitor the progress of the Development Consent Order application and the Examination process. To date, Harworth has not received a substantive response from the Applicant in relation to the representations previously submitted. Through review of the Examination documentation, Harworth became aware for the first time that its interests had been included within the Applicant's updated Book of Reference (Ref. EN0110012/APP/LVS/04.03, September 2026) and associated Land Plans in connection with Land Ref. 14-028. Harworth was not identified within earlier versions of the Book of Reference and was therefore not previously aware that the Applicant considered its rights to be affected by the Order or the extent to which compulsory acquisition powers were proposed in relation to those rights. Harworth's interests have been identified as follows: •Category 2 PIL in respect of a right of way granted by a Statutory Declaration dated 15 December 2006. Harworth's right of way is exercised over the access track located within the western part of Land Ref. 14-028 ("the access track"). Harworth notes that Land Ref. 14-028 is identified within the Land Plans as land which may be: "compulsorily acquired and temporary use of land and in relation to which it is proposed that easements, servitudes and other private rights will cease to have effect". On that basis, Harworth's existing rights appear capable of being affected by the powers sought through the Order. Harworth is concerned not only by the powers sought, but also by the process through which its interests became subject to compulsory acquisition powers.	proposal for how its concerns can be resolved and awaits Harworth's response. This includes updates to the **oCEMP [EN0110012/APP/LVS/07.02] [updated alongside this submission]**, **oOEMP [EN0110012/APP/LVS/07.03] [updated alongside this submission]** and **oDEMP [EN0110012/APP/LVS/07.04] [updated alongside this submission]**, which have been incorporated into updates for Deadline 4.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			Harworth understands that notification letters (under Section 102A of the Planning Act 2008) were issued following its inclusion within the revised Book of Reference. However, Harworth did not receive those letters by post and instead became aware of its inclusion through its own review of Examination documents. Harworth subsequently received a copy of the relevant correspondence by email following request. Engagement relating to the access track within the western extent of Land Ref. 14-028 Harworth understands from discussions with the Applicant on 1 October 2026 that a voluntary option is being pursued with the freehold owner and that the Applicant has verbally indicated that existing rights benefiting Harworth would remain intact notwithstanding any such agreement. Harworth welcomes the Applicant's verbal indication that its existing rights would be preserved. However, that position is not presently reflected within the Application documents before the Examination. In particular, Land Ref. 14-028 is identified on the Land Plans as land in relation to which it is proposed that "easements, servitudes and other private rights will cease to have effect". The draft DCO and associated application documents do not contain any express protection for Harworth's rights and therefore appear capable of extinguishing, suspending, overriding or otherwise interfering with those rights. In the absence of a binding legal mechanism, Harworth is unable to place reliance on verbal assurances alone. Harworth therefore requires the Applicant to secure appropriate legal protection of its interests through an enforceable mechanism, including by amendment to the Land Plans and draft DCO to ensure that Harworth's land rights are appropriately safeguarded. Justification for the inclusion of the access track within the western extent of Land Ref. 14-028 Harworth notes that the Applicant bears the burden of demonstrating that all land and rights proposed to be subject to compulsory acquisition powers are necessary for the Proposed Development. The Applicant has indicated during discussions that Harworth's rights are capable of remaining in place. While Harworth welcomes that indication, it raises a question as to the extent to which powers affecting those rights are required. If the rights can continue without prejudice to the Project, Harworth does not consider that the inclusion of the access track within the compulsory acquisition powers has been adequately justified.	

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			Accordingly, Harworth considers that further clarification is required regarding the operational need for the access track and the reasons for its inclusion within Land Plans under "compulsorily acquired and temporary use of land and in relation to which it is proposed that easements, servitudes and other private rights will cease to have effect". Pending that explanation, Harworth remains concerned that the necessity and proportionality of including the access track within the scope of the compulsory acquisition powers have not yet been fully demonstrated. Conclusion Harworth remains supportive in principle of the Light Valley Solar Project and wishes to continue constructive engagement with the Applicant. Harworth requests that Land Ref. 14-028, insofar as it affects Harworth's rights and interests in relation to the access track, be appropriately protected through from the compulsory acquisition powers sought through the Order. Harworth requests a legally binding mechanism which expressly protects Harworth's rights and confirms that those rights will not "cease to have effect". Harworth will continue to engage with the Applicant during the Examination but reserves all rights in relation to compulsory acquisition, interference with private rights, compensation and any further representations that may be required.	
Q1.17.5 - 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.	The Applicant	**Harworth Estates (Agricultural Land) Limited, Harworth Estates Investments Limited (REP3-045)** Harworth's Relevant Representation commented on the basis of its understanding at that time of the Proposed Development and the access arrangements then under consideration. Harworth has subsequently reviewed the proposed works identified on Sheets 16 and 17 of the Works Plans [AS-004] relating to the provision of permanent access to Solar Development Site 8 ("SDS8") from the north. The proposed northern access arrangements were discussed between representatives of Harworth and the Applicant at a meeting held on 1 October 2026. Based on Harworth's current understanding of the proposals, Harworth has no objection to the proposed works facilitating permanent access to SDS8 from the north, insofar as those works do not affect Harworth's land interests, rights or development aspirations at Gascoigne Wood. Harworth does not consider the proposed northern access arrangement to give rise to any additional concerns in relation to its interests beyond those already set out within its Relevant Representation and subsequent Examination submissions.	The Applicant notes Harworth Estates response and agreement on the proposed works facilitating permanent access to SDS8 from the north.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			Harworth reserves its position should the proposed access arrangements change during the Examination or should further details emerge demonstrating an impact on Harworth's landholdings, rights or operations.	
Q1.17.6 – Book of Reference	Parties are to: 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.	The Applicant Nick Billingham	**Annette Exley** (REP3-055) The Applicant's Notification of Intention to Submit a Change Application dated 25 September 2026 records at paragraph 3.1.7 that, of the 103 parties with a legal right or interest in land affected by the proposed changes, 97 are identified in the Book of Reference, four are newly identified and not currently included within it, and two are described as being "entirely new to the Project and have not previously been part of any land referencing exercise". That disclosure post-dates ExQ1 by three days and appears to be directly relevant to this question. The Technical Note [AS-039] identifies three entries within the Book of Reference where the relevant party is recorded as "Unknown" and the notification type is stated as "None: No address and Category 2 interest". These relate to plots 05-048, 06-002 and 06-004; plots 21-031 to 21-040b; and plots 20-029, 20-031, 20-034 and 20-035. On its face, this appears to disclose the existence of Category 2 interests that have neither been identified nor notified. I recognise that the table does not record the steps taken to identify those parties and do not suggest that no such steps have been undertaken. However, I respectfully invite the Examining Authority to require the Applicant to confirm, for each of the plots identified above, the steps taken to identify the relevant interests and the current position regarding notification.	Annette Exley requests that the Book of Reference is reviewed to confirm if interests have been identified to date and whether additional information for completeness can be added The Notification of Intention to Submit a Change Application recorded a preliminary estimate of interests potentially affected by the proposed changes, based on an initial review of the Applicants existing land referencing data. Following that notification, further land referencing investigations were undertaken specifically in relation to the Change Application, resulting in the identification and verification of additional interests. As explained in Chapter 8 of the Statement of Reasons **CR1-034]**, the Applicant's diligent inquiry to identify all persons with an interest in land affected by the Proposed Development has comprised a range of investigations, including HM Land Registry searches, review of title documentation and plans, examination of available public records, issuing Land Interest Questionnaires (LIQs) to identified parties and including schedule of unknown interests where relevant, consultation with local authorities and other relevant bodies, site inspections, and ongoing engagement with landowners, occupiers and those claiming an interest in affected land. These activities have been supplemented by continued verification and review exercises throughout the pre-application and Examination periods. In relation to matters raised in RR-1051 [**REFERENCE]**, the Applicant has undertaken diligent inquiry in respect of the plots and interests affected by the Proposed Development and has reviewed all information available to it concerning the relevant interests, in accordance with Chapter 8 of the Statement of Reasons and outlined above. Where parties have been identified, they have been included within the Book of Reference and notified in accordance with the applicable statutory requirements. Despite diligent inquiry, there are a limited number of cases where the Applicant has been unable to identify the relevant interest holder, or obtain sufficient information to enable that interest holder to be named within the Book of Reference.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
				For these cases, including the plots listed in Q1.17.6, the relevant entry is recorded as "Unknown" in the Book of Reference. The Applicant continues to undertake inquiries throughout Examination with the aim of identifying these "Unknown" parties, using the methods outlined in Chapter 8 of the Statement of Reasons. Where statutory notification is required and the identity or address of an affected person cannot be ascertained following diligent inquiry, the Applicant seeks to notify any such unidentified persons through the display and publication of statutory notices in accordance with the relevant legislative requirements, including the display of site notices on or near the affected land. The Applicant considers that the updated Book of Reference identifies all legal interests known to the Applicant, following the diligent inquiry and verification exercises undertaken to date, and therefore represents the Applicant's most up to date record of the legal interests affected by the Proposed Development. However, land referencing is an iterative process and the Applicant's Land Referencing team continues to review and verify any new information received during Examination. Should further legal interests be identified and substantiated, these will be incorporated into subsequent updates to the Book of Reference submitted in accordance with the Examining Authority's requests and procedural deadlines.
Q1.17.7 – 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 Applicant	**Annette Exley (REP3-055)** I adopt the Examining Authority's question. I add only that the Funding Statement [APP-021] has not been revised since 10 February 2026, through two rounds of deadlines and a Rule 17 request [DF], and that the Applicant has now undertaken to produce an updated Funding Statement in support of its Change Application in order to comply with Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 [DF]. I invite the Examining Authority to require that the updated statement answer Q1.17.7 in full rather than address the change land alone.	The Applicant notes that Annette Exley does not raise an alternative substantive position in respect of the matters addressed in Q1.17.7 **[REP3-019]**, but requests that these matters are addressed in full in the updated Funding Statement. The Applicant has provided further information in response to Q1.17.7 addressing the basis and assurance of the project cost estimate, benchmarking against comparable projects, the steps taken in relation to funding and the reasonable prospect of the requisite funds being available. Therefore the Applicant does not consider this needs to be added to the Funding Statement.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP 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.			
Q1.17.16 - 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	The Applicant Hillam Solar Limited Noventum Power Limited	**Hillam Solar Limited** (REP3-044) a) Hillam Solar Farm would not be able to co-exist with route option CRC3-4 because the cable corridor would cut through and sterilise a significant part of the consented layout, including land intended for solar panels and other key infrastructure. This would result in the removal of panels and associated infrastructure, reduce Hillam Solar Farm's installed generating capacity and materially prejudice its delivery in accordance with its consented layout. This is visibly demonstrated on the 'Overlay Plan' appended below and submitted with these responses. The issue is referenced as such in paragraph 7 of the representation submitted on behalf of HSL on 15th September 2026. b) The suite of rights and restrictive covenants sought in Schedule 9 in respect of the relevant plots (19-005, 19-011, 19-012 & 12-075) extends significantly beyond the installation and maintenance of an underground cable, which has been the focus of discussions to date between HSL and the Applicant. The rights sought include extensive rights to install, operate, inspect, maintain, replace and renew a wide range of infrastructure; rights of access with vehicles and plant; drainage rights; rights relating to ecological works; and restrictive covenants affecting development, changes to ground levels, tree planting and certain construction activities. HSL considers that there may be scope to	a) The Applicant and Hillam Solar Limited agree that CRC3-4 would prevent the two developments from co-existing because the cable easement would sterilise a corridor through the consented Hillam Solar Farm layout, preventing solar panels and other infrastructure from being located within it and consequently reducing Hillan Solar Farm's generating capacity. b) The Applicant and HSL agree that the rights required for CRC3-4 would materially constrain the Hillam Solar development and that CRC3-4a provides a potential means of avoiding the principal conflict should both developments be implemented. The Applicant considers that CRC3-4a would avoid sterilising land required for panels by locating the cable within a buffer area. HSL has stated that this would be subject to formal agreement of appropriate protections. The parties are in discussions to agree an Asset Protection Agreement to address HSL's concerns over the suite of rights and restrictive covenants sought in this context. . c) It is agreed that a trenchless solution is proposed for CRC3-4a only, rather than for CRC3-4, as illustrated by sheet 7 of **ES Volume 2, Figure 2.5: Avoidance Areas [APP-062].** Avoidance Areas are secured by the **oCEMP [EN0110012/APP/LVS/07.02] [updated alongside this submission].** The **Cable Method Statement [APP-147]** details of the construction methodology for the CRC3-4 and 3-4a.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
	route options or only CRC3-4a, and how this would be secured 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.		agree a more limited package of rights and restrictions sufficient to facilitate an underground cable within route option CRC3-4a without materially constraining the construction or operation of Hillam Solar Farm. Any such arrangement would be subject to formal agreement of provisions adequately protecting Hillam Solar Farm and its associated infrastructure. However, the wider rights currently sought in Schedule 9 would be materially detrimental to the construction and operation of Hillam Solar Farm because they could affect its apparatus, including solar panels, inverters and cables, as well as its access arrangements, drainage, landscaping and fencing. c) The Applicant should confirm the precise method of installation proposed for each route option. The Applicant should also identify the document(s), commitments and/or DCO provisions through which any such methodology would be secured. As regards route option CRC3-4, HSL considers that the route would remain incompatible with the construction and operation of Hillam Solar Farm, irrespective of the installation methodology. Based on discussions between HSL and the Applicant and the contents of the Interrelationships Report, HSL understands that route option CRC3-4a, being the route that HSL would wish the Applicant to commit to, is intended to be installed by horizontal directional drilling ("HDD"). This should enable the cable to be installed without interfering with Hillam Solar Farm's apparatus or causing damage to the existing hedgerow to which it aligns and which forms part of Hillam Solar Farm's landscaping and ecological strategy as part of its planning consent. Regardless of the intended method of installation, sufficient provisions will need to be formally agreed between the Applicant and HSL to protect the ability to construct and operate Hillam Solar Farm. d) HSL is not in a position to verify the total length of either route option, which is a matter for the Applicant to confirm. From HSL's perspective, the principal issue is not the overall length of the route, which should not be a factor in determining which route is utilised by the Applicant, but its location and the resulting impact on the construction and operation of Hillam Solar Farm, as addressed above primarily in response to question a). e) It is HSL's understanding that route option CRC3-4a is the route aligning the interconnecting cable with an	d) As noted in the Applicant's response to Q1.17.16 **[REP3-019],** 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, i.e. aligning the interconnecting cable with an existing hedgerow.

ExA Question Reference	ExA Question	Question Addressed to	Response from Interested Parties or Affected Person	Applicant Response to IP/AP Response
			existing hedgerow but ultimately this is for the Applicant to confirm. As a general point, HSL considers that route option CRC3-4a may be capable of being accommodated within Hillam Solar Farm, subject to agreement of the necessary technical and legal protections. These would include (without limitation) a fixed cable corridor, appropriate rights and restrictions, an agreed construction methodology, protection of Hillam Solar Farm infrastructure, coordination arrangements, reinstatement obligations and suitable protective provisions and/or an asset protection agreement.	

Light Valley
Solar

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