WHITESTONE
solar farm

WHITESTONE SOLAR FARM

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Applicant Response to Relevant Representations – Part 1

8.7 Applicant Response to Relevant Representations – Part 1

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Acronyms

Acronym	Definition
ALC	Agricultural Land Classification
AMM	Abandoned Mine Methane
ASNW	Ancient Semi-Natural Woodland
AYM	Awel y Môr (Offshore Wind Farm)
BESS	Battery Energy Storage System
BGL	Below Ground Level
BGS	British Geological Survey
BMV	Best and Most Versatile (agricultural land)
BNG	Biodiversity Net Gain
BS	British Standard
BSMP	Battery Safety Management Plan
CA	Compulsory Acquisition
CCS	Carbon Capture and Storage
CCTV	Closed-Circuit Television
CDC	City of Doncaster Council
CDM	Construction (Design and Management) Regulations 2015
CEMP	Construction Environmental Management Plan
CIEEM	Chartered Institute of Ecology and Environmental Management
CIRIA	Construction Industry Research and Information Association
CMRA	Coal Mining Risk Assessment
CMS	CMS Cameron McKenna Nabarro Olswang LLP
CR	Cable Route (cable corridor option)
CRT	Canal & River Trust
CSM	Conceptual Site Model
CTMP	Construction Traffic Management Plan
DBFO	Design, Build, Finance and Operate
DCO	Development Consent Order
dDCO	draft Development Consent Order
DEMP	Decommissioning Environmental Management Plan
DMRB	Design Manual for Roads and Bridges
DTMP	Decommissioning Traffic Management Plan
EA	Environment Agency
EcIA	Ecological Impact Assessment
eDNA	Environmental DNA
EIA	Environmental Impact Assessment

EMF	Electromagnetic Field
EN-1	Overarching National Policy Statement for Energy
EN-3	National Policy Statement for Renewable Energy Infrastructure
ERG	ERG UK Holding Limited
ERM	Environmental Resources Management Limited
ERP	Emergency Response Plan
ES	Environmental Statement
ExA	Examining Authority
FRA	Flood Risk Assessment
FRA3	Flood Risk Activity Permit exemption FRA3
GIS	Gas Insulated Switchgear
GS6	Health and Safety Executive Guidance Note GS6 (Avoiding danger from overhead power lines)
HDD	Horizontal Directional Drilling
HGV	Heavy Goods Vehicle
HSE	Health and Safety Executive
HSG47	Health and Safety Executive guidance HSG47 (Avoiding danger from underground services)
IDB	Internal Drainage Board
INNS	Invasive Non-Native Species
IQ	Institute of Quarrying
LCRM	Land Contamination Risk Management
LDC	Land Drainage Consultancy Limited
LEMP	Landscape and Ecology Management Plan
LLFA	Lead Local Flood Authority
LLP	Limited Liability Partnership
LNRS	Local Nature Recovery Strategy
LONI	Letter of No Impediment
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MoRPh	Modular River Physical survey
MRA	Mining Remediation Authority
NEDDC	North East Derbyshire District Council
NETS	National Electricity Transmission System
NGET	National Grid Electricity Transmission PLC
NH	National Highways

NPG	Northern Powergrid
NPPF	National Planning Policy Framework
NRIL	Network Rail Infrastructure Limited
NSIP	Nationally Significant Infrastructure Project
oBSMP	outline Battery Safety Management Plan
oCEMP	outline Construction Environmental Management Plan
oCTMP	outline Construction Traffic Management Plan
oDEMP	outline Decommissioning Environmental Management Plan
OEMP	Operational Environmental Management Plan
OHID	Office for Health Improvement and Disparities
OHL	Overhead Line
oLEMP	outline Landscape and Ecology Management Plan
OM	Organic Matter
oOEMP	outline Operational Environmental Management Plan
OS	Ordnance Survey
oSMP	outline Soil Management Plan
oSWDS	outline Surface Water Drainage Strategy
oSWMP	outline Site Waste Management Plan
PA 2008	Planning Act 2008
PAS	Publicly Available Specification
PAWS	Plantations on Ancient Woodland Sites
PBDE	Polybrominated Diphenyl Ethers
PCS	Power Conversion Station
PFA	Pulverised Fuel Ash
PFAS	Per- and Polyfluoroalkyl Substances
PHWFL	Penny Hill Wind Farm Limited
PIC	Personal Injury Collision
PLC	Public Limited Company
PPs	Protective Provisions
PRA	Preliminary Risk Assessment
PSD	Particle Size Distribution
PV	Photovoltaic
PWS	Private Water Supply
RMBC	Rotherham Metropolitan Borough Council
RPS	Regulatory Position Statement
RR	Relevant Representation
SAC	Special Area of Conservation
SI	Site Investigation

SMP	Soil Management Plan
SoCG	Statement of Common Ground
SOM	Soil Organic Matter
SPA	Special Protection Area
SPL	Slowly Permeable Layer
SPZ1	Source Protection Zone 1
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
SWDS	Surface Water Drainage Strategy
TCPA	Town and Country Planning Act 1990
UK	United Kingdom
UKAS	United Kingdom Accreditation Service
UKHSA	UK Health Security Agency
VESS	Visual Evaluation of Soil Structure
WFD	Water Framework Directive
WG	Welsh Government

1 INTRODUCTION

1.1 Purpose of the Document

1.1.1 This document has been prepared on behalf of Whitestone Solar Farm Ltd (the 'Applicant') in relation to an application (the DCO Application) for a Development Consent Order (DCO) to be made to the Secretary of State (SoS) to construct, operate and maintain, and decommission Whitestone Solar Farm (the Proposed Development), pursuant to the Planning Act 2008 (PA 2008).

1.1.2 This document provides the Applicant's response to a number of Relevant Representations (RRs) submitted by Interested Parties.

1.1.3 The period for registering as an Interested Party through the submission of a RR ran from 13 July 2026 until 11 September 2026. The Applicant has confirmed that it has complied with sections 56 and 51 of the Planning Act 2008 and Regulation 16 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 in respect of publicising this period.

1.1.4 The Planning Inspectorate (PINS) has published 2759 RRs submitted to the Examining Authority by interested Parties relating to the Application for the Proposed Development. These were published on the PINS website on 23 September 2026. Additionally, Angela Eastwood **[AS-069]** and Martin Cooke **[AS-070]** each submitted late RRs which were accepted at the discretion of the Examining Authority. This brought the total number of RRs to 2761.

1.2 Structure of the Report

1.2.1 This document provides responses from the Applicant to the matters raised in the RRs and is structured as follows:

- **Section 2** – lists of the Local Authorities and Statutory Consultees whose RRs the Applicant has responded to in this document.
- **Section 3** – sets out the tables detailing the Applicant's responses.

1.2.2 The Applicant will submit responses to RRs submitted by Members of the Public, Parish Councils and Other Businesses and Organisations at Deadline 1 (24 November 2026).

1.2.3 References to the Application documentation are provided in accordance with the referencing system set out in the PINS Whitestone Solar Farm Examination Library.

1.2.4 RRs received from Statutory Consultees and Local Authorities included in this submission are presented as summary versions of the responses taken from the RRs and are then responded to by setting out the Applicant's position on the matter at the time of writing.

1.2.5 Interested Parties can use their allocated RR number as provided on the PINS Whitestone Solar Farm Examination Library to search for responses to their RR in this document.

2 LOCAL AUTHORITIES AND STATUTORY CONSULTEES

2.1.1 The Applicant has provided responses to the following Local Authorities who submitted RRs:

- City of Doncaster Council (Host Authority) (submitted by Stantec) [RR-0454]
- Rotherham Metropolitan Borough Council (Host Authority) (submitted by Stantec) [RR-2316]
- North East Derbyshire District Council (Host Authority) [RR-2015]
- Bolsover District Council (Neighbouring Authority) [RR-0284]

2.1.2 The Applicant has provided responses to the following Statutory Consultees and Statutory Undertakers who submitted RRs:

- Environment Agency [RR-0795]
- Forestry Commission [RR-0824]
- Natural England [RR-1968]
- The Coal Authority (trading name The Mining Remediation Authority) [RR-2612]
- UK Health Security Agency [RR-2682]
- Network Rail Infrastructure Limited (submitted by Addleshaw Goddard LLP) [RR-1981]
- Canal & River Trust [RR-0314]
- Cadent Gas Limited (submitted by CMS Cameron McKenna Nabarro Olswang) [RR-0311]
- National Grid Electricity Transmission (submitted by Eversheds Sutherland (International) LLP) [RR-1966]
- Harmony Energy Ltd [RR-0966]
- Mining Remediation Authority [RR-1916]
- JJS1 Limited (submitted by Pegasus Planning Group Ltd) [RR-1233]
- National Highways (Submitted by Pinsent masons LLP) [RR-1967]
- ERG UK Holding Limited (submitted by Shepherd and Wedderburn LLP) [RR-0796]
- Northern Powergrid (Yorkshire) PLC (submitted by Weightmans LLP) [RR-2016]

3 APPLICANT RESPONSE TABLES

3.1 City of Doncaster Council (Host Authority) [RR-0454]

ID	Representation	Applicant Response
Stantec on behalf of City of Doncaster Council (RR-0454)		
RR-0454/1	The below are the key concerns of the Council, however, their full comments will be submitted to PINS via email. The Council wishes to make a relevant representation regarding the proposed DCO as whilst they recognise the essential need to generate renewable energy to meet national targets, the Council objects to the project and application as drafted and continues to raise concerns about the specific harms the development will cause which are set out below. a. Landscape and Visual Effects: Introduction of solar panel equipment and substations into a sensitive rural landscape causing permanent change to character and views. b. Loss of Green Belt: the Introduction of development between towns and urban areas which would harm the contribution the green belt currently has on restricting urban sprawl and preventing towns form merging. c. Heritage Impact: Adverse effects on the setting of multiple designated heritage assets which need further detailed assessment to assess the harm on each individually. d. Ecological Impact: Loss and fragmentation of habitats including loss of hedgerows and trees, with potential impacts on protected species and biodiversity. e. Agricultural Land Loss: Permanent and temporary loss of productive farmland.	The Applicant notes the Council's objection and the key concerns in its covering email, these matters have been addressed in specific responses in other entries.

ID	Representation	Applicant Response
	f. Residential Amenity/Public Health: Noise, air quality, visual intrusion and disruption during construction and operation especially in light of cumulative impacts.	
RR-0454/2	**1 Introduction** **1.1 Context** 1.1.1 These Relevant Representations have been prepared by Stantec, on behalf of City of Doncaster Council ("the Council"). The Council is an interested party for the purposes of the examination of the Whitestone Solar Development Consent Order (DCO) application by virtue of being a local authority in whose area the land to which the application relates is located, as set out in section 102(1)(c) of the Planning Act 2008 ("the 2008 Act"). The Council has been given notice by Whitestone Solar Ltd of a deadline for receipt by the Secretary of State of representations giving notice of our interest in, or objection to the application. The Council is therefore pleased to provide its relevant representation. 1.1.2 The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (as amended) ("the 2015 regulations") provide that relevant representations must include 'the principal submissions, and where practicable, the full particulars of the case which the person proposes to make in respect of the application'. 1.1.3 This relevant representation sets out an overview of the Council's opinion on the application identifying key issues and recommendations. The Council's overall position with regard to Whitestone Solar is that it objects to the Proposed Development and application as currently drafted due to	The Applicant notes the Council's recognition of the need for renewable energy generation, as well as its overarching concerns regarding the Proposed Development. Detailed responses to each of the specific points raised in this relevant representation are provided in the subsequent rows of this table.

ID	Representation	Applicant Response
	strategic concerns relating to the loss of high-quality agricultural land and Green Belt together with the cumulative impact of the project on Doncaster's environment, local communities and businesses as well as the requirement for further assessment and evidence to support the proposed development. 1.1.4 The Council will nevertheless continue to work constructively with the applicant on the detail of the proposals to minimise impacts and maximise benefits where possible. **1.2 Structure of the Report** 1.2.1 The remainder of this report comprises the following chapters: • Section 2 – Background and Context • Section 3 – Impacts of the Proposed Project – Strategic Comments • Section 4 – Impacts of the Proposed Project – Strategic Comments • Section 5 – Development Consent Order • Section 6 – Conclusions **2. Background and Context** 2.1.1 Stantec have been appointed by The Council together with Rotherham Metropolitan Borough Council as one of the other Host Authorities to act on their behalf through the Development Consent Order application of Whitestone Solar Farm Application: EN0110020. These representations are only the opinion of the Council and Rotherham Metropolitan Borough Council Relevant Representations are set out separately.	

ID	Representation	Applicant Response
	2.1.2 The Proposed Development comprises the construction, operation and maintenance, and decommissioning of solar photovoltaic (PV) arrays with a generating capacity of up to 750MW, Battery Energy Storage System (BESS), onsite substations and supporting infrastructure, and grid connection infrastructure cable corridors to the new National Grid Long Lane 400kV Substation. The Proposed Development also includes for landscaping and habitat enhancements and is applied for an operational period of 60 years. 2.1.3 The construction of the development is anticipated to approximately 24-36 months and decommissioning would take place after the 60 year operational period. 2.1.4 The Proposed Development is split across three main areas over four administrative boundaries of the City of Doncaster Council (CDC), Rotherham Metropolitan Borough Council (RMBC), North East Derbyshire District Council (NEDDC) and Derbyshire District Council (DCC). The Order Limits comprise a total area of approximately 1,488 hectares (ha), consisting of approximately 339ha proposed for the 18 Cable Corridors, and 1,149ha proposed for the Site. 2.1.5 The three main areas of the Order Limits are defined in the application as: 2.1.6 The Councils administrative area is located in Whitestone 1 only. **Project Overview and Context** • Whitestone 1 (W1), located south of Conisbrough (centred on National Grid Reference (NGR) SK 503962) – 327 ha of agricultural land.	

ID	Representation	Applicant Response
	• Whitestone 2 (W2), located between Treeton in the west and Dinnington in the east (centred on NGR SK 477874)- 651 ha of predominantly agricultural land • Whitestone 3 (W3), located south of Wales and Kiveton Park (centred on NGR SK 481807) – 172 ha agricultural land **Councils Position Overview** 2.1.7 The Council recognises the essential need to generate renewable energy to meet national target and that the proposed development would contribute towards meeting the UK's commitment to achieve net zero carbon emissions by 2050 and the Government's Clean Energy target of 2030. The Council is therefore not wholly against renewable energy schemes in principle which is demonstrated by the consent of TCPA planning applications in our administrative boundaries, however we seek in general to prioritise renewable energy generation to brownfield and existing buildings before greenfield and Green Belt.	
RR-0454/3	2.1.8 In determining this application, the Examining Authority must apply the statutory test under section 104 Planning Act 2008, having regard to the relevant National Policy Statements, including the need to assess whether the identified benefits of the proposal outweigh its adverse impacts. The relevant policy framework for this application comprises the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3), together with EN-5 in respect of associated network infrastructure (where relevant). 2.1.9 In this context, the Council has identified significant harm arising from the development, including impacts on	The **Statement of Need [APP-041]** provides evidence that an unprecedented capacity of new low-carbon generation schemes is urgently needed for the UK to meet its legally binding climate change targets. Paragraphs 2.10.1 and 2.10.2 of National Policy Statement (NPS) EN-3 confirm that solar energy is at the heart of the Clean Power 2030 Mission. The application falls to be decided under section 104 of the Planning Act 2008. The NPSs provide the primary basis for the decision (**Planning Statement [AS-015]**, paragraphs 9.2.1 to 9.2.3). Section 4.1 of the **Statement of Need [APP-041]** explains that the Secretary of State should assess all

ID	Representation	Applicant Response
	heritage, the Green Belt, wider landscape, ecology and amenity. The Council considers these impacts significant and expects them to be given appropriate weight in the section 104 planning balance, alongside the national need case. This representation therefore addresses both the nature and extent of those impacts together with the need for the Development Consent Order ("DCO") to include robust, precise and enforceable provisions. The Council has engaged, and will continue to engage, constructively with the applicant, on detailed drafting of the DCO and as highlighted later in this representation, will reserve the right to comment further on the draft wording through the examination period.	applications for development consent for the types of infrastructure included by the NPS (including solar) on the basis that there is demonstrated urgent need for them, that substantial weight should be given to this need, and that the Secretary of State is not required to consider specific contribution of any individual project to be satisfied that need is established. Furthermore , there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure, which includes large-scale solar farms, and that *"Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy"* (NPS EN-1, paragraph 3.3.63). The Environmental Statement identifies a limited number of significant adverse residual effects and the **Planning Statement [AS-015]** describes these as temporary effects on biodiversity, landscape and visual, and the loss of best and most versatile (BMV) agricultural land. However, when weighed against the need, which NPS EN-1 requires to be given substantial weight, it concludes that the balance is firmly in favour of the Proposed Development.
RR-0454/4	2.1.10 The Council wishes to make a relevant representation regarding the proposed DCO as whilst they recognise the essential need to generate renewable energy to meet national targets, the Council objects to the project and application as drafted and continues to raise concerns about	The Applicant notes the Council's comment. Regarding landscape, the Applicant can confirm that while the change is long-term it is reversible and not permanent due to Requirement 13 of the **draft Development Consent Order (dDCO) [AS-009]**

ID	Representation	Applicant Response
	the specific harms the development will cause which are set out below. a. **Landscape and Visual Effects**: Introduction of solar panel equipment and substations into a sensitive rural landscape causing permanent change to character and views. b. **Loss of Green Belt**: the Introduction of development between towns and urban areas which would harm the contribution the green belt currently has on restricting urban sprawl and preventing towns form merging. c. **Heritage Impact**: Adverse effects on the setting of multiple designated heritage assets which need further detailed assessment to assess the harm on each individually. d. **Ecological Impact**: Loss and fragmentation of habitats including loss of hedgerows and trees, with potential impacts on protected species and biodiversity. e. **Agricultural Land Loss**: Permanent and temporary loss of productive farmland. f. **Residential Amenity/Public Health**: Noise, air quality, visual intrusion and disruption during construction and operation especially in light of cumulative impacts. 2.1.11 The harms identified in the application documents are notable. They must be given very significant weight in the planning balance and the DCO must include robust controls to ensure these harms are not compounded by inadequate drafting. 2.1.12 This Relevant Representation sets out the Council's principal concerns regarding the proposed development as drafted and requests clarification, further evidence and recommendations to inform the application and examination process. Further supporting evidence and detail will be	requiring decommissioning to begin no later than 60 years after final commissioning. The land will therefore return to arable use upon decommissioning subject to the wishes of the landowner. **Appendix 2: Green Belt Assessment** of the **Planning Statement [AS-015]** provides the Applicant's conclusion that the Proposed Development is located on grey belt land because the Site does not strongly contribute to Green Belt purposes (a), (b) or (d) as outlined in Table 2.2. The assessment concludes that the scale of the Proposed Development would not fundamentally undermine the purposes of the remaining Green Belt, with approximately 54% of the Order Limits remaining as mostly open land. **Environmental Statement (ES) Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** assesses 143 designated assets and one non-designated asset identified by the sieving exercise (paragraph 8.4.2). Each has its own value, magnitude of impact and predicted effect. **ES Chapter 8: Cultural Heritage and Archaeology [AS-019]** expresses harm in the terms of National Policy Statement (NPS) EN-1 (paragraph 8.4.25). It concludes that the harm to each affected designated asset is less than substantial, at the lower end of that scale (paragraph 8.7.46). Asset-by-asset cumulative assessments follow at Tables 8.11 to 8.16 of **ES Chapter 8 [AS-019]**. The Proposed Development results in a positive biodiversity net gain through the proposals for mitigation and enhancement. Requirement 7 of the **dDCO [AS-009]** requires the Landscape and Ecological Management Plan (LEMP) to demonstrate

ID	Representation	Applicant Response
	provided in the Local Impact Report at the Examination stage which will be prepared jointly with RMBC.	how it will contribute to minimum biodiversity net gains across the authorised development which are 28% for habitat units, 30% for hedgerow units and 10% for watercourse units. However, regarding the specific loss of hedgerows, while excluding visibility splays, the Environmental Statement confirms that approximately 0.57km of hedgerow will be lost which is of low magnitude. Regarding Agricultural Land, the Applicant assessed ALC as part of the site selection process, to seek to use land of a lower classification where possible. ALC surveys were then undertaken to determine the precise agricultural grade of the land within the Order Limits with the results set out in **Environmental Statement Appendix 9.6: Agricultural Land Classification Report [APP-129]**. The results of this survey found 10.9% of Whitestone 1 to be BMV land (**Environmental Statement Chapter 3: The Site and Surrounding Area [APP-055]**). The remainder of the land is predominantly Subgrade 3b. Across the Site, Grades 1, 2 and 3a total 220.48ha, 19.17% of the Site, scattered within Subgrade 3b. Finally, with respect to residential amenity, the Applicant has ensured that sufficient design parameters have been introduced to the design of the Proposed Development to reduce the impact upon local residential properties. Some of the design parameters include: • Substation equipment to be located at least 300m from residential properties

ID	Representation	Applicant Response
		• Power conversion stations, the Battery Energy Storage System (BESS) and the substations each to be designed to a night-time noise rating level at residential receptors of no more than 5dB above baseline. Embedded mitigation prevents additional significant effects from noise, traffic and air quality during construction, and from noise, contamination and glint and glare during operation. No significant intra-project effects are therefore anticipated (**ES Chapter 17: Cumulative Effects Assessment [APP-069]**, Tables 17.6 and 17.7). Cumulative effects with other developments are assessed in each technical chapter (**ES Chapter 17 [APP-069]**, paragraph 17.7.2). Construction is controlled through the Construction Environmental Management Plan (CEMP) under Requirement 4 of the **dDCO [AS-009]**. For these reasons, the Applicant's position is that the harms are not as the Council describes them.
RR-0454/5	**3 Impacts of the Proposed Project – Strategic Comments** 3.1.1 As highlighted above, the Council notes the governments need for renewable energy but has some key concerns over the proposed development and issues with the application as currently drafted for the proposed Whitestone Solar Farm which would be located on 1,488 ha of Green Belt extending from the south of Doncaster across Rotherham. The key strategic concerns with the application are summarised below: **Environmental Statement Methodology**	The Applicant notes the Council's comments on the application submission documents, including the Environmental Statement. The Applicant will ensure ES volume references and figure references are checked and updated for clarity when next updated during the examination and will update the NTS and cumulative effects assessment in line with any other corrections. These points do not concern the data or the conclusions of the technical assessments. The Applicant's position is that the ES is robust. An appropriate level of detail has been provided regarding

ID	Representation	Applicant Response
	3.2.1 Following a review of the application submission documents and the Environmental Statement included, there are various methodology and referencing issues across numerous chapters of an Environmental Statement, affecting clarity and confidence in the assessment. Firstly, the Council would like to see these matters addressed to ensure a robust Environment Statement (ES) is provided. The key concerns are summarised below and set out in detail underneath with recommendations. • Inconsistent ES volume references, unclear and inconsistent application of professional judgement, and insufficient evidence on decommissioning effects. • Specific chapters require improved explanation on site selection, alternatives, design evolution, and worst-case scenarios, with missing or inconsistent figure references noted. • The cumulative effects assessment and non-technical summary need updates to reflect corrections and ensure clarity for all readers.	decommissioning effects, site selection, alternatives, and design evolution (with further detail provided in the **Planning Statement [AS-015]**), and a precautionary approach has been taken for assessments where there may be uncertainties or limitations. These worst-case assumptions have been set out clearly where relevant within the ES.
RR-0454/6	3.2.2 The Table below sets out the detail of where improvements in the ES are recommended: **Chapter 1 Introduction APP-053** Schedule 2 1.3.3 Para 1.3.3 concludes that the project is Schedule 2 development because it constitutes "industrial installations of electricity, steam, and hot water" and is likely to have significant effects due to its nature, size, and location. Whilst we do not challenge the need for EIA on a 100+ MW solar NSIP, this section is lacking in the following detail: - scale of development - inclusion of BESS	Paragraph 1.3.3 of **Environmental Statement Chapter 1: Introduction [APP-053]** concludes that the Proposed Development is Schedule 2 development with the potential for significant effects. The chapter and those that follow set out the matters on which that conclusion rests. - Scale: more than 100MW of solar PV across approximately 1,488ha (**ES Chapter 1 [APP-053]**, paragraphs 1.1.2 and 1.1.3), with an agreement to export up to 750MW to the new Long Lane 400kV Substation (**ES Chapter 4: Alternatives and Design Evolution [APP-056]**, paragraph 4.6.2).

ID	Representation	Applicant Response
	- extensive cable corridors – sensitivity of receiving environment - why significant effects cannot be excluded	- Battery Energy Storage System (BESS): on-site BESS facilities and substations form part of the Proposed Development (**ES Chapter 1 [APP-053]**, paragraph 1.1.2). - Cable corridors: underground cables within Cable Corridors that, with the Site, form the Order Limits (**ES Chapter 1 [APP-053]**, paragraph 1.1.4). Each corridor is described in **ES Chapter 3: The Site and Surrounding Area [APP-055]**, section 3.5, and its construction width is given in **ES Chapter 5: The Proposed Development [APP-057]**, Table 5.2. - Sensitivity of the receiving environment: **ES Chapter 3 [APP-055]**, section 3.4, describes the designations, heritage assets, rights of way, watercourses and soils of W1, W2 and W3. - Why significant effects cannot be excluded: this was established through scoping. The Scoping Report submitted on 23 April 2025 set out the likely significant effects on which the ES would focus. The Planning Inspectorate issued its Scoping Opinion on 3 June 2025 (**ES Chapter 2: Environmental Impact Assessment (EIA) Methodology [AS-017]**, paragraphs 2.3.2 and 2.3.3). The topics scoped out, and why, are set out in **ES Chapter 2 [AS-017]**, section 2.4. The Applicant will take this in consideration and review the document as needed, in particular paragraph 1.3.3.
RR-0454/7	<u>Limited explanation of assessment limitations</u> Compliance table states that forecasting methods, limitations and uncertainties are addressed elsewhere. However,	In accordance with Schedule 4(6) of the EIA Regulations, assumptions, limitations and uncertainties are addressed within the individual technical assessments in ES Chapters 6–17, as

ID	Representation	Applicant Response
	Chapter 1 contains no overarching statement that there are no significant data gaps, and that uncertainties have been addressed using professional judgement and accepted methodologies. We seek reassurance that the ES hasn't been prepared with material information gaps and this should be clarified.	identified in Table 1.1 & 1.2 of **ES Chapter 1: Introduction [APP-053]**. **ES Chapter 2: EIA Methodology [AS-017]**, paragraphs 2.5.15 and 2.5.55–2.5.56, establishes the approach to managing uncertainty, including the use of appropriate assumptions, professional judgement and reasonable worst-case scenarios where necessary. The Applicant confirms that the limitations identified within the technical assessments do not constitute material information gaps that would undermine the conclusions of the ES. The ES has been prepared by competent experts in accordance with Regulation 14(4) of the EIA Regulations, as detailed in **ES Chapter 1 [APP-053]** and **ES Appendix 1.1: ES Authors [APP-087]**. The Applicant therefore considers that the existing ES provides sufficient information regarding assessment limitations and uncertainties.
RR-0454/8	Referencing of ES Throughout the chapter the ES is referenced as Volume 1-3, however Para 1.5.1 sets out the ES as Volume 6 Parts 1-3. All referencing should be updated and corrected throughout. This also applies to Appendix 1.1. **Chapter 2 EIA Methodology REF APP-054** Referencing of ES Throughout the chapter the ES is referenced as Volume 1-3, however Chapter 1, Para 1.5.1 sets out the ES as Volume 6 Parts 1-3. All referencing should be updated and corrected throughout. This also applies to Appendix 2.3.	Although the ES uses different volume labels, the accompanying application document references identify the documents being referred to. The ES is Volume 6 of the DCO Application, but the ES is split into Part 1 (Chapters, document references 6.1 to 6.18), Part 2 (Figures, 6.19) and Part 3 (Appendices, 6.20), with the Non-Technical Summary at 6.21 (**ES Chapter 1: Introduction [APP-053]**, paragraph 1.5.1). Within the ES the same documents are labelled ES Volume 1 (the introductory chapters, for example Chapters 1 to 5), ES Volume 2 (Chapters 6 to 18) and ES Volume 3 (Figures, Appendices and the Non-Technical Summary). Every such label is followed by the document reference, for example "ES Volume 3,

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		Figures [EN0110020/APP/6.19]" (**ES Chapter 1 [APP-053]**, Table 1.1). The two conventions describe the same documents, and each can be found from its reference. The same applies to the labels in **ES Chapter 2: Environmental Impact Assessment (EIA) Methodology [AS-017]**, **ES Chapter 3: The Site and Surrounding Area [APP-055]** and **ES Appendix 1.1: ES Authors [APP-087]**.
RR-0454/9	Professional judgement Professional judgement has been used where formal methodologies do not exist, specifically the landscape and cultural heritage chapters, but Chapter 2 doesn't explain how professional judgement has been applied, documented and quality assured. The degree to which professional judgement may override the significance matrix outcomes is not clearly defined potentially resulting in inconsistency between Professional judgement technical chapters. This should be refined and clarified.	The use of professional judgement is set out in the Environmental Statement (ES), both in the common methodology and in the chapters where it determines significance. **ES Chapter 2: Environmental Impact Assessment (EIA) Methodology [AS-017]** sets the common rule. Major and Moderate effects are generally Significant, and Minor and Negligible effects Not Significant. Professional judgement is applied taking into account whether the effect is permanent or temporary, its duration or frequency, whether it is reversible and its likelihood of occurrence (**ES Chapter 2 [AS-017]**, paragraph 2.5.21). Table 2.1 of **ES Chapter 2 [AS-017]** responds to the Planning Inspectorate's Scoping Opinion (ID 2.2.1). It identifies the two chapters in which professional judgement determines significance: landscape and visual, and cultural heritage. ES Chapter 7 explains how it is applied, and ES Chapter 8 states that professional judgement has been applied to its significance matrix. On quality assurance, the ES was prepared by competent experts, with ERM a member of the independently reviewed EIA Quality Mark scheme.

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		The authors of each chapter and their experience are listed in **ES Appendix 1.1: ES Authors [APP-087]**.
RR-0454/10	<u>Decommissioning assessment</u> Assumption that decommissioning effects won't be greater than construction effects are not fully evidenced and might underestimate future impacts given evolving environmental conditions and land uses over the 60 year operational lifespan. Further evidence is required.	**Environmental Statement (ES) Chapter 2: Environmental Impact Assessment (EIA) Methodology [AS-017]**, paragraphs 2.5.10 to 2.5.12, explain that, as a reasonable worst case, decommissioning activities are expected to be broadly similar to those of construction. Decommissioning is assumed to have impacts no worse than construction, given the long-term nature and uncertainty of future conditions. Where relevant and possible, a future baseline around 2090 is considered for decommissioning (**ES Chapter 2 [AS-017]**, paragraph 2.5.3). The Applicant's position is therefore that the decommissioning assumption is evidenced and is not likely to understate effects. Uncertainty about conditions in 60 years' time is dealt with by control at that time. Schedule 2, Requirement 13 of the **draft Development Consent Order (dDCO) [AS-009]** requires decommissioning to begin no later than 60 years after final commissioning. A Decommissioning Environmental Management Plan (DEMP) must be substantially in accordance with the **outline DEMP [APP-044]** and unless otherwise agreed with the relevant planning authority, submitted to that authority no later than three months before decommissioning. No decommissioning works may be carried out until it is approved, and the approved DEMP must be implemented as approved (Requirement 13(4) and (5)).

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		The **outline DEMP [APP-044]** sets the minimum environmental controls, consistent with the outline Construction Environmental Management Plan (oCEMP) (paragraph 4.1.1).
RR-0454/11	Effect interactions The methodology for assessing interaction effects is not presented in sufficient detail within the chapter, making it difficult to determine how combined impacts on receptors have been evaluated.	The methodology for interaction effects is set out in full in **Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069]**. **ES Chapter 2: Environmental Impact Assessment (EIA) Methodology [AS-017]** refers to it (paragraphs 2.5.49 to 2.5.53). The assessment covers common sensitive receptors, which are those identified as potentially affected by more than one environmental factor. It is based on all residual effects, including negligible ones (**ES Chapter 17: Cumulative Effects Assessment [APP-069]**, paragraphs 17.4.3 and 17.4.4). It considers where several Not Significant effects could combine to become Significant, and where Significant effects could be made worse (**ES Chapter 17: Cumulative Effects Assessment [APP-069]**, paragraph 17.4.5). It has two stages: - In Stage 1, receptors exposed to two or more types of residual effect are screened in (**ES Chapter 17: Cumulative Effects Assessment [APP-069]**, paragraphs 17.4.8 and 17.4.9), using the matrix at Table 17.5. - In Stage 2, professional judgement is used to assess qualitatively whether the combined effect on each is Significant (**ES Chapter 17: Cumulative Effects**

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		Assessment [APP-069], paragraphs 17.4.10 and 17.4.11). The results are set out in **ES Chapter 17: Cumulative Effects Assessment [APP-069]** receptor group by receptor group against each chapter's residual effect. They are in Tables 17.6 (construction and decommissioning) and 17.7 (operation and maintenance), with a separate assessment for human health (paragraph 17.5.3).
RR-0454/12	Referencing Unresolved cross referencing errors creating uncertainty regarding supporting evidence relied on for 2.5.46 methodology. Should be corrected to ensure Referencing 2.5.24 clarity/transparency.	The footnote errors identified in Paragraphs 2.5.24 and 2.5.46 have been corrected in the updated documents following the Section 51 advice. The footnotes refer to the EIA Regulations as shown in **ES Chapter 2: EIA Methodology (Rev 02) [AS-017]**.
RR-0454/13	Consultation response tracking Chapter 2 states that responses have been addressed across technical chapters but doesn't provide a trail showing issues raised, chapters affected, changes Consultation response made, and any residual disagreements. We would tracking request a more transparent tracking mechanism in this section to ensure matters have been addressed and resolved.	Consultation responses relevant to each technical assessment are tracked in the individual ES chapters. **ES Chapter 2: Environmental Impact Assessment (EIA) Methodology [AS-017]**, paragraphs 2.5.33 and 2.5.34, explains where these records are provided. The consultation tables identify the comments received, explain how they have been addressed and reference the relevant sections of the ES.
RR-0454/14	**Chapter 3 The Site and Surrounding Area REF APP-055** Referencing of ES 3.4.4, 3.4.12, 3.4.21, 3.5.7, 3.5.15, 3.5.23, 3.5.29, 3.5.33, 3.5.49, 3.5.53, 3.5.57, 3.5.65, 3.5.71, 3.5.74	Figure references within **ES Chapter 3: The Site and Surrounding Area [APP-055]** will be corrected, when the documents are next updated for examination, but

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	Incorrect reference to Figure 15.7 and incorrect title used, needs updating for clarity. Figure 8.11 - 3.4.5, 3.4.14, 3.4.22, 3.5.35, 3.5.38, 3.5.41 Figure 8.11 is not listed on contents page of APP-077. Fig 8.2 3.4.6 Figure 8.2 title does not align to Figure 8.2 presented within APP-077. Update requested.	would not change what is shown on the figures or the results of the assessments. Figure 15.7 in Chapter 3 should be referenced as 'Public Rights of Way and Country Parks' consistent with **ES Chapter 15 Figures [APP-084]**. Figures 8.2, 8.5, 8.8 and 8.11: the heritage asset maps that **ES Chapter 3 [APP-055]** cites under these numbers are not located in **ES Chapter 8 Figures [APP-077]** but are located as the **Statutory and Non-Statutory Historic Assets [APP-014]** plans. This cross reference in Chapter 3 will be corrected. Para 3.4.9, Applicant will update cross reference to Figure 10.3. Regarding Kearsley Brook, the Applicant notes there is a discrepancy in description between **ES Chapter 3 [APP-055]** and **ES Chapter 10: Water Resources and Flood Risk [AS-023]**. The Applicant will update paragraph 3.4.9 in Chapter 3 to align with Chapter 10 during the examination. Information presented on figures in **ES Chapter 10 Figures [APP-079]** is correct. Incorrect references to Figure 10.6 is noted throughout Chapter 3, this should refer to Figure 10.7 in **ES Chapter 10 Figures [APP-079]**. This will be updated in Chapter 3 during examination. The branches of the Ulley Brook are shown on **Figure 10.3 [APP-079]** instead. The watercourses are not labelled in Figure 10.3 as it would make the figure too cluttered. Kingsforth Brook is not labelled in Figure 10.2 because it is an ordinary Watercourse, not a WFD watercourse. Harthill Reservoir is shown in Figure 10.2 via the OS base-mapping. The other watercourses the Council lists are identified by name in **ES Chapter 10 [AS-023]**.
RR-0454/15	Kearsley Brook 3.4.9 Surface watercourses are shown on Figure 10.3 not 10.2. Kearsley Brook is not labelled on Fig 10.3 so it is not clear where it travels to and from. A watercourse is shown north/south through W1 on Fig 10.3 but appears to turn east along the northern boundary not west (the boundary does not extend west at this location) Kearsley Brook is labelled on Fig 10.2, however it does not appear to be within the order limits of W1. Information provided is very confusing. Incorrect reference to Figure 10.6 provided. Clarifications for consistency are required.	
RR-0454/15a	Fig 8.5 3.4.15 Figure 8.5 is not provided on PINS website APP-077. 3.4.18 Unable to identify 3 branches of Ulley Brook on Fig 10.2. Incorrect title for Fig 10.2 provided in para. Fig 10.3 has no labels for River Rother or Ulley Brook. Kingsforth Brook is not labelled on Fig 10.2 and none are labelled on Fig 10.3. Incorrect reference to Figure 10.6 provided. 3.4.23 Figure 8.8 is not provided on PINS website APP-077 3.4.26 Harthill Reservoir is not shown on Figure 10.2 but is shown on Fig 10.3. Incorrect title for Fig 10.2 provided in para. Incorrect reference to Figure 10.6 provided. 3.5.6 The scale of Figure 3.4 makes it difficult to identify some smaller sites. No labelling is provided.	

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	3.5.19 Pinch Mill Brook is not labelled on either Figure 10.2 or Fig 10.3 3.5.36 Whinston Brook is not labelled on Fig 10.2 or Fig 10.3	Figure 3.4 shows the designations within 10km of the Order Limits by type. **ES Chapter 3 [APP-055]** describes the designations within and next to the Site and Cable Corridors with their position. Examples are Rother Valley Country Park and Crabtree Wood Site of Special Scientific Interest (SSSI) in relation to W3, and an area of ancient woodland at the northern edge of Cable Corridor B (paragraph 3.5.6). The ES volume labels are addressed in the response to RR-2316/10, on the Volume 1-3 and Volume 6 referencing.
RR-0454/16	**Chapter 4 Alternatives and Design Evolution REF APP-056** <u>Search area</u> 4.6.8 While the chapter explains that a 12 km search area was adopted, it is not entirely clear why this distance was selected over other alternatives. The chosen search area appears to have been influenced largely by commercial and technical considerations, with limited evidence of any comparative environmental appraisal of different search extents. More clarification would be beneficial here.	The Applicant demonstrates through **Appendix 1: Site Selection Assessment** of the **Planning Statement [AS-015]** that a thorough site selection process was undertaken in order to identify the Order Limits for the Proposed Development. The site selection assessment was split into four stages which followed a logical and robust approach, and included: • Stage 1 – Identification of Search Area • Stage 2 – Consideration of Planning, Environmental and Spatial Constraints in Search Area • Stage 3 – Identifying potential solar development areas • Stage 4 – identifying the proposed development boundary.

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		A 12 km Search Area from the National Grid Brinsworth Substation was selected as the maximum distance viable for the Proposed Development, as chosen by the Applicant, acknowledging the environmental constraints, and cumulative impacts beyond this radius, and that construction of the cable route can lead to significant costs that increase with length. Given the location of the Point of Connection on the eastern edge of the urban areas of Sheffield and Rotherham, areas to the west of the point of connection were not considered feasible due to both the environmental and technical constraints of the urban areas. Section 4.3 of the **Appendix 1: Site Selection Assessment** of the **Planning Statement [AS-015]** sets out the topics which influenced Stage 1 of the process to identify the 12km radius, including: • Irradiance and Topography; • Grid Connection and Capacity; • General Considerations; • Proximity of the Site to Dwellings; • Accessibility; • Public Rights of Way; • Security and Lighting; • Agricultural Land Classification and Land Type; • Cumulative Schemes; • Flood Risk; and • Environmental Designations.

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		The above demonstrates that the extent of the 12km Search Area was set by several factors, most of them environmental rather than it being chosen on commercial and technical grounds alone.
RR-0454/17	Reliance on willingness of landowners 4.6.15 Land parcels were discounted where landowners were unwilling to participate in the scheme. Whilst this is clearly an important delivery consideration, landowner willingness is not, in itself, an environmental constraint. The chapter doesn't clearly separate environmental reasons for ruling out alternatives from commercial or deliverability factors, making it difficult to understand whether any environmentally preferable options may have been excluded at an early stage. Clarification and further detail is needed.	**Appendix 1: Site Selection Assessment of the Planning Statement [AS-015]**. The site selection assessment was split into four stages which followed a logical and robust approach, and included: • Stage 1 – Identification of Search Area • Stage 2 – Consideration of Planning, Environmental and Spatial Constraints in Search Area • Stage 3 – Identifying potential solar development areas • Stage 4 – identifying the proposed development boundary. As set out in **Appendix 1: Site Selection Assessment of the Planning Statement [AS-015]**, landowner willingness was applied only to land that had already passed environmental and planning screening at stage 3 of the process.
RR-0454/18	Green Belt 4.6.10 Given that substantial areas of the project are located within the green belt, an additional explanation could be helpful on how green belt considerations influenced site selection. It isn't clear whether alternative locations were	Green Belt was a site selection criterion from the outset, as set out in **Appendix 1: Site Selection Assessment of the Planning Statement [AS-015]** which includes Green Belt consideration in Stage 3 of the Site Selection process. Three options were considered: Green Belt only, non-Green Belt, and a

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	explored that may have reduced impacts on openness or better avoided conflict with green belt purposes.	mixture. However, as illustrated in **Environmental Statement Figure 4.1: Constraints for Site Location [APP-072]**, the South and West Yorkshire Green Belt extends to cover land up to 15km east of the Point of Connection. Therefore, a site outside it would place the nearest parcel about 15km from the Point of Connection. This alternative was rejected for reasons that include a significantly longer cable route and substantially more land to deliver the Proposed Development. They also include higher-grade agricultural land to the east, and cumulative effects with the solar Nationally Significant Infrastructure Projects (NSIPs) further east Therefore, given the development of a project in the Green Belt was more favourable, the Applicant still sought land that performed less well against the relevant policy purposes. The Applicant prioritised land it considered met the grey belt tests and this is set out in greater detail within **Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**.
RR-0454/19	<u>Alternative technologies</u> It states that wind generation would likely result in greater environmental impacts than the project but provides little comparative evidence to support this. Of course, such alternative technologies need not be assessed to the same level of detail as the chosen one, but an additional explanation might assist in understanding how alternative technologies were evaluated/discounted.	**Environmental Statement (ES) Chapter 4: Alternatives and Design Evolution [APP-056]** addresses the comparison that policy asks for. This is whether an alternative has a realistic prospect of delivering the same capacity in the same timescale (National Policy Statement (NPS) EN-1 paragraph 4.3.23, quoted at paragraph 4.4.3). The Applicant is part of the Green Nation family of companies, a UK-based solar developer and operator that manages 75 solar farms and more than 700

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		rooftop installations (**Planning Statement [AS-015]**, paragraph 1.2.2). It nonetheless considered alternative technologies and identified solar as the most suitable technology for the scale of generation needed to use the capacity at the new Long Lane 400kV Substation (**ES Chapter 4 [APP-056]**, paragraph 4.5.1). To match the 750MW grid agreement with wind would need more than 150 turbines of 4.5MW, each about 200m to tip (**ES Chapter 4 [APP-056]**, paragraph 4.5.2). For scale, the six existing Penny Hill turbines within W2 have tip heights of 132m (**ES Chapter 3: The Site and Surrounding Area [APP-055]**, paragraph 3.4.11). The environmental impacts of a wind development of that scale would likely be greater than those of the solar development (**ES Chapter 4 [APP-056]**, paragraph 4.5.2). A solar scheme designed to maximise its output would also generate a similar amount of energy per acre as a large onshore wind scheme on the same site (**Statement of Need [APP-041]**, paragraph 7.7.8). The **Outline Design Parameters [APP-158]**, Table 2.1, give a maximum panel height of 3.8m. Offshore wind and tidal generation were not considered, given a point of connection about 96km from the coast (**ES Chapter 4 [APP-056]**, paragraph 4.5.3). The solar component has been prioritised as Gate 2 Phase 1, for connection in 2030 or earlier. The National Energy System Operator (NESO) has confirmed that it will receive a Gate 2 final customer offer (**Grid Connection Statement [AS-062]**, paragraph 5.1.2; **Statement of Need [APP-041]**,

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		paragraph 3.7.14). The **Statement of Need [APP-041]** records that historical development timescales for onshore wind, offshore wind and nuclear power are much longer than for solar (paragraph 6.13.30). As the Council accepts, alternative technologies need not be assessed to the same level of detail as the chosen one. The explanation given is proportionate to an alternative that could not deliver the same capacity in the same timescale.
RR-0454/20	Brownfield land assessment 4.6.13 Previously developed land was considered but again limited info provided regarding the assessment undertaken. Doesn't identify sites reviewed, methodology used, or reasons for discounting.	**Appendix 1: Site Selection Assessment of the Planning Statement [AS-015]** (to which **Environmental Statement (ES) Chapter 4: Alternatives and Design Evolution [APP-056]**, paragraph 4.6.13, refers), demonstrates the stages that the Applicant went through as part of the site selection process before finalising the Order Limits. This assessment demonstrates that both brownfield and previously developed sites were considered as part of this process. The brownfield registers of the host authorities were reviewed, including those of North East Derbyshire District Council, as listed within Table 02 of **Appendix 1: Site Selection Assessment of the Planning Statement [AS-015]**. This included 37 sites identified on the brownfield registers of the three host local authorities within the Search Area. The largest site was 7.96 hectares, while most were less than 1 hectare in size or allocated for residential development. None of these sites, either individually or in combination, could accommodate the Proposed Development. Similarly, there was insufficient available land within the main industrial areas,

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		including the Advanced Manufacturing Park, Aldwarke, Hellaby and Kiveton Park. The conclusion is that no previously developed land, individually or in combination, offered an adequate area for the Proposed Development (**Planning Statement [AS-015]**, Appendix 1, paragraph 4.5.13).
RR-0454/21	Design evolution 4.7 Documents design evolution and responsiveness to consultation/env constraints, but limited information on the environmental benefits secured through these changes and does not (generally) quantify the extent to which impacts have been reduced through design refinement	The Applicant has demonstrated throughout the **Design Approach Document [APP-040]** that as a result of the consultation and ongoing engagement with statutory bodies, the Proposed Development has undergone a level of design evolution. After statutory consultation, the solar areas around villages, homes and sensitive areas were reduced by a total of 37% of the developable area compared with the original masterplan (**Consultation Report [APP-024]**, paragraph 7.7.1). The interaction with the environment was one of the main reasons that some of this land was removed from the Order Limits. For Example: • Land was removed from Whitestone 1 where it was identified as having high potential for archaeological sensitivity; • Panels north of Conisbrough Lodge were removed to retain sensitive habitat; and • Panels west of Clifton were removed in response to the scheduling of the Roman villa Further information is available within **ES Chapter 4: Alternatives and Design Evolution [APP-056]** and the **Design Approach Document [APP-040]**.

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RR-0454/22	Cable routes 4.6.17 Multiple cable routes options on the table. Recognising flexibility, it doesn't seem to consistently explain the environmental trade-offs between the alternative routes or demonstrate why each option remains acceptable from an environmental perspective. Further detail on this matter is requested.	The Environmental Statement (ES) assesses every cable route option, so each is shown to be acceptable, not only the one which would eventually be constructed. **ES Chapter 3: The Site and Surrounding Area [APP-055]** describes the environmental context of the alternative cable corridors: D1/D2 at paragraphs 3.5.20 to 3.5.31, G1/G2 at paragraphs 3.5.40 to 3.5.43, I1/I2 at paragraphs 3.5.47 to 3.5.55, and K1/K2 at paragraphs 3.5.59 to 3.5.62. These paragraphs identify differences relating to woodland, heritage assets, public rights of way, mining areas and watercourses, and refer to the relevant technical assessments. **ES Chapter 5: The Proposed Development [APP-057]** states that "Some routes have options (D1/D2, G1/G2, I1/I2, and K1/K2) which are being considered in the Proposed Development, and a worst case is assessed in this ES." (paragraph 5.4.29). Each option has an assessed maximum construction width (Table 5.2). **ES Chapter 3: The Site and Surrounding Area [APP-055]** describes the environmental context of each corridor option separately. **ES Chapter 4: Alternatives and Design Evolution [APP-056]** explains the differences between the options. I1 would use the M1 underpass and I2 a trenchless crossing. K1 was added in response to landowner feedback. G2 allows access roads on lower gradients to minimise construction impacts. D1 and D2 retain flexibility pending further engagement with

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		National Highways and National Grid (**ES Chapter 4 [APP-056]**, paragraph 4.7.40). All corridors were identified from the most direct technically feasible route, and rerouted to avoid residential areas where possible. They aimed to minimise impacts on designations, woodland and watercourses (**ES Chapter 4 [APP-056]**, paragraphs 4.6.18 and 4.6.19). Schedule 2, requirement 3(1)(g) of the **draft Development Consent Order (dDCO) [AS-009]** requires approval by the relevant planning authority of the cable details. The routes were refined as much as reasonable based on engineering assessments and survey information available through the Environmental assessment process. The actual trench widths will likely be significantly narrower than the proposed corridor widths. The **outline Cable Construction Method Statement [APP-052]** provides more detail regarding the installation methodology and typical trench section. .
RR-0454/23	**Chapter 5 The Proposed Development APP-057** Supporting document 7.3 Outline Design Parameters. Table 2.1 Incorrect Reference to Figure 5.3 The Proposed Development (6.8). Figure 5.3 is not included in Figures for Chapter 5. Figure 5.2 (6.19) is 'Penny Hill wind Farm Height Restriction Area' Chapter 5 general Check all referencing to Document numbers and titles. There are incorrect references to Figures at 6.20. All ES chapter figures are located at 6.19. ES Appendices are located at 6.20.	The Applicant will update the **Outline Design Parameters [APP-158]** at future submission during examination, to address incorrect reference. The Applicant will update **ES Chapter 5: The Proposed Development [APP-057]** for a future submission during examination, to address incorrect reference of 6.20 to 6.19, at 5.4.4

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RR-0454/24	5.3.3 PRoW are not mentioned in 7.3 Outline Design Parameters.	The 15m buffer from rights of way referred to at paragraph 5.3.3 of **Environmental Statement (ES) Chapter 5: The Proposed Development [APP-057]** is set out in the **outline Public Rights of Way Management Plan [APP-047]**, rather than in Table 2.1 of the **Outline Design Parameters [APP-158]**. The outline plan proposes, where necessary, perimeter fencing at least 15m either side of the centre of a right of way. This gives a corridor of 30m in total, with the offset land sown with native grasses or wildflowers (**outline Public Rights of Way Management Plan [APP-047]**, paragraphs 4.2.3, 4.6.2(c) and 5.1.4). Offsets from PRoW are also secured via the **Works Plans [AS-005]**. The design prompts in the **Design Approach Document [APP-040]** include keeping rights of way open throughout the project's lifetime so far as practicable and securing minimum offsets from them (**Design Approach Document [APP-040]**, paragraph 3.7.3). **ES Chapter 5 [APP-057]** records that, where practicable, power conversion stations will not be located within 50m of a right of way (paragraph 5.4.19 and Table 5.1).
RR-0454/25	<u>Rochdale envelope/design flexibility</u> Does not clearly demonstrate whether the environmental assessment is based on a single coherent worst-case scenario or a series of topic-specific worst cases. Clarification is requested.	The Environmental Statement (ES) assesses a single design envelope, and each topic takes its own worst case from within it. The envelope is the **Outline Design Parameters [APP-158]**, which set the maximum extent of each component. That maximum extent determined the parameters for all the technical assessments (**ES Chapter 5: The Proposed**

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		Development [APP-057], paragraphs 5.2.2 and 5.3.1). Within that envelope, each topic assesses the maximum parameters, or the parameters that represent the worst case for that topic where these differ (**ES Chapter 2: Environmental Impact Assessment (EIA) Methodology [AS-017]**, paragraph 2.5.5).Each topic's worst case is drawn from the same envelope. Their combined effect on common receptors is assessed in **ES Chapter 17: Cumulative Effects Assessment [APP-069]**, section 17.5, using the method in section 17.4. Under Schedule 2, requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]**, the details submitted for approval must accord with the principles and parameters in the Design Approach Document and the Outline Design Parameters. The exception is where it is shown to the relevant planning authority's satisfaction that they would not give rise to materially new or materially different environmental effects from those reported in the ES.
RR-0454/26	BESS safety Further clarification would be beneficial regarding the assumptions that underpin the assessment of BESS-related impacts and whether these assumptions remain robust across all potential battery technologies	The assessment of Battery Energy Storage System (BESS) related impacts rests on a defined technology envelope, not on any battery technology that might be chosen. Section 2.1 of the **outline Battery Safety Management Plan (oBSMP) [APP-048]**, at paragraph 2.1.2, identifies Lithium Iron Phosphate (LFP) as the preferred chemistry. Paragraph 2.1.3 makes LFP the minimum standard for performance. Another chemistry may be considered at procurement only if it is demonstrably similar or more stable, and the final

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		chemistry is confirmed at detailed design before construction. The detailed BSMP must be substantially in accordance with the oBSMP, including that LFP minimum (Requirement 6(2) of the **draft Development Consent Order (dDCO) [AS-009]**). The assessments are built on that envelope: - The **BESS Plume Assessment [APP-157]**, paragraph 5.1.1, models a concept design based on LFP technology. It describes this as a reasonable worst case for safety in terms of toxic and explosive gas production. It applies precautionary dispersion assumptions that remove the plume's vertical momentum (paragraph 6.3.3). - The operational noise assessment assumes 332 BESS containers and 166 power conversion systems in the BESS area (**Environmental Statement (ES) Appendix 14.4: Operational Noise Assessment [APP-149]**, Table 14.4-1). - The physical parameters of the BESS compound are set in **ES Chapter 5: The Proposed Development [APP-057]**, paragraphs 5.4.55 and 5.4.56. They include ancillary buildings of up to 40m by 40m and 8m high, and perimeter fencing of up to 3m with a further 1m of electrified fencing. Paragraph 5.4.58 of **ES Chapter 5 [APP-057]** states that the BESS will be designed in accordance with the latest guidance. Its detailed design will follow developments in battery technology, so that it complies with the safety standards current at construction. Once the system is selected, a system-specific plume analysis of receptors within 1km will be carried out, including particulate matter and visibility on transport

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		links (**BESS Plume Assessment [APP-157]**, paragraph 1.1.4). The oBSMP, including the LFP minimum standard, is secured by Schedule 2, Requirement 6 of the **draft DCO [AS-009]**. No part of the development containing Work No. 3 may be commenced until a BSMP, substantially in accordance with the oBSMP, has been approved by the relevant planning authority. This follows consultation by the undertaker with South Yorkshire Fire and Rescue Service.
RR-0454/27	**Chapter 17 Cumulative Effects Assessment REF APP-069** 17 Cumulative Effects Assessment 17.4.23 It would be helpful to the reader to have a short list of developments set out and the list of topics for each where they fall within each topic Zone of Influence. As it is set out, the reader needs to navigate every chapter of the ES to each topic assessment.	A summary table will be added to **Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069]**, when next updated during examination, detailing the developments considered within each technical chapter for the assessment of inter-cumulative effects.
RR-0454/28	17.7.2 This paragraph sets out that the inter-project effects were considered in each individual chapter of the ES. It would be helpful to include a summary sentence here to confirm that no significant cumulative effects were identified.	A summary sentence confirming that no significant inter-cumulative effects were identified will be added to **Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069]** when it is next updated during examination.
RR-0454/29	**Chapter 18 Summary of Significant Effects Ref APP-070** The summary must be refreshed wherever corrections or omissions in the technical chapters change assessment outcomes. For completeness Chapter 17 Cumulative Effects	The Applicant will update **Environmental Statement (ES) Chapter 18: Summary of Significant Effects [APP-070]** as necessary and as relevant during the examination.

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	Assessment should be added to each summary table 18.1 and 18.2.	
RR-0454/30	**Non-Technical Summary REF APP-155** 3.2.4 Several abbreviations are not expanded on first use (Paragraphs: 2.3.5, 2.3.6, 2.3.17) which may confuse readers. Paragraph 3.4.2 does not clearly explain whether brownfield sites were considered or why urban areas were unsuitable. Any corrections to assessment outcomes in the technical chapters also need to flow through to the NTS. 3.2.5 Many of the points above are requested for clarification and completeness to ensure the ES is methodology is sound.	The Applicant notes the Council's comments regarding the **Non-Technical Summary (NTS) [APP-155]**. Whilst three acronyms are not expanded upon first use, a comprehensive glossary and acronym table is provided at the beginning of the NTS, enabling readers to readily identify their meaning. The Applicant therefore considers that no amendments to the NTS are necessary. The consideration of alternative sites, including the availability and suitability of brownfield land, is summarised in Section 3.4 of the **NTS [APP-155]**. Further detail is provided in **Appendix 1: Site Selection Assessment of the Planning Statement [AS-015]** and **Environmental Statement (ES) Chapter 4: Alternatives and Design Evolution [APP-056]**, in accordance with NPS EN-3.

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RR-0454/31	**3.3 Cumulative Impacts** 3.3.1 The Council notes a concentration of large-scale proposals and consents within both Whitestone 1 and 2 which impact Doncaster. These schemes are a mix of applications including large scale housing, infrastructure and renewable energy proposals which must be considered in terms of their cumulative and in-combination effects as required by the EIA Regulations and the Planning Act 2008. The long list of cumulative schemes at application document: 6.20 Appendix 17.2: Long List of Developments for Cumulative Effects Assessment include various schemes in Doncaster boundary which could have cumulative impacts. Many of these applications are still pending and will be subject to determination through the examination period. There are limited details on construction timescales and mitigation on the majority of these applications therefore there is concerns over the cumulative impact on the area moving forward especially regarding construction traffic, noise, air quality and amenity on residents. 3.3.2 The Council is concerned that the cumulative and in combination effects of these Projects, together with existing infrastructure, will result in: • Landscape and Heritage Harm arising from the introduction of industrial-scale infrastructure incompatible with rural character;	The schemes the Council refers to, including those in Doncaster that are still pending, have been assessed cumulatively with the Proposed Development, as the Environmental Impact Assessment (EIA) Regulations require. **Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069]** draws the long list from the planning registers within 10km. It includes schemes under construction, consented, submitted and at screening stage (paragraphs 17.4.18 and 17.4.19). The list was updated with advice from the City of Doncaster Council (CDC) and Rotherham Metropolitan Borough Council (RMBC) to a cut-off of 27 April 2026 (paragraph 17.4.21). At statutory consultation CDC said it was satisfied with the approach to cumulative developments. The Marr solar scheme (23/02634/FULM) it identified was added (**ES Chapter 17 [APP-069]**, section 17.3, statutory consultation feedback table). Where construction timescales and mitigation details for pending schemes are not available, the assessment uses a worst-case assumption. Any scheme not confirmed as built is kept in the assessment on the assumption that its construction could overlap with the Proposed Development's 2027 to 2029 construction period (**ES Chapter 17 [APP-069]**, paragraph 17.4.25). Overlap is assumed unless

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	• Ecological Impact as a result of potential loss and fragmentation of habitats and effects on biodiversity; and • Community Disruption due to noise, disturbance and disruption during construction and operation phases	there is reasonable evidence to the contrary (paragraph 17.4.35). On the topics the Council names: - Landscape and heritage: cumulative effects on landscape character are assessed in **ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, paragraph 7.9.7. - Ecology: eight schemes were assessed as having potential for cumulative effects, all Not Significant (**ES Chapter 17 [APP-069],** Table 17.8). Fragmentation is limited by using existing crossings, tracks, access points and field entrances where reasonably practicable. It is also limited by gapping up hedgerows and creating new connecting habitat (commitment C4 of the **Commitments Register [EN0110020/APP/6.20.1]** (Rev 02 - submitted at PD-A)). - Community disruption: most other schemes have not published construction noise assessments. Cumulative construction noise is therefore assessed qualitatively, as short term and unlikely to be significant. Where construction overlaps, cumulative traffic increases remain low in absolute terms and would not change the significance of effects (**ES Chapter 13: Traffic and Transport [AS-025]**, paragraphs 13.9.10 and 13.9.14). The Proposed Development's own construction controls are secured through the CEMP and the Construction Traffic Management Plan (CTMP) under Requirements 4 and 5 of the **draft Development Consent Order (dDCO) [AS-009]**.

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RR-0454/32	3.3.3 The overlapping construction programmes, which will extend over a number of years, will exacerbate these cumulative and in-combination effects including movement of abnormal loads requiring road closures, road widening and associated loss of hedgerows and trees. 3.3.4 The Council therefore recommends the requirement of comprehensive mitigation measures to address landscape, heritage, ecological and community impacts including those arising from cumulative and in- combination effects. The Council also recommends measures to ensure that construction phasing and traffic management plans are coordinated to minimise disruption to residents and businesses, having regard to the interaction between multiple schemes.	Overlapping construction programmes are built into the cumulative assessment. Overlap is assumed unless there is reasonable evidence to the contrary (**Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069]**, paragraph 17.4.35). On that basis, for topics other than landscape character, Table 17.8 of **ES Chapter 17 [APP-069]** identifies no significant inter-project effect other than on agricultural land. There, the cumulative effect is unlikely to be greater than the Proposed Development's own Moderate Adverse (Significant) effect on best and most versatile (BMV) land (**ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]**, paragraph 15.7.66). Cumulative effects on landscape character are assessed in **ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, paragraph 7.9.7. Abnormal indivisible loads (AILs) are needed to deliver transformer units. They will be moved by a specialised haulage service with the necessary escort, permits and traffic management, in consultation with the relevant highway authorities. They will follow the agreed heavy goods vehicle (HGV) routing strategy (**outline Construction Traffic Management Plan [AS-011]**, paragraphs 4.5.14 and 4.5.15). This is secured through the Construction Traffic Management Plan (CTMP) under Requirement 5 in Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009]**. Vegetation clearance at the site accesses is tied to the visibility splays agreed with the local authorities (**outline Construction Traffic Management Plan**

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		[AS-011], paragraph 4.5.13). The Highway Works are localised improvements, such as to deteriorated road edges, and temporary highway and traffic works to accommodate the AIL deliveries (**ES Chapter 17 [APP-069]**, paragraph 17.1.9). Any temporary street closure for them is subject to article 14 of the **dDCO [AS-009]**. Streets listed in Schedule 5 of the dDCO may be temporarily closed or restricted only after consulting the street authority. Any other street or right of way may be closed or restricted only with its consent. On the Council's recommendations: - Comprehensive mitigation for landscape, heritage, ecological and community effects is secured as follows. Schedule 2, requirement 7(2) of the **dDCO [AS-009]** requires the Landscape and Ecological Management Plan (LEMP) to show how it will contribute to minimum biodiversity net gains across the authorised development. These are 28% for habitat units, 30% for hedgerow units and 10% for watercourse units. Requirement 7(3) requires the approved LEMP to be implemented and maintained throughout operation. Schedule 2, requirement 3(2) of the **dDCO [AS-009]** requires the detailed design, including setbacks, to accord with the principles and parameters in the Design Approach Document and Outline Design Parameters. Requirements 4 and 5 in Schedule 2 of the **dDCO [AS-009]** secure the Construction Environmental Management Plan (CEMP) and CTMP.

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		- On coordination between schemes, **ES Chapter 13: Traffic and Transport [AS-025]**, paragraph 13.9.13, expects each development to operate its own CTMP. It expects open lines of communication with the Councils and the developers of nearby schemes, to monitor construction progress and reduce disruption. The outline CTMP requires the Traffic Safety Control Officer to liaise as appropriate with local planning authorities and local highway authorities (**outline Construction Traffic Management Plan [AS-011]**, paragraph 4.7.1). Under Requirement 5 in Schedule 2 of the **dDCO [AS-009]**, the CTMP for each part of the Proposed Development must be approved by the relevant planning authority, after consultation with the relevant highway authority, before that part commences. The Council will therefore review construction phasing and traffic management for the parts in its area with knowledge of the other schemes then under way.
RR-0454/33	3.3.5 The Council acknowledges that there are national benefits with the delivery of these projects. However, these benefits are achieved at the expense of substantial local harm. Given the scale of identified impacts, the Council considers that significant weight should be afforded to heritage, visual, ecological and local amenity harms in the planning balance.	The **Planning Statement [AS-015]** weighs each of these harms in the balance against the benefits, at the weight national policy assigns to it. As the Council acknowledges, nationally significant infrastructure projects bring a level of national benefit especially by assisting the UK Government in meeting the Net Zero Targets. The NPSs establish that there is a critical national priority (CNP) for low carbon infrastructure, including for large-scale solar farms, because of the decarbonisation, energy security, and

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		affordability benefits that they deliver (NPS EN-1, Section 4.2). Paragraph 3.2.9 of NPS EN-1 confirms that substantial weight should be given to this need and paragraph 3.2.10 confirms that the Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying this need.
RR-0454/34	**3.4 Green Belt and Grey Belt** 3.4.1 In Appendix 2 of the Planning Statement (Document 5.4.1) a Green Belt Assessment is provided. The Council does not agree with the conclusions of the Assessment and does not agree that the whole site should be considered as Grey Belt especially given the lack of evidence provided to demonstrate Grey Belt status. We also believe that a development of this scale and magnitude should have further Very Special Circumstances to help outweigh the harm of the proposal if considered inappropriate development in the Green Belt. **Reliance on "Grey Belt"** 3.4.2 The Green Belt Assessment concludes at paragraph 4.7.1 that "the Proposed Development is located on grey belt land and meets the tests for being not inappropriate within the grey belt." The Council does not agree with this conclusion. 3.4.3 The Planning Balance in the Planning Statement and Green Belt Assessment places a significant reliance on the assertion that the site comprises Grey Belt land and therefore falls within the category of development that may be treated as not inappropriate development. However, the	The Applicant's primary position is that the land associated within the Proposed Development is considered grey belt, and that the Proposed Development is deemed to not be inappropriate development in the Green Belt. The reason for this is that it would not fundamentally undermine the purposes of the remaining Green Belt, and there is a demonstrable need for this type of development, as set out within **Appendix 2: Green Belt Assessment** of the **Planning Statement [AS-015]**. This assessment concludes that the Proposed Development is located on grey belt land because the Site does not strongly contribute to Green Belt purposes (a), (b) or (d) as outlined in Table 2.2. The assessment concludes that the scale of the Proposed Development would not fundamentally undermine the purposes of the remaining Green Belt, with approximately 54% of the Order Limits remaining as mostly open land. The Planning Statement systematically considers the NPPF grey belt tests and provides evidence on how the Order Limits meet these, including with reference to the Council's own evidence base (where publicly

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	evidence submitted does not robustly demonstrate that the land satisfies the requirements of the NPPF definition of Grey Belt. 3.4.4 The Council therefore considers that the evidence provided is insufficient to conclude that the site makes only a limited contribution to Green Belt purposes.	available – Appendix 2 para. 2.1.2). Notwithstanding this, the Planning Statement also provides a full Very Special Circumstances (VSC) assessment should it be considered that the grey belt tests are not met. The Planning Balance in the Planning Statement is then concluded on this basis. It is therefore difficult to understand the Council's position that the Applicant's case places significant reliance on the land being grey belt.
RR-0454/35	3.4.5 To be considered as Grey Belt, in line with the tests of the NPPF (2026), Grey Belt land firstly is "land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in policy GB2." • Purpose a is to: Check the unrestricted sprawl of large built-up areas; • Purpose b. is to: Prevent neighbouring towns merging into one another; • And Purpose d. is to: Preserve the setting and special character of historic towns. 3.4.6 It is the view of the Council that Conisbrough is a historic town and the Applicant does not contest this. It has early medieval origins and has numerous significant heritage assets including a Conservation Area centred upon the castle. The Applicant notes that "It is not considered that W1 strongly contributes to this purpose of the Green Belt because W1 sits in proximity to the external edge of Conisbrough, which is characterised by 1950s dwellings, with the historic centre of Conisbrough including the Conservation Area and the Grade I Listed Conisbrough Castle located over	**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]** systematically considers the NPPF grey belt tests and provides evidence on how the Order Limits meet these, including with reference to the Council's own evidence base (where publicly available – Appendix 2 para. 2.1.2). This Appendix assesses Whitestone 1 against purpose (d) in relation to Conisbrough, including its historic centre, Conservation Area and Castle. The test is whether Whitestone 1 strongly contributes to preserving the town's setting and special character, not whether it adjoins the town. The Assessment concludes that Whitestone 1 does not strongly contribute to preserving the town's setting. Whitestone 1 adjoins the outer edge of Conisbrough, which is characterised by 1950s housing, with historic centre, the Conservation Area and the Grade I listed Castle sited over 1km to the east. The settings assessment found that Whitestone 1 would not be visible from within the Conservation Area or from ground-floor level at the Castle. The exception is views from the upper storeys of the Keep.

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	1km to the east." However, this does not negate the fact it is a historic town and the Green Belt surrounding the town helps preserve its setting and special character. 3.4.7 The Order Limits lie adjacent to the development limits of Conisbrough on the Green Belt boundary therefore the Council do not agree that this part of the Green Belt in Whitestone 1 does not make any contribute to purpose d. The Council considers W1 does make contribution to this purpose of the Green Belt as lies directly adjacent to the towns settlement limits and there has been archaeology records of remains adjacent to the sites boundary and therefore should not be considered as Grey Belt.	Physical adjacency between the Proposed Development and Conisbrough is also limited with Conisbrough being separated from Whitestone 1 by the A630 and its mature planting. Only about 60m of W1's boundary adjoins the built-up area, and the rest of W1 is at least 300m away. The **Works Plans [AS-005]** show a 300m setback from the southern edge of Conisbrough, to be sown with species-rich grassland.
RR-0454/36	3.4.8 Furthermore, the Council does not agree with the Applicants position that the land does not contribute to the checking of unrestricted sprawl of large built-up areas; nor does it help prevent neighbouring towns merging into one another. 3.4.9 The Order Limits comprise a total area of approximately 1,488 hectares (ha), consisting of approximately 339ha proposed for Cable Corridors, and 1,149ha proposed for the Site. At their maximum extent, the Order Limits extend approximately 18.5km in a north-south direction, and approximately 8km in an east-west direction (measurements taken from application documents). This includes land between the following towns and built up areas as confirmed by the Applicant: • Conisbrough; • Brinsworth (Rotherham Urban Area); • Whiston (Rotherham Urban Area); • Bramley, Wickersley and Ravenfield Common (grouped); and	**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]** assesses each area containing above-ground development (W1, W2 East, W2 West and W3) against purposes (a) and (b) in Table 2.2. The Cable Corridors were not tested against the policy criteria for grey belt due to all works being underground, so they are not deemed as inappropriate development in any event. Once the cables are laid, buried cables do not affect openness or the purposes of the Green Belt and so it is not considered this further assessment is necessary or proportionate. The towns and built-up areas the Council lists are those the Assessment identified and tested. On sprawl (purpose (a)), Table 2.2 of **Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]** finds that each area is either contained by permanent physical features or well away from the towns:

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	• Dinnington, Anston and Laughton Common (grouped). 3.4.10 The Order Limits includes the whole red line which abuts the boundary of the towns and urban areas above, especially Conisbrough. It is the whole red line which needs to be assessed and considered in the Green Belt Assessment, not just the Proposed Development. The Order Limits are vast, and it is considered by the Council that the land within the Order Limits Boundary do in various places contribute to the prevention of towns merging and the restriction of urban sprawl. Therefore, the land should not be considered as Grey Belt in line with the initial NPPF tests.	• W1 by the A630, the Firsby Brook and Kearsley Brook corridors and the M18, about 1.5km from Wickersley; • W2 West by the M1, which separates it from Brinsworth and Whiston; and • W2 East by the railway and further fields, which separate it from the main built-up area of Anston and Dinnington. With regards to the merging of towns (purpose (b)), there is approximately 3.7km separating Conisbrough and Wickersley. Dense woodland, Firsby Reservoir and planting lie in the gap, and Whitestone 1 forms only a small part of it. For Whitestone 2 West, Table 2.2 notes that it sits in a central gap between towns and finds that the Thurcroft Interchange provides permanent separation between them. For Whitestone 2 East, it finds no parcel within the gap between Dinnington, Anston and Laughton Common. These towns rely on the separation that remains with the Proposed Development in place. The main built-up area of Anston and Dinnington is separated from Whitestone 2 by the railway, further fields and a setback of about 250m. No part of Whitestone 2 is proposed in the gap between Whiston and Brinsworth, where the pressure is greatest. Whitestone 3 is near settlements the Assessment treats as villages under the Planning Practice Guidance, although RMBC's 2012 review groups Wales and Kiveton Park as a town. The above demonstrates that the Proposed Development is low-lying and reversible, ending at the

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		decommissioning phase. The edges and identity of the towns are therefore retained, and the harm to purpose (b) is limited.
RR-0454/37	3.4.11 If the land is however considered as Grey Belt, the Council accepts there is an identified need for the development but reserves it right to comment on the impact of the purposes of the Green Belt as a whole if the Examining Authority determines the Order Limits to be considered as Grey Belt. 3.4.12 In conclusion, the Council do not consider the whole application site to be classified as Grey Belt and the scheme should therefore be considered as inappropriate development and very special circumstances should be demonstrated to outweigh the harm to enable the Examining Authority to find it appropriate development in the Green Belt.	The Applicant notes the Council's acceptance that, if the land is grey belt, there is an identified need for the development, and that the Council reserves its position on the remaining tests. The Applicant's primary position is that the development is not inappropriate in the Green Belt. If that is not accepted, the very special circumstances case does not rest on the policy starting point alone. The Green Belt Assessment weighs the harm, including its scale, against the benefits, and the carbon benefit is assessed net of the Proposed Development's own emissions. The Applicant's position is that the land is grey belt and that the Proposed Development meets the tests in paragraph 155 of the National Planning Policy Framework (NPPF). It is therefore not inappropriate development. In terms of policy context, NPS EN-1 makes the starting point that critical national priority infrastructure, which includes this Proposed Development, meets the very special circumstances test (**Appendix 2: Green Belt Assessment** of the **Planning Statement [AS-015]**). The Green Belt Assessment nonetheless sets out the benefits and weighs them against the harm. These include the contribution to the Government's Clean Power 2030 range, biodiversity net gain and new permissive paths. If the Examining Authority takes a different view, the very special circumstances the Council asks for have

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		been demonstrated. Section 4 of **Appendix 2 of the Planning Statement [AS-015]** assesses the harm from inappropriateness, the harm to openness, the harm to the purposes and any other harm (paragraphs 4.2.3 to 4.5.4). It concludes that the need for low carbon generation and the wider benefits clearly outweigh that harm (**Planning Statement [AS-015]**, Appendix 2, paragraphs 4.6.1 to 4.7.1).
RR-0454/38	**Harm to Green Belt Openness** 3.4.13 The NPPF requires consideration of both the spatial and visual dimensions of Green Belt openness. 3.4.14 Whilst the Proposed Development mainly involves structures of relatively limited height, the Proposed Development comprises a significant industrialisation of the countryside through the introduction of: i extensive solar arrays; ii inverters and transformers; iii power conversion stations; iv battery energy storage infrastructure; v substations and associated electrical equipment; vi security fencing and surveillance equipment; and vii compounds and internal access tracks and operational infrastructure. 3.4.15 The scale of development proposed across a very extensive area would fundamentally alter the perception, character and openness of the Green Belt. 3.4.16 The Applicant's own evidence identifies significant residual landscape and visual effects. It is therefore difficult	**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]** assesses openness using the Planning Practice Guidance factors: spatial and visual openness, duration and remediability, and activity. Approximately 46% of the Order Limits would include both solar panels and larger infrastructure, whilst the remainder of the Order Limits, 54%, would remain mostly open. Within the Order Limits, where the infrastructure is sited, the Assessment records a high level of harm to both the spatial and visual openness. It records a further localised reduction around the substations and Battery Energy Storage System (BESS), because of their volume, fencing, tracks and CCTV (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**). It finds harm to visual openness to be moderate to limited in the immediate surroundings. However, in the wider Green Belt it finds that harm limited to none, because intervening landform and vegetation restrict longer views (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**).

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	to reconcile these findings with the conclusion that Green Belt openness would experience only limited harm. 3.4.17 Consequently, substantial weight should be given to the resulting harm to Green Belt openness.	On weight, the Applicant's primary case is that the land is grey belt and the Proposed Development is not inappropriate development (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**). If that is not accepted, paragraph 5.11.37 of National Policy Statement (NPS) EN-1 applies, as set out at paragraph 8.6.2 of the **Planning Statement [AS-015]**. It requires substantial weight to be given to any harm to the Green Belt, while taking account of the extent to which the physical characteristics of renewable infrastructure limit its impact on the purposes of the Green Belt. The Applicant's position is that substantial weight therefore attaches to a harm to openness that the Assessment finds, for the reasons above, to be limited.
RR-0454/39	**Conflict with the Purposes of the Green Belt** 3.4.18 The Council is not satisfied that the Applicant has appropriately assessed the contribution of the site to Green Belt purposes on a parcel-by-parcel basis. 3.4.19 The application site performs an important function in maintaining openness between settlements including, but not limited to, Conisbrough, Wickersley, Clifton, Harthill, Woodall, Ulley and Kiverton. The retention of intervening open land is an important characteristic of the area and contributes directly to the Green Belt purpose of preventing neighbouring towns and villages from merging into one another, restricting sprawl from the urban area and the preservation of historic towns as highlighted above in the Grey Belt comments. 3.4.20 The Council considers that the submitted assessment understates the contribution made by the site to these strategic Green Belt objectives.	**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]** assesses each area containing above-ground development (W1, W2 East, W2 West and W3) against purposes (a) and (b) in Table 2.2. The Cable Corridors were not tested for grey belt due to all works being underground, so they are not deemed as inappropriate development in any event. Once the cables are laid, buried cables do not affect openness or the purposes of the Green Belt. Given the size of the Order Limits, the Applicant is satisfied that the approach taken in assessing the Green Belt purposes based on 'area' of the Proposed Development is appropriate rather than parcel by parcel. This also allows an appropriate and proportionate assessment against the Green Belt purposes. There are none of the policy tests in the NPPF that require a parcel by parcel assessment and

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		there are no towns that have been missed by taking an area-based assessment, rather than a parcel by parcel one. It should be noted that all parts of each area have been considered in terms of their contribution in coming to an overall conclusion. Throughout the design of the Proposed Development, the Applicant has incorporated setbacks to prevent the coalescence of settlements. As a result, the distinct edges and identities of the towns have been retained, and any harm to Green Belt purpose (b) would be limited.
RR-0454/40	**Very Special Circumstances** 3.4.21 Should the Examining Authority conclude that the application site is not Grey Belt, the Proposed Development would be inappropriate development and in line with Policy GB6 of the NPPF: *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposed development, is clearly outweighed by other considerations. In making this assessment, substantial weight should be given to the harm to the Green Belt which would be caused, including harm to its openness. 61 3. In the case of proposals for renewable and low carbon energy development, very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*	In terms of policy context, NPS EN-1 makes the starting point that critical national priority infrastructure, which includes this Proposed Development, meets the very special circumstances test (**Appendix 2: Green Belt Assessment** of the **Planning Statement [AS-015]**). The Green Belt Assessment nonetheless sets out the benefits it weighs against the harm including at section 4.5 which considers any other harm arising to the Green Belt. These harms have clearly been considered in coming to a conclusion on the Green Belt balance. Whilst this is summarised in the Planning Balance section of the Planning Statement, it is clearly set out in Appendix 2 As well as the overall contribution that the Proposed Development makes to the Government's Clean Power 2030 range, the Very Special Circumstances case includes other benefits including biodiversity net gain and new permissive paths. The assessment concludes that benefits of the Proposed Development would outweigh any harm to

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	3.4.22 The Applicant argues that the development's contribution to renewable energy generation and its status as nationally significant infrastructure amount to Very Special Circumstances together with BNG enhancements, Economic/Education Benefits (with limited information) and a Community Benefit Fund which is not considered within the planning balance. 3.4.23 However, whilst we note the national demand for renewable energy, for a site and development of this scale, the existence of national energy policy support does not automatically outweigh the harm. 3.4.24 The NPPF requires decision-makers to undertake a balancing exercise that considers: • harm arising from inappropriateness; • harm to openness; • conflict with Green Belt purposes; and • any other harm arising from the development. 3.4.25 The Council is not satisfied that the Applicant has demonstrated that these harms are clearly outweighed by other considerations. 3.4.26 The NPPF requires all other forms of harm to be included within the Very Special Circumstances balance. The application documents acknowledge residual adverse impacts including: • significant landscape and visual effects; • impacts on the rural character of the area; • heritage impacts identified as less than substantial harm; and • the loss of Best and Most Versatile agricultural land. 3.4.27 The Council is concerned that the Planning Statement treats these harms separately from the Green Belt balance	the Green Belt, with the **Planning Statement [AS-015]** reiterating the very special circumstances that clearly outweigh any harm. The very special circumstances case weighs the Green Belt harm and the other significant residual effects reported in the Environmental Statement together (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**, paragraphs 4.5.1 to 4.5.4 and 4.6.1 to 4.7.1). Under the heading "Any other harm", it brings in the temporary biodiversity effects during construction and decommissioning, the significant landscape and visual effects, and the effect on best and most versatile land (**Planning Statement [AS-015]**, Appendix 2, paragraphs 4.5.1 and 4.5.2). Harm to rural character is assessed under purpose (c), safeguarding the countryside from encroachment, where moderate harm is recorded (**Planning Statement [AS-015]**, Appendix 2, paragraphs 4.3.18 and 4.5.4). These are drawn together in an overall conclusion on harm (**Planning Statement [AS-015]**, Appendix 2, paragraph 4.5.4). They are then weighed against the very special circumstances (paragraphs 4.6.1 to 4.7.1). Heritage effects are also carried into the Green Belt assessment. The setting effect on Conisbrough Castle and the relationship to the Anston Conservation Areas are weighed under purpose (d), where harm is found to be limited (**Planning Statement [AS-015]**, Appendix 2, paragraphs 4.3.20 to 4.3.23). The less than substantial heritage harm is weighed against public benefits under paragraph 5.9.33 of National Policy Statement (NPS) EN-1 (**Planning Statement**

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	rather than demonstrating how they have been comprehensively weighed within the Very Special Circumstances case and limited evidence has been provided. 3.4.28 Accordingly, the Applicant has failed to demonstrate that all identified harms, taken collectively, are clearly outweighed by the benefits of the scheme and the Council seek further updates and evidence on this matter.	**[AS-015]**, paragraph 8.4.21). All residual significant adverse effects, including the effect on agricultural land, are weighed in the overall planning balance (**Planning Statement [AS-015]**, paragraphs 9.3.12, 9.3.14 and 9.3.15). The Applicant's conclusion is that very special circumstances clearly outweigh the harm to the Green Belt (**Planning Statement [AS-015]**, paragraph 9.3.17; Appendix 2, paragraph 4.7.1). With the residual effects weighed, the overall balance is firmly in favour of approval (**Planning Statement [AS-015]**, paragraphs 9.3.15 and 9.3.18).
RR-0454/41	**Green Belt Conclusion** 3.4.29 For the reasons set out above, the Council considers that the Applicant has failed to demonstrate that the site constitutes Grey Belt land. Further evidence and assessment should be undertaken parcel by parcel to fully understand the impact on the purposes of the Green Belt. 3.4.30 The Proposed Development would cause significant harm to Green Belt openness and would conflict with the purposes of including land within the Green Belt. 3.4.31 We do not consider Very Special Circumstances have been fully established to a point where they would outweigh the cumulative harm arising from Green Belt, landscape, heritage and agricultural land and amenity impacts. 3.4.32 The Proposal is therefore contrary to the Green Belt objectives and policies of the National Planning Policy Framework. 3.4.33 We would recommend further evidence based work looking to the purpose of Green Belt in each parcel of the development together with openness. We still do not	**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]** assesses each area containing above-ground development (W1, W2 East, W2 West and W3) against purposes (a) and (b) in Table 2.2. The Cable Corridors were not tested for grey belt due to all works being underground, so they are not deemed as inappropriate development in any event. Once the cables are laid, buried cables do not affect openness or the purposes of the Green Belt. Given the size of the Order Limits, the Applicant is satisfied that the approach taken in assessing the Green Belt purposes based on 'area' of the Proposed Development is appropriate rather than parcel by parcel. This also allows an appropriate and proportionate assessment against the Green Belt purposes. There are none of the policy tests in the NPPF that require a parcel by parcel assessment and there are no towns that have been missed by taking an area based assessment, rather than a parcel by parcel one. It should be noted that all parts of each area have

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	consider this would qualify the site as Grey Belt but it could help further inform the design and mitigation strategy in the Development Order Limits. Furthermore, we would urge the applicant to explore further very special circumstances to outweigh the harm and we reserve our right to comment on the balance of the harms and benefits through the examination.	been considered in terms of their contribution in coming to an overall conclusion. Throughout the design of the Proposed Development, the Applicant has incorporated setbacks to prevent the coalescence of settlements. As a result, the distinct edges and identities of the towns have been retained, and any harm to Green Belt purpose (b) would be limited.
RR-0454/42	**3.5 Other matters** 3.5.1 Key matters raised by CDC and RMBC at the PIER stage include the unknown parameters regarding the BESS, Substations and other infrastructure associated with the Proposed Development given the Development Order Limits are broad and widespread. 3.5.2 The Council has concerns over the large areas highlighted for the substations and BESS particularly Substation 1A which has direct views from Clifton. The parameters include for a substation of 170m by 100m, and a maximum height of 13.5m AGL. Whilst essential infrastructure, the location directly in the middle of open countryside and Green Belt with direct views overlooked by several properties in Clifton does not seem appropriate given the significant effects.	The Applicant notes the Council's comments on the Battery Energy Storage System (BESS) and substation parameters. The BESS and substations have been assessed at their maximum parameters. The unknown number of BESS units therefore does not prevent their effects being understood. The BESS is confined to the area shown on the Works Plans in W2, adjacent to the primary substation and outside the buffers to key receptors (**Environmental Statement (ES) Chapter 5: The Proposed Development [APP-057]**, paragraph 5.4.51). The parameters are (paragraphs 5.4.52, 5.4.55 and 5.4.56; **Outline Design Parameters [APP-158]**, Table 2.1). The exact count depends on the capacity required and the output per unit at procurement (**ES Chapter 5 [APP-057]**, paragraph 5.4.50). The landscape and visual assessment uses the most visually prominent infrastructure as its reasonable worst case, as the Environmental Impact Assessment (EIA) methodology sets out (**ES Chapter 2: EIA Methodology [AS-017]**, paragraph 2.5.13). The operational noise assessment assumes 332 BESS containers in the BESS area and 166 power conversion systems in the power converter

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		station area, both within the northern region of W2 (**ES Appendix 14.4: Operational Noise Assessment [APP-149]**, Table 14.4-1). **Visual effects** The additional visibility of the BESS and substations is mapped on ES Figures 7.9 and 7.10 (**ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**, paragraph 7.4.14). The W2 substation and BESS add visibility north of the M1 at Whiston, with patches to the west around Brinsworth and at the fringes of the Study Area at Rawmarsh. These changes are described as minimal (**ES Appendix 7.4 [AS-042]**, paragraph 7.4.16). That effect is reported. The significant landscape and visual effects are carried into the Green Belt balance as other harm and into the overall planning balance (**Planning Statement [AS-015]**, Appendix 2, paragraph 4.5.2, and paragraph 9.3.15). Substation 1A is a satellite substation, not the primary substation, and its parameters are smaller than those quoted. The primary substation, with a maximum footprint of 170m by 100m, is in Whitestone 2 (Work No. 4-2A), co-located with the Battery Energy Storage System (BESS) (**Environmental Statement (ES) Chapter 5: The Proposed Development [APP-057]**, paragraphs 5.4.51, 5.4.66 and 5.4.67). Substation 1A in Whitestone 1 (Work No. 4-1A) has a maximum footprint of 130m by 90m (paragraphs 5.4.72 and 5.4.73; **Outline Design Parameters [APP-158]**, Table 2.1). Both have a maximum height of 13.5m, with lightning rods up to 20m (**ES Chapter 5 [APP-057]**, paragraphs 5.4.67 and 5.4.73). The **Outline Design**

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		Parameters [APP-158], Table 2.1, provide for substation equipment to be at least 300m from residential properties. The effect on Clifton has been assessed. Viewpoint 4 is on the western edge of Clifton. From there, **ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]** reports that the solar modules would occupy a large proportion of the view across the valley. Substation 1A would likely be partially visible to the north west, filtered by trees in the distance (paragraph 7.4.82). Views from homes at Clifton would be more limited than from the footpath, because of existing vegetation on the settlement's western edge (**ES Appendix 7.4 [AS-042]**, paragraph 7.4.83). The ES reports a Major/Moderate Adverse (Significant) effect for residents at Year 1 and Year 15, arising from the change to the view as a whole (**ES Appendix 7.4 [AS-042]**, paragraphs 7.4.84 to 7.4.88), although by Year 15, new trees and hedgerows would further screen and filter both the modules and the substation (paragraph 7.4.86). The layout responds to Clifton. Solar panels were removed from the west and south of Clifton in response to residents' feedback (**ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, Table 7-11). A satellite substation in W1 is required to collect the medium voltage cables from that part of the Site (**ES Chapter 5 [APP-057]**, paragraph 5.4.72). As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7:**

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		Landscape and Visual Impact Assessment [APP-059] at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on views from visual receptors within Clifton and its vicinity (beyond those associated with Viewpoint 4), including consideration of the visual influence of the proposed satellite substation.
RR-0454/43	3.5.3 Another component which the Councils have concerns over is the Power Conversion Stations which are required throughout the Proposed Development but are not highlighted on the Development Order Limit Plans. These structures are up to of 13m long by 3m wide with a maximum height of 3.5m. These are substantial structures in the open countryside and Green Belt and our concerns are there will be a number of these structures across the proposed development with limited information on location at present. These will be viewed above the PV arrays and therefore the impact on the openness of the Green Belt and visual impacts across all three parcels of the development.	Power conversion stations (PCS) are included in connection with the solar areas (Work No. 1) and the cable routes (Work No. 2) (**draft Development Consent Order (dDCO) [AS-009]**, Schedule 1). They are not individually located on the Works Plans. Their locations are fixed at detailed design, within parameters that were assessed. The detailed design must accord with those parameters under Requirement 3(2) of Schedule 2 to the **dDCO [AS-009]**, subject to the exception described below. The **Outline Design Parameters [APP-158]**, Table 2.1: • cap each enclosure at 13m long, 3m wide and 3.5m high (3m within the Penny Hill Wind Farm height restriction area). • They require a muted colour and fencing of up to 3.5m, and • exclude PCS from Flood Zones 2 and 3 **Environmental Statement Chapter 5: The Proposed Development [APP-057]**, paragraph 5.4.19, adds that, where practicable, PCS units will not be within 100m of dwellings or 50m of public rights of way. The

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		operational noise assessment assumes 140 inverter units across the solar areas of W1, W2 and W3 (**ES Appendix 14.4: Operational Noise Assessment [APP-149]**, Table 14.4-1), which indicates the number of units assumed. Their effect has been assessed. The Applicant's primary case is that the land is grey belt (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**, paragraph 4.1.1). In its without-prejudice assessment, the Green Belt Assessment counts the PCS within the solar panels and associated infrastructure that it treats as inappropriate development. It records harm to spatial and visual openness within the Order Limits where panels and infrastructure are sited (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**, paragraphs 4.2.3, 4.4.8 and 4.4.10). The PCS enclosures are capped at 3.5m. This is within the height range of the modules, whose lowest part is at least 0.4m and whose top is no more than 3.8m above ground (**ES Chapter 5 [APP-057]**, paragraph 5.4.10). PCS units in the solar areas are authorised in connection with the solar modules of Work Nos. 1-1 to 1-3C (**dDCO [AS-009]**, Schedule 1). Under Schedule 2, requirement 3 of the **dDCO [AS-009]**, the layout, scale and external appearance of each part, including the PCS locations, require the approval of the relevant planning authority. Requirement 3(2) requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters. The exception is where the relevant planning authority is satisfied that no

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		materially new or materially different environmental effects would occur, in comparison with those reported in the environmental statement.
RR-0454/44	**3.6 NPPF Referencing** 3.6.1 Throughout the Planning Statement and other application documents there are various references to the draft 2025 NPPF which are now out of date. Given the 2025 NPPF was draft, the Council would not give any weight to the references to it and would request an update be circulated especially given the amendments referenced in the 2025 NPPF have not been adopted in the 2026 version.	The Applicant notes this comment. The Applicant can confirm that within the **Policy Compliance Document [APP-038]** the draft NPPF was included and the Proposed Development was assessed accordingly. The **Policy Compliance Document [APP-038]** has been updated to demonstrate compliance with the 2026 (now adopted) NPPF, and this is also submitted at Procedural Deadline A. It should be noted that there is no material change in policy approach to the parts of the NPPF relevant to the Proposed Development, albeit that there has been a substantial restructuring of the policy document.
RR-0454/45	**Impacts of the Proposed Project** 4.1.1 Whitestone Solar Farm will have a range of impacts across various technical disciplines. This section sets out the view of the Council on the environmental impacts for each technical matter. **4.2 Ecology** 4.2.1 The following provides an overview of our principal comments relating to Chapter 6: Biodiversity and Nature Conservation and supporting technical appendices. Where relevant paragraphs numbers are referred to. However, there is a formatting error after Para 6.4.58. with the next paragraph numbered 6.4.1. 4.2.2 A review of the oCEMP and oLEMP has also been undertaken where this is specifically referred to in the ES	Noted. The Applicant acknowledges the paragraph numbering error in Section 6.4 of the **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**. This is a formatting error and does not affect the findings of the assessment however the Applicant will update the document during examination.

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RR-0454/46	**Protected Species Surveys** 4.2.3 At the scoping stage Natural England requested that the area affected by development should be thoroughly surveyed and that surveys should always be carried out in the optimal survey time periods and to current guidance. 4.2.4 This request from Natural England does not seem to have been followed through. A number of surveys are stated as being in the process of completion Table 6-6, Paragraph 6.4.10, 6.4.12). Paragraph 6.4.13 states that a commitment to complete surveys is effectively embedded mitigation.	The baseline surveys used to inform the Environmental Statement (ES) were completed between April 2024 and December 2025, and they underpin the assessment (**ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.4.5). The survey scope table in section 6.4 of **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** records the following as completed: habitat and condition surveys, badger, wintering and breeding bird, targeted bird, otter and water vole, river condition, hedgerow, bat and aquatic surveys. Further survey work is ongoing to validate the findings. **ES Chapter 6 [AS-021]** references pre-construction surveys rather than the ongoing surveys, and it is these that are specified in the **outline Construction Environmental Management Plan (CEMP) [APP-042]**. Paragraph 6.4.12 of **ES Chapter 6 [AS-021]** records that sufficient baseline has been gathered to base the assessment on. The further survey work is to ensure readiness for implementation, and its outputs are to be provided to the Examining Authority. Where parts of the Site or the Cable Corridor could not be accessed, the chapter made precautionary assumptions. Paragraph 6.4.13 of **ES Chapter 6 [AS-021]** identifies pre-construction survey as part of the embedded mitigation through the outline CEMP, in addition to the baseline survey rather than in place of it. Pre-construction survey informs post-consent choices such as cable crossing methods and micro-siting within the corridor. The **outline Construction Environmental**

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		Management Plan (CEMP) [APP-042], Table 1.2, provides that, where pre-construction surveys identify protected or priority species, species-specific working methods, mitigation and timing constraints will be added to the CEMP before work starts in that area. Works will not proceed until those measures are agreed and in place, overseen by the Ecological Clerk of Works. This is secured through the CEMP under Schedule 2, requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**. The assessment is made on the completed Site surveys and, where access was refused, a precautionary worst case. Pre-construction checks, which are standard mitigation, confirm conditions at the time of works.
RR-0454/47	4.2.5 There are significant shortfalls with the survey work completed such that it is not considered that there is sufficient baseline information to inform the impacts of the development. In particular the breeding bird survey only included 4 visits out of the required 6, no dusk survey was completed as per guidance, survey guidelines also stipulate that all dawn surveys should be begin half an hour either side of sunrise, 24 survey dates were recorded with only 13 of those starting within 30 minutes of sunrise. Additionally surveys on the 29th May were started late to avoid heavy rain, however surveys began almost two and half hours after sunrise and the rain was still persisting when the surveys began. Furthermore, the wind speed was recorded as between 5 and 7 on the Beaufort scale throughout the survey nearing gale force winds. 4.2.6 The assessment of impacts can only be completed when all survey work has been completed to the standards	The breeding bird survey provides a sufficient baseline for the species the assessment focuses on, and the assessment builds in precaution where the survey had limitations. **Environmental Statement (ES) Appendix 6.6: Breeding Bird Survey Report [AS-032]** records each departure from the full method and explains it. - Number of visits: four visits were made between April and June 2025. Six visits are recommended for complex habitats such as lowland deciduous woodland, which is present only in small, fragmented areas. Much of the Site is open, intensive arable land where birds are more easily detected. Four visits exceed or match the recommended methods for the key farmland species: lapwing, skylark and yellow wagtail (**ES Appendix 6.6 [AS-032]**, paragraph 6.6.11).

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	required by published guidance in order for the ecological baseline to be established, as per CIEEM guidance. A commitment to complete the required surveys at a later date (Para 6.4.13) should not be included as embedded mitigation.	- Dusk visits: all surveys sampled morning periods, because the habitats are unsuitable or suboptimal for many species that are more active at dusk (**ES Appendix 6.6 [AS-032]**, paragraph 6.6.17). Barn owl and other species outside standard methods were covered by targeted surveys (**ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, survey scope table, printed page 42). - Start times: the report records that many surveys started later than 30 minutes after sunrise, and gives their finishing times (**ES Appendix 6.6 [AS-032]**, paragraph 6.6.18). - 29 May 2025: the visits to BBS Parcels 3 and 7 started at 07:00, late to avoid rain. Heavy showers and wind force 7 were recorded at the start of the Parcel 7 visit, and drizzle at Parcel 3 (**ES Appendix 6.6 [AS-032]**, Annex 6.6B, Table 6.6.8). On every other visit the recorded wind speed was force 5 or below. Parcel 7 was surveyed on three other dates and Parcel 3a on two (access to Parcel 3a was not available on the first visit) (**Breeding Bird Survey Report [AS-032]**, Annex 6.6C, Table 6.6.9). The assessment rests on more than one visit. A skylark territory was counted only where birds sang or showed breeding behaviour in the same area on at least two visits. It was classed as confirmed only on three (**ES Appendix 6.6 [AS-032]**, paragraphs 6.6.14 and 6.6.15). Where access limits may have caused under-recording, results were extrapolated across the whole Site from territory densities on similar habitat (**ES Appendix 6.6 [AS-032]**, paragraph 6.6.25; **ES Chapter 6 [AS-021]**, paragraph 6.4.28). As a result,

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		the skylark figure includes a further 18 territories as a precaution, giving 205 in total (**ES Chapter 6 [AS-021]**, paragraph 6.5.90). The chapter also assumes, as a precaution, that most or all skylark nesting within the arrays would be displaced for the long term (**ES Chapter 6 [AS-021]**, paragraph 6.7.156). The mitigation responds to that worst case with compensatory species-rich grassland and about 100 off-site skylark plots (**ES Chapter 6 [AS-021]**, paragraph 6.7.157). The outline Landscape and Ecological Management Plan (LEMP) provides for the plots on land outside the Order Limits (**outline LEMP [APP-046]**, paragraphs 7.4.43 and 7.4.56).
RR-0454/48	4.2.7 Previous consultation responses from the City of Doncaster Council (CDC) (24.10.25) requested that an assessment of the impact on invertebrates was undertaken. No baseline data/ consideration of invertebrate populations is provided.	Invertebrates were considered in the way the Council's 24 October 2025 response asked. That statutory consultation response is recorded in Table 6-3 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**. It accepted that the extensive agricultural land within the Order Limits is unlikely to support any exceptional invertebrate assemblages that would be directly affected. It asked that, in improving conditions for bats and farmland birds, some consideration be given to the invertebrates they depend on. The Applicant's response in the same table records the following. Habitats and botanical assemblages known to support priority or rarer invertebrate species are absent from the Order Limits. The planting mixes in the outline Landscape and Ecological Management Plan (LEMP) include a wider range of botanical species. These include night-scented species that attract the nocturnal invertebrate bats feed on. The

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		matter was discussed again with the Council's ecologists on 21 January 2026 (**ES Chapter 6 [AS-021]**, Table 6-4). The assessment accounts for invertebrates where they matter to important ecological features. Invertebrate interest in nearby designated sites is recorded in the baseline (**ES Chapter 6 [AS-021]**, Tables 6-8 and 6-9), and effects on those sites are assessed. The chapter also assesses the change from intensive arable use. Ending fertiliser and insecticide inputs benefits invertebrate populations, and so the prey available to foraging bats and breeding birds (**ES Chapter 6 [AS-021]**, paragraphs 6.6.36 and 6.7.151). The habitat creation that delivers these benefits is secured through the LEMP under Schedule 2, requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]**. Requirement 7(2) requires each LEMP to show how it will contribute to minimum biodiversity net gains of 28% (habitat), 30% (hedgerow) and 10% (watercourse) across the authorised development. Requirement 7(3) requires the approved LEMP to be implemented and maintained.
RR-0454/49	4.2.8 CDC within the same consultation response also requested that bat transect results should be converted to 'heat maps' which can be rapidly interpreted and mitigation measures accurately targeted. This has not been provided.	The bat survey results are presented by location, so that the areas of highest activity can be identified and the mitigation targeted. **Environmental Statement (ES) Appendix 6.10: Bat Survey Report [AS-034]** quantifies activity at each static detector location using the Bat Activity Index. It uses this because the Ecobat tool was offline when the report was prepared (paragraphs 6.10.33 and 6.10.34). It shows the mean index per location and species (**ES Appendix 6.10**

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		[AS-034], Plate 6.10.2), and the locations are mapped on **ES Figure 6.10.2 [APP-074]**. The report identifies where activity is highest. Location G in W1 has 40 bat passes per hour, more than three times the Site mean of 11.9, followed by locations W and H (**ES Appendix 6.10 [AS-034]**, paragraphs 6.10.80 and 6.10.87). The report also identifies the locations with the highest activity for the nationally rare serotine and Nathusius' pipistrelle (**ES Appendix 6.10 [AS-034]**, paragraph 6.10.85). The walked transect results are given per transect and per season and species (**ES Appendix 6.10 [AS-034]**, Tables 6.10.3 and 6.10.4), with the routes mapped on **ES Figure 6.10.3 [APP-074]**. That information serves the purpose the Council gave for heat maps: to identify the key foraging and commuting areas and target mitigation. The mitigation protects the features bats use across the Site: - habitat buffers around woodland, trees, hedgerows and watercourses (commitment C3 of the **Commitments Register [EN0110020/APP/6.20.1]** (Rev 02 - to be submitted at PD-A)); - hedgerow gapping-up and new connecting habitat (C4); and - lighting confined to the substation and Battery Energy Storage System (BESS) compounds and directed away from hedgerows, tree lines, woodland and watercourses (C12). The operational lighting controls are in the **outline Operational Environmental Management Plan (OEMP) [APP-043]**, paragraphs 1.3.7 and 1.3.8. They

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		are secured through the OEMP under Schedule 2, requirement 11 of the **draft Development Consent Order (dDCO) [AS-009]**. The connectivity measures are secured through the Landscape and Ecological Management Plan (LEMP) under Schedule 2, requirement 7. The minimum offsets from hedgerows, trees, woodland and watercourses are in the **Outline Design Parameters [APP-158]**, Table 2.1.
RR-0454/50	**Spatial Scope** 4.2.9 The ES acknowledges that the proposals have the potential to result in; changes to hydrological conditions (ground water levels and surface water run-off and changes in electromagnetic field (EMF) 4.2.10 However, there is no assessment of impacts to ground water, in particular where HDD is proposed. This is of particular relevance to Crab Wood SSSI which supports flushes and which are potentially Groundwater-Dependent Terrestrial Ecosystem.	Groundwater effects, including those from horizontal directional drilling, are assessed in **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**, rather than in the biodiversity chapter. Paragraph 9.7.27 of **ES Chapter 9 [APP-061]** identifies the potential for drilling fluids or shallow groundwater to migrate into deeper aquifers along trenchless cable routes and piles. It also identifies the potential for below-ground structures to disrupt groundwater flow paths. The areas of highest risk are identified, including the Principal Aquifer beneath Cable Route L (**ES Chapter 9 [APP-061]**, paragraph 9.7.28). With embedded mitigation, the effect on groundwater receptors is Negligible and Not Significant, with a low likelihood of occurrence (**ES Chapter 9 [APP-061]**, paragraph 9.7.29). That mitigation comprises Foundation Works Risk Assessments in those higher-risk areas before construction, and horizontal drilling to industry best practice on depth and drilling-fluid control. Trenchless crossings for cable installation must be carried out to industry best practice and managed to

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		prevent drilling fluids being released into aquifers. Groundwater controls are secured through the Construction Environmental Management Plan (CEMP) under Schedule 2, Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**. <u>Crabtree Wood Site of Special Scientific Interest (SSSI)</u> Crabtree Wood SSSI (which the Council refers to as Crab Wood SSSI) is designated for its base-rich flush habitats. It lies about 0.9km south-east of W3, the nearest part of the Proposed Development (**ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.5.5). **ES Chapter 6 [AS-021]** records a hydrological link between the SSSI and the Site. It finds that, with the outline CEMP (oCEMP) pollution prevention measures in place, there is no pathway to affect its designated features, and the effect is Not Significant (paragraph 6.7.6; Table 6-13). The Water Framework Directive assessment records that no groundwater-dependent terrestrial ecosystems are known to be present in its Study Area, which extends 1km around the Order Limits (**ES Appendix 10.3: Water Framework Directive Assessment [AS-056]**, paragraph 10.3.13 and the groundwater bodies impact assessment table, Chemical GWDTEs Test row, printed page 52). The effect of the works on groundwater receptors, including where drilling is proposed, is assessed as Negligible (**ES Chapter 9 [APP-061]**, paragraph 9.7.29). The Applicant does not believe there is a pathway for EMF to impact groundwater, and therefore no impacts

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		from EMF are anticipated for groundwater dependent terrestrial ecosystems. Potential impacts of heat from buried cables causing thermal changes in groundwater is assessed in 9.7.54 in **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**.
RR-0454/51	4.2.11 The spatial scope does not state that sensitive ecological receptors within 200 m of the affected road network will be assessed in relation to potential for air quality impacts. Within the ES no consideration of the proximity of sensitive ecological receptors within 200 m of the affected road network is provided.	Sensitive ecological receptors within 200m of the affected road network were identified and screened in the air quality assessment. **Environmental Statement (ES) Chapter 12: Air Quality [APP-064]**, paragraph 12.4.5, states that "For traffic screening, ecological receptors within 200m of the likely construction traffic routes have been considered" in line with Design Manual for Roads and Bridges (DMRB) guidance. Paragraph 12.4.8 of **ES Chapter 12 [APP-064]** names the designated sites within 200m of the construction traffic routes: Edlington Wood, Potteric Carr, Sprotbrough Gorge, Lindrick Golf Course, Anston Stones Wood and Crabtree Wood Sites of Special Scientific Interest (SSSIs). Paragraphs 12.4.21 to 12.4.24 set out the DMRB screening criteria, a change of 1,000 annual average daily traffic (AADT) or 200 heavy duty vehicle (HDV) AADT. Under these criteria those six sites are included in the assessment. Only sites sensitive to nitrogen deposition need be included, and non-statutory sites are not subject to critical loads (paragraph 12.4.23). For human receptors, the construction traffic changes can be screened out based on the Institute of Air Quality Management (IAQM), Defra and DMRB criteria. This is because construction in any one location is expected to last less than 24 months (**ES Chapter 12 [APP-064]**, paragraphs 12.7.11 to

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		12.7.15). Having found that the roads screen out for human receptors, **ES Chapter 12 [APP-064]** screens out additional assessment of ecological receptors. It concludes that no significant effects are expected from construction traffic on human or ecological receptors (paragraph 12.7.16; Table 12.13). **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.5, reaches the same conclusion for construction traffic emissions on the nationally designated sites as important ecological features. Paragraph 6.7.4 draws on ES Chapter 12 for construction dust. The 250m Study Area referred to in paragraph 6.7.5 of **ES Chapter 6 [AS-021]** does not replace the 200m screening distance. The conclusion in paragraph 6.7.5 is consistent with the DMRB 200m screening in **ES Chapter 12 [APP-064]** (paragraphs 12.4.5 and 12.7.16).
RR-0454/52	**Assumptions** 4.2.12 The assessment of impacts is reliant on a large number of assumptions (Para 6.4.58- 6.4.14 [assumed formatting issue with numbering]), relating to the loss of the qualifying features of a designated site (Brampton Common LWS), the loss of habitat, design and construction methodology. At this stage of the application, it is not considered appropriate to rely on assumptions, particularly where this relates to the loss of the qualifying features of a designated site (Brampton Common LWS), design or the construction methodology which is required to be implemented to avoid impacts to an important ecological feature (IEF).	The assumptions stated in **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** are in the Assumptions section that follows paragraph 6.4.58, where the paragraph numbering restarts. The principal assumptions are tied to controls the Order secures. Where a feature cannot be avoided, the assessment reports the effects that remain. The Council's three examples are taken in turn below. Brampton Common Local Wildlife Site (LWS) The assumption is that the species-rich hedgerows for which the LWS is designated are avoided as far as practicable and existing track entrances are used. There is one stated exception: part of an Important

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		Hedgerow on the southern boundary is lost to a new track (**ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.4.58). The assessment includes that exception. Paragraph 6.7.12 assesses the permanent loss of a 6m section of that hedgerow. Paragraph 6.7.13 reports a significant adverse construction effect on the LWS, which the Brampton Local Wildlife Site Strategy in section 6 of the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** compensates. Skylark displacement, including within the LWS, is assessed on the precautionary basis in paragraph 6.7.156 of **ES Chapter 6 [AS-021]**. **Habitat loss** The losses are shown on the **Vegetation Removal Plans [AS-007]**. The **Outline Design Parameters [APP-158]** set minimum offsets for the solar arrays, Battery Energy Storage System (BESS), substations and primary construction compounds (Work Nos. 1, 3, 4 and 8): 5m from hedgerows, 10m from watercourses, drainage ditches and waterbodies, 15m from trees and 25m from woodland. Schedule 2, requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]** requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters. **Design and construction methodology** Trenchless cable crossings at least 1.5m below the watercourse bed are a parameter for Work No. 2 in the **Outline Design Parameters [APP-158]**. The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, requires watercourse

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		crossings designed to the Design Manual for Roads and Bridges. It also requires the reinstatement of disturbed areas in accordance with the CEMP and the outline LEMP. Upgrades to existing crossings stay within the existing footprint on a like-for-like basis (**ES Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.6.28).
RR-0454/53	**Embedded Mitigation** 4.2.13 The embedded mitigation measures refer to further details being provided within the submitted oCEMP. However, the oCEMP only provides summary information on how construction related impacts are to be avoid or reduced. The ES chapter refers to RAMS being provided for reptiles but these are not included with the oCEMP, unless they are being provided separately. 4.2.14 It is considered that insufficient detail is provided within the oCEMP for it to provide certainty that appropriate measures will be taken to avoid or reduce impacts to the IEF's which have been identified. On this basis, any conclusions that impacts on IEF's will be not significant based on the proposed embedded construction mitigation measures cannot be substantiated.	The **outline Construction Environmental Management Plan (CEMP) [APP-042]** is an outline document by design. Requirement 4(1) and (2) in Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009]** require the detailed CEMP for each part to be substantially in accordance with the outline CEMP. They also require it to be approved by the relevant planning authority before that part commences, other than permitted preliminary works, which include site clearance and vegetation removal (article 2 of the **dDCO [AS-009]**). Requirement 4(4) of the **dDCO [AS-009]** requires construction to follow the approved CEMP. The measures on which the conclusions of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** depend are set out in full in section 6.6 of that chapter, and the outline CEMP carries them forward. Paragraph 1.4.1 of the **outline CEMP [APP-042]** states that the measures in Table 1.2 are the minimum environmental controls for construction. The Biodiversity and Nature Conservation rows of Table 1.2 of the **outline CEMP [APP-042]** commit to:

ID	Representation	Applicant Response
		- habitat protection buffers for woodland, trees, hedgerows, watercourses and ponds; - biosecurity and invasive non-native species (INNS) controls; - pollution prevention and sediment control; - pre-construction checks, precautionary working methods and exclusion fencing; - species-specific measures for bats, great crested newt, otter, water vole, reptiles, nesting birds and badger within the CEMP and method statements; - an Ecological Clerk of Works (ECoW) authorised to halt work. For reptiles, the Reasonable Avoidance Measures are set out in **ES Chapter 6 [AS-021]**, paragraphs 6.6.47 to 6.6.49 and will be secured through the CEMP. These are the measures on which the not significant effect for reptiles rests (**ES Chapter 6 [AS-021]**, Table 6-13). Species mitigation, including for reptiles, is secured through the CEMP in accordance with the outline CEMP and informed by the Chapter 6 assessment.
RR-0454/54	4.2.15 The oLEMP, whilst more detailed than the oCEMP still lacks details on certain aspects. Key concerns are as follows. 4.2.16 Tussock grassland is proposed around the panels however it is also stated that it is to be sheep grazed. Maintenance of tussock grassland alongside sheep grazing is largely incompatible unless grazed at very low densities. No information is presented with the oLEMP on how grazing will be managed to create areas of tussock grassland.	Table 7-7 of the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** divides the solar arrays into two areas, including: - About 600ha is managed as tussock and grassland for productive grazing, sown mostly with grass and some legumes and wildflowers. - About 140ha is managed for plant biodiversity, sown with a tussocky grass mix.

ID	Representation	Applicant Response
		The outline LEMP therefore does not propose that the whole of the panel area be both tussock grassland and grazed by sheep. There is a distinction between how these respective areas will be managed. Paragraph 7.4.60 of the **outline LEMP [APP-046]** states that the Applicant intends to graze sheep on the land other than where it is to be managed for other mitigation or enhancement priorities. The long-term management prescriptions for tussock and grassland provide that areas set aside from grazing are cut strategically to leave both taller and shorter swards, with arisings removed (**outline LEMP [APP-046]**, paragraph 7.4.7, in the restarted numbering after paragraph 7.4.61). The location and proportion of seed types are to be tailored to conditions, shading and the frequency of grazing (**outline LEMP [APP-046]**, paragraph 7.4.1, following paragraph 7.4.61). The biodiversity net gain assessment does not depend on tussock structure being achieved in the grazed areas. **Environmental Statement (ES) Appendix 6.4: Biodiversity Net Gain Report [APP-096]**, paragraph 6.4.99, assumes that the grassland under the panels becomes modified grassland in only poor condition.
RR-0454/55	4.2.17 100 skylark plots on 50 ha of land outside the order limits is proposed. However, there is no indication of where this land is located or any commitments from adjacent landowners to allow skylark plots to be created.	The **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** sets out provisions for skylark plots (paragraph 7.4.43): • about 100 plots across about 50ha of land outside the Order Limits; • in large, open, winter-sown cereal fields with little or no spring cropping;

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		• an average of two plots per hectare, each about 16m2; • implemented every year for 20 years. Paragraph 6.7.157 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** states that they will be created in arable fields close to the Site. The Applicant has identified in excess of 50ha of land in the vicinity of the Site that is suitable for skylark plots. It is in discussions with the landowners to secure sufficient land to fulfil the provisions of the **outline LEMP [APP-046]**. The location of the plots will be included in the LEMP. The LEMP requires the approval of the relevant planning authority, after consultation with Natural England, under Schedule 2 Requirement 7 of the **dDCO [AS-009]**
RR-0454/56	4.2.18 Five barn owl boxes are proposed. However, there is no proposed location plan provided. Barn owl boxes should not be encouraged to nest within 1 km of a motorway as per best practice guidance. The majority of the site is located within 1 km of a motorway. A location plan should be provided identifying where the boxes are to be located to ensure that they are not installed too close to the motorway.	The **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** specifies five barn owl boxes, alongside five tawny owl and five kestrel boxes. It requires their placement to follow good practice guidance, citing the Barn Owl Trust nestbox guidance (Bat and bird boxes, paragraph 7.4.40 and footnote 1). The guidance cited includes the requirement to avoid locations within 1 km of a motorway or other fast, unscreened main road, therefore this commitment is already included. Paragraph 7.4.41 states "Locations of boxes will be determined as part of the final LEMP." That LEMP requires the approval of the relevant planning authority, after consultation with Natural England, under Requirement 7 of the **draft Development**

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		Consent Order (dDCO) [AS-009] The boxes are an enhancement, not the basis of the assessment. **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.159, rests the benefit to barn owl principally on the grassland established between and beneath the panels. A minimum of five boxes, installed and maintained to best practice guidance, is a further enhancement.
RR-0454/57	**BNG habitat creation and enhancement** 4.2.19 CDC in their consultation response dated 24.10.25 specifically stated…given the specific nature of the Project overall, with the Order limits comprising three very separate and distinct land parcels, CDC's expectation would be for each of the parcels to be appraised individually for their biodiversity net gain opportunities, and for those to be clearly set out and quantified separately within the final ES, and the DCO itself. This has not been completed and not justification to why has been provided.	The Applicant's position is that BNG should be calculated and presented for the Proposed Development as a whole. This approach aligns with the recently published Nationally Significant Infrastructure Projects: Biodiversity Gain Statement for Energy (June 2026: Nationally significant infrastructure projects: biodiversity gain statement for energy) which requires the BNG assessment to be based on a defined BNG boundary across the Order Limits and does not require biodiversity losses, gains or net gain outcomes to be calculated independently for separate parcels or local authority areas. This approach enables habitat losses and gains to be considered across the Project and to demonstrate compliance with the statutory biodiversity gain objective. There is no requirement within the Biodiversity Gain Statement for Energy for each discrete area to independently achieve or demonstrate biodiversity net gain.
RR-0454/58	4.2.20 The BNG report or the oLEMP does not take into consideration the South Yorkshire Local Nature Recovery Strategy.	**Environmental Statement (ES) Appendix 6.4: Biodiversity Net Gain (BNG) Report [APP-096]**, paragraphs 6.4.36 to 6.4.42, addresses the South Yorkshire Local Nature Recovery Strategy (LNRS) directly. It records that the LNRS was not published at

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		the time of writing (**BNG Report [APP-096]**, paragraph 6.4.39). In that situation, the metric guidance provides for alternative documents to be used (**BNG Report [APP-096]**, paragraph 6.4.39). In the absence of a published LNRS and following the metric guidance, strategic significance was assigned using: • the Doncaster and Rotherham Local Biodiversity Action Plans and habitat action plans; • the South Yorkshire natural capital and biodiversity mapping report. The two councils describe these documents as the evidence that will inform the LNRS (**BNG Report [APP-096]**, paragraphs 6.4.40 and 6.4.41). The **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** states that flexibility to refine these proposals post consent will allow for alignment with relevant Local Nature Recovery Strategies, once published (paragraphs 1.3.3 and 4.2.6). The published LNRS can be applied through the detailed LEMP, which requires the approval of the relevant planning authority under Requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]**.
RR-0454/59	4.2.21 There are errors with how the BNG assessment has been completed which are detailed below. Appendix 6.2 - UK Habitat Survey 6.2.1 w2a Native Pine Woodlands listed as occupying 0.08ha of land (0.01% of the Site), This is a rare and restricted habitat within the UK. Further evidence is required to support this classification	The classification of this stand has no bearing on the net gain result or on any assessed effect. **Environmental Statement (ES) Appendix 6.2: UK Habitat Survey Report [APP-094]** records 0.08ha of w2a native pine woodland (0.01 per cent of the Site) from the UKHab field survey, with the stand comprising Scots pine trees. It is acknowledged that

ID	Representation	Applicant Response
		W2b Other Scots Pine Woodland may potentially have been a more appropriate classification. However, this does not affect the outcome of the Biodiversity Net Gain assessment. **ES Appendix 6.4: Biodiversity Net Gain Report [APP-096]**, Annex 6.4B, Table 6.4.5, records the stand (0.086ha, poor condition) as retained in full. No area is lost, and its 0.593 baseline units are carried unchanged into the post-development calculation. Retained habitat counts the same before and after development, so a different woodland code would not reduce the predicted gain. The stand is also protected whatever its classification. No habitat loss is recorded against it. The **Outline Design Parameters [APP-158]**, Table 2.1, set a minimum offset of 25m from woodland for the solar arrays, Battery Energy Storage System (BESS), substations and primary construction compounds (Work Nos. 1, 3, 4 and 8). The detailed design must accord with those parameters under Schedule 2, Requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]**, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would result.
RR-0454/60	Appendix 6.4 – BNG 6.4.25 Habitats within the Cable Corridor were in certain cases assigned to UKHab habitat through desk study and aerial imagery however, it is not clear how Habitat Condition for these habitats was assigned. It states in 6.4.57 that condition assessments within the Cable Corridor was achieved by assigning the highest recorded habitat condition elsewhere within the survey area. Cable Routes more often and not	While habitat condition may vary between landholdings, it is important to recognise that such variation could result in habitats being either higher or lower condition than those surveyed elsewhere. In the absence of site-specific condition assessments, there is no evidence to support a consistent upward or downward adjustment. The condition assignment approach was therefore considered a reasonable and

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	pass through multiple land ownerships where habitat management and land management aren't necessarily the same. Whilst this may artificially inflate the baseline habitat score within the CRC, as stated, it also has the potential to undermine the value of the Cable Corridor habitats.	proportionate proxy for assessment purposes and seeks to provide a representative estimate of baseline habitat condition while acknowledging the inherent uncertainty associated with desk-based habitat classification. The approach is considered to present a reasonable case assessment as outlined in the recently published Nationally significant infrastructure projects: biodiversity gain statement for energy (Nationally significant infrastructure projects: biodiversity gain statement for energy) "*Where it is not possible to access any part of the site and there is insufficient alternative evidence about the biodiversity value of the habitats on the site at the outline biodiversity gain plan stage, the baseline calculation should be taken to be the highest biodiversity value of the on-site habitat which is reasonably supported by the available evidence relating to the site*" . The Cable Corridor works are temporary, and grassland is lifted, stored and reinstated after cable laying (commitment C6 of the **Commitments Register [EN0110020/APP/6.20.1]** (Rev 02 - to be submitted at PD-A)). The **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** records that the baseline for monitoring will require updating before construction. Surveys will be targeted to areas where relevant ecological receptors have been identified and habitat creation for their benefit is proposed (paragraph 9.1.1).
RR-0454/60a	Appendix 6.4 – BNG 6.4.62	The Applicant notes the Council's comment on the classification of native pine woodland at paragraph 6.4.62 of **Environmental Statement (ES) Appendix**

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	Woodland and forest - Native pine woodlands. This is a rare and restricted habitat within the UK. Further evidence is required to support this classification.	**6.4: Biodiversity Net Gain Report [APP-096]**. This is the same 0.08ha stand of Scots pine addressed in the response to RR-0454/59. As set out there, it is acknowledged that W2b Other Scots Pine Woodland may potentially have been a more appropriate classification. The classification does not affect the Biodiversity Net Gain result or any assessed effect. **ES Appendix 6.4 [APP-096]**, Annex 6.4B, Table 6.4.5, records the stand as retained in full. No area is lost, and its baseline units are carried unchanged into the post-development calculation, so a different woodland code would not reduce the predicted gain. The stand is also protected whatever its classification, as the **Outline Design Parameters [APP-158]**, Table 2.1, set a minimum offset of 25m from woodland for the solar arrays, Battery Energy Storage System, substations and primary construction compounds.
RR-0454/61	Appendix 6.4 – BNG 6.4.88 Arable field margins are proposed to be created alongside field boundaries within fields set out for solar pv. These fields will be modified grassland and no longer be considered arable fields. By their very nature as a priority habitat, arable field margins can only exist under that description when present adjacent to arable fields. .	The Applicant acknowledges that arable field margins are generally associated with the margins of cultivated arable land and may not represent the most appropriate habitat classification where adjacent land is no longer managed as cropland. However, the proposed habitat has been classified as arable field margin to reflect the seed mixes and management prescriptions set out within the Outline LEMP, namely Countryside Stewardship mixes AB8 (Flower-rich Margins and Plots), AB16 (Autumn-sown Bumblebird Mix) and AB9 (Winter Bird Food).

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		It is recognised that an alternative habitat classification within the Biodiversity Metric could be Other Neutral Grassland (ONG). However, it should be noted that both arable field margins and ONG are assigned a Medium distinctiveness value within the Statutory Biodiversity Metric. Furthermore, if ONG were assumed to achieve Poor condition, the biodiversity units generated by the proposed 6ha habitat creation would be almost equivalent (<1BU less) to those currently calculated for the arable field margin habitat. Consequently, the choice of habitat classification is not considered to materially affect the post-development biodiversity unit calculations or the overall Biodiversity Net Gain outcome presented within the assessment.
RR-0454/62	**Assessment of effects** 4.2.22 As previously stated, there are concerns with the robustness of the baseline survey data which has been collected and used to inform the assessment of effects presented in the ES. 4.2.23 With regards to the proposed embedded mitigation measures provided within the oCEMP and oLEMP it is not considered that sufficient information has been provided at this stage for these to be relied upon to determine that there will be no significant impacts to the relevant important ecological features (IEF's).	Paragraph 6.4.12 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** records that sufficient baseline has been gathered to base the assessment on. The further survey work is to ensure readiness for implementation, and its outputs are to be provided to the Examining Authority. Where survey limitations arose, the assessment adopted a reasonable worst case (**ES Chapter 6 [AS-021]**, Limitations section, paragraphs 6.4.17 onwards). For example, skylark density recorded on accessible land was applied to fields that could not be accessed (**ES Chapter 6 [AS-021]**, paragraph 6.4.28 of that section). Most or all skylark nesting within the arrays is assumed to be displaced (paragraph 6.7.156). The **outline Construction Environmental Management Plan (CEMP) [APP-042]** and **outline**

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		Landscape and Ecology Management Plan (LEMP) [APP-046] are outline documents. Requirements 4 and 7 in Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009]** require the detailed CEMP and LEMP to be substantially in accordance with them. They must be approved by the relevant planning authority before the relevant part of the development commences. The conclusions on each Important Ecological Feature (IEF) rest on the measures set out in section 6.6 of **ES Chapter 6 [AS-021]**, which those plans carry forward. The Council's specific points on survey timing and completeness, the breeding bird survey, the embedded mitigation in the outline CEMP and the grazing regime in the outline LEMP are answered in the responses to RR-2316/52, RR-2316/53, RR-2316/57 and RR-2316/58. Results of further surveys to date, to be updated during examination, do not change the outcome and findings of the submitted assessment (**ES Chapter 6 [APP-058]** from when it was submitted, (Updated Rev 2 **[AS-021]**), remains suitably robust.
RR-0454/63	4.2.24 Specific concerns regarding the assessment of effects on the IEF's which are identified within the ES are provided below. <u>SSSI's</u> 6.7.2-6.7.6 SSSI are assessed as one IEF. Given they will have differing qualifying features and potential impact pathways, these should be considered separately.	The Sites of Special Scientific Interest (SSSIs) share a heading in section 6.7 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**. Their features and pathways are identified individually, and the assessment distinguishes between them where that matters. Table 6-11 of **ES Chapter 6 [AS-021]** sets out each SSSI's distance from the Site and its designated features. Examples are ancient woodland and

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		botanical interest at Crabtree Wood and Anston Stones Wood, species-rich limestone grassland at Lindrick Golf Course, ancient yew woodland at Edlington Wood, and marshland, open water and ancient woodland at Sprotborough Gorge. The table also identifies which SSSIs are close enough to haulage routes to be screened for air quality. Based on the designation features of the SSSI's, two pathways were identiafied and then assessed: - Air quality from construction traffic (**ES Chapter 6 [AS-021]**, paragraph 6.7.5). This draws on **ES Chapter 12: Air Quality [APP-064]**, which identified each designated site within 200m of the construction routes by name (paragraphs 12.4.8 and 12.4.24). Having found that the roads screen out for human receptors, ES Chapter 12 screened out additional assessment of ecological receptors and concluded that no significant effects are expected on them (paragraph 12.7.16). - Water pollution through hydrological connectivity (**ES Chapter 6 [AS-021]**, paragraph 6.7.6). This distinguishes Sprotborough Gorge, the only SSSI with aquatic designated features, from Crabtree Wood, Anston Stones Wood, Lindrick Golf Course and Roche Abbey Woodlands, whose features are terrestrial. **ES Chapter 6 [AS-021]** gives Crabtree Wood as the nearest SSSI to the Site, at about 0.9km (Table 6-11). **ES Chapter 10: Water Resources and Flood Risk [AS-023]** records a small section of Anston Stones Wood SSSI to the east of South Anston and Cable Corridor CRL (paragraph 10.5.48). No nationally designated site is within the Order Limits (**outline**

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		Landscape and Ecology Management Plan [APP-046], paragraph 3.1.14). **ES Chapter 12 [APP-064]** records none within 250m of them (paragraph 12.4.7). No SSSI is therefore subject to land take or construction dust. The effect on each SSSI is negligible for these reasons. The Applicant considers that a separate section for each site would not change any conclusion. The pollution prevention and drainage measures relied on are secured through the Construction Environmental Management Plan (CEMP) under Requirement 4, Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009]**.
RR-0454/63a	Crabtree Woods SSSI supports wet flushes, yet no consideration of impacts via changes to ground water conditions/ surface drainage is provided.	**Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.5.49, states the SSSI is hydrologically disconnected from the Proposed Development. Therefore, it will not be impacted by changes to surface water. **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**, paragraphs 9.7.27 to 9.7.29, assesses the effect of trenchless crossings, piles and below-ground structures on groundwater flow and quality. It finds the effect Negligible and Not Significant with embedded mitigation. That mitigation includes managing trenchless crossings to industry best practice to prevent release of drilling fluids. Groundwater controls are secured through the Construction Environmental Management Plan (CEMP) under Requirement 4, Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009]**. The Water Framework Directive assessment records that no groundwater-dependent terrestrial ecosystems

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		(GWDTEs) are known to be present in its Study Area, which extends 1km around the Order Limits (**ES Appendix 10.3: Water Framework Directive Assessment [AS-056]**, paragraph 10.3.13 and the groundwater bodies impact assessment table, Chemical GWDTEs Test row, printed page 52). **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** records a hydrological link between the SSSI and the Site (paragraph 6.7.6; Table 6-13), however, this was assessed in error and there is no pathway for pollution to affect its SSSI designated features, and the effect is not significant (paragraph 6.7.6; Table 6-13). The Council's related point on groundwater effects, including at drilled crossings, is answered in the response to RR-0454/51
RR-0454/63b	Consideration of impacts to IEFs within 200 m of the affected road network has not been considered. Wording suggests IEFs within a 250 m radius of the Study area have been assessed but this is not the correct approach. See Air pollution and development: advice for local authorities - GOV.UK	As set out in **Environmental Statement (ES) Chapter 12: Air Quality [APP-064]**, paragraph 12.4.5, states that "For traffic screening, ecological receptors within 200m of the likely construction traffic routes have been considered". This is in line with Design Manual for Roads and Bridges (DMRB) guidance. Paragraph 12.4.8 names the designated sites within 200m of the construction traffic routes: Edlington Wood, Potteric Carr, Sprotbrough Gorge, Lindrick Golf Course, Anston Stones Wood and Crabtree Wood Sites of Special Scientific Interest (SSSIs). Paragraphs 12.4.21 to 12.4.24 set out the DMRB screening criteria, a change of 1,000 annual average daily traffic (AADT) or 200 heavy duty vehicle (HDV) AADT, under which those six sites are included in the assessment.

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		For human receptors, the construction traffic changes screen out on Institute of Air Quality Management (IAQM), Defra and DMRB criteria (**ES Chapter 12 [APP-064]**, paragraphs 12.7.11 to 12.7.15). Having found that the roads screen out for human receptors, **ES Chapter 12 [APP-064]** screens out additional assessment of ecological receptors. It concludes that no significant effects are expected from construction traffic on human or ecological receptors (paragraph 12.7.16; Table 12.13). The Important Ecological Features (IEFs) within 200m of the affected road network have therefore been considered. **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.5, reaches the same conclusion for construction traffic emissions on the SSSIs as IEFs. Its reference to the SSSIs lying within the 250m Study Area from construction traffic routes records how close they are to those routes. It does not replace the 200m screening distance. The conclusion in paragraph 6.7.5 is consistent with the DMRB 200m screening in **ES Chapter 12 [APP-064]** (paragraphs 12.4.5 and 12.7.16). Construction traffic routes and heavy goods vehicle (HGV) movements are controlled through the Construction Traffic Management Plan (CTMP) secured by Requirement 5, Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009]**. The Council's related point on the spatial scope for ecological receptors near the road network is answered in the response to RR-0454/50.

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RR-0454/64	Firsby Reservoir LNR 6.7.7 No consideration of the impacts of pollution or sediment run-off entering the LNR via surface water run-off.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** assesses pollution and sediment run-off reaching Firsby Reservoir Local Nature Reserve (LNR) through surface water, under the heading LNRs and LWSs - Aquatic Pollutants. Paragraph 6.7.32 of **ES Chapter 6 [AS-021]** names Firsby Reservoir LNR among the local sites that may be subject to aquatic pollution effects. Paragraphs 6.7.33 and 6.7.34 of **ES Chapter 6 [AS-021]** conclude that, with the pollution prevention and drainage measures of the outline Construction Environmental Management Plan (CEMP) in place, the pathway is removed. The effect is negligible and not significant (Table 6-13, Designated Sites - Aquatic Pollution on LNRs and LWSs). Paragraph 6.7.7 of **ES Chapter 6 [AS-021]**, which the Council cites, deals with the other pathways to the same site: dust, lighting, noise and vibration, referencing the oCEMP that includes measures to remove pathways for effects. This would be extended to LWSs and LNRs designation for measures to address impacts of pollution or sediment run-off in the oCEMP. **ES Chapter 10: Water Resources and Flood Risk [AS-023]** assesses pollution impacts in Paragraphs 10.7.1 to 10.7.8 noting pollution can enter reservoirs in Paragraph 10.7.2. Sediment mobilisation towards waterbodies aka reservoirs are assessed in Paragraphs 10.7.9 to 10.7.17. The mitigation to prevent impacts in relation to both of these effects is set out in Section 10.6 of **ES Chapter 10 [AS-023]** and would be implemented through the CEMP.

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		Requirement 4, Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009]** secures measures within the CEMP and requires the document to include an incident response plan (Requirement 4(2)(e)).
RR-0454/65	Brampton Common LWS 6.7.8 The breeding bird survey has some significant limitations and therefore the conclusion that the LWS supported the lowest density of skylark within the survey area cannot be substantiated. Impact assessment does not fully consider the loss of skylark breeding territory. 36 ha would be lost, yet impact is stated as low magnitude, local, adverse.	Paragraph 6.7.9 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** reports that the breeding bird survey found Brampton Common Local Wildlife Site (LWS) to have one of the lowest skylark densities within the Order Limits. The data are in **ES Appendix 6.6: Breeding Bird Survey Report [AS-032]**. Where access limited the survey, the assessment took a reasonable worst case. Skylark density on accessible land was applied to fields that could not be surveyed, to estimate the population across the Order Limits (**ES Chapter 6 [AS-021]**, paragraph 6.4.28 of the Limitations section). The late survey starts are recorded as a limitation (paragraph 6.4.29 of that section). Given the LWS designation for Brampton Common, breeding bird surveys were repeated in 2026. Surveys covered the entirety of the LWS and identified ten confirmed and four possible territories. Full results and discussion of changes are presented in the updated Breeding Bird Survey Report [AS-032], available for examination. Fourteen territories across the 145 ha LWS equates to 0.097 territories per ha, with 0.062 territories per ha where the Order Limits overlap with the LWS. The original breeding bird surveys identified a density of 0.163 territories per ha across the Order Limits as a whole, or 0.178 using the corrected measure of territories. As such, although numbers of skylark territories found within the LWS in 2026 were slightly

ID	Representation	Applicant Response
		higher than in 2025, they remained notably below the average across the Order Limits. In line with the pattern of occurrence in the wider Order Limits, the greater proportion of territories within the LWS were in crop or set-aside fields, which were outside of the Order Limits. Habitats within many fields of the LWS remain suboptimal for skylark, including much of the habitat due to be lost. The proposed Management Plan would offer a mechanism for minimising effects on breeding skylark within the LWS and more broadly restoring and enhancing habitats for biodiversity. The low magnitude the Council quotes is the construction effect on the structure and function of the LWS as a whole. That effect is assessed as significant (paragraph 6.7.13). It is compensated through the Brampton Local Wildlife Site Strategy in section 6 of the outline LEMP, which Requirement 7, Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009]** secures.
RR-0454/66	Axle Lane LWS 6.7.15 Designated for an eyebright species which is associated with herb rich calcareous grassland. However, there is no consideration of whether this grassland type is present. No surveys for eyebright (a late flowering species) have been completed and therefore the distribution of this plant within the LWS is unknown. Proposed construction measures are reliant on removing turfs and re-instating these. However, there is no consideration of the ecology of this eyebright species and the	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** identifies chalk eyebright (Euphrasia pseudokerneri) as a designated feature of Axle Lane Local Wildlife Site (LWS) (Tables 6-9 and 6-11). The works at the LWS are limited to cable laying along Cable Corridor CRL and a temporary access junction with visibility splays (**ES Chapter 6 [AS-021]**, paragraph 6.7.15). Given the eyebright grows in the LWS grassland, the assessment treats it as likely to be present there rather than relying on its absence. The mitigation therefore

ID	Representation	Applicant Response
	correct timing of turf removal to ensure the plant remains on-site (assuming eyebright occurs within the works area)	protects the grassland itself. Turf is lifted, stored away from the works for the short period of cable laying and reinstated within the LWS, so the grassland is disturbed but not lost (**ES Chapter 6 [AS-021]**, paragraphs 6.7.18 and 6.7.20). The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, applies where protected or priority species are identified through post-consent or pre-construction surveys. Species-specific working methods, mitigation measures and timing constraints are then written into the CEMP before works start in the affected area. Works may not proceed until those measures are agreed and in place, under Ecological Clerk of Works (ECoW) supervision. Chalk eyebright is a Section 41 priority species (**ES Chapter 6 [AS-021]**, Table 6-11). If it is identified through post-consent or pre-construction surveys, the timing of turf lifting relative to its flowering and seeding falls within that control. This is secured through the CEMP under Schedule 2, requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**.
RR-0454/67	Chesterfield Canal LWS 6.7.23- 6.7.27 It is considered that insufficient detail is provided in the oCEMP to allow for the conclusion of no significant impact to be made.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraphs 6.7.23 to 6.7.27, identifies three pathways to Chesterfield Canal Local Wildlife Site (LWS). The conclusion on each rests on specific controls. Water pollution via Broad Bridge Dike (**ES Chapter 6 [AS-021]**, paragraph 6.7.24) The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2 (Water Resources and Flood Risk rows), sets

ID	Representation	Applicant Response
		watercourse buffers of 10m for minor and 50m for major works. It also requires: - bunded storage with 110 per cent containment; - no storage or compounds in the floodplain; - spill kits and response procedures; - no concrete wash-out within 10m of a watercourse; - silt fencing, silt traps and check dams; - settlement lagoons at larger excavations. The new crossing of Broadbridge Dyke is proposed as a bridge (**ES Chapter 10: Water Resources and Flood Risk [AS-023]**, Table 10.15). The cable crossing (**ES Chapter 6 [AS-021]**, paragraph 6.7.25) The canal is to be crossed by trenchless methods, expected to be at a minimum depth of 3m. The detailed design must accord with the minimum depth beneath watercourses parameters (**outline CEMP [APP-042]**, Table 1.2) and under Schedule 2, requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]**, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would occur, in comparison with those reported in the environmental statement. The **outline CEMP [APP-042]**, Table 1.2 (aquatic habitats row), requires trenchless crossings beneath watercourses to be designed to maintain an appropriate minimum depth below the channel bed, to avoid disturbance to substrates and aquatic habitats. **ES Chapter 6 [AS-021]**, paragraph 6.7.25, records that disturbance to sediments is addressed through

ID	Representation	Applicant Response
		the general protective and pollution prevention measures of the outline CEMP. Noise, light and vibration from the crossing works (**ES Chapter 6 [AS-021]**, paragraph 6.7.26) The **outline CEMP [APP-042]**, Table 1.2 (noise and vibration rows), requires a management approach that keeps construction vibration at Chesterfield Canal below 15mm/s. **ES Chapter 6 [AS-021]** records that lighting controls are expected to follow the Outline Design Parameters and Institution of Lighting Professionals (ILP) guidance to avoid light spill onto sensitive habitats (paragraph 6.7.26). White-clawed crayfish, recorded by eDNA in the canal and in Broad Bridge Dike, are protected by the biosecurity, timing and licensing measures in paragraph 6.6.51 of **ES Chapter 6 [AS-021]**. Schedule 2, requirement 4 of the **dDCO [AS-009]** requires the detailed CEMP to be substantially in accordance with the outline CEMP and approved by the relevant planning authority before that part of the development commences.
RR-0454/68	Wet woodland 6.7.49 No consideration of the impacts of the track construction on the hydrology of the woodland. E.g. will there be an impact on surface water reaching the woodland and if so would this be permanent. Would this result in the drying out of the woodland?	As set out in **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.6.23, access tracks will be constructed from permeable aggregate to encourage infiltration of rainwater, and be combined with appropriate track drainage systems such that hydrological connectivity to surrounding habitats is maintained. The new Anston Brook access track crossing (crossing 3) is proposed as an open-span bridge (**ES Chapter 10 [AS-023]**, Table 10.15). During construction of the

ID	Representation	Applicant Response
		crossing where there is the need for in-channel works, flow will be maintained so as not to impact downstream receptors as set out in **ES Chapter 10 [AS-023]**, paragraph 10.6.29. The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, repeats these as construction controls. The crossing will be designed to have sufficient capacity so that during operation normal conveyance of water is maintained (paragraphs 10.6.25 and 10.6.26 of **ES Chapter 10 [AS-023]**), such that the crossing does not impact surface water reaching downstream habitats. The loss within the wet woodland is a section up to 6m wide, 0.03ha or 0.9 per cent of the 3.29ha of wet woodland in the Order Limits. **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** reports this as a permanent loss and a low magnitude, local, adverse Significant effect in the medium term. It is compensated through the wet woodland enhancement in the outline Landscape and Ecology Management Plan (LEMP) (paragraphs 6.7.49 to 6.7.51). The crossing is micro-sited under Ecological Clerk of Works (ECoW) supervision (paragraph 6.7.49).
RR-0454/69	<u>Otter and water vole</u> 6.7.71 The proposed precautionary approach cited as being sufficient to avoid potential effects to water voles is not detailed within oCEMP.	The proposed approach is set out in **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** and reflected in the the **outline Construction Environmental Management Plan (oCEMP) [APP-042]**.

ID	Representation	Applicant Response
		The Applicant notes water vole was not recorded in the watercourses surveyed within the Site or in the accessible parts of the Cable Corridor (**ES Chapter 6 [AS-021]**, paragraphs 6.6.42 and 6.7.71). For the watercourses not yet surveyed, paragraph 6.6.41 of **ES Chapter 6 [AS-021]** sets out the approach. The remaining stretches will be surveyed for water vole burrows and otter resting places. Where burrows are found, disturbance will be avoided and reduced as far as practicable by micro-siting works, protecting banksides, fencing and keeping passage along the watercourse open. The **outline CEMP [APP-042]**, Table 1.2, provides for: - the protected species row applies precautionary working methods in suitable habitat where survey access has been constrained or presence cannot be ruled out, until surveys or checks confirm otherwise, and requires species-specific measures for water vole in the CEMP and method statements; and - the aquatic habitats row addresses species-specific requirements for water vole through method statements, suitable working methods and Ecological Clerk of Works (ECoW) supervision where applicable. The Applicant considers that the mitigation measures identified within the ES are appropriately reflected in the oCEMP and will be carried forward into the final CEMP and relevant method statements. On this basis, the Applicant does not consider further amendments to the oCEMP necessary, provided all relevant mitigation measures identified within the ES for otter and water vole are appropriately captured.

ID	Representation	Applicant Response
RR-0454/70	White-clawed crayfish 6.7.86 The oCEMP needs to include specific biosecurity measures to prevent the spreads of crayfish plague, given the known presence of signal crayfish in the order limits.	The Applicant notes the Council's comments regarding biosecurity measures to prevent the spread of crayfish plague. Biosecurity measures for crayfish are identified within **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.6.51, which acknowledges the presence of signal crayfish within the Order Limits and identifies measures to prevent the spread of crayfish plague, particularly in watercourses supporting white-clawed crayfish. These include appropriate cleaning, disinfection and drying of equipment and footwear, species-specific working methods and Ecological Clerk of Works (ECoW) supervision where required. These measures are reflected in Table 1.2 of the **outline Construction Environmental Management Plan (oCEMP) [APP-042]**, which provides for biosecurity controls and species-specific mitigation. The Applicant will update the oCEMP to provide further detail on signal crayfish biosecurity measures, including appropriate mitigation for works within or near watercourses known to support white-clawed crayfish, to minimise the risk of contamination and the spread of crayfish plague. The oCEMP will also be updated to include measures for works within or adjacent to the banks and beds of watercourses where signal crayfish may be present, including procedures for the lawful and humane

ID	Representation	Applicant Response
		dispatch and disposal of signal crayfish should they be encountered. These measures will be carried forward into the final CEMP, secured through Requirement 4 of the **draft Development Consent Order [AS-009]**.
RR-0454/71	Bats No assessment of the operational effect of the solar panels on foraging and commuting bats is provided.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** assesses the operational effects of the Proposed Development on foraging and commuting bats at paragraphs 6.7.129 to 6.7.133. The operational pathways it identifies are lighting and the change in habitat. Avoidance of and controls on lighting ensure that any adverse effect would be Not Significant (paragraph 6.7.131). The change in habitat is projected to have a Significant beneficial effect on Bats (paragraph 6.7.133). The Outline Design Parameters **[APP-158]** Table 2.1 specify that the solar panels will have an anti-reflective coating, which will ensure avoidance of operational effects on foraging and commuting bats and the insect prey that they feed on.
RR-0454/72	Skylark 6.7.106 Given that skylark plots are areas of fields kept bare to encourage skylark to breed, how will maintaining crop/ grassland at a height of no more than 15 cm dissuade skylark from breeding? How is cropland to be harvested and	The measure in paragraph 6.7.106 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** is a construction-phase measure. It stops nests being established in fields where works are programmed in the breeding season, so that active nests are not destroyed. Skylark plots do

ID	Representation	Applicant Response
	then maintained in a condition that is unfavourable to nesting skylarks.	not provide nesting habitat or encourage skylark to breed within them. The plots are bare patches that provide foraging habitat for birds nesting in nearby taller crops and are shown to increase nesting productivity. Skylark typically nest in vegetation 20-50 cm tall and therefore maintaining fields at a height less than this, through cutting or removal of ground vegetation, is recognised as a way of discouraging birds to nest. **ES Chapter 6 [AS-021]** recommends that, where construction is planned in the breeding season, skylark breeding habitat is cut or cleared before the breeding season. This includes arable crops and grassland. The habitat is then kept at no more than 15cm to prevent birds from returning to nest. Cropland is harvested as standard agricultural practice and then kept in a condition unfavourable for nesting skylark (paragraphs 6.6.63 and 6.7.106). Other measures include: • pre-construction nest checks are carried out; • any nest found gets an exclusion zone, with works restricted until the Ecological Clerk of Works (ECoW) confirms the young have fledged; and • a toolbox talk is given to contractors (**ES Chapter 6 [AS-021]**, paragraphs 6.6.60 to 6.6.62). Paragraph 6.6.63 of **ES Chapter 6 [AS-021]** records that the precise measures are reviewed case by case and, if necessary, agreed with consultees. The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, requires species-

ID	Representation	Applicant Response
		specific measures for nesting birds within the CEMP, with the ECoW authorised to halt works. Active nests remain protected under the Wildlife and Countryside Act 1981 whatever the Order provides.
RR-0454/73	Barn owl 6.7.108 There are no specific embedded mitigation measures for barn owl within the oCEMP. Assumptions are made that there would be no habitat loss for barn owl. But the temporary loss of habitat is not quantified therefore it is unclear how the conclusion of no significant impact has been reached	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.108, sets out the construction mitigation for barn owl. The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, requires the CEMP to include species-specific measures for nesting birds. Mitigation in paragraph 6.7.108 of ES Chapter 6 includes: • Suitable nesting features are checked before construction. • If a nest is found, a buffer is set in line with Shawyer (2011), adjusted to the stage of breeding and the birds' behaviour, and kept in place until the nesting attempt ends. As a Schedule 1 species, barn owl is also covered by the general breeding bird measures: pre-construction surveys, which for Schedule 1 species may start weeks or months before works, nest exclusion zones and Ecological Clerk of Works (ECoW) supervision (**ES Chapter 6 [AS-021]**, paragraphs 6.6.58 to 6.6.62). The **outline CEMP [APP-042]**, Table 1.2, provides for pre-construction checks where required, exclusion fencing and species-specific measures for nesting birds within the CEMP and method statements, with the ECoW authorised to halt works.

ID	Representation	Applicant Response
		Paragraph 6.7.108 of **ES Chapter 6 [AS-021]** assesses the habitat effect as short-term and of negligible magnitude. Construction is staggered field by field, so only part of the Site is under construction at any time. This is the basis for the same conclusion for lapwing and skylark at paragraphs 6.7.105 and 6.7.107 of **ES Chapter 6 [AS-021]**. Fields are then sown to tussock and grassland, in most cases immediately after the panels are installed (**outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 7.4.61). In operation, that grassland gives barn owl foraging habitat, with a significant beneficial effect (**ES Chapter 6 [AS-021]**, paragraph 6.7.159).
RR-0454/74	Hobby 6.7.109 There are no specific embedded mitigation measures for hobby within the oCEMP.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.109, sets out the mitigation for hobby, including: - Before any works, habitat suitability is reviewed and pre-construction checks identify territory occupancy. - If a territory is found, further survey locates the nest and a buffer is put in place, with prevailing guidance recommending a minimum of 200 to 450m. - The buffer is kept until the nesting attempt ends, with a watching brief if needed. As a Schedule 1 species, hobby is also covered by the general breeding bird measures (**ES Chapter 6 [AS-021]**, paragraphs 6.6.58 to 6.6.62). These include pre-construction survey weeks or months before works and exclusion zones controlled by the Ecological Clerk

ID	Representation	Applicant Response
		of Works (ECoW). The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, provides for pre-construction checks where required and species-specific measures for nesting birds and other priority species within the CEMP.
RR-0454/75	Cettis' warbler Whilst it is acknowledged that this is a species which is expanding its range in the UK it is still listed on Schedule 1 of the WCA 1981 and therefore should not have been scoped out of the assessment. Instead, given the short coming of the breeding bird survey, an assessment of this bird to utilise habitats within the order limits should have been given more consideration.	Cetti's warbler was recorded on surveys and therefore acknowledged as present and assumed to breed within the Order Limits. Given the species' population trend, it is possible that numbers will increase prior to construction. **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, Table 6-11, evaluates the three singing males recorded in the breeding bird survey (**ES Appendix 6.6: Breeding Bird Survey Report [AS-032]**). The species is green-listed. Its UK population increased by 1,122 per cent between 1995 and 2023, and it continues to expand its range northward. All suitable habitat is being retained, and, given the species' conservation status, any assessment would be based on legislative compliance (i.e. avoiding disturbance of a species listed on Schedule 1 of the WCA), rather potential significant effects at a population-level. Schedule 1 WCA 1981 listing protects the bird from disturbance at or near an active nest (**ES Chapter 6 [AS-021]**, paragraph 6.5.10). The breeding bird measures in section 6.6 provide that protection whether or not the species is an IEF (**ES Chapter 6 [AS-021]**, paragraphs 6.6.58 to 6.6.62). These are

ID	Representation	Applicant Response
		secured through the Construction Environmental Management Plan (CEMP) under Schedule 2, requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**.
RR-0454/76	**Operation and Maintenance** Brampton Common 6.7.117 The conclusion of no significant impacts to LWS breeding skylarks within the LWS is based on the assumption that the loss of breeding habitat can be offset via offsite compensation areas. However, no detail on the provision of offsite compensation areas (presumably skylark plots) is provided within the oLEMP. The oLEMP simply says 50 sky lark plots are to be provided outside of the order limits, but no assurance on how this has been or will be secured is provided.	Paragraph 6.7.117 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** relies on two measures together. The first is off-site compensation areas. The second is sensitive management of land within Brampton Common Local Wildlife Site (LWS), as part of the enhancement proposals for the LWS. The conclusion does not rest on off-site plots alone. Within the LWS, the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** sets out a Brampton Local Wildlife Site Strategy (section 6). Of the LWS, 26% is proposed to be within Works No. 6, green infrastructure (**outline LEMP [APP-046]**, paragraph 6.1.1). One of the Strategy's objectives is to "Support and strengthen the breeding skylark population through planting new grassland and sensitive management" (**outline LEMP [APP-046]**, paragraph 6.1.7). Long-term management of the habitats supporting skylark extends across the LWS within the Order Limits (paragraph 6.1.19). There is annual monitoring in the breeding season for five years (paragraph 6.1.20). Across the Order Limits, 303ha of mitigation land and buffer zones will be sown with species-rich grassland from the start of construction, with skylarks among its stated objectives (**outline LEMP [APP-046]**, Table 7-7). Off-site, the outline LEMP provides for approximately 100 plots, rather than 50. They will be on

ID	Representation	Applicant Response
		approximately 50ha of land outside the Order Limits. The plots will be in large open winter-sown cereal fields, at an average density of two per hectare. Each will be about 16m2, and they will be implemented annually for 20 years (**outline LEMP [APP-046]**, paragraph 7.4.43). The outline LEMP states that the Applicant will acquire access to land outside the Order Limits for this purpose (paragraph 7.4.56). Skylark monitoring will be conducted in years 1, 2, 3, 5, 10 and 15 to assess the efficacy of the plots (paragraph 9.1.9).
RR-0454/77	Axle Lane LWS 6.7.123 No consideration given to the eyebright species which is also a qualifying feature of the LWS and who presence suggest also the presence of species rich grassland.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** records that Axle Lane Local Wildlife Site (LWS) is designated for wintering golden plover and for Chalk eyebright *Euphrasia pseudokerneri* (Table 6-9). Chalk eyebright is a priority species under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. ES Chapter 6 assesses the eyebright at paragraphs 6.7.15 to 6.7.20, where the effect arises. The eyebright is therefore included in the assessment. Paragraph 6.7.123 of **ES Chapter 6 [AS-021]** is the operation-phase paragraph for the LWS. It deals with hedgerow, because hedgerow compensation is the measure that continues into operation there. The works within the LWS are cable laying along Cable Corridor CRL and a temporary access junction with visibility splays. These lead to temporary loss of hedgerow, and grassland disturbance for the duration of the cable laying (**ES Chapter 6 [AS-021]**, paragraph 6.7.15). The ES treats the LWS grassland as the habitat in which the eyebright is likely to be

ID	Representation	Applicant Response
		present. The mitigation to protect this species is therefore the protection of the grassland itself. The grassland is removed temporarily, stored away from the works and reinstated within the LWS. Whilst there is very short-term disturbance, protecting the grassland from loss also protects the eyebright (**ES Chapter 6 [AS-021]**, paragraph 6.7.18). The grassland reinstatement preserves Chalk eyebright where it is present (paragraph 6.7.20). Lifting, temporarily storing and reinstating grassland after cable laying will be defined through the Construction Environmental Management Plan (CEMP), in line with ES Chapter 6 [AS-021} section 6.6 and paragraph 6.7.18, approved through Schedule 2, Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**. Once the grassland is reinstated, no further effect arises in operation on the eyebright or on the species-rich grassland it indicates. That is why paragraph 6.7.123 of **ES Chapter 6 [AS-021]** does not return to it.
RR-0454/78	<u>Wet woodland</u> 6.7.128 No consideration of any permanent changes to the hydrology the wet woodland along Ansto Brook is provided.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** assesses the permanent loss of a section of the wet woodland along Anston Brook, up to 6m wide, for the track crossing over the brook. This could also lead to some loss of habitat connectivity. That is up to 0.03ha, or 0.9% of the 3.29ha of wet woodland within the Order Limits. The crossing will be micro-sited and built under specific Construction Environmental Management Plan (CEMP) measures, with Ecological

ID	Representation	Applicant Response
		Clerk of Works supervision (**ES Chapter 6 [AS-021]**, paragraph 6.7.49). **Hydrology of the crossing and access track** The effects of watercourse crossings on hydrology are covered in **ES Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraphs 10.7.18 to 10.7.25, and paragraphs 10.7.87 to 10.7.89. The assessment concludes with appropriate mitigation in place aka the suitable design and construction of crossings so that hydrological continuity is maintained, there will be no adverse effect to downstream receptors. As set out in **ES Chapter 10 [AS-023]**, paragraph 10.6.23, access tracks will be constructed from permeable aggregate to encourage infiltration of rainwater, and be combined with appropriate track drainage systems such that hydrological connectivity to surrounding habitats is maintained. During construction of the crossing where there is the need for in-channel works, flow will be maintained so as not to impact downstream receptors as set out in **ES Chapter 10 [AS-023]**, paragraph 10.6.29. The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, repeats these as construction controls. The **outline CEMP [APP-042]** requires watercourse crossings be designed to the Design Manual for Roads and Bridges, to maintain hydrological and species connectivity (Table 1.2, habitat fragmentation row). Because flows through the crossing will be maintained, the Applicant does not expect the crossing to change the water supply to the retained wet woodland either side of it.

ID	Representation	Applicant Response
		Enhancement in operation **ES Chapter 6 [AS-021]**, paragraph 6.7.128, provides for the wet woodland to be enhanced in operation, with measures described in the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]**. Examples are additional planting of suitable woodland species and management of invasive non-native species. Once the enhancements are established and monitored, this gives a Beneficial, medium magnitude, local and Significant effect in the medium to long term, and detailed enhancements would be defined through the LEMP (as per **ES Chapter 6 [AS-021]**, paragraph 6.7.128). Requirements 4 and 7 in Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009]** secure the CEMP and LEMP.
RR-0454/79	Reptiles 6.7.134 – 6.7.136 Within the oLEMP it is stated that 75 habitat piles are to be created within solar PV panel fields (Para 7.4.38 of the oLEMP). However, para 7.4.55 of the oLEMP states the grassland areas will be managed largely by grazing sheep. However, there is no mention of the how the habitat piles will be protected from sheep. Sheep grazing, unless at very low densities is incompatible with creating optimal habitat for reptiles. Therefore the conclusion of a beneficial significant impact is not supported.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** bases the beneficial effect on reptiles first on connecting habitats maturing during operation: grassland, created and enhanced hedgerows, and small woodland blocks. These strengthen foraging and sheltering habitat and create microclimates for basking (**ES Chapter 6 [AS-021]**, paragraph 6.7.134). Brash and log piles add sheltering opportunities (**ES Chapter 6 [AS-021]**, paragraph 6.7.135). Together these give a moderately beneficial, long-term, local and likely Significant effect (**ES Chapter 6 [AS-021]**, paragraph 6.7.136). The Applicant's position is that the beneficial effect does not depend on habitat piles in sheep-grazed panel fields. Not all of the new grassland is grazed. The **outline Landscape and Ecology Management Plan (LEMP)**

ID	Representation	Applicant Response
		[APP-046] distinguishes about 600ha of solar array land in productive grazing from about 140ha of solar array land sown with a tussocky grass mix for biodiversity. Separately, 303ha of mitigation land and buffer zones will be species-rich grassland (**outline LEMP [APP-046]**, Table 7-7). The areas with solar panel arrays will be managed largely, but not exclusively, to have grass suitable for grazing by sheep. The Applicant intends to graze them other than where the land is managed for other mitigation or enhancement priorities (**outline LEMP [APP-046]**, paragraphs 7.4.55 and 7.4.60). Where areas are set aside from grazing, cutting will be staggered to keep both taller and shorter swards (**outline LEMP [APP-046]**, paragraph 7.4.7, printed page 41). The habitat piles are not confined to grazed fields. At least 75 will be created within solar PV fields and mitigation areas, placed close to scrub, woodland, hedgerows and other habitats. Each is built from logs set into a shallow hole, rises 1m to 1.5m above ground, and is capped with brash and turf (**outline LEMP [APP-046]**, paragraph 7.4.38, printed page 47). The steering group reviews the location and design of hibernacula. The Applicant will invite the local planning authority ecologists to join it (**Outline LEMP [APP-046]**, paragraphs 9.1.13 and 9.1.14). The siting of individual features is a detail for the LEMP. Under Requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]**, each LEMP must be substantially in accordance with the outline LEMP. No part of the development may commence until the LEMP for that part has been

ID	Representation	Applicant Response
		approved by the relevant planning authority for that part. The grazing regime for the grazed array areas is answered in the response to RR-0454/54, on tussock grassland and grazing management.
RR-0454/80	Otters 6.7.157 The reduction in nutrient inputs has not been quantified, therefore there is no certainty that the beneficial impact to otters as a result of this would be significant.	The conclusion at paragraph 6.7.145 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** is a professional judgement. It rests on a change in land use that will happen, not one that is modelled: arable farming ceases throughout the Site. That reduces pesticide and fertiliser inputs to the land and the potential for runoff to watercourses (**ES Chapter 6 [AS-021]**, paragraph 6.7.145). As water quality recovers, fisheries are expected to improve and otters to find foraging over a wider area. The Applicant's position is that an effect need not be quantified before it can be judged significant. The Study Area includes surface water Nitrate Vulnerable Zones. These are areas designated as at risk from agricultural nitrate pollution (**ES Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.5.37 and Table 10.11). Reducing arable inputs is therefore relevant to the watercourses concerned. The beneficial effect on otter does not rest on this one mechanism. Paragraph 6.7.146 of **ES Chapter 6 [AS-021]** separately finds a Beneficial, long-term, medium magnitude and Significant effect across the whole Site. It comes from wider field margins, habitat creation in the riparian zone and extensive grassland corridors. This planting provides a buffer and limits runoff and

ID	Representation	Applicant Response
		intercepts silt and nutrients. These buffer otters from disturbance and give them more foraging and commuting routes. Monitoring under the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** is measured against an updated pre-construction baseline that includes surveys of riparian mammals (paragraph 9.1.1). Post-construction monitoring results feed into management (paragraph 9.1.11). Schedule 2, requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]** secures the LEMP.
RR-0454/81	Skylark 6.7.157 The assessment of no significant impacts is reliant on the provision of a 50 skylark plots close to the site. However, these skylark plots are not secured, and no detail is provided on their likely locations.	The assessment of skylark at paragraph 6.7.157 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** is precautionary. It assumes that most or all skylark nesting within the solar array, at least 119 of up to 205 territories, will be displaced and will not recolonise (**ES Chapter 6 [AS-021]**, paragraph 6.7.156). It then relies on three measures together: • territories next to or partly overlapping the Site are likely to benefit from improved foraging, which may partially offset some adverse impacts; • compensatory species-rich grassland will be created in fields not intended for solar; • about 100 skylark plots in arable fields close to the Site, outside the Order Limits (paragraph 6.7.157; **outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 7.4.43).

ID	Representation	Applicant Response
		The assessment therefore does not rest on the off-site plots alone. The **outline LEMP [APP-046]** provides 303ha of species-rich grassland in mitigation land and buffer zones, sown from the start of construction, with skylarks among its stated objectives (Table 7-7). The outline LEMP states that the Applicant will acquire access to land outside the Order Limits for the plots (**outline LEMP [APP-046]**, paragraph 7.4.43). Their efficacy is monitored in years 1, 2, 3, 5, 10 and 15, with adaptive management through the LEMP (**outline LEMP [APP-046]**, paragraph 9.1.9). Schedule 2, requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]** requires the LEMP to be substantially in accordance with the outline LEMP, approved before commencement, and implemented and maintained throughout operation. The Council's related point on off-site compensation for breeding skylark at Brampton Common Local Wildlife Site is answered in the response to RR-0454/55
RR-0454/82	Barn owl 6.7.158 – 6.7.159 No specific details relating to barn owl are provided within the oCEMP. Grassland within the panel fields is to be grazed by sheep likely to result in a short sward of low suitability for foraging barn owl. 5 barn owl boxes are proposed but the majority of the site is with 1 km of a motorway. These measures are incompatible with providing suitable habitat for barn owls and it is therefore not appropriate to state that there will be a significant beneficial impact to barn owl.	The Applicant notes the Council's comments on barn owl. The Applicant considers that the proposals are compatible with barn owl, and that the beneficial conclusion is supported, for the reasons below. During construction, suitable nesting features are checked before works. If a nest is found, a buffer is kept in place, following Shawyer (2011), until the nesting attempt ends (**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.108). The **outline Construction Environmental Management Plan**

ID	Representation	Applicant Response
		(CEMP) [APP-042] requires species-specific measures for nesting birds. An Ecological Clerk of Works is able to halt works (Table 1.2, protected species row, printed page 16). Bird boxes are checked annually and repaired or replaced as needed (**outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 9.1.10). The conclusion at paragraph 6.7.159 of **ES Chapter 6 [AS-021]** depends on grassland establishing between and beneath the panels. The panels are at the height from which barn owls typically perch-hunt. The chapter also says that, ideally, the grass around some arrays should develop into rough tussocky grassland. The outline LEMP provides for this. About 140ha of solar array land will be sown with a tussocky grass mix for biodiversity rather than productive grazing. A further 303ha of mitigation land and buffer zones will be species-rich grassland (**outline LEMP [APP-046]**, Table 7-7). Where areas are set aside from grazing, cutting will leave both taller and shorter swards (**outline LEMP [APP-046]**, paragraph 7.4.7, printed page 41). Most of this land is currently arable (**ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]**, paragraph 15.7.56) and therefore the proposals offer benefits compared to the baseline condition. At least five barn owl boxes will be installed in suitable locations across the Order Limits, with five each for tawny owl and kestrel. Their placement must follow good practice guidance, footnoted to the Barn Owl Trust's nestbox guidance (**outline LEMP [APP-046]**, paragraph 7.4.40, printed page 47), which includes a

ID	Representation	Applicant Response
		provision to avoid locations within 1 km of motorways and unscreened fast roads. While box locations are not yet proposed, approximately 582 ha of W1, W2 and W3 (>50%) are located more than 1 km from motorway, so there is anticipated to be sufficient opportunities within this area for placement. Box locations are fixed in the final LEMP (**outline LEMP [APP-046]**, paragraph 7.4.41) and reviewed by the steering group (paragraph 9.1.14). Under Schedule 2, requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]**, the LEMP, including the box locations, requires the approval of the relevant planning authority. Distance from the M1 and M18 is therefore a matter for the approval of box locations. It does not make the proposal unsuitable for barn owl.
RR-0454/83	**Additional mitigation and residual effects** Additional mitigation 6.8.1 - This section is confusing. Significant adverse effects at Brampton Common LWS, hedgerows and wet woodland at construction are anticipated even with embedded mitigation in place. Embedded mitigation within the oCEMP is then stated to minimise these effects with measures within the oLEMP inferred to provide appropriate compensation. However, this section doesn't seem to be proposing any additional mitigation measures. Summary of Impact Table 6.13 The assessment has considered impacts with assessment embedded mitigation in place and identified significant impacts for the following Brampton Common LWS	Paragraph 6.8.1 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** records three things: - the only important ecological features with significant adverse effects are Brampton Common Local Wildlife Site (LWS), native hedgerows and wet woodland, all at construction; • the embedded measures delivered through the outline Construction Environmental Management Plan (CEMP) will minimise those effects as far as practicable; and • the maturing of habitat prescription measures in the outline Landscape and Ecology Management Plan (LEMP) will ultimately provide a long-term beneficial effect during the operational phase on the same features (by

ID	Representation	Applicant Response
	Hedgerows Wet woodland Table 6.13 and the preceding assessment states that because of the measures within the oCEMP and oLEMP these impacts will be minimised, or the measures within the oLEMP provide compensation. However, this is not explicitly made clear. The oCEMP and oLEMP should not be considered to be additional mitigation.	reference to **ES Chapter 6 [AS-021]**, paragraphs 6.7.122, 6.7.127 and 6.7.128). The section identifies no additional mitigation, and the assessment relies on none. The ES does not present the outline CEMP and outline LEMP as additional mitigation, and the Applicant does not treat them as such. Table 6-13 of **ES Chapter 6 [AS-021]** reports the construction effects on Brampton Common LWS, native hedgerows, Important hedgerows and wet woodland as Significant. It lists the outline CEMP as providing partial embedded mitigation for each, with the outline LEMP also listed for the hedgerows, and design principles for Brampton Common LWS. It separately reports the long-term effects on the same features in operation as Moderate Beneficial and Significant, secured through the OEMP and LEMP. Both results are reported, each with its securing mechanism. The measures are secured through the CEMP under Schedule 2, requirement 4 and the LEMP under Requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]**.
RR-0454/84	**Cumulative Impacts** 4.4.25 The assessment of cumulative impacts should be reconsidered once baseline survey work has been completed and the assessment of impacts has been amended to consider the comments raised above.	The **outline Construction Environmental Management Plan (CEMP) [APP-042]** records that the extensive survey work has provided sufficient baseline to base the assessment on and to inform the design. It also records that further survey work is under way to validate the findings. The outputs will be provided to the Examining Authority with enough time for interested parties to comment (**outline CEMP [APP-042]**, Table 1.2, printed page 14).

ID	Representation	Applicant Response
		Where survey results were limited, **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** made precautionary assumptions. For example, it assumes that most or all skylark nesting within the solar array would be displaced and would not recolonise (**ES Chapter 6 [AS-021]**, paragraph 6.7.156). The cumulative assessment follows from that residual assessment. Section 6.9 of **ES Chapter 6 [AS-021]** screens each other development in Table 6-14 against the Proposed Development's effects. It concludes that no adverse ecological effects arise cumulatively with other developments (paragraph 6.10.13). **ES Chapter 17: Cumulative Effects Assessment [APP-069]** carries that conclusion forward (Table 17.8). The Applicant considers the ecological baseline sufficient to support the assessment, including the cumulative assessment. For that reason, the cumulative assessment does not need to be redone. The Council's comments on individual parts of the assessment, including the four developments it names, are answered in the responses to its other points (RR-2316/90, RR-2316/91, RR-2316/92, RR-2316/93).
RR-0454/85	4.2.26 The following provides comments on those developments within or adjacent to the order limits as these are considered most likely to result in likely cumulative impacts and which have not been sufficiently considered within the ES. 4.2.27 Land off Moor Lane, Micklebring is located adjacent to Cable route B and will cover 63 ha. The ES states there is potential for cumulative impacts but then states that these	Table 6-14 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** assesses Land off Carr Lane Ulley (RB2025/0029) with skylark as the receptor. The entry records a 31ha solar and Battery Energy Storage System (BESS) scheme across two fields adjacent to the Order Limits, with its access track through the Order Limits. It notes that the scheme's own

ID	Representation	Applicant Response
	are not significant without providing any detail as to why. Further assessment of the potential for cumulative impacts needs to be undertaken.	Ecological Impact Assessment found effects to be negligible, and that the Council questions that conclusion. It then takes the precautionary view that the scheme is expected to cause a small loss of some bird species, including breeding skylark, which its own assessment does not recognise. On that basis the entry identifies a potential cumulative effect. It concludes that the effect would be local and Not Significant. That conclusion follows from the Proposed Development's own skylark assessment, which is precautionary. **ES Chapter 6 [AS-021]** assumes that most or all skylark nesting within the solar PV array, at least 119 of up to 205 territories, would be displaced and would not recolonise (paragraph 6.7.156). Three measures then reduce the long-term effect to Low magnitude, Local and Not Significant (**ES Chapter 6 [AS-021]**, paragraph 6.7.157): • likely improved foraging for territories next to or overlapping the Site; • compensatory species-rich grassland in fields not intended for solar; and • about 100 off-site skylark plots in arable fields close to the Site. The **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** provides 303ha of species-rich grassland in mitigation land and buffer zones. It is sown from the start of construction, with skylarks among its stated objectives (Table 7-7). The outline LEMP also provides for about 100 plots on about 50ha, implemented annually for 20 years, on land outside the Order Limits. It states that the Applicant

ID	Representation	Applicant Response
		will acquire access to that land (**outline LEMP [APP-046]**, paragraphs 7.4.43 and 7.4.56). Schedule 2, requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]** secures the LEMP, which includes the 303ha of species-rich grassland in mitigation land and buffer zones. The Carr Lane scheme adds a small loss from two fields. The entry weighs this against the habitat enhancements and biodiversity net gain it records. The combined effect on the local skylark population is therefore local and Not Significant. Paragraph 6.10.13 of **ES Chapter 6 [AS-021]** records no adverse cumulative ecological effects. **ES Chapter 17: Cumulative Effects Assessment [APP-069]**, Table 17.8, lists RB2025/0029 among the developments with potential cumulative effects assessed as Not Significant. The Applicant's position is therefore that cumulative effects on skylark have been sufficiently considered, losses are short-term and are replaced with similar habitat once cable laying is complete (paragraph 6.7.64). How the off-site skylark plots outside the Order Limits are secured is addressed in the response to RR-0454/55
RR-0454/86	4.2.28 Land south east of old road, Conisbrough is adjacent to Whitestone 1. ES states the EIA for this development focused on a search for incidental evidence of faunal species with no further surveys beyond a UKHAB and desk study. On this basis how can cumulative impacts on species such as skylark be assessed. We request further assessment on this matter and reserve our right to comment further on this matter through examination.	Table 6-14 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** records that Land South East of Old Road, Conisbrough (24/01404/FULM) is a residential development of about 8.9ha of existing arable land. The Council granted it subject to a section 106 agreement. Its Ecological Impact Assessment searched for incidental evidence of amphibians, bats,

ID	Representation	Applicant Response
		birds, reptiles and priority species such as hedgehog. It needed no ecology surveys beyond the UKHab survey and desk study, because effects on biodiversity were considered negligible. Cumulative assessment is limited by the information available, and the limitations of other applications. It is not typical or practical for the applicant to fill in survey gaps from consented developments. The Development on land at Old Road is understood to include 8.9ha of farmland. This could be expected to support skylark, with numbers dependant on crop type and timing. At the time of the original surveys in 2021, the habitat was apparently a grass crop, which could support between 0.05 territories per ha (improved grassland) and 0.22 territories per ha (organic silage) equating to 0-2 territories. At the time of the 2024 survey, the habitat was described as fallow cropland, which could support up to 0.39 territories per ha (set-aside/fallow), equating to 3-4 territories. Using these assumptions would not change the outcome of the cumulative assessment, as loss of a single field that, at points in recent history, may have supported or helped to support between 0 and 4 skylark territories would not result in any population-level effects at a geographic scale that would be considered significant. The Proposed Development has taken steps to minimise effects on skylark, and, although there will be a loss of territories, in line with a growing evidence body enhancements are expected to offer long term benefits for a range of species of comparable conservation importance, which can reasonably be

ID	Representation	Applicant Response
		factored into the planning balance (Solar Energy UK, 2026) The Council's reservation of its right to comment further is noted.
RR-0454/87	**4.3 Landscape** **General LVIA Comments** <u>Methodology, Criteria and Process</u> 4.3.1 Appendix 7.2: Landscape and Visual Impact Assessment Methodology provides a detailed description of the methodology, criteria and processes utilised for the ES Chapter. Para. 7.2.2 notes that "The methodology for this LVIA was informed by the Guidelines for Landscape and Visual Impact Assessment (The Landscape Institute and Institute of Environmental Assessment, 3rd Edition, 2013 (GLVIA3)), including Landscape Institute Notes Technical Guidance Notes (LITGN-2024-01) as required". LITGN-2024-01 refers to Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3). Other Technical Guidance is listed at Para. 7.2.8. Section 7.4 of Chapter 7 Landscape and Visual Impact sets out a summarised version of the assessment methodology and significance criteria. This follows best practice guidance and is therefore welcomed. 4.3.2 The criteria which informed the assessment are clearly outlined within various tables within Appendix 7.2, with Table 7.2.9 setting out the assessment approach in a matrix style typical of LVIA.	The Applicant notes the Council's comments.
RR-0454/88	4.3.2 continued. Uncertainty remains however with the use of 'Moderate' as a significance criteria. Para. 7.2.40 states "This does not preclude a 'Moderate' effect of lower being significant or a greater than 'Moderate' effect not being	Paragraph 7.2.43 of **Environmental Statement (ES) Appendix 7.2: Landscape and Visual Impact Assessment Methodology [APP-109]** states the rule that the Landscape and Visual Impact Assessment

ID	Representation	Applicant Response
	significant", while Para. 7.2.43 states "Where 'Moderate' effects are predicted…these have been concluded as 'Significant' in the assessment presented in ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment [EN0110020/APP/6.7], however, professional judgement can be used to determine whether the Moderate effects are Significant or Not Significant." A review of the summarised levels of effect within Chapter 7 (Section 7.7) identifies that levels of effect of Moderate or above are significant. Although this is welcomed, the wording identified above remains ambiguous and should be revisited.	(LVIA) uses. Major and Major/Moderate effects are Significant. Where Moderate effects are predicted, they "have been concluded as 'Significant' in the assessment presented in **ES Volume 2, Chapter 7 [APP-059]**". Paragraph 7.2.40 of **ES Appendix 7.2 [APP-109]** explains why Moderate and above are more likely to be significant: they generally result from a large change affecting receptors of higher sensitivity. It keeps the professional judgement that the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3) requires. As paragraph 7.2.39 of **ES Appendix 7.2 [APP-109]** records, GLVIA3 says there are no hard and fast rules about which effects are significant. This is provided the assessment distinguishes clearly between significant and non-significant effects. Every effect of Moderate or above in section 7.7 of **ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]** is reported as Significant, as the Council's own review of that section confirms. No effect has been down-graded by relying on that judgement. Paragraph 7.7.10 of **ES Chapter 7 [APP-059]** reports the construction effects of the Cable Corridors as "Minor to Moderate Adverse (Not Significant)". **ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**, paragraph 7.4.946, reports them as "Moderate/Minor Adverse (Not Significant)", a level below Moderate (paragraph 7.4.941 of **ES Appendix 7.4 [AS-042]**). The Applicant's position is that the wording is not ambiguous in its effect.

ID	Representation	Applicant Response
		As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on landscape and visual receptors addressing other points raised within the RR.
RR-0454/89	4.3.2 continued The overall judgements on Magnitude of Change may benefit from including a 'No Change' scenario where the Proposed Development or construction activity would not (or would no longer be) visible. This would help where the magnitude remains 'negligible' for instances where there is no visibility.	**Environmental Statement (ES) Appendix 7.2: Landscape and Visual Impact Assessment Methodology [APP-109]** uses a four-point scale for visual magnitude of change: High, Medium, Low and Negligible (paragraph 7.2.34). In the typical criteria, Negligible is a change that is barely perceptible in the view or only briefly glimpsed. Where the magnitude is Negligible, the effect is automatically Not Significant (**ES Appendix 7.2 [APP-109]**, paragraph 7.2.38). A 'No Change' judgement would therefore also be Not Significant. To assist in clarity for the reader, the Applicant will submit an update to **ES Appendix 7.2 [APP-109]**, which will include 'No change' scenarios and criteria. As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on landscape and visual receptors taking into account the alteration to **ES Appendix 7.2 [APP-109]**, including incorporating a 'No Change' category.

ID	Representation	Applicant Response
RR-0454/89a	4.3.3The process of the identification of landscape and visual effects was found to be in line with best practice; however the use of intermediate levels of effect and their potential for underplaying effects are discussed in the section below in Para. 2.1.8.	The Applicant welcomes the Council's view that the process of identifying landscape and visual effects is in line with best practice. The Council's concern about the use of intermediate levels of effect is set out in its paragraph 4.3.8 and is answered in the Applicant's response to RR-0454/94. In summary, **ES Appendix 7.2: Landscape and Visual Impact Assessment Methodology [APP-109]** adopts a three-point scale with intermediate levels where appropriate, supported by a reasoned narrative (paragraph 7.2.30). As set out in the response to RR-0454/89, the Applicant will submit an update to **ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1.
RR-0454/90	<u>Baseline, Content and Findings of the Assessment</u> 4.3.4 In general, the provided baseline sets out relevant landscape and visual receptors, however it is noted that locally designated Country Parks remain omitted from the assessment. Although Rother Valley, Ulley and Thrybergh Country Parks lie within the 3km Buffer of Order Limits (as illustrated on Figure 7.3: Landscape Designations) they are not formally assessed. While it is conceded there would be no direct effects on these Country Parks as a result of the Proposed Development, Figures 7.4: Zone of Theoretical visibility (ZTV) Overview, Figure 7.6: Zone of Theoretical visibility (ZTV) – Whitestone 2, and Figure 7.7: Zone of Theoretical visibility (ZTV) – Whitestone 3 indicate theoretical visibility within both Rother Valley and Ulley Country Parks and therefore experiential effects for receptors would potentially be present. It is therefore considered that potential effects on the valued attributes of the relevant Country Parks should be included in the landscape assessment.	Each Country Park is assessed through the Landscape Character Area (LCA) it contributes to. Visitors to Ulley Country Park are also assessed as a visual receptor. Rother Valley Country Park is a key characteristic of the 7: Rother Valley Reclaimed Woodland LCA, a large proportion of which lies within the Country Park (**Environmental Statement (ES) Appendix 7.3: Landscape Character Baseline and Assessment [AS-040]**, paragraph 7.3.183). The LCA's value is judged medium to high partly because of the Country Park's recreational uses (paragraph 7.3.187). The effect on the LCA is Negligible Adverse (Not Significant) during construction, at Year 1 and at Year 15. This is because the development affects a very small portion of it and has limited effects on its key characteristics (**ES Appendix 7.3 [AS-040]**, paragraphs 7.3.193, 7.3.194, 7.3.197 and 7.3.199).

ID	Representation	Applicant Response
		Ulley Reservoir and Country Park is a distinctive feature of the 5b: Coalfield Tributary Valleys – Treeton LCA, and is noted as well screened from the surrounding area (**ES Appendix 7.3 [AS-040]**, paragraph 7.3.144). The LCA is assessed as Minor Adverse (Not Significant) at Year 1 and at Year 15 (paragraphs 7.3.160 and 7.3.163). Visitors to Ulley Country Park are also a named recreational receptor, represented by Viewpoint 43 (**ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, paragraph 7.5.78). They are assessed as highly susceptible because their main activity is appreciating the landscape. Their views are only from the car park and are partly screened by mature trees and hedgerow along the A618 (**ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**, paragraphs 7.4.558 and 7.4.562). The effect is Moderate/Minor Adverse (Not Significant) (**ES Chapter 7 [APP-059]**, Table 7-13). Thrybergh Reservoir and Country Park is a distinctive feature of the 5a: Coalfield Tributary Valleys – Thrybergh LCA (**ES Appendix 7.3 [AS-040]**, paragraph 7.3.128). Effects on that LCA are indirect and Negligible (Not Significant) during construction, at Year 1 and at Year 15 (paragraphs 7.3.136, 7.3.138 and 7.3.140). As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include an

ID	Representation	Applicant Response
		update on the effect of the Proposed Development on Country Parks where appropriate.
RR-0454/91	4.3.5 Within the narrative for the magnitude of landscape effects and magnitude of visual effects set out in Appendix 7.3 and Appendix 7.4 respectively, it fails to properly identify factors with regard to size/scale, geographical extent, or duration/reversibility. The proportion of view within which the Proposed Development would be visible is discussed; however there is no direct reference to the criteria mentioned above. Additionally with regards to visual effects the assessment does not discuss the number of people who may be affected by the change, as discussed within Para. 6.3 of GLVIA3 and Section 6(9) of LITGN-024-01.	**Environmental Statement (ES) Appendix 7.2: Landscape and Visual Impact Assessment Methodology [APP-109]** defines magnitude of change using size or scale and geographical extent as the main factors, with duration and reversibility as modifiers. It does so for landscape receptors (the first paragraphs numbered 7.2.16 and 7.2.17) and for visual receptors (the first paragraph numbered 7.2.33). For views, geographical extent covers the angle of view, the distance from the development and the extent over which the change would be visible. The narratives apply these factors even where they do not name them as headings. Examples from **ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**: • Viewpoint 1: the changes would be seen within a small portion of the view, and the construction phase is short term and reversible (paragraph 7.4.29). • Viewpoint 10: construction would be in the distance, largely screened by landform and vegetation, within a small proportion of the view, and visible from a limited number of properties along the southern edge of Conisbrough (paragraph 7.4.172). • Cable Corridors: construction would affect strips of land up to 40m wide, for a short duration, temporarily and partially reversibly (paragraphs 7.4.940 and 7.4.941).

ID	Representation	Applicant Response
		For landscape receptors, the Rother Valley Reclaimed Woodland Landscape Character Area (LCA) assessment weighs changes that are highly localised, over a small extent and a very small portion of the LCA (**ES Appendix 7.3: Landscape Character Baseline and Assessment [AS-040]**, paragraphs 7.3.192 and 7.3.193). On the number of people affected, **ES Appendix 7.2 [APP-109]** selects representative viewpoints using, among other criteria, the "Number and sensitivity of people who could be affected" (the second paragraph numbered 7.2.16). **ES Appendix 7.4 [AS-042]** assigns each receptor group to its viewpoint in the summary table introduced at paragraph 7.4.20. Each narrative identifies the group. Where relevant it also gives the extent of the group affected. An example is the limited number of properties along the southern edge of Conisbrough at Viewpoint 10 (**ES Appendix 7.4 [AS-042]**, paragraphs 7.4.167 and 7.4.172). The Applicant's position is that the narratives address these factors. As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on landscape and visual receptors and will include additional commentary on the relevant factors of magnitude where deemed necessary.
RR-0454/92	4.3.6 With regards to viewpoints, the selected (and agreed) locations appear to cover relevant receptors (recreational users, road users, residents etc); however following a site	The 68 viewpoints initially identified were informed by the Scoping Opinion and stakeholder engagement (**Environmental Statement (ES) Appendix 7.4:**

ID	Representation	Applicant Response
	familiarisation visit by the Stantec landscape team it was found that a large number of sensitive receptors may have been omitted, including local PRoW users (raised within the LPAs PMIE as a main issue), long-distance path users, road users and residents. In addition, a relatively large number of viewpoints (11 in total), were scoped out of the assessment as a result of screening by vegetation, one which was combined with another, and one relocated by agreement. It is generally considered good practice that where views from a previously selected viewpoint location are screened by vegetation or built form etc. that the surveyor should seek the nearest possible location where views are available. It is recognised that at times this may not be possible; however this typically may occur with only a small number of locations across a large number of viewpoints (as is the case here). It is also the case that viewpoints with no visibility (particularly if previously agreed) can still be used to provide evidence of no visibility. This is however down to the assessor's preferred approach and is not mandatory.	**Representative Viewpoint Assessment [AS-042]**, paragraph 7.4.19). The ES records that the additional viewpoints recommended by the Council were considered and agreed (**ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, Tables 7-1 and 7-4). Their placement, and the removal of Viewpoint 54 because of screening by vegetation, were covered in an email exchange with the Council on 2 July 2025. Viewpoints were discussed with Stantec, on behalf of both councils, in May 2026 (**ES Chapter 7 [APP-059]**, Table 7-4). The summary table introduced at paragraph 7.4.20 of **ES Appendix 7.4 [AS-042]** assigns a representative viewpoint to each receptor group. This includes each type the Council lists in the representation. Chapter 7 Figures 7.4.4 to 7.4.6 map the public rights of way and private receptors against the Zone of Theoretical Visibility (ZTV) (**ES Chapter 7 Figures Part 1 [APP-075]**). The Applicant's position is that each receptor type the Council lists, including local rights of way users, is represented by the viewpoints above. As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include a series of additional representative viewpoint locations and corresponding visual receptor groups following the feedback received.
RR-0454/93	4.3.7 Within Appendix 7.4: Representative Viewpoint Assessment it is stated in relation to fieldwork that "Winter	As part of ongoing engagement with the host authorities the Applicant will submit an update to the

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	visits were undertaken in March 2025 and February 2026. The summer visit was undertaken in July 2025." Chapter 7: Figures: Representative Viewpoints, Figures 7.4.7 – 7.4.62 however state the dates of photography to be April 2025 (29/04/2025, 30/04/2025), May 2025 (01/05/2025, 02/05/2025), September 2025 (4/09/2025,16/09/2025, 17/09/2025,18/09/2025), April 2026 (21/04/2026, 22/04/2026, 24/04/2026, 25/04/2026, 30/04/2026), and September 2026 (16/09/2026). This may be an error either within the survey dates in the Appendix, or the dates on the photo sheets themselves may be incorrect.	**Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which will include cross-checking associated survey dates and updating dates of field work where required.
RR-0454/94	4.3.8 The LVIA utilises intermediate criteria in relation to sensitivity, magnitude and level of effect. While there is no clear guidance on whether or not intermediate judgements should be used, it can at times be difficult to follow and potentially underplay effects. As an example, Table 7.2.6: Visual Susceptibility within Appendix 7.2: Landscape and Visual Impact Assessment Methodology states that residents at home are judged to be of high susceptibility; however in a number of instances (for instance at VP4, VP5, VP34, and VP37) residents are assessed as being of medium-high susceptibility, and in other instances (for instance VP17, VP20, VP21 and VP22) residents are assessed as being of medium susceptibility. This lack of consistency with regards to judgements could call into question the validity of the findings. The Applicant should provide some reasoning for these judgements where they stray from those prescribed in the Methodology. Where this variation in susceptibility occurs it should be accompanied by detailed reasoning, such as non-primary views, extensive vegetation within the curtilage etc.	The visual susceptibility table in **Environmental Statement (ES) Appendix 7.2: Landscape and Visual Impact Assessment Methodology [APP-109]** gives typical criteria, not fixed classes. The methodology adopts a three-point scale with intermediate levels where appropriate, supported by a reasoned narrative (paragraph 7.2.30). It explains that the table covers only the occupation or activity of the viewer and where their attention is focused. The judgement must therefore be adjusted for the visual amenity people currently experience (**ES Appendix 7.2 [APP-109]**, paragraphs 7.2.27 and 7.2.28). Detracting features in a view may reduce susceptibility (paragraph 7.2.29). This follows the statement in the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3), quoted at paragraph 7.2.28 of **ES Appendix 7.2 [APP-109]**, that the division between categories "is not black and white and in reality, there will be a gradation in susceptibility to change".

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		Each viewpoint narrative states the susceptibility given to residents with a short reason, for example paragraphs 7.4.25, 7.4.96 and 7.4.268 of **ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**. The resulting sensitivity is stated in each case. As part of the ongoing engagement, the Applicant will submit an update to **ES Appendix 7.2 [APP-109]**, which will seek to provide additional clarity around judgements and where appropriate submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1.
RR-0454/95	4.3.9 The decision to not undertake a Residential Visual Amenity Assessment (RVAA) by the Applicant is agreed given that where major adverse and significant visual effects are predicted over an extended period (i.e. 15 years after planting) no residential properties are predicted to experience overbearing or overwhelming change. The LVIA would however benefit from a clearer understanding of the reasoning behind its non-inclusion.	Noted that the reasons for not undertaking the RVAA have been accepted. An RVAA was not undertaken because, with the design changes, no effect was judged so overbearing or overwhelming on a property that living conditions would be affected (**Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, paragraph 7.4.40). As part of the ongoing engagement, the Applicant will submit an update to the **ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1 to provide a clearer understanding on RVAA matters and its non-inclusion, which is supported.
RR-0454/96	4.3.10 With regards to measures taken to provide safe access for construction vehicles (i.e. vegetation removal as illustrated on Figure 2.9.1: Vegetation Removal Plans) the LVIA does not discuss potential changes to views as a result of removal. For instance, at VP10: Conisbrough (South) extensive hedgerow removal is planned (Ref. H1 and H2)	The Applicant notes the Council's comments on vegetation removal for construction access. The construction assessment assumes that vegetation removal is confined to areas that directly conflict with construction and where avoidance is not feasible. These are mainly where the Cable Corridors cross

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	along the southern carriageway of the A630 (Sheffield Road) along with an access track which would result in the conspicuous presence of vehicles and associated construction movements. In this instance the LVIA identifies a low magnitude of change stating that "construction activity would be perceptible within a small proportion of the view". We would argue that this should be raised to a medium magnitude of change as a minimum given the vegetation loss and additional traffic movements. A short paragraph within the introduction section of the LVIA to describe hedgerow loss / management across the Scheme would be useful. 4.3.11 Appendix 7.3 also makes reference to "Assumed clearance of up to 6m of hedgerow and vegetation along the Cable Corridor". In line with Figure 2.9.1 it would appear that the majority of hedgerow loss would be to facilitate access for solar panel construction, and hedgerows within the cable corridors would require "to be managed at 0.25m during construction". Hedgerow loss to facilitate access would appear to be far greater than 6m overall and should therefore be calculated and set out in the LVIA / Appendix 7.3 / Appendix 7.4. This should be undertaken to fully understand the visual impact of the proposed development with vegetation loss. 4.3.12 In terms of embedded mitigation the proposals appear to take account of all reasonable measures with regards to offsets, and Table 7-11 Location Specific Landscape and Visual Mitigation Measures provides a useful overview of the steps taken.	field boundaries (**Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, paragraph 7.4.49). Access points have been placed to minimise removal. Vegetation at visibility splays is proposed to be coppiced rather than removed (**ES Chapter 7 [APP-059]**, paragraph 7.6.20). The sections identified for removal, or for management at 0.25m during construction, are shown on the **Vegetation Removal Plans [AS-007]**. Keeping removal to what is needed for access and construction is secured through the Construction Environmental Management Plan (CEMP) under Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**. This does not apply to permitted preliminary works, which include site clearance and vegetation removal (article 2 of the **dDCO [AS-009]**). Viewpoint 10: Conisbrough (South) is on a footpath on the southern edge of Conisbrough. It represents views from properties along that edge (**ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**, paragraph 7.4.167). Construction would be in the distance to the south, largely screened by landform and vegetation. It would add visual clutter within a small proportion of the view and be visible from a limited number of properties. This gives a low magnitude of change (**ES Appendix 7.4 [AS-042]**, paragraph 7.4.172). The construction phase is short-term and reversible. The Applicant's position is that a medium magnitude is not justified at Viewpoint 10. On quantity, **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** calculates the loss. At the

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		maximum 6m access track width, hedgerow loss is approximately 0.57km. That figure excludes visibility splays, where vegetation is proposed to be coppiced rather than removed (**ES Chapter 7 [APP-059]**, paragraph 7.6.20). The splay sections are shown on the **Vegetation Removal Plans [AS-007]**. The loss is about 0.6% of the 95.28km of hedgerow within the Order Limits. The ES reports it as a low magnitude, local, adverse Significant effect in the medium term (**ES Chapter 6 [AS-021]**, paragraph 6.7.44). Losses are sections up to 6m wide per location, at access points and track crossings (paragraph 6.7.62). The figure of up to 6m in **ES Appendix 7.3: Landscape Character Baseline and Assessment [AS-040]** is therefore a width per crossing of the Cable Corridor, not an overall total (paragraph 7.3.6). Where hedgerow removal at temporary cable route accesses cannot be avoided, the hedgerow will be replaced across the wider Order Limits (**outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 4.1.14). The quantity is set out in ES Chapter 6 and each location is shown on the **Vegetation Removal Plans [AS-007]**. A further description in the Landscape and Visual Impact Assessment would not change any judgement.
RR-0454/97	<u>Critique of the Presentation of the Findings of the Assessment</u> 4.3.13 Generally the LVIA is clearly set out, and summary tables are a useful addition given the level of information. The use of Appendices for detailed landscape and visual	The figures are numbered to match the chapter and appendix they illustrate. In **Environmental Statement (ES) Chapter 7 Figures Part 1 [APP-075]**: - Figures 7.1 to 7.11 support ES Chapter 7 itself: the study areas, landscape designations, zones of theoretical visibility (ZTVs) and topography;

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	assessments results in the main Chapter being more digestible. 4.3.14 The sequence of Figures and their associated numbers within Chapter 7: Figures (Part 1) are a little confusing, making them difficult to follow. National Landscape Character Areas also appear on the plan twice for each discrete area (Figure 7.3.1).	- figures numbered 7.3.x support **ES Appendix 7.3: Landscape Character Baseline and Assessment [AS-040]**; and - figures numbered 7.4.x support **ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**. **Figure 7.3.1 [APP-075]** shows the National Character Areas (NCAs) around the Order Limits and its 3km buffer. The Proposed Development lies within NCA 30 Southern Magnesian Limestone and NCA 38 Nottinghamshire, Derbyshire and Yorkshire Coalfield (**ES Appendix 7.3 [AS-040]**, paragraph 7.3.13).
RR-0454/98	4.3.15 The series of ZTVs which accompany the LVIA state in the notes section that OS Terrain 5 Digital Terrain Model (DTM) data was used to inform theoretical visibility; however the methodology states that a DEFRA composite 2m First Return Digital Surface Model (DSM) was used. These two datasets can return very different results, therefore the LVIA needs to be clear on which of these is correct. Given that theoretical visibility is shown within urban areas it appears likely that DTM data was used.	The basemapping used for each iteration of the ZTV will be reviewed and discussed as part of the progression of wider LVIA matters. An update to the ZTV, should it be required, will be submitted at Deadline 1.
RR-0454/99	4.3.16 It would be beneficial to show the location of the Substations and BESS on the associated ZTV plans (Figure 7.9 and Figure 7.10).	Figures 7.9 and 7.10 in **Environmental Statement (ES) Chapter 7 Figures Part 1 [APP-075]** are zones of theoretical visibility (ZTVs) run specifically for the Battery Energy Storage System (BESS) and the substations and are titled as such. Each maps theoretical visibility of that element alone against the Order Limits, the 3km buffer and the viewpoint locations. The areas within which those elements may be built are shown on the **Works Plans [AS-005]** as Work Nos. 3 and 4. Their footprints and heights are limited

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		by the **Outline Design Parameters [APP-158]**, Table 2.1: BESS buildings up to 8m and substations up to 13.5m above ground level. The visual effects of these elements are assessed at the representative viewpoints in **ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**. Adding their footprints to Figures 7.9 and 7.10 in **ES Chapter 7 Figures Part 1 [APP-075]** would not change the ZTV or any assessment.
RR-0454/100	Outline Landscape and Ecological Management Plan (oLEMP) 4.3.17 The oLEMP (Volume 5: Reports and Statements 5:13 Outline Landscape and Ecological Management Plan provides a thorough overview of "the short and long-term practices that will be implemented to establish, monitor, and manage landscape and ecology mitigation and enhancement (biodiversity net gain) measures embedded in the design)." The oLEMP is also Appended with the Indicative Landscape Mitigation Plan (Appendix A) and Indicative Permissive Path Plan (Appendix B). A review of the oLEMP has been undertaken to understand where the mitigation proposed has effectively altered and reduced the potential effects associated with the Proposed Development, and potentially where additional measures could be taken to maximise its potential. The LVIA also summarises mitigation proposals in Section 7.6: Embedded Mitigation Measures. It is appreciated that the oLEMP is an outline document, with further detail expected to follow during the post-consent stage of the application. 4.3.18 Table 4-1: Location Specific Landscape and Visual Mitigation Measures is welcomed in general as a succinct overview of the embedded measures employed. However,	The effect of the landscape mitigation on historic landscape character is taken into account through the setting assessments in **Environmental Statement (ES) Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]**. These assess each asset with the embedded mitigation in place. For the Conisbrough Parks Romano-British Villa, Table 8.4.1 of **ES Appendix 8.4 [AS-048]** describes the mitigation: existing hedgerows enhanced, and new hedgerows introduced to the south, north-west and south-west of the asset. It reports that there will be a change to the rural character around the villa. It finds that some of that character would be kept in views to the east and south-east. It concludes a small magnitude of impact and a Moderate Adverse effect on this asset's heritage significance and records that the surviving subsurface remains are unaffected. The Conisbrough Castle assessment likewise takes account of the new and enhanced hedgerows within Conisbrough Park, the former deer park associated with the Castle and reports a Moderate Adverse effect on this asset's heritage significance (**ES Appendix 8.4**

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	the proposed landscaping mitigation needs to further consider heritage concerns and the impact the proposed landscape mitigation (in the form of additional planting/screening) inherently changes the historic value of the landscape and how this could harm the wider historic context, especially in the context of Conisbrough and Clifton in Whitestone 1. The applicant proposes the following mitigation in relation to the Scheduled Ancient Monument of the Roman Villa: "Embedded mitigation will be introduced to help reduce visibility and reduce the change in character of the surrounding landscape from rural to industrial, with existing hedgerows being enhanced, and new hedgerows being introduced to the south of this asset, as well as to the north-west and south-west." (set out in Appendix 8.4) 4.3.19 There is a concern this new landscaping will impact the historic landscape character associated with the heritage assets within the Whitestone 1 vicinity. This was raised at Statutory Consultation stage by the Council and there is limited evidence or assessment of how this concern has been addressed and an assessment of how the mitigation will impact the historic landscape character.	**[AS-048]**, Table 8.4.1). Clifton Conservation Area is also assessed in **ES Appendix 8.4 [AS-048]**. The mitigation is designed to work with the existing historic pattern of the landscape rather than to introduce a new one. The Proposed Development is set within the existing field pattern (**outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 4.1.12). Proposed planting responds to the existing character of the local landscape and looks to perpetuate the current conditions found there, allowing key views to stay open (paragraph 4.1.13). Existing hedgerows will be gapped up to reinforce field patterns (**outline LEMP [APP-046]**, the first paragraph numbered 7.4.19). The historic field pattern that planting reinforces is recorded in the baseline. **ES Appendix 8.2: Cultural Heritage Baseline [AS-044]** identifies the Historic Environment Characterisation types within W1 as agglomerated fields, surveyed enclosure and piecemeal enclosure (paragraph 8.2.26). Where the landscape character around a heritage asset contributes to its significance, it is considered in ES Appendices 8.3 and 8.4. On historic landscape, the Council's statutory consultation response referred the matter to South Yorkshire Archaeology Service (SYAS). The SYAS consultation is addressed in section 8.3 and Table 8.3 of **ES Chapter 8: Cultural Heritage and Archaeology [AS-019]** (Table 8.2). It is also important to note that the historic character of the former deer park no longer exists within the Site. From the baseline studies presented in **ES Appendix 8.2: Cultural Heritage Baseline [AS-044]**, the

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		landscape was changed during the post-medieval period through enclosure of the fields, creating the current post-medieval agriculture land patterns and erasing the previous deer park landscape. The only surviving elements of the former deer park comprise a number of ditches found to the north-west of the Site. The Applicant is of the opinion that restoring the current hedgerows will have no effect on the historic character of the former deer park, as the majority of the historic character has already been erased by the enclosure of the agricultural fields during the post-medieval period.
RR-0454/101	4.3.20 Nevertheless, species selection should align with those identified within Appendix 6.14: Arboriculture Survey and Tree Constraints Plan but may also include additional suitable species in order to diversify existing conditions. For instance, within the oLEMP Table 7.3: Indicative mix for proposed native tree belts, Carpinus betulus (Common Hornbeam), and Tilia cordata (Small-leaved Lime) are identified within the mix, however they are not present within the Arboriculture Survey. These additional species may however be acceptable to diversify existing conditions.	The species mixes in the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** are indicative. The final mixes are fixed at detailed design with reference to local character, which allows the alignment the Council seeks. Paragraph 7.4.31 of the **outline LEMP [APP-046]** states: "Specific species will be determined through future detailed design work to ensure mixes are reflective of local character, whilst also building in climate resilience." Paragraph 7.4.33 adds that the tree belts will use a range of native species typical of the region. Paragraph 7.4.34 provides for a specification for woodland and tree belts to be developed from the indicative species in Table 7-3. Common Hornbeam and Small-leaved Lime each make up 10% of the indicative tree-belt mix in Table 7-3 of the **outline LEMP [APP-046]**. They are native species included to diversify the planting, which the Council accepts may be appropriate.

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		The final mixes are secured by Schedule 2 Requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]**. No part of the development may commence until a LEMP for that part, substantially in accordance with the **outline LEMP [APP-046]**, has been approved by the relevant planning authority, following consultation with the Environment Agency and Natural England (as appropriate). The species mixes for the parts of the Proposed Development in the Council's area therefore require the approval of the Council as relevant planning authority. The Council will have before it the species recorded in **ES Appendix 6.14: Arboriculture Survey and Tree Constraints Plan [APP-107]**.
RR-0454/102	4.3.21 With regards to the presentation of the Indicative Landscape Mitigation Plan, the colour associated with existing vegetation within the legend does not equate with the existing vegetation within the main plan, thereby reducing legibility.	The existing vegetation on the Indicative Landscape Mitigation Plan (Appendix A of the **outline Landscape and Ecology Management Plan (oLEMP) [APP-046]**, Sheets 1 to 7) can be identified from the legend. It is the only category shown in an olive tone. The legend lists it separately from each proposed planting type (hedgerows, hedgerows with trees, scattered trees, scrub, wet woodland, and the grassland and tussock seed mixes). The legend swatch is a lighter tint of the same tone. The plan is indicative. Its notes state that the works shown are illustrative only and subject to change at detailed design. The planting plans that will be implemented are those in the LEMP for each part of the development. These require the approval of the relevant planning authority under Schedule 2, requirement 7 of the **draft Development Consent Order (DCO) [AS-009]**.

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RR-0454/103	4.3.22 Aside from the occasional area where development boundaries appear a little arbitrary, for instance within the angular, 'bucket-shaped' area of land east of Treeton and north of Wood Lane, the approach to mitigation appears reasonable and attempts to reduce significant effects where possible.	The Council's view that the approach to mitigation is reasonable and seeks to reduce significant effects are noted and welcomed. **ES Chapter 4: Alternatives and Design Evolution [APP-056]** records the approach to mitigation and attempts to reduce the potential for significant effects to arise.
RR-0454/104	4.3.23 The addition of Permissive Paths as identified on the Indicative Permissive Path Plan (Sheets 1-7) is welcomed and should provide additional connections for recreational users between existing PRoW, although it is noted that Permissive Paths can be closed at any time by the relevant landowners.	The Applicant notes the Council's support for the proposed permissive paths. Paragraph 8.1.2 of the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** and paragraphs 5.1.2, 5.1.3 and 5.1.8 of the **outline Public Rights of Way Management Plan [APP-047]** provide for public access throughout operation, with the paths available 364 days a year by permission of the landowner. Schedule 2, requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]** requires the approved LEMP to be substantially in accordance with the outline LEMP, implemented as approved and maintained throughout operation.
RR-0454/105	<u>Value Judgements in Relation to the Area of Special Landscape Value (ASLV)</u> 4.3.24 We believe that the judgements within the LVIA regarding the former ASLV which lies within LCA A1: Conisbrough and Denaby Coalfield Farmlands, do not reflect the value placed on it locally. A landscape does not lose its inherent value simply because it is no longer designated. The Doncaster Landscape Character Assessment and Capacity Study of Doncaster Borough (2007) clearly sets out that (within ASLV): "environmental impacts and effects of all development will be a major consideration", and that "Major	The Landscape and Visual Impact Assessment (LVIA) took the former Area of Special Landscape Value (ASLV) into account in setting value. **ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, paragraph 7.5.49, records that the ASLV no longer forms part of the Local Plan and carries no formal planning weight. It also records that the ASLV gives an indication of the quality and value of the landscape, and that it was used to inform the W1 host character area. The 2007 study wording the Council

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	developments will not be permitted except in very special circumstances." 4.3.25 Given that the ASLV is no longer designated, the assessment of landscape character within the LVIA (Appendix 7.3: Landscape Character Baseline and Assessment) LCA A1 broadly identifies effects on the same landscape; albeit at a slightly larger scale. The LVIA allocates medium value and medium to high susceptibility to the LCA, and the combination of these results in medium sensitivity. Elsewhere within the LVIA, for instance LCA 5a Coalfield Tributary Valleys - Thrybergh, (and across a number of viewpoints within Appendix 7.4: Representative Viewpoint Assessments) the same criteria results in a medium to high sensitivity. Notwithstanding that the value does not appear to be adequately reflected, a worst-case scenario should result in a judgement of medium to high sensitivity, even at medium value. It is our opinion therefore that the sensitivity attributed to LCA A1 has been underestimated and should be at least medium to high sensitivity. This calls into question whether the Applicant's own methodology has been adhered to. 4.3.26 That being said, the LVIA identifies a Major/Moderate adverse and significant effect on the LCA during construction, a Moderate adverse and significant effect on the LCA at Year 1, and a Moderate adverse and significant effect on the LCA at Year 15, therefore the effects on the LCA should still be regarded as a material consideration.	quotes therefore informs value but is not current policy. The methodology does not necessarily treat an undesignated landscape as of lower value. **ES Appendix 7.2: LVIA Methodology [APP-109]**, paragraph 7.2.14, states that "*The absence of a formal landscape designation does not necessarily imply that a landscape is of lower value.*" **ES Appendix 7.3: Landscape Character Baseline and Assessment [AS-040]**, paragraph 7.3.33, gives Landscape Character Area (LCA) A1 medium value, having regard to the former ASLV and its local recreational and scenic value. The Applicant's position is that the value of LCA A1 has not been understated. Sensitivity is a professional judgement combining value and susceptibility, not an arithmetic result. Paragraph 7.2.23 of **ES Appendix 7.2: LVIA Methodology [APP-109]** refers to "*the intricate and non-linear relationship between susceptibility and value*". Paragraphs 7.3.34 and 7.3.35 of **ES Appendix 7.3: Landscape Character Baseline and Assessment [AS-040]** give LCA A1 medium to high susceptibility and medium sensitivity overall. The sensitivity rating does not change the outcome the Council is concerned with. The LVIA reports significant adverse effects on LCA A1: • significant during construction (Major/Moderate Adverse in **ES Appendix 7.3 [AS-040]**, paragraph 7.3.39; Moderate Adverse in **ES Chapter 7 [APP-059]**, paragraph 7.10.3);

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		• significant at Year 1 (Moderate Adverse in **ES Appendix 7.3 [AS-040]**, paragraph 7.3.46; Major/Moderate Adverse in **ES Chapter 7 [APP-059]**, Table 7-12); and • Moderate at Year 15 (**ES Appendix 7.3 [AS-040]**, paragraph 7.3.49). A higher sensitivity rating could not make those effects significant, because they are reported as significant. They are a material consideration and are weighed in the landscape section of the **Planning Statement [AS-015]** (section 8.3, paragraph 8.3.40).
RR-0454/106	**4.4 Drainage** 4.4.1 The Council as LLFA is generally in support of the flood information and surface water strategy outlined in the FRA and SWDS. We have not assessed in detail the flood model data within the FRA as this is expected to be under review by the Environment Agency, though we do not have any objections to the overall findings and approach at this stage.	Comment noted.
RR-0454/107	4.4.2 However, there is one key are of concern as follows: **Requirement for Land Drainage Consents for interactions with existing watercourses.** 4.4.3 The Applicant is seeking to disapply this provision in the DCO. However, if the LLFAs do not consent to that disapplication, then a Land Drainage Consent application will be required to allow for any temporary or permanent works that may affect the flow of an ordinary watercourse. 4.4.4 This would require a provision stating that Section 23 of the Land Drainage Act 1991 (prohibiting obstructions or culverts in ordinary watercourses without consent) does not apply to the works authorized by the order.	Article 9(1) of the **draft Development Consent Order (dDCO) [AS-009]** seeks to disapply sections 23 and 32 of the Land Drainage Act 1991 and the provisions of any byelaws made under section 66 of that Act. The Applicant will seek consent from the relevant LLFA. As referred to in the Council's recommendation in paragraph 4.4.7 of its Relevant Representation, the **dDCO [AS-009]** includes protective provisions for the protection of drainage authorities in Schedule 11, Part 3. The drainage authority is the internal drainage board or, where there is none, the lead local flood authority as defined in paragraph 17 of Part 3 of

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	4.4.5 We must ensure the article also disapplies any local Internal Drainage Board (IDB) or Lead Local Flood Authority (LLFA) byelaws made under Section 66 of the Act that dictate separate approvals. 4.4.6 The separate permit process must be replaced with Protective Provisions embedded in a Schedule of the DCO. **Recommendation** 4.4.7 A specific part should be included in the DCO Schedules detailing "For the Protection of Drainage Authorities". These provisions establish a tailored process where the applicant must still submit plans to the relevant drainage authority (LLFA or IDB) for approval before work begins, maintaining flood risk protections while keeping the workflow legally inside the DCO.	Schedule 11 of the **dDCO [AS-009]**. The Applicant considers that the protective provisions for the protection of the Drainage Authorities should satisfy the recommendation made by the Council.
RR-0454/108	**4.5 Heritage** **Context** 4.5.1 The applicant accepts there are numerous heritage assets, the setting of which assets would be subject to change as a result of the construction and operational phases of the Proposed Development. The assets which are likely to be affected by the Proposed Development are set out Chapter 8 of the Environmental Statement (document APP-060). 4.5.2 We note that the applicant has made further revisions to the documents following pre-application discussions. However, further assessment and refinement are required before clear conclusions can be reached. Having regard to the comments of statutory consultees, this is likely to remain a matter for further consideration during the Examination.	The Applicant's position is that the setting assessment (**Environmental Statement (ES) Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]**), reaches a conclusion for each asset assessed and that no further assessments or refinements are required in this regard.
RR-0454/109	**Policy and material considerations**	The heritage assessment is framed against National Policy Statement (NPS) EN-1, which is the primary

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	4.5.3 The applicant's approach to identifying the relevant policies is appropriate overall, however, evidently since the submission the NPPF has been updated and the submission should be reviewed accordingly. Furthermore, we consider the submission should recognise and reference the relevant Conservation Area Appraisals across Whitestone 1, 2 and 3 as material considerations, and the heritage assessments should be refined with this in mind.	basis for the decision. Paragraph 8.7.46 of **Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]** concludes on harm by reference to paragraph 5.9.33 of NPS EN-1. The **Planning Statement [AS-015]**, paragraphs 8.4.14 to 8.4.21, weighs that harm against the public benefits. The National Planning Policy Framework (NPPF) is a relevant matter, but the heritage conclusions do not depend on a particular edition of it. The test for less than substantial harm to a designated heritage asset is in NPS EN-1 itself (**Planning Statement [AS-015]**, paragraph 8.4.15). The Applicant's general position on the August 2026 NPPF is set out in the response to RR-0454/44, on the references to an earlier draft NPPF in the Planning Statement and other documents. The Applicant considers the setting assessments presented in **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** to have paid appropriate attention to the Conservation Area Appraisals, which includes their evaluation as material considerations. Further details on reference to Conservation Area Appraisals is provided below. Conservation Area Appraisals are within the policy framework the assessment identifies. **ES Appendix 8.1: Legislation, Policy and Guidance [APP-112]**, paragraph 8.1.35, sets out Policy 37 of the Doncaster Local Plan (adopted 2021), which covers Conservation Areas. Under that policy, proposals affecting the setting of a Conservation Area should take fully into

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		account the significance identified in any published Conservation Area Appraisal. Further Local Plans that mention Conservation Areas and their associated Conservation Area Policies are included in the **ES Appendix 8.1: Legislation, Policy and Guidance [APP-112]**. These include the Rotherham Local Plan: Core Strategy 2013 -2028 , in paragraph 8.1.50; North East Derbyshire Local Plan 2014 – 2034, in paragraphs 8.1.52 to 8.1.53; Local Plan for Bolsover District in paragraphs 8.1.67 to 8.1.68; and in Wickersley Neighbourhood Plan 2012 – 2028 (Adopted May 2022, in paragraphs 8.1.95. Appraisals for Conservation Areas not included in the **ES Appendix 8.1: Legislation, Policy and Guidance [APP-112]** were not included due to not being accessible to the Applicant. Each Conservation Area taken forward from the sieving exercise is assessed individually in **ES Appendix 8.4 [AS-048]**, with its own summary of heritage significance. This was informed by the aforementioned Conservation Area appraisals and policies relevant to each area together with the setting Site visits and the bare earth zone of theoretical visibility (ZTV) (**ES Chapter 8 [AS-019]**, paragraph 8.4.56).
RR-0454/110	**Relevant assets and sieving** 4.5.4 The applicant concludes in Chapter 8 of the ES that in EIA terms the level of effect would not be significant. The Cultural Heritage and Archaeology chapter finds some Moderate adverse effects on the following assets: • 1010828 Conisbrough Castle, Scheduled Monument	The assets named in paragraph 8.6.2 of **Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]** were not automatically sieved out after the boundary changes. All assets were considered for their potential to change in setting, and either sieved out, or sieved in for further assessment of potential effects on their setting, as

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	• 1491751 Conisbrough Parks Romano-British Villa, Scheduled Monument • Barlborough Hall Registered Park and Garden; and • Barlborough Conservation Area. 4.5.5 Minor adverse effects are predicted for the following assets: • Ulley Conservation Area • 1314636 Hardwick Hall, Grade II Listed building; and • 1151523 Manor House, Grade II Listed building. 4.5.6 The Environmental Statement outlines the Order Limits have been reduced to pull the boundary away from a number of heritage assets (as explained at paragraph 8.6.2 of the Environmental Statement Chapter 8 Cultural Heritage and Archaeology, document APP-060). 4.5.7 However, it is unclear whether the assets referenced in this section of the ES have been subject to further assessment or whether they are now 'sieved out' (document APP-115). Further clarification should be provided on these points as part of an assessment of heritage matters in the manner required by EN-1 and the NPPF. It is noted that Assessment of Indirect Effects to Setting are set out in Appendix 8.4 but the conclusions of how Moderate Adverse and Minor Adverse equate to not being significant is lacking and not fully evidenced and explained and should be rationalised within the main Chapter 8.	explained in **ES Appendix 8.3: Sieving Exercise [APP-114]**. Assets taken forward are described and listed in paragraphs 8.3.5, 8.3.11, 8.3.13, 8.3.14, 8.3.16, 8.3.17 and 8.3.20 **ES Appendix 8.3: Sieving Exercise [APP-114]**.These were assessed, and each has a recorded conclusion in **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]**: • Clifton and Ravenfield Conservation Areas: Each Conservation Area is assessed individually in Table 8.4.6 of the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]**. **ES Chapter 8 [AS-019]** does not list them among assets with harm (paragraphs 8.7.41 to 8.7.45). • Conisbrough Parks Romano-British Villa (1491751) was assessed in Table 8.4.1 of the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]**, and was predicted to experience a Moderate Adverse Effect due to changes in its setting. • Firsby Medieval Pottery Works, the one non-designated asset taken into the settings assessment was assessed individually in Table 8.4.11 of the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** and was predicted to experience No Effect as a result of changes to its setting. The assets named at paragraphs 8.6.3 to 8.6.5 of **ES Chapter 8 [AS-019]** are treated the same way. - Blue Mans Bower was assessed in Table 8.4.2 of the **ES Appendix 8.4: Assessment of Indirect Effects to**

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		Setting [AS-048] and predicted to experience No Effect due to changes to its setting. - Ulley Conservation Area was assessed individually in Table 8.4.5 of the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** and predicted to experience a Minor Effect due to changes to its setting. Brampton-en-le-Morthen and Harthill Conservation Areas were both assessed individually in Table 8.4.6 of the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** and predicted to experience No Effect due to changes to its settings. The following assets were not assessed as they did not meet the criteria explained within **ES Appendix 8.3: Sieving Exercise [APP-114]** and sieved out: - Conisbrough Park Farm. The reasoning for why the Moderate and Minor Adverse Effects are not significant is explained in the main chapter as well as the appendix itself. The level of effect is read from the matrix in Table 8.6 of **ES Chapter 8 [AS-019]**. Under it, a small magnitude of impact on an asset of the highest value gives a Moderate Effect. Paragraph 8.4.33 of **ES Chapter 8 [AS-019]** states: "Major and Moderate Effects are generally considered to be Significant in EIA terms, although professional judgment has been applied." Paragraph 8.7.47 onwards then sets out the assessment rationale for each asset with a Minor or Moderate Adverse effect. - For the Conisbrough Parks Romano-British Villa (1491751), paragraph 8.7.73 of **ES Chapter 8 [AS-019]** explains that the surviving subsurface remains,

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		from which the core of its significance derives, would be unaffected by the Proposed Development. The change to setting would not alter the legibility of the monument. - For Conisbrough Castle, the change is confined to views south-west from the upper levels of the keep. Key historic views of the core of Conisbrough town and key historic views over the north towards the Don Gorge would not be altered (**ES Chapter 8 [AS-019]**, paragraphs 8.7.62 and 8.7.63). - The equivalent reasoning for Barlborough Hall and Barlborough Conservation Area can be found in paragraphs 8.7.90, 8.7.91 and 8.7.102 of **ES Chapter 8 [AS-019]**. For each of these assets the level of harm under National Policy Statement (NPS) EN-1 is also stated: less than substantial, at the lower end of the scale (**ES Chapter 8 [AS-019]**, paragraph 8.7.46).
RR-0454/111	**Assessment of harm and impact** 4.5.8 Overall, the assessment of heritage matters is formulated against broader EIA tests of significant and arrives at an overall conclusion of 'less than substantial harm'. However, the assessment seemingly seeks to address both EIA and heritage policy matters in the same generalised way despite the different approach required in EIA terms compared with an assessment of heritage assets in line with EN-1 and the NPPF. 4.5.9 Whilst the approach to 'sieving' assets for further assessment is understandable, there does not appear to be a detailed assessment of the remaining assets nor a firm conclusion of the potential harm to each asset which is	The assessment keeps the Environmental Impact Assessment (EIA) test and the heritage policy test separate. It reaches a conclusion on each for every asset. The EIA significance of each effect is derived from the value of the asset and the magnitude of impact (**Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraphs 8.4.32 and 8.4.33 and Table 8.6). The heritage policy conclusion is a separate statement of the level of harm under National Policy Statement (NPS) EN-1 (paragraph 8.7.46). **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** does this

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	contrary to NPPF and EN-1, recognising the NPPF has been recently updated. Nevertheless, it is incumbent on the applicant to properly assess each asset and provide a clear conclusion on an asset by asset basis on the level of harm. 4.5.10 As highlighted within our Statutory Consultation response and above in these representations, the area of Whitestone 1 is acknowledged as a historic landscape. It has various medieval assets recorded within the site. It provides a setting to Conisbrough; a historic town with early medieval origin and includes The Deer Park (02958/01) associated with Conisbrough Castle within the centre of Whitestone 1. It is also particularly relevant within the Conisbrough Parks landscape which includes a scheduled Roman villa which shows Roman-period activity also within the Order Limits. The impacts on these assets are classified as Moderate Adverse but concluded as Not Significant. There is no firm detail or evidence behind this conclusion that the impacts will not be significant given it is stated that there will be impacts on the significance of these assets settings. 4.5.11 The applicant's approach is not supported and without such an assessment the council cannot fully respond on heritage matters. 4.5.12 Chapter 8 and the associated appendices identify the moderate and minor adverse effects summarised above, which the applicant concludes amount to less than substantial harm at the lower end of the scale. However, given the variation in the level of harm identified, a more nuanced assessment is required. This reinforces the concern that individual asset assessments have not been undertaken as required by EN-1 and the NPPF. This is particularly important for assets of the greatest significance, including Barlborough Hall, where the applicant acknowledges that the	asset by asset. For each asset taken forward from the sieving exercise it records: - the value, magnitude and predicted effect; - what contributes to significance and how it would change; and - a Statement of Compliance giving the level of harm under NPS EN-1. Moderate effects are generally considered Significant in EIA terms, although professional judgement is applied (**ES Chapter 8 [AS-019]**, paragraph 8.4.33). For Conisbrough Castle, Conisbrough Parks Romano-British Villa, Barlborough Hall and Barlborough Conservation Area, the ES explains why a Moderate Adverse effect is Not Significant for each asset. Core aspects of significance and key views are unaffected, and the change is to elements of setting that make a limited contribution (**ES Chapter 8 [AS-019]**, paragraphs 8.7.63, 8.7.73, 8.7.90 and 8.7.91). Paragraph 8.7.45 of **ES Chapter 8 [AS-019]** records no harm to heritage significance for all other assets. On the W1 assets the Council names: - Conisbrough Castle and the former deer park: the assessment addresses the Castle's association with the medieval former deer park(HER 02958/01) and its estate lands in views south-west (**ES Chapter 8 [AS-019]**, paragraph 8.7.62). The boundaries of the former deer park are not well understood. Post-medieval field changes removed the above-ground evidence of its curtilage, although excavation outside of the Site has identified a section of its outer ditch aligned with the "Park Balk" earthwork (**ES Appendix 8.2: Cultural**

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	loss of agricultural land would affect the setting of the asset by diminishing the sense of its historic rural context.	**Heritage Baseline [AS-044]**, paragraph 8.2.313). W1 would be visible only from the upper levels of the keep, and key historic views of Conisbrough's core and of the Don Gorge would be unchanged by the Proposed Development (**ES Chapter 8 [AS-019]**, paragraphs 8.7.62 and 8.7.63). - The Conisbrough Parks Romano-British Villa : its core significance, which derives from its buried remains, would be unaffected by the Proposed Development. The change to its setting does not alter the legibility of the monument (**ES Chapter 8 [AS-019]**, paragraph 8.7.73). - Barlborough Hall: the assessment accepts the change to views over the rural periphery north of the park, which contributes to its historic rural context. It explains why the principal views south and the internal designed views north remain legible, and concludes with *' The Proposed Development would not change key internal designed views or views over the rural periphery north of the park, which contributes to a sense of the park's historic rural context'.* (**ES Chapter 8 [AS-019]**, paragraphs 8.7.90 and 8.7.91; **ES Appendix 8.4 [AS-048]**, Table 8.4.3). For each of these assets, magnitude of impact of the Proposed Development is assessed as small, and despite the resultant Moderate Adverse Effect, as Not Significant. Each Statement of Compliance places the harm at the lower end of less than substantial harm based on that asset's own evidence, rather than as a blanket conclusion.

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		The Applicant does not agree that an individual asset assessment has not been undertaken, as evidenced in the submitted documentation and summarised above. The Applicant's general position on the August 2026 NPPF is set out in the response to RR-0454/44, on the references to an earlier draft NPPF in the Planning Statement and other documents.
RR-0454/112	4.5.13 As highlighted below by SYAS, these concerns also relate to the approach taken to archaeological matters where adverse effects are anticipated but no mitigation is laid out, nor a justification for no mitigation. It is reasonable to consider the applicant should follow the established evaluation and justification approach, which is currently lacking in the submission.	The Applicant is of the opinion that the approach presented within the ES and supporting documents is robust and proportionate approach. Mitigation for archaeological effects is set out, and where none is proposed the reason is given. **Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**, section 8.6, and **ES Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]** follow the established sequence of evaluation followed by mitigation decisions: - Evaluation: geophysical survey of W1 to W3 and the Cable Corridors, and Phase I trial trenching of the high impact zones (substation and Battery Energy Storage System (BESS)). Phase II non-intrusive survey and targeted trial trenching then follow across the arrays and Cable Corridors, with the trench plans being confirmed with the South Yorkshire Archaeology Service (SYAS) (**ES Appendix 8.7 [APP-119]**, paragraphs 8.7.18 to 8.7.33). - Mitigation by zone: Table 8.7.2 of **ES Appendix 8.7 [APP-119]** assigns the approach for each combination of impact and sensitivity. The approaches are avoidance, preservation in situ under the Archaeological Preservation Strategy, controlled

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		excavation or strip, map and sample before construction, or a watching brief. - Justification where no further work is proposed: the ES gives the reasons for the low impact, low sensitivity zones and for low-value assets such as post-medieval air shafts (**ES Chapter 8 [AS-019]**, paragraphs 8.7.14 and 8.7.24 to 8.7.29). - At the primary substation, the ES predicts complete removal of HAS5/G02, a Moderate Adverse effect before mitigation. It identifies pre-construction excavation to offset it in part, with a Not Significant residual effect once investigation, analysis and dissemination are complete (**ES Chapter 8 [AS-019]**, paragraphs 8.6.23 and 8.7.12). Further consultation between The Applicant and SYAS has also occurred since the submission of the ES and continues to occur where archaeological works are concerned.
RR-0454/113	4.5.14 It is then necessary for the applicant to undertake further consideration of the cumulative impact on the historic environment, as the current level of detail is limited. Given the extent of the proposals, this requires greater consideration and we request further assessment in this regard.	The Applicant considers the cumulative effect assessment as presented in the ES to be robust and proportionate as summarised below. Cumulative effects on the historic environment are assessed in section 8.9 of **Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**. The assessment uses the long list of cumulative developments in **ES Appendix 17.2: Long List of Developments for Cumulative Effects Assessment [APP-154]**. It covers two kinds of effect: - Intra-cumulative effects, where one asset is affected by more than one part of the Proposed Development (**ES Chapter 8 [AS-019]**, paragraph 8.9.3).

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		- Inter-Cumulative Effects, where individual effects from separate projects, whilst individually not impacting the development on its own, when combined, can lead to more serious impacts. The following were assessed as part of the Inter-Cumulative Effects: • Direct and indirect physical effects from Inter-Cumulative effects, screened project by project against the heritage assets in the Order Limits. No other project overlaps any of them (**ES Chapter 8 [AS-019]**, paragraphs 8.9.5 to 8.9.8). • Setting effects, for every asset with a Minor adverse effect or greater (**ES Chapter 8 [AS-019]**, paragraph 8.9.9). Eight projects were identified with potential for Inter-Cumulative setting effects. They include two in Conisbrough within the Council's area: land south-east of Old Road (24/01404/FULM) and Rowena House (25/02346/FULM) (**ES Chapter 8 [AS-019]**, Table 8.10). Each affected asset then has its own cumulative assessment with a conclusion. -Tables 8.11 to 8.14 of **ES Chapter 8 [AS-019]** record no inter-cumulative effect on Conisbrough Castle, the Conisbrough Parks villa, Barlborough Hall or the Manor House. - For Hardwick Hall Farmhouse, Table 8.15 of **ES Chapter 8 [AS-019]** records that the inter-cumulative assessment table records that the Common Farm solar farm (RB2022/1203) would increase the magnitude of impact by a small degree. It would not

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		generate notably different effects from the Proposed Development alone, which is Not Significant. - For Ulley Conservation Area, Table 8.16 of **ES Chapter 8 [AS-019]** records that the inter-cumulative assessment table records that with the Land off Carr Lane scheme (RB2025/0029), there is a slight further reduction in the legibility of the Conservation Area. This is not notably different from the effect of the Proposed Development alone. It gives a Minor adverse cumulative effect that is Not Significant, with the harm remaining at the lower end of less than substantial harm (**ES Chapter 8 [AS-019]**, Table 8.16).
RR-0454/114	**4.6 Archaeology** 4.6.1 Comments have been provided by South Yorkshire Archaeology Service (SYAS) in respect of archaeology. These are provided below. 4.6.2 SYAS is a joint service maintained by Barnsley Metropolitan Borough Council, City of Doncaster Council, Rotherham Metropolitan Borough Council and Sheffield City Council. It provides archaeological advice to those authorities. This letter sets out SYAS's Relevant Representation in response to the Development Consent Order application for Whitestone Solar Farm. 4.6.3 Archaeological matters are addressed within the Environmental Statement Chapter 8: Cultural Heritage and Archaeology [APP-060], Figures [APP-077] and is supported by a series of technical appendices including 8.1 Legislation Policy and Guidance [APP-112]; 8.2 Cultural Heritage	The Applicant notes the support of the South Yorkshire Archaeology Service (SYAS) for a proportionate, phased strategy. It also notes SYAS's recognition that the approach is broadly consistent with the CIfA Archaeology and Solar Farms Good Practice Guide (2026). The Applicant's position is that the mitigation is evidenced, spatially defined, deliverable and secured: • Evidenced: it rests on desk-based, geoarchaeological, walkover and geophysical survey and Phase I trenching. Where evidence is incomplete, every feature interpreted as possible or likely archaeology is assessed as if confirmed (**Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.4.56).

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	Baseline [APP-113]; 8.3 Sieving Exercise [APP-114]; 8.3.1 Sieving Exercise Assets [APP-115]; 8.4 Assessment of Indirect Effects to Setting [APP-116]; 8.5 Geoarchaeological Desk-Based Assessment [APP-117]; 8.6 Geophysical Survey [APP-118]; 8.7 Archaeological Investigation and Preservation Strategy [APP-119]; 8.8 Cable Corridor Geophysical Survey Report [APP-120]; 8.9 Phase I Trial Trenching Report [APP-121]. An Outline Written Scheme of Investigation [APP-049] has also been submitted. **Summary position** 4.6.4 SYAS supports the principle of a proportionate and phased archaeological strategy for a solar development of this scale. The assessment has included desk-based assessment, geoarchaeological assessment, walkover survey, geophysical survey and targeted intrusive evaluation. The general approach is broadly consistent with the principles of the Archaeology and Solar Farms Good Practice Guide (2026). 4.6.5 The principal concern is whether the submitted archaeological assessment, investigation & preservation strategy and dDCO provide sufficient information and clear mechanisms to secure proportionate, location-specific archaeological mitigation across the Order Limits. 4.6.6 Elements of the pre-consent evaluation remain incomplete; zoning based on impact and archaeological sensitivity is not yet fully defined or mapped; and the relationship between the Archaeological Investigation and Preservation Strategy (AIPS), Outline Written Scheme of Investigation (oWSI), detailed design and dDCO requirements requires clarification. Consequently, the application does not yet provide sufficient confidence that	• Spatially defined: it is organised by impact and sensitivity zones (**ES Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]**, Table 8.7.2) and named Heightened Archaeological Sensitivity (HAS) areas (**ES Appendix 8.7 [APP-119]**, Table 8.7.1). The HAS areas are mapped (**ES Chapter 8 Figures [APP-077]**, Figure 8.4). • Deliverable: it sets out the non-intrusive installation methods for preservation in situ, using ballast bases and cabling fixed to the arrays (Annex A of **ES Appendix 8.7 [APP-119]**). • Further zoning requests have been accepted by the Applicant since the submission of the ES and are currently in process. • Secured: no part of the development may commence until SYAS has approved the written scheme of investigation for that part. Intrusive archaeological investigation counts as commencement (Schedule 2 Requirement 10(1) and (5) of the **draft Development Consent Order (dDCO) [AS-009]**). The specific matters SYAS raises are answered in turn in the responses below. These cover the incomplete Phase I work, the definition and mapping of sensitivity zones, landscape-scale potential and historic character, ground disturbance and its mapping, recording and residual effects, question-led evaluation, the deliverability of avoidance, and decommissioning. The relationship between the Archaeological

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	significant archaeological remains will be identified, evaluated and appropriately avoided, preserved or recorded before works commence. 4.6.7 SYAS considers that the Applicant should demonstrate that the archaeological mitigation proposed is sufficiently evidenced, spatially defined, deliverable and secured for the particular locations and impacts to which it would apply.	Investigation and Preservation Strategy (AIPS), the outline Written Scheme of Investigation (oWSI) and the DCO is answered at below, on certification of the AIPS, location-specific measures and approval of design details for preservation in situ.
RR-0454/115	**Principal Issues** <u>Completion and integration of archaeological evaluation</u> 4.6.8 Elements of the planned Phase I archaeological investigation remain incomplete and some reports have not been updated to reflect the most recent position. The final results have therefore not yet been incorporated into the ES, Cultural Heritage Baseline, AIPS or oWSI. 4.6.9 Consequently, the application does not yet present the complete evidence base upon which the final assessment of impact, archaeological significance and mitigation strategy will depend. Unless the outstanding investigations are completed, reported and reviewed sufficiently early, there may be inadequate time to consider whether their results require additional evaluation, design amendment or area-specific mitigation.	This staged approach was built into the application and current uncertainties accounted for with robust assumptions. The Applicant considers the overarching archaeological strategy presented in the **ES Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]**, clearly defines the ongoing and post-consent stages of work required and that these are secured within the DCO. Further details are summarised below. The application identifies which Phase I investigations were incomplete at submission, why, and when they will be reported. **ES Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.5.5, and **ES Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]**, paragraph 8.7.19, explain that some Cable Corridor parcels and some Phase I trenches could not be completed because of land access and weather. Their outputs will be provided before or during the Examination so that interested parties can comment. The Phase I trenching completed to date is reported in **ES Appendix 8.9: Phase I Trial Trenching Report [APP-121]**, and the Cable Corridor geophysics in **ES Appendix 8.8: Cable Corridor Geophysical Survey**

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		Report [APP-120]. Paragraph 8.7.20 of **ES Appendix 8.7 [APP-119]** expects completion in autumn 2026. A review with the South Yorkshire Archaeology Service (SYAS) will follow, in which the zoning and the scope of survey are updated as required. The assessment was built to withstand this. - It assumes that every feature interpreted as possible or likely archaeology from geophysics, cropmarks or desk-based data is a confirmed buried site and assesses it as such (**ES Chapter 8 [AS-019]**, paragraph 8.4.56). - Solar PV areas where magnetometry confidence is low are treated as Unknown Sensitivity. As set out in the AIPS, Phase II non-intrusive surveys will be undertaken in these areas after consent, followed, if required, by Phase II trenching (**ES Appendix 8.7 [APP-119]**, Table 8.7.2). - The Phase II surveys must be completed in time for their results to be reviewed with SYAS and for mitigation to be agreed before construction commences (**ES Appendix 8.7 [APP-119]**, paragraph 8.7.34). Under Schedule 2 Requirement 10 of the **draft Development Consent Order (dDCO) [AS-009]**, no part of the development may then commence until SYAS has approved the written scheme of investigation for that part. Intrusive archaeological surveys count as commencement (Requirement 10(5)).
RR-0454/116	**Definition and mapping of archaeological sensitivity** Areas of Heightened Archaeological Sensitivity	The Applicant acknowledges these comments and also notes that it is currently engaged in an ongoing

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	4.6.10 Areas of Heightened Archaeological Sensitivity (HAS) are a central component of the proposed investigation and mitigation strategy. The documents describe them by reference to heritage assets of known regional research value, or with the potential to be of regional research value. However, they do not provide sufficiently clear and consistently applied criteria for determining: - what evidence is required for an area to be designated as HAS; - how archaeological potential, research value and heritage significance are distinguished; - how the boundary of each HAS area has been defined; - how uncertainty in the evidence has been addressed; or - how HAS areas relate to High Sensitivity and Unknown Sensitivity Zones. 4.6.11 Not all locations that may satisfy the stated criteria appear to have been identified and mapped. This is particularly relevant to the cable corridors, where the final survey evidence has not yet been fully integrated into the ES and associated zoning. 4.6.12 The definition, criteria, evidential basis and mapped extent of all HAS areas should therefore be examined and agreed before the zoning is relied upon to determine the scope of post-consent evaluation, preservation or mitigation.	consultation with SYAS aimed at further defining the zones of archaeological sensitivity across the Site. This additional work that will include the production of updated plans and explanation of the zoning criteria will be submitted at Examination Deadline 3. The Applicant would, however, also like to address where in the application the Areas of Heightened Archaeological Sensitivity (HAS) are defined, and the approach to their boundaries and to uncertainty is set out. • Definition: **ES Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.6.7, defines HAS as heritage assets of known regional research value, or with the potential to be of regional research value. Paragraph 8.6.9 of **ES Chapter 8 [AS-019]** identifies their likely forms: settlement sites, industrial activity, burial sites or areas of high-density archaeological remains. • Listing and mapping: Table 8.7 of the chapter and Table 8.7.1 of **ES Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]** list each HAS with its data source (Historic Environment Record (HER) record, geophysical anomaly or cropmark), its area and the infrastructure affected. They are mapped in **ES Chapter 8 Figures [APP-077]**, Figure 8.4. • Research value: this is distinguished from lesser potential in the assessment itself. Possible settlements are treated as of higher value because they can contribute to regional

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		research agendas, and field systems as of lower value (**ES Chapter 8 [AS-019]**, paragraphs 8.7.20 and 8.7.22). The relationship between HAS and the sensitivity zones is set out in the chapter, and the zones themselves in Table 8.7.2 of **ES Appendix 8.7 [APP-119]**. The HAS areas are assessed as High Sensitivity zones (**ES Chapter 8 [AS-019]**, paragraphs 8.7.9 and 8.7.15). Undated enclosures, ditches and earthworks, and areas where magnetometry confidence is low, are Unknown Sensitivity until Phase II evaluation assigns them (**ES Chapter 8 [AS-019]**, paragraph 8.7.20; **ES Appendix 8.7 [APP-119]**, Table 8.7.2). Uncertainty is handled in two ways. Every possible feature is assumed to be real (**ES Chapter 8 [AS-019]**, paragraph 8.4.56). There is also provision to add or modify HAS areas as survey results come in (**ES Appendix 8.7 [APP-119]**, paragraphs 8.7.6 and 8.7.12; **ES Chapter 8 [AS-019]**, paragraph 8.6.15). The Cable Corridor geophysics is still being completed. The trench plan for the corridors will follow discussion of its results with the South Yorkshire Archaeology Service (SYAS) (**ES Appendix 8.7 [APP-119]**, paragraph 8.7.29). The zoning is not applied to determine post-consent work without SYAS. This is because each written scheme of investigation requires SYAS's approval under Schedule 2, Requirement 10 of the **draft Development Consent Order (dDCO) [AS-009]**. Further zoning requests have been accepted by the Applicant since the submission of the ES and are currently in process to be submitted at Deadline 3.

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RR-0454/117	<u>Areas of unresolved or uncertain archaeological potential</u> 4.6.13 The definition of Unknown Sensitivity Zones appears too narrow to capture the full range of uncertainty arising from the evidence base. It is principally directed towards undated enclosures, ditches and earthworks identified through geophysical survey or Historic Environment Record data. It does not clearly account for: - isolated or low-density archaeological remains; - remains with weak or negligible magnetic responses; - archaeological activity not expressed as ditched enclosures; - early prehistoric and early medieval remains that may be difficult to detect through magnetometry; or - areas in which magnetic disturbance has prevented reliable interpretation. 4.6.14 This is particularly important in areas affected by the spreading of green waste, where magnetometry survey has not produced reliably interpretable results. Such areas should not be treated as archaeologically blank. Their archaeological sensitivity remains unresolved and should be identified as such in the baseline and sensitivity mapping. 4.6.15 Where other evidence identifies archaeological potential, for example, the Heritage baseline notes the high potential for further heritage assets of Romano-British and Medieval date within the Conisbrough Parks landscape, the inability of magnetometry to provide useable results increases rather than resolves uncertainty. The AIPS should identify how that uncertainty will be addressed through methods appropriate to the anticipated archaeological resource and the nature of the proposed impact.	The Applicant welcomes these comments and agrees that a landscape-scale archaeological approach is key to the design of an effective evaluation and mitigation strategy and notes they are currently engaged in an ongoing consultation with SYAS aimed at further defining the zones of archaeological sensitivity across the Site. The Applicant is currently undertaking an additional review of aspects of the baseline to ensure that the landscape scale archaeological potential of the Site is adequately captured in the zoning plan and the evaluation and mitigation strategy that stems from this plan that will be reported during examination in an updated version of **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]**. Among other things, this work includes additional consideration of the former Roman Villa estate landscape. The Applicant would, however, also like to address where in the submitted application the issues of unreliable magnetometry and remains that magnetometry cannot detect, are considered. These are as follows: • Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019], paragraph 8.4.56, records the limitation the representation mentions. Geophysics cannot always identify buried features, and is not well suited to more ephemeral features or deposits from earlier prehistory. Paragraph 8.7.20 of ES Chapter 8 [AS-019] treats undated enclosures, ditches and earthworks as Unknown Sensitivity. For the assessment, it assumes that possible

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		settlements have the potential to contribute to regional research agendas. • Green waste: ES Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119], paragraph 8.7.23, identifies areas of green waste as areas of currently unknown archaeological sensitivity where features are unlikely to have been detected. Table 8.7.2 of ES Appendix 8.7 [APP-119] places them in the Unknown Sensitivity zone. There, Phase II non-intrusive survey is followed if required by trial trenching, and mitigation follows the sensitivity the results establish. • Electromagnetic survey: this is to be trialled first on two W1 areas, including the parcel 34 enclosure (HER 04365/01) that magnetometry missed. If the trial is effective, it may be extended to the remaining high-magnetism fields in W1 (paragraphs 8.7.24 and 8.7.25; outline Written Scheme of Investigation (WSI) [APP-049], paragraphs 1.9.7 to 1.9.9). • Conisbrough Parks: the potential SYAS refers to is recorded in the baseline. It finds a high potential for further Romano-British and Medieval assets within W1 (ES Appendix 8.2: Cultural Heritage Baseline [AS-044], paragraphs 8.2.253 and 8.2.321). • - Areas not investigated beforehand: in areas with potential for sub-surface remains that are not included in the pre-construction investigations, ground-breaking works are subject to a watching brief. This continues until

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		it can be determined that no potential for preservation remains (outline WSI [APP-049], paragraph 1.9.16). That determination is made in consultation with SYAS (ES Appendix 8.7 [APP-119], paragraph 8.7.43).The methods are agreed in detailed written schemes of investigation approved by SYAS under Schedule 2, Requirement 10 of the **draft Development Consent Order (dDCO) [AS-009]**.
RR-0454/118	**Landscape-scale archaeological potential** 4.6.16 The assessment principally describes discrete archaeological sites, Historic Environment Record entries and geophysical anomalies. This is necessary, but may not adequately address the potential significance of relationships between archaeological remains across the wider landscape. 4.6.17 This is particularly relevant within the Conisbrough Parks landscape. The scheduled Roman villa at Conisbrough Parks indicates a locus of elite Roman-period activity centred around the management of an estate. This sits within a wider landscape that also includes evidence for early medieval activity in and around Conisbrough, associations with high-status landholding and the medieval elite centre represented by Conisbrough Castle. 4.6.18 The application does not include an assessment of the significance of this landscape as a multi-period elite centre, including its potential to preserve evidence for continuity or discontinuity between Roman, early medieval and medieval systems of landholding, settlement, routeways and administration. This research potential is itself part of the archaeological interest and heritage significance of the area.	The Applicant welcomes these comments and agrees that a landscape-scale archaeological approach is key to the design of an effective evaluation and mitigation strategy and notes they are currently engaged in an ongoing consultation with SYAS aimed at further defining the zones of archaeological sensitivity across the Site. The Applicant is currently undertaking an additional review of aspects of the baseline to ensure that the landscape scale archaeological potential of the Site is adequately captured in the zoning plan and the evaluation and mitigation strategy that stems from this plan that will be reported during examination in an updated version of **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]**, that is to be submitted at Examination Deadline 3. Among other things, this work includes additional consideration of the former Roman Villa estate landscape. The Applicant would, however, also like to note where the ES does include discussion on Roman and medieval landscape archaeology.

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	4.6.19 SYAS does not suggest that landscape-scale archaeological interest should automatically be assigned a particular level of significance. Rather, the baseline and investigation strategy should identify where relationships between known and potential remains represent a material research question and ensure that evaluation and mitigation are designed to investigate or preserve those relationships.	The baseline records the Roman, early medieval and medieval evidence in and around Conisbrough Parks and sets it against regional research questions. The strategy provides for evaluation to be framed by them. **ES Appendix 8.2: Cultural Heritage Baseline [AS-044]** uses the South Yorkshire Historic Environment Research Framework. - For the Roman period it records the research theme of continuity and change from the Late Iron Age into the Romano-British period. This includes questions on field systems, roads and the rural economy (**ES Appendix 8.2 [AS-044]**, paragraphs 8.2.267 and 8.2.268). The relationship between Roman assets and the surrounding landscape is also discussed in paragraph 8.2.250 to paragraph 8.2.253. - For the medieval period it records research areas including the geographic distribution of manor sites and their supporting settlements and field systems, and the relationship between high status manors and the wider population. - It also notes the medieval deer par associated with Conisbrough Castle at the centre of W1 (**ES Appendix 8.2 [AS-044]**, paragraph 8.2.313) and the castle's association with the Deer Park and its estate lands is assessed as part of its setting (**ES Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.7.62).
RR-0454/119	**Historic Environment Character** 4.6.20 The Cultural Heritage Baseline describes aspects of Historic Environment Character, and historic landscape character is considered where it contributes to the setting	Though, as the representation points out, Historic Environment Character is not considered in the assessment as a separate element of the historic environment, it nevertheless features as a consideration throughout the **Environmental**

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	and significance of selected designated heritage assets. It is not clear, however, whether the assessment has considered potential effects on the inherited character and time-depth of the landscape more generally. 4.6.21 Historic landscape assessment is distinct from, although related to, landscape and visual assessment and differs from the landscape archaeological approach in that it relates to the physical components of the landscape itself rather than buried archaeological features. It considers matters including inherited land-use patterns, historic boundaries, routeways, the legibility of former landscapes and relationships between archaeological sites. 4.6.22 The Applicant should clarify whether Historic Environment Character has been assessed as part of the cultural heritage assessment and, if so, identify the relevant receptors, assessment criteria and conclusions. If it has been scoped out as a separate consideration, the evidential basis for that decision should be explained.	**Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]** and associated appendices, most notably, as pointed out, in the **ES Appendix 8.2: Cultural Heritage Baseline [AS-044]** and in the contribution it makes to setting in the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]**. The time depth of the contemporary landscape and legibility of historic patterns is also considered when discussing the former medieval deer park and processes of enclosure. However, the baseline studies showed that aside from post-medieval and modern fieldscapes, elements of earlier medieval, Roman, or prehistoric landscapes do not survive within the contemporary landscape to the extent that they would warrant separate methodological discussion within the ES. With a view to keeping the assessment proportionate historical landscape archaeology was, therefore, not assessed separately.
RR-0454/120	**Definition and assessment of development-related ground disturbance** 4.6.23 The nature, extent and depth of development-related ground disturbance are not defined with sufficient clarity to allow archaeological impacts and proposed mitigation to be assessed on an area-specific basis. 4.6.24 Particular matters requiring clarification include: - low-voltage and inter-array cabling and associated connections; - foundations for substations and other ancillary equipment;	The Environmental Statement (ES) sets worst-case ground disturbance assumptions for the main elements of the development. It assumes that all remains within the footprint of infrastructure are impacted (**ES Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.4.54). **ES Chapter 8: Cultural Heritage and Archaeology [AS-019]** sets the basis of assessment for the elements SYAS lists:

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	- access tracks, drainage and permissive paths; - construction compounds and temporary working areas; - vehicle tracking, rutting, soil compression and ground levelling; - tree pits, hedge trenches, scrub planting and other landscaping works; - the creation or modification of grassland, scrapes and ecological mitigation features; - the removal of infrastructure during decommissioning; - remediation of tracks and hardstanding; and - soil-loosening or other operations undertaken to return land to agricultural use. 4.6.25 The comparison of some ancillary works with the impact of timber fenceposts does not adequately reflect the potentially greater or more extensive disturbance associated with cabling, drainage, access and landscaping. Similarly, assumptions that overburden will protect archaeological remains from construction traffic do not appear to be supported by sufficiently detailed information about soil and overburden depth. 4.6.26 SYAS recognises that the final location and construction methodology for every element may not yet be available. Nevertheless, the ES should identify credible worst-case parameters, and the control documents should provide a mechanism for comparing the final design against archaeological sensitivity before the relevant works commence.	- Cabling: Cable Corridor trenches up to 3m deep, typically 1m to 2m wide and up to 10m wide for multiple circuits, with stripping for haul roads and storage (**ES Chapter 8 [AS-019]**, paragraph 8.4.43). Direct current cabling within the arrays is either fixed to the frames or buried up to 1.2m deep in trenches 0.3m to 1.5m wide (**ES Chapter 8 [AS-019]**, paragraph 8.4.44). - Substations, Battery Energy Storage System (BESS) and PCS: foundations assumed to remove all remains in their footprint (**ES Chapter 8 [AS-019]**, paragraphs 8.4.39 and 8.7.6). - Access tracks, drainage, fencing and other ancillary works: direct effects limited to their footprint (**ES Chapter 8 [AS-019]**, paragraphs 8.4.40 and 8.4.54). - Compounds: assumed to stay within topsoil and subsoil (**ES Chapter 8 [AS-019]**, paragraph 8.4.41). - Landscaping and ecological works: in areas of tree and hedgerow planting, root action is assumed to be capable of reaching the archaeological horizon (**ES Chapter 8 [AS-019]**, paragraph 8.4.54). Tree and hedgerow planting is assumed to be sympathetic to the location of known archaeology (**ES Chapter 8 [AS-019]**, paragraph 8.4.42). - Decommissioning: works are confined to the construction footprint (**ES Chapter 8 [AS-019]**, paragraph 8.4.51). - Throughout: all subsurface remains within the footprint of infrastructure are assumed to be impacted (**ES Chapter 8 [AS-019]**, paragraph 8.4.54).

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		The fencepost comparison in paragraphs 8.4.38 and 8.4.40 of **ES Chapter 8 [AS-019]** describes how far certain works would damage the features they pass through. These are piles or screws (8.4.38) and the other below-ground works, namely low voltage cabling, access tracks, drainage, fencing and CCTV, and ancillary buildings (8.4.40). The comparison does not describe the area assumed to be affected. For the assessment, all remains within the footprint of infrastructure are taken to be impacted. Where infrastructure is installed on ballast bases across a Preservation Zone, the Archaeological Preservation Strategy excludes heavy plant. It requires matting or road plates and allows installation only in suitable ground conditions (**ES Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]**, paragraph 8.7.70). Archaeological sensitivity is addressed for each part through the written scheme of investigation. Schedule 2, Requirement 3 of the **draft Development Consent Order (DCO) [AS-009]** requires approval of the layout, levels and cable details for each part. Requirement 3(2) requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. Under Schedule 2, Requirement 10 of the **draft DCO [AS-009]**, no part of the development may commence until SYAS has approved the written scheme of investigation for that part. Intrusive archaeological surveys count as commencement (Requirement 10(5)). The

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		Archaeological Investigation and Preservation Strategy (AIPS) requires the Phase II results to be reviewed with SYAS and mitigation agreed before construction (**ES Appendix 8.7 [APP-119]**, paragraphs 8.7.34 to 8.7.36).
RR-0454/121	**Integrated mapping of sensitivity, impacts and mitigation** 4.6.27 The application does not clearly map the predicted areas, depths or forms of construction-related ground disturbance against the known and potential archaeological resource i.e. anticipated impact against archaeological sensitivity. 4.6.28 Without integrated impact and sensitivity mapping, it is difficult to demonstrate that the proposed mitigation is proportionate and applicable to the particular locations in which impacts may occur. 4.6.29 SYAS considers that separate figures showing impact areas and archaeological sensitivity and a combined figure showing both to illustrate magnitude of effect, are provided to accompany the Investigation and Preservation Strategy. This will bring the approach more in line with the Archaeology and Solar Farms Good Practice Guide (2026) which recommends defining disturbance zones and sensitivity areas as supporting the development of archaeological methodologies aligned to specific site conditions and project impacts.	The Applicant acknowledges these comments and notes they are currently engaged in an ongoing consultation with SYAS. Additional documents currently being produced by the Applicant are aimed at further defining the zones of archaeological sensitivity across the Site and providing a rationale for trenching and other evaluation techniques with appropriate updates to the AIPS to be submitted at Examination Deadline 3. The package of updates includes the production of plans showing archaeological sensitivity against impact areas. The Applicant would, however, also like to address where in the submitted application the issues raised are considered. The application currently maps the archaeological sensitivity and the infrastructure. It assigns mitigation by combining the two. - Sensitivity: **Environmental Statement (ES) Chapter 8 Figures [APP-077]**, Figure 8.4 (five sheets), maps the Areas of Heightened Archaeological Sensitivity (HAS) against the Order Limits, Historic Environment Record (HER) records and geophysical results. - Infrastructure: the layout is shown on the Illustrative Masterplan (**ES Chapter 5 Figures [APP-073]**, Figure 5.1) and the **Works Plans [AS-005]**.

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		- Combination: the approach for each combination of impact and sensitivity is set out in **ES Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]**, Table 8.7.2. Table 8.7.1 of **ES Appendix 8.7 [APP-119]** records, for each HAS, its land parcel, area and the infrastructure that would affect it. - Assessment: **ES Chapter 8: Cultural Heritage and Archaeology [AS-019]**, section 8.7, assesses the effect zone by zone (High Impact/High Sensitivity, High Impact/Low Sensitivity, Low Impact/High Sensitivity, Low Impact/Unknown Sensitivity and Low Impact/Low Sensitivity; paragraphs 8.7.9 to 8.7.29). The AIPS sets out a proportionate and flexible approach in line with the CIfA Archaeology and Solar Farms Good Practice Guide (2026) (**ES Appendix 8.7 [APP-119]**, paragraph 8.7.9). The final layout is fixed at detailed design, and the zoning is updated after the Phase I and Phase II reviews (**ES Appendix 8.7 [APP-119]**, paragraphs 8.7.20 and 8.7.35). The combined picture for each part is therefore confirmed through the detailed written scheme of investigation. That scheme requires the approval of the South Yorkshire Archaeology Service (SYAS) under Schedule 2, Requirement 10 of the **draft Development Consent Order (dDCO) [AS-009]**. Further zoning requests have been accepted by the Applicant since the submission of the ES and are currently in process.

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RR-0454/122	**Archaeological investigation, preservation and mitigation** <u>Archaeological recording and residual effects</u> 4.6.30 The ES indicates that further archaeological work resulting in preservation by record could reduce adverse effects to Not Significant. SYAS considers that this requires clarification. 4.6.31 Archaeological excavation and recording can mitigate the consequences of the loss of archaeological remains by recovering and disseminating information. It does not preserve the remains themselves or reduce the physical magnitude of their removal. The residual-effect assessment should therefore distinguish clearly between: - avoidance or preservation in situ, which prevents or reduces physical harm; - design measures that reduce the extent or depth of impact; and - archaeological excavation and recording, which mitigate the consequences of accepted physical loss through the recovery of information. 4.6.32 The ES should explain how preservation by record has been taken into account in determining residual effects, including the extent to which the significance of the affected asset depends upon information that can realistically be recovered through investigation.	The ES) distinguishes the three forms of mitigation the South Yorkshire Archaeology Service (SYAS) describes. It relies on recording only where the significance of the remains lies in the information they hold. - Avoidance and preservation in situ: in the confirmed Heightened Archaeological Sensitivity (HAS) areas the Archaeological Preservation Strategy is applied, through exclusion or non-intrusive installation. There is therefore no physical impact and no effect (**ES Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraphs 8.7.18, 8.7.19 and 8.7.21). - Design measures that reduce the extent of impact: micro-siting, re-routing and drilling beneath assets on the Cable Corridors (**ES Chapter 8 [AS-019]**, paragraphs 8.6.16 and 8.6.19). - Recording: excavation is described as offsetting harm, not preventing it (**ES Chapter 8 [AS-019]**, paragraph 8.6.23). The one asset where recording is relied on at present is the possible enclosure HAS5/G02 at the primary substation. It would be removed entirely, which the ES reports as a large magnitude of impact and a Moderate adverse effect (**ES Chapter 8 [AS-019]**, paragraph 8.7.12). The ES explains that the value of this asset lies in its future research potential. The ES says the effect "can, in part, be offset by a programme of proportionate archaeological investigation". It concludes that the effect is not significant once investigation, analysis and dissemination are complete (**ES Chapter 8 [AS-019]**, paragraph 8.7.12).

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RR-0454/123	<u>Selection of evaluation methods</u> 4.6.33 The AIPS should adopt an explicitly question-led approach to the selection of evaluation methods. Magnetometer survey is effective for many forms of archaeological remains, but a lack of anomalies cannot in every location be treated as evidence of a lack of archaeology. 4.6.34 The proposal not to trench geophysically blank areas located away from identified settlement should therefore be qualified. The appropriateness of that approach will depend upon: - the reliability of the survey in the particular ground conditions; - the types and periods of archaeology reasonably anticipated; - evidence from desk-based, topographic, aerial, LiDAR or geoarchaeological sources; - the nature and magnitude of the proposed impact; and - the research questions relevant to the area. 4.6.35 The final strategy should explain how the evaluation method for each area has been selected to address the particular uncertainty identified.	The Applicant acknowledges these comments and notes they are currently engaged in an ongoing consultation with SYAS. Additional documents currently being produced by the Applicant are aimed at further defining the zones of archaeological sensitivity across the Site and providing a rationale for trenching and other evaluation techniques with appropriate updates to the AIPS to be made during the examination. The Applicant would, however, also like to address where in the submitted application the issues raised are considered as set out below. - Where magnetometry is unreliable, the area is currently mapped as Unknown Sensitivity and receives further survey and, if required, trenching (**Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]**, Table 8.7.2; paragraphs 8.7.23 to 8.7.26). - The ES acknowledges that geophysics is poorly suited to ephemeral and early prehistoric remains (**ES Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.4.56). A geoarchaeological desk-based assessment addresses sealed early prehistoric deposits (**ES Chapter 8 [AS-019]**, paragraph 8.5.3; **ES Appendix 8.5: Geoarchaeological Desk Based Assessment [AS-050]**). - ES Appendix 8.7 records that discussion is ongoing with SYAS to confirm the trench plan for the arrays.

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		The plan will be confirmed in the detailed written scheme of investigation (**ES Appendix 8.7 [APP-119]**, paragraphs 8.7.28 and 8.7.33). The detailed written scheme of investigation for each part requires SYAS's approval under Schedule 2, requirement 10 of the **draft Development Consent Order (dDCO) [AS-009]**. It must be substantially in accordance with the outline Written Scheme of Investigation (WSI).
RR-0454/124	Deliverability of avoidance and preservation measures 4.6.36 The ES concludes that embedded mitigation will avoid significant effects, but the AIPS recognises circumstances in which high-impact works may affect areas of high archaeological sensitivity. The documents should therefore explain: - the circumstances in which avoidance or preservation in situ may not be achievable; - how such circumstances will be identified; - who will determine the appropriate response; - whether design modification must be considered before excavation; - how any residual effect will be reassessed; and - how the agreed mitigation will be secured. 4.6.37 The deliverability of particular avoidance measures also requires further explanation. For example, the use of directional drilling beneath heritage assets depends upon relevant engineering, geological and geotechnical constraints. Where the ES relies upon such measures to avoid significant effects, it should provide proportionate evidence that the measures are feasible or establish an appropriate fallback position.	The process noted in the representation is described in the Application as the 'Strategy Review Periods' (**ES Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]**). Paragraphs 8.7.34 – 8.7.35 covers the Strategy Review following the end of the Phase II Survey, noting that surveys will be completed in adequate time to allow for the results to be reviewed and discussed with SYAS and for an appropriate approach to mitigation to be agreed and implemented during a clearly defined pre-construction phase, prior to construction commencing. This allows for the decision making referenced in the representation, including the option of avoidance through design modification. The AIPS goes on to say that where preservation by design consistent with the APS is not possible, it is likely that the mitigation of significant buried archaeology would either take the form of controlled archaeological excavation or a strip map and sample exercise. The AIPS also states that after the Phase II review with SYAS, the zoning, scope of investigation and mitigation in the AIPS and the detailed Written

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		Scheme of Investigation (WSI) will be updated as required (**ES Appendix 8.7 [APP-119]**, paragraph 8.7.35). These updates will include a consideration of residual effects. -The agreed mitigation is then to be set out in more detail within one or more site-specific WSIs (**outline Written Scheme of Investigation [APP-049]**, paragraph 1.9.15). These bind the works under Requirement 10. On the Cable Corridors, micro-siting of the cable trench is the first measure (**Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.6.16). Where avoidance is not practicable, the fallback is controlled archaeological excavation and close archaeological monitoring to offset harm (**ES Chapter 8 [AS-019]**, paragraph 8.6.23). Further surveys may find heightened sensitivity across a large part or the full width of the construction corridor. If so, a programme of controlled excavation is designed with the planning authority's archaeological adviser and carried out before construction (**ES Chapter 8 [AS-019]**, paragraph 8.7.7). The ES therefore does not rely on directional drilling as the only means of avoiding significant effects, and it sets out the fallback where drilling is not used. The mitigation adopted at each location is fixed in the detailed written scheme of investigation for that part, which requires the approval of SYAS and must be substantially in accordance with the outline Written Scheme of Investigation **[APP-049]** (Schedule 2, Requirement 10 of the draft DCO **[AS-009])."**

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RR-0454/125	**Archaeological considerations during decommissioning** 4.6.38 The final decommissioning methodology cannot reasonably be defined at this stage. It is therefore appropriate for the detailed archaeological response to be determined later, but the present control documents should establish the process by which that response will be prepared, consulted upon, approved and implemented. 4.6.39 The oDEMP, AIPS and oWSI should require a phase-specific archaeological decommissioning strategy to be submitted before decommissioning works commence. That strategy should: - review the archaeological evidence available at that time; - identify areas preserved in situ during construction and operation; - assess the proposed decommissioning methodology and ground disturbance; - define any protection, monitoring or investigation required; - identify the role of the archaeological contractor or Archaeological Clerk of Works; and - include arrangements for reporting, archiving and dissemination.	The Applicant acknowledges the comment and provision for a decommissioning phase specific strategy, including all the steps outlined in the representation, will be added to the outline APS that is part of the updated **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]** to be submitted at Examination Deadline 3. The sensitive decommissioning strategy within the AIPS is secured by reference to this document within Table 1.1 of the **outline Decommissioning Environmental Management Plan [APP-044]**. Further details are provided below. The control documents establish the process by which the archaeological response to decommissioning will be prepared, approved and implemented. Requirement 13 of Schedule 2 to the **draft Development Consent Order (DCO) [AS-009]** requires a Decommissioning Environmental Management Plan (DEMP) for each part to be submitted to the relevant planning authority. It must be submitted no later than three months before the intended date of decommissioning, unless otherwise agreed with the relevant planning authority (Requirement 13(2)). The DEMP must be substantially in accordance with the **outline DEMP [APP-044]**. No decommissioning works may be carried out until the relevant planning authority has approved it (Requirement 13(4)).

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		Table 1.1 of the **outline DEMP [APP-044]** applies to areas of heightened archaeological sensitivity and to known and unknown buried archaeology. It requires the same principles, controls and avoidance measures as at construction. It requires decommissioning in archaeologically sensitive areas to follow the sensitive decommissioning strategy in the Archaeological Investigation and Preservation Strategy (AIPS). It also states: "Specific measures will be set out in the DEMP, where required, informed by the archaeological context at the time of decommissioning."
RR-0454/126	**Route to resolution** 4.6.40 SYAS considers that these matters are capable of resolution during the Examination through the following measures: - Completion and reporting of the outstanding Phase I archaeological investigations sufficiently early in the Examination to allow their implications to be considered. - Updating the Cultural Heritage Baseline and relevant parts of the ES to incorporate the completed investigations and identify remaining limitations in the evidence. - Defining the criteria and evidential thresholds for HAS, High Sensitivity and Unknown Sensitivity Zones, and explaining the relationship between those categories. - Provide a zoning plan with figures showing scheme impacts, archaeological sensitivity and a combined plan to show magnitude of effect. - Updating the AIPS to identify the decision-making process by which agreed investigation, design avoidance, preservation in situ, excavation, monitoring or other mitigation will be assigned to particular locations.	The Applicant welcomes the South Yorkshire Archaeology Service's (SYAS) recommendations for resolution and agrees with the proposed updates to documentation, save for the final point in relation to amending the **dDCO [AS-009]**, which the Applicant is considering and will provide an update on in due course. For reference, the current mechanism for securing post-consent archaeological works and mitigation is as follows: • Under Schedule 2, requirement 10 of the **dDCO [AS-009]**, a written scheme of investigation (WSI) is required for each part and must be approved by SYAS. It must be substantially in accordance with the **outline** WSI **[APP-049]**. The outline WSI relies on the Archaeological Investigation and Preservation Strategy (AIPS) for the approach to mitigation and for the Archaeological Preservation Strategy (paragraphs 1.9.1 and 1.9.11). As set out in

ID	Representation	Applicant Response
	- Ensuring that archaeological evaluation is question-led and uses methods appropriate to the archaeological potential, survey limitations and proposed impacts in each area. - Providing a clear approval mechanism for detailed design measures relied upon to preserve archaeological remains in situ. - Securing the preparation and approval of an archaeological decommissioning strategy before relevant decommissioning works commence. - Amending the draft DCO as necessary to secure the final AIPS, relevant detailed WSIs and phase-specific design measures.	paragraph 8.7.3 of **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]**, the AIPS is to be read alongside the outline WSI. The individual matters listed are also considered in the responses to RR-2316/119 to RR-2316/130, and the relationship between the AIPS, the outline WSI and the draft DCO is answered at RR-2316/131 to RR-2316/133.
RR-0454/127	**Draft DCO and securing mechanisms** 4.6.41 The ES presents both the AIPS and oWSI as integral components of the archaeological mitigation framework. However, only the oWSI is presently identified as a document to be certified under Schedule 13. SYAS considers that the Examination should establish whether the AIPS should also be certified or otherwise expressly secured by the DCO.	Under Schedule 2, Requirement 10 of the **draft Development Consent Order (dDCO) [AS-009]** no part may commence until a written scheme of investigation for that part has been approved by the South Yorkshire Archaeology Service (SYAS) (sub-paragraphs (1) and (4)). It must be substantially in accordance with the outline Written Scheme of Investigation (WSI) (sub-paragraph (2)). The **outline WSI [APP-049]** is listed for certification in Schedule 13. It states that it "secures commitment to delivering measures presented in ES Volume 3, Appendix 8.7" (**outline WSI [APP-049]**, paragraph 1.1.4). It relies on the AIPS for the approach to mitigation and for the Archaeological Preservation Strategy (APS) (**outline WSI [APP-049]**, paragraphs 1.9.1 and 1.9.11). As set out in paragraph 8.7.3 of the **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]**, the AIPS is to be read alongside the outline WSI "

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RR-0454/128	4.6.42 The current AIPS is an overarching framework. It identifies a range of investigation, preservation and mitigation measures but does not yet assign final measures to all specific locations. Following completion of the evaluation programme, a final AIPS should record the agreed archaeological response for each relevant area, including: - areas subject to excavation or other archaeological recording; - areas in which remains will be preserved in situ; - the design measures required to achieve that preservation; - areas requiring construction monitoring; and - areas in which no further archaeological work is required. 4.6.43 This would provide a transparent record of the agreed mitigation across the Order Limits, including locations where preservation through design means that no separate investigative WSI is required.	The Applicant agrees that following the completion of the evaluation programme the **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]** should record the agreed archaeological response for each relevant area and areas in which no further archaeological work is required. An updated AIPS including provision for the production of a final version of the strategy at the end of the evaluation period will be submitted at Examination Deadline 3.
RR-0454/129	4.6.44 SYAS supports the general preservation principles set out in the AIPS and oWSI but Requirement 10 does not appear to provide a clear mechanism for approving the final, phase-specific engineering and construction details upon which preservation in situ will depend. Provision should be made to secure a mechanism to require the detailed design for each phase to accord with the archaeological documents approved under Requirement 10. 4.6.45 The precise drafting should be agreed between the Applicant, the relevant planning authorities and SYAS during the Examination.	Under Schedule 2 Requirement 10 of the **draft Development Consent Order (dDCO) [AS-009]** the written scheme of investigation for each part must be approved by the South Yorkshire Archaeology Service (SYAS) before that part commences. For this purpose commencement includes intrusive archaeological surveys. The written scheme of investigation must be substantially in accordance with the **outline Written Scheme of Investigation (oWSI) [APP-049]**. The oWSI secures the measures in the **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]** (see paragraph 1.1.4 of the **oWSI [APP-049]**). Those measures include the Archaeological

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		Preservation Strategy (APS) (see paragraph 8.7.40 of the **AIPS [APP-119]**).
RR-0454/130	**Archaeology Conclusion** 4.6.46 SYAS supports continued engagement with the Applicant to resolve these matters. Its concern is not that a phased archaeological approach is inappropriate in principle, but that the application must provide a sufficiently clear connection between the emerging evidence base, the impact and sensitivity zoning, the final design, the mitigation selected for each location and the mechanism by which that mitigation will be approved and enforced. 4.6.47 Until that connection is demonstrated and appropriately secured, SYAS cannot confirm that the application provides sufficient confidence that significant archaeological remains throughout the Order Limits will be appropriately identified, evaluated and mitigated.	The Applicant notes SYAS's support for continued engagement to resolve the outstanding archaeological matters. Please refer to the Applicant's responses above concerning location-specific mitigation and the mechanisms linking detailed design to archaeological approval and implementation.
RR-0454/131	**4.7 Noise** The below relates to Chapter 14 and its appendices relating to noise and applies to the proposed development as a whole. Construction noise LOAEL/SOAEL criteria require further justification. Table 14-6 defines the LOAEL for construction and decommissioning LOAEL/SOAEL criteria require noise as the relevant BS 5228-1 ABC category threshold, with the further justification SOAEL defined as the Category C threshold values of 75 dB LAeq,T during the daytime, 65 dB LAeq,T during evenings/weekends, and 55 dB LAeq,T at night. However, the ES does not clearly explain the rationale for equating the BS 5228-1 ABC category thresholds with LOAEL, or for adopting the Category C threshold as SOAEL	The Applicant acknowledges the request for further justification in the derivation of LOAEL and SOAEL for construction noise. There is no universally applicable LOAEL and SOAEL for construction noise. While DMRB LA 111 presents one approach to defining these concepts, it was developed specifically for the assessment of major highways construction and careful consideration should be sought before using it outside of that context. Direct comparison with the Proposed Development is therefore not automatically appropriate. Furthermore, DMRB LA 111 adopts a materially different approach to the interpretation of LOAEL and SOAEL than that applied within this assessment

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	in all cases. DMRB for example, sets the LOAEL as the ambient sound level, and the SOAEL and the ABC category threshold. This is important because, depending on the existing ambient sound level category, the adopted SOAEL may be 10 dB higher than the applicable ABC assessment threshold. The Applicant should provide further justification for the derivation of the construction and decommissioning noise LOAEL and SOAEL criteria, including how these align with BS 5228-1, the PPG noise exposure hierarchy and the NPSE concepts of LOAEL and SOAEL. Where such justification cannot be provided, the assessment should be revisited using criteria more closely aligned with the BS 5228-1 ABC threshold approach.	(**Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, Table 14-6). Under DMRB LA 111, construction noise levels between the LOAEL and SOAEL are generally associated with a Minor impact, which would typically be regarded as Not Significant. By contrast, this assessment considers effects within this range to have the potential to give rise to Moderate impacts and, depending on the specific circumstances, potentially significant effects. In addition, DMRB LA 111 identifies a Major impact only where construction noise exceeds the SOAEL by a further 5 dB, an additional criterion that is not explicitly justified within DMRB LA 111 and has therefore not been adopted. The Applicant also does not agree that prevailing ambient sound levels are an appropriate proxy for LOAEL in the context of construction noise. Ambient sound levels may be substantially below established BS 5228-1:2009+A1:2014 (BS 5228-1) threshold values, particularly within quieter rural environments, and BS 5228-1 does not stipulate that the onset of adverse effects occurs at the point where construction noise exceeds the prevailing ambient sound level. Accordingly, the use of ambient sound level as a LOAEL is not considered to represent a generally applicable approach outside of the specific DMRB framework. In the absence of universally accepted construction noise LOAEL and SOAEL criteria, the assessment has adopted a methodology based on BS 5228-1, which represents an established and widely applied approach to the assessment of construction noise.

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		The LOAEL has been defined by reference to the relevant ABC category threshold contained within Table E.1 of BS 5228-1. This approach is considered appropriate because the ABC method identifies the point at which construction noise may give rise to potentially significant adverse effects, taking account of the prevailing ambient sound environment. Consistent with the principles of the Noise Policy Statement for England (NPSE), effects between the LOAEL and SOAEL should be mitigated and minimised where practicable, whilst effects above the SOAEL should be avoided wherever possible. The BS 5228-1 wording of a "potential significant effect" is therefore more appropriately aligned with the onset of adverse effects, and consequently with the LOAEL, than with the SOAEL. The Applicant is also unaware of any published guidance or peer-reviewed evidence demonstrating that significant adverse effects would be expected to arise below the relevant BS 5228-1 ABC threshold values. The SOAEL has been defined by reference to the Category C threshold values within Table E.1 of BS 5228-1, namely 75 dB LAeq,T during daytime periods, 65 dB LAeq,T during evenings and weekends, and 55 dB LAeq,T during night-time periods. This approach reflects the level at which construction noise is generally considered likely to result in materially greater adverse effects irrespective of the prevailing ambient sound environment. It is also noted that the noise insulation trigger levels presented in Table E.2 of BS 5228-1 are broadly consistent with the Category C threshold values, providing additional support that

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		these levels represent the onset of more substantial adverse effects. Accordingly, the Applicant considers that the adopted LOAEL and SOAEL criteria are proportionate, consistent with BS 5228-1, aligned with the NPSE and PPGN noise exposure hierarchy, and suitable for the assessment of construction and decommissioning noise effects.
RR-0454/132	<u>Construction vibration LOAEL/SOAEL criteria require further justification</u> Table 14-6 adopts 1.0 mm/s PPV as the LOAEL and 10 mm/s PPV as the SOAEL for construction and decommissioning vibration. The Council notes that the justification for the 1.0 mm/s PPV threshold appears to rely on BS 5228-2 guidance indicating that vibration at this level in residential environments is likely to give rise to complaints, although it may be tolerated where prior warning and explanation have been provided. This description appears to correspond to an adverse response rather than simply the onset of the lowest observable adverse effect. The Applicant should therefore provide further justification for adopting 1.0 mm/s PPV as the LOAEL, including how this aligns with the NPSE and PPG noise exposure hierarchy. Similarly, the adopted SOAEL of 10 mm/s PPV appears to be based on BS 5228-2 guidance describing a level that is likely to be intolerable for more than a very brief exposure in most building environments. The Council considers that this description may sit closer to the upper end of the significant adverse response range, rather than necessarily representing the onset of SOAEL. The Applicant should justify the selected SOAEL and explain why lower vibration	The Applicant acknowledges the Council's request for further justification of the designated construction vibration LOAEL and SOAEL. The Applicant agrees to provide further justification. Firstly, there is no nationally prescribed or universally accepted LOAEL and SOAEL framework for construction vibration. Neither the NPSE nor the PPGN specifies numerical vibration thresholds corresponding to a LOAEL or SOAEL. Consequently, professional judgement is required when establishing assessment criteria that appropriately align established technical guidance with the principles of the NPSE and the PPGN noise exposure hierarchy. In the absence of nationally prescribed criteria, the assessment has adopted thresholds derived from BS 5228-2:2009+A1:2014, which represents an established and widely applied approach to the assessment of construction vibration effects. The LOAEL has been defined as 1.0 mm/s PPV. This value is derived from BS 5228-2, which states that vibration at this level in residential environments is likely to cause complaint but can be tolerated where

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	thresholds have not been adopted, or provide a sensitivity assessment using alternative, more precautionary criteria.	prior warning and explanation have been provided to residents. The Applicant acknowledges that professional judgement is required when relating this description to the NPSE and PPGN hierarchy. However, while complaints may arise at 1.0 mm/s PPV, BS 5228-2 explicitly recognises that vibration at this level can remain tolerable where appropriate communication and engagement measures are implemented. The PPGN hierarchy indicates that effects below the LOAEL are associated with no observable change in behaviour or quality of life, whereas effects above the LOAEL but below the SOAEL may give rise to small changes in behaviour or quality of life. The fact that vibration at approximately 1.0 mm/s PPV may result in complaints but can nevertheless remain tolerable places it reasonably at the boundary between these two states and therefore provides a proportionate basis for defining the LOAEL. The SOAEL has been defined as 10 mm/s PPV. This value is also derived from BS 5228-2, which states that vibration at this level is likely to be intolerable for any more than a very brief exposure in most building environments. As with the LOAEL, the translation of this descriptor into the NPSE framework requires professional judgement. The PPGN hierarchy indicates that effects above the SOAEL are associated with material changes in behaviour and diminished quality of life. The Applicant considers that a level of vibration which is likely to be intolerable cannot reasonably be regarded as producing only minor or limited behavioural effects.

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		Rather, the onset of likely intolerability represents a logical indicator of the transition from adverse effects to significant adverse effects. The Applicant does not agree that a vibration level which is "likely to be intolerable" should be regarded as representing the upper end of the significant adverse effect range. Instead, it represents the point at which normal tolerance to vibration is likely to break down and material behavioural response becomes likely, which is consistent with the role of a SOAEL within the NPSE framework. The adopted criteria therefore establish a clear progression between effects that may give rise to complaint but remain generally tolerable (approximately 1.0 mm/s PPV) and effects that are likely to become intolerable (approximately 10 mm/s PPV). This provides a logical and consistent framework for distinguishing between adverse effects and significant adverse effects in the context of temporary construction vibration. Furthermore, the Applicant is not aware of any recognised UK guidance that identifies lower vibration thresholds as representing the onset of significant adverse effects for temporary construction vibration. Accordingly, the adoption of lower SOAEL criteria, or the application of alternative sensitivity testing based on lower thresholds, would not be supported by an established technical evidence base. The adopted criteria are also precautionary in their application. Exceedance of the LOAEL does not automatically result in a conclusion of non-significant effects, nor does exceedance of the SOAEL solely

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		determine significance. Rather, effects between the LOAEL and SOAEL are assessed in their specific context, taking account of the magnitude, duration, frequency and nature of the vibration exposure, and may be reported as significant, where justified by the assessment. The Applicant also notes that the adopted vibration thresholds are broadly consistent with the framework applied within DMRB LA 111. In particular, DMRB LA 111 identifies a minor impacts threshold of 0.3 mm/s PPV, a moderate impacts threshold of 1.0 mm/s PPV, and a major impacts threshold of 10 mm/s PPV, which is consistent with the assessment of the Proposed Development (Table 14.3.3 in **Environmental Statement (ES) Appendix 14.3: Construction Noise and Vibration Assessment [APP-148]**). The resulting relationship between the adopted thresholds and significance outcomes (Table 14-10 in **ES Chapter 14: Noise and Vibration [AS-027]**) also broadly aligns with the approach set out in DMRB LA 111. This provides additional confidence that the adopted LOAEL and SOAEL criteria are proportionate and consistent with established UK assessment practice. Accordingly, the Applicant considers that the adopted thresholds of 1.0 mm/s PPV and 10 mm/s PPV are appropriate, proportionate, consistent with BS 5228-2, and suitably aligned with the principles of the NPSE and PPGN hierarchy for the assessment of construction and decommissioning vibration effects.
RR-0454/133	Construction traffic noise criteria accepted The Council agrees with the assessment criteria used for construction accepted and decommissioning traffic noise.	The Applicant notes the Council's agreement with the construction and decommissioning traffic noise criteria.

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RR-0454/134	Potential non-residential sensitive receptors have not been clearly identified or assessed The Council notes that the assessment appears to focus on residential receptors, with limited evidence that other potentially noise- or vibration-sensitive receptors have been identified and assessed. The ES should clearly identify all receptor types within the relevant study areas, including, where applicable, schools, healthcare facilities, places of worship, community facilities, recreational areas, commercial receptors with noise-sensitive uses, ecological receptors where relevant, and Public Rights of Way where prolonged construction exposure or amenity considerations are relevant. The sensitivity of each receptor type should be defined and justified. The Applicant should also explain whether the adopted LOAEL and SOAEL values are appropriate for each receptor type. Criteria derived primarily for residential receptors may not be suitable for all sensitive receptors, particularly where the relevant use, period of sensitivity, duration of exposure, or activity affected differs from residential use. Where non-residential receptors are identified, suitable receptorspecific LOAEL and SOAEL values should be set, justified by reference to relevant guidance, standards and professional judgement, and used in the assessment of likely significant effects. Where receptors have been screened out, the ES should provide a clear justification for doing so. If non-residential sensitive receptors or Public Rights of Way have not been considered, the assessment should be updated to include them or provide a robust explanation as to why they would not be materially affected.	**Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, paragraph 14.4.5, defines a noise-sensitive receptor as any receptor with the potential to be affected by noise. It states that these are typically residential but can include schools, places of worship, recreational areas and noise-sensitive commercial premises. The Study Areas extend 300m from construction activity, 100m from vibration sources, 50m from construction traffic routes and 2km from operational plant (**ES Chapter 14 [AS-027]**, paragraph 14.4.3). As there are thousands of noise and vibration sensitive receptors within these study areas, it is not practicable or proportionate to consider the noise sensitivity and subsequently noise impacts at each receptor. Accordingly, the 146 assessment locations represent all receptors within those study areas. The assessment adopts a conservative approach to automatically considers all of these to be highly noise-sensitive (paragraph 14.4.8; **ES Appendix 14.2: Baseline Conditions [APP-147]**, Table 14.2-1). Accordingly, no relaxation of the LOAEL and SOAEL criteria is applied for any receptor. Accordingly, no specific receptors have been explicitly screened from the assessment. The initial set of locations (AL001 to AL115) was agreed with Rotherham Metropolitan Borough Council. AL116 to AL146 were added for the Cable Corridors after the design was updated (**ES Chapter 14 [AS-027]**, paragraphs 14.4.9 and 14.4.10). The Council was invited to comment on the proposed locations on

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		30 April 2025 (**ES Appendix 14.4: Operational Noise Assessment [APP-149]**, paragraph 14.4.3). Doncaster Council were contacted for agreement in April 2025, however no response was received. Noise disturbance to fauna is assessed in **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** (paragraph 14.7.12 of **ES Chapter 14 [AS-027]**), which points (paragraph 6.6.15) to the sufficiency of the **outline Construction Environmental Management Plan [APP-042]** in controlling noise and vibration, and concludes that noise effects would be Not Significant (Section 6.7). Should additional residential or non-residential receptors be identified through the detailed design stage, these will be assessed appropriately with reference to relevant guidance, standards and professional judgement, and used in the assessment of likely significant effects.
RR-0454/135	<u>Cable Corridor duration assumptions are not clearly evidenced or secured</u> The Council notes that the ES concludes that noise impacts from Cable Corridor works would generally be short-term, with exposure at receptors expected to last for "a matter of hours" as the works progress linearly. However, this assumption has not been clearly evidenced or secured. Cable corridor works may be prolonged in some locations due to joint bays, trenchless crossing launch or reception areas, utilities constraints, difficult ground conditions, access limitations, archaeological or ecological constraints, reinstatement works, or other construction complexities.	Paragraph 14.4.52 of **Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]** explains that the final construction methodology, programme, plant selection and sequencing will be confirmed following appointment of the construction contractor. Consequently, the assessment has been undertaken using an indicative construction programme and plant schedule derived from experience of comparable cable installation projects. Based on experience of similar developments, cable corridor construction typically progresses at rates in excess of 100 m per day under normal construction conditions. The precise rate of progress has not been specified within the **outline Cable Construction**

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	The Applicant should therefore provide further evidence to justify the assumed duration of cable works in proximity to noise-sensitive receptors, including anticipated rates of progress and identification of locations where works may remain static or semi-static for longer periods. Where prolonged works could occur near receptors, the assessment should consider the potential duration of exposure against the adopted significance criteria. The CEMP should also secure controls requiring additional mitigation, monitoring, community liaison and, where necessary, prior notification to and agreement with the relevant Council where cable works are expected to occur near receptors for longer than assumed in the ES.	**Method Statement [APP-052]** because it will ultimately depend on the detailed construction programme and site-specific constraints encountered during construction. Such constraints may include existing utilities, ground conditions, access restrictions, archaeological or ecological requirements, reinstatement activities, and other factors that can affect the rate of advance. Whilst certain activities may require construction operations to remain in a particular location for longer periods, these activities are limited in extent. For example, joint bays are required at intervals of 500 to 1,000 m (**outline Cable Construction Method Statement [APP-052]**, paragraph 1.6.21). Where relevant the location of joint bays will be considered during detailed design and construction planning to minimise potential effects on nearby noise-sensitive receptors. The location of the joint bays will be considered in relation to noise-sensitive receptors and where relevant these will be consulted with the relevant local planning authority, to be secured in the detailed CEMP. Trenchless crossing works would similarly be restricted to discrete locations. Drilling launch would be located no closer than 80 m from noise-sensitive receptors and would be provided with acoustic hoarding where necessary, in accordance with the commitments set out in the **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2. The potential for localised delays associated with utilities constraints, difficult ground conditions, access

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		limitations, archaeological or ecological constraints, reinstatement requirements or other construction complexities is acknowledged. These matters will be managed through detailed construction planning and implementation of the CEMP. In addition, where works are expected to remain in proximity to noise-sensitive receptors for longer than assumed in the ES assessment, additional control measures will be consulted on and implemented where necessary relating to construction noise management, monitoring, community liaison and advance notification to affected receptors and the relevant local authority.
RR-0454/136	<u>Piling noise and vibration assumptions appear inconsistent and require clarification</u> The Council notes that the construction noise assessment appears to be based on a rotary piling rig, whereas the construction vibration assessment appears to be based on a vibratory piling rig. This creates uncertainty regarding the piling method or methods that have been assessed and whether the assumptions are internally consistent. The assessment does not justify why other potentially noisier piling techniques or piling rigs have not been considered. Piling noise and vibration can vary materially depending on the method used, plant selection, ground conditions, pile/post type, installation duration and proximity to receptors. It is therefore not clear whether the assessed piling plant represents a reasonable worst case for both construction noise and construction vibration. The Applicant should confirm the piling method or range of methods that may be used, identify the specific plant assumptions and source data used in both the noise and vibration assessments, and justify why these are	The Applicant acknowledges the request to clarify assessments consideration of various piling techniques. Construction noise and vibration have been assessed using an indicative construction program (evidenced in ES Chapter 14 [APP-066], paragraph 14.5.52. The assessed piling methods have been chosen based on a review of available source-data within BS 5228-1 & BS 5228-2. A reasonable worst-case of plant was selected for each of the noise and vibration assessments. It is noted in Appendix 14.3 Construction Noise and Vibration Assessment ([APP-148] paragraph 14.3.15) that “the final list of plant and equipment will be determined as part of the CEMP”. It is expected that vibratory piling or a largely similar method will be preferred method of construction for solar installation for the Proposed Development, subject to the results of Ground Investigation work to be carried out prior to the start of construction While the piling rig selected for the construction noise

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	representative or worst case. Where the piling method has not yet been fixed, the assessment should either consider the worst- case credible piling method or secure a requirement that the final piling method and plant will be no worse, in noise and vibration terms, than that assessed. The oCEMP should also be updated to include any necessary controls on piling methodology, working hours, stand-off distances, monitoring and prior agreement with the relevant Council where alternative piling methods are proposed.	assessment is a rotary bored piling rig, this was chosen as it more representative of the likely scale of piling operations, noting that other piling methods in BS 5228-1 refer to much larger equipment. Should the method of piling differ from the that stipulated in the assessment (Appendix 14.3 Construction Noise and Vibration Assessment [APP-148] Table 14.3.5 and Table 14.3.7) then additional control measures will be implemented if required in consultation with the relevant local authority, secured in the CEMP.
RR-0454/137	Construction vibration effects on Chesterfield Canal and Harthill and Harthill Reservoir require asset-specific limits and monitoring The Council notes that the assessment refers to Chesterfield Canal in relation to construction vibration, and relies on Reservoir a peak particle velocity criterion of 15 mm/s PPV as the threshold below which cosmetic damage to structural elements is not expected. While this provides a useful reference for building cosmetic damage in accordance with BS 5228-2 and BS 7385-2, it does not, on its own, demonstrate that vibration effects on the specific waterway and reservoir assets would be acceptable. The Applicant should therefore consult the relevant asset owners/operators, including the Canal & River Trust where applicable and the relevant reservoir undertaker, to agree appropriate asset-specific vibration limits and monitoring requirements. This should include consideration of potential effects on structural integrity, serviceability, embankment stability, water-retaining structures, and disturbance or mobilisation of bed or bank sediment during works. Any agreed limits, monitoring locations, trigger/action levels and contingency measures	The Applicant has committed to protecting the Canal & River Trust's assets through a combination of design measures, construction controls and legally secured approvals. The **outline Construction Environmental Management Plan (oCEMP0 [APP-042]** includes procedures for monitoring, recording and responding to noise and vibration issues, with these commitments secured through Schedule 2, Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**. Mitigation measures secured through the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** include maintaining a 20 m stand-off distance from Harthill Reservoir for piling activities and implementing a vibration management plan to ensure construction vibration levels do not exceed 15 mm/s at the Chesterfield Canal. Furthermore, Schedule 11, Part 5 the **dDCO [AS-009]** includes provides protective provisions for the benefit

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	should be secured through the CEMP prior to works taking place in proximity to these assets.	of the Canal & River Trust which are currently being progressed with the Applicant. Following consultation, the Order Limits were refined to exclude the area around Harthill Reservoir to safeguard the reservoir structure (**Consultation Report [APP-024]**, Table 3.12, Canal and River Trust row. Overall, the Applicant has committed to ongoing engagement with the Canal & River Trust and to implementing measures to avoid adverse effects on canal infrastructure and operations.
RR-0454/138	<u>Construction working hours and out-of-hours controls require clarification</u> The proposed construction hours do not align with the Council's standard construction hours. The Applicant should confirm that noisy works would be restricted to the Council's standard construction hours, unless otherwise agreed in advance with the relevant Council. Any works proposed outside the agreed standard working hours, including exceptional activities such as trenchless crossings or other time- sensitive works, should be subject to prior agreement with the relevant Council through a Section 61 consent under the Control of Pollution Act 1974, where applicable. The Council notes that the oCEMP identifies core construction hours and states that exceptions may be required for trenchless crossings or time-sensitive activities. It also states that works outside core hours will comply with restrictions agreed with the relevant planning authorities. However, the oCEMP does not explicitly commit to obtaining a Section 61 consent under the Control of Pollution Act 1974 for noisy works outside the agreed working hours. The Applicant should update the oCEMP to confirm that any	The Applicant acknowledges the request for commitment to seeking Section 61 consent due to the proposed construction working hours differing to the those adopted by the council. The core construction hours as defined in the outline Construction Environmental Management Plan of Construction proposed by the Applicant are as follows: - 0700 – 1900 Monday to Friday - 0700 – 1300 Saturdays The Applicant proposes use of these core hours, which are the basis of the construction noise assessment. Any work outside of these hours is subject to controls and restrictions which must be agreed with the local planning authorities (**outline CEMP [APP-042]**, paragraph 1.3.9). Where Section 61 consents are required, these will be obtained, set out in **Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, paragraph 14.6.3 and commitment 44 **Commitments**

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	noisy works proposed outside the Council's standard construction hours, including exceptional or continuous working, will be agreed in advance with the relevant Council and, where applicable, subject to a Section 61 consent.	**Register [EN0110020/APP/6.20.1]** (Rev 2 to be submitted at PD-A).
RR-0454/139	Operational noise magnitude criteria and +5 dB approach require further justification Table 14-11 appears to define Minor impacts where operational rating levels are less than +5 dB above the prevailing background sound level, depending on context; however, the surrounding text appears to imply that levels up to +5 dB may be treated as Not Significant. The Council considers that further justification is required for this approach. BS 4142 identifies that a rating level around +5 dB above background is likely to indicate an adverse impact, depending on context, and does not establish a general acceptance criterion of up to +5 dB above background. The final assessment should therefore include a more detailed contextual appraisal, particularly where the Proposed Development would introduce a new fixed plant noise source with a potentially different acoustic character to the existing sound environment. The Council considers that this contextual assessment should include, where relevant, consideration of audibility, the absolute rating and specific sound levels, the margin above or below the representative background sound level, spectral differences between the existing residual sound environment and the proposed plant noise, and the likely character of the source, including tonality, intermittency, low-frequency content or other distinctive features. Without this justification, the assessment may understate the potential for adverse effects where rating levels approach or exceed the background sound level.	The Applicant acknowledges the request for a more detailed contextual appraisal. The Applicant also acknowledges the request for justification where operational noise rating levels of up to +5 dB may be treated as Not Significant. The assessment of operational noise has been developed on reasonable worst-case inputs and assumptions based on prior experience on similar projects and professional judgement (**Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, Paragraph 14.4.61). BS 4142 states that a difference (between the rating level and the background sound level) of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context. The Applicant agrees with the council's definition of potentially significant adverse effect in that a rating level around +5 dB above background sound level should be considered as the level above which significant adverse effects may arise, but that this is also subject to a contextual assessment. The Applicant's current approach may also consider differences below +5 dB to be a Significant Effect should the contextual assessment conclude as such (**ES Chapter 14 [AS-027]**, Table 14.11). Context has been considered within the operational assessment (**ES Chapter 14 [AS-027]**, Paragraph

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	In the absence of robust justification, the Council considers that operational rating levels should be designed to not exceed the representative background sound level at noise-sensitive receptors, with exceedance of background treated as the onset of adverse effect. A rating level around +5 dB above background should be treated as the point at which significant adverse effects may arise, subject to context. The Applicant should either adopt this approach or provide clear technical justification for the alternative magnitude criteria used in Table 14-11. The Council also notes that footnote (1) to Table 14-11 refers to further explanation elsewhere in the ES, but the cross-reference is unresolved. The Applicant should correct this reference and provide the missing justification, particularly if absolute rating level caps such as 42 dB LAr,Tr during the daytime and 37 dB LAr,Tr at night have been used to reclassify greater exceedances of background as Minor impacts.	14.7.18) and no alterations to the initial impact were made. The approach included in **ES Chapter 14 [AS-027]**, Paragraph 14.7.18 for considering the context is deemed proportionate for the early stage of the design for the Proposed Development. During the detailed design phase of the project, the Applicant has committed to undertaking a noise assessment of the operational impacts which will be documented within the CEMP and include a contextual assessment as part of the Final Assessment under BS 4142 to define the significance of effect at NSRs. As set out in the **outline Construction Environmental Management Plan [APP-042]**, Table 1.2, operational noise levels will be controlled such that noise from the Proposed Development does not give rise to significant adverse impacts on health and quality of life, with embedded mitigation designed to avoid exceedances 5 dB above prevailing background sound levels unless the submitted CEMP confirms the written agreement with a landowner and any occupiers. Any identified formatting errors within **ES Chapter 14 [AS-027]**, including those relating to cross references and stipulations of an absolute rating level cap will be amended.
RR-0454/140	<u>Baseline survey meteorological conditions and wind-direction effects are not presented</u> The Council notes that the measured weather conditions during the baseline noise survey periods have not been presented. The Applicant should provide raw or summarised	The Applicant acknowledges the request for clarification on meteorological data in how it was obtained and utilised. The baseline conditions appendix (**Environmental Statement (ES) Appendix 14.2: Baseline**

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	meteorological data used to validate the survey, including wind speed, wind direction, rainfall and any periods excluded from the dataset due to unsuitable weather conditions. Where data from a nearby weather station have been used, the source and location of that data should be identified. The Applicant should also confirm how weather conditions were reviewed when selecting representative background sound levels and whether any periods affected by adverse or unrepresentative weather were removed from the analysis. This is particularly important because the baseline acoustic environment is reported to be influenced by major road traffic sources. Wind direction can have a material effect on measured sound levels from distant or dominant road traffic sources, with downwind conditions potentially increasing measured levels and upwind conditions reducing them. The Applicant should therefore demonstrate that the selected representative background sound levels are not unduly influenced by atypical wind direction conditions relative to the main road traffic sources, or explain how this has been accounted for in the assessment.	**Conditions [APP-147]**, paragraph 14.2.29 & 14.2.33) describes that weather stations were installed at two locations during the survey period in 2025 (NML10 & NML22) and at one location during the additional survey period in 2026 (NML25). BS 4142 advises (section 6.4) "Exercise caution when making measurements in poor weather conditions such as wind speeds greater than 5 m/s." The appendix (**ES Appendix 14.2 [APP-147]**, paragraph 14.2.36, page 18) states that noise measurements affected by windspeeds above 5 ms-1 and periods of rainfall have been excluded from the data analysis. It should be noted that periods with windspeeds above 5 ms-1 and periods of rainfall are not automatically excluded, but are treated with caution, reviewed and excluded if deemed applicable. The background sound level has been derived from the resultant data sets from the NMLs after any exclusions have been accounted for.
RR-0454/141	<u>Early morning and evening operational noise periods require specific assessment</u> The Council notes that the operational noise assessment considers daytime and night-time periods, but does not clearly assess the potential for elevated operational noise during the early morning period, particularly between approximately 04:00 and 07:00 hours. This period may be important for solar inverter operation, as plant output and associated cooling/ventilation noise may begin to increase around sunrise, while background sound levels may remain lower than during the later daytime period. The Applicant should therefore provide an assessment or sensitivity check	The Applicant acknowledges the request for a limited operational noise assessment during the early morning hours (04:00-07:00) to account for summer hours and periods of early sunrise during this time. The Applicant also acknowledges the request for a limited operational noise assessment during within evening hours (19:00–23:00) in the context of residential amenity. BS 4142's standard definition for daytime hours is 07:00 – 23:00. For night-time it is 23:00 – 07:00. This standard definition has been adopted within the operational noise assessment (**Environmental**

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	for the early morning period, using representative background sound levels for this period and operational assumptions that reflect credible plant operation around sunrise. This should include consideration of seasonal variation, particularly during summer months when sunrise occurs before 05:00 hours. The Council also considers that operational noise during the evening period, between 19:00 and 23:00 hours, should be specifically considered in the context of residential amenity. Although this period may fall outside the core daytime assessment period, it is a time when occupants are more likely to be using gardens, opening windows, or undertaking quiet indoor and outdoor activities. Background sound levels may also reduce during this period relative to the daytime. The Applicant should therefore confirm whether the daytime operational assessment is representative of the evening period or provide a separate evening assessment using appropriate representative background sound levels and plant operating assumptions. Where evening or early morning noise levels could be higher relative to background than shown in the current assessment, the operational noise assessment and mitigation strategy should be updated accordingly.	**Statement (ES) Appendix 14.2: Baseline Conditions [APP-147]**, Plate 14.2-3). Early morning (04:00-07:00) The night-time operational noise specific level and corresponding rating level assumes all plant is operating 24/7 at 100%. The exception to this is the Central Inverters which are assumed to operate at a reduced load (~20%) (**ES Appendix 14.4: Operational Noise Assessment [APP-149]**, Table 14.4-1). The predicted night-time specific levels would be unaltered by the request however it would potentially affect the background sound level used for comparison. The background sound levels for night-time periods are based upon guidance from BS 4142 in reviewing of the measured data between 23:00 and 07:00 and deriving a representative value using statistical analysis including modal and mean. From a subjective review of the time history graphs presented in **ES Appendix 14.2 [APP-147]**, it can be observed that the quietest periods of the night-time occur before 04:00. Statistical analysis of the measured data for limited period (04:00 – 07:00) would likely show elevated mean/modal values and therefore an elevated background sound level. This indicates that the background sound level for 04:00 – 07:00 would likely be no less than the background sound levels presented for the whole night-time period (23:00 – 07:00). In summary, the predicted Magnitude of Impact would either remain the same or be lower than current.

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		Therefore, the Applicant does not propose an operational assessment limited to early more periods 04:00 – 07:00. Evening (19:00-23:00) The daytime operational noise specific level and rating level assumes all plant is operating 24/7 at 100% (**ES Appendix 14.4 [APP-149]**, Table 14.4-1). The calculated specific and rating levels (**ES Appendix 14.4 [APP-149]**, Table 14.4-2) are representative of the entire daytime period. The daytime background sound level has been derived as proportionally representative based on the measured noise data. Limiting the daytime periods to periods which are believed to be more sensitive, despite the source operating continuously throughout out the entire period, is speculative. It is possible for NSRs to experience periods of increased sensitivity at other times of the day other than evening (19:00 – 23:00), for example NSRs who occupy the dwellings during the daytime (i.e. those working from home or on a shift pattern). Therefore, the Applicant does not propose an operational assessment limited to evening periods 19:00 – 23:00.
RR-0454/142	<u>Assumed night-time inverter noise reduction requires evidence</u> The Council notes that the assessment assumes inverter noise emissions are reduced during the night-time period on the basis that inverter power output would not exceed 20% between 23:00 and 07:00. However, the relationship	The Applicant acknowledges the request for clarification on the assumed inverter noise level, specifically on the relationship between electrical load and sound power level. Paragraph 14.4.61 of **Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]** states Operational plant noise source assumptions

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	between electrical output and sound power level has not been justified. Noise from central inverters may be materially influenced by cooling and ventilation systems, which can depend on ambient temperature, thermal load, and control strategy, rather than electrical output alone. The Applicant should justify the assumed night-time sound power levels, including evidence that the stated reduction from the 100% load sound power level to the 20% load sound power level is representative of the selected or worst-case equipment. If this cannot be demonstrated, a more conservative night- time operating noise assumption should be assessed.	(presented in **ES Appendix 14.4: Operational Noise Assessment [APP-149]**) are provisional based on professional experience of equipment specifications of similar developments. The assumed inverter noise level is based upon manufacturer white paper (SMA Solar Technologies) of a central inverter which presents the Sound Power [Sic: Level] of an inverter (power load up to 4600 kVA during grid-feed and power mode under a selection of Apparent Power % levels (varying from ~23%, used for the assessment of night-time operations, to 100%, used for the assessment of daytime operations).
RR-0454/143	<u>Operational source data are based on professional experience rather than candidate manufacturer data</u> The Council notes that the operational noise assessment is based on indicative equipment noise source data and operating assumptions derived from professional experience of similar developments, rather than manufacturer data for candidate plant representative of that proposed. While this may be acceptable for an initial assessment at this stage, the Applicant should demonstrate that the adopted source sound power levels, octave-band spectra, acoustic character assumptions and operating conditions are representative of, or conservative relative to, the plant that could be installed. The Applicant should provide the basis for the assumed source data, including whether the data are derived from measured plant, supplier information, previous project data or generic assumptions. The assessment should also explain how the assumed data relate to credible candidate equipment for the Proposed Development, including inverters, BESS containers, PCS units, transformers and associated cooling/ventilation systems.	The Applicant acknowledges the request for clarification on the sources of information used to generate the operational noise source levels. Paragraph 14.4.61 of **Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]** states Operational plant noise source assumptions (presented in **ES Appendix 14.4: Operational Noise Assessment [APP-149]**) are provisional based on professional experience of equipment specifications of similar developments verified through a review of available technical specification datasheets and other similar assessments. This is due to the final plant selections not being yet available. The Applicant is committed to undertaking an operational noise assessment of the final detailed design which will be documented within the CEMP. This detailed assessment will demonstrate the potential impact of the final plant selections upon NSRs following the principles of BS 4142 and the

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	Where final plant selections are not yet available, the Applicant should commit to a detailed design stage review using manufacturer data for the selected equipment. This review should confirm that the selected plant does not exceed the assessed sound power levels, octave-band spectra and acoustic feature assumptions, including potential tonal or low-frequency characteristics. Any exceedance or material change in source characteristics should trigger an updated operational noise assessment and, where required, additional mitigation secured through the OEMP or relevant DCO requirement.	effects of embedded mitigation to avoid Significant Effects. This additional assessment work will verify acceptable noise levels at receptor location, and verify the approach to rating levels and context, rather than limit sound power source emissions. Therefore, the review will not confirm that the selected plant will not exceed the assessed sound power levels, octave-band spectra and acoustic feature assumptions, including potential tonal or low-frequency characteristics.
RR-0454/144	<u>Central inverter worst-case assumption requires evidence and alternative inverter layouts may need sensitivity testing</u> The Council notes that the assessment assumes central container inverters represent the reasonable worst-case option, on the basis that these are typically noisier than string inverters. However, this assumption has not been evidenced. The relative noise impact of central and string inverter solutions depends not only on the sound power level of an individual unit, but also on the number of units, their spatial distribution, source height, orientation, cooling strategy, operating regime, tonal characteristics and proximity to noise-sensitive receptors. A greater number of distributed string inverters could, in some circumstances, result in comparable or higher noise levels at particular receptors than a smaller number of central inverter units. The Applicant should therefore provide evidence to demonstrate that the central inverter scenario assessed is genuinely worst-case for all relevant receptors. This should include confirmation of the assumed number, location, sound power levels, acoustic character and operating conditions of the inverter option assessed, and comparison with any	The Applicant acknowledges the request for justification on the assumptions surrounding the inverters including within the operational noise assessment. The operational noise assessment states that selection of central container inverters was a reasonable worst-case, as it is typical that these generate more noise when compared to string inverters (**ES Chapter 14: Noise and Vibration [AS-027]**, Paragraph 14.4.62). The modelled scenario includes central container inverters (140 no.) in a realistic worst-case arrangement within the **Works Plans [AS-005]**, as stated in the Table 14.4-1 of **ES Appendix 14.4: Operational Noise Assessment [APP-149]** The end design of the power conversion stations is not yet finalised, and therefore there is the potential for various forms of inverter technology to be utilised in the final design of the Proposed Development It is required under the **draft Development Consent Order (dDCO) [AS-009]** Detailed Design Approval

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	credible alternative inverter configuration that could be delivered within the Rochdale Envelope. If it cannot be demonstrated that central inverters are worst-case, the assessment should be updated to include a sensitivity assessment of alternative inverter configurations, including distributed string inverter layouts where relevant. The Applicant should also clarify how any alternative technology choice would remain within the assessed Rochdale Envelope. The Council also notes that the operational mitigation described in the ES and outline Operational Environmental Management Plan appears to refer specifically to central container inverters. This implies that the mitigation strategy has been developed around the central inverter option only and may not be directly applicable to a distributed string inverter layout. The Applicant should clarify how embedded mitigation, including minimum separation distances, attenuation requirements, orientation controls and acoustic screening, would apply if string inverters are selected at detailed design. If the mitigation strategy would differ for string inverters, this should be assessed and secured through the detailed operational noise assessment and relevant management plan / DCO requirement.	Requirement 3(2), that "*The details submitted must accord with the principles and parameters contained in the design approach document and outline design parameters document unless it can be demonstrated to the satisfaction of the relevant planning authority that subject matter of the approval sought would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement*" Operational noise from the proposed development is mitigated using minimum distances, attenuation and barriers in the **ES Chapter 14 [AS-027]**, Paragraphs 14.6.15 – 14.6.17. The ES provides that these mitigation measures may be relaxed in instances where the final design is less onerous than the reasonable worst-case scenario modelled in the ES (Paragraph 14.6.22). Should the final inverter technology, location, quantum or spectra be different to those modelled in the Environmental Statement, it would be necessary to, at such a time as that information is available, demonstrate the above to the satisfaction of the relevant planning authority. If a change in technology, such as the change to string inverters, yields higher unmitigated levels, then additional mitigation will be secured through detailed design modelling.
RR-0454/145	<u>oCEMP incorrectly presents +5 dB above background as an NPSE criterion</u> The Council notes that paragraph 1.3.9 of the oCEMP states that the NPSE "stipulates that an increase of +5 dB above prevailing background noise is not likely to be Significant". This is incorrect. The NPSE does not define numerical noise	The Applicant acknowledges the request for clarity on the provenance of the +5dB level used to signify the potential for adverse impacts. In the **outline Construction Environmental Management Plan (CEMP) [APP-042]**, paragraph 1.3.9 states that:

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	thresholds, nor does it state that a rating level or increase of +5 dB above background is not likely to be significant. The NPSE sets out policy aims relating to the avoidance of significant adverse effects and the mitigation and minimisation of adverse effects, but it does not prescribe a +5 dB criterion. The +5 dB reference appears to derive from BS 4142, which states that a rating level around 5 dB above the background sound level is likely to indicate an adverse impact, depending on context. It is therefore not appropriate to present +5 dB above background as an NPSE-based threshold below which significant effects are unlikely. A BS 4142 assessment requires consideration of context, including the absolute sound level, the character of the specific sound, the residual sound environment, and receptor sensitivity. The oCEMP should be corrected to distinguish clearly between the NPSE policy aims and the BS 4142 initial assessment guidance. The Applicant should also clarify the operational noise design criterion to be secured through the detailed design and management plans, including how the criterion will avoid significant adverse effects and minimise adverse effects in accordance with the NPSE.	"Operational noise mitigation has primarily been considered within the context of Noise Policy Statement for England (NPSE), which stipulates that an increase of +5dB above prevailing background noise is not likely to be Significant." It is mentioned in the main noise chapter of the Environmental statement (**ES Chapter 14: Noise and Vibration [AS-027]**, paragraph 14.6.11) and **ES Appendix 14.4: Operational Noise Assessment [APP-149]** (paragraph 14.4.13) that this value is defined in BS 4142, where "A difference of around +5dB [between the rating level and background sound level] is likely to be an indication of an adverse impact, depending on the context". Given the NPSE aims to "avoid significant adverse impacts", it is considered that +5dB over background is an application of the NPSE policy, using BS 4142, and not a direct stipulation of the NPSE. Therefore, the Applicant intends to amend Paragraph 1.3.9 of the outline Construction Environmental Management Plan to provide clarification at the time of updating the document in examination.
RR-0454/146	<u>Operational noise compliance mechanism and receptor-specific limits are not clearly secured</u> The Council notes that neither the oOEMP nor the oCEMP appears to secure clear receptor-specific operational noise limits. The oOEMP includes general operational noise mitigation principles, including separation distances, acoustic barriers and reference to source sound power levels reported in the operational noise assessment; however, it does not define enforceable operational rating level limits at noise-sensitive receptors, nor does it clearly specify the compliance	The Applicant acknowledges the request for further information on operational noise compliance and security. The noise generative component of the development, including PCS, BESS and substations, are controlled by the **Outline Design Parameters [APP-158]** (Table 2.1) to ensure a night-time noise rating level at residential receptors of no greater than 5dB above baseline conditions.

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	criterion to be achieved following detailed design. The Council considers that operational noise controls should be secured through the OEMP and/or an appropriate DCO requirement. These should include receptor-specific operational noise limits or a clearly defined assessment criterion, the plant operating conditions to which the limits apply, any relevant acoustic character corrections and, where relevant, cumulative operational noise. The mechanism should also provide a process for verification through design and post- installation commissioning noise measurements, and set out the actions required if the limits are exceeded, including further mitigation and re-testing. The oOEMP should therefore be updated to include a clear operational noise compliance framework, rather than relying only on general embedded mitigation measures and assumed source sound power levels.	This is further secured in the **draft Development Consent Order (dDCO) [AS-009]** (Requirement 3(2)), by requiring that: "*The details submitted must accord with the principles and parameters contained in the design approach document and outline design parameters document unless it can be demonstrated to the satisfaction of the relevant planning authority that subject matter of the approval sought would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement*" Operational noise is to be controlled, such that the Proposed Development avoids exceedances of 5 dB above the prevailing background at sensitive receptors, set out in the **outline Construction Environmental Management Plan (CEMP) [APP-042]** (Table 1.2). The **outline Operational Environmental Management Plan (OEMP) [APP-043]** (Section 1.8) sets out the monitoring and reporting requirements and schedule that the Operational Environmental Management Plan shall adhere to, with corrective actions and complaints logged.
RR-0454/147	<u>Operational +3 dB acoustic feature correction requires source- and receptor- specific justification</u> The Council notes that a +3 dB acoustic feature correction has been applied to the operational specific sound levels to account for potential acoustic features. However, the assessment does not provide sufficient justification for the selected correction or explain how each of the relevant BS 4142 acoustic character features has been considered.	The Applicant acknowledges the request for clarification on the choice of rating penalty (a.k.a acoustic feature correction) of +3 dB adopted within the operational noise assessment. The +3 dB feature correction has been applied to the combined specific sound level at each receptor (**ES Appendix 14.4: Operational Noise Assessment [APP-149]**, Table 14.4-2).

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	The Applicant should also clarify whether the +3 dB correction has been applied uniformly to all operational sources and receptors, or to the combined specific sound level at each receptor. The Applicant should provide a clear assessment of whether corrections are required for tonality, impulsivity, intermittency, or other distinctive acoustic characteristics, with reference to the likely characteristics of the proposed plant, including inverters, BESS equipment, PCS units and transformers. The assessment should explain why a single +3 dB correction is appropriate for all relevant plant and receptor locations, or alternatively apply different corrections where the acoustic character is expected to vary by source, operating condition, time period or receptor context. If the +3 dB correction has been applied as a precautionary allowance in the absence of confirmed plant data, this should be clearly stated, and the Applicant should commit to reviewing the acoustic feature correction at detailed design stage once final plant selections and manufacturer octave-band / tonal information are available. Any revised correction should be reflected in the operational noise compliance assessment and secured through the OEMP or relevant DCO requirement.	Table 14.4-1 (**ES Appendix 14.4 [APP-149]**) presents indicative spectra for noise sources used in this assessment. These spectra do not include a high degree of tonality and accordingly it is expected that receptors would not be exposed to highly tonal noise from the Proposed Development. Accordingly, no tonal noise penalty is applied in the Initial Assessment. All operation noise sources are not expected to produce impulsive noise due to their nature of operation. An increase in heat or solar activity would likely be a gradual increase rather than impulsive. Therefore, no impulsivity noise penalty has been applied in the Initial Assessment. All operational sources are anticipated to operate 24 hours a day, some at reduced load (**ES Chapter 14 [AS-027]** Para.14.4.63). The exception to this is the solar inverters, which are reliant on minimum levels of sunlight upon the solar panels to function. During normal operation, the plant is anticipated to operate in a continuous manner without periods of stops/starts. Therefore, no intermittency noise penalty has been applied in the Initial Assessment. Although it is likely that the need for a correction can be avoided during the detailed design phase, an acoustic feature correction of +3 dB has been applied to the specific level to account for the possibility that operational noise could be distinctive against the residual environment. Equally, the correction has been applied as a precaution due to the final plant selections not being yet available. The Applicant is committed to undertaking an operational noise assessment of the

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		final detailed design which will be documented within the CEMP and will fully justify any feature correction applied as part of reassessment.
RR-0454/148	<u>Inter-cumulative assessment appears to combine rating levels rather than specific sound levels</u> The Council notes that the inter-cumulative operational noise assessment appears to logarithmically combine rating levels from the Proposed Development and other cumulative schemes. This approach requires further justification. A BS 4142 rating level is not a physical sound level, but the specific sound level with any acoustic feature corrections added. Logarithmically adding rating levels may therefore combine both sound energy and assessment penalties, and could result in double-counting or inconsistent treatment of acoustic character corrections. While this approach may be conservative in some circumstances, it does not provide a transparent BS 4142 basis for deriving the cumulative rating level. The Applicant should clarify whether the cumulative calculations have combined specific sound levels or rating levels. Where rating levels have been combined, the Applicant should justify why this is appropriate. The Council considers that the preferred approach would be to logarithmically combine the specific sound levels from the relevant developments, then assess the acoustic character of the combined sound and apply any appropriate BS 4142 character correction to derive a cumulative rating level. The inter-cumulative assessment should be updated or clarified accordingly.	The Applicant acknowledges the request for clarification on the inter-cumulative assessment approach. The Applicant has documented nine developments within 4km of the Proposed Development with the potential for inter-cumulative noise effects with common receptors (**ES Chapter 14: Noise and Vibration [AS-027]**, paragraph 14.9.7). The request for clarification refers to eight of the identified developments which have had operation noise assessments following the principles of BS 4142. The inter-cumulative assessment identified common receptors before summating their predicted rating level and undertaking a comparison with the representative background sound level. The Applicant will review the assessment approach to determine whether a change would be beneficial.

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RR-0454/149	Table 14-30 is unclear in its presentation of Moat Lane cumulative operational noise The Council considers Table 14-30 to be unclear and requests that it is revised for clarity. The table is titled as an assessment with Moat Lane BESS NE, but it appears to include both Moat Lane BESS NE and Moat Lane BESS HE. In addition, two columns are labelled "Moat Lane BESS NE Rating Level", even though one appears to relate to Moat Lane BESS HE. This makes it unclear which rating levels are attributable to each cumulative scheme and how the total inter-cumulative rating level has been derived. The table also appears to indicate that the total inter-cumulative rating level is controlled almost entirely by one of the Moat Lane BESS schemes, with the Proposed Development making little or no material contribution. If that is the intended conclusion, it should be stated clearly and supported by transparent calculations. The Applicant should revise Table 14-30 to identify each scheme separately, correct the column headings, confirm whether specific sound levels or rating levels have been combined, and show how the total cumulative levels have been calculated.	The Applicant acknowledges the request for clarification for Table 14-30 (**ES Chapter 14: Noise and Vibration [AS-027]**, Table 14-30). The Applicant will review whether Table 14-30 contains formatting/typographical errors in its presentation. For clarity, the total Inter-Cumulative Rating Level is dominated by the Moat Lane HE development with rating levels in excess of 50 dB LAr,Tr and approximately 50 dB LAr,Tr for daytime and night-time periods, respectively. Any identified formatting errors within the document will be amended.
RR-0454/150	**4.8 Transport** 4.8.1 Appendix 1 sets out a review of all highway junctions and access points. Concerns were raised at Statutory Consultation stage which have not been addressed, and the Council still has concerns over the layout and appropriateness of many of the junctions.	The Applicant has reviewed the assessments contained in Appendix 1 and notes that, of the 3 locations that fall within the boundaries of City of Doncaster Council authority boundary, the proposed access points are achievable. The Applicant has sought to provide a balance in ensuring operational safety is maintained during the construction phase whilst seeking to minimise the overall vegetation clearance of features such as hedgerows for what in some instances are temporary accesses.

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		The Applicant is willing to work with the Local Highways Authorities to agree any temporary traffic management measures, and how these will be enforced or secured as part of the Development Consent Order. Where additional information is requested by the Local Highways Authorities, the Applicant is willing to engage to agree timescales for information to be supplied, reviewed and subsequently introduced into the Development Consent Order Examination. The Applicant notes the Council's comments on the highway junctions and access points. The Council's statutory consultation comments on access are recorded and answered in the application. The final design of every access, including its visibility, requires approval or consent before the part of the development it serves may commence. Its road safety audit requires approval before that part may commence.
RR-0454/150a	**3.2 Conclusion** The proposed visibility splays at the following site access and crossing points are **achievable**, subject to the implementation of the hedgerow and vegetation removal shown on the proposed access drawings: ▪ Access SR-01 – A630 Sheffield Road ▪ Crossing CPL-02 – Park Lane	The Applicant notes this comment that the proposed visibility splays listed are achievable.

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	▪ Access CC-01 – Common Lane: Common Lane is within RMBC authority boundary, but the access extending north is in DCC authority boundary	
RR-0454/150b	**4.9 PROW** 4.9.1 Appendix 2 of this report provides a technical note which provides commentary on the proposed management of Public Rights of Way (PRoW) Network and should be read in conjunction with Appendix 1. [Appendix 2, Stantec Comments] Definitive Map Modification Orders The PRoWMP acknowledges that a number of Definitive Map Modification Orders (DMMO) applications exist within the vicinity of the site; however, these are not identified or mapped. The PRoWMP states that any future routes established through the DMMO process would be managed in a similar manner to existing routes. Further information regarding which DMMO applications have been considered, whether any are likely to affect the Order Limits and whether any could influence the proposed PRoW mitigation strategy should be provided. [Conclusion] Subject to clarification regarding outstanding DMMO applications, no significant concerns are identified in relation to the proposed PRoW management strategy.	The Applicant notes the Council's conclusion that the overall approach to public rights of way management is reasonable and that, subject to clarification on outstanding Definitive Map Modification Order (DMMO) applications, no significant concerns are identified. The **outline Public Rights of Way Management Plan [APP-047]** records that the Applicant is aware of a number of DMMO applications submitted for consultation with neighbouring local authorities in the vicinity of the Proposed Development (paragraph 4.6.5). The DMMO claims identified to the Applicant are recorded in Table 13.1 of **Environmental Statement (ES) Chapter 13: Traffic and Transport [AS-025]**. They are two claims notified by Rotherham Metropolitan Borough Council as falling within the Site boundaries: PROW/C/66, a claim to upgrade Ulley Bridleway No 6 to a byway open to all traffic between Morthen Lane and Penny Hill Lane, and PROW/C/67, a claim to record a byway open to all traffic along Carr Lane in Ulley. Both lie within Rotherham. If any order is made, the route would be managed during construction and operation in a similar manner to the existing public rights of way where practicable. Because the location of any such route is not yet decided, it may be necessary to close or divert it during construction or operation if required to ensure the deliverability of the Proposed Development

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		(**outline Public Rights of Way Management Plan [APP-047]**, paragraphs 4.6.5 and 5.1.9). The detailed public rights of way management plan must be substantially in accordance with the outline plan and approved by the relevant planning authority under Schedule 2, Requirement 8 of the **draft Development Consent Order (DCO) [AS-009]**. The Applicant would welcome the Council, as the surveying authority for its area, identifying any DMMO application within the City of Doncaster that it considers could affect the Order Limits, so that it can be discussed during the Examination.
RR-0454/151	**4.10 Air Quality** **Construction and Decommissioning Dust** 4.10.1 Construction dust mitigation measures (excluding demolition) for the highest level of risk from Institute of Air Quality Management (IAQM) guidance have been included as embedded mitigation. 4.10.2 The Outline Construction Environmental Management Plan (OCEMP) includes an Outline Dust Management Plan (ODMP) which sets out the measures to mitigate dust and emissions to air during the construction phase of the Scheme. The mitigation measures included in the ODMP are in accordance with those recommended in ES Volume 2 Chapter 12 Air Quality, which are based on the IAQM guidance. A DMP will form part of the CEMP, which will be substantially in accordance with the OCEMP and is secured by Requirement 4 of the DDCO. The proposed dust mitigation measures are therefore considered to be sufficient to ensure that potentially significant air quality effects associated with construction dust are not significant.	The Applicant notes the Council's agreement on construction dust mitigation, and its comment on demolition at decommissioning. **Environmental Statement (ES) Chapter 12: Air Quality [APP-064]** applies the Institute of Air Quality Management (IAQM) dust methodology. That methodology treats demolition as a dust source in its own right (paragraph 12.4.15). It sets demolition criteria in Table 12.8 (paragraph 12.4.26) and a separate risk-of-effect matrix for demolition (paragraph 12.4.28). Paragraph 12.4.25 of **ES Chapter 12 [APP-064]** assumes decommissioning has the same dust and traffic impacts as construction. Paragraph 12.6.4 proposes the same mitigation measures used during construction for decommissioning. Those construction measures are derived from IAQM guidance and are applied to decommissioning through the Decommissioning Environmental Management Plan (DEMP).

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	4.10.3 Should any demolition be required during decommissioning, the DMP included in the Decommissioning Environmental Management Plan (DEMP), required by Requirement 13 of the DDCO, should include measures to control emissions of dust from demolition activities from the IAQM guidance.	The **outline DEMP [APP-044]**, Table 1.1, requires air quality and dust at decommissioning to be managed using proportionate measures equivalent to those applied during construction. These include: - the preparation and implementation of a Dust Management Plan; - a nominated site contact for dust; - a route for dust complaints to be received and addressed promptly; - dust suppression by dampening and water sprays; - minimised drop heights; and - stockpile management and trackout controls. Under Schedule 2,Requirement 13 of the **draft Development Consent Order (dDCO) [AS-009]**, no decommissioning works may be carried out until a DEMP substantially in accordance with the outline DEMP has been approved by the relevant planning authority. The Council will therefore be able to review the Dust Management Plan for decommissioning in its area before the works begin.
RR-0454/152	**Construction Road Traffic Emissions** Impacts on Human Receptors 4.10.4 ES Volume 2 Chapter 12 Air Quality presents an assessment of road traffic emission impacts during the construction phase of the Scheme. The assessment has been undertaken using a screening methodology predominantly based on Environmental Protection UK (EPUK) and IAQM guidance. Whilst the EPUK & IAQM guidance screening criterion of an increase in vehicle movements of more than 200 Heavy Duty Vehicle (HDV)	The Applicant notes the Council's agreement that construction traffic emissions will not give rise to significant air quality effects on human receptors. This applies both outside the Air Quality Management Areas (AQMAs) and on the three links within Doncaster AQMA No. 2 and No. 5. This is consistent with **Environmental Statement (ES) Chapter 12: Air Quality [APP-064]**, paragraphs 12.7.11 to 12.7.16. These screen the construction traffic changes against the Institute of Air Quality Management (IAQM), Defra and Design Manual for

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	Annual Average Daily Traffic (AADT) for roads outside of Air Quality Management Area (AQMA) is exceeded on one road link (A57 – between Todwick Rd and the M1), it is a marginal exceedance of 15 HDV AADT (total 215 HDV AADT) and nitrogen dioxide (NO) 2 concentrations along this road link are likely to be similar to those measured at RMBC diffusion tubes RDT57 and RDT56 which had a measured annual mean NO concentration of <25 µg/m3 in 2022. 2 Therefore, it is agreed that significant air quality impacts are not expected to occur at human receptor locations outside of any AQMAs. 4.10.5 Three road links with CDC's area are identified as exceeding the EPUK & IAQM screening criterion of an increase in vehicle movements of more than 25 HDV AADT for roads within an AQMA. These road links are A630 High Road, partially within the CDC AQMA No.2 (Warmsworth), A630 and A630 Sheffield Road (between Edlington Lane and Low Road), within CDC AQMA No.5 (Conisbrough). The additional HDV vehicle movements on these road links is 69 AADT. 4.10.6 There are no exceedances of the annual mean NO objective at monitoring locations adjacent to or 2 representative of these road links in recent years. The increases in HDV vehicle movements are also below the EPUK & IAQM screening criteria for roads outside of an AQMA of 100 HDV AADT. Therefore, it is agreed that the Scheme is unlikely to give rise to an exceedance of the air quality objectives at human receptor locations, and it is agreed that the air quality effects of the Scheme on human receptors can be considered to be not significant.	Roads and Bridges (DMRB) criteria. They conclude that no significant effects are expected on human receptors. Construction traffic routes and heavy goods vehicle (HGV) movements are controlled through the Construction Traffic Management Plan (CTMP) secured by Requirement 5 of the **draft Development Consent Order (dDCO) [AS-009]**.
RR-0454/153	4.10.7 It is noted, however, that the traffic flows presented in Table 12.12 of Chapter 12 Air Quality differ slightly to those presented in Table 13.17 of Chapter 13 Transport on a	The Applicant acknowledges the minor differences in construction traffic flows presented in Table 12.12 of **ES Chapter 12: Air Quality [APP-064]** and Table

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	number of road links, for example Common Lane, Flash Lane and Cumwell Lane. Whilst these differences are minor and would not affect the conclusions of the assessment presented in Chapter 12 Air Quality, consistent construction traffic flows should be presented across the ES or justification given as to why the traffic flows presented in Table 12.12 of Chapter 12 Air Quality differ to those in Table 13.17 of Chapter 13 Transport.	13.17 of **ES Chapter 13: Traffic and Transport [AS-025]**. The Applicant confirms that the construction traffic figures presented in Chapter 13 are correct. As acknowledged by the Council, these minor discrepancies do not affect the screening outcomes or the conclusions of the air quality assessment. The traffic movements remain below the relevant screening thresholds, irrespective of which figures are applied. Accordingly, the Applicant does not consider that an update to ES Chapter 12 is necessary.
RR-0454/154	<u>Impacts on Ecological Receptors</u> 4.10.8 ES Volume 2 Chapter 12 Air Quality presents an assessment of air quality impacts on ecological receptors during the construction phase of the Scheme. The assessment has been undertaken using a screening methodology based on DMRB guidance and EPUK & IAQM guidance screening criteria. Air quality effects on ecological receptors within 200m of construction traffic routes are deemed to be not significant on the basis of DMRB and EPUK & IAQM screening criteria applied to the Scheme in isolation. It is agreed that the criteria used are appropriate to screen air quality effects on ecological receptors as a result of the Scheme in-isolation. 4.10.9 However, an assessment of the air quality effects of road traffic emissions associated with the Scheme on Protected Sites (SSSIs, SPAs, SACs and Ramsar sites), in-combination with other projects and plans (i.e. inter-project air quality effects), has not been undertaken in accordance with standard advice provided by Natural England (attached to their letter dated 27th October 2025 in response to the Section 42 consultation).	Sensitive ecological receptors within 200m of the affected road network were identified and screened in the air quality assessment. **Environmental Statement (ES) Chapter 12: Air Quality [APP-064]**, paragraph 12.4.5, states that "For traffic screening, ecological receptors within 200m of the likely construction traffic routes have been considered" in line with Design Manual for Roads and Bridges (DMRB) guidance. Paragraph 12.4.8 of **ES Chapter 12 [APP-064]** names the designated sites within 200m of the construction traffic routes: Edlington Wood, Potteric Carr, Sprotbrough Gorge, Lindrick Golf Course, Anston Stones Wood and Crabtree Wood Sites of Special Scientific Interest (SSSIs). Paragraphs 12.4.21 to 12.4.24 set out the DMRB screening criteria, a change of 1,000 annual average daily traffic (AADT) or 200 heavy duty vehicle (HDV) AADT. Under these criteria those six sites are included in the assessment. Only sites sensitive to nitrogen deposition need be included, and non-statutory sites are not subject to critical loads (paragraph 12.4.23).

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	4.10.10 Air quality effects resulting from the Scheme on ecological receptors should be reviewed considering the Standard Advice provided by Natural England. The Natural England Standard Advice advises that Joint Nature Conservation Committee (JNCC) Decision Making Thresholds (DMTs) may be used to justify not undertaking an in-combination assessment. It should be noted that the JNCC DMT for road traffic of a 0.15% increase in road traffic compared to the baseline traffic flow, is typically substantially lower than the EPUK & IAQM and DMRB screening thresholds that have been applied to screen out further assessment of air quality effects on SSSIs as a result of the Scheme in-isolation in Chapter 12 of the ES. 4.10.11 It is therefore considered that there is insufficient information in the ES to determine the in-combination (inter-project) air quality effects of the Scheme on ecological receptors.	For human receptors, the construction traffic changes screen out on Institute of Air Quality Management (IAQM), Defra and DMRB criteria. This includes because construction in any one location is expected to last less than 24 months (**ES Chapter 12 [APP-064]**, paragraphs 12.7.11 to 12.7.15). Having found that the roads screen out for human receptors, **ES Chapter 12 [APP-064]** screens out additional assessment of ecological receptors. It concludes that no significant effects are expected from construction traffic on human or ecological receptors (paragraph 12.7.16; Table 12.13). **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.5, reaches the same conclusion for construction traffic emissions on the nationally designated sites as important ecological features. Paragraph 6.7.4 draws on ES Chapter 12 for construction dust. The 250m study area referred to in paragraph 6.7.5 of **ES Chapter 6 [AS-021]** does not replace the 200m screening distance. The conclusion in paragraph 6.7.5 is consistent with the DMRB 200m screening in **ES Chapter 12 [APP-064]** (paragraphs 12.4.5 and 12.7.16). Construction traffic routes and heavy goods vehicle (HGV) movements are controlled through the Construction Traffic Management Plan (CTMP) secured by Requirement 5 of Schedule 2 to the **draft Development Consent Order (dDCO) [AS-009]**. The Applicant considers that the assessment of cumulative air quality effects is proportionate to the nature and scale of the Proposed Development's anticipated contribution. As demonstrated in **ES**

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		Chapter 12 [APP-064], construction traffic emissions associated with the Proposed Development fall below the relevant screening thresholds, and significant effects on ecological receptors are not anticipated. Furthermore, other developments would be expected to implement their own construction traffic and environmental management measures, where secured through their respective consents, to manage emissions and construction dust. On this basis, significant cumulative air quality effects are not anticipated, and the Applicant considers that further assessment is not warranted.
RR-0454/155	<u>BESS Plume Assessment</u> 4.10.12 A BESS Plume Assessment has been undertaken and presents the impact of hydrogen fluoride (HF) emissions on human receptors during a BESS fire event. Whilst there is considerable uncertainty as to the emission rates of pollutants from a BESS fire event, and there is no authoritative guidance on how to quantify emissions or impacts, the purpose of the assessment is to identify the level of risk and given the uncertainties involved it is typical to apply conservative assumptions to ensure the level of risk is not underestimated and ensure robust procedures are identified in the Outline Battery Safety Management Plan (OBSMP). 4.10.13 The ALOHA model software used is not typically applied in the UK, but the fundamentals are considered applicable. However, it is unclear from the BESS Plume Assessment if this has considered worst-case meteorological conditions as the '5th percentile windspeed' has been applied, as opposed to the worst 1-hr. Furthermore, none of	It is acknowledged that the Council views the fundamentals of the assessment method, including the use of the ALOHA model, as being applicable for this type of assessment. In order to avoid underestimating the risk of exposure to emissions from a BESS fire, the modelling approach needs to make reasonable worst case assumptions, that produce the highest magnitude impacts at relevant receptor locations. These assumptions differ in some respects from what the equivalent reasonable worst case would be in a dispersion modelling assessment of a managed short term emission from a tall stack, for example. In the example of a stack emission the highest magnitude impact at any location would occur when the plume is brought down to ground level as close as possible to the stack it is released from, this would be for the lowest possible wind speed and the most stable atmospheric

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	the assessed scenarios appear to consider 'stability class F' which would typically be expected to result in the largest impacts.	conditions (stability Class F or G). For the BESS fires scenarios, the emissions need some wind movement to transport the near ground level emission towards the receptors , which are located hundreds of metres away. The lowest possible wind speed is for still air, which does not provide the required movement towards the receptor and would not result in the highest magnitude impact at the receptor. The lowest windspeed is not the worst case condition. The wind speeds and stability classes used in the ALOHA model are a reasonable basis for calculating the upper bound of concentrations that could be experienced at the receptor locations under actual weather conditions experienced in the study area. All the model scenarios assume the conservation of mass of the emission within the plume as it moves downwind. This means there is no loss of HF due to the gas undergoing chemical reactions despite it being a highly reactive gas, and no loss of HF by being absorbed into water in the air or on moist surfaces, despite it being highly soluble. The application of such conservative assumptions ensure the risk has not been underestimated.
RR-0454/156	4.10.14 The BESS Plume Assessment states that there are no exceedances of the Acute Exposure Guideline Level 1 (AEGL-1) for HF at any of the modelled residential receptor locations in the single cabinet fire event scenario, however the AEGL-1 for HF is predicted to be exceeded within adjacent farmland and the M1 motorway; no indication is given as to whether the AEGL-2 would be exceeded on the	The **Battery Energy Storage System (BESS) Plume Assessment [APP-157]** includes the ALOHA model run file for each scenario in Appendix A.1 Aloha Run Reports. The final section of each report states the distance at which the AEGL-1 value was achieved, if it was exceeded at any distance from the source, and the text states that AEGL-2 was not exceeded at any

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	M1 motorway. In the multi-cabinet fire event scenario, the HF AEGL-1 is predicted to be exceeded at receptor location 'R4' – Upper Whiston Farm, as well as adjacent farmland and the M1 motorway; again, no indication is given as to whether the AEGL-2 would be exceeded on the M1 motorway.	distance from the source. Consequently, the tabulated and graphical summaries of the impacts included within the report do not include the AEGL-2 achievement distance as it is not exceeded at any offsite location, including the M1. This point is also addressed in the text of the **BESS Plume Assessment [APP-157]**, for example at para 6.6.4 and 7.4.2.
RR-0454/157	4.10.15 Public rights of way (PRoW) have not been considered in the assessment. There are two PRoW located within the areas identified as exceeding the HF AEGL-1 and the OBSMP needs to consider this to ensure that appropriate mitigation is identified to avoid air quality impacts on users of the PRoW during a BESS fire event.	Users of public rights of way were considered in the **Battery Energy Storage System (BESS) Plume Assessment [APP-157]**. Paragraph 8.1.3 of the **BESS Plume Assessment [APP-157]** addresses workers on agricultural land and users of public rights of way close to a fire when it starts. They would be able to move to a safer distance and avoid exposure to elevated concentrations. The Acute Exposure Guideline Level (AEGL)-1 threshold used to define the areas the Council refers to is the most conservative criterion (**BESS Plume Assessment [APP-157]**, paragraph 5.2.6). It marks effects that are transient and reversible (paragraph 5.2.3). The AEGL-2 level is the level at which serious or long-lasting effects or an impaired ability to escape could arise. It is not reached at any location in any scenario, including on any right of way (**BESS Plume Assessment [APP-157]**, paragraphs 6.6.4, 7.4.2 and 8.1.5). The measures protecting people off site, including right of way users, are in the emergency arrangements that the **outline Battery Safety Management Plan (BSMP) [APP-048]** requires.

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		- The pre-fire plan is to include, subject to consultation with the local fire and rescue service, arrangements for alerting any impacted off-site parties and for air quality monitoring in a prolonged fire (**outline BSMP [APP-048]**, paragraphs 5.5.1 and 5.5.2). - The risk management plan must address impacts on sensitive receptors close to the BESS Site (**outline BSMP [APP-048]**, paragraph 5.7.5). - The Detailed BSMP must include an environmental risk assessment of emissions and an Emergency Response Plan (**outline BSMP [APP-048]**, paragraph 7.2). These outline BSMP measures are secured by Requirement 6 of the **draft Development Consent Order (dDCO) [AS-009]**. Under it, the BSMP requires the approval of the relevant planning authority after consultation with South Yorkshire Fire and Rescue Service. The Plume Assessment considered the potential pollutants and identified hydrogen fluoride as the principal pollutant of concern (**BESS Plume Assessment [APP-157]**, paragraph 1.1.5). The detailed-design plume study will assess sensitive receptors within 1km of the BESS and will include particulate matter (paragraph 1.1.4).
RR-0454/158	4.10.16 No assessment has been undertaken of the impact of smoke resulting from a BESS fire on visibility on the M1 motorway and given the exceedances predicted for the HF AEGL-1, there is potential for impacts of other pollutants to occur.	The potential effect of Battery Energy Storage System (BESS) smoke on visibility on the M1 is to be assessed during detailed design once a final BESS technology/manufacturer has been chosen. The **outline Battery Safety Management Plan (BSMP) [APP-048]**, which Schedule 2, Requirement 6

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	4.10.17 It is noted that further assessment will be undertaken at the detailed design stage once the make, model and layout of the BESS are known, in accordance with National Fire Chiefs Council (NFCC) revised guidance, and that this would include a visibility impact assessment on transport links within a 1km radius of the BESS compound. However, given the proximity of the M1 motorway to the BESS compound, visibility impacts on the M1 motorway should be considered at the outline stage to ensure that appropriate mitigation is secured in the OBSMP. Furthermore, the requirement for a detailed BESS plume assessment to inform the final BSMP should be clarified and secured under Requirement 6 of the DDCO. **Summary** 4.10.18 Key issues relating to air quality are summarised below: • Further information is required on the in-combination effects of construction road traffic emissions associated with the Scheme on Protected Sites, including SSSIs. • Worst-case meteorological conditions should be considered in the BESS Plume Assessment or justification provided as to how the parameters used provide a robust assessment. • PRoW should be considered as sensitive receptors in the BESS Plume Assessment and appropriate mitigation secured in the OBSMP to protect users of nearby PRoW from hydrogen fluoride and other pollutant emissions in the event of a BESS fire. • Any predicted exceedances of the Acute Exposure Guideline Level 2 for hydrogen fluoride on the M1 motorway should be reported in the BESS Plume Assessment.	of the **draft Development Consent Order (dDCO) [AS-009]** secures, requires a site-specific risk assessment of failure scenarios and resulting emissions to air (paragraph 2.5.2.5). It is to be read with the BESS Plume Assessment (**outline BSMP [APP-048]**, paragraph 2.5.2.6), which commits to the detailed-design plume and visibility study. The **BESS Plume Assessment [APP-157]** states that, in line with National Fire Chiefs Council (NFCC) guidance, a plume analysis specific to the detailed design will assess sensitive receptors within 1km (paragraph 1.1.4). It will include particulate matter and a visibility impact assessment on any transport links within 1km of the BESS compound. That takes in the M1. The Plume Assessment ties modelling of smoke density to the combustible materials released in a fire by the selected make and model of equipment (**BESS Plume Assessment [APP-157]**, paragraph 5.1.19). These are not known until the make, model and layout are fixed (paragraph 8.1.6). An assessment at outline stage would therefore rest on assumed materials rather than the equipment to be installed. The Detailed BSMP must include an environmental risk assessment so that emissions are understood and mitigated (**outline BSMP [APP-048]**, paragraph 7.2). The pre-fire plan is to include, subject to consultation with the local fire and rescue service, arrangements for alerting any impacted off-site parties (paragraphs 5.5.1 and 5.5.2). Under Schedule 2, Requirement 6 of the **dDCO [AS-009]**, no part containing Work No. 3 may commence

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	• The impact of smoke from a BESS fire on visibility on the M1 Motorway should be considered in the BESS Plume Assessment and appropriate mitigation measures included in the OBSMP. • A detailed BESS Plume Assessment should be secured under Requirement 6 of the Draft DCO.	until a BSMP substantially in accordance with the outline BSMP is approved by the relevant planning authority, following consultation with South Yorkshire Fire and Rescue Service. The authority must give significant weight to the Fire and Rescue Service and to the latest NFCC guidance.
RR-0454/159	**4.11 Ground Conditions** 4.11.1 Through consultation with the Council and the Mineral Planning Officer, issues raised in relation to construction and operation within Mineral Safeguarding Areas (MSAs) have been addressed with reference to ES Volume 3, Figure 9.4: Mineral Resources [EN0110020/APP/6.19], Table 9.3 and Section 9.7 of the Ground Conditions Chapter. 4.11.2 In accordance with the consultation undertaken with CDC on 12 June 2025 and as summarised in Table 9.3, "In line with Local Plan Policy 61B and NPPF paragraph 200 (Agent of Change), the development must demonstrate that it will not sterilise the safeguarded limestone resource or place unreasonable restrictions on the continued operation or future expansion of the quarry. This includes assessing whether the quarry can continue to function as intended and ensuring that the development does not introduce sensitive uses that could lead to operational conflicts", the ES Chapter provides such assessment starting at paragraph 9.7.39. 4.11.3 Previously raised issues regarding lack of information in relation to coal mining gas been addressed through inclusion of Coal Mining Risk Assessments (CMRAs) for W1, W2 and W3. 4.11.4 Phase 1 Contaminated Land Reports (CLRs), in addition to the now included CMRAs, describe potential for unstable ground conditions and include a	Comment noted.

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	preliminary risk assessment (PRA) in relation to land instability, respectively. 4.11.5 The CLRs include PRAs for land contamination and baseline information has been incorporated into Section 9.5 of the Chapter. Assessment of effects from land contamination have now been included in Section 9.7, with associated mitigation included in Section 9.6. 4.11.6 Hydrogeological conditions (aquifer designations) are now described in the CLRs and details provided in Section 9.5. Assessment of effects is provided in Section 9.7. Risks to groundwater are now considered in the CLRs and the assessment itself, addressing previous concerns from the Environment Agency.	
RR-0454/160	4.11.7 The presence of Private Water Supplies has not been addressed in the baseline studies.	Private water supplies are addressed in **ES Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraphs 10.5.42 to 10.5.45. Although the consulted local authorities reported no known supplies within their jurisdiction in the Study Area, questionnaires sent to properties identified a groundwater spring used as a private water supply. This is recorded in Table 10.13 and shown on Figure 10.10. **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**, paragraph 9.5.65, also records a domestic private water supply at Straight Mile Fishery near W2. Effects on private water supplies are assessed as Negligible (Not Significant) in **ES Chapter 10 [AS-023]**, paragraphs 10.7.53, 10.7.56 and 10.7.60. Before construction, a water supplies risk assessment will be undertaken for relevant private water supplies and licensed abstractions, in consultation with the local

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		authority. This is secured through the Construction Environmental Management Plan under Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**.among the groundwater abstractions near W2 (paragraph 9.5.65).
RR-0454/161	4.11.8 The use of factual Unexploded Bomb (UXB) risk mapping alone is not considered to be sufficient to characterise the potential Unexploded Ordnance (UXO) risk. The Applicant should provide a non- technical UXO risk assessment based on CIRIA guidance (Unexploded ordnance (UXO) risk management guide for land-based projects (C785)). 4.11.9 The management of unexpected contamination within the oCEMP has been updated and now references relevant procedures/permits and exemptions in regard to soil management.	Paragraph 9.6.3 of **ES Chapter 9: Ground Conditions and Land Quality [APP-061]** requires a pre-construction UXO risk assessment in accordance with CIRIA C785 and, where necessary, the preparation of an appropriate safety plan. This commitment will be incorporated into the final Construction Environmental Management Plan (CEMP), secured through Requirement 4 of the **draft Development Consent Order [AS-009]**. The Applicant will update the **outline CEMP [APP-042]** to explicitly reference CIRIA C785, Unexploded Ordnance (UXO) Risk Management Guide for Land-Based Projects, to provide further clarity on the approach to assessing and managing UXO risks prior to construction.
RR-0454/162	4.11.10 We are pleased that the Study Area has been increased to 250m around the Order Limits, and we agree that this appropriate as it is an unofficial industry standard. Reference to some guidance which quotes this buffer would be beneficial but would not affect the outcome of the assessment. 4.11.11 Geological sensitive sites have now been addressed in Section 9.5 of the Chapter.	The Applicant notes the Council's comment.

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	4.11.12 All phases of the Proposed Development are now included with the assessment of effects provided in Section 9.7 and the associated outline Environmental Management Plans for Construction (oCEMP), Operational (oOEMP) and Decommissioning (oDEMP) have been included in the appendices. 4.11.13 Fires and firewater have been considered within the oBSMP and adequate mitigation measures are included within the report should water be used as a suppressant to prevent contamination from being released into the environment.	
RR-0454/163	4.11.14 No issues have been scoped out of the assessment following consultation, which we agree is appropriate. We note that the CLRs were prepared at an early stage of the design and have not been updated to reflect the final design, but that the assessment presented in the ES Chapter only applies to the final route.	The position the Council describes is set out in **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**, paragraph 9.3.6. The Phase 1 Contaminated Land Reports hold the detailed baseline data and were compiled before the design freeze. They therefore cover some areas no longer in the Order Limits, particularly for the Cable Corridors. They subsequently take in more potential source areas than the final design. Their preliminary risk assessments and conceptual site models helped guide the assessment. Nothing was scoped out on the strength of them, and all potential effects were considered anew for the final design in section 9.7 of **ES Chapter 9 [APP-061]**.

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		Requirement 4(3) of the **draft Development Consent Order (dDCO) [AS-009]** provides that no phase of the development may commence, and no ground investigation or other listed survey for that phase may start, until a written strategy has been approved by the relevant planning authority. The strategy is for identifying and remediating any contamination risks for that phase.
RR-0454/164	**Key Issues and effects** 4.11.15 On 17 August 2026 the Government published the new National Planning Policy Framework (NPPF), which replaces the 2024 version (updated in 2025) of the NPPF. Understandably, the ES Chapter currently references the 2024 version. Review of the updated NPPF should be undertaken to confirm no significant amendments would be required under the updated version.	The Applicant's general position on the August 2026 NPPF is set out in the response to RR-0454/44, on the references to an earlier draft NPPF in the Planning Statement and other documents.
RR-0454/165	4.11.16 Receptors listed in paragraph 9.5.133 do not match those identified in Table 9.4. In addition, receptors identified in Table 9.4 only seem to be in relation to contamination and agricultural soil resources. Land stability, mineral resources, and geologically sensitive sites should also be discussed and assessed. In addition, ecological receptors (effects due to mobilisation or introduction of contamination, or from changes to groundwater regime in the case of groundwater dependent terrestrial ecosystems) also have not been mentioned in the assessment. 4.11.17 The same applies to magnitudes of impact in Table 9.5, although mineral resources are included there.	Land stability, mineral resources, geologically sensitive sites and ecological receptors are each discussed and assessed. Water habitats and ecology are assessed as Controlled Waters (surface and groundwater) Table 9.4 of **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]** sets out sensitivity categories by receptor type. Paragraph 9.5.133 then applies them to the receptors actually present, which is why the two differ in form. Paragraph 9.5.133 of **ES Chapter 9 [APP-061]** lists geology receptors and the Mineral Safeguarding Areas for coal, limestone and sand and gravel, and assigns each a sensitivity. It also states that the effects of contamination on ecology and property are

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		considered. Table 9.4 of **ES Chapter 9 [APP-061]** includes surface mineral reserves under soil resource. The assessment in section 9.7 of **ES Chapter 9 [APP-061]** covers each of the matters the Council lists: - Land stability: construction on land potentially unstable from historic coal mining, landslip and infilled land is assessed at paragraphs 9.7.32 to 9.7.38 of **ES Chapter 9 [APP-061]**, drawing on the Coal Mining Risk Assessments. - Mineral resources: sterilisation of the Mineral Safeguarding Areas is assessed from paragraph 9.7.39 of **ES Chapter 9 [APP-061]**. - Geologically sensitive sites: there are no geological Sites of Special Scientific Interest (SSSIs), Regionally Important Geological Sites (RIGS) or geoparks within the Study Area (**ES Chapter 9 [APP-061]**, paragraph 9.5.2). There is therefore no receptor to assess (Table 9.1, ID 3.4.7). - Ecological receptors, are assessed in ES Chapter 9 "Basis of Assessment" and as paragraph 9.4.25 of **ES Chapter 9 [APP-061]** records the ecological effects are assessed in **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** and **ES Chapter 10: Water Resources and Flood Risk [AS-023]**. Knock-on effects of dewatering on ecological receptors are identified at paragraph 9.7.25 of **ES Chapter 9 [APP-061]**. .
RR-0454/166	4.11.18 It is also noted that only three tiers of sensitivity are presented, whereas, although not directly relevant to the proposed development, the National Highways' (formerly Highways England) Design Manual for Roads and Bridges	The methodology in **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]** is built on the IEMA (now ISEP) guidance on land and soils and the Environment Agency's Land

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	LA 109 Geology and Soils (2019) represents best practice for geology and soils ES assessment, which presents further tiers such as very high and negligible. Applying these additional tiers may affect the outcome of the assessment of significance. 4.11.19 A sensitivity of 'negligible' is used in Table 9.6, however, as discussed above, negligible sensitivity is not defined in Table 9.4. Negligible effects make up almost half of the table. A Minor effect should result from the combination of a High Sensitivity + Negligible Magnitude and a Negligible Sensitivity and a High Magnitude.	Contamination Risk Management (LCRM) guidance (paragraph 9.4.14). As the Council notes, the Design Manual for Roads and Bridges (DMRB) LA 109 is a road-scheme standard and is not directly relevant to the Proposed Development. The Applicant's position is that applying the LA 109 tiers would not change any conclusion, for the reasons below. In the significance matrix that follows paragraph 9.4.17 of **ES Chapter 9 [APP-061]**, a Negligible magnitude produces a Negligible effect at every sensitivity. That follows from Table 9.5 of **ES Chapter 9 [APP-061]**, which defines Negligible magnitude as no loss or alteration of characteristics and no observable impact in either direction. A receptor that undergoes no observable change is not affected, however sensitive it is. The Negligible sensitivity is applied to the coal Mineral Safeguarding Areas. Paragraph 9.5.133 of **ES Chapter 9 [APP-061]** treats these as unlikely to be developed given the UK's Net Zero Strategy. The Council's alternative would not alter any finding of significance. The combinations it proposes would produce Minor effects, and only Moderate or Major effects are significant (for example **ES Chapter 9 [APP-061]**, paragraph 9.7.15). No effect in the chapter would move from not significant to significant. A Very High tier would add nothing to the findings of significance either. The High tier takes in the most sensitive receptors, including Principal Aquifers, all surface water bodies and best and most versatile (BMV) land (**ES Chapter 9 [APP-061]**, Table 9.4). A High sensitivity receptor gives a Moderate or Major

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		effect at any magnitude above Negligible (the significance matrix following paragraph 9.4.17). Where effects were at risk of being understated, the chapter assesses them as if they had occurred and then considers likelihood (**ES Chapter 9 [APP-061]**, paragraph 9.4.19). This is why effects such as land instability are reported as Moderate to Major before mitigation (paragraph 9.7.38). The combinations the Council proposes would produce Minor effects. Only Moderate or Major effects are significant (**ES Chapter 9 [APP-061]**, for example paragraph 9.7.15). The Applicant's position is therefore that the Council's alternative would not alter any finding of significance. No effect in the chapter would move from not significant to significant.
RR-0454/167	**Mitigation Measures** 4.11.20 Mitigation measures presented in the oCEMP, oOEMP, oDEMP, including the outline Site Waste Management Plans (oSWMPs), outline Soil Management Plans (oSMPs), outline Excavated Materials Management Plan (oEMMP) presented within those EMPs, are deemed appropriate in relation to Ground Conditions, along with the outline Battery Safety Management Plan (oBSMP). 4.11.21 Although it is reasonable for some of those plans to be presented within the various oEMPs, it would be recommended that when these non-outline documents are prepared for appropriate subsections/routes, these documents are presented under separate covers rather than being included in the various EMPs. This is to allow these documents to be more accessible and easier to be updated	The Applicant notes the Council's view that the ground conditions mitigation is appropriate. Schedule 2 Requirement 4(2) of the **draft Development Consent Order (dDCO) [AS-009]** states that the CEMP for each part must include a site waste management plan, a dust management plan, a soil management plan, an excavated materials management plan and an incident response plan. Each is therefore a distinct, named plan that requires the approval of the relevant planning authority, in consultation with the Environment Agency (as relevant) as part of the CEMP. Requirement 4(2) does not prevent those plans being submitted as separately bound documents within the CEMP. Their presentation can be settled when each CEMP is submitted. The Battery Safety Management Plan would be a separately presented document as set out in Schedule 2 Requirement 6 of the **dDCO [AS-009]**.

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	throughout the construction, operational, and decommissioning phases.	
RR-0454/168	4.11.22 Following future ground investigation works, a Remediation Strategy and Verification Plan should be prepared where necessary.	The Applicant confirms that Schedule 2, Requirement 4(3) of the **draft Development Consent Order (dDCO) [AS-009]** secures the preparation and approval of a remediation strategy. **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]** also identifies the requirement for further ground investigations and appropriate remediation prior to construction.
RR-0454/168a	4.11.23 We disagree with the sensitivity part of the assessment and believe this should be reviewed to reflect the guidance presented in the National Highways' (formerly Highways England) Design Manual for Roads and Bridges LA 109 Geology and Soils (2019), as this is considered best practice for ground conditions and land quality ES chapters, independent of the proposed development type.	The Applicant notes the Council's disagreement with the sensitivity element of the assessment and its request that it be reviewed against the Design Manual for Roads and Bridges (DMRB) LA 109 Geology and Soils (2019). The methodology in **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]** is built on the IEMA (now ISEP) guidance on land and soils and the Environment Agency's Land Contamination Risk Management (LCRM) guidance (paragraph 9.4.14). As the Council notes earlier in its representation, DMRB LA 109 is a road-scheme standard and is not directly relevant to the Proposed Development. The Applicant's position is that a review against the LA 109 sensitivity tiers would not change any conclusion of the assessment for the reasons given in RR-0454/166.
RR-0454/169	**4.12 Socio Economic Provision of a health summary**	The human health effects the Council identifies across the technical chapters are drawn together in the Human Health section of **Environmental Statement**

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	4.12.1 There has been no health summary prepared as recommended, but health impacts are covered at a high level across various chapters. - Chapter 16 (Other Environmental Topics) [6.16] confirms that a standalone assessment for Human Health and Population is scoped out of the EIA. Table 16.1 refers to other chapters in which effects are to be covered. These chapters and the coverage of health issues therein are summarised below: - Chapter 7 (Landscape and Visual) [6.7] notes that mental health and wellbeing is not specifically assessed in the chapter, recognises that impacts to landscape character/visual amenity may cause mental health issues, and says that these are considered further in Chapter 17 (Cumulative Effects). - Chapter 12 (Air Quality) [6.12] identifies human health receptors and sensitivities in 12.4 and likely significances of effect in 12.7. Whilst some potentially large magnitude effects are identified, for example in relation to dust impacts during earthworks, it concludes that due to the embedded mitigations in 12.6, potential effects are Not Significant. Moreover, it refers to Chapter 17 (Cumulative Effects). - Chapter 13 (Traffic and Transport) [6.13] refers to Chapter 17 (Cumulative Effects), acknowledging the potential for combined effects arising from construction phase Traffic and Transport Impacts. - Chapter 14 (Noise and Vibration) [6.14] assesses health impacts relating to construction and operation noise, and refers to Chapter 17 (Cumulative Effects), acknowledging the potential for combined effects.	**(ES) Chapter 17: Cumulative Effects Assessment [APP-069]**. A standalone Human Health chapter was scoped out, with health effects assessed in the relevant technical chapters. The **Environmental Impact Assessment (EIA) Scoping Opinion [APP-089]** accepted this approach, as noted in **ES Chapter 16: Other Environmental Topics [APP-068]**, paragraph 16.1.9 and Table 16.1). The Scoping Opinion records the recommendation of the UK Health Security Agency (UKHSA) and the Office for Health Improvement and Disparities (OHID). They recommend that health matters be drawn together in a specific section summarising key information, risk assessments, mitigation, conclusions and residual impacts (**ES Appendix 2.2: EIA Scoping Opinion [APP-089]**, UKHSA and OHID scoping response). The Human Health section of **ES Chapter 17 [APP-069]**, at paragraphs 17.5.3 to 17.5.21 of section 17.5, provides this.

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	- Chapter 17 (Cumulative Effects) intra- and inter- project cumulative effects. With respect to topics not already covered in the chapters above, it provides some elaboration: o The Outline PRoW Management Plan [5.14] is referenced, including steps to maintain access and enjoyment (17.5.7-9). o Steps taken to minimise landscape and associated mental health impacts are outlined (17.5.10-12). 4.12.2 Taken together, the chapters above do assess – albeit at a high level – Human Health impacts, though a health summary has not been prepared.	
RR-0454/170	**Further detail on supporting employment opportunities** 4.12.3 Chapter 15 (Socio-Economics, Tourism and Recreation, and Land-Use) [6.15] assesses the magnitude of the construction impact on employment as Low, noting (among other things) that 'Jobs may be filled by workers from reasonable commuting distances nearby such as Sheffield and Chesterfield' (15.7.10). 4.12.4 This is reinforced in 15.7.24-25, which discuss impacts on the tourism sector. The reference to a 17- mile commuting radius is repeated, and it is noted that 'A small portion of the workforce may travel from further afield and could require temporary accommodation nearby'. 4.12.5 As noted previously, the specialised, national nature of the solar construction workforce casts doubt on the use of a UK average for commuting distance. Detail on how the Proposed Development will support employment opportunities for local people has still not been provided, and	The employment assessment does not assume that the construction workforce is local. **ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]**, Table 15-23, allocates two-thirds of the construction employment outside the local Study Area. Of 759 direct jobs a year, 253 are estimated to be local and 506 national. Of the 1,616 total jobs including indirect and induced jobs, 538 are local (**ES Chapter 15 [APP-067]**, paragraphs 15.7.8 and 15.7.9). The Low magnitude at paragraph 15.7.10 of **ES Chapter 15 [APP-067]** rests on three reasons: - the impact is temporary, over the two-year construction period it assumes; - the jobs are a small share of a workforce with an existing critical mass in construction and manufacturing; and - jobs may be filled from commuting distance. The 17-mile figure is the average daily distance travelled by UK construction workers, from

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	the (unquantified) impact on temporary accommodation is likely to constitute an underestimate.	Construction Industry Training Board data (**ES Chapter 15 [APP-067]**, paragraph 15.7.24). The effect on temporary accommodation is assessed. Paragraph 15.7.25 of **ES Chapter 15 [APP-067]** recognises that some workers may travel from further afield and need accommodation. Paragraph 15.7.28 and Table 15-25 estimate spare hotel and short-term rental capacity at the peak of the tourist season. Even at peak occupancy, the ES estimates spare capacity for about 772 hotel bedspaces and 1,233 short-term rental bedspaces in Doncaster, and 445 and 529 in Rotherham. It notes that the hotel data date from 2016. Paragraph 15.7.31 of **ES Chapter 15 [APP-067]** concludes a Minor Adverse (Not Significant) effect. Support for local employment is set out in the **outline Skills and Supply Chain Management Plan [APP-051]**, to which paragraph 15.7.13 of **ES Chapter 15 [APP-067]** refers. Its Key Measures and Actions table sets out measures to maximise local recruitment during construction, operation and decommissioning (**outline Skills and Supply Chain Management Plan [APP-051]**, Table 5-1). The outline plan provides for communication channels with Job centres in Rotherham and Doncaster, local hubs and schools' partners, with a particular focus on areas with higher unemployment (**outline Skills and Supply Chain Management Plan [APP-051]**, paragraph 5.1.1). Six local recruitment firms were identified with City of Doncaster Council and the Rotherham Metropolitan Borough Council (**outline Skills and Supply Chain Management Plan [APP-051]**, paragraph 7.5.3). The plan envisages that Doncaster Champer along with

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		Barnsley and Rotherham Chamber of Commerce could assist with market engagement, skills alignment and supplier events (paragraph 6.4.1). The outline plan is listed as commitment C48 of the **Commitments Register [EN0110020/APP/6.20.1]** (Rev 02 - to be submitted at PD-A). The plan was presented to the Council's Business Doncaster Chief Executive's Directorate on 2 April 2026 (**ES Chapter 15 [APP-067]**, the summary of other consultation introduced at paragraph 15.3.8).
RR-0454/171	**4.14 Agricultural Land Classification** 4.13.1 The National Planning Policy Framework (NPPF) encourages local authorities to prioritise lower-quality land for development, ensuring the high-quality agricultural land remains available for food production. It is a requirement to consult Natural England where a development proposal affects 20ha or more of Best and Most Versatile (BMV) land, making an Agricultural Land Classification (ALC) survey a necessary step in order to identify the areas of BMV land within the development site boundary. 4.13.2 In order to comply with this, the ES includes 6.20 Appendix 9.6: Agricultural Land Classification Report (application document ref. EN0110020/APP/6.20, Revision 01, dated June 2026), produced by Land & Drainage Consultancy (LDC). LDC refer to the report as Soil Resource Assessment and Agricultural Land Classification (ref. LDC_ERM_Whitestone_Solar_ALC_Repot_Rev3_04032026, dated March 2026).	The Applicant notes this comment

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	4.13.3 6.20 Appendix 9.6 of the ES does not make a distinction between the two council jurisdictions (City of Doncaster Council and Rotherham Metropolitan Borough Council) when assessing the site. The north of the site is within the City of Doncaster Council jurisdiction, whilst the central and southern area of the site is within the Rotherham Metropolitan Borough Council jurisdiction. The boundary between the two Councils is at the point where Common Lane / Moor Lane cross the M18.	
RR-0454/172	**Adequacy of Survey** 4.13.4 Although the total site area is 1480ha, the total area included in the survey is 1206.85ha (81% of the total area). This leaves 273.15ha (2,731,500m2) of land un-surveyed (19% of the total area). Paragraph 1.3 of 6.20 Appendix 9.6 states that LDC did not survey the areas of the site subject to connection works, and instead focused only on land proposed for the placement of solar arrays. 4.13.5 The issue of insufficient survey coverage has previously been raised by the Planning Inspectorate, as described in Issue ID 3.4.1 in Table 9.1 of (ES 6.9 Chapter 9: Ground Conditions and Land Quality, application document ref. EN0110020/APP/6.9, Revision 01, dated June 2026). Environmental Resources Management (ERM) posited the reasoning that the "trenching works required for the laying of cables would be very short in duration, localised and linear" and that "the land would be reinstated following installation and returned to agricultural use." Note that while ERM stated in Table 9.1 of 6.9 Chapter 9 that discussion of potential alternatives would be provided in ES 6.4 Chapter 4: Alternatives and Design Evolution, the latest iteration of this document (application document ref. EN0110020/APP/6.4,	The Applicant acknowledges that the Agricultural Land Classification (ALC) survey presented in **ES Appendix 9.6: Agricultural Land Classification Report [APP-129]** focused on land proposed for solar arrays and did not include the Cable Corridors (paragraph 1.3). As explained in **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**, Table 9.1, detailed ALC surveys were not undertaken within the Cable Corridors because the proposed cable installation works would be temporary, localised and linear in nature, with land reinstated and returned to agricultural use following construction. A desk-based review of Natural England's ALC mapping indicates that the Cable Corridors predominantly comprise Grade 3 agricultural land, with localised areas of Grade 2 (**ES Chapter 9 [APP-061]**, paragraph 9.5.108). Potential effects on best and most versatile (BMV) agricultural land within the Cable Corridors have also been considered in **ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]**, including the temporary land requirements associated with cable installation (paragraph 15.7.61).

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	Revision 01, dated June 2026) provides no further information and states that "points like ALC have not been considered in detail", for the reasons previously provided.	**ES Chapter 15 [APP-067]** identifies a Moderate Adverse (Significant) effect on the availability of BMV agricultural land (paragraph 15.7.66). **ES Chapter 4: Alternatives and Design Evolution [APP-056]**, paragraph 4.6.20, explains that ALC was not considered in detail when comparing cable corridor options, reflecting the temporary nature of the works and the proposed reinstatement of agricultural land. Measures to manage soil handling, storage and reinstatement will be secured through the Soil Management Plan, required as part of the Construction Environmental Management Plan under Requirement 4(2)(c) of the **draft Development Consent Order (dDCO) [AS-009]**. The Applicant therefore considers that the approach to ALC survey coverage is proportionate to the nature and duration of the proposed works, and that the potential effects on agricultural land and soils have been appropriately assessed.
RR-0454/173	4.13.6 Paragraph 1.1 of 6.20 Appendix 9.6 states that an approach of a "semi-detailed" survey was requested from LDC by ERM. LDC proceeded with a survey at a frequency of 1 auger per 2 Hectares (ha), upon ERM's request. However, it is noted that a typical ALC survey is undertaken at a frequency of 1 auger per 1 ha. Whilst this approach can be used for preliminary surveys, at this stage in the planning process, it is considered that a full detailed survey is required to identify the BMV land. 4.13.7 Published guidance states that, along with a frequency of 1 auger per 1 hectare, a frequency of 1 trial pit	The survey is sufficient for the assessment of effects on best and most versatile (BMV) land. **Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification (ALC) Report [APP-129]** records 625 auger borings to 1.2m across the current redline boundary. They cover the land proposed for solar arrays and not the connection works, at about one boring per two hectares (paragraphs 1.3, 3.2 and 3.3). A further 178 borings in earlier iterations of the boundary were excluded from the reporting (**ALC Report [APP-129]**, paragraph 3.3). The borings were supplemented by:

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	per 10 augers (i.e. 1 trial pit per 10ha) should be employed. This frequency has not been accomplished by the survey, which includes a total of 4 trial pits to cover the 1206.85ha area surveyed (a frequency of 1 pit per 302ha). It is also noted that the 4 trial pits did not target each of the four soil associations expected in the site, as described in Paragraphs 4.8 to 4.11 of 6.20 Appendix 9.6 and shown in Figure 1.	- four profile pits (**ALC Report [APP-129]**, paragraph 3.5) with topsoil and subsoil samples from the pits, analysed for texture, organic matter, stone content and nutrient status (paragraphs 3.9 to 3.11) by a UKAS-accredited laboratory (paragraph 3.12); and - topsoil samples from each field, 125 in total with 116 within the Order Limits (around the 1 sample per 10 ha requirement), analysed for texture, organic matter, stone content and nutrient status. - Grading followed the MAFF 1988 criteria (**ALC Report [APP-129]**, paragraph 3.13). **ES Chapter 9: Ground Conditions and Land Quality [APP-061]** records that a sampling grid of one location per hectare was used in areas of planned permanent infrastructure, including the Battery Energy Storage System (BESS) and substation locations. There the effect on soil is permanent, and the grid established a more detailed classification (paragraph 9.4.6). The four pits cover the soils that make up almost all of the surveyed land. Trial Pit 3 represents the Rivington 1 soils, and Trial Pit 2 the transition from Rivington 1 to Dale and Bardsey. Trial Pits 1 and 4 represent the Dale and Bardsey associations (**ALC Report [APP-129]**, paragraphs 4.19, 4.25 and 4.38). Together these form the dominant soil type across98.1% of the surveyed area (paragraph 4.36). The Aberford association and where it is transitional to Dale and Bardsey are the only soils without a trial pit, and are found only in the northern section, over 7.7 ha (0.7%

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		of the surveyed area, **ALC Report [APP-129]**, paragraphs 4.29 and 4.32). A denser grid would refine boundaries between grades at field level, but would not change the basis of the assessment. The survey found that, in most instances, the better grades show high spatial variability within larger areas of Subgrade 3b, with only a few fields entirely or mainly BMV (**ALC Report [APP-129]**, paragraph 5.11). Table 15-26 of **ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]** records most of the BMV land under solar PV (131.62ha) or under mitigation planting and enhancement (77.57ha). It records 7.34ha under substations, BESS and access tracks, a figure that includes construction compounds used only during construction. The ES estimates the BMV land required for BESS, substations or other infrastructure in place for the life of the development at 0.4ha of Grade 3a, under a substation in W1 (**ES Chapter 9 [APP-061]**, paragraph 9.5.3; **ES Chapter 15 [APP-067]**, paragraph 15.7.59). The ES reports the effect on the availability of BMV land as Moderate Adverse and Significant (**ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]**, paragraph 15.7.66). Soils are handled and reinstated under the soil management plan that Requirement 4(2)(c) of the **draft Development Consent Order (dDCO) [AS-009]** requires within the Construction Environmental Management Plan (CEMP).

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RR-0454/174	**Referenced Guidance** 4.13.8 Various references to published guidance within Paragraph 3.15 of 6.20 Appendix 9.6 of the ES are outdated. These include: 4.13.9 Revised Guidelines and Criteria for Grading the Quality of Agricultural Land, MAFF (1988) has been updated to Agricultural Land Classification of England and Wales Guidelines for grading the quality of agricultural land, Defra Joint Publication 069 (2025). However the substance of the updated guidance has not been changed from the MAFF 1988 guidance. 4.13.10 Soil Survey Field Handbook, Technical Monograph No. 5, Harpenden (1974) is the first edition and has been updated to the fourth edition (2022). 4.13.11 Nutrient Management Guide, DEFRA/AHDB (2022) was updated in March 2026. It is noted that this update was published after the commencement of the survey works. 4.13.12 Guidance for Successful Reclamation of Mineral and Waste Sites, DEFRA (2004) has been superseded by Guide to reclaiming mineral extraction and landfill sites to agriculture, Natural England (2022). 4.13.13 In addition, Guide to Assessing Development Proposals on Agricultural Land, Natural England (2018) has been updated in July 2026 (after the date of issue of 6.20 Appendix 9.6 Revision 01).	Noted. The change in references do not affect the grading or the findings, and some have come into effect after the submission of the ES.

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RR-0454/175	**Competency** 4.13.14 It is a requirement that the team producing an ALC is suitably qualified and experienced. While Paragraph 1.4 of 6.20 Appendix 9.6 provides some details of the team's experience and qualifications, the detail provided is not sufficient to meet the requirements set out by the British Society of Soil Sciences (BSSS) Professional Competency Standard (PCS) scheme for ALC.	**Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification (ALC) Report [APP-129]**, paragraph 1.4, records the team's experience and qualifications. - The report was authored by a soil scientist at Land Drainage Consultancy (LDC) and verified by a second LDC surveyor. Both are experienced soil surveyor, with full British Society of Soils (BSSS) memberships, and maintain active professional engagement through regular participation in BSSS events and CPD training courses. - The verifier is qualified under the Fertiliser Adviser Certification and Training Scheme (FACTS) and is an early career member of the British Society of Soil Science. The verifier assists on the surveying, cartography and preparation of ES land and soil chapters across mineral extraction, highway, linear utility and solar projects. - The surveys were supported by a soil scientist with more than 40 years' experience of specialist soil science consultancy, soil classification and agricultural land classification. - All surveyors hold detailed knowledge and understanding of the ALC system under the updated JP049 ALC guidance, and their approach reflects current best practice and is fully aligned with updated ALC guidance, ensuring that all assessments are technically sound and defensible. Samples were analysed by a UKAS-accredited laboratory (**ALC Report [APP-129]**, paragraph 3.12). The boring logs, profile pit descriptions and laboratory report sheets are appended to the report (**ALC Report**

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		[APP-129], paragraph 3.16). The gradings can therefore be checked against the field evidence. The Applicant considers the survey team suitably qualified and experienced for the survey undertaken.
RR-0454/176	**Grading** 4.13.15 Paragraph 4.55 of 6.20 Appendix 9.6 states that "it is likely that land is being farmed beyond the slope limitations provided in the 1988 guidelines." While Stantec does not argue this statement, we note that the updated 2025 guidelines elected to retain the slope limitations from the 1988 guidelines for consistency between pre- and post- 2025 ALC surveys.	The Applicant notes the Council's observation. Paragraph 4.55 of **Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification Report [APP-129]** comments on current farming practice on slopes of 7 to 11 degrees where run-outs are available. It was not used to set aside the slope limits in the grading. The grading was made under the MAFF 1988 criteria (**ES Appendix 9.6 [APP-129]**, paragraph 3.7). Paragraph 4.54 applies their slope limits: locally steep slopes over 7 degrees without run-outs restrict machine access and lead to an Agricultural Land Classification (ALC) limitation of subgrade 3b and Grade 4. Paragraph 5.14 of **ES Appendix 9.6 [APP-129]** records the small areas limited to Grade 4 by steep slopes around the periphery of the site. The grading is therefore on the same slope limits that the Council confirms the 2025 guidelines retain.
RR-0454/177	4.13.16 It is noted that the various map series provided as appendices to the 6.20 Appendix 9.6: Agricultural Land Classification Report do not include inset maps. While not a major issue in and of itself, this has resulted in areas of the site being missed from the map series. This affects not insignificant areas of the site within both council jurisdictions. Stantec has made a comparison between the map series and the figures provided in ES 6.19 Chapter 9: Figures (Revision 01, dated June 2026). ES Volume 3 Figure 9.2	The land referred to as missing from the ALC appendices are the Cable Corridors that were deliberately not assessed and the omission of complete areas of cable routes in **Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification Report [APP-129]** Appendix 7 is not an oversight. This is because, at this stage, the ALC status of the cable route is irrelevant to the proposed works to be carried out in the corridors, as this will be

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	ALC Survey Results Sheet 1 of 1 shows that the majority of areas that are missing from the map series provided in 6.20 Appendix 9.6 are classified as ALC subgrade 3b, which is the overruling grade across the site, however an area of ALC subgrade 3a (BMV) is shown near Dinnington (Rotherham Metropolitan Borough Council). This oversight also means that Stantec's review cannot determine the appropriateness of the survey works and available data in the areas not shown.	subject to further to site-specific mitigation in Soil Management Plans, to be developed within the CEMP. Furthermore, impacts to soils resulting from the installation of cables are assessed as temporary and reversible Neglible impact on soil function in paragraph 9.7.11 of **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**.
RR-0454/178	4.13.17 While there is a degree of variation in how the same results may be mapped into ALC grades, Stantec question the choice of ALC Grade 2 along Anston Brook, given the area being within a Flood Zone 3. Additionally, it appears that the individual Grades for each auger have been adhered to in the overall grading of the site. This has resulted in small areas being of different (lower) grades than the surrounding area (higher, typically Subgrade 3b). Typically, these areas of lower grades would merely be incorporated into the surrounding higher grade.	The **Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification (ALC) Report [APP-129]** has taken a conservative approach to depicting the grading of samples where a single BMV soil class is recorded within a wider backdrop of non-BMV. This conservative approach was taken at the request of Natural England during early consultations, as a mitigation to the perception of the survey being at 'semi-detailed' sample density. Similarly, the retention of BMV classification along the Anson Brook has been the conservative mapping choice for the same reason.
RR-0454/179	**Recommendations** 4.13.18 While some recommendations are made in Section 5.0 of 6.20 Appendix 9.6, there is a lack of mention of the requirement to consult with Natural England, given the 242.8ha BMV (minimum requirement 20ha).	The Applicant confirms that Natural England has been consulted on matters relating to the agricultural land classification and soils management, as documented in Table 9.2 of **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**. **ES Appendix 9.6: Agricultural Land Classification Report [APP-129]** provides the technical findings and recommendations relating to agricultural land and

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		soils, whilst the statutory consultation undertaken and the Applicants responses are recorded in **ES Chapter 9 [APP-061]**.
RR-0454/180	4.13.19 Paragraph 5.6 of 6.20 Appendix 9.6 states that the proposed solar farm scheme "has the potential to create short term impacts", however Stantec note that this temporary period represents a significant period of time; Paragraph 2.5.5 of ES 6.21 Non-Technical Summary (application document ref. EN110020/APP/6.21, Rev 01, dated June 2026) provides an expected operation period of 60 years. This is a significant period of time for farming regime and therefore should be addressed. The Council passed a motion in July 2026 to address the pressures facing UK farmers with government and call for policies that support food production, farming livelihoods, fair supply chains, local procurement, rural resilience and the protection of productive agricultural land. Therefore, the Council would like to ensure this 60 year impact is addressed and the harm considered in the overall planning balance by the Examining Authority.	**ES Chapter 15: Socio-Economics, Tourism and Recreation and Land Use [APP-067]** assesses the use of agricultural land for solar photovoltaic (PV) development as semi-permanent. It concludes that there would be a Moderate Adverse (Significant) effect on the availability of best and most versatile (BMV) agricultural land (**ES Chapter 15 [APP-067]**, paragraphs 15.7.65 and 15.7.66). The assessment therefore does not treat the operational period as short term. The **Planning Statement [AS-015]** treats the land as used temporarily and returned to arable use at decommissioning. It records that the Environmental Statement "has confirmed that significant effects are likely to arise" and that limited weight may be applied against the Proposed Development in the planning balance (paragraph 9.3.12). It addresses food production at paragraph 9.3.10 of the **Planning Statement [AS-015]**. The weight to be given to the effect is a matter for the Examining Authority in its recommendation and for the Secretary of State in the decision.
RR-0454/181	**4.14 Arboriculture** 4.14.1 Comments are provided below in relation to the arboriculture documentation and information received and highlight issues across all the order limits, not just Doncaster. They relate to a number of issues, including namely a lack of explanatory text on a number of matters.	The Applicant notes the Council's comments on the Arboriculture Survey and Tree Constraints Plan. It is a BS 5837:2012 baseline survey. The trees were assessed "objectively and without reference to any proposed site layout" (**ES Appendix 6.14: Arboriculture Survey and Tree Constraints Plan [APP-107]**, Appendix 2). This allows the Tree

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	- Appendix 6.14: Arboriculture Survey and Tree Constraints Plan 3.1.8: The report notes that ancient woodland is a material planning consideration but does not explain how this has informed the survey recommendations or constraints assessment. - Appendix 6.14: Arboriculture Survey and Tree Constraints Plan 3.2.5: The report identifies Category A trees and groups but does not explain whether any are likely to conflict with the emerging development footprint. As submitted, the significance of these assets is established but the consequences for layout design remain unclear - Appendix 6.14: Arboriculture Survey and Tree Constraints Plan 3.2.8: Six Category U trees are identified as having a life expectancy of less than ten years but requiring no immediate works. The basis for this distinction is not fully explained - Appendix 6.14: Arboriculture Survey and Tree Constraints Plan 3.2.10: The statement that all remaining Category C trees are of "little arboricultural significance" requires justification. Whilst Category C trees are of lower quality than Categories A and B, BS5837 recognises that they may still make a meaningful contribution to landscape character, screening and environmental value.	Constraints Plan to be used as a layout design tool (paragraph 3.3.4). The consequences for the layout are addressed through the Outline Design Parameters and the control documents, within the limits set out below, not by the survey. The Applicant's position is that the ancient woodland, category U and category C matters are explained, as follows. - Ancient woodland (**ES Appendix 6.14 [APP-107]**, paragraph 3.1.8). The survey covered the access points to the Proposed Development (**ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, Table 6-3, City of Doncaster Council arboricultural row). It records no ancient woodland and no veteran or ancient trees within its survey area (**ES Appendix 6.14 [APP-107]**, paragraph 3.1.6). It notes Treeton Woods, an ancient woodland, immediately adjacent to site 6 (paragraph 3.1.7). Across the Order Limits, **ES Chapter 6 [AS-021]** records circa 0.25ha of ancient woodland in Cable Route B bordering W1 (paragraph 6.5.28). The ES assesses it on the basis that the cable crosses it by trenchless methods, giving very limited potential for direct effects (**ES Chapter 6 [AS-021]**, Table 6-11). For the solar, Battery Energy Storage System (BESS), substation and construction compound works (Works Nos. 1, 3, 4 and 8), Table 2.1 of the **Outline Design Parameters [APP-158]** provides for infrastructure to be kept 25m from woodland (including ancient woodland and beyond the 15m in planning advice (paragraph 6.6.23 in **ES Chapter 6 [AS-021]**)) and 15m from trees. It allows no works within the root protection area of veteran trees. With it, the ES assesses the effect on ancient

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		woodland as Not Significant (paragraph 6.7.36). That offset does not itself cover access works (Work No. 5). Site 6 lies on a highway edge next to Treeton Woods (**Arboriculture Survey [APP-107]**, paragraphs 3.1.7 and 3.2.3). For any access work there, impacts would be mitigated through the 25m buffer between ancient woodland and construction areas that **ES Chapter 6 [AS-021]** proposes (paragraph 6.6.23), and on the construction measures detailed in the Construction Environmental Management Plan (CEMP). Working methods for ancient woodland and ancient and veteran trees are secured through the CEMP under Requirement 4 and the Landscape and Ecological Management Plan (LEMP) under Requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]**. - Category A trees (**ES Appendix 6.14 [APP-107]**, paragraph 3.2.5). The report recommends that category A and B trees be retained where possible and incorporated into the design (**ES Appendix 6.14 [APP-107]**, paragraph 3.3.1). It also recommends that panels, frames and associated infrastructure be kept outside root protection areas wherever practicable. Any cabling within them would use trenchless or hand-dug methods (**ES Appendix 6.14 [APP-107]**, paragraph 3.3.7). For Works Nos. 1, 3, 4 and 8, the 15m and 25m offsets in Table 2.1 of the **Outline Design Parameters [APP-158]** apply to every tree and woodland, whatever its category, and also allows no works within the root protection area of veteran trees. Those offsets do not apply to access works (Work No. 5) or cables (Work No. 2), and the survey

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		covered the access points (**ES Chapter 6 [AS-021]**, Table 6-3). Schedule 2, requirement 3(2) of the draft Development Consent Order (dDCO) [AS-009] requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters. Tree loss locations are shown on the **Vegetation Removal Plans [AS-007]**. Further arboricultural surveys will be undertaken before construction (**ES Chapter 6 [AS-021]**, Table 6-3). During construction, retained trees would be protected by root protection areas and protective fencing (outline Construction Environmental Management Plan (CEMP) [APP-042], Table 1.2), secured by Schedule 2, requirement 4 of the dDCO [AS-009]. Retained trees will be inspected by an arboriculturist during construction, and works adjacent to them will be carried out under a watching brief (outline Landscape and Ecology Management Plan (LEMP) [APP-046], paragraph 7.3.5), secured by Schedule 2, requirement 7 of the dDCO [AS-009]. - Category U trees (**ES Appendix 6.14 [APP-107]**, paragraph 3.2.8). The basis is given in that paragraph of **ES Appendix 6.14 [APP-107]**. The six trees have a limited remaining life expectancy but "are not considered to present an unacceptable level of risk at present", having regard to their condition and site context. Works may be needed if site usage changes. The trees recommended for removal or further inspection regardless of development are listed separately at paragraph 3.2.9 of **ES Appendix 6.14 [APP-107]**. The distinction is therefore between U trees that the report considers do not present an

ID	Representation	Applicant Response
		unacceptable level of risk at present, and those it recommends for removal, or for further inspection or risk assessment to determine the extent of their defects. - Category C trees (**ES Appendix 6.14 [APP-107]**, paragraph 3.2.10). These all either feature defects which limit their long-term prospects or are of insignificant size, which limit their arboricultural value. The same paragraph of **ES Appendix 6.14 [APP-107]** records that, as a whole, they "do provide some landscape, ecological, and screening value". This is the contribution the Council describes, and the report takes it into account. Paragraph 3.3.2 of **ES Appendix 6.14 [APP-107]** recommends that, where suitable, category C trees with reasonable future prospects be retained as part of the development, and paragraph 3.3.3 of **ES Appendix 6.14 [APP-107]** states that development proposals could remove category 'C' trees and replacement planting would largely mitigate their losses. The 15m tree buffer in Table 2.1 of the Outline Design Parameters [APP-158] applies to category C trees as to any other within Works Nos. 1, 3, 4 and 8. Schedule 2, requirement 3(2) of the draft Development Consent Order (dDCO) [AS-009] requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters. During construction, retained trees would be protected by root protection areas and protective fencing (**outline CEMP [APP-042]**, Table 1.2). This is secured by Requirement 4 of the **dDCO [AS-009]**. Retained trees would be inspected by an arboriculturist during construction.

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		Works next to them are carried out under a watching brief (**outline LEMP [APP-046]**, paragraph 7.3.5), secured by Requirement 7.
RR-0454/182	**4.15 Glint and Glare** **Legislation, Policy and Guidance** 4.15.1 The guidance relating to the assessment of glint and glare is outlined within this section. Neo Environmental working alongside Stantec to assess Glint and Glare for the Council agree that there is limited legislation available for glint and glare and all the guidance highlighted within this section is the best guidance available.	Noted. The Council's advisers agree that the guidance set out in **Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]** is the best available. The legislation, policy and guidance applied are set out in the Legislation, Policy and Guidance section of the **Glint and Glare Report [AS-060]**, ending at paragraph 16.2.15. They are set out in more detail in **ES Appendix 16.1: Legislation, Policy and Guidance [APP-151]**.
RR-0454/183	4.15.2 It should be noted that there is some policy that we would recommend be included within this section. The CAA – CAP738: Safeguarding of Aerodromes 3rd Edition (https://www.caa.co.uk/publication/download/12346) which helps provide advice and guidance to ensure aerodrome safeguarding.	The Applicant agrees that CAP 738 is worthy of citation. CAP 738 notes that glint and glare should be considered by aerodromes considering a proposed development with respect to safeguarding. However the document does not provide a methodology that such assessments should follow. Citation of the document will be included in an updated glint and glare assessment however does not influence the methodology or results.
RR-0454/184	4.15.3 As mentioned in the 'Moving Receptors PRoW section below, reference to the British Horse Society – Advice on Solar farms near routes used by equestrians should be made as this provides justification for the methodology used.	The Applicant agrees that the guidance document published by the British Horse Society (BHS) are worthy of citation. It is agreed that the BHS guidance is helpful in the assessment of bridle paths and equestrian receptors. The glint and glare assessment report will be updated to address other comments received, the updated report will include this guidance document in its

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		assessment of equestrian receptors. It is not predicted to change the impact classification or predicted effects upon equestrian receptors.
RR-0454/185	4.15.4 Furthermore, footnote 3 does not work correctly. It should be ensured that the correct link has been provided within the Glint and glare assessment.	Footnote 3 will be reviewed as part of the updated glint and glare assessment report, when required, and corrected if non-functional.
RR-0454/186	**Glint and Glare Definitions** 4.15.5 This section sets out the definitions of glint and glare, whilst also highlighting the type of reflections that are caused off solar panels and that they generally have similar characteristics to that of reflections of bodies of water and other common materials. Neo Environmental agree with these definitions. 4.15.6 Neo Environmental agree that a 1km study area is sufficient for assessment of ground-based receptors. 4.15.7 It is not clear where the non-reflection zones are with the figures that have been provided. Neo Environmental would usually locate the non-reflection zones on each of the ground based receptor figures. 4.15.8 Neo Environmental agree that a 1km study area is sufficient for assessment of ground-based receptors. 4.15.9 It is not clear where the non-reflection zones are with the figures that have been provided. Neo Environmental would usually locate the non-reflection zones on each of the ground based receptor figures.	The Applicant is unsure to which specific figures the representation relates. Should document and paragraph/figure references be provided, the Applicant is happy to review and further discuss the interpretation of these figures. If the comment is in reference to which areas are predicted to cause reflections to a given receptor: these can be seen in Annex A of the **Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]**, which presents the modelling outputs. For each receptor, one of the graphs shows the panel area assessed, coloured in where reflections are possible and colour coded by predicted intensity.

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RR-0454/187	Residential Dwellings 4.15.10 It is noted that 2m has been used for height within the model, Neo Environmental also use 2m as the height to represent the centre of a ground floor window. 4.15.11 A statement is made that a representative dwelling will be used to assess a group of receptors, it is not made clear on the map or in the report where this has occurred. Neo Environmental would expect a residential area to be made clear on the maps to be able to see where a representative receptor has been chosen.	The Applicant directs the reader to Figures 16.2.1, 16.2.2 and 16.2.3 of **Environmental Statement (ES) Chapter 16 Figures [APP-085],** which show the locations of each residential receptor relative to the panel areas. If the comment is in reference to these Figures being amended to highlight residential areas, such as towns and villages where representative receptors are more likely be made use of, this can be carried out and presented within an updated glint and glare assessment report.
RR-0454/187a	Road and other Ground-Based Transport Receptors 4.15.12 The use of 1.5m for receptor height for rail, 2.75m for rail and 2.5m for horse riders is agreed with and is an acceptable approach to assessing road, rail and bridleway receptors. It is noted that receptor routes are placed with analysis every 200m for moving receptors, this is agreed. Aviation Assets 4.15.13 The study areas outlined within this section seem reasonable and fit with industry standards. Whilst they are slightly different from Neo Environmental's, this will not significantly alter the outcome of the Glint and glare assessment.	The applicant notes these comments
RR-0454/187b	**Consultation** 4.15.14 This section outlines the consultation undertaken to date on the project and Neo Environmental will leave the response to this section to the relevant consultees. Assessment Methodology and Impact Criteria	Noted. The panels will have an anti-reflective coating (**Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]**, paragraph 16.2.35). This is included in Table 2.1 of the **Outline Design Parameters [APP-158]**. Schedule 2, requirement 3(2) of the **draft Development Consent**

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	4.15.15 This section sets out the methodology and impact criteria used when assessing the potential glint and glare impacts upon receptors. Neo Environmental agree that the SGHAT is an industry standard tool that can be used when assessing Glint and Glare. Neo Environmental note that solar panels now do have an "Anti-Reflective Coating", this may provide a more realistic outcome and likely reduce impacts shown. 4.15.16 Neo Environmental agrees with the methodology that 'Roads and streets located within urban environments, with buildings and other infrastructure located in the intervening space between the proposed panels and the road, are not included as any visibility of panels will be screened from view by the buildings.'. Proposed Development Description – Relevant Parameters Considered as part of the Analysis 4.15.17 Neo Environmental agrees with the relevant parameters considered as part of the Analysis. Assumptions, Exclusions and Limitations 4.15.18 The assumptions stated are agreed as the model does have limitations which means the model represents an absolute worst-case scenario. Magnitude of Impact 4.15.19 The relevant definitions for green, yellow and red glare are outlined within this section as well as an outline of how the impacts are determined for each receptor. Static Receptors (Buildings and Residential Receptors) 4.15.20The limits set out in Table 16.2.1 are agreed with when assessing the impact upon residential receptors. It is assumed that the quantity of glare is related to the quantity of yellow glare only for residential receptors due to the previous	**Order (dDCO) [AS-009]** requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters. The Solar Glare Hazard Analysis Tool (SGHAT) runs for ground-based receptors model the panel surface as smooth glass without an anti-reflective coating (**Glint and Glare Report [AS-060]**, Annex A, PV array inputs). The model also assumes the sun is always shining at its fullest intensity and does not take account of screening. It therefore overestimates the glare possible and presents the worst case (**Glint and Glare Report [AS-060]**, paragraphs 16.2.36 and 16.2.37). The results reported are a worst case and, as the Council's advisers note, the coating would be likely to reduce the impacts shown. For aviation, where the coating was modelled, it reduces the reflections towards the visual circuits at Netherthorpe Airfield to low potential for temporary after-image (**Glint and Glare Report [AS-060]**, paragraph 16.2.374). The Applicant also notes comments on Proposed Development Description, Assumptions, Exclusions and Limitations, Magnitude of Impact and Static Receptors.

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	statement in paragraph 16.2.44 that outlines there is no specific guidance identifying the magnitude of impact from solar reflections on ground-based static receptors.	
RR-0454/188	Moving Receptors (Road and Rail) 4.15.21 The limits set out for assessing the impacts of road and rail receptors is not agreed with. As stated earlier green glare cannot be categorised as a None impact. The reason behind ignoring green glare on moving receptors needs to be highlighted more effectively with evidence to back up this reasoning. It is of Neo Environmental's view that green glare should be considered for moving receptors due to the potential safety implications, generally green glare would be categorised as a Low impact if done in line with industry standards. 4.15.22 Neo Environmental has concern over the methodology used to assess the magnitude of impact on road receptors. Currently the assessment classifies impacts as 'where yellow or red glare occurs on a Local road, the magnitude of impact will be Low' and 'Where yellow or red glare occurs on a Motorway, major national, national and regional road, as well as on rail receptors, the magnitude of impact will be High.'. The classification of the road in our opinion does not affect the scale of impacts upon the road when looking at roads that do not serve residential dwellings solely. As previously mentioned green glare would be categorised as a Low impact and Yellow Glare impacts on roads should be classified as High due to the safety issue associated with these impacts, if done in line with industry standards.	The Applicant agrees upon review that green glare towards road and rail receptors represents a change from the baseline conditions and therefore should not be categorised as no impact, but rather low impact. An updated glint and glare assessment report will be produced which actions this change to the impact classification. The residual impact for roads where green glare is predicted will change from no impact (insignificant) to low impact (insignificant) where views of the reflecting areas are predicted to be possible. This will therefore not introduce new significant effects or require additional mitigation as a result of this update. With regard to the impact classification of green glare, the applicant has addressed this in its response to RR-2316/193 With respect to solar reflections towards local roads. The magnitude of impact as a result of solar reflections towards road users along roads deemed to be local roads is low (insignificant). Road users along local roads are considered to have the capacity to experience solar reflections without a reduction to safety. The workload of a road user along a local road is expected to be lower than that of a user of a larger road where there are multiple lanes of traffic, speed limit changes, other users overtaking and joining, signs

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		to be observed, etc. Users of local roads are expected to use their judgement in deciding a safe speed which is suitable for the road conditions, weather, etc. A user of a local road is therefore more able to accommodate a source of solar reflections and respond to it without an impact upon safety. This is in line with industry standards and precedence. When identifying receptors for the assessment, a desk-based review of imagery is undertaken to identify roads within the assessment area and to identify their classification (local, regional, national, major national). This review considers several factors including: to what the road connects, where it is a through road, lane width, markings, condition, etc. Professional judgement is then employed to classify each road to decern its sensitivity.
RR-0454/188a	Moving Receptors (PRoW) 4.15.23 Neo Environmental agrees with the justifications made in paragraphs 16.2.49 and 16.2.50 overall. However, it is advised, as mentioned above, that reference to the British Horse Society (BHS) - Advice on Solar farms near routes used by equestrians be made as this outlines the fact the BHS agree that impacts from a solar farm would not be detrimental to the health or wellbeing or a horse.	The applicant notes these comments
RR-0454/189	Moving Receptors (Aviation) 4.15.24 The limits set out for assessing the impacts of aviation receptors is not agreed with. As stated earlier green glare cannot be categorised as a None impact, it should be	The Applicant agrees upon review that green glare towards aviation receptors represents a change from the baseline conditions and therefore should not be categorised as no impact, but rather low impact. An

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	noted that Negligible and None are not the same when it comes to impacts. It is clearly outlined with FAA guidance that green glare impacts upon approach is classified as a Low impact and not a None impact. It is of Neo Environmental's view that green glare should be considered for moving receptors due to the potential safety implications, generally green glare would be categorised as a Low impact if done in line with industry standards. 4.15.25 It is also noted that this change is unlikely to materially change the outcome of the assessment. **Air Traffic Control Tower (ATCT)** 4.15.26 The limits set out are exactly the same as Neo Environmental and therefore these are agreed with when assessing the impact upon ATCT receptors.	updated glint and glare assessment report will be produced which actions this change to the impact classification for moving aviation receptors, i.e. pilots. Residual impacts will not change from insignificant to significant as a result of this change to the impact classification.
RR-0454/189a	**Baseline Conditions** <u>Residential Receptors</u> 4.15.27 It is noted that receptors north and south of the panels have been ignored due to the fixed frame panels, Neo Environmental would take the approach of outlining the areas where glare is not possible, information surrounding the azimuth that glare can occur and visualisation of the zones of non-reflection to outline which receptors have been scoped out of the assessment for this reason. However, as stated earlier Neo Environmental do not agree with these impact classifications on safety grounds.	The Applicant acknowledges that further visualisation of the areas within which reflections are not predicted could aid a reader. Should the Council have concern with respect to any specific property, the Applicant welcomes further engagement to discuss potential effects upon these receptors.
RR-0454/190	4.15.28 It is noted that receptors located outside the ZTV have been omitted from assessment, this is an acceptable approach. However, it may be useful to have the ZTV overlaid with the residential receptors, so it is easier to see this for the reader.	The Applicant notes the Council's advisers' acceptance that receptors outside the zone of theoretical visibility (ZTV) may be left out of the assessment. The ZTV applied is the one set out in Environmental Statement (ES) Chapter 7: Landscape

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		and Visual Impact Assessment (**ES Appendix 16.2: Glint and Glare Report [AS-060]**, paragraph 16.2.63). It is mapped in **ES Chapter 7 Figures (Part 1) [APP-075]**, Figures 7.4 to 7.7 (the overview and the ZTV for each of W1, W2 and W3). Those figures can be read alongside the numbered receptor points on Figures 16.2.1 to 16.2.3 of **ES Chapter 16 Figures [APP-085]**.
RR-0454/191	Road and Rail Receptors 4.15.29 Table 16.2.5 – 16.2.7 outlines the road and rail routes that have been included within the assessment, for the most part Neo Environmental agree with the roads included. 4.15.30 However, there are a multitude of roads dissecting the application site which have not been assessed, these roads run adjacent to panels and will potentially have significant impacts, furthermore, the speed of rural roads can reach up to 60mph in some areas which is of significant importance considering the possibility of glare impacting drivers. In our opinion all roads which are connecting roads should be assessed within 1km of the Panel Boundary. The only roads which should be scoped out of the assessment are ones which solely serve residential dwellings as vehicle users of these roads will likely be travelling at low speeds and therefore, there is a negligible risk of safety impacts resulting from glint and glare of the Proposed Development.	The applicant has responded to points regarding the identification and assessment of local roads in its response to **RR-0454/188**. Pager Power does not agree with Neo Environmental's definition of which roads should be scoped out of receptors taken forward for geometric modelling.
RR-0454/192	4.15.31 Route 2 in area W1 has been scoped out of the assessment due to the receptor not being located within the ZTV, however, the Figure 7.4 of the Chapter 7 Figures shows an area of high theoretical visibility across Route 2, therefore, it is our opinion that this route be assessed. It may be useful	No significant impact is predicted upon Route 2 of W1. The Applicant directs the reader to Figure 7.5 of the **Environmental Statement (ES) Chapter 7 Figures (Part 1) [APP-075]**. Route 2 of W1 (A630) runs from Hooton Roberts past Hill Top and towards the south

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	to have the ZTV overlaid with the road receptors, so it is easier to see this for the reader.	edge of Conisbrough. The Figure does not show visibility is predicted along this road section with the exception of a small section where the A630 passes Hill Top and meets Firsby Lane and Old Road and near view point 13. Due to existing screening at the road side in the form of vegetation and buildings, views are not predicted in practice. Therefore the Applicant does not deem it necessary to take this road further for geometric modelling. The applicant acknowledges that overlaying the ZTV results upon the maps of glint and glare receptors could be helpful for a reader.
RR-0454/192a	PRoW Receptors 4.15.32 Neo Environmental agree with the PRoW receptors that require assessment and it falls in line with the methodology outlined earlier in the report. Aviation Assets 4.15.33 Neo Environmental agree with the aviation receptors that require assessment and it falls in line with the methodology outlined earlier in the report. Impact Assessment 4.15.34 Neo Environmental agree that impacts during operation should be the impacts assessed only.	The Applicant notes these comments.
RR-0454/193	Residential Receptors 4.15.35 Table 16.2.14 – 16.2.16 shows the bald earth glare results for each residential receptor that has been identified as requiring assessment. It can clearly be seen what each impact is for each receptor. The impact classification appears	The Applicant notes the comments. The glint and glare report will be updated to address other comments, as part of this update these receptors will be reviewed to ensure the results are correct / corrected. Should significant impacts be identified as a

ID	Representation	Applicant Response
	to fall in line with the limits set out earlier in the report. However, there are some small discrepancies with the results as mentioned below; 4.15.36 Within Tables 16.2.14 – 16.2.16 the 'Maximum Duration of Glare Per Day in a No-Screening Scenario (in minutes)' will need to be reassessed. It was found for Receptor 32 within area W2 of the Proposed Development that 768 minutes of glare would occur per day, this is approximately 13 hours duration which is highly unlikely. It is thought that this column has been calculated by adding the minutes of impact per day from each array, whereas these impacts would overlap in duration meaning a worst case duration per day is needed.	result of this review, suitable mitigation will be proposed either in the **outline LEMP [APP-046]** or at the detailed design stage.
RR-0454/194	4.15.37 Furthermore, it was found that within Table 16.2.16 Receptor 12 had impacts of 15 minutes maximum duration and 5.5 hours of glare per year with a 'None' magnitude of impact listed. Within Annex A at a degree tilt of 8 degrees Receptor 12 yields 17.5 hours of yellow glare at a worst case, as opposed to the 5.5 hours listed. It is advised to ensure all impacts are correctly outlined within the tables and detailed assessment section to ensure all impacting receptors are assessed as currently Receptor 12 does not appear to have been assessed within the visual assessment.	The Applicant notes the comments. The glint and glare report will be updated to address other comments, as part of this update these receptors will be reviewed to ensure the results are correct / corrected. Should significant impacts be identified as a result of this review, suitable mitigation will be proposed either in the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** or at the detailed design stage.
RR-0454/194a	<u>Road and Rail Receptors</u> 4.15.38 Table 16.2.17 – 16.2.19 shows the bald earth glare results for each road receptor that has been identified as requiring assessment. It can clearly be seen what each impact is for each receptor. The impact classification appears to fall in line with the limits set out earlier in the report. However, as stated earlier Neo Environmental do not agree with these impact classifications on safety grounds.	The Applicant notes Neo Environmental's confirmation that the bald earth results for road receptors in Tables 16.2.17 to 16.2.19 of Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060] are clearly presented, and that the impact classifications are consistent with the limits set out in the report. The Applicant also notes Neo Environmental's disagreement with those classifications on safety

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	PRoW Receptors 4.15.39 Table 16.2.20 – 16.2.22 shows the bald earth glare results for each PRoW receptor that has been identified as requiring assessment. It can clearly be seen what each impact is for each receptor. The impact classification appears to fall in line with the limits set out earlier in the report. Neo Environmental agree with the classifications reached for these impacts.	grounds. The Applicant's response is set out in the responses to RR-0454/188 and RR-0454/187 In summary, the Applicant agrees that green glare towards road and rail receptors should be classified as low impact rather than no impact, and the updated Glint and Glare Report will make this change. This will not introduce any new significant effects. For yellow glare on local roads, the Applicant's position remains that the magnitude of impact is low. This is because road users on local roads, where the driving task is less demanding, can accommodate solar reflections without a reduction in safety. The Applicant would welcome further engagement with the Council and Neo Environmental on any specific roads or road sections of concern. The Applicant notes and welcomes Neo Environmental's agreement with the impact classifications reached for public rights of way receptors in Tables 16.2.20 to 16.2.22 of **ES Appendix 16.2: Glint and Glare Report [AS-060].**
RR-0454/194b	Aviation Receptors 4.15.40 Table 16.2.23 and 16.2.24 shows the bald earth glare results for each Aviation receptor that has been identified as requiring assessment. It can clearly be seen what each impact is for each receptor. The impact classification appears to fall in line with the limits set out earlier in the report. Neo Environmental agree with the classifications reached for these impacts.	The Applicant notes these comments.

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RR-0454/194c	Summary of Bare Earth Glare Analysis 4.15.41 The impacts for each receptor type are summarised within this section of the report. As correctly described, these impacts represent an absolute worst-case scenario. However as mentioned earlier Neo Environmental do not agree with the approach to some of the assessment and some of the impacts yield different results to what is shown in the analysis and so this section of text will likely update as a result.	The Applicant notes Neo Environmental's agreement that the bare earth results represent an absolute worst-case scenario.The Applicant's response to those comments is set out in the responses to RR-0454/188 and RR-0454/198. As set out there, an updated Glint and Glare Report will be produced to address the comments received.
RR-0454/194d	4.15.42 The reasoning provided for the glare impacts upon the aviation receptors, particularly Netherthope Airfield, offer a reasonable and well laid out argument that is considered to be acceptable. Thus, Neo Environmental agree with the impacts described for aviation receptors	The Applicant notes and welcomes Neo Environmental's agreement with the reasoning and impacts described for aviation receptors, including Netherthorpe Airfield.
RR-0454/194e	**Embedded Mitigation** 4.15.43 It is noted that there are multiple mitigation measures that are proposed as part of the Proposed Development which will help mitigate Glint and Glare impacts. These measures include hedgerows, treelines and opaque fencing to be in place until any propose vegetative measures are grown to a sufficient height. 4.15.44 These measures are welcomed and will likely provide sufficient screening as part of the design to help reduce the potential Glint and Glare impacts down. However, Neo Environmental does not agree with the methodology of the road receptors.	The Applicant notes and welcomes Neo Environmental's view on Glint and Glare mitigation. The Applicant notes that Neo Environmental does not agree with the methodology for road receptors. The Applicant's response is set out in the response to RR-0454/188. The Applicant would welcome further engagement with the Council and Neo Environmental on any specific roads or road sections of concern.
RR-0454/195	**Stage 2 – Detailed Assessment**	The detailed assessment identifies, for each residential receptor, the part of the Proposed Development from which glare can arise, and points to

ID	Representation	Applicant Response
	4.15.45 It is noted that due to the large amount of areas and arrays within the Proposed Development it would be beneficial to list the area of impacts and also the impacting arrays within the residential receptor analysis paragraphs, this would allow for a clear understanding of each impacting array upon the receptor.	the chart that maps it. The receptor paragraphs in **Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]** refer to the 'Glare Reflections on the PV Footprint' chart in Annex A. Each then states which section of which area can affect the receptor. For example, it is 'a southern and central section of W1' for Receptor 32 in W1 (**ES Appendix 16.2 [AS-060]**, paragraph 16.2.128), and 'a central strip of W2B' for Receptor 32 in W2 (paragraph 16.2.182). Where receptors remained at risk, Pager Power's receptor-specific assessment and ratings are presented in Annex B (**ES Appendix 16.2 [AS-060]**, paragraphs 16.2.60 and 16.2.61). The Applicant considers that listing individual array identifiers in the text would not add to what the charts show.
RR-0454/195a	**Aviation Receptors** 4.15.46 Neo Environmental agrees with the justifications set out in paragraph 16.2.373 and 16.2.374, however, it is noted that within paragraph 16.2.374 it states the impact upon this receptor can be classified as None. This contradicts the above where it is stated with ARC coating the impacts reduce to green glare and therefore Neo Environmental would classify these as Low and Acceptable Impacts. Neo Environmental agrees with the information provided in paragraph 16.2.375.	The Applicant has addressed this comment with respect to classification of green glare towards pilot receptors in its response to RR-0454/189.
RR-0454/196	<u>Visual Analysis</u> 4.15.47 This section of the report outlines the actual visibility from the receptors into the Proposed Development where the glint and glare impacts are occurring from. It is noted that 'Glint and Glare Modelling' is attached to the report which	The imagery shown in the Pager Power Glint and Glare Modelling report, which forms an Annex to **Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]**, are not intended to show the predicted reflector area and identified screening. These instead show the receptor location and relevant azimuth angles of the sun.

ID	Representation	Applicant Response
	contains arial images taken from Google Earth, with the aim of showing the real-world potential for impact. 4.15.48 However, 'Glint and Glare Modelling' does not offer clear evidence to support the conclusions outlined within this section. It is not clear where the glare is originating from, or how much coverage is provided from the existing vegetation. A diagram showing; the area of the solar farm that has the potential to cause glare upon the receptor, location of the receptor and location where the image is taken would provide a better understanding to determine if the receptors are screened. 4.15.49 It is noted that some of the images show extensive tree coverage and have the arial imagery showing the location of potential impacts in some cases, however it would be preferred to have this for each receptor to allow for a better assessment of impacts. 4.15.50 The embedded mitigation measures outlined above will also likely screen any glare impacts from the solar farm. **Additional Mitigation** 4.15.51 Neo Environmental agrees with the additional mitigation proposed. **Stage 3 – Residual Impact Assessment** 4.15.52 Neo Environmental agrees with the mitigating factors set out in this section regarding the hedgerow planting as part of the outline Landscape and Ecology Management Plan EN0110020/APP/5.13] and the reflections would occur only during times of direct sunlight as set out in Annex B. Additionally, paragraph 16.2.386 set out mitigating factors surrounding the model assuming the sun is always shining at	The applicant acknowledges that additional imagery showing the reflector areas and identified screening would aid a reader. Additional imagery will be created, showing these considerations, both for dwelling receptors and for road receptors to address the comments raised. On the assessment of all roads within the 1km study area, the Applicant's response is set out in the response to RR-0454/191.

ID	Representation	Applicant Response
	its fullest intensity and that impacts do not account for different weather conditions that frequently occur that would in reality give rise to lower effects and durations than the worst-case assessment presented, this is also agreed. 4.1.53 Neo Environmental agree with the residual impact assessment, however, we would have assessed all roads within the 1km study area and there are some potential issues within the residential impact assessment as outlined previously in the report.	
RR-0454/197	**Conclusions** 4.15.54 The conclusions section provides an overview of the overall assessment and if there were any potential impacts. In this instance there is highlighted to be no High/Medium impact upon dwellings, roads, rail and aviation. Nothing is mentioned with respect to the impacts upon the upper floor views of residential receptors, Moderate views upon road receptors, Low and High impact views upon PRoW's and green glare impacts upon aviation receptors in this section. It should be taken into consideration that any impacts regardless of justification surrounding the magnitude of the impact cannot yield a None impact if there is resulting green, yellow or red glare. It is our opinion that impacts should be labelled as Low in instances where glare is found at an acceptable level.	Initial analysis of potential glint and glare impacts upon residential amenity did not consider views above the ground floor. Where significant impacts upon residential amenity were predicted, additional analysis was undertaken which included consideration of views above the ground floor. The Applicant acknowledges and agrees that potential views above the ground floor of a residential dwelling are a consideration for residential dwelling receptors. The **Glint and Glare Report [APP-152]** will be updated to address other comments, as a part of this update explicit reference will be made in the assessment of screening as to whether this obstructs from the ground floor only or both the ground and upper floor for all residential dwelling receptors. Should this update identify any Significant additional effects, suitable mitigation will be recommended as appropriate. With respect to all points in this response, which forms a summary of Neo Environmental's conclusions, the

ID	Representation	Applicant Response
		applicant has addressed this in its response to RR-0454/182-198
RR-0454/198	**Conclusions continued** 4.15.54 Although Neo Environmental disagrees with some of the methodology, the conclusions found within the summary are mostly agreeable that the site is acceptable with regards to glint and glare. The roads assessment methodology isn't a methodology that we could agree upon as we would consider yellow glare a High impact regardless of the road type. We would suggest that some further changes to the assessment are required so that the assessment has been completed in line with industry standard and best practice. The following points require further information/clarification: - The zones of none reflection have not been outlined clearly including azimuth angles and discounted receptors. - Yellow and Green Glare impacts have been discounted on some roads and we would disagree with this. - Some types of road within the 1km study area have been dismissed, however, we would suggest all roads need to assess excluding roads within built up areas and roads that serve single dwellings. - The ZTV has not been outlined clearly on the receptor maps to outline which receptors have been discounted due to being outside the zone of theoretical visibility. - Inclusion of the CAA – CAP738: Safeguarding of Aerodromes 3rd Edition and British Horse Society – Advice on Solar farms near routes used by equestrians would benefit the justifications outlined within the assessment. - Some of the figures within the tables look to be incorrect, these need to be double checked with the analysis.	With respect to all points in this response, which forms a summary of Neo Environmental's conclusions, the applicant has addressed this in its response to RR-0454/182-198.

ID	Representation	Applicant Response
	- It is difficult to tell the impact or location of some receptors without clearer images, the inclusion of site specific pictures would be beneficial.	
RR-0454/198a	**5 Development Consent Order** 5.1.1 City of Doncaster Council has both a specific interest in articles of the draft development consent order ("DCO") which affects their statutory functions and a broader interest in ensuring the DCO is well framed and fit for purpose. Due to the complex nature of statutory instrument drafting, the Council reserves the right to make further detailed representations on the drafting of the DCO at later deadlines, in particular in the LIR and at any ISHs concerned with the DCO.	The Applicant notes the Council's interest in the articles of the draft Development Consent Order (DCO) [AS-009] that affect its statutory functions, and in ensuring that the DCO is well-framed and fit for purpose. The Applicant acknowledges that the Council reserves the right to make further representations on the drafting of the DCO, including in its Local Impact Report and at any Issue Specific Hearings on the DCO. The Applicant welcomes the Council's continued involvement and will continue to engage with it on the drafting of the DCO, including through the Statement of Common Ground. The Applicant will respond to any further representations made by the Council at the relevant Examination deadlines.
RR-0454/199	**6 Conclusions** 6.1.1 As set out within the introduction to this representation, the Council maintains its overall objection to Whitestone Solar Farm proposed development and application as drafted on the basis of its serious strategic concerns relating to the loss of high-quality agricultural land and Green Belt together with the individual and the cumulative impact of the project on Doncaster's environment, local communities and businesses, when taken together with other major infrastructure proposed in this area. 6.1.2 There is a considerable requirement for clarification and further assessment to provide a robust evidence base for the application through the examination process which we will continue liaising with the Applicant on.	The Applicant notes the Council's overall objection. The Applicant's primary Green Belt case is that the land is grey belt and the Proposed Development is not inappropriate development. Very special circumstances are set out in the alternative (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**, paragraphs 4.1.1 and 4.6.1 to 4.7.1). Cumulative effects with other schemes in the area are assessed in **Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069]**. The **Planning Statement [AS-015]** weighs the harms in the planning balance, including the significant effect on

ID	Representation	Applicant Response
	6.1.3 Where specific technical representations have been made and recommendations suggested, we trust that these will be explored positively, proactively and pragmatically throughout the examination. 6.1.4 The Council will continue to assist the ExA through submission of an LIR, participation in hearings and responding to ExA's Questions throughout the examination and welcomes the opportunity to comment further on matters of detail throughout the examination.	best and most versatile (BMV) agricultural land (paragraph 9.3.12). The Applicant considers that the application is supported by a robust evidence base. Each of the concerns the Council lists is answered in the Applicant's responses to the Council's detailed points: the loss of agricultural land, the Green Belt, and the individual and cumulative effects on Doncaster's environment, communities and businesses. The clarifications the Council seeks are given point by point in those responses. See also the response to RR-0454/1, on the Council's objection and its request for clarification and further evidence.

3.2 Rotherham Metropolitan Borough Council (Host Authority) [RR-2316]

ID	Representation	Applicant Response
Stantec on behalf of Rotherham Metropolitan Borough Council (RR-2316)		
RR-2316/1	The below are key concerns of the Council but full comments will be submitted to PINS via email. The Council wishes to make a relevant representation regarding the proposed DCO as whilst they recognise the essential need to generate renewable energy to meet national targets, the Council objects to the project and application as drafted and continues to raise concerns about the specific harms the development will cause which are set out below. a. Landscape and Visual Effects: Introduction of solar panel equipment, BESS infrastructure, and multiple substations	The Applicant notes the Council's objection and the key concerns in its covering email, these matters have been addressed in specific responses.

ID	Representation	Applicant Response
	into sensitive rural landscapes, causing permanent change to character and views. b. Loss of Green Belt: the Introduction of development between towns and urban areas which would harm the contribution the green belt currently has on restricting urban sprawl and preventing towns form merging. c. Heritage Impact: Adverse effects on the setting of multiple designated heritage assets which need further detailed assessment to assess the harm on each individually. d. Ecological Impact: Loss and fragmentation of habitats including loss of hedgerows and trees, with potential impacts on protected species and biodiversity. e. Agricultural Land Loss: Permanent and temporary loss of productive farmland. f. Residential Amenity/Public Health: Noise, air quality, visual intrusion and disruption during construction and operation especially in light of cumulative impacts.	
RR-2316/2	**1 Introduction** **1.1 Context** 1.1.1 These Relevant Representations have been prepared by Stantec, on behalf of Rotherham Metropolitan Borough Council ("the Council"). The Council is an interested party for the purposes of the examination of the Whitestone Solar Development Consent Order (DCO) application by virtue of being a local authority in whose area the land to which the application relates is located, as set out in section 102(1)(c) of the Planning Act 2008 ("the 2008 Act"). The Council has been given notice by Whitestone Solar Ltd of a deadline for receipt by the Secretary of State of representations giving notice of our interest in, or objection to the application. The Council is therefore pleased to provide its relevant representation.	The Applicant notes the Council's recognition of the need for renewable energy generation, as well as its overarching concerns regarding the Proposed Development. Detailed responses to each of the specific points raised in this relevant representation are provided in the subsequent rows of this table.

ID	Representation	Applicant Response
	1.1.2 The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (as amended) ("the 2015 regulations") provide that relevant representations must include 'the principal submissions, and where practicable, the full particulars of the case which the person proposes to make in respect of the application'. 1.1.3 This relevant representation sets out an overview of the Council's opinion on the application identifying key issues and recommendations. The Council's overall position with regard to Whitestone Solar is that it objects to the Proposed Development and application as currently drafted due to strategic concerns relating to the loss of high-quality agricultural land and Green Belt together with the cumulative impact of the project on Rotherham's environment, local communities and businesses as well as the requirement for further assessment and evidence to support the proposed development. 1.1.4 The Council will nevertheless continue to work constructively with the applicant on the detail of the proposals to minimise impacts and maximise benefits where possible. **1.2 Structure of the report** 1.2.1 The remainder of this report comprises the following chapters: • Section 2 – Background and Context • Section 3 – Impacts of the Proposed Project – Strategic Comments • Section 4 – Impacts of the Proposed Project – Strategic Comments • Section 5 – Development Consent Order • Section 6 – Conclusions	

ID	Representation	Applicant Response
	2. Background and Context 2.1.1 Stantec have been appointed by The Council together with The City of Doncaster Council as one of the other Host Authorities to act on their behalf through the Development Consent Order application of Whitestone Solar Farm Application: EN0110020. These representations are only the opinion of the Council and The City of Doncaster Council Relevant Representations are set out separately, however much of the content is similar due to the nature of how the application has been written and submitted therefore many comments apply to both host authorities. 2.1.2 The 'proposed development' comprises the construction, operation and maintenance, and decommissioning of solar photovoltaic (PV) arrays with a generating capacity of up to 750MW, Battery Energy Storage System (BESS), onsite substations and supporting infrastructure, and grid connection infrastructure cable corridors to the new National Grid Long Lane 400kV Substation. The proposed development also includes for landscaping and habitat enhancements and is applied for an operational period of 60 years. 2.1.3 The construction of the development is anticipated to approximately 24-36 months and decommissioning would take place after the 60 year operational period. 2.1.4 The proposed development is split across three main areas over four administrative boundaries of the City of Doncaster Council (CDC), Rotherham Metropolitan Borough Council (RMBC), North East Derbyshire District Council (NEDDC) and Derbyshire District Council (DCC). The Order Limits comprise a total area of approximately 1,488 hectares (ha), consisting of approximately 339ha proposed for the 18 Cable Corridors, and 1,149ha proposed for the Site.	

ID	Representation	Applicant Response
	2.1.5 The three main areas of the Order Limits are defined in the application as: • Whitestone 1 (W1), located south of Conisbrough (centred on National Grid Reference (NGR) SK 503962) – 327 ha of agricultural land. • Whitestone 2 (W2), located between Treeton in the west and Dinnington in the east (centred on NGR SK 477874)- 651 ha of predominantly agricultural land • Whitestone 3 (W3), located south of Wales and Kiveton Park (centred on NGR SK 481807) – 172 ha agricultural land 2.1.6 The Councils administrative area is mainly located in Whitestone 2 and 3 with a small portion in Whitestone 1.	
RR-2316/3	**Councils Position Overview** 2.1.7 The Council recognises the essential need to generate renewable energy to meet national target and that the proposed development would contribute towards meeting the UK's commitment to achieve net zero carbon emissions by 2050 and the Government's Clean Energy target of 2030. The Council is therefore not wholly against renewable energy schemes in principle which is demonstrated by the consent of TCPA planning applications in the borough. However, in determining this application, the Examining Authority must apply the statutory test under section 104 Planning Act 2008, having regard to the relevant National Policy Statements, including the need to assess whether the identified benefits of the proposal outweigh its adverse impacts. The relevant policy framework for this application comprises the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3), together with EN-5 in respect of associated network infrastructure (where relevant).	The **Statement of Need [APP-041]** provides evidence that an unprecedented capacity of new low-carbon generation schemes is urgently needed for the UK to meet its legally binding climate change targets. Paragraphs 2.10.1 and 2.10.2 of NPS EN-3 confirm that solar energy is at the heart of the Clean Power 2030 Mission. The application falls to be decided under section 104 of the Planning Act 2008. The National Policy Statements (NPSs) provide the primary basis for the decision (**Planning Statement [AS-015], paragraphs 9.2.1 to 9.2.3**). Section 4.1 of the **Statement of Need [APP-041]** explains that the Secretary of State should assess all applications for development consent for the types of infrastructure included by the NPS (including solar) on the basis that there is demonstrated urgent need for them, that substantial weight should be given to this need, and that the Secretary of State is not required

ID	Representation	Applicant Response
	2.1.8 In this context, the Council has identified significant harm arising from the development, including impacts on heritage, the Green Belt, wider landscape, ecology and amenity. The Council considers these impacts significant and expects them to be given appropriate weight in the section 104 planning balance, alongside the national need case. This representation therefore addresses both the nature and extent of those impacts together with the need for the Development Consent Order ("DCO") to include robust, precise and enforceable provisions. The Council has engaged, and will continue to engage, constructively with the applicant, on detailed drafting of the DCO and as highlighted later in this representation, will reserve the right to comment further on the draft wording through the examination period.	to consider the specific contribution of any individual project to be satisfied that need is established. Furthermore, there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure, which includes large-scale solar farms, and that *"Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy"* (NPS EN-1, paragraph 3.3.63). The Environmental Statement identifies a limited number of significant adverse residual effects and the **Planning Statement [AS-015]** describes these as temporary effects on biodiversity, landscape and visual, and the loss of best and most versatile (BMV) agricultural land. However, when weighed against the need, which NPS EN-1 requires to be given substantial weight, it concludes that the balance is firmly in favour of the Proposed Development.
RR-2316/4	2.1.9 The Council wishes to make a relevant representation regarding the proposed DCO as whilst they recognise the essential need to generate renewable energy to meet national targets, the Council objects to the project and application as drafted and continues to raise concerns about the specific harms the development will cause which are set out below. a. **Landscape and Visual Effects:** Introduction of solar panel equipment, BESS infrastructure, and multiple	The Applicant notes the Council's comment. Regarding landscape, the Applicant can confirm that while the change is long-term it is reversible and not permanent due to Requirement 13 of the **draft Development Consent Order (dDCO) [AS-009]** requiring decommissioning to begin no later than 60 years after final commissioning. The land will therefore return to arable use upon decommissioning subject to the wishes of the landowner.

ID	Representation	Applicant Response
	substations into sensitive rural landscapes, causing permanent change to character and views. b. **Loss of Green Belt:** the Introduction of development between towns and urban areas which would harm the contribution the green belt currently has on restricting urban sprawl and preventing towns form merging. c. **Heritage Impact:** Adverse effects on the setting of multiple designated heritage assets which need further detailed assessment to assess the harm on each individually. d. **Ecological Impact:** Loss and fragmentation of habitats including loss of hedgerows and trees, with potential impacts on protected species and biodiversity. e. **Agricultural Land Loss:** Permanent and temporary loss of productive farmland. f. **Residential Amenity/Public Health:** Noise, air quality, visual intrusion and disruption during construction and operation especially in light of cumulative impacts.	**Appendix 2: Green Belt Assessment** of the **Planning Statement [AS-015]** provides the Applicant's conclusion that the Proposed Development is located on grey belt land because the Site does not strongly contribute to Green Belt purposes (a), (b) or (d) as outlined in Table 2.2. The assessment concludes that the scale of the Proposed Development would not fundamentally undermine the purposes of the remaining Green Belt, with approximately 54% of the Order Limits remaining as mostly open land. **Environmental Assessment Environmental Statement (ES) Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** assesses 143 designated assets and one non-designated asset identified by the sieving exercise (paragraph 8.4.2). Each has its own value, magnitude of impact and predicted effect. **ES Chapter 8: Cultural Heritage and Archaeology [AS-019]** expresses harm in the terms of National Policy Statement (NPS) EN-1 (paragraph 8.4.25). It concludes that the harm to each affected designated asset is less than substantial, at the lower end of that scale (paragraph 8.7.46). Asset-by-asset cumulative assessments follow at Tables 8.11 to 8.16 of **ES Chapter 8 [AS-019]**. The Proposed Development results in a positive biodiversity net gain through the proposals for mitigation and enhancement. Schedule 2, requirement 7 of the **draft Development Consent Order [AS-009]** requires the Landscape and Ecological Management Plan (LEMP) to demonstrate how it will contribute to minimum biodiversity net gains across the authorised

ID	Representation	Applicant Response
		development which are 28% for habitat units, 30% for hedgerow units and 10% for watercourse units. However, regarding the specific loss of hedgerows, while excluding visibility splays, the Environmental Statement confirms that approximately 0.57km of hedgerow will be lost which is of low magnitude. Regarding Agricultural Land, the Applicant assessed ALC as part of the site selection process, to seek to use land of a lower classification where possible. ALC surveys were then undertaken to determine the precise agricultural grade of the land within the Order Limits with the results set out in **Environmental Statement Appendix 9.6: Agricultural Land Classification Report [APP-129]**. The results of this survey found 23.9% of Whitestone 2 and 17.3% of Whitestone 3 to be BMV land (**Environmental Statement Chapter 3: The Site and Surrounding Area [APP-055]**). The remainder of the land is predominantly Subgrade 3b. Across the Site, Grades 1, 2 and 3a total 220.48ha, 19.17% of the Site, scattered within Subgrade 3b. Finally, with respect to residential amenity, the Applicant has ensured that sufficient design parameters have been introduced to the design of the Proposed Development to reduce the impact upon local residential properties. Some of the design parameters include: • Substation equipment to be located at least 300m from residential properties

ID	Representation	Applicant Response
		• Power conversion stations, the Battery Energy Storage System (BESS) and the substations each to be designed to a night-time noise rating level at residential receptors of no more than 5dB above baseline. Embedded mitigation prevents additional significant effects from noise, traffic and air quality during construction, and from noise, contamination and glint and glare during operation. No significant intra-project effects are therefore anticipated (**ES Chapter 17: Cumulative Effects Assessment [APP-069]**, Tables 17.6 and 17.7). Cumulative effects with other developments are assessed in each technical chapter (**ES Chapter 17 [APP-069]**, paragraph 17.7.2). Construction is controlled through the **outline Construction Environmental Management Plan (CEMP) [APP-042]**, secured under Schedule 2, requirement 4 of the **draft DCO [AS-009].** For these reasons, the Applicant's position is that the harms are not as the Council describes them.
RR-2316/5	2.1.10 The harms identified in the application documents are notable. They must be given very significant weight in the planning balance and the DCO must include robust controls to ensure these harms are not compounded by inadequate drafting. 2.1.11 This Relevant Representation sets out the Council's principal concerns regarding the proposed development as drafted and requests clarification, further evidence and recommendations to inform the application and examination process. Further supporting evidence and detail will be	The Applicant's planning balance within the **Planning Statement [AS-015]** sets out the benefits of the Proposed Development against each of the impacts. It weighs the significant effects remaining after mitigation against the need and the other benefits, each of which carries substantial weight. In the case of the Proposed Development, the residual significant adverse effects are limited to temporary effects on biodiversity, landscape and visual and socioeconomic, tourism and recreation and

ID	Representation	Applicant Response
	provided in the Local Impact Report at the Examination stage.	land use. It is considered that these residual impacts do not meet the "exceptional circumstances" test in paragraph 3.3.63 of NPS EN1 and therefore do not warrant refusal. The Planning Balance confirms at paragraph 9.3.18 of the **Planning Statement [AS-015]** that "*the balance is firmly in favour of approval…*".
RR-2316/6	**3 Impacts of the Proposed Project – Strategic Comments** 3.1.1 As highlighted above, the Council notes the governments need for renewable energy but has some key concerns over the proposed development and issues with the application as currently drafted for the proposed Whitestone Solar Farm which would be located on 1,488 ha of Green Belt extending across Rotherham. The key strategic concerns with the application are summarised below:	The 1,488ha figure is the whole of the Order Limits across all four host authority areas, not the land within Rotherham. It comprises 1,149ha of Site and 339ha of Cable Corridors (**Environmental Statement (ES) Chapter 3: The Site and Surrounding Area [APP-055]**, paragraph 3.3.1). Of the Site, W1 (approximately 327ha) is in the City of Doncaster Council area (**ES Chapter 3 [APP-055]**, paragraph 3.4.2). W2 (approximately 651ha) and W3 (approximately 172ha) are in the Council's area, with W3 crossing into North East Derbyshire where it meets the A618 (**ES Chapter 3 [APP-055]**, paragraphs 3.4.10 and 3.4.19).
RR-2316/7	3.2 **Environmental Statement Methodology** 3.2.1 Following a review of the application submission documents and the Environmental Statement included, there are various methodology and referencing issues across numerous chapters of an Environmental Statement, affecting clarity and confidence in the assessment. Firstly, the Council would like to see these matters addressed to ensure a robust Environment Statement (ES) is provided. The key concerns are summarised below and set out in detail underneath with recommendations.	The Applicant notes the Council's comments on the application submission documents, including the Environmental Statement. The Applicant will ensure ES volume references and figure references are checked and updated for clarity when next updated during the examination, and will update the NTS and cumulative effects assessment in line with any other corrections. These points do not concern the data or the conclusions of the technical assessments.

ID	Representation	Applicant Response
	• Inconsistent ES volume references, unclear and inconsistent application of professional judgement, and insufficient evidence on decommissioning effects. • Specific chapters require improved explanation on site selection, alternatives, design evolution, and worst-case scenarios, with missing or inconsistent figure references noted. • The cumulative effects assessment and non-technical summary need updates to reflect corrections and ensure clarity for all readers.	The Applicant's position is that the ES is robust. An appropriate level of detail has been provided regarding decommissioning effects, site selection, alternatives, and design evolution (with further detail provided in the **Planning Statement [AS-015]**), and a precautionary approach has been taken for assessments where there may be uncertainties or limitations. These worst-case assumptions have been set out clearly where relevant within the ES.
RR-2316/8	3.2.2 The Table below sets out the detail of where improvements in the ES are recommended: **Chapter 1 Introduction APP-053** Schedule 2 1.3.3 Para 1.3.3 concludes that the project is Schedule 2 development because it constitutes "industrial installations of electricity, steam, and hot water" and is likely to have significant effects due to its nature, size, and location. Whilst we do not challenge the need for EIA on a 100+ MW solar NSIP, but this section is lacking in the following detail: - scale of development - inclusion of BESS - extensive cable corridors - sensitivity of receiving environment - why significant effects cannot be excluded	Paragraph 1.3.3 of **Environmental Statement Chapter 1: Introduction [APP-053]** concludes that the Proposed Development is Schedule 2 development with the potential for significant effects. The chapter and those that follow set out the matters on which that conclusion rests. - Scale: more than 100MW of solar PV across approximately 1,488ha (**ES Chapter 1 [APP-053]**, paragraphs 1.1.2 and 1.1.3), with an agreement to export up to 750MW to the new Long Lane 400kV substation (**ES Chapter 4: Alternatives and Design Evolution [APP-056]**, paragraph 4.6.2). - Battery Energy Storage System (BESS): on-site BESS facilities and substations form part of the Proposed Development (**ES Chapter 1 [APP-053]**, paragraph 1.1.2). - Cable corridors: underground cables run within Cable Corridors that, with the Site, form the Order Limits (**ES Chapter 1 [APP-053]**, paragraph 1.1.4). Each corridor is described in **ES Chapter 3: The Site and Surrounding Area [APP-055]**, section 3.5. Its

ID	Representation	Applicant Response
		construction width is given in **ES Chapter 5: The Proposed Development [APP-057]**, Table 5.2. - Sensitivity of the receiving environment: **ES Chapter 3 [APP-055]**, section 3.4, describes the designations, heritage assets, rights of way, watercourses and soils of W1, W2 and W3. The Scoping Report submitted on 23 April 2025 set out the likely significant effects on which the ES would focus. The Planning Inspectorate issued its Scoping Opinion on 3 June 2025 (**ES Chapter 2: Environmental Impact Assessment (EIA) Methodology [AS-017]**, paragraphs 2.3.2 and 2.3.3). The topics scoped out, and why, are set out in section 2.4 of **ES Chapter 2 [AS-017]**.
RR-2316/9	<u>Limited explanation of assessment limitations</u> Compliance table states that forecasting methods, limitations, and uncertainties are addressed elsewhere. However, Chapter 1 contains no overarching statement that there are no significant data gaps, and that uncertainties have been addressed using professional judgement and accepted methodologies. We seek reassurance that the ES hasn't been prepared with material information gaps and this should be clarified.	In accordance with Schedule 4(6) of the EIA Regulations, assumptions, limitations and uncertainties are addressed within the individual technical assessments in ES Chapters 6–17, as identified in Table 1.1 & 1.2 of **ES Chapter 1: Introduction [APP-053]**. **ES Chapter 2: EIA Methodology [AS-017]**, paragraphs 2.5.15 and 2.5.55–2.5.56, establishes the approach to managing uncertainty, including the use of appropriate assumptions, professional judgement and reasonable worst-case scenarios where necessary. The Applicant confirms that the limitations identified within the technical assessments do not constitute material information gaps that would undermine the conclusions of the ES. The ES has been prepared by

ID	Representation	Applicant Response
		competent experts in accordance with Regulation 14(4) of the EIA Regulations, as detailed in **ES Chapter 1 [APP-053]** and **ES Appendix 1.1: ES Authors [APP-087]**. The Applicant therefore considers that the existing ES provides sufficient information regarding assessment limitations and uncertainties.
RR-2316/10	Referencing of ES Throughout the chapter the ES is referenced as Volume 1-3, however Para 1.5.1 sets out the ES as Volume 6 Parts 1-3. All referencing should be updated and corrected throughout. This also applies to Appendix 1.1. **Chapter 2 EIA Methodology REF APP-054** Referencing of ES Throughout the chapter the ES is referenced as Volume 1-3, however Chapter 1, Para 1.5.1 sets out the ES as Volume 6 Parts 1-3. All referencing should be updated and corrected throughout. This also applies to Appendix 2.3.	Although the ES uses different volume labels, the accompanying application document references identify the documents being referred to. The ES is Volume 6 of the DCO Application but the ES is split into Part 1 (Chapters, document references 6.1 to 6.18), Part 2 (Figures, 6.19) and Part 3 (Appendices, 6.20), with the Non-Technical Summary at 6.21 (**ES Chapter 1: Introduction [APP-053]**, paragraph 1.5.1). Within the ES, the same documents are labelled ES Volume 1 (the introductory chapters, for example Chapters 1 to 5), ES Volume 2 (Chapters 6 to 18) and ES Volume 3 (Figures, Appendices and the Non-Technical Summary). Every such label is followed by the document reference, for example "ES Volume 3, Figures [EN0110020/APP/6.19]" (**ES Chapter 1 [APP-053]**, Table 1.1). The two conventions describe the same documents, and each can be found from its reference. The same applies to the labels in **ES Chapter 2: EIA Methodology [AS-017]**, **ES Chapter 3: The Site and Surrounding Area [APP-055]**, **ES Appendix 1.1: ES Authors**

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		[APP-087] and **Appendix 2.3: Commitments Register [EN0110020/APP/6.20.1]**.
RR-2316/11	Professional judgement Professional judgement has been used where formal methodologies do not exist, specifically the landscape and cultural heritage chapters, but Chapter 2 doesn't explain how professional judgement has been applied, documented and quality assured. The degree to which professional judgement may override the significance matrix outcomes is not clearly defined potentially resulting in inconsistency between technical chapters. This should be refined and clarified.	The use of professional judgement is set out in the Environmental Statement (ES), both in the common methodology and in the chapters where it determines significance. **ES Chapter 2: Environmental Impact Assessment (EIA) Methodology [AS-017]** sets the common rule. Major and Moderate effects are generally Significant, and Minor and Negligible effects Not Significant. Professional judgement is applied taking into account whether the effect is permanent or temporary, its duration or frequency, whether it is reversible and its likelihood of occurrence (**ES Chapter 2 [AS-017]**, paragraph 2.5.21). Table 2.1 of **ES Chapter 2 [AS-017]** responds to the Planning Inspectorate's Scoping Opinion (ID 2.2.1). It identifies the two chapters in which professional judgement determines significance: landscape and visual, and cultural heritage. ES Chapter 7 explains how it is applied, and ES Chapter 8 states that professional judgement has been applied to its significance matrix. On quality assurance, the ES was prepared by competent experts, with ERM a member of the independently reviewed EIA Quality Mark scheme. The authors of each chapter and their experience are listed in **ES Appendix 1.1: ES Authors [APP-087]**.
RR-2316/12	Decommissioning assessment Assumption that decommissioning effects wont be greater than construction effects are not fully evidenced and might underestimate future impacts given evolving environmental	**Environmental Statement (ES) Chapter 2: Environmental Impact Assessment (EIA) Methodology [AS-017]**, paragraphs 2.5.10 to 2.5.12, explain that, as a reasonable worst case, decommissioning activities are expected to be broadly

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	conditions and land uses over the 60 year operational lifespan. Further evidence is required.	similar to those of construction. Decommissioning is assumed to have impacts no worse than construction, given the long-term nature and uncertainty of future conditions. Where relevant and possible, a future baseline around 2090 is considered for decommissioning (**ES Chapter 2 [AS-017]**, paragraph 2.5.3). The Applicant's position is therefore that the decommissioning assumption is evidenced and is not likely to understate effects. Uncertainty about conditions in 60 years' time is dealt with by control at that time. Schedule 2, Requirement 13 of the **draft Development Consent Order (dDCO) [AS-009]** requires decommissioning to begin no later than 60 years after final commissioning. A Decommissioning Environmental Management Plan (DEMP) must be substantially in accordance with the **outline DEMP [APP-044]** and unless otherwise agreed with the relevant planning authority, submitted to that authority no later than three months before decommissioning. No decommissioning works may be carried out until it is approved, and the approved DEMP must be implemented as approved (Requirement 13(4) and (5)). The **outline DEMP [APP-044]** sets the minimum environmental controls, consistent with the outline Construction Environmental Management Plan (oCEMP) (paragraph 4.1.1).

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RR-2316/13	Effect interactions The methodology for assessing interaction effects is not presented in sufficient detail within the chapter, making it difficult to determine how combined impacts on receptors have been evaluated.	The methodology for interaction effects is set out in full in **Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069]**. **ES Chapter 2: Environmental Impact Assessment (EIA) Methodology [AS-017]** refers to it (paragraphs 2.5.49 to 2.5.53). The assessment covers common sensitive receptors, which are those identified as potentially affected by more than one environmental factor. It is based on all residual effects, including negligible ones (**ES Chapter 17: Cumulative Effects Assessment [APP-069]**, paragraphs 17.4.3 and 17.4.4). It considers where several Not Significant effects could combine to become Significant, and where Significant effects could be made worse (**ES Chapter 17: Cumulative Effects Assessment [APP-069]**, paragraph 17.4.5). It has two stages: - In Stage 1, receptors exposed to two or more types of residual effect are screened in (**ES Chapter 17: Cumulative Effects Assessment [APP-069]**, paragraphs 17.4.8 and 17.4.9), using the matrix at Table 17.5. - In Stage 2, professional judgement is used to assess qualitatively whether the combined effect on each is Significant (**ES Chapter 17: Cumulative Effects Assessment [APP-069]**, paragraphs 17.4.10 and 17.4.11). The results are set out in **ES Chapter 17: Cumulative Effects Assessment [APP-069]** receptor group by receptor group against each chapter's residual effect. They are in Tables 17.6 (construction and decommissioning) and 17.7

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		(operation and maintenance), with a separate assessment for human health (paragraph 17.5.3).
RR-2316/14	Referencing 2.5.46, 2.5.24 Unresolved cross referencing errors creating uncertainty regarding supporting evidence relied on for methodology. Should be corrected to ensure clarity/transparency.	The footnote errors identified in paragraphs 2.5.24 and 2.5.46 have been corrected in the updated documents following the Section 51 advice [PD-002]. The footnotes refer to the EIA Regulations as shown in **ES Chapter 2: EIA Methodology (Rev 02) [AS-017]**.
RR-2316/15	Consultation response tracking Chapter 2 states that responses have been addressed across technical chapters but doesn't provide a trail showing issues raised, chapters affected, changes made, and any residual disagreements. We would request a more transparent tracking mechanism in this section to ensure matters have been addressed and resolved.	Consultation responses relevant to each technical assessment are tracked in the individual ES chapters. **ES Chapter 2: EIA Methodology [AS-017]**, paragraphs 2.5.33 and 2.5.34, explains where these records are provided. The consultation tables identify the comments received, explain how they have been addressed and reference the relevant sections of the ES.
RR-2316/16	**Chapter 3 The Site and Surrounding Area REF APP-055** Referencing of ES Again throughout the chapter the ES is referenced as Volume 1-3, however Chapter 1, Para 1.5.1 sets out the ES as Volume 6 Parts 1-3. All referencing should be checked and corrected throughout. 3.4.4, 3.4.12, 3.4.21, 3.5.7, 3.5.15, 3.5.23, 3.5.29, 3.5.33, 3.5.49, 3.5.53, 3.5.57, 3.5.65, 3.5.71, 3.5.74. Incorrect reference to Figure 15.7 and incorrect title used, needs updating for clarity. Figure 8.11 3.4.5, 3.4.14, 3.4.22, 3.5.35, 3.5.38, 3.5.41. Figure 8.11 is not listed on contents page of APP-077. Fig 8.2	Figure references within **ES Chapter 3: The Site and Surrounding Area [APP-055]** will be corrected, when the documents are next updated for examination, but would not change what is shown on the figures or the results of the assessments. Figure 15.7 in Chapter 3 should be referenced as 'Public Rights of Way and Country Parks' consistent with **ES Chapter 15 Figures [APP-084]**. Figures 8.2, 8.5, 8.8 and 8.11: the heritage asset maps that **ES Chapter 3 [APP-055]** cites under these numbers are not located in **ES Chapter 8 Figures [APP-077]** but are located as the **Statutory and Non-Statutory Historic Assets [APP-014]** plans. This cross reference in Chapter 3 will be corrected.

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	3.4.6 Figure 8.2 title does not align to Figure 8.2 presented within APP-077. Update requested. <u>Kearsley Brook</u> 3.4.9 - Surface watercourses are shown on Figure 10.3 not 10.2. Kearsley Brook is not labelled on Fig 10.3 so it is not clear where it travels to and from. A watercourse is shown north/south through W1 on Fig 10.3 but appears to turn east along the northern boundary not west (the boundary does not extend west at this location)? Kearsley Brook is labelled on Fig 10.2, however it does not appear to be within the order limits of W1. Information provided is very confusing. Incorrect reference to Figure 10.6 provided. Clarifications for consistency are required. <u>Fig 8.5</u> 3.4.15 Figure 8.5 is not provided on PINS website APP-077. 3.4.18 Unable to identify 3 branches of Ulley Brook on Fig 10.2. Incorrect title for Fig 10.2 provided in para. Fig 10.3 has no labels for River Rother or Ulley Brook. Kingsforth Brook is not labelled on Fig 10.2 and none are labelled on Fig 10.3. Incorrect reference to Figure 10.6 provided. 3.4.23 Figure 8.8 is not provided on PINS website APP-077 3.4.26 Harthill Reservoir is not shown on Figure 10.2 but is shown on Fig 10.3. Incorrect title for Fig 10.2 provided in para. Incorrect reference to Figure 10.6 provided. 3.5.6 The scale of Figure 3.4 makes it difficult to identify some smaller sites. No labelling is provided. 3.5.19 Pinch Mill Brook is not labelled on either Figure 10.2 or Fig 10.3 3.5.36 Whinston Brook is not labelled on Fig 10.2 or Fig 10.3	Para 3.4.9, Applicant will update cross reference to Figure 10.3. Regarding Kearsley Brook, the Applicant notes there is a discrepancy in description between **ES Chapter 3 [APP-055]** and **ES Chapter 10: Water Resources and Flood Risk [AS-023]**. The Applicant will update paragraph 3.4.9 in Chapter 3 to align with Chapter 10 during the examination. Information presented on figures in **ES Chapter 10 Figures [APP-079]** is correct. Incorrect references to Figure 10.6 is noted throughout Chapter 3, this should refer to Figure 10.7 in **ES Chapter 10 Figures [APP-079]**. This will be updated in Chapter 3 during examination. The branches of the Ulley Brook are shown on **Figure 10.3 [APP-079]** instead. The watercourses are not labelled in Figure 10.3 as it would make the figure too cluttered. Kingsforth Brook is not labelled in Figure 10.2 because it is an ordinary Watercourse, not a WFD watercourse. Harthill Reservoir is shown in Figure 10.2 via the OS base-mapping. The other watercourses the Council lists are identified by name in **ES Chapter 10 [AS-023]**. Figure 3.4 shows the designations within 10km of the Order Limits by type. **ES Chapter 3 [APP-055]** describes the designations within and next to the Site and Cable Corridors with their position. Examples are Rother Valley Country Park and Crabtree Wood Site of Special Scientific Interest (SSSI) in relation to W3 (paragraph 3.4.21), and an area of ancient woodland at the northern edge of Cable Corridor B (paragraph 3.5.6).

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		The ES volume labels are addressed in the response to RR-2316/10, on the Volume 1-3 and Volume 6 referencing.
RR-2316/17	**Chapter 4 Alternatives and Design Evolution REF APP-056** Alternatives and Design Evolution Search area 4.6.8 While the chapter explains that a 12 km search area was adopted, it is not entirely clear why this distance was selected over other alternatives. The chosen search area appears to have been influenced largely by commercial and technical considerations, with limited evidence of any comparative environmental appraisal of different search extents. More clarification would be beneficial here.	The Applicant demonstrates through **Appendix 1: Site Selection Assessment** of the **Planning Statement [AS-015]** that a thorough site selection process was undertaken in order to identify the Order Limits for the Proposed Development. The site selection assessment was split into four stages which followed a logical and robust approach, and included: • Stage 1 – Identification of Search Area • Stage 2 – Consideration of Planning, Environmental and Spatial Constraints in Search Area • Stage 3 – Identifying potential solar development areas • Stage 4 – identifying the proposed development boundary. A 12 km Search Area from the National Grid Brinsworth Substation was selected as the maximum distance viable for the Proposed Development, as chosen by the Applicant, acknowledging the environmental constraints, and cumulative impacts beyond this radius, and that construction of the cable route can lead to significant costs that increase with length. Given the location of the Point of Connection on the eastern edge of the urban areas of Sheffield and Rotherham, areas to the west of the point of connection were not considered feasible due to both

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		the environmental and technical constraints of the urban areas. Section 4.3 of the **Appendix 1: Site Selection Assessment** of the **Planning Statement [AS-015]** sets out the topics which influenced Stage 1 of the process to identify the 12km radius, including: • Irradiance and Topography; • Grid Connection and Capacity; • General Considerations; • Proximity of the Site to Dwellings; • Accessibility; • Public Rights of Way; • Security and Lighting; • Agricultural Land Classification and Land Type; • Cumulative Schemes; • Flood Risk; and • Environmental Designations. The above demonstrates that the extent of the 12km Search Area was set by several factors, most of them environmental rather than it being chosen on commercial and technical grounds alone.
RR-2316/18	Reliance on willingness of landowners 4.6.15 Land parcels were discounted where landowners were unwilling to participate in the scheme. Whilst this is clearly an important delivery consideration, landowner willingness is not, in itself, an environmental constraint. The	**Appendix 1: Site Selection Assessment of the Planning Statement [AS-015]**. The site selection assessment was split into four stages which followed a logical and robust approach, and included:

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	chapter doesn't clearly separate environmental reasons for ruling out alternatives from commercial or deliverability factors, making it difficult to understand whether any environmentally preferable options may have been excluded at an early stage. Clarification and further detail is needed.	• Stage 1 – Identification of Search Area • Stage 2 – Consideration of Planning, Environmental and Spatial Constraints in Search Area • Stage 3 – Identifying potential solar development areas • Stage 4 – identifying the proposed development boundary. As set out in **Appendix 1: Site Selection Assessment of the Planning Statement [AS-015],** landowner willingness was applied only to land that had already passed environmental and planning screening at stage 3 of the site selection process process.
RR-2316/19	Green belt 4.6.10 Given that substantial areas of the project are located within the green belt, an additional explanation could be helpful on how green belt considerations influenced site selection. It isn't clear whether alternative locations were explored that may have reduced impacts on openness or better avoided conflict with green belt purposes.	Green Belt was a site selection criterion from the outset, as set out in **Appendix 1: Site Selection Assessment of the Planning Statement [AS-015]** which includes Green Belt consideration in Stage 3 of the Site Selection process. Three options were considered: Green Belt only, non-Green Belt, and a mixture. However, as illustrated in **Environmental Statement Figure 4.1: Constraints for Site Location [APP-072]**, the South and West Yorkshire Green Belt extends to cover land up to 15km east of the Point of Connection. Therefore, a site outside it would place the nearest parcel about 15km from the Point of Connection. This alternative was rejected for reasons that include a significantly longer cable route

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		and substantially more land to deliver the Proposed Development. They also include higher-grade agricultural land to the east, and cumulative effects with the solar Nationally Significant Infrastructure Projects (NSIPs) further east Therefore, given the development of a project in the Green Belt was more favourable, the Applicant still sought land that performed less well against the relevant policy purposes. The Applicant prioritised land it considered met the grey belt tests and this is set out in greater detail within **Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**.
RR-2316/20	Alternative technologies Section 4.5 It states that wind generation would likely result in greater environmental impacts than the project but provides little comparative evidence to support this. Of course, such alternative technologies need not be assessed to the same level of detail as the chosen one, but an additional explanation might assist in understanding how alternative technologies were evaluated/discounted.	**Environmental Statement (ES) Chapter 4: Alternatives and Design Evolution [APP-056]** addresses the comparison that policy asks for. This is whether an alternative has a realistic prospect of delivering the same capacity in the same timescale (National Policy Statement (NPS) EN-1 paragraph 4.3.23, quoted at paragraph 4.4.3). The Applicant is part of the Green Nation family of companies, a UK-based solar developer and operator that manages 75 solar farms and more than 700 rooftop installations (**Planning Statement [AS-015],** paragraph 1.2.2). It nonetheless considered alternative technologies, and identified solar as the most suitable technology for the scale of generation needed to use the capacity at the new Long Lane

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		400kV substation (**ES Chapter 4 [APP-056],** paragraph 4.5.1). To match the 750MW grid agreement with wind would need more than 150 turbines of 4.5MW, each about 200m to tip (**ES Chapter 4 [APP-056]**, paragraph 4.5.2). For scale, the six existing Penny Hill turbines within W2 have tip heights of 132m (**ES Chapter 3: The Site and Surrounding Area [APP-055]**, paragraph 3.4.11). The environmental impacts of a wind development of that scale would likely be greater than those of the solar development (**ES Chapter 4 [APP-056]**, paragraph 4.5.2). A solar scheme designed to maximise its output would also generate a similar amount of energy per acre as a large onshore wind scheme on the same site (**Statement of Need [APP-041]**, paragraph 7.7.8). The **Outline Design Parameters [APP-158]**, Table 2.1, give a maximum panel height of 3.8m. Offshore wind and tidal generation were not considered, given a point of connection about 96km from the coast (**ES Chapter 4 [APP-056]**, paragraph 4.5.3). The solar component has been prioritised as Gate 2 Phase 1, for connection in 2030 or earlier. The National Energy System Operator (NESO) has confirmed that it will receive a Gate 2 final customer offer (**Grid Connection Statement [AS-062],** paragraph 5.1.2; **Statement of Need [APP-041]**, paragraph 3.7.14). The **Statement of Need [APP-041]** records that historical development timescales for onshore wind, offshore wind and nuclear power are much longer than for solar (paragraph 6.13.30).

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		As the Council accepts, alternative technologies need not be assessed to the same level of detail as the chosen one. The explanation given is proportionate to an alternative that could not deliver the same capacity in the same timescale.
RR-2316/21	Brownfield land assessment 4.6.13 Previously developed land was considered but again limited info provided regarding the assessment undertaken. Doesn't identify sites reviewed, methodology used, or reasons for discounting.	**Appendix 1: Site Selection Assessment** of the **Planning Statement [AS-015]** demonstrates the stages that the Applicant went through as part of the site selection process before finalising the Order Limits. This assessment demonstrates that both brownfield and previously developed sites were considered as part of this process. The brownfield registers of the host authorities were reviewed, including those of North East Derbyshire District Council, as listed within Table 02 of **Appendix 1: Site Selection Assessment** of the **Planning Statement [AS-015]**. This included 37 sites identified on the brownfield registers of the three host local authorities within the Search Area. The largest site was 7.96 hectares, while most were less than 1 hectare in size or allocated for residential development. None of these sites, either individually or in combination, could accommodate the Proposed Development. Similarly, there was insufficient available land within the main industrial areas, including the Advanced Manufacturing Park, Aldwarke, Hellaby and Kiveton Park. The conclusion is that no previously developed land, individually or in combination, offered an adequate area for the Proposed Development (**Planning Statement [AS-015]**, Appendix 1, paragraph 4.5.13).

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RR-2316/22	Design evolution 4.7 Documents design evolution and responsiveness to consultation/env constraints, but limited information on the environmental benefits secured through these changes and does not (generally) quantify the extent to which impacts have been reduced through design refinement.	The Applicant has demonstrated throughout the **Design Approach Document [APP-040]** that as a result of the consultation and ongoing engagement with statutory bodies, the Proposed Development has undergone a level of design evolution. After statutory consultation, the solar areas around villages, homes and sensitive areas were reduced by a total of 37% of the developable area compared with the original masterplan (**Consultation Report [APP-024]**, paragraph 7.7.1). The interaction with the environment was one of the main reasons that some of this land was removed from the Order Limits. For Example: - Land was removed from Whitestone 1 where it was identified as having high potential for archaeological sensitivity; - Panels north of Conisbrough Lodge were removed to retain sensitive habitat; and - Panels west of Clifton were removed in response to the scheduling of the Roman villa Further information is available within **ES Chapter 4: Alternatives and Design Evolution [APP-056]** and the **Design Approach Document [APP-040]**.
RR-2316/23	Cable routes 4.6.17 Multiple cable routes options on the table. Recognising flexibility, it doesn't seem to consistently explain the environmental trade-offs between the alternative routes or demonstrate why each option remains acceptable from an environmental perspective. Further detail on this matter is requested.	The Environmental Statement (ES) assesses every cable route option, so each is shown to be acceptable, not only the one which would eventually be constructed. **ES Chapter 3: The Site and Surrounding Area [APP-055]** describes the environmental context of the alternative cable corridors: D1/D2 at paragraphs

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		3.5.20 to 3.5.31, G1/G2 at paragraphs 3.5.40 to 3.5.43, I1/I2 at paragraphs 3.5.47 to 3.5.55, and K1/K2 at paragraphs 3.5.59 to 3.5.62. These paragraphs identify differences relating to woodland, heritage assets, public rights of way, mining areas and watercourses, and refer to the relevant technical assessments. **ES Chapter 5: The Proposed Development [APP-057]** states that "Some routes have options (D1/D2, G1/G2, I1/I2, and K1/K2) which are being considered in the Proposed Development, and a worst case is assessed in this ES." (paragraph 5.4.29). Each option has an assessed maximum construction width (Table 5.2). **ES Chapter 3: The Site and Surrounding Area [APP-055]** describes the environmental context of each corridor option separately. For example, Cable Routes G1 and G2 both abut Burnt Wood ancient woodland, and G1 is within 200m of two Grade II listed buildings (**ES Chapter 3 [APP-055]**, paragraphs 3.5.41 and 3.5.43). Cable Route I2 would run through Brampton Local Wildlife Site for about 460m (paragraph 3.5.52). **ES Chapter 4: Alternatives and Design Evolution [APP-056]** explains the differences between the options. I1 would use the M1 underpass and I2 a trenchless crossing. K1 was added in response to landowner feedback. G2 allows access roads on lower gradients to minimise construction impacts. D1 and D2 retain flexibility pending further engagement with National Highways and National Grid (**ES Chapter 4 [APP-056]**, paragraph 4.7.40). All corridors were identified from the most direct technically

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		feasible route, and rerouted to avoid residential areas where possible. They aimed to minimise impacts on designations, woodland and watercourses (**ES Chapter 4 [APP-056]**, paragraphs 4.6.18 and 4.6.19). Schedule 2, requirement 3(1)(g) of the **draft Development Consent Order (dDCO) [**AS-009**]** requires approval by the relevant planning authority of the cable details. The routes were refined as much as reasonable based on engineering assessments and survey information available through the Environmental assessment process. The actual trench widths will likely be significantly narrower than the proposed corridor widths. The **outline Cable Construction Method Statement [APP-052]** provides more detail regarding the installation methodology and typical trench section. .
RR-2316/24	**Chapter 5 The Proposed Development REF APP-057** Supporting document 7.3 Outline Design Parameters Table 2.1 Incorrect Reference to Figure 5.3 The Proposed Development (6.8). Figure 5.3 is not included in Figures for Chapter 5. Figure 5.2 (6.19) is 'Penny Hill wind Farm Height Restriction Area'. Chapter 5 Check all referencing to Document numbers and titles. There are incorrect references to Figures at 6.20. All ES chapter figures are located at 6.19. ES Appendices are located at 6.20.	The Applicant will update the **Outline Design Parameters [APP-158]** at future submission during examination, to address incorrect reference. The Applicant will update **ES Chapter 5: The Proposed Development [APP-057]** for a future submission during examination, to address incorrect reference of 6.20 to 6.19, at 5.4.4
RR-2316/25	5.3.3 PRoW are not mentioned in 7.3 Outline Design Parameters.	The 15m buffer from rights of way referred to at paragraph 5.3.3 of **Environmental Statement (ES) Chapter 5: The Proposed Development [APP-057]** is set out in the **outline Public Rights of Way**

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		Management Plan [APP-047], rather than in Table 2.1 of the **Outline Design Parameters [APP-158]**. The outline plan proposes, where necessary, perimeter fencing at least 15m either side of the centre of a right of way. This gives a corridor of 30m in total, with the offset land sown with native grasses or wildflowers (**outline Public Rights of Way Management Plan [APP-047]**, paragraphs 4.2.3, 4.6.2(c) and 5.1.4). Offsets from PRoW are also secured via the **Works Plans [AS-005]**. The design prompts in the **Design Approach Document [APP-040]** include keeping rights of way open throughout the project's lifetime so far as practicable, and securing minimum offsets from them (**Design Approach Document [APP-040]**, paragraph 3.7.3). **ES Chapter 5 [APP-057]** records that, where practicable, power conversion stations will not be located within 50m of a right of way (paragraph 5.4.19 and Table 5.1).
RR-2316/26	Rochdale envelope/design flexibility Does not clearly demonstrate whether the environmental assessment is based on a single coherent worst-case scenario or a series of topic-specific worst cases. Clarification is requested.	The Environmental Statement (ES) assesses a single design envelope, and each topic takes its own worst case from within it. The envelope is the **Outline Design Parameters [APP-158]**, which set the maximum extent of each component. That maximum extent determined the parameters for all the technical assessments (**ES Chapter 5: The Proposed Development [APP-057]**, paragraphs 5.2.2 and 5.3.1). Within that envelope, each topic assesses the maximum parameters, or the parameters that represent the worst case for that topic where these

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		differ (**ES Chapter 2: Environmental Impact Assessment (EIA) Methodology [AS-017]**, paragraph 2.5.5).Each topic's worst case is drawn from the same envelope. Their combined effect on common receptors is assessed in **ES Chapter 17: Cumulative Effects Assessment [APP-069]**, section 17.5, using the method in section 17.4. Under Schedule 2, requirement 3(2) of the **draft Development Consent Order (dDCO) [**AS-009**]**, the details submitted for approval must accord with the principles and parameters in the Design Approach Document and the Outline Design Parameters. The exception is where it is shown to the relevant planning authority's satisfaction that they would not give rise to materially new or materially different environmental effects from those reported in the ES.
RR-2316/27	<u>BESS safety</u> Further clarification would be beneficial regarding the assumptions that underpin the assessment of BESS-related impacts and whether these assumptions remain robust across all potential battery technologies	The assessment of Battery Energy Storage System (BESS) related impacts rests on a defined technology envelope, not on any battery technology that might be chosen. Section 2.1 of the **outline Battery Safety Management Plan (oBSMP) [APP-048]**, at paragraph 2.1.2, identifies Lithium Iron Phosphate (LFP) as the preferred chemistry. Paragraph 2.1.3 makes LFP the minimum standard for performance. Another chemistry may be considered at procurement only if it is demonstrably similar or more stable, and the final chemistry is confirmed at detailed design before construction. The detailed BSMP must be substantially in accordance with the oBSMP, including that LFP minimum (Requirement 6(2) of the **draft Development Consent Order (dDCO) [AS-009]**).

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		The assessments are built on that envelope: - The **BESS Plume Assessment [APP-157]**, paragraph 5.1.1, models a concept design based on LFP technology. It describes this as a reasonable worst case for safety in terms of toxic and explosive gas production. It applies precautionary dispersion assumptions that remove the plume's vertical momentum (paragraph 6.3.3). - The operational noise assessment assumes 332 BESS containers and 166 power conversion systems in the BESS area (**Environmental Statement (ES) Appendix 14.4: Operational Noise Assessment [APP-149]**, Table 14.4-1). - The physical parameters of the BESS compound are set in **ES Chapter 5: The Proposed Development [APP-057]**, paragraphs 5.4.55 and 5.4.56. They include ancillary buildings of up to 40m by 40m and 8m high, and perimeter fencing of up to 3m with a further 1m of electrified fencing. Paragraph 5.4.58 of **ES Chapter 5 [APP-057]** states that the BESS will be designed in accordance with the latest guidance. Its detailed design will follow developments in battery technology, so that it complies with the safety standards current at construction. Once the system is selected, a system-specific plume analysis of receptors within 1km will be carried out, including particulate matter and visibility on transport links (**BESS Plume Assessment [APP-157]**, paragraph 1.1.4). The **oBSMP [APP-048]**, including the LFP minimum standard, is secured by Schedule 2, requirement 6 of the **draft DCO [AS-009].** No part of the development

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		containing Work No. 3 may be commenced until a BSMP, substantially in accordance with the oBSMP, has been approved by the relevant planning authority. This follows consultation by the undertaker with South Yorkshire Fire and Rescue Service.
RR-2316/28	**Chapter 17 Cumulative Effects Assessment REF APP-069** 17 Cumulative Effects Assessment Chapter 17.4.23 It would be helpful to the reader to have a short list of developments set out and the list of topics for each where they fall within each topic Zone of Influence. As it is set out, the reader needs to navigate every chapter of the ES to each topic assessment.	A summary table will be added to **Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069],** when next updated during examination, detailing the developments considered within each technical chapter for the assessment of inter-cumulative effects.
RR-2316/29	17.7.2 This paragraph sets out that the inter-project effects were considered in each individual chapter of the ES. It would be helpful to include a summary sentence here to confirm that no significant cumulative effects were identified.	A summary sentence confirming that no significant inter-cumulative effects were identified will be added to **Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069]** when it is next updated during examination.
RR-2316/30	**Chapter 18 Summary of Significant Effects Ref APP-070** 3.2.3 The summary must be refreshed wherever corrections or omissions in the technical chapters change assessment outcomes. For completeness Chapter 17 Cumulative Effects Assessment should be added to each summary table 18.1 and 18.2.	The Applicant will update **Environmental Statement (ES) Chapter 18: Summary of Significant Effects [APP-070]** as necessary and as relevant during the examination.
RR-2316/31	**Non-Technical Summary REF APP-155** 3.2.4 Several abbreviations are not expanded on first use (Paragraphs: 2.3.5, 2.3.6, 2.3.17) which may confuse readers. Paragraph 3.4.2 does not clearly explain whether brownfield sites were considered or why urban areas were	The Applicant notes the Council's comments regarding the **Non-Technical Summary (NTS) [APP-155]**. Whilst three acronyms are not expanded upon first use, a comprehensive glossary and acronym table is

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	unsuitable. Any corrections to assessment outcomes in the technical chapters also need to flow through to the NTS. 3.2.5 Many of the points above are requested for clarification and completeness to ensure the ES is methodology is sound.	provided at the beginning of the NTS, enabling readers to readily identify their meaning. The Applicant therefore considers that no amendments to the NTS are necessary. The consideration of alternative sites, including the availability and suitability of brownfield land, is summarised in Section 3.4 of the **NTS [APP-155]**. Further detail is provided in **Appendix 1: Site Selection Assessment of the Planning Statement [AS-015]** and **Environmental Statement (ES) Chapter 4: Alternatives and Design Evolution [APP-056]**, in accordance with NPS EN-3.
RR-2316/32	**3.3 Cumulative Impacts** 3.3.1 The Council notes a concentration of large-scale proposals and consents within the Whitestone 2 and 3 areas particularly. These schemes are a mix of applications including large scale housing, infrastructure and renewable energy proposals which must be considered in terms of their cumulative and in-combination effects as required by the EIA Regulations and the Planning Act 2008. The long list of cumulative schemes at application document: 6.20 Appendix 17.2: Long List of Developments for Cumulative Effects Assessment include 32 schemes in Rotherham boundary which could have cumulative impacts. Many of these applications are still pending and will be subject to determination through the examination period. There are limited details on construction timescales and mitigation on the majority of these applications therefore there is concerns over the cumulative impact on the borough moving forward.	The Rotherham schemes on the long list, including those still pending, have been assessed cumulatively with the Proposed Development, as the Environmental Impact Assessment (EIA) Regulations require. **Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069]** draws the long list from the planning registers within 10km. It includes schemes under construction, consented, submitted and at screening stage (paragraphs 17.4.18 and 17.4.19). The list was updated in consultation with City of Doncaster Council (CDC) and Rotherham Metropolitan Borough Council (RMBC) to a cut-off of 27 April 2026 (paragraph 17.4.21). When the long list was sent for sign-off, "*RMBC determined that the list was acceptable at this stage of the process with no additional applications needing to be added*" (**ES Chapter 17 [APP-069],** table of other consultation introduced at paragraph 17.3.8).

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	3.3.2 The Council is concerned that the cumulative and in combination effects of these Projects, together with existing infrastructure, will result in: • Landscape and Heritage Harm arising from the introduction of industrial-scale infrastructure incompatible with rural character; • Ecological Impact as a result of potential loss and fragmentation of habitats and effects on biodiversity; and • Community Disruption due to noise, disturbance and disruption during construction and operation phases.	The lack of construction timescales and mitigation detail for pending schemes is handled by assumption, not left open. Any scheme not confirmed as built is kept in the assessment on the worst-case assumption that its construction could overlap with the Proposed Development's 2027 to 2029 construction period (**ES Chapter 17 [APP-069],** paragraph 17.4.25). Overlap is assumed unless there is reasonable evidence to the contrary (paragraph 17.4.35). On the effects the Council lists: - Landscape and heritage: cumulative effects on landscape character are assessed in **ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, paragraph 7.9.7. - Ecology: eight schemes were assessed as having potential for cumulative effects, all Not Significant (**ES Chapter 17 [APP-069],** Table 17.8). Fragmentation is limited by using existing crossings, tracks, access points and field entrances where reasonably practicable. It is also limited by gapping up hedgerows and creating new connecting habitat (commitment C4 of the **Commitments Register [EN0110020/APP/6.20.1]** (Rev 02 - submitted at PD-A)). - Community disruption: most other schemes have not published construction noise assessments. Cumulative construction noise is therefore assessed qualitatively, as short term and unlikely to be significant. Where construction overlaps, cumulative traffic increases remain low in absolute terms and would not change the significance of effects (**ES**

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		Chapter 13: Traffic and Transport [AS-025], paragraphs 13.9.10 and 13.9.14). The Proposed Development's own construction controls are secured through the CEMP and the Construction Traffic Management Plan (CTMP) under Requirements 4 and 5 of the **draft Development Consent Order (dDCO) [AS-009]**.
RR-2316/33	3.3.3 The overlapping construction programmes, which will extend over a number of years, will exacerbate these cumulative and in-combination effects including movement of abnormal loads requiring road closures, road widening and associated loss of hedgerows and trees. 3.3.4 The Council therefore recommends the requirement of comprehensive mitigation measures to address landscape, heritage, ecological and community impacts including those arising from cumulative and in- combination effects. The Council also recommends measures to ensure that construction phasing and traffic management plans are coordinated to minimise disruption to residents and businesses, having regard to the interaction between multiple schemes.	Overlapping construction programmes are built into the cumulative assessment. Overlap is assumed unless there is reasonable evidence to the contrary (**Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069],** paragraph 17.4.35). On that basis, for topics other than landscape character, Table 17.8 of **ES Chapter 17 [APP-069]** identifies no significant inter-project effect other than on agricultural land. There, the cumulative effect is unlikely to be greater than the Proposed Development's own Moderate Adverse (Significant) effect on best and most versatile (BMV) land (**ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]**, paragraph 15.7.66). Cumulative effects on landscape character are assessed in **ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, paragraph 7.9.7. Abnormal indivisible loads (AILs) are needed to deliver transformer units. They will be moved by a specialised haulage service with the necessary escort, permits and traffic management, in consultation with the relevant highway authorities. They will follow the agreed heavy goods vehicle (HGV) routing strategy (**outline Construction Traffic**

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		Management Plan [AS-011], paragraphs 4.5.14 and 4.5.15). This is secured through the Construction Traffic Management Plan (CTMP) under Requirement 5 in Schedule 2 of the **draft Development Consent Order (dDCO) [**AS-009**]**. Vegetation clearance at the site accesses is tied to the visibility splays agreed with the local authorities (**outline Construction Traffic Management Plan [AS-011]**, paragraph 4.5.13). The Highway Works are localised improvements, such as to deteriorated road edges, and temporary highway and traffic works to accommodate the AIL deliveries (**ES Chapter 17 [APP-069]**, paragraph 17.1.9). Any temporary street closure for them is subject to article 14 of the **draft DCO [**AS-009**]**. Streets listed in Schedule 5 of the draft DCO may be temporarily closed or restricted only after consulting the street authority. Any other street or right of way may be closed or restricted only with its consent. On the Council's recommendations: Comprehensive mitigation for landscape, heritage, ecological and community effects is secured as follows. Schedule 2, requirement 7(2) of the **dDCO [AS-009]** requires the Landscape and Ecological Management Plan (LEMP) to show how it will contribute to minimum biodiversity net gains across the authorised development. These are 28% for habitat units, 30% for hedgerow units and 10% for watercourse units. Requirement 7(3) requires the approved LEMP to be implemented and maintained throughout operation. Schedule 2, requirement 3(2) of the **dDCO [AS-009]** requires the detailed design, including setbacks, to accord with the principles and

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		parameters in the Design Approach Document and Outline Design Parameters. Requirements 4 and 5 in Schedule 2 of the **dDCO [AS-009]** secure the Construction Environmental Management Plan (CEMP) and CTMP. - On coordination between schemes, **ES Chapter 13: Traffic and Transport [AS-025],** paragraph 13.9.13, expects each development to operate its own CTMP. It expects open lines of communication with the Council, City of Doncaster Council (CDC) and the developers of nearby schemes, to monitor construction progress and reduce disruption. The outline CTMP requires the Traffic Safety Control Officer to liaise as appropriate with local planning authorities and local highway authorities (**outline Construction Traffic Management Plan [AS-011]**, paragraph 4.7.1).
RR-2316/34	3.3.5 The Council acknowledges that there are national benefits with the delivery of these projects. However, these benefits are achieved at the expense of substantial local harm. Given the scale of identified impacts, the Council considers that significant weight should be afforded to heritage, visual, ecological and local amenity harms in the planning balance.	The **Planning Statement [AS-015]** weighs each of these harms in the balance against the benefits, at the weight national policy assigns to it. As the Council acknowledges, nationally significant infrastructure projects bring a level of national benefit especially by assisting the UK Government in meeting the Net Zero Targets. The NPSs establish that there is a critical national priority (CNP) for low carbon infrastructure, including for large-scale solar farms, because of the decarbonisation, energy security, and affordability benefits that they deliver (NPS EN-1, Section 4.2). Paragraph 3.2.9 of NPS EN-1 confirms that substantial weight should be given to this need and paragraph 3.2.10 confirms that the Secretary of State is not required to consider separately the

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		specific contribution of any individual project to satisfying this need.
RR-2316/35	**3.4 Green Belt and Grey Belt** 3.4.1 In Appendix 2 of the Planning Statement (Document 5.4.1) a Green Belt Assessment is provided. The Council does not agree with the conclusions of the Assessment and does not agree that the whole site should be considered as Grey Belt especially given the lack of evidence provided to demonstrate Grey Belt status. We also believe that a development of this scale and magnitude would have further Very 11 Special Circumstances to help outweigh the harm of the proposal if considered inappropriate development in the Green Belt.	The Applicant's primary position is that the land associated within the Proposed Development is considered grey belt, and that the Proposed Development is deemed to not be inappropriate development in the Green Belt. The reason for this is that it would not fundamentally undermine the purposes of the remaining Green Belt, and there is a demonstrable need for this type of development, as set out within **Appendix 2: Green Belt Assessment** of the **Planning Statement [AS-015]**. This assessment concludes that the Proposed Development is located on grey belt land because the Site does not strongly contribute to Green Belt purposes (a), (b) or (d) as outlined in Table 2.2. The assessment concludes that the scale of the Proposed Development would not fundamentally undermine the purposes of the remaining Green Belt, with approximately 54% of the Order Limits remaining as mostly open land. The Planning Statement systematically considers the NPPF grey belt tests and provides evidence on how the Order Limits meet these, including with reference to the Council's own evidence base. Notwithstanding this, the Planning Statement also provides a full Very Special Circumstances (VSC) assessment should it be considered that the grey belt tests are not met. The Planning Balance in the Planning Statement is then concluded on this basis.

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		Therefore, the Applicant does not agree with the Council's position that the Applicant's case places significant reliance on the land being grey belt.
RR-2316/36	**Reliance on "Grey Belt"** 3.4.2 The Green Belt Assessment concludes at paragraph 4.7.1 that "the Proposed Development is located on grey belt land and meets the tests for being not inappropriate within the grey belt." The Council does not agree with this conclusion. 3.4.3 The Planning Balance in the Planning Statement and Green Belt Assessment places a significant reliance on the assertion that the site comprises Grey Belt land and therefore falls within the category of development that may be treated as not inappropriate development. However, the evidence submitted does not robustly demonstrate that the land satisfies the requirements of the NPPF definition of Grey Belt. 3.4.4 The Council therefore considers that the evidence provided is insufficient to conclude that the site makes only a limited contribution to Green Belt purposes.	The Applicant's primary position is that the land associated within the Proposed Development is considered grey belt, and that the Proposed Development is deemed to not be inappropriate development in the Green Belt. The reason for this is that it would not fundamentally undermine the purposes of the remaining Green Belt, and there is a demonstrable need for this type of development, as set out within **Appendix 2: Green Belt Assessment** of the **Planning Statement [AS-015]**. This assessment concludes that the Proposed Development is located on grey belt land because the Site does not strongly contribute to Green Belt purposes (a), (b) or (d) as outlined in Table 2.2. The assessment concludes that the scale of the Proposed Development would not fundamentally undermine the purposes of the remaining Green Belt, with approximately 54% of the Order Limits remaining as mostly open land. The Planning Statement systematically considers the NPPF grey belt tests and provides evidence on how the Order Limits meet these, including with reference to the Council's own evidence base (where publicly available – Appendix 2 para. 2.1.2). Notwithstanding this, the Planning Statement also provides a full Very Special Circumstances (VSC) assessment should it be considered that the grey belt tests are not met. The

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		Planning Balance in the Planning Statement is then concluded on this basis. It is therefore difficult to understand the Council's position that the Applicant's case places significant reliance on the land being grey belt.
RR-2316/37	3.4.5 To be considered as Grey Belt, inline with the tests of the NPPF (2026), Grey Belt land firstly is "land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in policy GB2." • Purpose a is to: Check the unrestricted sprawl of large built-up areas; • Purpose b. is to: Prevent neighbouring towns merging into one another; • And Purpose d. is to: Preserve the setting and special character of historic towns. 3.4.6 The Council does not agree that there are no historic towns adjacent to the application site boundary and order limits. Conisborough in the Doncaster administrative area is considered a historic town and while the Council will let Doncaster comment on this matter, it is not considered that the land does not contribute to Purpose d. Furthermore, the Council does not agree with the Applicants position that the land does not contribute to the checking of unrestricted sprawl of large built-up areas; or does it help Prevent neighbouring towns merging into one another.	**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]** sets out the Applicant's approach to assessing the Proposed Development location against the Green Belt designation. This appendix assesses Whitestone 1 against purpose (d) in relation to Conisbrough, including its historic centre, Conservation Area and Castle. The test is whether Whitestone 1strongly contributes to preserving the town's setting and special character, not whether it adjoins the town. The Assessment concludes that Whitestone 1 does not strongly contribute to preserving the town's setting. Whitestone 1 adjoins the outer edge of Conisbrough, which is characterised by 1950s housing, with historic centre, the Conservation Area and the Grade I listed Castle sited over 1km to the east. The settings assessment found that Whitestone 1 would not be visible from within the Conservation Area or from ground-floor level at the Castle. The exception is views from the upper storeys of the Keep. Physical adjacency between the Proposed Development and Conisbrough is also limited with Conisbrough being separated from Whitestone 1 by the A630 and its mature planting. Only about 60m of W1's boundary adjoins the built-up area, and the rest

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		of W1 is at least 300m away. The **Works Plans [AS-005]** show a 300m setback from the southern edge of Conisbrough, to be sown with species-rich grassland.
RR-2316/38	3.4.7 The Order Limits comprise a total area of approximately 1,488 hectares (ha), consisting of approximately 339ha proposed for Cable Corridors, and 1,149ha proposed for the Site. At their maximum extent, the Order Limits extend approximately 18.5km in a north-south direction, and approximately 8km in an east-west direction. This includes land between the following towns and built up areas as confirmed by the Applicant: • Conisbrough; • Brinsworth (Rotherham Urban Area);• Whiston (Rotherham Urban Area); • Bramley, Wickersley and Ravenfield Common (grouped); and • Dinnington, Anston and Laughton Common (grouped). 3.4.8 The Order Limits includes the whole red line which abuts the boundary of the towns and urban areas above. It is the whole red line which needs to be assessed and considered in the Green Belt Assessment, not just the Proposed Development. The Order Limits are vast, and it is considered by the Council that the land within the Order Limits Boundary do in various places contribute to the prevention of towns merging and the restriction of urban sprawl. Therefore, the land should not be considered as Grey Belt in line with the initial NPPF tests.	**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]** assesses each area containing above-ground development (W1, W2 East, W2 West and W3) against purposes (a) and (b) in Table 2.2. The Cable Corridors were not tested for grey belt due to all works being underground, so they are not deemed as inappropriate development in any event. Once the cables are laid, buried cables do not affect openness or the purposes of the Green Belt. The towns and built-up areas the Council lists are those the Assessment identified and tested. On sprawl (purpose (a)), Table 2.2 of **Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]** finds each area is either contained by permanent physical features or well away from the towns: • W1 by the A630, the Firsby Brook and Kearsley Brook corridors and the M18, about 1.5km from Wickersley; • W2 West by the M1, which separates it from Brinsworth and Whiston; and • W2 East by the railway and further fields, which separate it from the main built-up area of Anston and Dinnington. Regards to the merging of towns (purpose (b)), there is approximately 3.7km separating Conisbrough and Wickersley. Dense woodland, Firsby Reservoir and planting lie in the gap, and Whitestone 1 forms only a

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		small part of it. For Whitestone 2 West, Table 2.2 notes that it sits in a central gap between towns and finds that the Thurcroft Interchange provides permanent separation between them. For Whitestone 2 East, it finds no parcel within the gap between Dinnington, Anston and Laughton Common. These towns rely on the separation that remains. The main built-up area of Anston and Dinnington is separated from Whitestone 2 by the railway, further fields and a setback of about 250m. No part of Whitestone 2 is proposed in the gap between Whiston and Brinsworth, where the pressure is greatest. Whitestone 3 is near settlements the Assessment treats as villages under the Planning Practice Guidance, although RMBC's 2012 review groups Wales and Kiveton Park as a town. The above demonstrates that the Proposed Development is low-lying and reversible, ending at the decommissioning phase. The edges and identity of the towns are therefore retained, and the harm to purpose (b) is limited.
RR-2316/39	3.4.9 If the land is however considered as Grey Belt, the Council accepts there is an identified need for the development but reserves it right to comment on the impact of the purposes of the Green Belt as a whole if the Examining Authority determines the Order Limits to be considered as Grey Belt.	The Applicant notes the Council's acceptance that, if the land is grey belt, there is an identified need for the development, and that the Council reserves its position on the remaining tests. The Applicant's primary position is that the development is not inappropriate in the Green Belt. If that is not accepted, the very special circumstances case does not rest on the policy starting point alone. The Green Belt Assessment weighs the harm, including its scale, against the benefits, and the

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		carbon benefit is assessed net of the Proposed Development's own emissions. The Applicant's position is that the land is grey belt and that the Proposed Development meets the tests in paragraph 155 of the National Planning Policy Framework (NPPF). It is therefore not inappropriate development. In terms of policy context, NPS EN-1 makes the starting point that critical national priority infrastructure, which includes this Proposed Development, meets the very special circumstances test (**Appendix 2: Green Belt Assessment** of the **Planning Statement [AS-015]**). The Green Belt Assessment nonetheless sets out the benefits and weighs them against the harm. These include the contribution to the Government's Clean Power 2030 range, biodiversity net gain and new permissive paths. If the Examining Authority takes a different view, the very special circumstances the Council asks for have been demonstrated. Section 4 of **Appendix 2 of the Planning Statement [AS-015]** assesses the harm from inappropriateness, the harm to openness, the harm to the purposes and any other harm (paragraphs 4.2.3 to 4.5.4). It concludes that the need for low carbon generation and the wider benefits clearly outweigh that harm (**Planning Statement [AS-015]**, Appendix 2, paragraphs 4.6.1 to 4.7.1).

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RR-2316/40	3.4.10 In conclusion, the Council do not consider the whole application site to be classified as Grey Belt and the scheme should therefore be considered as inappropriate development and very special circumstances should be demonstrated to outweigh the harm to enable the Examining Authority to find it appropriate development in the Green Belt.	The Applicant's position is that the land is grey belt and that the Proposed Development meets the tests in paragraph 155 of the National Planning Policy Framework (NPPF). It is therefore not inappropriate development. In terms of policy context, NPS EN-1 makes the starting point that critical national priority infrastructure, which includes this Proposed Development, meets the very special circumstances test (**Appendix 2: Green Belt Assessment** of the **Planning Statement [AS-015]**). The Green Belt Assessment nonetheless sets out the benefits and weighs them against the harm. These include the contribution to the Government's Clean Power 2030 range, biodiversity net gain and new permissive paths. If the Examining Authority takes a different view, the very special circumstances the Council asks for have been demonstrated. Section 4 of **Appendix 2 of the Planning Statement [AS-015]** assesses the harm from inappropriateness, the harm to openness, the harm to the purposes and any other harm (paragraphs 4.2.3 to 4.5.4). It concludes that the need for low carbon generation and the wider benefits clearly outweigh that harm (**Planning Statement [AS-015]**, Appendix 2, paragraphs 4.6.1 to 4.7.1).
RR-2316/41	**Harm to Green Belt Openness** 3.4.11 The NPPF requires consideration of both the spatial and visual dimensions of Green Belt openness.	**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]** assesses openness using the Planning Practice Guidance factors: spatial and visual openness, duration and remediability, and activity. Approximately 46% of the Order Limits would

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	3.4.12 Whilst the Proposed Development mainly involves structures of relatively limited height, the Proposed Development comprises a significant industrialisation of the countryside through the introduction of: i extensive solar arrays; ii inverters and transformers; iii power conversion stations; iv battery energy storage infrastructure; v substations and associated electrical equipment; vi security fencing and surveillance equipment; and vii compounds and internal access tracks and operational infrastructure. 3.4.13 The scale of development proposed across a very extensive area would fundamentally alter the perception, character and openness of the Green Belt.3.4.14 The Applicant's own evidence identifies significant residual landscape and visual effects. It is therefore difficult to reconcile these findings with the conclusion that Green Belt openness would experience only limited harm. 3.4.15 Consequently, substantial weight should be given to the resulting harm to Green Belt openness.	include both solar panels and larger infrastructure, whilst the remainder of the Order Limits, 54%, would remain mostly open. Within the Order Limits, where the infrastructure is sited, the Assessment records a high level of harm to both the spatial and visual openness. It records a further localised reduction around the substations and Battery Energy Storage System (BESS), because of their volume, fencing, tracks, lighting and CCTV (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**). It finds harm to visual openness to be moderate to limited in the immediate surroundings. However, in the wider Green Belt it finds that harm limited to none, because intervening landform and vegetation restrict longer views (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**). On weight, the Applicant's primary case is that the land is grey belt and the Proposed Development is not inappropriate development (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**). If that is not accepted, paragraph 5.11.37 of National Policy Statement (NPS) EN-1 applies, as set out at paragraph 8.6.2 of the **Planning Statement [AS-015]**. It requires substantial weight to be given to any harm to the Green Belt, while taking account of the extent to which the physical characteristics of renewable infrastructure limit its impact on the purposes of the Green Belt. The Applicant's position is that substantial weight therefore attaches to a harm to openness that the Assessment finds, for the reasons above, to be limited.

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RR-2316/42	**Conflict with the Purposes of the Green Belt** 3.4.16 The Council is not satisfied that the Applicant has appropriately assessed the contribution of the site to Green Belt purposes on a parcel-by-parcel basis. 3.4.17 The application site performs an important function in maintaining openness between settlements including, but not limited to, Conisbrough, Wickersley, Clifton, Harthill, Woodall, Ulley and Kiverton. The retention of intervening open land is an important characteristic of the area and contributes directly to the Green Belt purpose of preventing neighbouring towns and villages from merging into one another and restricting sprawl from the urban area as highlighted above in the Grey Belt comments. 3.4.18 The Council considers that the submitted assessment understates the contribution made by the site to these strategic Green Belt objectives.	**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]** assesses each area containing above-ground development (W1, W2 East, W2 West and W3) against purposes (a) and (b) in Table 2.2. The Cable Corridors were not tested for grey belt due to all works being underground, so they are not deemed as inappropriate development in any event. Once the cables are laid, buried cables do not affect openness or the purposes of the Green Belt. Given the size of the Order Limits, the Applicant is satisfied that the approach taken in assessing the Green Belt purposes based on 'area' of the Proposed Development is appropriate rather than parcel by parcel. This also allows an appropriate and proportionate assessment against the Green Belt purposes. There are none of the policy tests in the NPPF that require a parcel by parcel assessment and there are no towns that have been missed by taking an area-based assessment, rather than a parcel by parcel one. It should be noted that all parts of each area have been considered in terms of their contribution in coming to an overall conclusion. Throughout the design of the Proposed Development, the Applicant has incorporated setbacks to prevent the coalescence of settlements. As a result, the distinct edges and identities of the towns have been retained, and any harm to Green Belt purpose (b) would be limited.

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RR-2316/43	**Very Special Circumstances** 3.4.19 Should the Examining Authority conclude that the application site is not Grey Belt, the Proposed Development would be inappropriate development and inline with Policy GB6 of the NPPF: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposed development, is clearly outweighed by other considerations. In making this assessment, substantial weight should be given to the harm to the Green Belt which would be caused, including harm to its openness. 61 3. In the case of proposals for renewable and low carbon energy development, very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources." 3.4.20 The Applicant argues that the development's contribution to renewable energy generation and its status as nationally significant infrastructure amount to Very Special Circumstances together with BNG enhancements, Economic/Education Benefits (with limited information) and a Community Benefit Fund which is not considered within the planning balance. 3.4.21 However, whilst we note the national demand for renewable energy, for a site and development of this scale, the existence of national energy policy support does not automatically outweigh the harm. 3.4.22 The NPPF requires decision-makers to undertake a balancing exercise that considers:	In terms of policy context, NPS EN-1 makes the starting point that critical national priority infrastructure, which includes this Proposed Development, meets the very special circumstances test (**Appendix 2: Green Belt Assessment** of the **Planning Statement [AS-015]**). The Green Belt Assessment nonetheless sets out the benefits it weighs against the harm including at section 4.5 which considers any other harm arising to the Green Belt. These harms have clearly been considered in coming to a conclusion on the Green Belt balance. Whilst this is summarised in the Planning Balance section of the Planning Statement, it is clearly set out in Appendix 2 As well as the overall contribution that the Proposed Development makes to the Government's Clean Power 2030 range, the Very Special Circumstances case includes other benefits including biodiversity net gain and new permissive paths. The assessment concludes that benefits of the Proposed Development would outweigh any harm to the Green Belt, with the **Planning Statement [AS-015]** reiterating the very special circumstances that clearly outweigh any harm.

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	• harm arising from inappropriateness; • harm to openness; • conflict with Green Belt purposes; and • any other harm arising from the development. 3.4.23 The Council is not satisfied that the Applicant has demonstrated that these harms are clearly outweighed by other considerations.	
RR-2316/44	3.4.24 The NPPF requires all other forms of harm to be included within the Very Special Circumstances balance. The application documents acknowledge residual adverse impacts including: • significant landscape and visual effects; • impacts on the rural character of the area; • heritage impacts identified as less than substantial harm; and • the loss of Best and Most Versatile agricultural land. 3.4.25 The Council is concerned that the Planning Statement treats these harms separately from the Green Belt balance rather than demonstrating how they have been comprehensively weighed within the Very Special Circumstances case and limited evidence has been provided. 3.4.26 Accordingly, the Applicant has failed to demonstrate that all identified harms, taken collectively, are clearly outweighed by the benefits of the scheme and the Council seek further updates and evidence on this matter.	The very special circumstances case weighs the Green Belt harm and the other significant residual effects reported in the Environmental Statement together (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**, paragraphs 4.5.1 to 4.5.4 and 4.6.1 to 4.7.1). Under the heading "Any other harm", it brings in the temporary biodiversity effects during construction and decommissioning, the significant landscape and visual effects, and the effect on best and most versatile land (**Planning Statement [AS-015]**, Appendix 2, paragraphs 4.5.1 and 4.5.2). Harm to rural character is assessed under purpose (c), safeguarding the countryside from encroachment, where moderate harm is recorded (**Planning Statement [AS-015]**, Appendix 2, paragraphs 4.3.18 and 4.5.4). These are drawn together in an overall conclusion on harm (**Planning Statement [AS-015]**, Appendix 2, paragraph 4.5.4). They are then weighed against the very special circumstances (paragraphs 4.6.1 to 4.7.1). Heritage effects are also carried into the Green Belt assessment. The setting effect on Conisbrough Castle and the relationship to the Anston Conservation Areas are weighed under purpose (d), where harm is found

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		to be limited (**Planning Statement [AS-015]**, Appendix 2, paragraphs 4.3.20 to 4.3.23). The less than substantial heritage harm is weighed against public benefits under paragraph 5.9.33 of National Policy Statement (NPS) EN-1 (**Planning Statement [AS-015]**, paragraph 8.4.21). All residual significant adverse effects, including the effect on agricultural land, are weighed in the overall planning balance (**Planning Statement [AS-015]**, paragraphs 9.3.12, 9.3.14 and 9.3.15). The Applicant's conclusion is that very special circumstances clearly outweigh the harm to the Green Belt (**Planning Statement [AS-015]**, paragraph 9.3.17; Appendix 2, paragraph 4.7.1). With the residual effects weighed, the overall balance is firmly in favour of approval (**Planning Statement [AS-015]**, paragraphs 9.3.15 and 9.3.18).
RR-2316/45	**Green Belt Conclusion** 3.4.27 For the reasons set out above, the Council considers that the Applicant has failed to demonstrate that the site constitutes Grey Belt land. Further evidence and assessment should be undertaken parcel by parcel to fully understand the impact on the purposes of the Green Belt. 3.4.28 The Proposed Development would cause significant harm to Green Belt openness and would conflict with the purposes of including land within the Green Belt. 3.4.29 We do not consider Very Special Circumstances have been fully established to a point where they would outweigh the cumulative harm arising from Green Belt, landscape, heritage and agricultural land impacts.	**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]** assesses each area containing above-ground development (W1, W2 East, W2 West and W3) against purposes (a) and (b) in Table 2.2. The Cable Corridors were not tested for grey belt due to all works being underground, so they are not deemed as inappropriate development in any event. Once the cables are laid, buried cables do not affect openness or the purposes of the Green Belt. Given the size of the Order Limits, the Applicant is satisfied that the approach taken in assessing the Green Belt purposes based on 'area' of the Proposed Development is appropriate rather than parcel by parcel. This also allows an appropriate and proportionate assessment against the Green Belt

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	3.4.30 The Proposal is therefore contrary to the Green Belt objectives and policies of the National Planning Policy Framework. 3.4.31 We would recommend further evidence based work looking to the purpose of Green Belt in each parcel of the development together with openness. We still do not consider this would qualify the site as Grey Belt but it could help further inform the design and mitigation strategy in the Development Order Limits. Furthermore, we would urge the applicant to explore further very special circumstances to outweigh the harm and we reserve our right to comment on the balance of the harms and benefits through the examination.	purposes. There are none of the policy tests in the NPPF that require a parcel by parcel assessment and there are no towns that have been missed by taking an area based assessment, rather than a parcel by parcel one. It should be noted that all parts of each area have been considered in terms of their contribution in coming to an overall conclusion. Throughout the design of the Proposed Development, the Applicant has incorporated setbacks to prevent the coalescence of settlements. As a result, the distinct edges and identities of the towns have been retained, and any harm to Green Belt purpose (b) would be limited.
RR-2316/46	**3.5 Other matters** 3.5.1 Key matters raised at the PIER stage include the unknown parameters regarding the BESS, Substations and other infrastructure associated with the Proposed Development given the Development Order Limits are broad and widespread. 3.5.2 The Council have concerns over the large areas highlighted for BESS and Substations in prominent areas such as Substation and BESS 2A located on sloping topography with significant views from the north. The size and requirement are still unknown for the BESS but include units of up to 13m long by 5m wide by 3.5m high but the number of units are not known until detailed design stage so the impacts of these units cannot be rationalised at this stage. The BESS units also include ancillary buildings which combined would be a maximum of 40m length by 40m width, with a maximum height of 8m AGL. This is significant development and the Council is concerned over the locations	The Applicant notes the Council's comments on the Battery Energy Storage System (BESS) and substation parameters. The BESS and primary substation at Work No. 4-2A have been assessed at their maximum parameters. The unknown number of BESS units therefore does not prevent their effects being understood. The BESS is confined to the area shown on the Works Plans in W2, adjacent to the primary substation and outside the buffers to key receptors (**Environmental Statement (ES) Chapter 5: The Proposed Development [APP-057]**, paragraph 5.4.51). The parameters are (paragraphs 5.4.52, 5.4.55 and 5.4.56; **Outline Design Parameters [APP-158]**, Table 2.1). The exact count depends on the capacity required and the output per unit at procurement (**ES Chapter 5 [APP-057]**, paragraph 5.4.50). The landscape and

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	chosen based on their impact on the landscape and visual impact but also the openness of the Green Belt.	visual assessment uses the most visually prominent infrastructure as its reasonable worst case, as the Environmental Impact Assessment (EIA) methodology sets out (**ES Chapter 2: EIA Methodology [AS-017]**, paragraph 2.5.13). The operational noise assessment assumes 332 BESS containers in the BESS area and 166 power conversion systems in the power converter station area, both within the northern region of W2 (**ES Appendix 14.4: Operational Noise Assessment [APP-149]**, Table 14.4-1). **Visual effects** The additional visibility of the BESS and substations is mapped on ES Figures 7.9 and 7.10 (**ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**, paragraph 7.4.14). The W2 substation and BESS add visibility north of the M1 at Whiston, with patches to the west around Brinsworth and at the fringes of the Study Area at Rawmarsh. These changes are described as minimal (**ES Appendix 7.4 [AS-042]**, paragraph 7.4.16). That effect is reported. The significant landscape and visual effects are carried into the Green Belt balance as other harm and into the overall planning balance (**Planning Statement [AS-015]**, Appendix 2, paragraph 4.5.2, and paragraph 9.3.15). As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on landscape and visual receptors, including confirmation

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		that the visualisations depict the worst-case scenario permitted by the Outline Design Parameters. **Siting and openness** The Stage 4 design sited the substations and BESS by applying the Horlock Rules, environmental surveys and statutory consultation feedback. It chose 4-2A as the final substation before the power is sent to the point of connection (**ES Chapter 4: Alternatives and Design Evolution [APP-056]**, paragraph 4.7.38). The primary substation would be at least 300m from residential properties (**ES Chapter 5 [APP-057]**, paragraph 5.4.66). For openness, the Green Belt Assessment records a further localised reduction around the substations and BESS because of their volume, fencing, tracks, lighting and CCTV (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**, paragraphs 4.4.8 to 4.4.10).
RR-2316/47	3.5.3 Likewise for the Substation proposed at location 2A particularly. The parameters include for a substation of 170m by 100m, and a maximum height of 13.5m AGL. Whilst essential infrastructure, the location and prominence in location 2A does not seem appropriate given the significant effects.	The location of the primary substation at 4-2A follows from its function, and it has been assessed at its maximum parameters. The substation at 4-2A is the final substation before the power generated is sent to the point of connection. Its siting applied the Horlock Rules, environmental surveys and statutory consultation feedback (**Environmental Statement (ES) Chapter 4: Alternatives and Design Evolution [APP-056],** paragraph 4.7.38). The point of connection is the Long Lane 400kV Substation (**ES Chapter 5: The Proposed Development [APP-057]**, paragraph 5.4.28). The substation would lie outside the relevant

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		buffer zones and at least 300m from residential properties. Its maximum footprint is 170m by 100m and its maximum height 13.5m (**ES Chapter 5: The Proposed Development [APP-057]**, paragraphs 5.4.66 and 5.4.67). The significant effects the Council refers to are reported in the ES. The substation and Battery Energy Storage System (BESS) add only minimal visibility beyond the Site (**ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**, paragraph 7.4.16). They would be a prominent addition in views from Viewpoint 44 on Field Lane at Upper Whiston, where the effect remains significant at Year 15 (**ES Appendix 7.4 [AS-042]**, paragraphs 7.4.589 and 7.4.590). They would be partially visible or less conspicuous from Ulley and Wickersley, and noticeable in a small portion of the view from Morthen. The effect at all three is Not Significant (**ES Appendix 7.4 [AS-042]**, paragraphs 7.4.435 to 7.4.436, 7.4.534 to 7.4.535 and 7.4.606 to 7.4.607). As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on landscape and visual receptors, including that related to the location of the Substation proposed at 4-2A. The Applicant's position is that a localised significant effect of this kind does not make the location inappropriate. It is weighed in the planning balance, where the landscape and visual effects are among the

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		residual significant adverse effects identified (**Planning Statement [AS-015]**, paragraph 9.3.15). The Council's wider concerns about the BESS and substation parameters and their locations are answered in the response to RR-2316/46.
RR-2316/48	3.5.4 Another component which the Councils have concerns over is the Power Conversion Stations which are required throughout the Proposed Development but are not highlighted on the Development Order Limit Plans. These structures are up to of 13m long by 3m wide with a maximum height of 3.5m. These are substantial structures in the open countryside and Green Belt and our concerns are there will be a number of these structures across the Proposed Development with limited information on location at present. These will be viewed above the PV arrays and therefore the impact on the openness of the Green Belt and visual impacts across all three parcels of the development.	Power conversion stations (PCS) are included in connection with the solar areas (Work No. 1) and the cable routes (Work No. 2) (**draft Development Consent Order (DCO) [**AS-009**]**, Schedule 1). They are not individually located on the Works Plans. Their locations are fixed at detailed design, within parameters that were assessed. The detailed design must accord with those parameters under Requirement 3(2) of Schedule 2 to the **draft DCO [**AS-009**]**, subject to the exception described below. The **Outline Design Parameters [APP-158]**, Table 2.1 states: - cap each enclosure at 13m long, 3m wide and 3.5m high (3m within the Penny Hill Wind Farm height restriction area); - they require a muted colour and fencing of up to 3.5m; - exclude PCS from Flood Zones 2 and 3. **Environmental Statement (ES) Chapter 5: The Proposed Development [APP-057]**, paragraph 5.4.19, adds that, where practicable, PCS units will not be within 100m of dwellings or 50m of public rights of way. The operational noise assessment assumes 140 inverter units across the solar areas of W1, W2 and W3 (**ES Appendix 14.4: Operational Noise**

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		Assessment [APP-149], Table 14.4-1), which indicates the number of units assumed. Their effect has been assessed. The Applicant's primary case is that the land is grey belt (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**, paragraph 4.1.1). In its without-prejudice assessment, the Green Belt Assessment counts the PCS within the solar panels and associated infrastructure that it treats as inappropriate development. It records harm to spatial and visual openness within the Order Limits where panels and infrastructure are sited (**Appendix 2: Green Belt Assessment of the Planning Statement [AS-015]**, paragraphs 4.2.3, 4.4.8 and 4.4.10). The PCS enclosures are capped at 3.5m. This is within the height range of the modules, whose lowest part is at least 0.4m and whose top is no more than 3.8m above ground (**ES Chapter 5 [APP-057]**, paragraph 5.4.10). PCS units in the solar areas are authorised in connection with the solar modules of Work Nos. 1-1 to 1-3C (**dDCO [AS-009]**, Schedule 1). Under Schedule 2, requirement 3 of the **draft DCO [**AS-009**]**, the layout, scale and external appearance of each part, including the PCS locations, require the approval of the relevant planning authority. Requirement 3(2) requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters. The exception is where the relevant planning authority is satisfied that no materially new or materially different environmental effects would occur, in comparison with those reported in the environmental statement.

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RR-2316/49	**3.6 NPPF Referencing** 3.6.1 Throughout the Planning Statement and other application documents there are various references to the draft 2025 NPPF which are now out of date. Given the 2025 NPPF was draft, the Council would not give any weight to the references to it and would request an update be circulated especially given the amendments referenced in the 2025 NPPF have not been adopted in the 2026 version.	The Applicant notes this comment. The Applicant can confirm that within the **Policy Compliance Document [APP-038]** the draft NPPF was included and the Proposed Development was assessed accordingly. The **Policy Compliance Document [APP-038]** has been updated to demonstrate compliance with the 2026 (now adopted) NPPF, and this is also submitted at Procedural Deadline A. It should be noted that there is no material change in policy approach to the parts of the NPPF relevant to the Proposed Development, albeit that there has been a substantial restructuring of the policy document.
RR-2316/50	**4 Impacts of the Proposed Project** 4.1.1 Whitestone Solar Farm will have a range of impacts across various technical matters. This section sets out the view of the Council on the environmental impacts for each technical matter together with clarification requests, recommendations and general comments. **4.2 Ecology** 4.2.1 Below sets out an overview of our principal comments relating to Chapter 6: Biodiversity and Nature Conservation and supporting technical appendices. Where relevant paragraphs numbers are referred to. However, there is a formatting error after Para 6.4.58. with the next paragraph numbered 6.4.1. 4.2.2 A review of the oCEMP and oLEMP has also been undertaken where this is specifically referred to in the ES. Below sets out our comments and recommendations.	Noted. The Applicant acknowledges the paragraph numbering error in Section 6.4 of the **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**. This is a formatting error and does not affect the findings of the assessment however the Applicant will update the document during examination.
RR-2316/51	**Designated Sites**	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**

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	4.2.3 Kings Pond Plantation LWS is shown as being surrounded on its northern, southern and western boundary by the order limits (drawing reference EN00110020/APP/2.6), with Solar Panel installed, surrounding the LWS. In Table 6.9 and 6.11 of the ES, the LWS is stated as being adjacent to W2. No further consideration of the impacts to Kings Pond Plantation LWS is provided within the ES. Given that this LWS is surrounded by the order limits, and supports wet woodland and a pond, an assessment of the impacts on the qualifying features of the LWS should be undertaken. The omission of this undermines the current conclusions of the ES.	considers the effects on Kings Pond Plantation Local Wildlife Site (LWS) (LWS043). It records the LWS as one of the local sites adjacent to the Order Limits, next to W2. The LWS lies outside the Order Limits, so no part of it is lost or worked in. Table 6-9 of **ES Chapter 6 [AS-021]** records its designated features. These are a woodland of pedunculate oak, goat willow, silver birch and beech, the large freshwater pond at Slacks Farm, and qualifying criteria of acid, neutral/calcareous and wet woodland. Table 6-11 of **ES Chapter 6 [AS-021]** takes it forward with the other LWSs next to the Order Limits. Section 6.7 of **ES Chapter 6 [AS-021]** then assesses the two pathways by which works outside an LWS could affect those features: - Lighting, noise, dust and pollution (LNRs and LWSs - Terrestrial Pollutants). Paragraph 6.7.28 of **ES Chapter 6 [AS-021]** names LWS043 among the sites within 250m that may be affected. Paragraph 6.7.30 applies the minimum 25m buffer to woodland set by the **Outline Design Parameters [APP-158]**, together with the **outline Construction Environmental Management Plan (CEMP) [APP-042]** measures. Paragraph 6.7.31 concludes that the effects are negligible and not significant. - Aquatic pollution (LNRs and LWSs - Aquatic Pollutants). Paragraph 6.7.32 of **ES Chapter 6 [AS-021]** names LWS043 among the sites in very close proximity to the Order Limits. Paragraph 6.7.34 of **ES Chapter 6 [AS-021]** concludes that, with the outline CEMP pollution prevention measures in place, there is no pathway for aquatic pollution to impact on the

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		designated features of LNRs/LWSs. The effect is negligible and not significant (Table 6-13, Designated Sites - Aquatic Pollution on LNRs and LWSs). The solar arrays in W2 are not expected to alter the water supply to its wet woodland or pond. **ES Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.7.80, explains that the panels are mounted on frames pile-driven into the ground, which "allows the ground beneath to remain uncompacted and vegetated and thus maintain infiltration". As a result, they do not materially increase runoff. The **Outline Design Parameters [APP-158]** also keep the solar arrays (Work No. 1) at least 10m from watercourses, drainage ditches and waterbodies, other than where crossed by cables.
RR-2316/52	**Protected Species Surveys** 4.2.4 At the scoping stage Natural England requested that the area affected by development should be thoroughly surveyed and that surveys should always be carried out in the optimal survey time periods and to current guidance. This request from Natural England does not seem to have been followed through. A number of surveys are stated as being in the process of completion, Table 6-6, Paragraph 6.4.10, 6.4.12. Paragraph 6.4.13 states that a commitment to complete surveys is effectively embedded mitigation.	The baseline surveys used to inform the Environmental Statement (ES) were completed between April 2024 and December 2025, and they underpin the assessment (**ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.4.5). The survey scope table in section 6.4 of **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** records the following as completed: habitat and condition surveys, badger, wintering and breeding bird, targeted bird, otter and water vole, river condition, hedgerow, bat and aquatic surveys. Further survey work is ongoing to validate the findings. **ES Chapter 6 [AS-021]** references pre-construction surveys rather than the ongoing surveys, and it is these that are specified in the **outline**

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		Construction Environmental Management Plan (CEMP) [APP-042]. Paragraph 6.4.12 of **ES Chapter 6 [AS-021]** records that sufficient baseline has been gathered to base the assessment on. The further survey work is to ensure readiness for implementation, and its outputs are to be provided to the Examining Authority. Where parts of the Site or the Cable Corridor could not be accessed, the chapter made precautionary assumptions. - Paragraph 6.4.13 of **ES Chapter 6 [AS-021]** identifies pre-construction survey as part of the embedded mitigation through the oCEMP, in addition to the baseline survey rather than in place of it. Pre-construction survey informs post-consent choices such as cable crossing methods and micro-siting within the corridor. The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, provides that, where pre-construction surveys identify protected or priority species, species-specific working methods, mitigation and timing constraints will be added to the CEMP before work starts in that area. Works will not proceed until those measures are agreed and in place, overseen by the Ecological Clerk of Works. This is secured through the CEMP under Schedule 2, requirement 4 of the **draft Development Consent Order (DCO) [**AS-009**]**. The assessment is made on the completed Site surveys and, where access was refused, a precautionary worst case. Pre-construction checks,

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		which are standard mitigation, confirm conditions at the time of works.
RR-2316/53	4.2.5 There are significant shortfalls with the survey work completed such that it is not considered that there is sufficient baseline information to inform the impacts of the development. In particular the breeding bird survey only included 4 visits out of the required 6, no dusk survey was completed as per guidance, survey guidelines also stipulates that all dawn surveys should be begin half an hour either side of sunrise, 24 survey dates were recorded with only 13 of those starting within 30 minutes of sunrise. Additionally, surveys on the 29th May were started late to avoid heavy rain, however surveys began almost two and half hours after sunrise and the rain was still persisting when the surveys began. Furthermore, the wind speed was recorded as between 5 and 7 on the Beaufort scale throughout the survey nearing gale force winds. 4.2.6 The assessment of impacts can only be completed when all survey work has been completed to the standards required by published guidance in order for the ecological baseline to be established, as per CIEEM guidance[2].	The breeding bird survey provides a sufficient baseline for the species the assessment focuses on, and the assessment builds in precaution where the survey had limitations. **Environmental Statement (ES) Appendix 6.6: Breeding Bird Survey Report [AS-032]** records each departure from the full method and explains it. - Number of visits: four visits were made between April and June 2025. Six visits are recommended for complex habitats such as lowland deciduous woodland, which is present only in small, fragmented areas. Much of the Site is open, intensive arable land where birds are more easily detected. Four visits exceed or match the recommended methods for the key farmland species: lapwing, skylark and yellow wagtail (**ES Appendix 6.6 [AS-032]**, paragraph 6.6.11). - Dusk visits: all surveys sampled morning periods, because the habitats are unsuitable or suboptimal for many species that are more active at dusk (**ES Appendix 6.6 [AS-032]**, paragraph 6.6.17). Barn owl and other species outside standard methods were covered by targeted surveys (**ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, survey scope table, printed page 42). - Start times: the report records that many surveys started later than 30 minutes after sunrise, and gives their finishing times (**ES Appendix 6.6 [AS-032]**, paragraph 6.6.18).

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		- 29 May 2025: the visits to BBS Parcels 3 and 7 started at 07:00, late to avoid rain. Heavy showers and wind force 7 were recorded at the start of the Parcel 7 visit, and drizzle at Parcel 3 (**ES Appendix 6.6 [AS-032]**, Annex 6.6B, Table 6.6.8). On every other visit the recorded wind speed was force 5 or below. Parcel 7 was surveyed on three other dates and Parcel 3a on two (access to Parcel 3a was not available on the first visit) (**Breeding Bird Survey Report [AS-032]**, Annex 6.6C, Table 6.6.9). The assessment rests on more than one visit. A skylark territory was counted only where birds sang or showed breeding behaviour in the same area on at least two visits. It was classed as confirmed only on three (**ES Appendix 6.6 [AS-032]**, paragraphs 6.6.14 and 6.6.15). Where access limits may have caused under-recording, results were extrapolated across the whole Site from territory densities on similar habitat (**ES Appendix 6.6 [AS-032]**, paragraph 6.6.25; **ES Chapter 6 [AS-021]**, paragraph 6.4.28). As a result, the skylark figure includes a further 18 territories as a precaution, giving 205 in total (**ES Chapter 6 [AS-021]**, paragraph 6.5.90). The chapter also assumes, as a precaution, that most or all skylark nesting within the arrays would be displaced for the long term (**ES Chapter 6 [AS-021]**, paragraph 6.7.156). The mitigation responds to that worst case with compensatory species-rich grassland and about 100 off-site skylark plots (**ES Chapter 6 [AS-021]**, paragraph 6.7.157). The outline Landscape and Ecology Management Plan (LEMP) provides for

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		the plots on land outside the Order Limits (**outline LEMP [APP-046]**, paragraphs 7.4.43 and 7.4.56).
RR-2316/54	**Spatial Scope** 4.2.7 The ES acknowledges that the proposals have the potential to result in; changes to hydrological conditions (ground water levels and surface water run-off and changes in electromagnetic field (EMF) 4.2.8 However, there is no assessment of impacts to ground water, in particular where HDD is proposed. This is of particular relevance to Crab Wood SSSI which supports flushes and which are potentially Groundwater-Dependent Terrestrial Ecosystem as well as wet woodland habitats, including King's Plantation LWS.	Groundwater effects, including those from horizontal directional drilling, are assessed in **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061],** rather than in the biodiversity chapter. Paragraph 9.7.27 of **ES Chapter 9 [APP-061]** identifies the potential for drilling fluids or shallow groundwater to migrate into deeper aquifers along trenchless cable routes and piles. It also identifies the potential for below-ground structures to disrupt groundwater flow paths. The areas of highest risk are identified, including the Principal Aquifer beneath Cable Route L (**ES Chapter 9 [APP-061]**, paragraph 9.7.28). With embedded mitigation, the effect on groundwater receptors is Negligible and Not Significant, with a low likelihood of occurrence (**ES Chapter 9 [APP-061]**, paragraph 9.7.29). That mitigation comprises Foundation Works Risk Assessments in those higher-risk areas before construction, and horizontal drilling to industry best practice on depth and drilling-fluid control. Trenchless crossings for cable installation must be carried out to industry best practice and managed to prevent drilling fluids being released into aquifers. Groundwater controls are secured through the Construction Environmental Management Plan (CEMP) under Schedule 2, Requirement 4 of the **draft Development Consent Order (dDCO) [**AS-009**]**.

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		Crabtree Wood Site of Special Scientific Interest (SSSI) Crabtree Wood SSSI (which the Council refers to as Crab Wood SSSI) is designated for its base-rich flush habitats. It lies about 0.9km south-east of W3, the nearest part of the Proposed Development (**ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.5.5). **ES Chapter 6 [AS-021]** records a hydrological link between the SSSI and the Site. It finds that, with the outline CEMP (oCEMP) pollution prevention measures in place, there is no pathway to affect its designated features, and the effect is Not Significant (paragraph 6.7.6; Table 6-13). The Water Framework Directive assessment records that no groundwater-dependent terrestrial ecosystems (GWDTEs) are known to be present in its Study Area, which extends 1km around the Order Limits (**ES Appendix 10.3: Water Framework Directive Assessment [AS-056]**, paragraph 10.3.13 and the groundwater bodies impact assessment table, Chemical GWDTEs Test row, printed page 52). The effect of the works on groundwater receptors, including where drilling is proposed, is assessed as Negligible (**ES Chapter 9 [APP-061]**, paragraph 9.7.29). Kings Pond Plantation Local Wildlife Site (LWS) Kings Pond Plantation LWS qualifies for its woodland, including wet woodland (**ES Chapter 6 [AS-021]**, Table 6-9). It lies outside the Order Limits, next to W2. Whilst it does not explicitly state, it is among the local sites assessed for aquatic pollution through its close proximity rather than direct hydrological pathways (**ES**

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		Chapter 6 [AS-021], paragraph 6.7.32). In the absence of a pathway, effects on GWDTE of Kings Pond Plantation were not assessed. The solar arrays in W2 are not expected to change the water reaching it. The Applicant does not believe there is a pathway for EMF to impact groundwater, and therefore no impacts from EMF are anticipated for groundwater dependent terrestrial ecosystems. Potential impacts of heat from buried cables causing thermal changes in groundwater is assessed in 9.7.54 in **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**.
RR-2316/55	4.2.9 The spatial scope does not state that sensitive ecological receptors within 200 m of the affected road network will be assessed in relation to potential for air quality impacts3. Within the ES no consideration of the proximity of sensitive ecological receptors within 200 m of the affected road network is provided.	Sensitive ecological receptors within 200m of the affected road network were identified and screened in the air quality assessment. **Environmental Statement (ES) Chapter 12: Air Quality [APP-064]**, paragraph 12.4.5, states that "For traffic screening, ecological receptors within 200m of the likely construction traffic routes have been considered" in line with Design Manual for Roads and Bridges (DMRB) guidance. Paragraph 12.4.8 of **ES Chapter 12 [APP-064]** names the designated sites within 200m of the construction traffic routes: Edlington Wood, Potteric Carr, Sprotbrough Gorge, Lindrick Golf Course, Anston Stones Wood and Crabtree Wood Sites of Special Scientific Interest (SSSIs). Paragraphs 12.4.21 to 12.4.24 set out the DMRB screening criteria, a change of 1,000 annual average daily traffic (AADT) or 200 heavy duty vehicle (HDV) AADT. Under these criteria those six sites are included in the assessment. Only sites sensitive to nitrogen

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		deposition need be included, and non-statutory sites are not subject to critical loads (paragraph 12.4.23). For human receptors, the construction traffic changes can be screened out based on the Institute of Air Quality Management (IAQM), Defra and DMRB criteria. This includes because construction in any one location is expected to last less than 24 months (**ES Chapter 12 [APP-064]**, paragraphs 12.7.11 to 12.7.15). Having found that the roads screen out for human receptors, **ES Chapter 12 [APP-064]** screens out additional assessment of ecological receptors. It concludes that no significant effects are expected from construction traffic on human or ecological receptors (paragraph 12.7.16; Table 12.13). **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.5, reaches the same conclusion for construction traffic emissions on the nationally designated sites as important ecological features. Paragraph 6.7.4 draws on ES Chapter 12 for construction dust. The 250m study area referred to in paragraph 6.7.5 of **ES Chapter 6 [AS-021]** does not replace the 200m screening distance. The conclusion in paragraph 6.7.5 is consistent with the DMRB 200m screening in **ES Chapter 12 [APP-064]** (paragraphs 12.4.5 and 12.7.16).
RR-2316/56	**Assumptions** 4.2.10 The assessment of impacts is reliant on a large number of assumptions (Para 6.4.58- 6.4.14 [assumed formatting issue with numbering]), relating to the loss of the qualifying features of a designated site (Brampton Common	The assumptions stated in **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** are in the Assumptions section that follows paragraph 6.4.58, where the paragraph numbering restarts. The principal

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	LWS), the loss of habitat, design and construction methodology. At this stage of the application, it is not considered appropriate to rely on assumptions, particularly where this relates to the loss of the qualifying features of a designated site (Brampton Common LWS), design or the construction methodology which is required to be implemented to avoid impacts to an important ecological feature (IEF).	assumptions are tied to controls the Order secures. Where a feature cannot be avoided, the assessment reports the effects that remain. The Council's three examples are taken in turn below. Brampton Common Local Wildlife Site (LWS) The assumption is that the species-rich hedgerows for which the LWS is designated are avoided as far as practicable and existing track entrances are used. There is one stated exception: part of an Important Hedgerow on the southern boundary is lost to a new track (**ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.4.58). The assessment includes that exception. Paragraph 6.7.12 assesses the permanent loss of a 6m section of that hedgerow. Paragraph 6.7.13 reports a significant adverse construction effect on the LWS, which the Brampton Local Wildlife Site Strategy in section 6 of the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** compensates. Skylark displacement, including within the LWS, is assessed on the precautionary basis in paragraph 6.7.156 of **ES Chapter 6 [AS-021]**. Habitat loss The losses are shown on the **Vegetation Removal Plans [AS-007]**. The **Outline Design Parameters [APP-158]** set minimum offsets for the solar arrays, Battery Energy Storage System (BESS), substations and primary construction compounds (Work Nos. 1, 3, 4 and 8): 5m from hedgerows, 10m from watercourses, drainage ditches and waterbodies, 15m from trees and 25m from woodland. Schedule 2, requirement 3(2) of the **draft Development Consent**

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		Order (DCO) [AS-009**]** requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters. <u>Design and construction methodology</u> Trenchless cable crossings at least 1.5m below the watercourse bed are a parameter for Work No. 2 in the **Outline Design Parameters [APP-158].** The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, requires watercourse crossings designed to the Design Manual for Roads and Bridges. It also requires the reinstatement of disturbed areas in accordance with the CEMP and the outline LEMP. Upgrades to existing crossings stay within the existing footprint on a like-for-like basis (**ES Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.6.28).
RR-2316/57	**Embedded Mitigation** 4.2.11 The embedded mitigation measures refer to further details being provided within the submitted oCEMP. However, the oCEMP only provides summary information on how construction related impacts are to be avoid or reduced. The ES chapter refers to RAMS being provided for reptiles (Para 6.6.48), but these are not included with the oCEMP, unless they are being provided separately. 4.2.12 It is considered that insufficient detail is provided within the oCEMP for it to provide certainty that appropriate measures will be taken to avoid or reduce impacts to the IEF's which have been identified. On this basis, any conclusions that impacts on IEF's will not be significant	The **outline Construction Environmental Management Plan (CEMP) [APP-042]** is an outline document by design. Requirement 4(1) and (2) in Schedule 2 of the **draft Development Consent Order (DCO) [**AS-009**]** require the detailed CEMP for each part to be substantially in accordance with the outline CEMP. They also require it to be approved by the relevant planning authority before that part commences, other than permitted preliminary works, which include site clearance and vegetation removal (article 2 of the **draft DCO [**AS-009**]).** Requirement 4(4) of the **draft DCO [**AS-009**]** requires construction to follow the approved CEMP.

ID	Representation	Applicant Response
	based on the proposed embedded construction mitigation measures cannot be substantiated.	The measures on which the Chapter 6: Biodiversity and Nature Conservation conclusions depend are set out in full in **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, section 6.6, and the outline CEMP carries them forward. Paragraph 1.4.1 of the **outline CEMP [APP-042]** states that the measures in Table 1.2 are the minimum environmental controls for construction. The Biodiversity and Nature Conservation rows of Table 1.2 of the **outline CEMP [APP-042]** commit to: - habitat protection buffers for woodland, trees, hedgerows, watercourses and ponds; - biosecurity and invasive non-native species (INNS) controls; - pollution prevention and sediment control; - pre-construction checks, precautionary working methods and exclusion fencing; - species-specific measures for bats, great crested newt, otter, water vole, reptiles, nesting birds and badger within the CEMP and method statements; - an Ecological Clerk of Works (ECoW) authorised to halt work. For reptiles, the Reasonable Avoidance Measures are set out in **ES Chapter 6 [AS-021]**, paragraphs 6.6.47 to 6.6.49 and will be secured through the CEMP. These are the measures on which the not significant effect for reptiles rests (**ES Chapter 6 [AS-021]**, Table 6-13). Species mitigation, including for reptiles, is secured through the CEMP in accordance with the

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		outline CEMP and informed by the Chapter 6 assessment.
RR-2316/58	4.2.13 The oLEMP, whilst more detailed than the oCEMP still lacks details on certain aspects. Key concerns are as follows. 4.2.14 Tussock grassland is proposed around the panels however it is also stated that it is to be sheep grazed. Maintenance of tussock grassland alongside sheep grazing is largely incompatible unless grazed at very low densities. No information is presented with the oLEMP on how grazing will be managed to create areas of tussock grassland.	Table 7-7 of the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** divides the solar arrays into two areas, including: - About 600ha is managed as tussock and grassland for productive grazing, sown mostly with grass and some legumes and wildflowers. - About 140ha is managed for plant biodiversity, sown with a tussocky grass mix. The outline LEMP therefore does not propose that the whole of the panel area be both tussock grassland and grazed by sheep. There is a distinction between how these respective areas will be managed. Paragraph 7.4.60 of the **outline LEMP [APP-046]** states that the Applicant intends to graze sheep on the land other than where it is to be managed for other mitigation or enhancement priorities. The long-term management prescriptions for tussock and grassland provide that areas set aside from grazing are cut strategically to leave both taller and shorter swards, with arisings removed (**outline LEMP [APP-046]**, paragraph 7.4.7, in the restarted numbering after paragraph 7.4.61). The location and proportion of seed types are to be tailored to conditions, shading and the frequency of grazing (**outline LEMP [APP-046]**, paragraph 7.4.1, following paragraph 7.4.61). The biodiversity net gain assessment does not depend on tussock structure being achieved in the grazed areas. **Environmental Statement (ES)**

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		Appendix 6.4: Biodiversity Net Gain Report [APP-096], paragraph 6.4.99, assumes that the grassland under the panels becomes modified grassland in only poor condition.
RR-2316/59	4.2.15 100 skylark plots on 50 ha of land outside the order limits is proposed. However, there is no indication of where this land is located or any commitments from adjacent landowners to allow skylark plots to be created.	The **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** sets out provisions for skylark plots (paragraph 7.4.43): - about 100 plots across about 50ha of land outside the Order Limits; - in large, open, winter-sown cereal fields with little or no spring cropping; - an average of two plots per hectare, each about 16m2; - implemented every year for 20 years. Paragraph 6.7.157 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** states that they will be created in arable fields close to the Site. The Applicant has identified in excess of 50ha of land in the vicinity of the Site that is suitable for skylark plots. It is in discussions with the landowners to secure sufficient land to fulfil the provisions of the **outline LEMP [APP-046]**. The location of the plots will be included in the LEMP. The LEMP requires the approval of the relevant planning authority, after consultation with Natural England, under Schedule 2 Requirement 7 of **the dDCO [AS-009]**
RR-2316/60	4.2.16	The **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** specifies five barn owl

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	Five barn owl boxes are proposed. However, there is no proposed location plan provided. Barn owl boxes should not be encouraged to nest within 1 km of motorway as per best practice guidance4. The majority of the site is located within 1 km of a motorway. A location plan should be provided identifying where the boxes are to be located to ensure that they are not installed too close to the motorway.	boxes, alongside five tawny owl and five kestrel boxes. It requires their placement to follow good practice guidance, citing the Barn Owl Trust nestbox guidance (Bat and bird boxes, paragraph 7.4.40 and footnote 1). The guidance cited includes the requirement to avoid locations within 1 km of a motorway or other fast, unscreened main road, therefore this commitment is already included. Paragraph 7.4.41 states "Locations of boxes will be determined as part of the final LEMP." That LEMP requires the approval of the relevant planning authority, after consultation with Natural England, under Requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]** The boxes are an enhancement, not the basis of the assessment. **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.159, rests the benefit to barn owl principally on the grassland established between and beneath the panels. A minimum of five boxes, installed and maintained to best practice guidance, is a further enhancement.
RR-2316/61	**BNG habitat creation and enhancement** 4.2.17 The BNG report or the oLEMP does not take into consideration the South Yorkshire Local Nature Recovery Strategy.	**Environmental Statement (ES) Appendix 6.4: Biodiversity Net Gain (BNG) Report [APP-096]**, paragraphs 6.4.36 to 6.4.42, address the South Yorkshire Local Nature Recovery Strategy (LNRS) directly. The LNRS was not published at the time of writing (**BNG Report [APP-096]**, paragraph 6.4.39). In that situation, the metric guidance provides for alternative documents to be used (**BNG Report [APP-096]**, paragraph 6.4.39). In the absence of a

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		published LNRS and following the metric guidance, strategic significance was assigned using: - the Doncaster and Rotherham Local Biodiversity Action Plans and habitat action plans; - the South Yorkshire natural capital and biodiversity mapping report. The two councils describe these documents as the evidence that will inform the LNRS (**BNG Report [APP-096]**, paragraphs 6.4.40 and 6.4.41). The **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** states that flexibility to refine these proposals post consent will allow for alignment with relevant Local Nature Recovery Strategies, once published (paragraphs 1.3.3 and 4.2.6). The published LNRS can be applied through the detailed LEMP, which requires the approval of the relevant planning authority under Schedule 2, requirement 7 of the **draft Development Consent Order (DCO) [**AS-009**].**
RR-2316/62	4.2.18 There are errors with how the BNG assessment has been completed which are detailed below. Appendix 6.2 - UK Habitat Survey 6.2.1 w2a Native Pine Woodlands listed as occupying 0.08ha of land (0.01% of the Site). This is a rare and restricted habitat within the UK. Further evidence is required to support this classification.	The classification of this stand has no bearing on the net gain result or on any assessed effect. **Environmental Statement (ES) Appendix 6.2: UK Habitat Survey Report [APP-094]** records 0.08ha of w2a native pine woodland (0.01 per cent of the Site) from the UKHab field survey, with the stand comprising Scots pine trees. It is acknowledged that W2b Other Scots Pine Woodland may potentially have been a more appropriate classification. However, this does not affect the outcome of the Biodiversity Net Gain assessment.

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		ES Appendix 6.4: Biodiversity Net Gain Report [APP-096], Annex 6.4B, Table 6.4.5, records the stand (0.086ha, poor condition) as retained in full. No area is lost, and its 0.593 baseline units are carried unchanged into the post-development calculation. Retained habitat counts the same before and after development, so a different woodland code would not reduce the predicted gain. The stand is also protected whatever its classification. No habitat loss is recorded against it. The **Outline Design Parameters [APP-158]**, Table 2.1, set a minimum offset of 25m from woodland for the solar arrays, Battery Energy Storage System (BESS), substations and primary construction compounds (Work Nos. 1, 3, 4 and 8). The detailed design must accord with those parameters under Schedule 2, Requirement 3(2) of the **draft Development Consent Order (DCO) [AS-009]**, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would result.
RR-2316/63	Appendix 6.4 - BNG 6.4.25 Habitats within the Cable Corridor were in certain cases assigned to UKHab habitat through desk study and aerial imagery however, it is not clear how Habitat Condition for these habitats was assigned. It states in 6.4.57 that condition assessments within the Cable Corridor was achieved by assigning the highest recorded habitat condition elsewhere within the survey area. Cable Routes more often and not pass through multiple land ownerships where habitat management and land management aren't necessarily the same. Whilst this may artificially inflate the baseline habitat	While habitat condition may vary between landholdings, it is important to recognise that such variation could result in habitats being either higher or lower condition than those surveyed elsewhere. In the absence of site-specific condition assessments, there is no evidence to support a consistent upward or downward adjustment. The condition assignment approach was therefore considered a reasonable and proportionate proxy for assessment purposes and seeks to provide a representative estimate of baseline habitat condition while acknowledging the inherent

ID	Representation	Applicant Response
	score within the CRC, as stated, it also has the potential to undermine the value of the Cable Corridor habitats.	uncertainty associated with desk-based habitat classification. The approach is considered to present a reasonable case assessment as outlined in the recently published Nationally significant infrastructure projects: biodiversity gain statement for energy "*Where it is not possible to access any part of the site and there is insufficient alternative evidence about the biodiversity value of the habitats on the site at the outline biodiversity gain plan stage, the baseline calculation should be taken to be the highest biodiversity value of the on-site habitat which is reasonably supported by the available evidence relating to the site*" . The Cable Corridor works are temporary, and grassland is lifted, stored and reinstated after cable laying (commitment C6 of the **Commitments Register [EN0110020/APP/6.20.1]** (Rev 02 - submitted at PD-A)). The **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** records that the baseline for monitoring will require updating before construction. Surveys will be targeted to areas where relevant ecological receptors have been 4.2identified and habitat creation for their benefit is proposed (paragraph 9.1.1).
RR-2316/63a	Appendix 6.4 – BNG 6.4.62 Woodland and forest - Native pine woodlands. This is a rare and restricted habitat within the UK. Further evidence is required to support this classification.	The Applicant notes the Council's comment on the classification of native pine woodland at paragraph 6.4.62 of **Environmental Statement (ES) Appendix 6.4: Biodiversity Net Gain Report [APP-096]**. This is the same 0.08ha stand of Scots pine addressed in the response to RR-2136/62. As set out there, it is acknowledged that W2b Other Scots Pine Woodland

ID	Representation	Applicant Response
		may potentially have been a more appropriate classification. The classification does not affect the Biodiversity Net Gain result or any assessed effect. **ES Appendix 6.4 [APP-096]**, Annex 6.4B, Table 6.4.5, records the stand as retained in full. No area is lost, and its baseline units are carried unchanged into the post-development calculation, so a different woodland code would not reduce the predicted gain. The stand is also protected whatever its classification, as the **Outline Design Parameters [APP-158]**, Table 2.1, set a minimum offset of 25m from woodland for the solar arrays, Battery Energy Storage System, substations and primary construction compounds.
RR-2316/64	Appendix 6.4 – BNG 6.4.88 Arable field margins are proposed to be created alongside field boundaries within fields set out for solar pv. These fields will be modified grassland and no longer be considered arable fields. By their very nature as a priority habitat, arable field margins can only exist under that description when present adjacent to arable fields.	The Applicant acknowledges that arable field margins are generally associated with the margins of cultivated arable land and may not represent the most appropriate habitat classification where adjacent land is no longer managed as cropland. However, the proposed habitat has been classified as arable field margin to reflect the seed mixes and management prescriptions set out within the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, namely Countryside Stewardship mixes AB8 (Flower-rich Margins and Plots), AB16 (Autumn-sown Bumblebird Mix) and AB9 (Winter Bird Food). It is recognised that an alternative habitat classification within the Biodiversity Metric could be Other Neutral Grassland (ONG). However, it should be noted that both arable field margins and ONG are assigned a Medium distinctiveness value within the

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		Statutory Biodiversity Metric. Furthermore, if ONG were assumed to achieve Poor condition, the biodiversity units generated by the proposed 6ha habitat creation would be almost equivalent (<1BU less) to those currently calculated for the arable field margin habitat. Consequently, the choice of habitat classification is not considered to materially affect the post-development biodiversity unit calculations or the overall Biodiversity Net Gain outcome presented within the assessment. .
RR-2316/65	**Assessment of effects** 4.2.19 As previously stated, there are concerns with the robustness of the baseline survey data which has been collected and used to inform the assessment of effects presented in the ES. With regards to the proposed embedded mitigation measures it is not considered that sufficient information has been provided at this stage.	Paragraph 6.4.12 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** records that sufficient baseline has been gathered to base the assessment on. The further survey work is to ensure readiness for implementation, and its outputs are to be provided to the Examining Authority. Where survey limitations arose, the assessment adopted a reasonable worst case (**ES Chapter 6 [AS-021]**, Limitations section, paragraphs 6.4.17 onwards). For example, skylark density recorded on accessible land was applied to fields that could not be accessed (**ES Chapter 6 [AS-021]**, paragraph 6.4.28 of that section). Most or all skylark nesting within the arrays is assumed to be displaced (paragraph 6.7.156). The **outline Construction Environmental Management Plan (CEMP) [APP-042]** and **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** are outline documents. Requirements 4 and 7 in Schedule 2 of the **draft Development Consent Order (DCO) [**AS-009**]** require the detailed

ID	Representation	Applicant Response
		CEMP and LEMP to be substantially in accordance with them. They must be approved by the relevant planning authority before the relevant part of the development commences. The conclusions on each Important Ecological Feature (IEF) rest on the measures set out in section 6.6 of **ES Chapter 6 [AS-021]**, which those plans carry forward. The Council's specific points on survey timing and completeness, the breeding bird survey, the embedded mitigation in the outline CEMP and the grazing regime in the outline LEMP are answered in the responses to RR-2316/52, RR-2316/53, RR-2316/57 and RR-2316/58. Results of further surveys to date, to be updated during examination, do not change the outcome and findings of the submitted assessment (**ES Chapter 6 [AS-021]**) from when it was submitted, (**ES Chapter 6 [APP-058]** from when it was submitted, (Updated Rev 2 **[AS-021]**), remains suitably robust.
RR-2316/66	4.2.20 For bats, no assessment of the operational effect of the solar panels on foraging and commuting bats is provided.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** assesses the operational effects of the Proposed Development on foraging and commuting bats at paragraphs 6.7.129 to 6.7.133. The operational pathways it identifies are lighting and the change in habitat. Avoidance of and controls on lighting ensure that any adverse effect would be Not Significant (paragraph 6.7.131).

ID	Representation	Applicant Response
		The change in habitat is projected to have a Significant beneficial effect on Bats (paragraph 6.7.133). The **Outline Design Parameters [APP-158 Table 2.1]** specify that the solar panels will have an anti-reflective coating, which will ensure avoidance of operational effects on foraging and commuting bats and the insect prey that they feed on.
RR-2316/67	4.2.21 Specific concerns regarding the assessment of effects on the important ecological features (IEF's) which are identified within the ES are provided below. SSSI's 6.7.2 -6.7.6 SSSI are assessed as one IEF. Given they will have differing qualifying features and potential impact pathways, these should be considered separately.	The Sites of Special Scientific Interest (SSSIs) share a heading in section 6.7 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**. Their features and pathways are identified individually, and the assessment distinguishes between them where that matters. Table 6-11 of **ES Chapter 6 [AS-021]** sets out each SSSI's distance from the Site and its designated features. Examples are ancient woodland and botanical interest at Crabtree Wood and Anston Stones Wood, species-rich limestone grassland at Lindrick Golf Course, ancient yew woodland at Edlington Wood, and marshland, open water and ancient woodland at Sprotborough Gorge. The table also identifies which SSSIs are close enough to haulage routes to be screened for air quality. Based on the designation features of the SSSI's, two pathways were identified and then assessed: - Air quality from construction traffic (**ES Chapter 6 [AS-021]**, paragraph 6.7.5). This draws on **ES Chapter 12: Air Quality [APP-064]**, which identified each designated site within 200m of the construction routes by name (paragraphs 12.4.8 and 12.4.24).

ID	Representation	Applicant Response
		Having found that the roads screen out for human receptors, **ES Chapter 12 [APP-064]** screened out additional assessment of ecological receptors and concluded that no significant effects are expected on them (paragraph 12.7.16). - Water pollution through hydrological connectivity (**ES Chapter 6 [AS-021]**, paragraph 6.7.6). This distinguishes Sprotborough Gorge, the only SSSI with aquatic designated features, from Crabtree Wood, Anston Stones Wood, Lindrick Golf Course and Roche Abbey Woodlands, whose features are terrestrial. **ES Chapter 6 [AS-021]** gives Crabtree Wood as the nearest SSSI to the Site, at about 0.9km (Table 6-11). **ES Chapter 10: Water Resources and Flood Risk [AS-023]** records a small section of Anston Stones Wood SSSI to the east of South Anston and Cable Corridor CRL (paragraph 10.5.48). No nationally designated site is within the Order Limits (**outline Landscape and Ecology Management Plan [APP-046]**, paragraph 3.1.14). **ES Chapter 12 [APP-064]** records none within 250m of them (paragraph 12.4.7). No SSSI is therefore subject to land take or construction dust. The effect on each SSSI is negligible for these reasons. The Applicant considers that a separate section for each site would not change any conclusion. The pollution prevention and drainage measures relied on are secured through the Construction Environmental Management Plan (CEMP) under Requirement 4, Schedule 2 of the

ID	Representation	Applicant Response
		draft Development Consent Order (dDCO) [AS-009**]**.
RR-2316/68	Crabtree Woods SSSI supports wet flushes, yet no consideration of impacts via changes to ground water conditions/ surface drainage is provided.	**Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.5.49, states the SSSI is hydrologically disconnected from the Proposed Development. Therefore, it will not be impacted by changes to surface water. **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**, paragraphs 9.7.27 to 9.7.29, assesses the effect of trenchless crossings, piles and below-ground structures on groundwater flow and quality. It finds the effect Negligible and Not Significant with embedded mitigation. That mitigation includes managing trenchless crossings to industry best practice to prevent release of drilling fluids. Groundwater controls are secured through the Construction Environmental Management Plan (CEMP) under Requirement 4, Schedule 2 of the **draft Development Consent Order (DCO) [**AS-009**]**. The Water Framework Directive assessment records that no groundwater-dependent terrestrial ecosystems (GWDTEs) are known to be present in its Study Area, which extends 1km around the Order Limits (**ES Appendix 10.3: Water Framework Directive Assessment [AS-056]**, paragraph 10.3.13 and the groundwater bodies impact assessment table, Chemical GWDTEs Test row, printed page 52). **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** records a hydrological link between the SSSI and the Site (paragraph 6.7.6; Table 6-13), however, this was assessed in error and

ID	Representation	Applicant Response
		there is no pathway for pollution to affect its SSSI designated features, and the effect is not significant (paragraph 6.7.6; Table 6-13). The Council's related point on groundwater effects, including at drilled crossings, is answered in the response to RR-2316/54.
RR-2316/69	Consideration of impacts to IEFs within 200 m of the affected road network has not been considered. Wording suggests IEFs within a 250 m radius of the Study area have been assessed but this is not the correct approach. See Air pollution and development: advice for local authorities - GOV.UK	As set out in **Environmental Statement (ES) Chapter 12: Air Quality [APP-064],** paragraph 12.4.5, states that "For traffic screening, ecological receptors within 200m of the likely construction traffic routes have been considered". This is in line with Design Manual for Roads and Bridges (DMRB) guidance. Paragraph 12.4.8 names the designated sites within 200m of the construction traffic routes: Edlington Wood, Potteric Carr, Sprotbrough Gorge, Lindrick Golf Course, Anston Stones Wood and Crabtree Wood Sites of Special Scientific Interest (SSSIs). Paragraphs 12.4.21 to 12.4.24 set out the DMRB screening criteria, a change of 1,000 annual average daily traffic (AADT) or 200 heavy duty vehicle (HDV) AADT, under which those six sites are included in the assessment. For human receptors, the construction traffic changes screen out on Institute of Air Quality Management (IAQM), Defra and DMRB criteria (**ES Chapter 12 [APP-064]**, paragraphs 12.7.11 to 12.7.15). Having found that the roads screen out for human receptors, **ES Chapter 12 [APP-064]** screens out additional assessment of ecological receptors. It concludes that no significant effects are expected from construction traffic on human or ecological receptors (paragraph 12.7.16; Table 12.13). The Important Ecological

ID	Representation	Applicant Response
		Features (IEFs) within 200m of the affected road network have therefore been considered. **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.5, reaches the same conclusion for construction traffic emissions on the SSSIs as IEFs. Its reference to the SSSIs lying within the 250m Study Area from construction traffic routes records how close they are to those routes. It does not replace the 200m screening distance. The conclusion in paragraph 6.7.5 is consistent with the DMRB 200m screening in **ES Chapter 12 [APP-064]** (paragraphs 12.4.5 and 12.7.16). Construction traffic routes and heavy goods vehicle (HGV) movements are controlled through the Construction Traffic Management Plan (CTMP) secured by Requirement 5, Schedule 2 of the **draft Development Consent Order (DCO) [**AS-009**]**. The Council's related point on the spatial scope for ecological receptors near the road network is answered in the response to RR-2316/55.
RR-2316/70	Firsby Reservoir LNR 6.7.7 No consideration of the impacts of pollution or sediment run-off entering the LNR via surface water run-off.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** assesses pollution and sediment run-off reaching Firsby Reservoir Local Nature Reserve (LNR) through surface water, under the heading LNRs and LWSs - Aquatic Pollutants. Paragraph 6.7.32 of **ES Chapter 6 [AS-021]** names Firsby Reservoir LNR among the local sites that may be subject to aquatic pollution effects. Paragraphs 6.7.33 and 6.7.34 of **ES Chapter 6 [AS-021]** conclude that, with the pollution prevention and drainage measures of the **outline Construction Environmental Management Plan**

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		(CEMP) [APP-042] in place, the pathway is removed. The effect is negligible and not significant (Table 6-13, Designated Sites - Aquatic Pollution on LNRs and LWSs). Paragraph 6.7.7 of **ES Chapter 6 [AS-021]**, which the Council cites, deals with the other pathways to the same site: dust, lighting, noise and vibration, referencing the oCEMP that includes measures to remove pathways for effects. This would be extended to LWSs and LNRs designation for measures to address impacts of pollution or sediment run-off in the oCEMP. **ES Chapter 10: Water Resources and Flood Risk [AS-023]** assesses pollution impacts in Paragraphs 10.7.1 to 10.7.8 noting pollution can enter reservoirs in Paragraph 10.7.2. Sediment mobilisation towards waterbodies aka reservoirs are assessed in Paragraphs 10.7.9 to 10.7.17. The mitigation to prevent impacts in relation to both of these effects is set out in Section 10.6 of **ES Chapter 10 [AS-023]** and would be implemented through the CEMP. Requirement 4, Schedule 2 of the **draft Development Consent Order (dDCO) [**AS-009**]** secures measures within the CEMP and requires the document to include an incident response plan (Requirement 4(2)(e)).
RR-2316/71	Brampton Common LWS 6.7.8 The breeding bird survey has some significant limitations and therefore the conclusion that the LWS supported the lowest density of skylark within the survey area cannot be substantiated. Impact assessment does not fully consider the loss of skylark breeding territory. 36 ha	Paragraph 6.7.9 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** reports that the breeding bird survey found Brampton Common Local Wildlife Site (LWS) to have one of the lowest skylark densities within the Order Limits. The data are in the **ES Appendix 6.6: Breeding Bird Survey Report [AS-032]**. Where

ID	Representation	Applicant Response
	would be lost, yet impact is stated as low magnitude, local, adverse.	access limited the survey, the assessment took a reasonable worst case. Skylark density on accessible land was applied to fields that could not be surveyed, to estimate the population across the Order Limits (**ES Chapter 6 [AS-021]**, paragraph 6.4.28 of the Limitations section). The late survey starts are recorded as a limitation (paragraph 6.4.29 of that section). Given the LWS designation for Brampton Common, breeding bird surveys were repeated in 2026. Surveys covered the entirety of the LWS and identified ten confirmed and four possible territories. Full results and discussion of changes are presented in the updated **Breeding Bird Survey Report [AS-032]** available for examination. Fourteen territories across the 145 ha LWS equates to 0.097 territories per ha, with 0.062 territories per ha where the Order Limits overlap with the LWS. The original breeding bird surveys identified a density of 0.163 territories per ha across the Order Limits as a whole, or 0.178 using the corrected measure of territories. As such, although numbers of skylark territories found within the LWS in 2026 were slightly higher than in 2025, they remained notably below the average across the Order Limits. In line with the pattern of occurrence in the wider Order Limits, the greater proportion of territories within the LWS were in crop or set-aside fields, which were outside of the Order Limits. Habitats within many fields of the LWS remain suboptimal for skylark, including much of the habitat due to be lost. The proposed Management Plan would offer a mechanism for minimising effects on breeding

ID	Representation	Applicant Response
		skylark within the LWS and more broadly restoring and enhancing habitats for biodiversity. The low magnitude the Council quotes is the construction effect on the structure and function of the LWS as a whole. That effect is assessed as significant (paragraph 6.7.13). It is compensated through the Brampton Local Wildlife Site Strategy in section 6 of the outline LEMP, which Requirement 7, Schedule 2 of the **draft Development Consent Order (DCO) [**AS-009**]** secures.
RR-2316/72	Axle Lane LWS 6.7.15 Designated for an eyebright species which is associated with herb rich calcareous grassland. However, there is no consideration of whether this grassland type is present. No surveys for eyebright (a late flowering species) have been completed and therefore the distribution of this plant within the LWS is unknown. Proposed construction measures are reliant on removing turfs and re-instating these. However, there is no consideration of the ecology of this eyebright species and the correct timing of turf removal to ensure the plant remains on-site (assuming eyebright occurs within the works area)	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** identifies chalk eyebright (Euphrasia pseudokerneri) as a designated feature of Axle Lane Local Wildlife Site (LWS) (Tables 6-9 and 6-11). The works at the LWS are limited to cable laying along Cable Corridor CRL and a temporary access junction with visibility splays (**ES Chapter 6 [AS-021]**, paragraph 6.7.15). Given the eyebright grows in the LWS grassland, the assessment treats it as likely to be present there rather than relying on its absence. The mitigation therefore protects the grassland itself. Turf is lifted, stored away from the works for the short period of cable laying and reinstated within the LWS, so the grassland is disturbed but not lost (**ES Chapter 6 [AS-021]**, paragraphs 6.7.18 and 6.7.20). The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, applies where protected or priority species are identified through post-consent or pre-construction surveys. Species-specific working methods, mitigation

ID	Representation	Applicant Response
		measures and timing constraints are then written into the CEMP before works start in the affected area. Works may not proceed until those measures are agreed and in place, under Ecological Clerk of Works (ECoW) supervision. Chalk eyebright is a Section 41 priority species (**ES Chapter 6 [AS-021]**, Table 6-11). If it is identified through post-consent or pre-construction surveys, the timing of turf lifting relative to its flowering and seeding falls within that control. This is secured through the CEMP under Schedule 2, requirement 4 of the **draft Development Consent Order (DCO) [**AS-009**]**.
RR-2316/73	Chesterfield Canal LWS 6.7.23- 6.7.27 It is considered that insufficient detail is provided in the oCEMP to allow for the conclusion of no significant impact to be made.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraphs 6.7.23 to 6.7.27, identifies three pathways to Chesterfield Canal Local Wildlife Site (LWS). The conclusion on each rests on specific controls. Water pollution via Broad Bridge Dike (**ES Chapter 6 [AS-021]**, paragraph 6.7.24) The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2 (Water Resources and Flood Risk rows), sets watercourse buffers of 10m for minor and 50m for major works. It also requires: - bunded storage with 110 per cent containment; - no storage or compounds in the floodplain; - spill kits and response procedures; - no concrete wash-out within 10m of a watercourse; - silt fencing, silt traps and check dams; - settlement lagoons at larger excavations.

ID	Representation	Applicant Response
		The new crossing of Broadbridge Dyke is proposed as a bridge (**ES Chapter 10: Water Resources and Flood Risk [AS-023]**, Table 10.15). The cable crossing (**ES Chapter 6 [AS-021]**, paragraph 6.7.25) The canal is to be crossed by trenchless methods, expected to be at a minimum depth of 3m. The detailed design must accord with the minimum depth beneath watercourses parameters (**outline CEMP [APP-042]**, Table 1.2) and of the **draft Development Consent Order (DCO) [**AS-009**]**, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would occur, in comparison with those reported in the environmental statement. The **outline CEMP [APP-042]**, Table 1.2 (aquatic habitats row), requires trenchless crossings beneath watercourses to be designed to maintain an appropriate minimum depth below the channel bed, to avoid disturbance to substrates and aquatic habitats. **ES Chapter 6 [AS-021]**, paragraph 6.7.25, records that disturbance to sediments is addressed through the general protective and pollution prevention measures of the outline CEMP. Noise, light and vibration from the crossing works (**ES Chapter 6 [AS-021]**, paragraph 6.7.26) The **outline CEMP [APP-042]**, Table 1.2 (noise and vibration rows), requires a management approach that keeps construction vibration at Chesterfield Canal below 15mm/s. **ES Chapter 6 [AS-021]** records that lighting controls are expected to follow the Outline Design Parameters and Institution of Lighting

ID	Representation	Applicant Response
		Professionals (ILP) guidance to avoid light spill onto sensitive habitats (paragraph 6.7.26). White-clawed crayfish, recorded by eDNA in the canal and in Broad Bridge Dike, are protected by the biosecurity, timing and licensing measures in paragraph 6.6.51 of **ES Chapter 6 [AS-021]**. Schedule 2, requirement 4 of the **draft DCO [**AS-009**]** requires the detailed CEMP to be substantially in accordance with the outline CEMP and approved by the relevant planning authority before that part of the development commences.
RR-2316/74	Wet woodland 6.7.49 No consideration of the impacts of the track construction on the hydrology of the woodland. E.g. will there be an impact on surface water reaching the woodland and if so would this be permanent. Would this result in the drying out of the woodland	As set out in **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.6.23, access tracks will be constructed from permeable aggregate to encourage infiltration of rainwater, and be combined with appropriate track drainage systems such that hydrological connectivity to surrounding habitats is maintained. The new Anston Brook access track crossing (crossing 3) is proposed as an open-span bridge (**ES Chapter 10 [AS-023]**, Table 10.15). During construction of the crossing where there is the need for in-channel works, flow will be maintained so as not to impact downstream receptors as set out in **ES Chapter 10 [AS-023]**, paragraph 10.6.29. The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, repeats these as construction controls. The crossing will be designed to have sufficient capacity so that during operation normal conveyance of water is maintained (paragraphs 10.6.25 and

ID	Representation	Applicant Response
		10.6.26 of **ES Chapter 10 [AS-023]**), such that the crossing does not impact surface water reaching downstream habitats. The loss within the wet woodland is a section up to 6m wide, 0.03ha or 0.9 per cent of the 3.29ha of wet woodland in the Order Limits. **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** reports this as a permanent loss and a low magnitude, local, adverse Significant effect in the medium term. It is compensated through the wet woodland enhancement in the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** (paragraphs 6.7.49 to 6.7.51). The crossing is micro-sited under Ecological Clerk of Works (ECoW) supervision (paragraph 6.7.49).
RR-2316/75	Otter and water vole 6.7.71 The proposed precautionary approach cited as being sufficient to avoid potential effects to water voles is not detailed within oCEMP.	The proposed approach is set out in **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** and carried into the **outline Construction Environmental Management Plan (CEMP) [APP-042]**. The Applicant notes water vole was not recorded in the watercourses surveyed within the Site or in the accessible parts of the Cable Corridor (**ES Chapter 6 [AS-021]**, paragraphs 6.6.42 and 6.7.71). For the watercourses not yet surveyed, paragraph 6.6.41 of **ES Chapter 6 [AS-021]** sets out the approach. The remaining stretches are surveyed for water vole burrows and otter resting places. Where burrows are found, disturbance is avoided and reduced as far as practicable by measures such as micro-siting works, protecting banksides, fencing and keeping passage

ID	Representation	Applicant Response
		along the watercourse open, secured through the CEMP. The **outline CEMP [APP-042]**, Table 1.2, provides for this: - the protected species row applies precautionary working methods in suitable habitat where survey access has been constrained or presence cannot be ruled out, until surveys or checks confirm otherwise, and requires species-specific measures for water vole in the CEMP and method statements; and - the aquatic habitats row addresses species-specific requirements for water vole through method statements, suitable working methods and Ecological Clerk of Works (ECoW) supervision where applicable. The Applicant considers that the mitigation measures identified within the ES are appropriately reflected in the oCEMP and will be carried forward into the final CEMP and relevant method statements. On this basis, the Applicant does not consider further amendments to the oCEMP necessary, provided all relevant mitigation measures identified within the ES for otter and water vole are appropriately captured.
RR-2316/76	White clawed crayfish 6.7.86 The oCEMP needs to include biosecurity measures to prevent the spreads of crayfish plague, given the known presence of signal crayfish in the order limits.	The Applicant notes the Council's comments regarding biosecurity measures to prevent the spread of crayfish plague. Biosecurity measures for crayfish are identified within **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.6.51, which acknowledges the presence of signal crayfish within the Order Limits and identifies measures to prevent the spread of crayfish plague,

ID	Representation	Applicant Response
		particularly in watercourses supporting white-clawed crayfish. These include appropriate cleaning, disinfection and drying of equipment and footwear, species-specific working methods and Ecological Clerk of Works (ECoW) supervision where required. These measures are reflected in Table 1.2 of the **outline Construction Environmental Management Plan (oCEMP) [APP-042]**, which provides for biosecurity controls and species-specific mitigation. The Applicant will update the oCEMP to provide further detail on signal crayfish biosecurity measures, including appropriate mitigation for works within or near watercourses known to support white-clawed crayfish, to minimise the risk of contamination and the spread of crayfish plague. The oCEMP will also be updated to include measures for works within or adjacent to the banks and beds of watercourses where signal crayfish may be present, including procedures for the lawful and humane dispatch and disposal of signal crayfish should they be encountered. These measures will be carried forward into the final CEMP, secured through Requirement 4 of the **draft Development Consent Order [AS-009]**.
RR-2316/77	Skylark 6.7.106 Given that skylark plots are areas of fields kept bare to encourage skylark to breed, how will maintaining crop/ grassland at a height of no more than 15 cm dissuade skylark from breeding? How is cropland to be harvested and then maintained in a condition that is unfavourable to nesting skylarks.	The measure in paragraph 6.7.106 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** is a construction-phase measure. It stops nests being established in fields where works are programmed in the breeding season, so that active nests are not destroyed. Skylark plots do not provide nesting habitat or encourage skylark to breed within them. The plots are bare patches that

ID	Representation	Applicant Response
		provide foraging habitat for birds nesting in nearby taller crops and are shown to increase nesting productivity. Skylark typically nest in vegetation 20-50 cm tall and therefore maintaining fields at a height less than this, through cutting or removal of ground vegetation, is recognised as a way of discouraging birds to nest. **ES Chapter 6 [AS-021]** recommends that, where construction is planned in the breeding season, skylark breeding habitat is cut or cleared before the breeding season. This includes arable crops and grassland. The habitat is then kept at no more than 15cm to prevent birds from returning to nest. Cropland is harvested as standard agricultural practice and then kept in a condition unfavourable for nesting skylark (paragraphs 6.6.63 and 6.7.106). Other measures include: - pre-construction nest checks are carried out; - any nest found gets an exclusion zone, with works restricted until the Ecological Clerk of Works (ECoW) confirms the young have fledged; and - a toolbox talk is given to contractors (**ES Chapter 6 [AS-021]**, paragraphs 6.6.60 to 6.6.62). Paragraph 6.6.63 of **ES Chapter 6 [AS-021]** records that the precise measures are reviewed case by case and, if necessary, agreed with consultees. The **outline Construction Environmental Management Plan (CEMP) [APP-042],** Table 1.2, requires species-specific measures for nesting birds within the CEMP, with the ECoW authorised to halt works.

ID	Representation	Applicant Response
		Active nests remain protected under the Wildlife and Countryside Act 1981 whatever the Order provides.
RR-2316/78	Barn owl 6.7.108 There are no specific embedded mitigation measures for barn owl within the oCEMP. Assumptions are made that there would be no habitat loss for barn owl. But the temporary loss of habitat is not quantified therefore it is unclear how the conclusion of no significant impact has been reached	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.108, sets out the construction mitigation for barn owl. The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, requires the CEMP to include species-specific measures for nesting birds. Mitigation in paragraph 6.7.108 of ES Chapter 6 includes: - Suitable nesting features are checked before construction. - If a nest is found, a buffer is set in line with Shawyer (2011), adjusted to the stage of breeding and the birds' behaviour, and kept in place until the nesting attempt ends. As a Schedule 1 species, barn owl is also covered by the general breeding bird measures: pre-construction surveys, which for Schedule 1 species may start weeks or months before works, nest exclusion zones and Ecological Clerk of Works (ECoW) supervision (**ES Chapter 6 [AS-021]**, paragraphs 6.6.58 to 6.6.62). The **outline CEMP [APP-042],** Table 1.2, provides for pre-construction checks where required, exclusion fencing and species-specific measures for nesting birds within the CEMP and method statements, with the ECoW authorised to halt works. Paragraph 6.7.108 of **ES Chapter 6 [AS-021]** assesses the habitat effect as short-term and of negligible magnitude. Construction is staggered field

ID	Representation	Applicant Response
		by field, so only part of the Site is under construction at any time. This is the basis for the same conclusion for lapwing and skylark at paragraphs 6.7.105 and 6.7.107 of **ES Chapter 6 [AS-021]**. Fields are then sown to tussock and grassland, in most cases immediately after the panels are installed (**outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 7.4.61). In operation, that grassland gives barn owl foraging habitat, with a significant beneficial effect (**ES Chapter 6 [AS-021]**, paragraph 6.7.159).
RR-2316/79	Hobby 6.7.109 There are no specific embedded mitigation measures for hobby within the oCEMP.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.109, sets out the mitigation for hobby, including: - Before any works, habitat suitability is reviewed and pre-construction checks identify territory occupancy. - If a territory is found, further survey locates the nest and a buffer is put in place, with prevailing guidance recommending a minimum of 200 to 450m. - The buffer is kept until the nesting attempt ends, with a watching brief if needed. As a Schedule 1 species, hobby is also covered by the general breeding bird measures (**ES Chapter 6 [AS-021]**, paragraphs 6.6.58 to 6.6.62). These include pre-construction survey weeks or months before works and exclusion zones controlled by the Ecological Clerk of Works (ECoW). The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, provides for pre-construction checks where required and species-

ID	Representation	Applicant Response
		specific measures for nesting birds and other priority species within the CEMP.
RR-2316/80	Cettis' warbler Whilst it is acknowledged that this is a species which is expanding its range in the UK, it is still listed on Schedule 1 of the WCA 1981 and therefore should not have been scoped out of the assessment. Instead, given the short coming of the breeding bird survey, an assessment of this bird to utilise habitats within the order limits should have been given more consideration.	Cetti's warbler was recorded on surveys and therefore acknowledged as present and assumed to breed within the Order Limits. Given the species' population trend, it is possible that numbers will increase prior to construction. **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, Table 6-11, evaluates the three singing males recorded in the breeding bird survey (**ES Appendix 6.6: Breeding Bird Survey Report [AS-032]**). The species is green-listed. Its UK population increased by 1,122 per cent between 1995 and 2023, and it continues to expand its range northward. All suitable habitat is being retained, and, given the species' conservation status, any assessment would be based on legislative compliance (i.e. avoiding disturbance of a species listed on Schedule 1 of the WCA), rather potential significant effects at a population-level. Schedule 1 WCA 1981 listing protects the bird from disturbance at or near an active nest (**ES Chapter 6 [AS-021]**, paragraph 6.5.10). The breeding bird measures in section 6.6 provide that protection whether or not the species is an IEF (**ES Chapter 6 [AS-021]**, paragraphs 6.6.58 to 6.6.62). These are secured through the Construction Environmental Management Plan (CEMP) under Schedule 2, requirement 4 of the **draft DCO [**AS-009**]**.

ID	Representation	Applicant Response
RR-2316/81	**Operation and Maintenance** Brampton Common LWS 6.7.117 The conclusion of no significant impacts to breeding skylarks within the LWS is based on the assumption that the loss of breeding habitat can be offset via offsite compensation areas. However, no detail on the provision of offsite compensation areas (presumably skylark plots) is provided within the oLEMP. The oLEMP simply says 50 sky lark plots are to be provided outside of the order limits, but no assurance on how this has been or will be secured is provided.	Paragraph 6.7.117 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** relies on two measures together. The first is off-site compensation areas. The second is sensitive management of land within Brampton Common Local Wildlife Site (LWS), as part of the enhancement proposals for the LWS. The conclusion does not rest on off-site plots alone. Within the LWS, the **Outline Landscape and Ecology Management Plan (LEMP) [APP-046]** sets out a Brampton Local Wildlife Site Strategy (section 6). Of the LWS, 26% is proposed to be within Works No. 6, green infrastructure (**Outline LEMP [APP-046]**, paragraph 6.1.1). One of the Strategy's objectives is to "Support and strengthen the breeding skylark population through planting new grassland and sensitive management" (**Outline LEMP [APP-046]**, paragraph 6.1.7). Long-term management of the habitats supporting skylark extends across the LWS within the Order Limits (paragraph 6.1.19). There is annual monitoring in the breeding season for five years (paragraph 6.1.20). Across the Order Limits, 303ha of mitigation land and buffer zones will be sown with species-rich grassland from the start of construction, with skylarks among its stated objectives (**Outline LEMP [APP-046]**, Table 7-7). Off-site, the outline LEMP provides for approximately 100 plots, rather than 50. They will be on approximately 50ha of land outside the Order Limits. The plots will be in large open winter-sown cereal fields, at an average density of two per hectare. Each will be about 16m2, and they will be implemented

ID	Representation	Applicant Response
		annually for 20 years (**Outline LEMP [APP-046]**, paragraph 7.4.43). The outline LEMP states that the Applicant will acquire access to land outside the Order Limits for this purpose (paragraph 7.4.56). Skylark monitoring in years 1, 2, 3, 5, 10 and 15 to assess the efficacy of the plots (paragraph 9.1.9).
RR-2316/82	Axle Lane LWS 6.7.123 No consideration given to the eyebright species which is also a qualifying feature of the LWS and who presence suggest also the presence of species rich grassland.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** records that Axle Lane Local Wildlife Site (LWS) is designated for wintering golden plover and for Chalk eyebright *Euphrasia pseudokerneri* (Table 6-9). Chalk eyebright is a priority species under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. ES Chapter 6 assesses the eyebright at paragraphs 6.7.15 to 6.7.20, where the effect arises. The eyebright is therefore included in the assessment. Paragraph 6.7.123 of **ES Chapter 6 [AS-021]** is the operation-phase paragraph for the LWS. It deals with hedgerow, because hedgerow compensation is the measure that continues into operation there. The works within the LWS are cable laying along Cable Corridor CRL and a temporary access junction with visibility splays. These lead to temporary loss of hedgerow, and grassland disturbance for the duration of the cable laying (**ES Chapter 6 [AS-021]**, paragraph 6.7.15). The ES treats the LWS grassland as the habitat in which the eyebright is likely to be present. The mitigation to protect this species is therefore the protection of the grassland itself. The grassland is removed temporarily, stored away from the works and reinstated within the LWS. Whilst there

ID	Representation	Applicant Response
		is very short-term disturbance, protecting the grassland from loss also protects the eyebright (**ES Chapter 6 [AS-021]**, paragraph 6.7.18). The grassland reinstatement preserves Chalk eyebright where it is present (paragraph 6.7.20). Lifting, temporarily storing and reinstating grassland after cable laying will be defined through the Construction Environmental Management Plan (CEMP), in line with ES Chapter 6 [AS-021} section 6.6 and paragraph 6.7.18, secured through Schedule 2, Requirement 4 of the **dDCO [**AS-009**]**. Once the grassland is reinstated, no further effect arises in operation on the eyebright or on the species-rich grassland it indicates. That is why paragraph 6.7.123 of **ES Chapter 6 [AS-021]** does not return to it.
RR-2316/83	Wet woodland 6.7.128 No consideration of any permanent changes to the hydrology of the wet woodland along Anston Brook is provided.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** assesses the permanent loss of a section of the wet woodland along Anston Brook, up to 6m wide, for the track crossing over the brook. This could also lead to some loss of habitat connectivity. That is up to 0.03ha, or 0.9% of the 3.29ha of wet woodland within the Order Limits. The crossing will be micro-sited and built under specific Construction Environmental Management Plan (CEMP) measures, with Ecological Clerk of Works supervision (**ES Chapter 6 [AS-021]**, paragraph 6.7.49). **Hydrology of the crossing and access track** The effects of watercourse crossings on hydrology are covered in **ES Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraphs 10.7.18 to 10.7.25,

ID	Representation	Applicant Response
		and paragraphs 10.7.87 to 10.7.89. The assessment concludes with appropriate mitigation in place aka the suitable design and construction of crossings so that hydrological continuity is maintained, there will be no adverse effect to downstream receptors. As set out in **ES Chapter 10 [AS-023]**, paragraph 10.6.23, access tracks will be constructed from permeable aggregate to encourage infiltration of rainwater, and be combined with appropriate track drainage systems such that hydrological connectivity to surrounding habitats is maintained. During construction of the crossing where there is the need for in-channel works, flow will be maintained so as not to impact downstream receptors as set out in **ES Chapter 10 [AS-023]**, paragraph 10.6.29. The **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2, repeats these as construction controls. The **Outline CEMP [APP-042]** requires watercourse crossings be designed to the Design Manual for Roads and Bridges, to maintain hydrological and species connectivity (Table 1.2, habitat fragmentation row). Because flows through the crossing will be maintained, the Applicant does not expect the crossing to change the water supply to the retained wet woodland either side of it. **Enhancement in operation** **ES Chapter 6 [AS-021]**, paragraph 6.7.128, provides for the wet woodland to be enhanced in operation, with measures described in the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]**. Examples are additional planting of suitable woodland

ID	Representation	Applicant Response
		species and management of invasive non-native species. Once the enhancements are established and monitored, this gives a Beneficial, medium magnitude, local and Significant effect in the medium to long term, and detailed enhancements would be defined through the LEMP (as per **ES Chapter 6 [AS-021]**, paragraph 6.7.128). Requirements 4 and 7 in Schedule 2 of the **draft Development Consent Order (DCO) [**AS-009**]** secure the CEMP and LEMP.
RR-2316/84	Reptiles 6.7.134-6.7.136 Within the oLEMP it is stated that 75 habitat piles are to be created within solar PV panel fields (Para 7.4.38 of the oLEMP). However, para 7.4.55 of the oLEMP states the grassland areas will be managed largely by grazing sheep. However, there is no mention of the how the habitat piles will be protected from sheep. Sheep grazing, unless at very low densities is incompatible with creating optimal habitat for reptiles. Therefore, the conclusion of a beneficial significant impact is not supported.	**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** bases the beneficial effect on reptiles first on connecting habitats maturing during operation: grassland, created and enhanced hedgerows, and small woodland blocks. These strengthen foraging and sheltering habitat and create microclimates for basking (**ES Chapter 6 [AS-021]**, paragraph 6.7.134). Brash and log piles add sheltering opportunities (**ES Chapter 6 [AS-021]**, paragraph 6.7.135). Together these give a moderately beneficial, long-term, local and likely Significant effect (**ES Chapter 6 [AS-021]**, paragraph 6.7.136). The Applicant's position is that the beneficial effect therefore does not depend on habitat piles in sheep-grazed panel fields. Not all of the new grassland is grazed. The **Outline Landscape and Ecology Management Plan (LEMP) [APP-046]** distinguishes about 600ha of solar array land in productive grazing from about 140ha of solar array land sown with a tussocky grass mix for biodiversity. Separately, 303ha of mitigation land and buffer zones will be species-rich grassland (**Outline LEMP [APP-046]**, Table 7-7). The areas with solar

ID	Representation	Applicant Response
		panel arrays will be managed largely, but not exclusively, to have grass suitable for grazing by sheep. The Applicant intends to graze them other than where the land is managed for other mitigation or enhancement priorities (**Outline LEMP [APP-046]**, paragraphs 7.4.55 and 7.4.60). Where areas are set aside from grazing, cutting will be staggered to keep both taller and shorter swards (**Outline LEMP [APP-046]**, paragraph 7.4.7, printed page 41). The habitat piles are not confined to grazed fields. At least 75 will be created within solar PV fields and mitigation areas, placed close to scrub, woodland, hedgerows and other habitats. Each is built from logs set into a shallow hole, rises 1m to 1.5m above ground, and is capped with brash and turf (**Outline LEMP [APP-046]**, paragraph 7.4.38, printed page 47). The steering group reviews the location and design of hibernacula. The Applicant will invite the local planning authority ecologists to join it (**Outline LEMP [APP-046]**, paragraphs 9.1.13 and 9.1.14). The siting of individual features is a detail for the LEMP. Under Schedule 2, requirement 7 of the **draft Development Consent Order (DCO) [**AS-009**]**, the LEMP must be substantially in accordance with the outline LEMP. No part of the development may commence until the relevant planning authority has approved the LEMP for that part. The grazing regime for the grazed array areas, which the Council raises in its point on tussock grassland and sheep grazing, is answered in the response to RR-2316/58.
RR-2316/85	Otters	The conclusion at paragraph 6.7.145 of **Environmental Statement (ES) Chapter 6:**

ID	Representation	Applicant Response
	6.7.145 The reduction in nutrient inputs has not been quantified, therefore there is no certainty that the beneficial impact to otters as a result of this would be significant.	**Biodiversity and Nature Conservation [AS-021]** is a professional judgement. It rests on a change in land use that will happen, not one that is modelled: arable farming ceases throughout the Site. That reduces pesticide and fertiliser inputs to the land and the potential for runoff to watercourses (**ES Chapter 6 [AS-021]**, paragraph 6.7.145). As water quality recovers, fisheries are expected to improve and otters to find foraging over a wider area. The Applicant's position is that an effect need not be quantified before it can be judged significant. The Study Area includes surface water Nitrate Vulnerable Zones. These are areas designated as at risk from agricultural nitrate pollution (**ES Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.5.37 and Table 10.11). Reducing arable inputs is therefore relevant to the watercourses concerned. The beneficial effect on otter does not rest on this one mechanism. Paragraph 6.7.146 of **ES Chapter 6 [AS-021]** separately finds a Beneficial, long-term, medium magnitude and Significant effect across the whole Site. It comes from wider field margins, habitat creation in the riparian zone and extensive grassland corridors. This planting provides a buffer and limits runoff and intercepts silt and nutrients. These buffer otters from disturbance and give them more foraging and commuting routes. Monitoring under the **Outline Landscape and Ecology Management Plan (LEMP) [APP-046]** is measured against an updated pre-construction baseline that includes surveys of riparian mammals

ID	Representation	Applicant Response
		(paragraph 9.1.1). Post-construction monitoring results feed into management (paragraph 9.1.11). Schedule 2, requirement 7 of the **draft Development Consent Order (DCO) [**AS-009**]** secures the LEMP.
RR-2316/86	Skylark 6.7.157 The assessment of no significant impacts is reliant on the provision of a 50 skylark plots close to the site. However, these skylark plots are not secured, and no detail is provided on their likely locations.	The assessment of skylark at paragraph 6.7.157 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** is precautionary. It assumes that most or all skylark nesting within the solar array, at least 119 of up to 205 territories, will be displaced and will not recolonise (**ES Chapter 6 [AS-021]**, paragraph 6.7.156). It then relies on three measures together: - territories next to or partly overlapping the Site are likely to benefit from improved foraging, which may partially offset some adverse impacts; - compensatory species-rich grassland will be created in fields not intended for solar; - about 100 skylark plots in arable fields close to the Site, outside the Order Limits (paragraph 6.7.157; **outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 7.4.43). The assessment therefore does not rest on the off-site plots alone. The **Outline LEMP [APP-046]** provides 303ha of species-rich grassland in mitigation land and buffer zones, sown from the start of construction, with skylarks among its stated objectives (Table 7-7). The outline LEMP states that the Applicant will acquire access to land outside the Order Limits for the plots (**Outline LEMP [APP-046]**, paragraph 7.4.43). Their efficacy is monitored in years 1, 2, 3, 5, 10 and

ID	Representation	Applicant Response
		15, with adaptive management through the LEMP (**outline LEMP [APP-046]**, paragraph 9.1.9). Schedule 2, requirement 7 of the **draft Development Consent Order (DCO) [**AS-009**]** requires the LEMP to be substantially in accordance with the outline LEMP, approved before commencement, and implemented and maintained throughout operation. The Council's related point on off-site compensation for breeding skylark at Brampton Common Local Wildlife Site is answered in the response to RR-2316/81.
RR-2316/87	Barn owl 6.7.158-6.7.159 No specific details relating to barn owl are provided within the oCEMP. Grassland within the panel fields is to be grazed by sheep likely to result in a short sward of low suitability for foraging barn owl. 5 barn owl boxes are proposed but the majority of the site is with 1 km of a motorway. These measures are incompatible with providing suitable habitat for barn owls and it is therefore not appropriate to state that there will be a significant beneficial impact to barn owl.	The Applicant notes the Council's comments on barn owl. The Applicant considers that the proposals are compatible with barn owl, and that the beneficial conclusion is supported, for the reasons below. During construction, suitable nesting features are checked before works. If a nest is found, a buffer is kept in place, following Shawyer (2011), until the nesting attempt ends (**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.108). The **Outline Construction Environmental Management Plan (CEMP) [APP-042]** requires species-specific measures for nesting birds. An Ecological Clerk of Works is able to halt works (Table 1.2, protected species row, printed page 16). Bird boxes are checked annually and repaired or replaced as needed (**outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 9.1.10). The conclusion at paragraph 6.7.159 of **ES Chapter 6 [AS-021]** depends on grassland establishing between and beneath the panels. The panels are at the height

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		from which barn owls typically perch-hunt. The chapter also says that, ideally, the grass around some arrays should develop into rough tussocky grassland. The outline LEMP provides for this. About 140ha of solar array land will be sown with a tussocky grass mix for biodiversity rather than productive grazing. A further 303ha of mitigation land and buffer zones will be species-rich grassland (**Outline LEMP [APP-046]**, Table 7-7). Where areas are set aside from grazing, cutting will leave both taller and shorter swards (**Outline LEMP [APP-046]**, paragraph 7.4.7, printed page 41). Most of this land is currently arable (**ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]**, paragraph 15.7.56) and therefore the proposals offer benefits compared to the baseline condition. At least five barn owl boxes will be installed in suitable locations across the Order Limits, with five each for tawny owl and kestrel. Their placement must follow good practice guidance, footnoted to the Barn Owl Trust's nestbox guidance (**Outline LEMP [APP-046]**, paragraph 7.4.40, printed page 47), which includes a provision to avoid locations within 1 km of motorways and unscreened fast roads. While box locations are not yet proposed, approximately 582 ha of W1, W2 and W3 (>50%) are located more than 1 km from motorway, so there is anticipated to be sufficient opportunities within this area for placement. Box locations are fixed in the final LEMP (**Outline LEMP [APP-046]**, paragraph 7.4.41) and reviewed by the steering group (paragraph 9.1.14). Under Schedule 2, requirement 7 of the **draft Development Consent**

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		Order (DCO) [AS-009**]**, the LEMP, including the box locations, requires the approval of the relevant planning authority. Distance from the M1 and M18 is therefore a matter for the approval of box locations. It does not make the proposal unsuitable for barn owl.
RR-2316/88	**Additional mitigation and residual effects.** Additional mitigation 6.8.1 This section is confusing. Significant adverse effects at Brampton Common LWS, hedgerows and wet woodland at construction are anticipated even with embedded mitigation in place. Embedded mitigation within the oCEMP is then stated to minimise these effects with measures within the oLEMP inferred to provide appropriate compensation. However, this section doesn't seem to be proposing any additional mitigation measures. Summary of Impact assessment Table 6.13 The assessment has considered impacts with embedded mitigation in place and identified significant impacts for the following Brampton Common LWS Hedgerows Wet woodland Table 6.13 and the preceding assessment states that because of the measures within the oCEMP and oLEMP these impacts will be minimised, or the measures within the oLEMP provide compensation. However, this is not explicitly made clear. The oCEMP and oLEMP should not be considered to be additional mitigation.	Paragraph 6.8.1 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** records three things: - the only important ecological features with significant adverse effects are Brampton Common Local Wildlife Site (LWS), native hedgerows and wet woodland, all at construction; - the embedded measures delivered through the **outline Construction Environmental Management Plan (CEMP) [APP-042]** will minimise those effects as far as practicable; and - the maturing of habitat prescription measures in the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** will ultimately provide a long-term beneficial effect during the operational phase on the same features (by reference to **ES Chapter 6 [AS-021]**, paragraphs 6.7.122, 6.7.127 and 6.7.128). The section identifies no additional mitigation, and the assessment relies on none. The ES does not present the outline CEMP and outline LEMP as additional mitigation, and the Applicant does not treat them as such. Table 6-13 of **ES Chapter 6 [AS-021]** reports the construction effects on Brampton Common LWS, native hedgerows, Important hedgerows and wet woodland as Significant. It lists the outline CEMP as

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		providing partial embedded mitigation for each, with the outline LEMP also listed for the hedgerows, and design principles for Brampton Common LWS. It separately reports the long-term effects on the same features in operation as Moderate Beneficial and Significant, secured through the OEMP and LEMP. Both results are reported, each with its securing mechanism. The measures are secured through the CEMP under Schedule 2, requirement 4 and the LEMP under Requirement 7 of the **draft Development Consent Order (DCO) [**AS-009**]**.
RR-2316/89	**Cumulative Impacts** 4.2.22 The assessment of cumulative impacts should be reconsidered once baseline survey work has been completed and the assessment of impacts has been amended to consider the comments raised above.	The **Outline Construction Environmental Management Plan (CEMP) [APP-042]** records that the extensive survey work has provided sufficient baseline to base the assessment on and to inform the design. It also records that further survey work is under way to validate the findings. The outputs will be provided to the Examining Authority with enough time for interested parties to comment (**Outline CEMP [APP-042]**, Table 1.2, printed page 14). Where survey results were limited, **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** made precautionary assumptions. For example, it assumes that most or all skylark nesting within the solar array would be displaced and would not recolonise (**ES Chapter 6 [AS-021]**, paragraph 6.7.156). The cumulative assessment follows from that residual assessment. Section 6.9 of **ES Chapter 6 [AS-021]** screens each other development in Table 6-14 against the Proposed Development's effects. It

ID	Representation	Applicant Response
		concludes that no adverse ecological effects arise cumulatively with other developments (paragraph 6.10.13). **ES Chapter 17: Cumulative Effects Assessment [APP-069]** carries that conclusion forward (Table 17.8). The Applicant considers the ecological baseline sufficient to support the assessment, including the cumulative assessment. For that reason, the cumulative assessment does not need to be redone. The Council's comments on individual parts of the assessment, including the four developments it names, are answered in the responses to its other points (RR-2316/90, RR-2316/91, RR-2316/92, RR-2316/93).
RR-2316/90	4.2.23 The following provides comments on those developments within or adjacent to the order limits as these are considered most likely to result in likely cumulative impacts and which have not been sufficiently considered within the ES. 4.2.24 The developments, Land off Moat Lane Wickersley and Land off Carr Lane Ulley are located within the cable route and Whitestone 2 respectively. Potential impacts to skylark are raised in relation to Land off Carr Lane Ulley with the ES stating that effects will be local and potentially offset by benefits to the wider breeding bird assemblage. As such cumulative impacts on skylark have not been sufficiently considered.	Table 6-14 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** assesses Land off Carr Lane Ulley (RB2025/0029) with skylark as the receptor. The entry records a 31ha solar and Battery Energy Storage System (BESS) scheme across two fields adjacent to the Order Limits, with its access track through the Order Limits. It notes that the scheme's own Ecological Impact Assessment found effects to be negligible, and that the Council questions that conclusion. It then takes the precautionary view that the scheme is expected to cause a small loss of some bird species, including breeding skylark, which its own assessment does not recognise. On that basis the entry identifies a potential cumulative effect. It concludes that the effect would be local and Not Significant.

ID	Representation	Applicant Response
		That conclusion follows from the Proposed Development's own skylark assessment, which is precautionary. **ES Chapter 6 [AS-021]** assumes that most or all skylark nesting within the solar PV array, at least 119 of up to 205 territories, would be displaced and would not recolonise (paragraph 6.7.156). Three measures then reduce the long-term effect to Low magnitude, Local and Not Significant (**ES Chapter 6 [AS-021]**, paragraph 6.7.157): - likely improved foraging for territories next to or overlapping the Site; - compensatory species-rich grassland in fields not intended for solar; and - about 100 off-site skylark plots in arable fields close to the Site. The **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** provides 303ha of species-rich grassland in mitigation land and buffer zones. It is sown from the start of construction, with skylarks among its stated objectives (Table 7-7). The outline LEMP also provides for about 100 plots on about 50ha, implemented annually for 20 years, on land outside the Order Limits. It states that the Applicant will acquire access to that land (**outline LEMP [APP-046]**, paragraphs 7.4.43 and 7.4.56). Schedule 2, requirement 7 of the **draft Development Consent Order (DCO) [**AS-009**]** secures the LEMP, which includes the 303ha of species-rich grassland in mitigation land and buffer zones. The Carr Lane scheme adds a small loss from two fields. The entry weighs this against the habitat enhancements and biodiversity net gain it records.

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		The combined effect on the local skylark population is therefore local and Not Significant. Paragraph 6.10.13 of **ES Chapter 6 [AS-021]** records no adverse cumulative ecological effects. **ES Chapter 17: Cumulative Effects Assessment [APP-069]**, Table 17.8, lists RB2025/0029 among the developments with potential cumulative effects assessed as Not Significant. The Applicant's position is therefore that cumulative effects on skylark have been sufficiently considered, losses are short-term and are replaced with similar habitat once cable laying is complete (paragraph 6.7.64). How the off-site skylark plots outside the Order Limits are secured is addressed in the response to RR-2316/81.
RR-2316/91	4.2.24 The developments, Land off Moat Lane Wickersley, it is stated no assessment of individual biodiversity, protected species or habitat features at a population scale have been made as the assessment assumes best practice measures will remove any potential effects. This needs further clarification on what is meant.	The statement describes how the promoter of the Land off Moat Lane Wickersley schemes assessed their own ecological effects. It does not describe the Applicant's own assessment. Table 6-14 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** records two battery storage schemes at Land off Moat Lane Wickersley. Both were approved at appeal, and both are within Cable Route C: RB2024/0063 (2.30ha) and RB2024/0321 (1.86ha). For each, the entry records the following: the scheme's own impact assessment did not assess any individual biodiversity, protected species or habitat feature at a population scale. This is because it assumed that best practice mitigation would remove the potential for effects. Biodiversity net gain ensures a gain in biodiversity units.

ID	Representation	Applicant Response
		Those assessments therefore identify no residual population-level effect for the Proposed Development's effects to combine with. A cumulative effect needs a residual effect from each scheme on a shared receptor. With none identified for the Moat Lane schemes, the entry concludes that there is no potential for cumulative effects.
RR-2316/92	4.2.25 Land at Hard Lane, Kiveton is adjacent to W3. Assessment of impacts is based on a Preliminary Ecological Appraisal and effects on protected features will be avoided via reasonable avoidance measures. Further assessment of the potential for cumulative impacts needs to be undertaken.	Table 6-14 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** records Land at Hard Lane, Kiveton (RB2025/0240) as a proposed battery energy storage scheme of approximately 3.8ha. It is adjacent to Whitestone 3 on land west of Hard Lane, and is awaiting decision. Its Preliminary Ecological Appraisal considers the site to be of low ecological value. It assumes that best practice mitigation, in the form of Reasonable Avoidance Measures, will avoid effects on protected features. Biodiversity net gain will provide enhancements within the site. A Preliminary Ecological Appraisal is the ecological evidence that scheme's application relies on, and is the only biodiversity report available to the public (in addition to the BNG Report and Tree Survey). The site is small and of low ecological value, and effects on protected features are avoided. This leaves no residual effect for the Proposed Development's effects to combine with. The entry therefore concludes that there is no potential for cumulative effects. Paragraph 6.10.13 of **ES Chapter 6 [AS-021]** records no adverse cumulative ecological effects. For these reasons, the Applicant considers that further

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		assessment of cumulative effects with Land at Hard Lane, Kiveton is not necessary. The Proposed Development applies the same type of protection on its side of the boundary. Protected species measures, including specific mitigation and working methods, are secured through the Construction Environmental Management Plan (CEMP) and the approved Landscape and Ecological Management Plan (LEMP). These plans are secured under Requirements 4 and 7 in Schedule 2 of the **draft Development Consent Order (DCO) [**AS-009**]**.
RR-2316/93	4.2.26 Common Farm, Bookers Lane Dinnington. Adjacent to Whitestone 2 and in particular Brampton Common LWS. ES states there is a potential for cumulative impacts in relation to Brampton Common LWS but that these will not be significant. However, this ES chapter has identified a residual significant impact at construction stage, therefore, how can it be concluded that there will be no significant cumulative impacts.	The significant construction effect on Brampton Common Local Wildlife Site (LWS) does not mean that the cumulative effect with Common Farm must also be significant. They answer different questions. The significant construction effect is the Proposed Development's own effect on the part of the LWS within the Order Limits. A new internal access track from the southern boundary of the LWS will cause the permanent loss of a 6m section of Important Hedgerow. It will also cause a loss of habitat connectivity along the southern perimeter (**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.12). Site clearance, access establishment and associated works will affect the structure and function of the LWS. This gives a low magnitude, local, adverse Significant effect in the short term (**ES Chapter 6 [AS-021]**, paragraph 6.7.13). That effect is reported as Significant in its own right (**ES Chapter 6 [AS-021]**, paragraph 6.8.1

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		and Table 6-13). The cumulative assessment does not revise it. The cumulative question is whether Common Farm, Bookers Lane, Dinnington (RB2022/1203) adds a further effect on the LWS. Table 6-14 of **ES Chapter 6 [AS-021]** records Common Farm as an approved solar energy park adjacent to the Order Limits and to the LWS. It identifies no clearance or hedgerow loss within the LWS from that scheme. The pathway for cumulative effects identified is the LWS's breeding skylark feature. Common Farm's Ornithological Technical Note provides lapwing mitigation areas and recognises the need to accommodate breeding skylark on that site. The Proposed Development's effect on that feature is limited. The breeding bird survey found the LWS had one of the lowest skylark densities within the Order Limits (**ES Chapter 6 [AS-021]**, paragraph 6.7.9). The temporary displacement of skylark from the LWS at construction is assumed to be capable of being offset through off-site compensation areas and sensitive management of land within the LWS (**ES Chapter 6 [AS-021]**, paragraph 6.7.117). The cumulative effect on that feature is therefore local and Not Significant.
RR-2316/94	**4.3 Landscape** **General LVIA Comments** Methodology, Criteria and Process 4.3.1 Below sets out the Councils comments relating to the landscape and visual impact assessment sections of the application.	The Applicant notes the Council's comments.

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	4.3.2 Appendix 7.2: Landscape and Visual Impact Assessment Methodology provides a detailed description of the methodology, criteria and processes utilised for the ES Chapter. Para. 7.2.2 notes that "The methodology for this LVIA was informed by the Guidelines for Landscape and Visual Impact Assessment (The Landscape Institute and Institute of Environmental Assessment, 3rd Edition, 2013 (GLVIA3)), including Landscape Institute Notes Technical Guidance Notes (LITGN-2024-01) as required". LITGN-2024-01 refers to Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3). Other Technical Guidance is listed at Para. 7.2.8. Section 7.4 of Chapter 7 Landscape and Visual Impact sets out a summarised version of the assessment methodology and significance criteria. This follows best practice guidance and is therefore welcomed.	
RR-2316/95	4.3.3 The criteria which informed the assessment are clearly outlined within various tables within Appendix 7.2, with Table 7.2.9 setting out the assessment approach in a matrix style typical of LVIA. Uncertainty remains however with the use of 'Moderate' as a significance criteria. Para. 7.2.40 states "This does not preclude a 'Moderate' effect of lower being significant or a greater than 'Moderate' effect not being significant", while Para. 7.2.43 states "Where 'Moderate' effects are predicted…these have been concluded as 'Significant' in the assessment presented in ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment [EN0110020/APP/6.7], however, professional judgement can be used to determine whether the Moderate effects are Significant or Not Significant." A review of the summarised levels of effect within Chapter 7 (Section 7.7) identifies that levels of effect of Moderate or above are significant. Although	Paragraph 7.2.43 of **Environmental Statement (ES) Appendix 7.2: Landscape and Visual Impact Assessment Methodology [APP-109]** states the rule that the Landscape and Visual Impact Assessment (LVIA) uses. Major and Major/Moderate effects are Significant. Where Moderate effects are predicted, they "have been concluded as 'Significant' in the assessment presented in **ES Volume 2, Chapter 7 [APP-059]**". Paragraph 7.2.40 of **ES Appendix 7.2 [APP-109]** explains why Moderate and above are more likely to be significant: they generally result from a large change affecting receptors of higher sensitivity. It keeps the professional judgement that the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3) requires. As paragraph 7.2.39 of **ES**

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	this is welcomed, the wording identified above remains ambiguous and should be revisited.	**Appendix 7.2 [APP-109]** records, GLVIA3 says there are no hard and fast rules about which effects are significant. This is provided the assessment distinguishes clearly between significant and non-significant effects. Every effect of Moderate or above in section 7.7 of **ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]** is reported as Significant, as the Council's own review of that section confirms. No effect has been down-graded by relying on that judgement. Paragraph 7.7.10 of **ES Chapter 7 [APP-059]** reports the construction effects of the Cable Corridors as "Minor to Moderate Adverse (Not Significant)". **ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**, paragraph 7.4.946, reports them as "Moderate/Minor Adverse (Not Significant)", a level below Moderate (paragraph 7.4.941 of **ES Appendix 7.4 [AS-042]**). The Applicant's position is that the wording is not ambiguous in its effect. As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on landscape and visual receptors addressing other points raised within the RR.
RR-2316/96	4.3.3 The overall judgements on Magnitude of Change may benefit from including a 'No Change' scenario where the Proposed Development or construction activity would not (or would no longer be) visible. This would help where the	**Environmental Statement (ES) Appendix 7.2: Landscape and Visual Impact Assessment Methodology [APP-109]** uses a four-point scale for visual magnitude of change: High, Medium, Low and

ID	Representation	Applicant Response
	magnitude remains 'negligible' for instances where there is no visibility.	Negligible (paragraph 7.2.34). In the typical criteria, Negligible is a change that is barely perceptible in the view or only briefly glimpsed. Where the magnitude is Negligible, the effect is automatically Not Significant (**ES Appendix 7.2 [APP-109]**, paragraph 7.2.38). A 'No Change' judgement would therefore also be Not Significant. To assist in clarity for the reader, the Applicant will submit an update to **ES Appendix 7.2 [APP-109]**, which will include 'No change' scenarios and criteria. As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on landscape and visual receptors taking into account the alteration to **ES Appendix 7.2 [APP-109]**, including incorporating a 'No Change' category.
RR-2316/96a	4.3.4 The process of the identification of landscape and visual effects was found to be in line with best practice; however the use of intermediate levels of effect and their potential for underplaying effects are discussed in the section below in Para. 2.1.8.	The Applicant welcomes the Council's view that the process of identifying landscape and visual effects is in line with best practice. The Council's concern about the use of intermediate levels of effect is set out in its paragraph 4.3.8 and is answered in the Applicant's response to RR-0454/94. In summary, **ES Appendix 7.2: Landscape and Visual Impact Assessment Methodology [APP-109]** adopts a three-point scale with intermediate levels where appropriate, supported by a reasoned narrative (paragraph 7.2.30). As set out in the response to RR-0454/89, the Applicant will submit an update to **ES Chapter 7: Landscape and**

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		Visual Impact Assessment [APP-059] at Deadline 1.
RR-2316/97	Baseline, Content and Findings of the Assessment 4.3.5 In general, the provided baseline sets out relevant landscape and visual receptors, however it is noted that locally designated Country Parks remain omitted from the assessment. Although Rother Valley, Ulley and Thrybergh Country Parks lie within the 3km Buffer of Order Limits (as illustrated on Figure 7.3: Landscape Designations) they are not formally assessed. While it is conceded there would be no direct effects on these Country Parks as a result of the Proposed Development, Figures 7.4: Zone of Theoretical visibility (ZTV) Overview, Figure 7.6: Zone of Theoretical visibility (ZTV) – Whitestone 2, and Figure 7.7: Zone of Theoretical visibility (ZTV) – Whitestone 3 indicate theoretical visibility within both Rother Valley and Ulley Country Parks and therefore experiential effects for receptors would potentially be present. It is therefore considered that potential effects on the valued attributes of the relevant Country Parks should be included in the landscape assessment.	Each Country Park is assessed through the Landscape Character Area (LCA) it contributes to. Ulley Country Park is also assessed as a visual receptor. Rother Valley Country Park is a key characteristic of the 7: Rother Valley Reclaimed Woodland LCA, a large proportion of which lies within the Country Park (**Environmental Statement (ES) Appendix 7.3: Landscape Character Baseline and Assessment [AS-040]**, paragraph 7.3.183). The LCA's value is judged medium to high partly because of the Country Park's recreational uses (paragraph 7.3.187). The effect on the LCA is Negligible Adverse (Not Significant) during construction, at Year 1 and at Year 15. This is because the development affects a very small portion of it and has limited effects on its key characteristics (**ES Appendix 7.3 [AS-040]**, paragraphs 7.3.193, 7.3.194, 7.3.197 and 7.3.199). Ulley Reservoir and Country Park is a distinctive feature of the 5b: Coalfield Tributary Valleys – Treeton LCA, and is noted as well screened from the surrounding area (**ES Appendix 7.3 [AS-040]**, paragraph 7.3.144). The LCA is assessed as Minor Adverse (Not Significant) at Year 1 and at Year 15 (paragraphs 7.3.160 and 7.3.163). Visitors to Ulley Country Park are also a named recreational receptor, represented by Viewpoint 43 (**ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, paragraph 7.5.78). They are assessed as highly susceptible because their main activity is appreciating

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		the landscape. Their views are only from the car park and are partly screened by mature trees and hedgerow along the A618 (**ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**, paragraphs 7.4.558 and 7.4.562). The effect is Moderate/Minor Adverse (Not Significant) (**ES Chapter 7 [APP-059]**, Table 7-13). Thrybergh Reservoir and Country Park is a distinctive feature of the 5a: Coalfield Tributary Valleys – Thrybergh LCA (**ES Appendix 7.3 [AS-040]**, paragraph 7.3.128). Effects on that LCA are indirect and Negligible (Not Significant) during construction, at Year 1 and at Year 15 (paragraphs 7.3.136, 7.3.138 and 7.3.140). The Country Parks' valued attributes are therefore assessed through their host character areas, and visitors to Ulley Country Park also through Viewpoint 43. As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on Country Parks, where appropriate.
RR-2316/98	4.3.6 Within the narrative for the magnitude of landscape effects and magnitude of visual effects set out in Appendix 7.3 and Appendix 7.4 respectively, it fails to properly identify factors with regard to size/scale, geographical extent, or duration/reversibility. The proportion of view within which the Proposed Development would be visible is discussed; however, there is no direct reference to the criteria	**Environmental Statement (ES) Appendix 7.2: Landscape and Visual Impact Assessment Methodology [APP-109]** defines magnitude of change using size or scale and geographical extent as the main factors, with duration and reversibility as modifiers. It does this for landscape receptors (the first paragraphs numbered 7.2.16 and 7.2.17) and for

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	mentioned above. Additionally with regards to visual effects the assessment does not discuss the number of people who may be affected by the change, as discussed within Para. 6.3 of GLVIA3 and Section 6(9) of LITGN-024-01.	visual receptors (the first paragraph numbered 7.2.33). For views, geographical extent covers the angle of view, the distance from the development and the extent over which the change would be visible. The narratives apply these factors even where they do not name them as headings. The Applicant's position is therefore that the narratives address them. Examples from **ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**: - Viewpoint 1: the changes would be seen within a small portion of the view, and the construction phase is short term and reversible (**ES Appendix 7.4 [AS-042]**, paragraph 7.4.29). - Viewpoint 10: construction would be in the distance, largely screened by landform and vegetation, within a small proportion of the view. It would be visible from a limited number of properties along the southern edge of Conisbrough (**ES Appendix 7.4 [AS-042]**, paragraph 7.4.172). - Cable Corridors: construction would affect strips of land up to 40m wide, for a short duration, temporarily and partially reversibly (**ES Appendix 7.4 [AS-042]**, paragraphs 7.4.940 and 7.4.941). For landscape receptors, the Rother Valley Reclaimed Woodland Landscape Character Area (LCA) assessment weighs changes that are highly localised, over a small extent and a very small portion of the LCA (**ES Appendix 7.3: Landscape Character Baseline and Assessment [AS-040]**, paragraphs 7.3.192 and 7.3.193). On the number of people affected, **ES Appendix 7.2 [APP-109]** selects representative viewpoints using,

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		among other criteria, the "Number and sensitivity of people who could be affected" (the second paragraph numbered 7.2.16). **ES Appendix 7.4 [AS-042]** assigns each receptor group to its viewpoint in the summary table introduced at paragraph 7.4.20. Each narrative identifies the group. Where relevant it also gives the extent of the group affected. An example is a limited number of properties along the southern edge of Conisbrough at Viewpoint 10 (**ES Appendix 7.4 [AS-042]**, paragraphs 7.4.167 and 7.4.172). The Applicant's position is that the narratives address these factors. As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on landscape and visual receptors and will include additional commentary on the relevant factors of magnitude where deemed necessary.
RR-2316/99	4.3.7 With regards to viewpoints, the selected (and agreed) locations appear to cover relevant receptors (recreational users, road users, residents etc); however, following a site familiarisation visit by the Stantec landscape team it was found that a large number of sensitive receptors may have been omitted, including local PRoW users (raised within the LPAs PMIE as a main issue), long-distance path users, road users and residents. In addition, a relatively large number of viewpoints (11 in total), were scoped out of the assessment as a result of screening by vegetation, one which was combined with another, and one relocated by agreement. It is	The 68 viewpoints initially identified were informed by the Scoping Opinion and stakeholder engagement (**Environmental Statement (ES) Appendix 7.4: Representative Viewpoint Assessment [AS-042]**, paragraph 7.4.19). The ES records that the additional viewpoints recommended by the Council were considered and agreed (**ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, Tables 7-1 and 7-4). Their placement, and the removal of Viewpoint 54 because of screening by vegetation, were covered in an email exchange with the Council

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	generally considered good practice that where views from a previously selected viewpoint location are screened by vegetation or built form etc. that the surveyor should seek the nearest possible location where views are available. It is recognised that at times this may not be possible; however, this typically may occur with only a small number of locations across a large number of viewpoints (as is the case here). It is also the case that viewpoints with no visibility (particularly if previously agreed) can still be used to provide evidence of no visibility. This is however down to the assessor's preferred approach and is not mandatory.	on 2 July 2025. Viewpoints were discussed with Stantec, on behalf of both councils, in May 2026 (**ES Chapter 7 [APP-059]**, Table 7-4). The summary table introduced at paragraph 7.4.20 of **ES Appendix 7.4 [AS-042]** assigns a representative viewpoint to each receptor group. This includes each type the Council lists in the representation. Chapter 7 Figures 7.4.4 to 7.4.6 map the public rights of way and private receptors against the Zone of Theoretical Visibility (ZTV) (**ES Chapter 7 Figures Part 1 [APP-075]**). The Applicant's position is that each receptor type the Council lists, including local rights of way users, is represented by the viewpoints above. As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include a series of additional representative viewpoint locations and corresponding visual receptor groups following the feedback received.
RR-2316/100	4.3.8 Within Appendix 7.4: Representative Viewpoint Assessment it is stated in relation to fieldwork that "Winter visits were undertaken in March 2025 and February 2026. The summer visit was undertaken in July 2025." Chapter 7: Figures: Representative Viewpoints, Figures 7.4.7 – 7.4.62 however state the dates of photography to be April 2025 (29/04/2025, 30/04/2025), May 2025 (01/05/2025, 02/05/2025), September 2025 (4/09/2025,16/09/2025, 17/09/2025,18/09/2025), April 2026 (21/04/2026, 22/04/2026, 24/04/2026, 25/04/2026, 30/04/2026), and	As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which will include cross-checking associated survey dates and updating dates of field work where required.

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	September 2026 (16/09/2026). This may be an error either within the survey dates in the Appendix, or the dates on the photo sheets themselves may be incorrect. Clarification is required on this matter.	
RR-2316/101	4.3.9 The LVIA utilises intermediate criteria in relation to sensitivity, magnitude and level of effect. While there is no clear guidance on whether or not intermediate judgements should be used, it can at times be difficult to follow and potentially underplay effects. As an example, Table 7.2.6: Visual Susceptibility within Appendix 7.2: Landscape and Visual Impact Assessment Methodology states that residents at home are judged to be of high susceptibility; however in a number of instances (for instance at VP4, VP5, VP34, and VP37) residents are assessed as being of medium-high susceptibility, and in other instances (for instance VP17, VP20, VP21 and VP22) residents are assessed as being of medium susceptibility. This lack of consistency with regards to judgements could call into question the validity of the findings. The Applicant should provide some reasoning for these judgements where they stray from those prescribed in the Methodology. Where this variation in susceptibility occurs it should be accompanied by detailed reasoning, such as non-primary views, extensive vegetation within the curtilage etc.	The visual susceptibility table in **Environmental Statement (ES) Appendix 7.2: Landscape and Visual Impact Assessment Methodology [APP-109]** gives typical criteria, not fixed classes. The methodology adopts a three-point scale with intermediate levels where appropriate, supported by a reasoned narrative (paragraph 7.2.30). It explains that the table covers only the occupation or activity of the viewer and where their attention is focused. The judgement must therefore be adjusted for the visual amenity people currently experience (**ES Appendix 7.2 [APP-109]**, paragraphs 7.2.27 and 7.2.28). Detracting features in a view may reduce susceptibility (paragraph 7.2.29). This follows the statement in the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3), quoted at paragraph 7.2.28 of **ES Appendix 7.2 [APP-109]**, that the division between categories "is not black and white and in reality, there will be a gradation in susceptibility to change". Each viewpoint narrative states the susceptibility given to residents with a short reason, for example paragraphs 7.4.25, 7.4.96 and 7.4.268 of **ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**. The resulting sensitivity is stated in each case. As part of the ongoing engagement, the Applicant will submit an update to **ES Appendix 7.2 [APP-109]**, which will seek to

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		provide additional clarity around judgements and where appropriate submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1.
RR-2316/102	4.3.10 The decision to not undertake a Residential Visual Amenity Assessment (RVAA) by the Applicant is agreed given that where major adverse and significant visual effects are predicted over an extended period (i.e. 15 years after planting) no residential properties are predicted to experience overbearing or overwhelming change. The LVIA would however benefit from a clearer understanding of the reasoning behind its non-inclusion.	Noted that the reasons for not undertaking the RVAA have been accepted. An RVAA was not undertaken because, with the design changes, no effect was judged so overbearing or overwhelming on a property that living conditions would be affected (**Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, paragraph 7.4.40). As part of the ongoing engagement, the Applicant will submit an update to the **ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1 to provide a clearer understanding on RVAA matters and its non-inclusion, which is supported.
RR-2316/103	4.3.11 With regards to measures taken to provide safe access for construction vehicles (i.e. vegetation removal as illustrated on Figure 2.9.1: Vegetation Removal Plans) the LVIA does not discuss potential changes to views as a result of removal. For instance, at VP44: Upper Whiston (East), Field Lane / Whiston Bridleway No.20 extensive hedgerow removal is planned (Ref. H22 - H25) along the northern and southern carriageway of Morthen Lane along with an access track which would result in the conspicuous presence of vehicles and associated construction movements. In this instance the LVIA identifies a medium to high magnitude of change stating that “construction activity would be visible for a moderate to large proportion of the view”. Although we	The Applicant notes the Council's comments on vegetation removal for construction access. The construction assessment assumes that vegetation removal is confined to areas that directly conflict with construction and where avoidance is not feasible. These are mainly where the Cable Corridors cross field boundaries (**Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, paragraph 7.4.49). Access points have been placed to minimise removal. Vegetation at visibility splays is proposed to be coppiced rather than removed (**ES Chapter 7 [APP-059]**, paragraph 7.6.20). The sections identified for

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	would agree with the overall finding there is no mention of vegetation loss which would potentially open views further. The majority of hedgerow loss is across short sections, and these are identified within Appendix 7.3: Landscape Character Baseline and Assessment where relevant. A short paragraph within the introduction section of the LVIA to describe hedgerow loss / management across the Scheme would be useful. Appendix 7.3 also makes reference to "Assumed clearance of up to 6m of hedgerow and vegetation along the Cable Corridor". In line with Figure 2.9.1 it would appear that the majority of hedgerow loss would be to facilitate access for solar panel construction, and hedgerows within the cable corridors would require "to be managed at 0.25m during construction". Hedgerow loss to facilitate access would appear to be far greater than 6m overall and should therefore be calculated and set out in the LVIA / Appendix 7.3 / Appendix 7.4. 4.3.12 In terms of embedded mitigation, the proposals appear to take account of all reasonable measures with regards to offsets, and Table 7-11 Location Specific Landscape and Visual Mitigation Measures provides a useful overview of the steps taken.	removal, or for management at 0.25m during construction, are shown on the **Vegetation Removal Plans [AS-007]**. Keeping removal to what is needed for access and construction is secured through the Construction Environmental Management Plan (CEMP) under Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**. This does not apply to permitted preliminary works, which include site clearance and vegetation removal (article 2 of the **dDCO [AS-009]**). Viewpoint 10: Conisbrough (South) is on a footpath on the southern edge of Conisbrough. It represents views from properties along that edge (**ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**, paragraph 7.4.167). Construction would be in the distance to the south, largely screened by landform and vegetation. It would add visual clutter within a small proportion of the view and be visible from a limited number of properties. This gives a low magnitude of change (**ES Appendix 7.4 [AS-042]**, paragraph 7.4.172). The construction phase is short-term and reversible. The Applicant's position is that a medium magnitude is not justified at Viewpoint 10. On quantity, **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** calculates the loss. At the maximum 6m access track width, hedgerow loss is approximately 0.57km. That figure excludes visibility splays, where vegetation is proposed to be coppiced rather than removed (**ES Chapter 7 [APP-059]**, paragraph 7.6.20). The splay sections are shown on the **Vegetation Removal Plans [AS-007]**. The loss is about 0.6% of the 95.28km of hedgerow within the

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		Order Limits. The ES reports it as a low magnitude, local, adverse Significant effect in the medium term (**ES Chapter 6 [AS-021]**, paragraph 6.7.44). Losses are sections up to 6m wide per location, at access points and track crossings (paragraph 6.7.62). The figure of up to 6m in **ES Appendix 7.3: Landscape Character Baseline and Assessment [AS-040]** is therefore a width per crossing of the Cable Corridor, not an overall total (paragraph 7.3.6). Where hedgerow removal at temporary cable route accesses cannot be avoided, the hedgerow will be replaced across the wider Order Limits (**outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 4.1.14). The quantity is set out in ES Chapter 6 and each location is shown on the **Vegetation Removal Plans [AS-007]**. A further description in the Landscape and Visual Impact Assessment would not change any judgement.
RR-2316/104	Critique of the Presentation of the Findings of the Assessment 4.2.13 Generally the LVIA is clearly set out, and summary tables are a useful addition given the level of information. The use of Appendices for detailed landscape and visual assessments results in the main Chapter being more digestible. 4.3.14 The sequence of Figures and their associated numbers within Chapter 7: Figures (Part 1) are a little confusing, making them difficult to follow. National Landscape Character Areas also appear on the plan twice for each discrete area (Figure 7.3.1).	The figures are numbered to match the chapter and appendix they illustrate. In **Environmental Statement (ES) Chapter 7 Figures Part 1 [APP-075]**: - Figures 7.1 to 7.11 support ES Chapter 7 itself: the study areas, landscape designations, zones of theoretical visibility (ZTVs) and topography; - figures numbered 7.3.x support **ES Appendix 7.3: Landscape Character Baseline and Assessment [AS-040]**; and - figures numbered 7.4.x support **ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**. Each figure carries its full title and sheet number.

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		Figure 7.3.1 [APP-075] shows the National Character Areas (NCAs) around the Order Limits and its 3km buffer. The Proposed Development lies within NCA 30 Southern Magnesian Limestone and NCA 38 Nottinghamshire, Derbyshire and Yorkshire Coalfield (**ES Appendix 7.3 [AS-040]**, paragraph 7.3.13).
RR-2316/105	4.3.15 The series of ZTVs which accompany the LVIA state in the notes section that OS Terrain 5 Digital Terrain Model (DTM) data was used to inform theoretical visibility; however, the methodology states that a DEFRA composite 2m First Return Digital Surface Model (DSM) was used. These two datasets can return very different results, therefore the LVIA needs to be clear on which of these is correct. Given that theoretical visibility is shown within urban areas it appears likely that DTM data was used.	The basemapping used for each iteration of the ZTV will be reviewed and discussed as part of the progression of wider LVIA matters. An update to the ZTV, should it be required, will be submitted at Deadline 1.
RR-2316/106	4.3.16 It would be beneficial to show the location of the Substations and BESS on the associated ZTV plans (Figure 7.9 and Figure 7.10).	Figures 7.9 and 7.10 in **Environmental Statement (ES) Chapter 7 Figures Part 1 [APP-075]** are Zones of Theoretical Visibility (ZTVs) run specifically for the Battery Energy Storage System (BESS) and the substations, and are titled as such. Each maps theoretical visibility of that element alone against the Order Limits, the 3km buffer and the viewpoint locations. The location of those elements is fixed by the **Works Plans [AS-005]** as Work Nos. 3 and 4. Their footprints and heights are limited by the **Outline Design Parameters [APP-158]**, Table 2.1: BESS buildings up to 8m and substations up to 13.5m above ground level. The visual effects of these elements are assessed at the representative viewpoints in **ES Appendix 7.4: Representative Viewpoint Assessment [AS-042]**.

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		Adding their footprints to Figures 7.9 and 7.10 in **ES Chapter 7 Figures Part 1 [APP-075]** would not change the ZTV or any assessment.
RR-2316/107	Outline Landscape and Ecological Management (oLEMP) 4.3.17 The oLEMP (Volume 5: Reports and Statements 5:13 Outline Landscape and Ecological Management Plan provides a thorough overview of "the short and long-term practices that will be implemented to establish, monitor, and manage landscape and ecology mitigation and enhancement (biodiversity net gain) measures embedded in the design)." The oLEMP is also Appended with the Indicative Landscape Mitigation Plan (Appendix A) and Indicative Permissive Path Plan (Appendix B). A review of the oLEMP has been undertaken to understand where the mitigation proposed has effectively altered and reduced the potential effects associated with the Proposed Development, and potentially where additional measures could be taken to maximise its potential. The LVIA also summarises mitigation proposals in Section 7.6: Embedded Mitigation Measures. It is appreciated that the oLEMP is an outline document, with further detail expected to follow during the post-consent stage of the application. 4.3.18 Species selection should align with those identified within Appendix 6.14: Arboriculture Survey and Tree Constraints Plan but may also include additional suitable species in order to diversify existing conditions. For instance, within the oLEMP Table 7.3: Indicative mix for proposed native tree belts, Carpinus betulus (Common Hornbeam), and Tilia cordata (Small-leaved Lime) are identified within the mix, however they are not present within the Arboriculture Survey. These additional species may however be acceptable to diversify existing conditions.	The species mixes in the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** are indicative. The final mixes are fixed at detailed design with reference to local character, which allows the alignment the Council seeks. Paragraph 7.4.31 of the **outline LEMP [APP-046]** states: "Specific species will be determined through future detailed design work to ensure mixes are reflective of local character, whilst also building in climate resilience." Paragraph 7.4.33 of the **outline LEMP [APP-046]** adds that the tree belts will use a range of native species typical of the region. Paragraph 7.4.34 provides for a specification for woodland and tree belts to be developed from the indicative species in Table 7-3. Common Hornbeam and Small-leaved Lime each make up 10% of the indicative tree-belt mix in Table 7-3 of the **outline LEMP [APP-046]**. They are native species included to diversify the planting, which the Council accepts may be appropriate. The final mixes will be detailed in the LEMP, which is secured by Schedule 2, requirement 7 of the **draft Development Consent Order (DCO) [**AS-009**]**. No part of the development may commence until a LEMP for that part, substantially in accordance with the outline LEMP, has been approved by the relevant planning authority. The species mixes for the parts of the Proposed Development in the Council's area therefore require the Council's approval as relevant

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		planning authority. The Council will have before it the species recorded in **Environmental Statement (ES) Appendix 6.14: Arboriculture Survey and Tree Constraints Plan [APP-107]**.
RR-2316/108	4.3.19 With regards to the presentation of the Indicative Landscape Mitigation Plan, the colour associated with existing vegetation within the legend does not equate with the existing vegetation within the main plan, thereby reducing legibility.	The existing vegetation on the Indicative Landscape Mitigation Plan (Appendix A of the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, Sheets 1 to 7) can be identified from the legend. It is the only category shown in an olive tone. The legend lists it separately from each proposed planting type (hedgerows, hedgerows with trees, scattered trees, scrub, wet woodland, and the grassland and tussock seed mixes). The legend swatch is a lighter tint of the same tone. The plan is indicative. Its notes state that the works shown are illustrative only and subject to change at detailed design. The planting plans that will be implemented are those in the LEMP for each part of the development. These require the approval of the relevant planning authority under Schedule 2, requirement 7 of the **draft Development Consent Order (DCO) [**AS-009**]**.
RR-2316/109	4.3.20 Aside from the occasional area where development boundaries appear a little arbitrary, for instance within the angular, 'bucket-shaped' area of land east of Treeton and north of Wood Lane, the approach to mitigation appears reasonable and attempts to reduce significant effects where possible.	The Council's view that the approach to mitigation is reasonable and seeks to reduce significant effects is noted and welcomed. **Environmental Statement (ES) Chapter 4: Alternatives and Design Evolution [APP-056]** records the approach to mitigation and attempts to reduce the potential for significant effects to arise.
RR-2316/110	4.3.21 The addition of Permissive Paths as identified on the Indicative Permissive Path Plan (Sheets 1-7) is welcomed	The Applicant notes the Council's support for the proposed permissive paths. Paragraph 8.1.2 of the

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	and should provide additional connections for recreational users between existing PRoW, although it is noted that Permissive Paths can be closed at any time by the relevant landowners.	**outline Landscape and Ecology Management Plan (oLEMP) [APP-046]** and paragraphs 5.1.2, 5.1.3 and 5.1.8 of the **outline Public Rights of Way Management Plan [APP-047]** provide for public access throughout operation, with the paths available 364 days a year by permission of the landowner. Schedule 2, requirement 7 of the **draft DCO [**AS-009**]** requires the approved LEMP to be substantially in accordance with the outline LEMP, implemented as approved and maintained throughout operation.
RR-2316/111	**4.4 Drainage** 4.4.1 The Council as LLFA is generally in support of the flood information and surface water strategy outlined in the FRA and SWDS. We have not assessed in detail the flood model data within the FRA as this is expected to be under review by the Environment Agency, though we do not have any objections to the overall findings and approach at this stage. However, there is one key are of concern as follows: **Requirement for Land Drainage Consents for interactions with existing watercourses.** 4.4.2 The Applicant is seeking to disapply this provision in the DCO. However, if the LLFAs do not consent to that disapplication, then a Land Drainage Consent application will be required to allow for any temporary or permanent works that may affect the flow of an ordinary watercourse. 4.4.3 This would require a provision stating that Section 23 of the Land Drainage Act 1991 (prohibiting obstructions or culverts in ordinary watercourses without consent) does not apply to the works authorized by the order. 4.4.4 We must ensure the article also disapplies any local Internal Drainage Board (IDB) or Lead Local Flood Authority	Article 9 (1) of the **draft Development Consent Order (dDCO) [**AS-009**]** seeks to disapply "sections 23 and 32 of the Land Drainage Act 1991 and the provisions of any byelaws made under section 66 of that Act. The Applicant will seek consent from the relevant LLFA. As referred to in the Council's recommendation in paragraph 4.4.6 of its Relevant Representation, the **dDCO [AS-009]** includes protective provisions for the protection of drainage authorities in Schedule 11, Part 3. The drainage authority is the internal drainage board or, where there is none, the lead local flood authority as defined in paragraph 17 of Part 3 of Schedule 11 of the **dDCO [**AS-009**]**. The Applicant considers that the protective provisions for the protection of the Drainage Authorities should satisfy the recommendation made by the Council.

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	(LLFA) byelaws made under Section 66 of the Act that dictate separate approvals. 4.4.5 The separate permit process must be replaced with Protective Provisions embedded in a Schedule of the DCO. **Recommendation** 4.4.6 A specific part should be included in the DCO Schedules detailing "For the Protection of Drainage Authorities". These provisions establish a tailored process where the applicant must still submit plans to the relevant drainage authority (LLFA or IDB) for approval before work begins, maintaining flood risk protections while keeping the workflow legally inside the DCO	
RR-2316/112	**4.5 Heritage** **Context** 4.5.1 The applicant accepts there are numerous heritage assets, the setting of which assets would be subject to change as a result of the construction and operational phases of the Proposed Development. The assets which are likely to be affected by the Proposed Development are set out Chapter 8 of the Environmental Statement (document APP-060). 4.5.2 We note that the applicant has made further revisions to the documents following pre-application discussions. However, further assessment and refinement are required before clear conclusions can be reached. Having regard to the comments of statutory consultees, this is likely to remain a matter for further consideration during the Examination.	The Applicant's position is that the setting assessment (**Environmental Statement (ES) Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]**), reaches a conclusion for each asset assessed and that no further assessments or refinements are required in this regard.
RR-2316/113	**Policy and material considerations** 4.5.3 The applicant's approach to identifying the relevant policies is appropriate overall, however, evidently since the submission the NPPF has been updated and the submission	The heritage assessment is framed against National Policy Statement (NPS) EN-1, which is the primary basis for the decision. Paragraph 8.7.46 of **Environmental Statement (ES) Chapter 8: Cultural**

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	should be reviewed accordingly. Furthermore, we consider the submission should recognise and reference the relevant Conservation Area Appraisals across Whitestone 1, 2 and 3 as material considerations, and the heritage assessments should be refined with this in mind.	**Heritage and Archaeology [AS-019]** concludes on harm by reference to paragraph 5.9.33 of NPS EN-1. The **Planning Statement [AS-015]**, paragraphs 8.4.14 to 8.4.21, weighs that harm against the public benefits. The National Planning Policy Framework (NPPF) is a relevant matter, but the heritage conclusions do not depend on a particular edition of it. The test for less than substantial harm to a designated heritage asset is in NPS EN-1 itself (**Planning Statement [AS-015],** paragraph 8.4.15). The Applicant's general position on the August 2026 NPPF is set out in the response to RR-2316/49, on the references to an earlier draft NPPF in the Planning Statement and other documents. The Applicant considers the setting assessments presented in **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** to have paid appropriate attention to the Conservation Area Appraisals, which includes their evaluation as material considerations. Further details on reference to Conservation Area Appraisals is provided below. Conservation Area Appraisals are within the policy framework the assessment identifies. **ES Appendix 8.1: Legislation, Policy and Guidance [APP-112]** sets out Policy SP 41 of the Rotherham Local Plan (paragraph 8.1.40) and paragraph 8.1.35, sets out Policy 37 of the Doncaster Local Plan 2015, which covers Conservation Areas. Under that policy, proposals affecting the setting of a Conservation Area should take fully into account the significance

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		identified in any published Conservation Area Appraisal. Further Local Plans that mention Conservation Areas and their associated Conservation Area Policies are included in the **ES Appendix 8.1: Legislation, Policy and Guidance [APP-112]**. These include the Rotherham Local Plan: Core Strategy 2013 -2028 , in paragraph 8.1.50; North East Derbyshire Local Plan 2014 – 2034, in paragraphs 8.1.52 to 8.1.53; Local Plan for Bolsover District in paragraphs 8.1.67 to 8.1.68; and in Wickersley Neighbourhood Plan 2012 – 2028 (Adopted May 2022, in paragraphs 8.1.95. Appraisals for Conservation Areas not included in the **ES Appendix 8.1: Legislation, Policy and Guidance [APP-112]** were not included due to not being accessible to the Applicant. Each Conservation Area taken forward from the sieving exercise is assessed individually in **ES Appendix 8.4 [AS-048]**. Each has its own summary of heritage significance. This was informed by setting site visits and the bare earth **Zone of Theoretical Visibility** (ZTV) (**ES Chapter 8 [AS-019]**, paragraph 8.4.56). In the Council's area these are Ulley (**ES Appendix 8.4 [AS-048]**, Table 8.4.5) and Brampton en le Morthen, Harthill, Aston, South Anston, North Anston, Ravenfield, Wales and Laughton en le Morthen (Table 8.4.6). **ES Chapter 8 [AS-019]** reports harm only for the assets listed at paragraphs 8.7.41 to 8.7.45. These include a Minor adverse effect on Ulley Conservation Area. Each of these Conservation Areas

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		is subject to the setting assessment in **ES Appendix 8.4 [AS-048]**.
RR-2316/114	**Relevant assets and sieving** 4.5.4 The applicant concludes in Chapter 8 of the ES that in EIA terms the level of effect would not be significant. The Cultural Heritage and Archaeology chapter finds some Moderate adverse effects on the following assets: • 1010828 Conisbrough Castle, Scheduled Monument • 1491751 Conisbrough Parks Romano-British Villa, Scheduled Monument • Barlborough Hall Registered Park and Garden; and • Barlborough Conservation Area. 4.5.5 Minor adverse effects are predicted for the following assets: • Ulley Conservation Area • 1314636 Hardwick Hall, Grade II Listed building; and • 1151523 Manor House, Grade II Listed building. 4.5.6 The Environmental Statement outlines the Order Limits have been reduced to pull the boundary away from a number of heritage assets (as explained at paragraph 8.6.2 of the Environmental Statement Chapter 8 Cultural Heritage and Archaeology, document APP-060). 4.5.7 However, it is unclear whether the assets referenced in this section of the ES have been subject to further assessment or whether they are now 'sieved out' (document APP-115). Further clarification should be provided on these points as part of an assessment of heritage matters in the manner required by EN-1 and the NPPF.	The Applicant notes the Council's summary of the conclusions of **Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**. The reasoning for each asset is set out from paragraph 8.7.47 of **ES Chapter 8 [AS-019]**. For each of these assets, the level of harm under National Policy Statement EN-1 is assessed as less than substantial, at the lower end of the scale (paragraph 8.7.46). The Council's comments on the approach to assessing harm are addressed in the response to RR-2316/115. The assets named in paragraph 8.6.2 of **Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]** were not automatically sieved out after the boundary changes. All assets were considered for their potential to change in setting, and sieved out or in for further setting assessments, as explained in **ES Appendix 8.3: Sieving Exercise [APP-114]**. Assets taken forward are described and listed in paragraphs 8.3.5, 8.3.11, 8.3.13, 8.3.14, 8.3.16, 8.3.17 and 8.3.20 of **ES Appendix 8.3: Sieving Exercise [APP-114]**. These were assessed, and each has a recorded conclusion in **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]**: - Clifton and Ravenfield Conservation Areas: Each conservation area is assessed individually in Table 8.4.6 of the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]**. **ES Chapter 8**

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		[AS-019] does not list them among assets with harm (paragraphs 8.7.41 to 8.7.45). - Conisbrough Parks Romano-British Villa (1491751) was assessed in Table 8.4.1 of the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** and found to have a Moderate adverse affect due to changes in their setting. - Firsby Medieval Pottery Works, the one non-designated asset taken into the settings assessment was assessed individually in Table 8.4.11 of the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** and found to have No Effect in their change to settings. The assets named at paragraphs 8.6.3 to 8.6.5 of **ES Chapter 8 [AS-019]** are treated the same way. - Blue Mans Bower was assessed in Table 8.4.2 of the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** and found to have No Effect in their change to setting. - Ulley Conservation Area was assessed individually in Table 8.4.5 of the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** and found to have a Minor Effect in their change to settings. Brampton-en-le-Morthen and Harthill Conservation Areas were both assessed individually in Table 8.4.6 of the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** and found to have No Effect in their change to settings. The following assets were not assessed as they did not fall into the methodology criteria explained within

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		ES Appendix 8.3: Sieving Exercise [APP-114] sieved out: - Conisbrough Park Farm. The reasoning for why the Moderate and Minor adverse effects are not significant is in the main chapter as well as the appendix. The level of effect is read from the matrix in Table 8.6 of **ES Chapter 8 [AS-019]**. Under it, a small magnitude of impact on an asset of the highest value gives a Moderate effect. Paragraph 8.4.33 of **ES Chapter 8 [AS-019]** states: "Major and Moderate effects are generally considered to be Significant in EIA terms, although professional judgment has been applied." Paragraph 8.7.47 onwards then sets out in the chapter the judgement for each asset with a Minor or Moderate adverse effect. - For the Conisbrough Parks Romano-British Villa (1491751), paragraph 8.7.73 of **ES Chapter 8 [AS-019]** explains that the surviving subsurface remains, the core of its significance, would be unaffected. The setting change would not alter the legibility of the monument. - For Conisbrough Castle, the change is confined to views south-west from the upper levels of the keep. Key historic views of the core of Conisbrough town and key historic views over the north towards the Don Gorge are unchanged (**ES Chapter 8 [AS-019]**, paragraphs 8.7.62 and 8.7.63). - The equivalent reasoning for Barlborough Hall and Barlborough Conservation Area is at paragraphs 8.7.90, 8.7.91 and 8.7.102 of **ES Chapter 8 [AS-019]**.

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		For each of these assets the level of harm under National Policy Statement (NPS) EN-1 is also stated: less than substantial, at the lower end of the scale (**ES Chapter 8 [AS-019]**, paragraph 8.7.46).
RR-2316/115	**Assessment of harm and impact** 4.5.8 Overall, the assessment of heritage matters is formulated against broader EIA tests of significant and arrives at an overall conclusion of 'less than substantial harm'. However, the assessment seemingly seeks to address both EIA and heritage policy matters in the same generalised way despite the different approach required in EIA terms compared with an assessment of heritage assets in line with EN-1 and the NPPF. 4.5.9 Whilst the approach to 'sieving' assets for further assessment is understandable, there does not appear to be a detailed assessment of the remaining assets nor a firm conclusion of the potential harm to each asset which is contrary to NPPF and EN-1, recognising the NPPF has been recently updated. Nevertheless, it is incumbent on the applicant to properly assess each asset and provide a clear conclusion on an asset by asset basis on the level of harm. The applicant's approach is not supported and without such an assessment the council cannot fully respond on heritage matters. 4.5.10 Chapter 8 and the associated appendices identify the moderate and minor adverse effects summarised above, which the applicant concludes amount to less than substantial harm at the lower end of the scale. However, given the variation in the level of harm identified, a more nuanced assessment is required. This reinforces the concern that individual asset assessments have not been undertaken	The assessment keeps the Environmental Impact Assessment (EIA) test and the heritage policy test separate. It reaches a conclusion on each for every asset. The EIA significance of each effect is derived from the value of the asset and the magnitude of impact (**Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraphs 8.4.32 and 8.4.33 and Table 8.6). The heritage policy conclusion is a separate statement of the level of harm under National Policy Statement (NPS) EN-1 (paragraph 8.7.46). **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** does this asset by asset. For each asset taken forward from the sieving exercise it records: - the value, magnitude and predicted effect, -what contributes to significance and how it would change, a Statement of Compliance setting out the level of harm under NPS EN-1. Moderate effects are generally considered Significant in EIA terms, although professional judgement is applied (**ES Chapter 8 [AS-019]**, paragraph 8.4.33). For Conisbrough Castle, the Conisbrough Parks villa, Barlborough Hall and Barlborough Conservation Area,

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	as required by EN-1 and the NPPF. This is particularly important for assets of the greatest significance, including Barlborough Hall, where the applicant acknowledges that the loss of agricultural land would affect the setting of the asset by diminishing the sense of its historic rural context.	the ES explains why a Moderate Adverse effect is Not Significant for each asset. Core aspects of significance and key views are unaffected, and the change is to elements of setting that make a limited contribution (**ES Chapter 8 [AS-019]**, paragraphs 8.7.63, 8.7.73, 8.7.90, 8.7.91, 8.7.102 and 8.7.103). Paragraph 8.7.45 of **ES Chapter 8 [AS-019]** records no harm to heritage significance for all other assets. The chapter distinguishes Moderate adverse effects on Conisbrough Castle, the Conisbrough Parks villa, Barlborough Hall Registered Park and Garden and Barlborough Conservation Area from Minor adverse effects on Ulley Conservation Area and two Grade II listed buildings (**ES Chapter 8 [AS-019]**, paragraphs 8.7.41 and 8.7.43). It sets out the reasoning for each of those assets from paragraph 8.7.47. At Barlborough Hall, the assessment accepts that the Proposed Development would change views over the rural periphery north of the park. That periphery contributes to a sense of the park's historic rural context. The assessment explains that the principal views south and the key designed views north over the internal features of the park would stay legible. It also explains that much of the surrounding landscape to the east and south would remain unchanged. It then concludes with ' The Proposed Development would not change key internal designed views or views over the rural periphery north of the park, which contributes to a sense of the park's historic rural context' (**ES Chapter 8 [AS-019]**, paragraphs 8.7.90 and 8.7.91; **ES Appendix 8.4 [AS-048]**, Table 8.4.3).

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		In **ES Appendix 8.4 [AS-048]**, the Statement of Compliance for each receptor with a Minor or Moderate Adverse effect places the harm at the lower end of less than substantial harm. Each follows that receptor's own assessment of value, magnitude and change to setting. The Applicant does not agree that an individual asset assessment has not been undertaken, as evidenced in the submitted documentation and summarised above. The Applicant's general position on the August 2026 NPPF is set out in the response to RR-2316/49, on the references to an earlier draft NPPF in the Planning Statement and other documents.
RR-2316/116	4.5.11 As highlighted below by SYAS, these concerns also relate to the approach taken to archaeological matters where adverse effects are anticipated but no mitigation is laid out, nor a justification for no mitigation. It is reasonable to consider the applicant should follow the established evaluation and justification approach, which is currently lacking in the submission.	The Applicant is of the opinion that the approach presented within the ES and supporting documents is robust and proportionate approach. Mitigation for archaeological effects is set out, and where none is proposed the reason is given. **Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**, section 8.6, and **ES Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]** follow the established sequence of evaluation followed by mitigation decisions: - Evaluation: geophysical survey of W1 to W3 and the Cable Corridors, and Phase I trial trenching of the high impact zones (substation and Battery Energy Storage System (BESS)). Phase II non-intrusive survey and targeted trial trenching then follow across the arrays and Cable Corridors, with the trench plans being confirmed with the South Yorkshire

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		Archaeology Service (SYAS) (**ES Appendix 8.7 [APP-119]**, paragraphs 8.7.18 to 8.7.33). - Mitigation by zone: Table 8.7.2 of **ES Appendix 8.7 [APP-119]** assigns the approach for each combination of impact and sensitivity. The approaches are avoidance, preservation in situ under the Archaeological Preservation Strategy, controlled excavation or strip, map and sample before construction, or a watching brief. - Justification where no further work is proposed: the ES gives the reasons for the low impact, low sensitivity zones and for low-value assets such as post-medieval air shafts (**ES Chapter 8 [AS-019]**, paragraphs 8.7.14 and 8.7.24 to 8.7.29). - At the primary substation, the ES predicts complete removal of HAS5/G02, a Moderate Adverse effect before mitigation. It identifies pre-construction excavation to offset it in part, with a Not Significant residual effect once investigation, analysis and dissemination are complete (**ES Chapter 8 [AS-019]**, paragraphs 8.6.23 and 8.7.12). Further consultation between The Applicant and SYAS has also occurred since the submission of the ES and continues to occur where archaeological works are concerned.
RR-2316/117	4.5.12 It is then necessary for the applicant to undertake further consideration of the cumulative impact on the historic environment, as the current level of detail is limited. Given the extent of the proposals, this requires greater consideration and we request further assessment in this regard.	The Applicant considers the cumulative effect assessment as presented in the ES to be robust and proportionate as summarised below. Cumulative effects on the historic environment are assessed in section 8.9 of **Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology**

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		[AS-019]. The assessment uses the long list of cumulative developments in **ES Appendix 17.2: Long List of Developments for Cumulative Effects Assessment [APP-154]**. It covers each kind of effect: - Intra-project effects, where one asset is affected by more than one part of the Proposed Development (**ES Chapter 8 [AS-019]**, paragraph 8.9.3). The following were assessed as part of the Inter-Cumulative Effects: - Direct and indirect physical effects, screened project by project against the heritage assets in the Order Limits. No other project overlaps any of them (**ES Chapter 8 [AS-019]**, paragraphs 8.9.5 to 8.9.8). - Setting effects, for every asset with a Minor adverse effect or greater (**ES Chapter 8 [AS-019]**, paragraph 8.9.9). Eight projects were identified with potential for cumulative setting effects. Five of them have Rotherham planning references: Land off Carr Lane, Ulley (RB2025/0029), Land south of West Bawtry Road, Whiston (RB2025/1420), Land at Long Lane, Whiston (RB2025/1468), Common Farm, Bookers Lane, Dinnington (RB2022/1203) and Land north of Woodall Services, Woodall (RB2026/0228) (**ES Chapter 8 [AS-019]**, paragraph 8.9.10 and Table 8.10). Each affected asset then has its own cumulative assessment with a conclusion. -Tables 8.11 to 8.14 of **ES Chapter 8 [AS-019]** record no inter-cumulative effect on Conisbrough Castle, the Conisbrough Parks villa, Barlborough Hall or the Manor House. -For Hardwick Hall Farmhouse, the cumulative assessment table for that building in **ES Chapter 8**

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		[AS-019] (printed page 100) records that the Common Farm solar farm (RB2022/1203) would increase the magnitude of impact by a small degree. It would not generate notably different effects from the Proposed Development alone, which is Not Significant. -At Ulley Conservation Area, with the Land off Carr Lane scheme, the chapter records a slight further reduction in the legibility of the Conservation Area. This is not notably different from the effect of the Proposed Development alone. The result is a Minor adverse cumulative effect that is Not Significant, with the harm remaining at the lower end of less than substantial harm (**ES Chapter 8 [AS-019]**, Table 8.16).
RR-2316/118	**4.6 Archaeology** 4.6.1 Comments have been provided by South Yorkshire Archaeology Service (SYAS) in respect of archaeology. These are provided below. 4.6.2 SYAS is a joint service maintained by Barnsley Metropolitan Borough Council, City of Doncaster Council, Rotherham Metropolitan Borough Council and Sheffield City Council. It provides archaeological advice to those authorities. This letter sets out SYAS's Relevant Representation in response to the Development Consent Order application for Whitestone Solar Farm. 4.6.3 Archaeological matters are addressed within the Environmental Statement Chapter 8: Cultural Heritage and Archaeology [APP-060], Figures [APP-077] and is supported	The Applicant notes the support of the South Yorkshire Archaeology Service (SYAS) for a proportionate, phased strategy, and its recognition that the approach is broadly consistent with the Archaeology and Solar Farms Good Practice Guide (2026). The Applicant's position is that the mitigation is evidenced, spatially defined, deliverable and secured: - Evidenced: it rests on desk-based, geoarchaeological, walkover and geophysical survey and Phase I trenching. Where evidence is incomplete, every feature interpreted as possible or likely archaeology is assessed as if confirmed (**Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.4.56).

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	by a series of technical appendices including 8.1 Legislation Policy and Guidance [APP-112]; 8.2 Cultural Heritage Baseline [APP-113]; 8.3 Sieving Exercise [APP-114]; 8.3.1 Sieving Exercise Assets [APP-115]; 8.4 Assessment of Indirect Effects to Setting [APP-116]; 8.5 Geoarchaeological Desk-Based Assessment [APP-117]; 8.6 Geophysical Survey [APP-118]; 8.7 Archaeological Investigation and Preservation Strategy [APP-119]; 8.8 Cable Corridor Geophysical Survey Report [APP-120]; 8.9 Phase I Trial Trenching Report [APP-121]. An Outline Written Scheme of Investigation [APP-049] has also been submitted **Summary position** 4.6.4 SYAS supports the principle of a proportionate and phased archaeological strategy for a solar development of this scale. The assessment has included desk-based assessment, geoarchaeological assessment, walkover survey, geophysical survey and targeted intrusive evaluation. The general approach is broadly consistent with the principles of the Archaeology and Solar Farms Good Practice Guide (2026). 4.6.5 The principal concern is whether the submitted archaeological assessment, investigation & preservation strategy and draft DCO provide sufficient information and clear mechanisms to secure proportionate, location-specific archaeological mitigation across the Order Limits. 3 4.6.6 Elements of the pre-consent evaluation remain incomplete; zoning based on impact and archaeological sensitivity is not yet fully defined or mapped; and the relationship between the Archaeological Investigation and Preservation Strategy (AIPS), Outline Written Scheme of	- Spatially defined: it is organised by impact and sensitivity zones (**ES Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]**, Table 8.7.2) and named Heightened Archaeological Sensitivity (HAS) areas (**ES Appendix 8.7 [APP-119]**, Table 8.7.1). The HAS areas are mapped (**ES Chapter 8 Figures [APP-077]**, Figure 8.4). - Deliverable: it sets out the non-intrusive installation methods for preservation in situ, using ballast bases and cabling fixed to the arrays (Annex A of **ES Appendix 8.7 [APP-119]**). Further zoning requests have been accepted by the Applicant since the submission of the ES and are currently in process. - Secured: no part of the development may commence until SYAS has approved the written scheme of investigation for that part. (Schedule 2, requirement 10 of the **draft Development Consent Order (dDCO) [**AS-009**]**). The specific matters SYAS raises, on the completeness of the Phase I investigation, the definition of HAS areas and Unknown Sensitivity Zones, landscape-scale relationships, historic landscape character, ground disturbance and its mapping, preservation by record, evaluation methods, the deliverability of avoidance and decommissioning, are answered in turn in the responses to RR-2316/119 to RR-2316/130. The relationship between the Archaeological Investigation and Preservation Strategy (AIPS), the outline Written Scheme of Investigation (oWSI) and the DCO, including how they

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	Investigation (oWSI), detailed design and draft DCO requirements requires clarification. Consequently, the application does not yet provide sufficient confidence that significant archaeological remains will be identified, evaluated and appropriately avoided, preserved or recorded before works commence. 4.6.7 SYAS considers that the Applicant should demonstrate that the archaeological mitigation proposed is sufficiently evidenced, spatially defined, deliverable and secured for the particular locations and impacts to which it would apply.	are certified and secured, is answered at RR-2316/131 to RR-2316/133.
RR-2316/119	**Principal Issues** Completion and integration of archaeological evaluation 4.6.8 Elements of the planned Phase I archaeological investigation remain incomplete and some reports have not been updated to reflect the most recent position. The final results have therefore not yet been incorporated into the ES, Cultural Heritage Baseline, AIPS or oWSI. 4.6.9 Consequently, the application does not yet present the complete evidence base upon which the final assessment of impact, archaeological significance and mitigation strategy will depend. Unless the outstanding investigations are completed, reported and reviewed sufficiently early, there may be inadequate time to consider whether their results require additional evaluation, design amendment or area-specific mitigation.	This staged approach was built into the application and current uncertainties accounted for with robust assumptions. The Applicant considers the overarching archaeological strategy presented in the **ES Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]**, clearly defines the ongoing and post-consent stages of work required and that these are secured within the DCO. Further details are summarised below. The application identifies which Phase I investigations were incomplete at submission, why, and when they will be reported. **Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.5.5, and **ES Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]**, paragraph 8.7.19, explain that some Cable Corridor parcels and some Phase I trenches could not be completed because of land access and weather. Their outputs will be provided before or during the Examination so that interested parties can comment. The Phase I trenching completed to date is

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		reported in **ES Appendix 8.9: Phase I Trial Trenching Report [APP-121]**, and the Cable Corridor geophysics in **ES Appendix 8.8: Cable Corridor Geophysical Survey Report [APP-120]**. Paragraph 8.7.20 of **ES Appendix 8.7 [APP-119]** expects completion in autumn 2026. A review with the South Yorkshire Archaeology Service (SYAS) will follow, in which the zoning and the scope of survey are updated as required. The assessment was built to withstand this. - It assumes that every feature interpreted as possible or likely archaeology from geophysics, cropmarks or desk-based data is a confirmed buried site and assesses it as such (**ES Chapter 8 [AS-019]**, paragraph 8.4.56). - Solar PV areas where magnetometry confidence is low are treated as Unknown Sensitivity. as set out in the AIPS, Phase II non-intrusive surveys will be undertaken in these areas after consent followed, if required, by Phase II trenching (**ES Appendix 8.7 [APP-119]**, Table 8.7.2). - The Phase II surveys must be completed in time for their results to be reviewed with SYAS and for mitigation to be agreed before construction commences (**ES Appendix 8.7 [APP-119]**, paragraph 8.7.34). Under Schedule 2, requirement 10 of the **draft Development Consent Order (DCO) [**AS-009**]**, no part of the development may commence until SYAS has approved the written scheme of investigation for that part. Intrusive archaeological surveys count as commencement (Requirement 10(5)).

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RR-2316/120	**Definition and mapping of archaeological sensitivity** Areas of Heightened Archaeological Sensitivity 4.6.10 Areas of Heightened Archaeological Sensitivity (HAS) are a central component of the proposed investigation and mitigation strategy. The documents describe them by reference to heritage assets of known regional research value, or with the potential to be of regional research value. However, they do not provide sufficiently clear and consistently applied criteria for determining: - what evidence is required for an area to be designated as HAS; - how archaeological potential, research value and heritage significance are distinguished; - how the boundary of each HAS area has been defined; - how uncertainty in the evidence has been addressed; or - how HAS areas relate to High Sensitivity and Unknown Sensitivity Zones. 4.6.11 Not all locations that may satisfy the stated criteria appear to have been identified and mapped. This is particularly relevant to the cable corridors, where the final survey evidence has not yet been fully integrated into the ES and associated zoning. 4.6.12 The definition, criteria, evidential basis and mapped extent of all HAS areas should therefore be examined and agreed before the zoning is relied upon to determine the scope of post-consent evaluation, preservation or mitigation.	The Applicant acknowledges these comments and also notes that it is currently engaged in an ongoing consultation with SYAS aimed at further defining the zones of archaeological sensitivity across the Site. This additional work that will include the production of updated plans and explanation of the zoning criteria will be submitted at Examination Deadline 3. The Applicant would, however, also like to address where in the application the Areas of Heightened Archaeological Sensitivity (HAS) are defined , and the approach to their boundaries and to uncertainty is set out. Definition **- Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.6.7, defines HAS as heritage assets of known regional research value, or with the potential to be of regional research value. Paragraph 8.6.9 of **ES Chapter 8 [AS-019]** identifies their likely forms: settlement sites, industrial activity, burial sites or areas of high-density archaeological remains. -Listing and mapping -Table 8.7 of the chapter and Table 8.7.1 of **ES Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]** list each HAS with its data source (Historic Environment Record (HER) record, geophysical anomaly or cropmark), its area and the infrastructure affected. They are mapped in **ES Chapter 8 Figures [APP-077]**, Figure 8.4. -Research value is distinguished from lesser potential in the assessment itself. Possible settlements are treated as of higher value because they can contribute to regional research agendas, and field

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		systems as of lower value (**ES Chapter 8 [AS-019]**, paragraphs 8.7.20 and 8.7.22). The relationship between HAS and the sensitivity zones is set out in the chapter, and the zones themselves in Table 8.7.2 of **ES Appendix 8.7 [APP-119]**. The HAS areas are assessed as High Sensitivity zones (**ES Chapter 8 [AS-019]**, paragraphs 8.7.9 and 8.7.15). Undated enclosures, ditches and earthworks, and areas where magnetometry confidence is low, are Unknown Sensitivity until Phase II evaluation assigns them (**ES Chapter 8 [AS-019]**, paragraph 8.7.20; **ES Appendix 8.7 [APP-119]**, Table 8.7.2). There is also provision to add or modify HAS areas as survey results come in (**ES Appendix 8.7 [APP-119]**, paragraphs 8.7.6 and 8.7.12; **ES Chapter 8 [AS-019]**, paragraph 8.6.15). . The Cable Corridor geophysics is still being completed. The trench plan for the corridors will follow discussion of its results with the South Yorkshire Archaeology Service (SYAS) (**ES Appendix 8.7 [APP-119]**, paragraph 8.7.29). The zoning is not applied to determine post-consent work without SYAS. This is because each written scheme of investigation requires SYAS's approval under Schedule 2, Requirement 10 of the **draft Development Consent Order (dDCO) [**AS-009**]**. Further zoning requests have been accepted by the Applicant since the submission of the ES and are currently in process to be submitted at Deadline 3.

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RR-2316/121	Areas of unresolved or uncertain archaeological potential 4.6.13 The definition of Unknown Sensitivity Zones appears too narrow to capture the full range of uncertainty arising from the evidence base. It is principally directed towards undated enclosures, ditches and earthworks identified through geophysical survey or Historic Environment Record data. It does not clearly account for: - isolated or low-density archaeological remains; - remains with weak or negligible magnetic responses; - archaeological activity not expressed as ditched enclosures; - early prehistoric and early medieval remains that may be difficult to detect through magnetometry; or - areas in which magnetic disturbance has prevented reliable interpretation. 4.6.14 This is particularly important in areas affected by the spreading of green waste, where magnetometry survey has not produced reliably interpretable results. Such areas should not be treated as archaeologically blank. Their archaeological sensitivity remains unresolved and should be identified as such in the baseline and sensitivity mapping. 4.6.15 Where other evidence identifies archaeological potential, for example, the Heritage baseline notes the high potential for further heritage assets of Romano-British and Medieval date within the Conisbrough Parks landscape, the inability of magnetometry to provide useable results increases rather than resolves uncertainty. The AIPS should identify how that uncertainty will be addressed through methods appropriate to the anticipated archaeological resource and the nature of the proposed impact.	The Applicant welcomes these comments and agrees that a landscape-scale archaeological approach is key to the design of an effective evaluation and mitigation strategy and notes they are currently engaged in an ongoing consultation with SYAS aimed at further defining the zones of archaeological sensitivity across the Site. The Applicant is currently undertaking an additional review of aspects of the baseline to ensure that the landscape scale archaeological potential of the Site is adequately captured in the zoning plan and the evaluation and mitigation strategy that stems from this plan that will be reported during examination in an updated version of **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]**.. The Applicant would, however, also like to address where in the submitted application the issues of unreliable magnetometry and remains that magnetometry cannot detect, are considered. These are as follows: - **Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.4.56, records the limitation the representation mentions. Geophysics cannot always identify buried features, and is not well suited to more ephemeral features or deposits from earlier prehistory. Paragraph 8.7.20 of **ES Chapter 8 [AS-019]** treats undated enclosures, ditches and earthworks as Unknown Sensitivity. For the assessment, it assumes that possible settlements have the potential to contribute to regional research agendas.

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		- Green waste: **ES Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]**, paragraph 8.7.23, identifies areas of green waste as areas of currently unknown archaeological sensitivity where features are unlikely to have been detected. Table 8.7.2 of **ES Appendix 8.7 [APP-119]** places them in the Unknown Sensitivity zone. There, Phase II non-intrusive survey is followed if required by trial trenching, and mitigation follows the sensitivity the results establish. - Electromagnetic survey: this is to be trialled first on two W1 areas, including the parcel 34 enclosure (HER 04365/01) that magnetometry missed. If the trial is effective, it may be extended to the remaining high-magnetism fields in W1 (paragraphs 8.7.24 and 8.7.25; **outline Written Scheme of Investigation (WSI) [APP-049]**, paragraphs 1.9.7 to 1.9.9). - Conisbrough Parks: the potential SYAS refers to is recorded in the baseline. It finds a high potential for further Romano-British and Medieval assets within W1 (**ES Appendix 8.2: Cultural Heritage Baseline [AS-044]**, paragraphs 8.2.253 and 8.2.321). - Areas not investigated beforehand: in areas with potential for sub-surface remains that are not included in the pre-construction investigations, ground-breaking works are subject to a watching brief. This continues until it can be determined that no potential for preservation remains (**outline WSI [APP-049]**, paragraph 1.9.16). That determination is made in consultation with SYAS (**ES Appendix 8.7 [APP-119]**, paragraph 8.7.43).

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		The methods are agreed in detailed written schemes of investigation approved by SYAS under Schedule 2, Requirement 10 of the **draft Development Consent Order (dDCO) [**AS-009**]**.
RR-2316/122	**Landscape-scale archaeological potential** 4.6.16 The assessment principally describes discrete archaeological sites, Historic Environment Record entries and geophysical anomalies. This is necessary, but may not adequately address the potential significance of relationships between archaeological remains across the wider landscape. 4.6.17 This is particularly relevant within the Conisbrough Parks landscape. The scheduled Roman villa at Conisbrough Parks indicates a locus of elite Roman-period activity centred around the management of an estate. This sits within a wider landscape that also includes evidence for early medieval activity in and around Conisbrough, associations with high-status landholding and the medieval elite centre represented by Conisbrough Castle. 4.6.18 The application does not include an assessment of the significance of this landscape as a multi-period elite centre, including its potential to preserve evidence for continuity or discontinuity between Roman, early medieval and medieval systems of landholding, settlement, routeways and administration. This research potential is itself part of the archaeological interest and heritage significance of the area. 4.6.19 SYAS does not suggest that landscape-scale archaeological interest should automatically be assigned a particular level of significance. Rather, the baseline and investigation strategy should identify where relationships between known and potential remains represent a material	The Applicant welcomes these comments and agrees that a landscape-scale archaeological approach is key to the design of an effective evaluation and mitigation strategy and notes they are currently engaged in an ongoing consultation with SYAS aimed at further defining the zones of archaeological sensitivity across the Site. The Applicant is currently undertaking an additional review of aspects of the baseline to ensure that the landscape scale archaeological potential of the Site is adequately captured in the zoning plan and the evaluation and mitigation strategy that stems from this plan that will be reported during examination in an updated version of **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]** that is to be submitted at Examination Deadline 3. Among other things, this work includes additional consideration of the former Roman Villa estate landscape. The Applicant would, however, also like to note where the **ES Appendix 8.2: Cultural Heritage Baseline [AS-044]** does include discussion on Roman and medieval landscape archaeology, as outlined below: - - For the Roman period it records the research theme of continuity and change from the Late Iron Age into the Romano-British period. This includes questions on field systems, roads and the rural economy (**ES Appendix 8.2 [AS-044]**, paragraphs 8.2.267 and

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	research question and ensure that evaluation and mitigation are designed to investigate or preserve those relationships.	8.2.268). The relationship between Roman assets and the surrounding landscape is also discussed in paragraph 8.2.250 to paragraph 8.2.253. - For the medieval period it records research areas including the geographic distribution of manor sites and their supporting settlements and field systems, and the relationship between high status manors and the wider population. - It also notes the former medieval Deer Park associated with Conisbrough Castle at the centre of W1 (**ES Appendix 8.2 [AS-044]**, paragraph 8.2.313) and the Castle's association with the Deer Park and its estate lands is assessed as part of its setting (**ES Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.7.62).
RR-2316/123	**Historic Environment Character** 4.6.20 The Cultural Heritage Baseline describes aspects of Historic Environment Character, and historic landscape character is considered where it contributes to the setting and significance of selected designated heritage assets. It is not clear, however, whether the assessment has considered potential effects on the inherited character and time-depth of the landscape more generally. 4.6.21 Historic landscape assessment is distinct from, although related to, landscape and visual assessment and differs from the landscape archaeological approach in that it relates to the physical components of the landscape itself rather than buried archaeological features. It considers matters including inherited land-use patterns, historic boundaries, routeways, the legibility of former landscapes and relationships between archaeological sites.	Though, as the representation points out, Historic Environment Character is not considered in the assessment as a separate element of the historic environment, it nevertheless features as a consideration throughout the **Environmental Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]** and associated appendices, most notably, as pointed out, in the **ES Appendix 8.2: Cultural Heritage Baseline [AS-044]** and in the contribution it makes to setting in the **ES Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]**. The time depth of the contemporary landscape and legibility of historic patterns is also considered when discussing the former medieval deer park and processes of enclosure.

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	4.6.22 The Applicant should clarify whether Historic Environment Character has been assessed as part of the cultural heritage assessment and, if so, identify the relevant receptors, assessment criteria and conclusions. If it has been scoped out as a separate consideration, the evidential basis for that decision should be explained.	However, the baseline studies showed that aside from post-medieval and modern fieldscapes, elements of earlier medieval, Roman, or prehistoric landscapes do not survive within the contemporary landscape to the extent that they would warrant separate methodological discussion within the ES. With a view to keeping the assessment proportionate historical landscape archaeology was, therefore, not assessed separately.
RR-2316/124	**Definition and assessment of development-related ground disturbance** 4.6.23 The nature, extent and depth of development-related ground disturbance are not defined with sufficient clarity to allow archaeological impacts and proposed mitigation to be assessed on an area-specific basis. 4.6.24 Particular matters requiring clarification include: - low-voltage and inter-array cabling and associated connections; - foundations for substations and other ancillary equipment; - access tracks, drainage and permissive paths; - construction compounds and temporary working areas; - vehicle tracking, rutting, soil compression and ground levelling; - tree pits, hedge trenches, scrub planting and other landscaping works; - the creation or modification of grassland, scrapes and ecological mitigation features; - the removal of infrastructure during decommissioning;	The Environmental Statement (ES) sets worst-case ground disturbance assumptions for the main elements of the development. It assumes that all remains within the footprint of infrastructure are impacted (**ES Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.4.54). **ES Chapter 8: Cultural Heritage and Archaeology [AS-019]** sets the basis of assessment for the elements SYAS lists: - Cabling: Cable Corridor trenches up to 3m deep, typically 1m to 2m wide and up to 10m wide for multiple circuits, with stripping for haul roads and storage (**ES Chapter 8 [AS-019]**, paragraph 8.4.43). Direct current cabling within the arrays is either fixed to the frames or buried up to 1.2m deep in trenches 0.3m to 1.5m wide (**ES Chapter 8 [AS-019]**, paragraph 8.4.44). - Substations, Battery Energy Storage System (BESS) and PCS: foundations assumed to remove all remains

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	- remediation of tracks and hardstanding; and - soil-loosening or other operations undertaken to return land to agricultural use. 4.6.25 The comparison of some ancillary works with the impact of timber fenceposts does not adequately reflect the potentially greater or more extensive disturbance associated with cabling, drainage, access and landscaping. Similarly, assumptions that overburden will protect archaeological remains from construction traffic do not appear to be supported by sufficiently detailed information about soil and overburden depth. 4.6.26 SYAS recognises that the final location and construction methodology for every element may not yet be available. Nevertheless, the ES should identify credible worst-case parameters, and the control documents should provide a mechanism for comparing the final design against archaeological sensitivity before the relevant works commence.	in their footprint (**ES Chapter 8 [AS-019]**, paragraphs 8.4.39 and 8.7.6). - Access tracks, drainage, fencing and other ancillary works: direct effects limited to their footprint (**ES Chapter 8 [AS-019]**, paragraphs 8.4.40 and 8.4.54). - Compounds: assumed to stay within topsoil and subsoil (**ES Chapter 8 [AS-019]**, paragraph 8.4.41). - Landscaping and ecological works: in areas of tree and hedgerow planting, root action is assumed to be capable of reaching the archaeological horizon (**ES Chapter 8 [AS-019]**, paragraph 8.4.54). Tree and hedgerow planting is assumed to be sympathetic to the location of known archaeology (**ES Chapter 8 [AS-019]**, paragraph 8.4.42). - Decommissioning: works are confined to the construction footprint (**ES Chapter 8 [AS-019]**, paragraph 8.4.51). - Throughout: all subsurface remains within the footprint of infrastructure are assumed to be impacted (**ES Chapter 8 [AS-019]**, paragraph 8.4.54). The fencepost comparison in paragraphs 8.4.38 and 8.4.40 of **ES Chapter 8 [AS-019]** describes how far certain works would damage the features they pass through. These are piles or screws (8.4.38) and the other below-ground works, namely low voltage cabling, access tracks, drainage, fencing and CCTV, and ancillary buildings (8.4.40). The comparison does not describe the area assumed to be affected. For the assessment, all remains within the footprint of infrastructure are taken to be impacted.

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		Where infrastructure is installed on ballast bases across a Preservation Zone, the Archaeological Preservation Strategy excludes heavy plant. It requires matting or road plates and allows installation only in suitable ground conditions (**ES Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]**, paragraph 8.7.70). Archaeological sensitivity is addressed for each part through the written scheme of investigation. Schedule 2, Requirement 3 of the **draft Development Consent Order (DCO) [AS-009]** requires approval of the layout, levels and cable details for each part. Requirement 3(2) requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. Under Schedule 2, Requirement 10 of the **draft DCO [AS-009]**, no part of the development may commence until SYAS has approved the written scheme of investigation for that part. Intrusive archaeological surveys count as commencement (Requirement 10(5)). The Archaeological Investigation and Preservation Strategy (AIPS) requires the Phase II results to be reviewed with SYAS and mitigation agreed before construction (**ES Appendix 8.7 [APP-119]**, paragraphs 8.7.34 to 8.7.36).
RR-2316/125	**Integrated mapping of sensitivity, impacts and mitigation** 4.6.27 The application does not clearly map the predicted areas, depths or forms of construction-related ground disturbance against the known and potential archaeological	The Applicant acknowledges these comments and notes they are currently engaged in an ongoing consultation with SYAS. Additional documents currently being produced by the Applicant are aimed

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	resource i.e. anticipated impact against archaeological sensitivity. 4.6.28 Without integrated impact and sensitivity mapping, it is difficult to demonstrate that the proposed mitigation is proportionate and applicable to the particular locations in which impacts may occur. 4.6.29 SYAS considers that separate figures showing impact areas and archaeological sensitivity and a combined figure showing both to illustrate magnitude of effect, are provided to accompany the Investigation and Preservation Strategy. This will bring the approach more in line with the Archaeology and Solar Farms Good Practice Guide (2026) which recommends defining disturbance zones and sensitivity areas as supporting the development of archaeological methodologies aligned to specific site conditions and project impacts.	at further defining the zones of archaeological sensitivity across the Site and include updates to the AIPS to be submitted at Examination Deadline 3. The package of updates includes the production of plans showing archaeological sensitivity against impact areas. The Applicant would, however, also like to address where in the submitted application the issues raised are considered. The application currently maps the archaeological sensitivity and the infrastructure. It assigns mitigation by combining the two. - Sensitivity: **Environmental Statement (ES) Chapter 8 Figures [APP-077]**, Figure 8.4 (five sheets), maps the Areas of Heightened Archaeological Sensitivity (HAS) against the Order Limits, Historic Environment Record (HER) records and geophysical results. - Infrastructure: the layout is shown on the Illustrative Masterplan (**ES Chapter 5 Figures [APP-073]**, Figure 5.1) and the **Works Plans [AS-005]**. - Combination: the approach for each combination of impact and sensitivity is set out in **ES Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]**, Table 8.7.2. Table 8.7.1 of **ES Appendix 8.7 [APP-119]** records, for each HAS, its land parcel, area and the infrastructure that would affect it. - Assessment: **ES Chapter 8: Cultural Heritage and Archaeology [AS-019]**, section 8.7, assesses the effect zone by zone (High Impact/High Sensitivity, High Impact/Low Sensitivity, Low Impact/High Sensitivity, Low Impact/Unknown Sensitivity and

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		Low Impact/Low Sensitivity; paragraphs 8.7.9 to 8.7.29). The AIPS sets out a proportionate and flexible approach in line with the CIfA Archaeology and Solar Farms Good Practice Guide (2026) (**ES Appendix 8.7 [APP-119]**, paragraph 8.7.9). The final layout is fixed at detailed design, and the zoning is updated after the Phase I and Phase II reviews (**ES Appendix 8.7 [APP-119]**, paragraphs 8.7.20 and 8.7.35). The combined picture for each part is therefore confirmed through the detailed written scheme of investigation. That scheme requires the approval of the South Yorkshire Archaeology Service (SYAS) under Schedule 2, Requirement 10 of the **draft Development Consent Order (dDCO) [AS-009]**. Further zoning requests have been accepted by the Applicant since the submission of the ES and are currently in process.
RR-2316/126	**Archaeological investigation, preservation and mitigation** <u>Archaeological recording and residual effects</u> 4.6.30 The ES indicates that further archaeological work resulting in preservation by record could reduce adverse effects to Not Significant. SYAS considers that this requires clarification. 4.6.31 Archaeological excavation and recording can mitigate the consequences of the loss of archaeological remains by recovering and disseminating information. It does not preserve the remains themselves or reduce the physical	The Environmental Statement (ES) distinguishes the three forms of mitigation that the South Yorkshire Archaeology Service (SYAS) describes. It relies on recording only where the significance of the remains lies in the information they hold. This ncludes: - Avoidance and preservation in situ: in the confirmed Heightened Archaeological Sensitivity (HAS) areas the Archaeological Preservation Strategy is applied, through exclusion or non-intrusive installation. There is therefore no physical impact and no effect (**ES Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraphs 8.7.18, 8.7.19 and 8.7.21).

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	magnitude of their removal. The residual-effect assessment should therefore distinguish clearly between: - avoidance or preservation in situ, which prevents or reduces physical harm; - design measures that reduce the extent or depth of impact; and - archaeological excavation and recording, which mitigate the consequences of accepted physical loss through the recovery of information. The ES should explain how preservation by record has been taken into account in determining residual effects, including the extent to which the significance of the affected asset depends upon information that can realistically be recovered through investigation. 4.6.32 The ES should explain how preservation by record has been taken into account in determining residual effects, including the extent to which the significance of the affected asset depends upon information that can realistically be recovered through investigation.	- Design measures that reduce the extent of impact: micro-siting, re-routing and drilling beneath assets on the Cable Corridors (**ES Chapter 8 [AS-019]**, paragraphs 8.6.16 and 8.6.19). - Recording: excavation is described as offsetting harm, not preventing it (**ES Chapter 8 [AS-019]**, paragraph 8.6.23). The one asset where recording is relied on at present is the possible enclosure HAS5/G02 at the primary substation. It would be removed entirely, which the ES reports as a large magnitude of impact and a Moderate adverse effect (**ES Chapter 8 [AS-019]**, paragraph 8.7.12). The ES explains that the value of this asset lies in its future research potential. The ES says the effect "can, in part, be offset by a programme of proportionate archaeological investigation". It concludes that the effect is not significant once investigation, analysis and dissemination are complete (**ES Chapter 8 [AS-019]**, paragraph 8.7.12).
RR-2316/127	<u>Selection of evaluation methods</u> 4.6.33 The AIPS should adopt an explicitly question-led approach to the selection of evaluation methods. Magnetometer survey is effective for many forms of archaeological remains, but a lack of anomalies cannot in every location be treated as evidence of a lack of archaeology. 4.6.34 The proposal not to trench geophysically blank areas located away from identified settlement should therefore be qualified. The appropriateness of that approach will depend upon:	The Applicant acknowledges these comments and notes current engagement is ongoing with SYAS. Additional documents currently being produced by the Applicant are aimed at further defining the zones of archaeological sensitivity across the Site and providing a rationale for trenching and other evaluation techniques with appropriate updates to the AIPS to be submitted at Examination Deadline 3. The Applicant would, however, also like to address where in the submitted application the issues raised are considered.

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	- the reliability of the survey in the particular ground conditions; - the types and periods of archaeology reasonably anticipated; - evidence from desk-based, topographic, aerial, LiDAR or geoarchaeological sources; - the nature and magnitude of the proposed impact; and - the research questions relevant to the area. 4.6.35 The final strategy should explain how the evaluation method for each area has been selected to address the particular uncertainty identified.	-Where magnetometry is unreliable, the area is currently mapped as Unknown Sensitivity and receives further survey and, if required, trenching (**Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]**, Table 8.7.2; paragraphs 8.7.23 to 8.7.26). -The ES acknowledges that geophysics is poorly suited to ephemeral and early prehistoric remains (**ES Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.4.56). A geoarchaeological desk-based assessment addresses sealed early prehistoric deposits (**ES Chapter 8 [AS-019]**, paragraph 8.5.3; **ES Appendix 8.5: Geoarchaeological Desk Based Assessment [AS-050]**). **ES Appendix 8.7 [APP-119]**, (paragraph 8.7.43). ES Appendix 8.7 records that discussion is ongoing with SYAS to confirm the trench plan for the arrays. The plan will be confirmed in the detailed written scheme of investigation (**ES Appendix 8.7 [APP-119]**, paragraphs 8.7.28 and 8.7.33). The detailed written scheme of investigation for each part requires SYAS's approval under Schedule 2, requirement 10 of the **draft Development Consent Order (DCO) [**AS-009**]**. It must be substantially in accordance with the outline Written Scheme of Investigation (WSI).
RR-2316/128	<u>Deliverability of avoidance and preservation measures</u> 4.6.36 The ES concludes that embedded mitigation will avoid significant effects, but the AIPS recognises circumstances in which high-impact works may affect areas of high archaeological sensitivity. The documents should therefore explain:	The process noted in the representation is described in the Application as the 'Strategy Review Periods' (**ES Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]**). Paragraphs 8.7.34 – 8.7.35 covers the Strategy Review following the end of the Phase II Survey,

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	- the circumstances in which avoidance or preservation in situ may not be achievable; - how such circumstances will be identified; - who will determine the appropriate response; - whether design modification must be considered before excavation; - how any residual effect will be reassessed; and - how the agreed mitigation will be secured.	noting that surveys will be completed in adequate time to allow for the results to be reviewed and discussed with SYAS and for an appropriate approach to mitigation to be agreed and implemented during a clearly defined pre-construction phase, prior to construction commencing. This allows for the decision making referenced in the representation, including the option of avoidance through design modification. The AIPS goes on to say that where preservation by design consistent with the APS is not possible, it is likely that the mitigation of significant buried archaeology would either take the form of controlled archaeological excavation or a strip map and sample exercise. The AIPS also states that after the Phase II review with SYAS, the zoning, scope of investigation and mitigation in the AIPS and the detailed Written Scheme of Investigation (WSI) will be updated as required (**ES Appendix 8.7 [APP-119]**, paragraph 8.7.35). These updates will include a consideration of residual effects. -The agreed mitigation is then to be set out in more detail within one or more site-specific WSIs (**outline Written Scheme of Investigation [APP-049]**, paragraph 1.9.15), which bind the works under Requirement 10. The deliverability of drilling beneath heritage assets, and the fallback where it is not used, is answered at RR-2316/129.
RR-2316/129	4.6.37 The deliverability of particular avoidance measures also requires further explanation. For example, the use of directional drilling beneath heritage assets depends upon	On the Cable Corridors, micro-siting of the cable trench is the first measure (**Environmental**

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	relevant engineering, geological and geotechnical constraints. Where the ES relies upon such measures to avoid significant effects, it should provide proportionate evidence that the measures are feasible or establish an appropriate fallback position.	**Statement (ES) Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.6.16). Where avoidance is not practicable, the fallback is controlled archaeological excavation and close archaeological monitoring to offset harm (**ES Chapter 8 [AS-019]**, paragraph 8.6.23). Further surveys may find heightened sensitivity across a large part or the full width of the construction corridor. If so, a programme of controlled excavation is designed with the planning authority's archaeological adviser and carried out before construction (**ES Chapter 8 [AS-019]**, paragraph 8.7.7). The ES therefore does not rely on directional drilling as the only means of avoiding significant effects, and it sets out the fallback where drilling is not used. The mitigation adopted at each location is fixed in the detailed written scheme of investigation for that part, which requires the approval of SYAS and must be substantially in accordance with the outline Written Scheme of Investigation **[APP-049]** (Schedule 2, Requirement 10 of the draft DCO **[AS-009])."**
RR-2316/130	**Archaeological considerations during decommissioning** 4.6.38 The final decommissioning methodology cannot reasonably be defined at this stage. It is therefore appropriate for the detailed archaeological response to be determined later, but the present control documents should establish the process by which that response will be prepared, consulted upon, approved and implemented. 4.6.39 The oDEMP, AIPS and oWSI should require a phase-specific archaeological decommissioning strategy to be	The Applicant acknowledges the comment and provision for a decommissioning phase specific strategy, including all the steps outlined in the representation, will be added to the outline APS that is part of the updated **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]** to be submitted at Examination Deadline 3. The sensitive decommissioning strategy within the AIPS is secured by reference to this document within Table 1.1 of the **outline Decommissioning**

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	submitted before decommissioning works commence. That strategy should: - review the archaeological evidence available at that time; - identify areas preserved in situ during construction and operation; - assess the proposed decommissioning methodology and ground disturbance; - define any protection, monitoring or investigation required; - identify the role of the archaeological contractor or Archaeological Clerk of Works; and - include arrangements for reporting, archiving and dissemination.	**Environmental Management Plan (DEMP) [APP-044]**. Further details are provided below. The control documents establish the process by which the archaeological response to decommissioning will be prepared, approved and implemented. Requirement 13 of Schedule 2 to the **draft Development Consent Order (DCO) [AS-009]** requires a Decommissioning Environmental Management Plan (DEMP) for each part to be submitted to the relevant planning authority. It must be submitted no later than three months before the intended date of decommissioning, unless otherwise agreed with the relevant planning authority (Requirement 13(2)). The DEMP must be substantially in accordance with the **outline DEMP [APP-044]**. No decommissioning works may be carried out until the relevant planning authority has approved it (Requirement 13(4)). Table 1.1 of the **outline DEMP [APP-044]** applies to areas of heightened archaeological sensitivity and to known and unknown buried archaeology. It requires the same principles, controls and avoidance measures as at construction. It requires decommissioning in archaeologically sensitive areas to follow the sensitive decommissioning strategy in the Archaeological Investigation and Preservation Strategy (AIPS). It also states: "Specific measures will be set out in the DEMP, where required, informed by the archaeological context at the time of decommissioning."

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RR-2316/130a	**Route to resolution** 4.6.40 SYAS considers that these matters are capable of resolution during the Examination through the following measures: - Completion and reporting of the outstanding Phase I archaeological investigations sufficiently early in the Examination to allow their implications to be considered. - Updating the Cultural Heritage Baseline and relevant parts of the ES to incorporate the completed investigations and identify remaining limitations in the evidence. - Defining the criteria and evidential thresholds for HAS, High Sensitivity and Unknown Sensitivity Zones, and explaining the relationship between those categories. - Provide a zoning plan with figures showing scheme impacts, archaeological sensitivity and a combined plan to show magnitude of effect. - Updating the AIPS to identify the decision-making process by which agreed investigation, design avoidance, preservation in situ, excavation, monitoring or other mitigation will be assigned to particular locations. - Ensuring that archaeological evaluation is question-led and uses methods appropriate to the archaeological potential, survey limitations and proposed impacts in each area. - Providing a clear approval mechanism for detailed design measures relied upon to preserve archaeological remains in situ. - Securing the preparation and approval of an archaeological decommissioning strategy before relevant decommissioning works commence.	The Applicant welcomes the South Yorkshire Archaeology Service's (SYAS) recommendations for resolution and agrees with the proposed updates to documentation, save for the final point in relation to amending the **dDCO [AS-009]**, which the Applicant is considering and will provide an update on in due course. For reference, the current mechanism for securing post-consent archaeological works and mitigation is as follows: • Under Schedule 2, requirement 10 of the **dDCO [AS-009]**, a written scheme of investigation (WSI) is required for each part and must be approved by SYAS. It must be substantially in accordance with the **outline** WSI **[APP-049]**. The outline WSI relies on the Archaeological Investigation and Preservation Strategy (AIPS) for the approach to mitigation and for the Archaeological Preservation Strategy (paragraphs 1.9.1 and 1.9.11). As set out in paragraph 8.7.3 of **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy [APP-119]**, the AIPS is to be read alongside the outline WSI. The individual matters listed are also considered in the responses to RR-2316/119 to RR-2316/130, and the relationship between the AIPS, the outline WSI

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	- Amending the draft DCO as necessary to secure the final AIPS, relevant detailed WSIs and phase-specific design measures.	and the draft DCO is answered at RR-2316/131 to RR-2316/133.
RR-2316/131	**Draft DCO and securing mechanisms** 4.6.41 The ES presents both the AIPS and oWSI as integral components of the archaeological mitigation framework. However, only the oWSI is presently identified as a document to be certified under Schedule 13. SYAS considers that the Examination should establish whether the AIPS should also be certified or otherwise expressly secured by the DCO.	Under Schedule 2, requirement 10 of the **draft Development Consent Order (dDCO) [**AS-009**]** no part may commence until a written scheme of investigation for that part has been approved by the South Yorkshire Archaeology Service (SYAS) (sub-paragraphs (1) and (4)). It must be substantially in accordance with the outline Written Scheme of Investigation (WSI) (sub-paragraph (2)). The **outline WSI [**APP-049**]** is listed for certification in Schedule 13. It states that it "secures commitment to delivering measures presented in ES Volume 3, Appendix 8.7" (**outline WSI [**APP-049**]**, paragraph 1.1.4). It relies on the AIPS for the approach to mitigation and for the Archaeological Preservation Strategy (APS) (**outline WSI [**APP-049**]**, paragraphs 1.9.1 and 1.9.11). As set out in paragraph 8.7.3 of the **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]**, the AIPS is to be read alongside the outline WSI.
RR-2316/132	4.6.42 The current AIPS is an overarching framework. It identifies a range of investigation, preservation and mitigation measures but does not yet assign final measures to all specific locations. Following completion of the evaluation programme, a final AIPS should record the agreed archaeological response for each relevant area, including: - areas subject to excavation or other archaeological recording;	The Applicant agrees that following the completion of the evaluation programme the **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [APP-119]** should record the agreed archaeological response for each relevant area and areas in which no further archaeological work is required. An updated AIPS including provision for the production of a final

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	- areas in which remains will be preserved in situ; - the design measures required to achieve that preservation; - areas requiring construction monitoring; and - areas in which no further archaeological work is required. 4.6.43 This would provide a transparent record of the agreed mitigation across the Order Limits, including locations where preservation through design means that no separate investigative WSI is required.	version of the strategy at the end of the evaluation period will be submitted at Examination Deadline 3.
RR-2316/133	4.6.44 SYAS supports the general preservation principles set out in the AIPS and oWSI but Requirement 10 does not appear to provide a clear mechanism for approving the final, phase-specific engineering and construction details upon which preservation in situ will depend. Provision should be made to secure a mechanism to require the detailed design for each phase to accord with the archaeological documents approved under Requirement 10. 4.6.45 The precise drafting should be agreed between the Applicant, the relevant planning authorities and SYAS during the Examination.	Under Schedule 2 Requirement 10 of the **draft Development Consent Order (dDCO) [**AS-009**]** the written scheme of investigation for each part must be approved by the South Yorkshire Archaeology Service (SYAS) before that part commences. For this purpose commencement includes intrusive archaeological surveys . The written scheme of investigation must be substantially in accordance with the **outline Written Scheme of Investigation (WSI) [**APP-049**]**. The oWSI secures the measures in the **Environmental Statement (ES) Appendix 8.7: Archaeological Investigation and Preservation Strategy (AIPS) [**APP-119**]** (see paragraph 1.1.4 of the **outline WSI [**APP-049]). Those measures include the Archaeological Preservation Strategy (APS) (see paragraph 8.7.40 of the **AIPS [APP-119]**).
RR-2316/134	**Archaeology Conclusion** 4.6.46 SYAS supports continued engagement with the Applicant to resolve these matters. Its concern is not that a phased archaeological approach is inappropriate in principle, but that the application must provide a sufficiently clear connection between the emerging evidence base, the impact and sensitivity zoning, the final design, the mitigation	The Applicant notes SYAS's support for continued engagement to resolve the outstanding archaeological matters. SYAS's detailed points, on the evidence base, zoning, ground disturbance, evaluation methods, the deliverability of avoidance, decommissioning and how

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	selected for each location and the mechanism by which that mitigation will be approved and enforced. 4.6.47 Until that connection is demonstrated and appropriately secured, SYAS cannot confirm that the application provides sufficient confidence that significant archaeological remains throughout the Order Limits will be appropriately identified, evaluated and mitigated.	the archaeological documents are secured, are answered at RR-2316/118 to RR-2316/133. The overall approach is set out in the response to RR-2316/118.
RR-2316/135	**4.7 Noise** 4.7.1 The below comments relates to Chapter 14 and its appendices relating to noise <u>Construction noise LOAEL/SOAEL criteria require further justification</u> Table 14-6 defines the LOAEL for construction and decommissioning noise as the relevant BS 5228-1 ABC category threshold, with the SOAEL defined as the Category C threshold values of 75 dB LAeq,T during the daytime, 65 dB LAeq,T during evenings/weekends, and 55 dB LAeq,T at night. However, the ES does not clearly explain the rationale for equating the BS 5228-1 ABC category thresholds with LOAEL, or for adopting the Category C threshold as SOAEL in all cases. DMRB for example, sets the LOAEL as the ambient sound level, and the SOAEL and the ABC category threshold. This is important because, depending on the existing ambient sound level category, the adopted SOAEL may be 10 dB higher than the applicable ABC assessment threshold. The Applicant should provide further justification for the derivation of the construction and decommissioning noise LOAEL and SOAEL criteria, including how these align with BS 5228-1, the PPG noise exposure hierarchy and the NPSE concepts of LOAEL and SOAEL. Where such justification	The Applicant acknowledges the request for further justification in the derivation of LOAEL and SOAEL for construction noise. There is no universally applicable LOAEL and SOAEL for construction noise. While DMRB LA 111 presents one approach to defining these concepts, it was developed specifically for the assessment of major highways construction and careful consideration should be sought before using it outside of that context. Direct comparison with the Proposed Development is therefore not automatically appropriate. Furthermore, DMRB LA 111 adopts a materially different approach to the interpretation of LOAEL and SOAEL than that applied within this assessment (**Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, Table 14-6). Under DMRB LA 111, construction noise levels between the LOAEL and SOAEL are generally associated with a Minor impact, which would typically be regarded as Not Significant. By contrast, this assessment considers effects within this range to have the potential to give rise to Moderate impacts and, depending on the specific circumstances, potentially significant effects. In addition, DMRB LA 111 identifies a Major impact

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	cannot be provided, the assessment should be revisited using criteria more closely aligned with the BS 5228-1 ABC threshold approach.	only where construction noise exceeds the SOAEL by a further 5 dB, an additional criterion that is not explicitly justified within DMRB LA 111 and has therefore not been adopted. The Applicant also does not agree that prevailing ambient sound levels are an appropriate proxy for LOAEL in the context of construction noise. Ambient sound levels may be substantially below established BS 5228-1:2009+A1:2014 (BS 5228-1) threshold values, particularly within quieter rural environments, and BS 5228-1 does not stipulate that the onset of adverse effects occurs at the point where construction noise exceeds the prevailing ambient sound level. Accordingly, the use of ambient sound level as a LOAEL is not considered to represent a generally applicable approach outside of the specific DMRB framework. In the absence of universally accepted construction noise LOAEL and SOAEL criteria, the assessment has adopted a methodology based on BS 5228-1, which represents an established and widely applied approach to the assessment of construction noise. The LOAEL has been defined by reference to the relevant ABC category threshold contained within Table E.1 of BS 5228-1. This approach is considered appropriate because the ABC method identifies the point at which construction noise may give rise to potentially significant adverse effects, taking account of the prevailing ambient sound environment. Consistent with the principles of the Noise Policy Statement for England (NPSE), effects between the LOAEL and SOAEL should be mitigated and

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		minimised where practicable, whilst effects above the SOAEL should be avoided wherever possible. The BS 5228-1 wording of a "potential significant effect" is therefore more appropriately aligned with the onset of adverse effects, and consequently with the LOAEL, than with the SOAEL. The Applicant is also unaware of any published guidance or peer-reviewed evidence demonstrating that significant adverse effects would be expected to arise below the relevant BS 5228-1 ABC threshold values. The SOAEL has been defined by reference to the Category C threshold values within Table E.1 of BS 5228-1, namely 75 dB LAeq,T during daytime periods, 65 dB LAeq,T during evenings and weekends, and 55 dB LAeq,T during night-time periods. This approach reflects the level at which construction noise is generally considered likely to result in materially greater adverse effects irrespective of the prevailing ambient sound environment. It is also noted that the noise insulation trigger levels presented in Table E.2 of BS 5228-1 are broadly consistent with the Category C threshold values, providing additional support that these levels represent the onset of more substantial adverse effects. Accordingly, the Applicant considers that the adopted LOAEL and SOAEL criteria are proportionate, consistent with BS 5228-1, aligned with the NPSE and PPGN noise exposure hierarchy, and suitable for the assessment of construction and decommissioning noise effects.
RR-2316/136	Construction vibration LOAEL/SOAEL criteria require further justification	The Applicant acknowledges the Council's request for further justification of the designated construction

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	Table 14-6 adopts 1.0 mm/s PPV as the LOAEL and 10 mm/s PPV as the SOAEL for construction and decommissioning vibration. The Council notes that the justification for the 1.0 mm/s PPV threshold appears to rely on BS 5228-2 guidance indicating that vibration at this level in residential environments is likely to give rise to complaints, although it may be tolerated where prior warning and explanation have been provided. This description appears to correspond to an adverse response rather than simply the onset of the lowest observable adverse effect. The Applicant should therefore provide further justification for adopting 1.0 mm/s PPV as the LOAEL, including how this aligns with the NPSE and PPG noise exposure hierarchy. Similarly, the adopted SOAEL of 10 mm/s PPV appears to be based on BS 5228-2 guidance describing a level that is likely to be intolerable for more than a very brief exposure in most building environments. The Council considers that this description may sit closer to the upper end of the significant adverse response range, rather than necessarily representing the onset of SOAEL. The Applicant should justify the selected SOAEL and explain why lower vibration thresholds have not been adopted, or provide a sensitivity assessment using alternative, more precautionary criteria.	vibration LOAEL and SOAEL. The Applicant agrees to provide further justification. Firstly, there is no nationally prescribed or universally accepted LOAEL and SOAEL framework for construction vibration. Neither the NPSE nor the PPGN specifies numerical vibration thresholds corresponding to a LOAEL or SOAEL. Consequently, professional judgement is required when establishing assessment criteria that appropriately align established technical guidance with the principles of the NPSE and the PPGN noise exposure hierarchy. In the absence of nationally prescribed criteria, the assessment has adopted thresholds derived from BS 5228-2:2009+A1:2014, which represents an established and widely applied approach to the assessment of construction vibration effects. The LOAEL has been defined as 1.0 mm/s PPV. This value is derived from BS 5228-2, which states that vibration at this level in residential environments is likely to cause complaint but can be tolerated where prior warning and explanation have been provided to residents. The Applicant acknowledges that professional judgement is required when relating this description to the NPSE and PPGN hierarchy. However, while complaints may arise at 1.0 mm/s PPV, BS 5228-2 explicitly recognises that vibration at this level can remain tolerable where appropriate communication and engagement measures are implemented. The PPGN hierarchy indicates that effects below the LOAEL are associated with no observable change in behaviour or quality of life, whereas effects above the

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		LOAEL but below the SOAEL may give rise to small changes in behaviour or quality of life. The fact that vibration at approximately 1.0 mm/s PPV may result in complaints but can nevertheless remain tolerable places it reasonably at the boundary between these two states and therefore provides a proportionate basis for defining the LOAEL. The SOAEL has been defined as 10 mm/s PPV. This value is also derived from BS 5228-2, which states that vibration at this level is likely to be intolerable for any more than a very brief exposure in most building environments. As with the LOAEL, the translation of this descriptor into the NPSE framework requires professional judgement. The PPGN hierarchy indicates that effects above the SOAEL are associated with material changes in behaviour and diminished quality of life. The Applicant considers that a level of vibration which is likely to be intolerable cannot reasonably be regarded as producing only minor or limited behavioural effects. Rather, the onset of likely intolerability represents a logical indicator of the transition from adverse effects to significant adverse effects. The Applicant does not agree that a vibration level which is "likely to be intolerable" should be regarded as representing the upper end of the significant adverse effect range. Instead, it represents the point at which normal tolerance to vibration is likely to break down and material behavioural response becomes likely, which is consistent with the role of a SOAEL within the NPSE framework.

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		The adopted criteria therefore establish a clear progression between effects that may give rise to complaint but remain generally tolerable (approximately 1.0 mm/s PPV) and effects that are likely to become intolerable (approximately 10 mm/s PPV). This provides a logical and consistent framework for distinguishing between adverse effects and significant adverse effects in the context of temporary construction vibration. Furthermore, the Applicant is not aware of any recognised UK guidance that identifies lower vibration thresholds as representing the onset of significant adverse effects for temporary construction vibration. Accordingly, the adoption of lower SOAEL criteria, or the application of alternative sensitivity testing based on lower thresholds, would not be supported by an established technical evidence base. The adopted criteria are also precautionary in their application. Exceedance of the LOAEL does not automatically result in a conclusion of non-significant effects, nor does exceedance of the SOAEL solely determine significance. Rather, effects between the LOAEL and SOAEL are assessed in their specific context, taking account of the magnitude, duration, frequency and nature of the vibration exposure, and may be reported as significant, where justified by the assessment. The Applicant also notes that the adopted vibration thresholds are broadly consistent with the framework applied within DMRB LA 111. In particular, DMRB LA 111 identifies a minor impacts threshold of 0.3 mm/s PPV, a moderate impacts threshold of 1.0 mm/s PPV,

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		and a major impacts threshold of 10 mm/s PPV, which is consistent with the assessment of the Proposed Development (Table 14.3.3 in **Environmental Statement (ES) Appendix 14.3: Construction Noise and Vibration Assessment [APP-148]**). The resulting relationship between the adopted thresholds and significance outcomes (Table 14-10 in **ES Chapter 14: Noise and Vibration [AS-027]**) also broadly aligns with the approach set out in DMRB LA 111. This provides additional confidence that the adopted LOAEL and SOAEL criteria are proportionate and consistent with established UK assessment practice. Accordingly, the Applicant considers that the adopted thresholds of 1.0 mm/s PPV and 10 mm/s PPV are appropriate, proportionate, consistent with BS 5228-2, and suitably aligned with the principles of the NPSE and PPGN hierarchy for the assessment of construction and decommissioning vibration effects.
RR-2316/136a	Construction traffic noise criteria accepted The Council agrees with the assessment criteria used for construction and decommissioning traffic noise.	The Applicant notes the Council's agreement with the criteria used for construction and decommissioning traffic noise.
RR-2316/137	Potential non-residential sensitive receptors have not been clearly identified or assessed The Council notes that the assessment appears to focus on residential receptors, with limited evidence that other potentially noise- or vibration-sensitive receptors have been identified and assessed. The ES should clearly identify all receptor types within the relevant study areas, including, where applicable, schools, healthcare facilities, places of worship, community facilities, recreational areas, commercial	**Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, paragraph 14.4.5, defines a noise-sensitive receptor as any receptor with the potential to be affected by noise. It states that these are typically residential but can include schools, places of worship, recreational areas and noise-sensitive commercial premises. The study areas extend 300m from construction activity, 100m from vibration sources, 50m from construction traffic routes

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	receptors with noise-sensitive uses, ecological receptors where relevant, and Public Rights of Way where prolonged construction exposure or amenity considerations are relevant. The sensitivity of each receptor type should be defined and justified. The Applicant should also explain whether the adopted LOAEL and SOAEL values are appropriate for each receptor type. Criteria derived primarily for residential receptors may not be suitable for all sensitive receptors, particularly where the relevant use, period of sensitivity, duration of exposure, or activity affected differs from residential use. Where non-residential receptors are identified, suitable receptor-specific LOAEL and SOAEL values should be set, justified by reference to relevant guidance, standards and professional judgement, and used in the assessment of likely significant effects. Where receptors have been screened out, the ES should provide a clear justification for doing so. If non-residential sensitive receptors or Public Rights of Way have not been considered, the assessment should be updated to include them or provide a robust explanation as to why they would not be materially affected.	and 2km from operational plant (**ES Chapter 14 [AS-027]**, paragraph 14.4.3). As there are thousands of noise and vibration sensitive receptors within these study areas, it is not practicable or proportionate to consider the noise sensitivity and subsequently noise impacts at each receptor. Accordingly, the 146 assessment locations represent all receptors within those study areas. The assessment adopts a conservative approach to automatically considers all of these to be highly noise-sensitive (paragraph 14.4.8; **ES Appendix 14.2: Baseline Conditions [APP-147]**, Table 14.2-1). Accordingly, no relaxation of the LOAEL and SOAEL criteria is applied for any receptor. Accordingly, no specific receptors have been explicitly screened from the assessment. The initial set of locations (AL001 to AL115) was agreed with Rotherham Metropolitan Borough Council. AL116 to AL146 were added for the Cable Corridors after the design was updated (**ES Chapter 14 [AS-027]**, paragraphs 14.4.9 and 14.4.10). The Council was invited to comment on the proposed locations on 30 April 2025 (**ES Appendix 14.4: Operational Noise Assessment [APP-149]**, paragraph 14.4.3). Noise disturbance to fauna is assessed in **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** (paragraph 14.7.12 of **ES Chapter 14 [AS-027]**), which points (paragraph 6.6.15) to the sufficiency of the **outline Construction Environmental Management Plan [APP-042]** in

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		controlling noise and vibration, and concludes that noise effects would be Not Significant (Section 6.7). Should additional residential or non-residential receptors be identified through the detailed design stage, these will be assessed appropriately with reference to relevant guidance, standards and professional judgement, and used in the assessment of likely significant effects.
RR-2316/138	<u>Cable Corridor duration assumptions are not clearly evidenced or secured</u> The Council notes that the ES concludes that noise impacts from Cable Corridor works would generally be short-term, with exposure at receptors expected to last for "a matter of hours" as the works progress linearly. However, this assumption has not been clearly evidenced or secured. Cable corridor works may be prolonged in some locations due to joint bays, trenchless crossing launch or reception areas, utilities constraints, difficult ground conditions, access limitations, archaeological or ecological constraints, reinstatement works, or other construction complexities. The Applicant should therefore provide further evidence to justify the assumed duration of cable works in proximity to noise-sensitive receptors, including anticipated rates of progress and identification of locations where works may remain static or semi-static for longer periods. Where prolonged works could occur near receptors, the assessment should consider the potential duration of exposure against the adopted significance criteria. The CEMP should also secure controls requiring additional mitigation, monitoring, community liaison and, where necessary, prior notification to and agreement with the relevant Council where cable works	Paragraph 14.4.52 of **Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]** explains that the final construction methodology, programme, plant selection and sequencing will be confirmed following appointment of the construction contractor. Consequently, the assessment has been undertaken using an indicative construction programme and plant schedule derived from experience of comparable cable installation projects. Based on experience of similar developments, cable corridor construction typically progresses at rates in excess of 100 m per day under normal construction conditions. The precise rate of progress has not been specified within the **outline Cable Construction Method Statement [APP-052]** because it will ultimately depend on the detailed construction programme and site-specific constraints encountered during construction. Such constraints may include existing utilities, ground conditions, access restrictions, archaeological or ecological requirements, reinstatement activities, and other factors that can affect the rate of advance. Whilst certain activities may require construction operations to remain in a particular location for longer

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	are expected to occur near receptors for longer than assumed in the ES.	periods, these activities are limited in extent. For example, joint bays are required at intervals of 500 to 1,000 m (**outline Cable Construction Method Statement [APP-052]**, paragraph 1.6.21). Where relevant the location of joint bays will be considered during detailed design and construction planning to minimise potential effects on nearby noise-sensitive receptors. The location of the joint bays will be considered in relation to noise-sensitive receptors and where relevant these will be consulted with the relevant local planning authority, to be secured in the detailed CEMP. Trenchless crossing works would similarly be restricted to discrete locations. Drilling launch would be located no closer than 80 m from noise-sensitive receptors and would be provided with acoustic hoarding where necessary, in accordance with the commitments set out in the **outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2. The potential for localised delays associated with utilities constraints, difficult ground conditions, access limitations, archaeological or ecological constraints, reinstatement requirements or other construction complexities is acknowledged. These matters will be managed through detailed construction planning and implementation of the CEMP. In addition, where works are expected to remain in proximity to noise-sensitive receptors for longer than assumed in the ES assessment, additional control measures will be consulted on and implemented where necessary relating to construction noise management,

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		monitoring, community liaison and advance notification to affected receptors and the relevant local authority.
RR-2316/139	<u>Piling noise and vibration assumptions appear inconsistent and require clarification</u> The Council notes that the construction noise assessment appears to be based on a rotary piling rig, whereas the construction vibration assessment appears to be based on a vibratory piling rig. This creates uncertainty regarding the piling method or methods that have been assessed and whether the assumptions are internally consistent. The assessment does not justify why other potentially noisier piling techniques or piling rigs have not been considered. Piling noise and vibration can vary materially depending on the method used, plant selection, ground conditions, pile/post type, installation duration and proximity to receptors. It is therefore not clear whether the assessed piling plant represents a reasonable worst case for both construction noise and construction vibration. The Applicant should confirm the piling method or range of methods that may be used, identify the specific plant assumptions and source data used in both the noise and vibration assessments, and justify why these are representative or worst case. Where the piling method has not yet been fixed, the assessment should either consider the worst-case credible piling method or secure a requirement that the final piling method and plant will be no worse, in noise and vibration terms, than that assessed. The oCEMP should also be updated to include any necessary controls on piling methodology, working hours, stand-off distances, monitoring and prior agreement with the relevant Council where alternative piling methods are proposed.	The Applicant acknowledges the request to clarify assessments consideration of various piling techniques. Construction noise and vibration have been assessed using an indicative construction program (evidenced in ES Chapter 14 [APP-066], paragraph 14.5.52. The assessed piling methods have been chosen based on a review of available source-data within BS 5228-1 & BS 5228-2. A reasonable worst-case of plant was selected for each of the noise and vibration assessments. It is noted in Appendix 14.3 Construction Noise and Vibration Assessment ([APP-148] paragraph 14.3.15) that “the final list of plant and equipment will be determined as part of the CEMP”. It is expected that vibratory piling or a largely similar method will be preferred method of construction for solar installation for the Proposed Development, subject to the results of Ground Investigation work to be carried out prior to the start of construction While the piling rig selected for the construction noise assessment is a rotary bored piling rig, this was chosen as it more representative of the likely scale of piling operations, noting that other piling methods in BS 5228-1 refer to much larger equipment. Should the method of piling differ from the that stipulated in the assessment (Appendix 14.3 Construction Noise and Vibration Assessment [APP-148] Table 14.3.5 and Table 14.3.7) then additional control measures will be

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		implemented if required in consultation with the relevant local authority, secured in the CEMP.
RR-2316/140	Construction vibration effects on Chesterfield Canal and Harthill Reservoir require asset-specific limits and monitoring The Council notes that the assessment refers to Chesterfield Canal and Harthill Reservoir in relation to construction vibration, and relies on a peak particle velocity criterion of 15 mm/s PPV as the threshold below which cosmetic damage to structural elements is not expected. While this provides a useful reference for building cosmetic damage in accordance with BS 5228-2 and BS 7385-2, it does not, on its own, demonstrate that vibration effects on the specific waterway and reservoir assets would be acceptable. The Applicant should therefore consult the relevant asset owners/operators, including the Canal & River Trust where applicable and the relevant reservoir undertaker, to agree appropriate asset-specific vibration limits and monitoring requirements. This should include consideration of potential effects on structural integrity, serviceability, embankment stability, water-retaining structures, and disturbance or mobilisation of bed or bank sediment during works. Any agreed limits, monitoring locations, trigger/action levels and contingency measures should be secured through the CEMP prior to works taking place in proximity to these assets.	The Applicant has committed to protecting the Canal & River Trust's assets through a combination of design measures, construction controls and legally secured approvals. The **outline Construction Environmental Management Plan (oCEMP0 [APP-042]** includes procedures for monitoring, recording and responding to noise and vibration issues, with these commitments secured through Schedule 2, Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**. Mitigation measures secured through the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** include maintaining a 20 m stand-off distance from Harthill Reservoir for piling activities and implementing a vibration management plan to ensure construction vibration levels do not exceed 15 mm/s at the Chesterfield Canal. Furthermore, Schedule 11, Part 5 the **dDCO [AS-009]** includes provides protective provisions for the benefit of the Canal & River Trust which are currently being progressed with the Applicant. Following consultation, the Order Limits were refined to exclude the area around Harthill Reservoir to safeguard the reservoir structure (**Consultation Report [APP-024]**, Table 3.12, Canal and River Trust row.

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		Overall, the Applicant has committed to ongoing engagement with the Canal & River Trust and to implementing measures to avoid adverse effects on canal infrastructure and operations.
RR-2316/141	Construction working hours and out-of-hours controls require clarification The proposed construction hours do not align with the Council's standard construction hours. The Applicant should confirm that noisy works would be restricted to the Council's standard construction hours, unless otherwise agreed in advance with the relevant Council. Any works proposed outside the agreed standard working hours, including exceptional activities such as trenchless crossings or other time-sensitive works, should be subject to prior agreement with the relevant Council through a Section 61 consent under the Control of Pollution Act 1974, where applicable. The Council notes that the oCEMP identifies core construction hours and states that exceptions may be required for trenchless crossings or time-sensitive activities. It also states that works outside core hours will comply with restrictions agreed with the relevant planning authorities. However, the oCEMP does not explicitly commit to obtaining a Section 61 consent under the Control of Pollution Act 1974 for noisy works outside the agreed working hours. The Applicant should update the oCEMP to confirm that any noisy works proposed outside the Council's standard construction hours, including exceptional or continuous working, will be agreed in advance with the Council and, where applicable, subject to a Section 61 consent.	The Applicant acknowledges the request for commitment to seeking Section 61 consent due to the proposed construction working hours differing to the those adopted by the council. The core construction hours as defined in the **outline Construction Environmental Management Plan [APP-042]** proposed by the Applicant are as follows: - 0700 – 1900 Monday to Friday - 0700 – 1300 Saturdays The Applicant proposes use of these core hours, which are the basis of the construction noise assessment. Any work outside of these hours is subject to controls and restrictions which must be agreed with the local planning authorities (**outline CEMP [APP-042]**, paragraph 1.3.9). Where Section 61 consents are required, these will be obtained, as set out in **Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, paragraph 14.6.3 and commitment 44 **Commitments Register [EN0110020/APP/6.20.1]** (Rev 2 to be submitted at PD-A).
RR-2316/142	Operational noise magnitude criteria and +5 dB approach require further justification	The Applicant acknowledges the request for a more detailed contextual appraisal. The Applicant also acknowledges the request for justification where

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	Table 14-11 appears to define Minor impacts where operational rating levels are less than +5 dB above the prevailing background sound level, depending on context; however, the surrounding text appears to imply that levels up to +5 dB may be treated as Not Significant. The Council considers that further justification is required for this approach. BS 4142 identifies that a rating level around +5 dB above background is likely to indicate an adverse impact, depending on context, and does not establish a general acceptance criterion of up to +5 dB above background. The final assessment should therefore include a more detailed contextual appraisal, particularly where the Proposed Development would introduce a new fixed plant noise source with a potentially different acoustic character to the existing sound environment. The Council considers that this contextual assessment should include, where relevant, consideration of audibility, the absolute rating and specific sound levels, the margin above or below the representative background sound level, spectral differences between the existing residual sound environment and the proposed plant noise, and the likely character of the source, including tonality, intermittency, low-frequency content or other distinctive features. Without this justification, the assessment may understate the potential for adverse effects where rating levels approach or exceed the background sound level. In the absence of robust justification, the Council considers that operational rating levels should be designed to not exceed the representative background sound level at noise-sensitive receptors, with exceedance of background treated as the onset of adverse effect. A rating level around +5 dB above background should be treated as the point at which	operational noise rating levels of up to +5 dB may be treated as Not Significant. The assessment of operational noise has been developed on reasonable worst-case inputs and assumptions based on prior experience on similar projects and professional judgement (**Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, Paragraph 14.4.61). BS 4142 states that a difference (between the rating level and the background sound level) of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context. The Applicant agrees with the council's definition of potentially significant adverse effect in that a rating level around +5 dB above background sound level should be considered as the level above which significant adverse effects may arise, but that this is also subject to a contextual assessment. The Applicant's current approach may also consider differences below +5 dB to be a Significant Effect should the contextual assessment conclude as such (**ES Chapter 14 [AS-027]**, Table 14.11). Context has been considered within the operational assessment (**ES Chapter 14 [AS-027]**, Paragraph 14.7.18) and no alterations to the initial impact were made. The approach included in **ES Chapter 14 [AS-027]**, Paragraph 14.7.18 for considering the context is deemed proportionate for the early stage of the design for the Proposed Development.

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	significant adverse effects may arise, subject to context. The Applicant should either adopt this approach or provide clear technical justification for the alternative magnitude criteria used in Table 14-11. The Council also notes that footnote (1) to Table 14-11 refers to further explanation elsewhere in the ES, but the cross-reference is unresolved. The Applicant should correct this reference and provide the missing justification, particularly if absolute rating level caps such as 42 dB LAr,Tr during the daytime and 37 dB LAr,Tr at night have been used to reclassify greater exceedances of background as Minor impacts.	During the detailed design phase of the project, the Applicant has committed to undertaking a noise assessment of the operational impacts which will be documented within the CEMP and include a contextual assessment as part of the Final Assessment under BS 4142 to define the significance of effect at NSRs. As set out in the **outline Construction Environmental Management Plan [APP-042]**, Table 1.2, operational noise levels will be controlled such that noise from the Proposed Development does not give rise to significant adverse impacts on health and quality of life, with embedded mitigation designed to avoid exceedances 5 dB above prevailing background sound levels unless the submitted CEMP confirms the written agreement with a landowner and any occupiers. Any identified formatting errors within **ES Chapter 14 [AS-027]**, including those relating to cross references and stipulations of an absolute rating level cap will be amended.
RR-2316/143	<u>Baseline survey meteorological conditions and wind-direction effects are not presented</u> The Council notes that the measured weather conditions during the baseline noise survey periods have not been presented. The Applicant should provide raw or summarised meteorological data used to validate the survey, including wind speed, wind direction, rainfall and any periods excluded from the dataset due to unsuitable weather conditions. Where data from a nearby weather station have been used, the source and location of that data should be identified. The	The Applicant acknowledges the request for clarification on meteorological data in how it was obtained and utilised. The baseline conditions appendix (**Environmental Statement (ES) Appendix 14.2: Baseline Conditions [APP-147]**, paragraphs 14.2.29 and 14.2.33) describes that weather stations were installed at two locations during the survey period in

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	Applicant should also confirm how weather conditions were reviewed when selecting representative background sound levels and whether any periods affected by adverse or unrepresentative weather were removed from the analysis.This is particularly important because the baseline acoustic environment is reported to be influenced by major road traffic sources. Wind direction can have a material effect on measured sound levels from distant or dominant road traffic sources, with downwind conditions potentially increasing measured levels and upwind conditions reducing them. The Applicant should therefore demonstrate that the selected representative background sound levels are not unduly influenced by atypical wind direction conditions relative to the main road traffic sources, or explain how this has been accounted for in the assessment.	2025 (NML10 & NML22) and at one location during the additional survey period in 2026 (NML25). BS 4142 advises (section 6.4) "Exercise caution when making measurements in poor weather conditions such as wind speeds greater than 5 m/s." The appendix (**ES Appendix 14.2 [APP-147]**, paragraph 14.2.36, page 18) states that noise measurements affected by windspeeds above 5 ms-1 and periods of rainfall have been excluded from the data analysis. It should be noted that periods with windspeeds above 5 ms-1 and periods of rainfall are not automatically excluded, but are treated with caution, reviewed and excluded if deemed applicable. The background sound level has been derived from the resultant data sets from the NMLs after any exclusions have been accounted for.
RR-2316/144	<u>Early morning and evening operational noise periods require specific assessment</u> The Council notes that the operational noise assessment considers daytime and night-time periods, but does not clearly assess the potential for elevated operational noise during the early morning period, particularly between approximately 04:00 and 07:00 hours. This period may be important for solar inverter operation, as plant output and associated cooling/ventilation noise may begin to increase around sunrise, while background sound levels may remain lower than during the later daytime period. The Applicant should therefore provide an assessment or sensitivity check for the early morning period, using representative background sound levels for this period and operational assumptions that reflect credible plant operation around sunrise. This should include consideration of seasonal	The Applicant acknowledges the request for a limited operational noise assessment during the early morning hours (04:00-07:00) to account for summer hours and periods of early sunrise during this time. The Applicant also acknowledges the request for a limited operational noise assessment during within evening hours (19:00–23:00) in the context of residential amenity. BS 4142's standard definition for daytime hours is 07:00 – 23:00. For night-time it is 23:00 – 07:00. This standard definition has been adopted within the operational noise assessment (**Environmental Statement (ES) Appendix 14.2: Baseline Conditions [APP-147]**, Plate 14.2-3). Early morning (04:00-07:00)

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	variation, particularly during summer months when sunrise occurs before 05:00 hours. The Council also considers that operational noise during the evening period, between 19:00 and 23:00 hours, should be specifically considered in the context of residential amenity. Although this period may fall outside the core daytime assessment period, it is a time when occupants are more likely to be using gardens, opening windows, or undertaking quiet indoor and outdoor activities. Background sound levels may also reduce during this period relative to the daytime. The Applicant should therefore confirm whether the daytime operational assessment is representative of the evening period or provide a separate evening assessment using appropriate representative background sound levels and plant operating assumptions. Where evening or early morning noise levels could be higher relative to background than shown in the current assessment, the operational noise assessment and mitigation strategy should be updated accordingly.	The night-time operational noise specific level and corresponding rating level assumes all plant is operating 24/7 at 100%. The exception to this is the Central Inverters which are assumed to operate at a reduced load (~20%) (**ES Appendix 14.4: Operational Noise Assessment [APP-149]**, Table 14.4-1). The predicted night-time specific levels would be unaltered by the request however it would potentially affect the background sound level used for comparison. The background sound levels for night-time periods are based upon guidance from BS 4142 in reviewing of the measured data between 23:00 and 07:00 and deriving a representative value using statistical analysis including modal and mean. From a subjective review of the time history graphs presented in **ES Appendix 14.2 [APP-147]**, it can be observed that the quietest periods of the night-time occur before 04:00. Statistical analysis of the measured data for limited period (04:00 – 07:00) would likely show elevated mean/modal values and therefore an elevated background sound level. This indicates that the background sound level for 04:00 – 07:00 would likely be no less than the background sound levels presented for the whole night-time period (23:00 – 07:00). In summary, the predicted Magnitude of Impact would either remain the same or be lower than current. Therefore, the Applicant does not propose an operational assessment limited to early more periods 04:00 – 07:00. Evening (19:00-23:00)

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		The daytime operational noise specific level and rating level assumes all plant is operating 24/7 at 100% (**ES Appendix 14.4 [APP-149]**, Table 14.4-1). The calculated specific and rating levels (**ES Appendix 14.4 [APP-149]**, Table 14.4-2) are representative of the entire daytime period. The daytime background sound level has been derived as proportionally representative based on the measured noise data. Limiting the daytime periods to periods which are believed to be more sensitive, despite the source operating continuously throughout out the entire period, is speculative. It is possible for NSRs to experience periods of increased sensitivity at other times of the day other than evening (19:00 – 23:00), for example NSRs who occupy the dwellings during the daytime (i.e. those working from home or on a shift pattern). Therefore, the Applicant does not propose an operational assessment limited to evening periods 19:00 – 23:00.
RR-2316/145	<u>Assumed night-time inverter noise reduction requires evidence</u> The Council notes that the assessment assumes inverter noise emissions are reduced during the night-time period on the basis that inverter power output would not exceed 20% between 23:00 and 07:00. However, the relationship between electrical output and sound power level has not been justified. Noise from central inverters may be materially influenced by cooling and ventilation systems, which can depend on ambient temperature, thermal load, and control strategy, rather than electrical output alone. The Applicant should justify the assumed night-time sound power levels,	The Applicant acknowledges the request for clarification on the assumed inverter noise level, specifically on the relationship between electrical load and sound power level. Paragraph 14.4.61 of **Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]** states Operational plant noise source assumptions (presented in **ES Appendix 14.4: Operational Noise Assessment [APP-149]**) are provisional based on professional experience of equipment specifications of similar developments.

ID	Representation	Applicant Response
	including evidence that the stated reduction from the 100% load sound power level to the 20% load sound power level is representative of the selected or worst-case equipment. If this cannot be demonstrated, a more conservative night-time operating noise assumption should be assessed.	The assumed inverter noise level is based upon manufacturer white paper (SMA Solar Technologies) of a central inverter which presents the Sound Power [Sic: Level] of an inverter (power load up to 4600 kVA during grid-feed and power mode under a selection of Apparent Power % levels (varying from ~23%, used for the assessment of night-time operations, to 100%, used for the assessment of daytime operations).
RR-2316/146	<u>Operational source data are based on professional experience rather than candidate manufacturer data</u> The Council notes that the operational noise assessment is based on indicative equipment noise source data and operating assumptions derived from professional experience of similar developments, rather than manufacturer data for candidate plant representative of that proposed. While this may be acceptable for an initial assessment at this stage, the Applicant should demonstrate that the adopted source sound power levels, octave-band spectra, acoustic character assumptions and operating conditions are representative of, or conservative relative to, the plant that could be installed. The Applicant should provide the basis for the assumed source data, including whether the data are derived from measured plant, supplier information, previous project data or generic assumptions. The assessment should also explain how the assumed data relate to credible candidate equipment for the Proposed Development, including	The Applicant acknowledges the request for clarification on the sources of information used to generate the operational noise source levels. Paragraph 14.4.61 of **Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]** states Operational plant noise source assumptions (presented in **ES Appendix 14.4: Operational Noise Assessment [APP-149]**) are provisional based on professional experience of equipment specifications of similar developments verified through a review of available technical specification datasheets and other similar assessments. This is due to the final plant selections not being yet available. The Applicant is committed to undertaking an operational noise assessment of the final detailed design which will be documented within the CEMP. This detailed assessment will demonstrate the potential impact of the final plant selections upon

ID	Representation	Applicant Response
	inverters, BESS containers, PCS units, transformers and associated cooling/ventilation systems. Where final plant selections are not yet available, the Applicant should commit to a detailed design stage review using manufacturer data for the selected equipment. This review should confirm that the selected plant does not exceed the assessed sound power levels, octave-band spectra and acoustic feature assumptions, including potential tonal or low-frequency characteristics. Any exceedance or material change in source characteristics should trigger an updated operational noise assessment and, where required, additional mitigation secured through the OEMP or relevant DCO requirement.	NSRs following the principles of BS 4142 and the effects of embedded mitigation to avoid Significant Effects. This additional assessment work will verify acceptable noise levels at receptor location, and verify the approach to rating levels and context, rather than limit sound power source emissions. Therefore, the review will not confirm that the selected plant will not exceed the assessed sound power levels, octave-band spectra and acoustic feature assumptions, including potential tonal or low-frequency characteristics.
RR-2316/147	<u>Central inverter worst-case assumption requires evidence and alternative inverter layouts may need sensitivity testing</u> The Council notes that the assessment assumes central container inverters represent the reasonable worst-case option, on the basis that these are typically noisier than string inverters. However, this assumption has not been evidenced. The relative noise impact of central and string inverter solutions depends not only on the sound power level of an individual unit, but also on the number of units, their spatial distribution, source height, orientation, cooling strategy, operating regime, tonal characteristics and proximity to noise- sensitive receptors. A greater number of distributed string inverters could, in some circumstances, result in comparable or higher noise levels at particular receptors than a smaller number of central inverter units. The Applicant should therefore provide evidence to demonstrate that the central inverter scenario assessed is	The Applicant acknowledges the request for justification on the assumptions surrounding the inverters including within the operational noise assessment. The operational noise assessment states that selection of central container inverters was a reasonable worst-case, as it is typical that these generate more noise when compared to string inverters (**Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, Paragraph 14.4.62). The modelled scenario includes central container inverters (140 no.) in a realistic worst-case arrangement within the **Works Plans [AS-005]**, as stated in the Table 14.4-1 of ES Appendix **14.4: Operational Noise Assessment [APP-149]** The end design of the power conversion stations is not yet finalised, and therefore there is the potential

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	genuinely worst-case for all relevant receptors. This should include confirmation of the assumed number, location, sound power levels, acoustic character and operating conditions of the inverter option assessed, and comparison with any credible alternative inverter configuration that could be delivered within the Rochdale Envelope. If it cannot be demonstrated that central inverters are worst-case, the assessment should be updated to include a sensitivity assessment of alternative inverter configurations, including distributed string inverter layouts where relevant. The Applicant should also clarify how any alternative technology choice would remain within the assessed Rochdale Envelope. The Council also notes that the operational mitigation described in the ES and outline Operational Environmental Management Plan appears to refer specifically to central container inverters. This implies that the mitigation strategy has been developed around the central inverter option only and may not be directly applicable to a distributed string inverter layout. The Applicant should clarify how embedded mitigation, including minimum separation distances, attenuation requirements, orientation controls and acoustic screening, would apply if string inverters are selected at detailed design. If the mitigation strategy would differ for string inverters, this should be assessed and secured through the detailed operational noise assessment and relevant management plan / DCO requirement.	for various forms of inverter technology to be utilised in the final design of the proposed development It is required under Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009]** Detailed Design Approval Requirement 3(2), that *"The details submitted must accord with the principles and parameters contained in the design approach document and outline design parameters document unless it can be demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval sought would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement"* Operational noise from the proposed development is mitigated using minimum distances, attenuation and barriers in the **Environmental Statement Chapter 14 [AS-027]**, Paragraphs 14.6.15 – 14.6.17. The ES provides that these mitigation measures may be relaxed in instances where the final design is less onerous than the reasonable worst-case scenario modelled in the ES (Paragraph 14.6.22). Should the final inverter technology, location, quantum or spectra be different to those modelled in the Environmental Statement, it would be necessary to, at such a time as that information is available, demonstrate the above to the satisfaction of the relevant planning authority. If a change in technology, such as the change to string inverters, yields higher unmitigated levels, then additional mitigation will be secured through detailed design modelling.

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RR-2316/148	<u>oCEMP incorrectly presents +5 dB above background as an NPSE criterion</u> The Council notes that paragraph 1.3.9 of the oCEMP states that the NPSE "stipulates that an increase of +5 dB above prevailing background noise is not likely to be Significant". This is incorrect. The NPSE does not define numerical noise thresholds, nor does it state that a rating level or increase of +5 dB above background is not likely to be significant. The NPSE sets out policy aims relating to the avoidance of significant adverse effects and the mitigation and minimisation of adverse effects, but it does not prescribe a +5 dB criterion. The +5 dB reference appears to derive from BS 4142, which states that a rating level around 5 dB above the background sound level is likely to indicate an adverse impact, depending on context. It is therefore not appropriate to present +5 dB above background as an NPSE-based threshold below which significant effects are unlikely. A BS 4142 assessment requires consideration of context, including the absolute sound level, the character of the specific sound, the residual sound environment, and receptor sensitivity. The oCEMP should be corrected to distinguish clearly between the NPSE policy aims and the BS 4142 initial assessment guidance. The Applicant should also clarify the operational noise design criterion to be secured through the detailed design and management plans, including how the criterion will avoid significant adverse effects and minimise adverse effects in accordance with the NPSE.	The Applicant acknowledges the request for clarity on the provenance of the +5dB level used to signify the potential for adverse impacts. In the **outline Construction Environmental Management Plan [APP-042]**, paragraph 1.3.9 states that: "Operational noise mitigation has primarily been considered within the context of Noise Policy Statement for England (NPSE), which stipulates that an increase of +5dB above prevailing background noise is not likely to be Significant." It is mentioned in the main noise chapter (**Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, paragraph 14.6.11) and in **ES Appendix 14.4: Operational Noise Assessment [APP-149]** (paragraph 14.4.13) that this value is defined in BS 4142, where "A difference of around +5dB [between the rating level and background sound level] is likely to be an indication of an adverse impact, depending on the context". Given the NPSE aims to "avoid significant adverse impacts", it is considered that +5dB over background is an application of the NPSE policy, using BS 4142, and not a direct stipulation of the NPSE. Therefore, the Applicant intends to amend Paragraph 1.3.9 of the **outline Construction Environmental Management Plan [APP-042]** to provide clarification on this point.
RR-2316/149	<u>Operational noise compliance mechanism and receptor-specific limits are not clearly secured</u>	The Applicant acknowledges the request for further information on operational noise compliance and security.

ID	Representation	Applicant Response
	The Council notes that neither the oOEMP nor the oCEMP appears to secure clear receptor-specific operational noise limits. The oOEMP includes general operational noise mitigation principles, including separation distances, acoustic barriers and reference to source sound power levels reported in the operational noise assessment; however, it does not define enforceable operational rating level limits at noise-sensitive receptors, nor does it clearly specify the compliance criterion to be achieved following detailed design. The Council considers that operational noise controls should be secured through the OEMP and/or an appropriate DCO requirement. These should include receptor-specific operational noise limits or a clearly defined assessment criterion, the plant operating conditions to which the limits apply, any relevant acoustic character corrections and, where relevant, cumulative operational noise. The mechanism should also provide a process for verification through design and post-installation commissioning noise measurements, and set out the actions required if the limits are exceeded, including further mitigation and re-testing. The oOEMP should therefore be updated to include a clear operational noise compliance framework, rather than relying only on general embedded mitigation measures and assumed source sound power levels.	The noise generative component of the development, including PCS, BESS and substations, are controlled by the **Outline Design Parameters [APP-158]** (Table 2.1) to ensure a night-time noise rating level at residential receptors of no greater than 5dB above baseline conditions. This is further secured in Schedule 2, requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]**, by requiring that: *"The details submitted must accord with the principles and parameters contained in the design approach document and outline design parameters document unless it can be demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval sought would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement"* Operational noise is to be controlled, such that the Proposed Development avoids exceedances of 5 dB above the prevailing background at sensitive receptors, set out in the **outline Construction Environmental Management Plan [APP-042]** (Table 1.2). The **outline Operational Environmental Management Plan [APP-043]** (Section 1.8) sets out the monitoring and reporting requirements and schedule that the Operational Environmental Management Plan shall adhere to, with corrective actions and complaints logged.

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RR-2316/150	<u>Operational +3 dB acoustic feature correction requires source- and receptor- specific justification</u> The Council notes that a +3 dB acoustic feature correction has been applied to the operational specific sound levels to account for potential acoustic features. However, the assessment does not provide sufficient justification for the selected correction or explain how each of the relevant BS 4142 acoustic character features has been considered. The Applicant should also clarify whether the +3 dB correction has been applied uniformly to all operational sources and receptors, or to the combined specific sound level at each receptor. The Applicant should provide a clear assessment of whether corrections are required for tonality, impulsivity, intermittency, or other distinctive acoustic characteristics, with reference to the likely characteristics of the proposed plant, including inverters, BESS equipment, PCS units and transformers. The assessment should explain why a single +3 dB correction is appropriate for all relevant plant and receptor locations, or alternatively apply different corrections where the acoustic character is expected to vary by source, operating condition, time period or receptor context. If the +3 dB correction has been applied as a precautionary allowance in the absence of confirmed plant data, this should be clearly stated, and the Applicant should commit to reviewing the acoustic feature correction at detailed design stage once final plant selections and manufacturer octave-band / tonal information are available. Any revised correction should be reflected in the operational noise compliance assessment and secured through the OEMP or relevant DCO requirement.	The Applicant acknowledges the request for clarification on the choice of rating penalty (a.k.a acoustic feature correction) of +3 dB adopted within the operational noise assessment. The +3 dB feature correction has been applied to the combined specific sound level at each receptor (**Environmental Statement (ES) Appendix 14.4: Operational Noise Assessment [APP-149]**, Table 14.4-2). Table 14.4-1 (**ES Appendix 14.4 [APP-149]**) presents indicative spectra for noise sources used in this assessment. These spectra do not include a high degree of tonality and accordingly it is expected that receptors would not be exposed to highly tonal noise from the Proposed Development. Accordingly, no tonal noise penalty is applied in the Initial Assessment. All operation noise sources are not expected produce impulsive noise due to their nature of operation. An increase in heat or solar activity would likely be a gradual increase rather than impulsive. Therefore, no impulsivity noise penalty has been applied in the Initial Assessment. All operational sources are anticipated to operate 24 hours a day, some at reduced load (**ES Chapter 14 [AS-027]** Para.14.4.63). The exception to this is the solar inverters, which are reliant on minimum levels of sunlight upon the solar panels to function. During normal operation, the plant is anticipated to operate in a continuous manor without periods of stops/starts. Therefore, no intermittency noise penalty has been applied in the Initial Assessment.

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		Although it is likely that the need for a correction can be avoided during the detailed design phase, an acoustic feature correction of +3 dB has been applied to the specific level to account for the possibility that operational noise could be distinctive against the residual environment. Equally, the correction has been applied as a precaution due to the final plant selections not being yet available. The Applicant is committed to undertaking an operational noise assessment of the final detailed design which will be documented within the CEMP and will fully justify any feature correction applied as part of reassessment.
RR-2316/151	<u>Inter-cumulative assessment appears to combine rating levels rather than specific sound levels</u> The Council notes that the inter-cumulative operational noise assessment appears to logarithmically combine rating levels from the Proposed Development and other cumulative schemes. This approach requires further justification. A BS 4142 rating level is not a physical sound level, but the specific sound level with any acoustic feature corrections added. Logarithmically adding rating levels may therefore combine both sound energy and assessment penalties, and could result in double-counting or inconsistent treatment of acoustic character corrections. While this approach may be conservative in some circumstances, it does not provide a transparent BS 4142 basis for deriving the cumulative rating level. The Applicant should clarify whether the cumulative calculations have combined specific sound levels or rating levels. Where rating levels have been combined, the Applicant should justify why this is appropriate. The Council	The Applicant acknowledges the request for clarification on the inter-cumulative assessment approach. The Applicant has documented nine developments in within 4km of the Proposed Development with the potential for inter-cumulative noise effects with common receptors (**Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, paragraph 14.9.7). The request for clarification refers to 8 of the identified developments which have had operation noise assessments following the principles of BS 4142. The inter-cumulative identified common receptors before summating their predicted rating level and undertaking a comparison with the representative background sound level. The Applicant will review the assessment approach to determine whether a change would be beneficial.

ID	Representation	Applicant Response
	considers that the preferred approach would be to logarithmically combine the specific sound levels from the relevant developments, then assess the acoustic character of the combined sound and apply any appropriate BS 4142 character correction to derive a cumulative rating level. The inter-cumulative assessment should be updated or clarified accordingly.	
RR-2316/152	Table 14-30 is unclear in its presentation of Moat Lane cumulative operational noise The Council considers Table 14-30 to be unclear and requests that it is revised for clarity. The table is titled as an assessment with Moat Lane BESS NE, but it appears to include both Moat Lane BESS NE and Moat Lane BESS HE. In addition, two columns are labelled "Moat Lane BESS NE Rating Level", even though one appears to relate to Moat Lane BESS HE. This makes it unclear which rating levels are attributable to each cumulative scheme and how the total inter-cumulative rating level has been derived. The table also appears to indicate that the total inter-cumulative rating level is controlled almost entirely by one of the Moat Lane BESS schemes, with the Proposed Development making little or no material contribution. If that is the intended conclusion, it should be stated clearly and supported by transparent calculations. The Applicant should revise Table 14-30 to identify each scheme separately, correct the column headings, confirm whether specific sound levels or rating levels have been combined, and show how the total cumulative levels have been calculated.	The Applicant acknowledges the request for clarification for Table 14-30 (**Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, Table 14-30). The Applicant will review whether Table 14-30 contains formatting/typographical errors in its presentation. For clarity, the total Inter-Cumulative Rating Level is dominated by the Moat Lane HE development with rating levels in excess of 50 dB LAr,Tr and approximately 50 dB LAr,Tr for daytime and night-time periods, respectively. Any identified formatting errors within the document will be amended.
RR-2316/153	**4.8 Transport** 4.8.1 Appendix 1 sets out a review of all highway junctions and access points. Concerns were raised at Statutory Consultation stage which have not been addressed and the	The Applicant has reviewed the assessments contained in Appendix 1 and notes that, of the 51 access locations that fall within the boundaries of Rotherham Metropolitan Borough Council and

ID	Representation	Applicant Response
	Council still has concerns over the layout and appropriateness of many of the junctions.	Derbyshire County Council, 19 remain the focus for further engagement with the respective Authorities. The Applicant has sought to provide a balance in ensuring operational safety is maintained during the construction phase whilst seeking to minimise the overall vegetation clearance of features such as hedgerows for what in some instances are temporary accesses. The Applicant is willing to work with the Local Highways Authorities to agree any temporary traffic management measures, and how these will be enforced or secured as part of the Development Consent Order. Where additional information is requested by the Local Highways Authorities, the Applicant is willing to engage to agree timescales for information to be supplied, reviewed and subsequently introduced into the Development Consent Order Examination. The Applicant notes the Council's comments on the highway junctions and access points. The Council's statutory consultation comments on access are recorded and answered in the application. The final design of every access, including its visibility, requires approval or consent before the part of the development it serves may commence. Its road safety audit requires approval before that part may commence. The Applicant will review the Access drawings contained within the **outline Construction Traffic**

ID	Representation	Applicant Response
		Management Plan [AS-011] and shall update any labelling inconsistencies. Regarding matters of tangential access points to the local highway network, the Applicant will continue to work with the Council to provide any clarification required. The Applicant has sought to provide visibility to the nearside and offsider carriageway edge where the horizontal alignment of the carriageway has dictated their requirement.
RR-2316/153a	**4.1 Conclusion** The proposed visibility splays at the following site access and crossing points are achievable, subject to the implementation of the hedgerow and vegetation removal shown on the proposed access drawings: **Rotherham Metropolitan Borough Council** ***Adopted Highway*** ▪ Access SL-01 – Slacks Lane ▪ Access SL-02 – Slacks Lane ▪ Access WL-02 – Wood Lane ▪ Access WL-02 – Wood Lane ▪ Crossing CBL-01 – Brampton Lane ▪ Crossing CCL-01 – Carr Lane ▪ Crossing CUL-01 – Ulley Lane ▪ Access PEHL-02 – Penny Hill Lane ▪ Access PEHL-03 – Penny Hill Lane	The Applicant notes this comment that the proposed visibility splays listed are achievable.

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	▪ Access HHL-02 – Hawk Hill Lane ▪ Access LR-05 – Long Road ▪ Access CL-03 – Common Lane ▪ Access EFL-01 – Field Lane ▪ Access CC-01 – Common Lane: Common Lane is within RMBC authority boundary, but the access extending north is in DCC authority boundary ▪ Access CC-02 – Common Lane ▪ Access CC-09 – Morthen Lane ▪ Access CC-10 – Morthen Lane ▪ Access CC-14 – A618 Pleasley Road ▪ Access SR-03 – A57 Sheffield Road ▪ Access CC-17A – A57 Sheffield Road ▪ Crossing CWL-01 – Walseker Lane ▪ Crossing CC-26/27 – Woodall Lane ▪ Access/Crossing CFL-01 – Field Lane ▪ Access HHL-03 – Hawk Hill Lane ▪ Access CC-07 – Morthen Road ▪ Access CC-08 – Morthen Road ▪ Access CC-06 – Sandy Lane ▪ Access CC-06C – Sandy Lane/Sherbourne Avenue ***Unadopted Private Land*** ▪ Crossing SEL-01 – Second Lane ▪ Crossing CC-P1 – Private Road off A57 Sheffield Road ▪ Crossing CC-P2 – Private Road off Dog Kennels Hill: vertical visibility is unknown, however this access is on unadopted private land and therefore does not impact the adopted public highway	

ID	Representation	Applicant Response
	▪ Crossing CC-P3 – Private Road off Dog Kennels Hill: vertical visibility is unknown, however this access is on unadopted private land and therefore does not impact the adopted public highway ▪ Access RR-02 – Loverose Way: vertical visibility is unknown, however this access is on unadopted private land and therefore does not impact the adopted public highway	
RR-2316/153b	The proposed visibility splays at the following site accesses and crossing points are unachievable, notwithstanding the implementation of the hedgerow and vegetation removal shown on the proposed access drawings: **Rotherham Metropolitan Borough Council** ***Adopted Highway*** ▪ Access CL-01 – Common Lane: vertical visibility to the south is not achievable ▪ Access HHL-01 – Hawk Hill Lane: vertical visibility to the east is not achievable ▪ Access CC-11 – A618 Pleasley Road: vertical visibility to the south is not achievable ▪ Access CC-13 – A618 Pleasley Road: vertical visibility to the south is not achievable ▪ Access CC-25 – Hard Lane: vertical visibility to the north is not achievable ▪ Access HL-02 – Hard Lane: vertical visibility to the south is not achievable ▪ Access/Crossing CKL-01 – Killamarsh Lane: vertical visibility to the west is not achievable	The Applicant notes the Council's comments on the highway junctions and access points. The final design of every access, including its visibility, requires approval or consent before the part of the development it serves may commence. Its road safety audit requires approval before that part may commence. The Applicant will continue to work with the Council to provide any clarification required.

ID	Representation	Applicant Response
	▪ Access POHL-02 – Pocket Handkerchief Lane: speed survey is required to the south of the access to determine if lower vehicle speeds are recorded, justifying a reduced visibility splay ▪ Access LL-01 – Long Lane: visibility to the north is not achievable ▪ Access LL-02 – Long Lane: visibility to the west is not achievable ▪ Access GCL-02 – Guilthwaite Common Lane: visibility to the northeast is not achievable ▪ Access CC-03 – Bramley Lane: proposed 30mph speed limit will need to be justified via appropriate speed surveys, otherwise the resultant visibility assessment cannot be accepted ▪ Access CC-04 – Lidget Lane: proposed 30mph speed limit will need to be justified via appropriate speed surveys, otherwise the resultant visibility assessment cannot be accepted ▪ Access CC-05B – Lidget Lane: proposed 30mph speed limit will need to be justified via appropriate speed surveys, otherwise the resultant visibility assessment cannot be accepted ▪ Crossing CC-18 – Dog Kennels Hill: proposed 30mph speed limit will need to be justified via appropriate speed surveys, otherwise the resultant visibility assessment cannot be accepted ▪ Crossing CC-19/20 – Lady Field Road: proposed 30mph speed limit will need to be justified via appropriate speed surveys, otherwise the resultant visibility assessment cannot be accepted	

ID	Representation	Applicant Response
	▪ Crossing CC-21/22 – Packman Lane: proposed 30mph speed limit will need to be justified via appropriate speed surveys, otherwise the resultant visibility assessment cannot be accepted ▪ Crossing CC-23/24 – Manor Road: proposed 30mph speed limit will need to be justified via appropriate speed surveys, otherwise the resultant visibility assessment cannot be accepted **Derbyshire County Council** ***Adopted Highway*** ▪ RR-01 – A618 Rotherham Road: vertical visibility to the east is not achievable	
RR-2316/153c	**Appendix A 3.0 Key Discussion Points** 1) The volume and type of construction vehicles expected to utilise each respective access point for the full duration of the project construction will need to be clarified by the Applicant. 2) The expected duration of works at each respective access point will need to be confirmed by the Applicant. 3) Further information is required in relation to the frequency of traffic flows and the associated vehicle type expected to utilise each respective access once the project is operational. 4) Further information is required in relation to the frequency of movements and associated vehicle type for each respective 'crossing' point. Provision of this information is necessary to inform the level of traffic management that may be required at each crossing point.	The Applicant notes the Council's request for information on vehicle volumes, types and durations at each access and crossing point. During Construction, the peak daily two-way worker vehicle and heavy goods vehicle (HGV) trips at each Site access point are set out in Table 3-4, and those at each Cable Corridor access point in Table 3-7, of the **outline Construction Traffic Management Plan (CTMP) [AS-011]**. The vehicle types expected are listed at paragraph 3.8.1 of the **outline CTMP [AS-011]**, and all large vehicles and abnormal indivisible loads must follow the routing strategy agreed with the Local Highway Authority (paragraph 3.8.2). The construction phase as a whole is expected to last approximately 24 to 36 months, but peak construction

ID	Representation	Applicant Response
		traffic will only occur in any one location for a limited portion of that period, as works progress sequentially across the site (**outline CTMP [AS-011]**, paragraph 3.2.1). For the Cable Corridors, the HGV movements to each access point are based on a uniform construction duration of 15 weeks per access point (paragraph 3.7.3). During Operation, maintenance visits are anticipated to occur once per week on average to any one area within the proposed development, by van or other similarly sized vehicles (**Environmental Statement (ES) Chapter 13: Traffic and Transport [AS-025]**, Table 13.1). The Applicant shall continue to liaise with the Council to provide any further clarity required for the construction and operational access to the proposed development.
RR-2316/153d	5) Where any speed survey indicates that traffic speeds are equal to or greater than 40mph, it is maintained that DMRB standards must be utilised to dictate visibility splay requirements. 6) RMBC has confirmed that all visibility standards must align to the desirable minimum Stopping Sight Distance (SSD) standards as detailed within DMRB CD109. In addition, with reference to speed surveys, RMBC will accept a desirable minimum SSD factored in accordance with the results of the speed survey. 7) RMBC has separately confirmed that one step below desirable minimum SSD visibility standards, as detailed within DMRB CD109, will only be considered in instances	The Applicant will continue to engage with the Council in respect to visibility and stopping sight distance requirements. The Applicant has sought to develop an access strategy that seeks to balance operational safety whilst minimising the environmental impact of the proposed development, notably for those access locations that will be temporary in nature.

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	where there is a specific, unavoidable physical constraint that cannot be mitigated, such as a bridge. It should be noted that land ownership is not considered a viable physical obstruction. 8) The design of all access points will need to ensure that forward visibility is not compromised for vehicles on the existing highway, ensuring vehicles have sufficient visibility to safely stop before encountering an unexpected	
RR-2316/153e	9) The implementation of temporary 30mph limits on rural, National Speed Limit roads and how these speed limits will be specifically enforced presents a significant concern with regards to safety. RMBC has separately confirmed that the implementation of 30mph temporary speed limits will not be accepted. 10) Absent of any additional information with regards to the potential enforcement of 30mph temporary speed limits, it is maintained that access point visibility splays are designed in relation to the speed limit of the road or the corresponding speed surveys at each site. 11) A Stage 1 Road Safety Audit (RSA) and Designer's Response will be required for each access point accessible from the publicly adopted highway. It is advised that the Applicant should agree the brief of the RSA and auditors prior to progressing RSAs. 12) A significant proportion of the access points under consideration are situated on narrow, rural roads which possess little margin for larger vehicles to pass each other. The Applicant will need to consider an appropriate mitigation / traffic management strategy to ensure that the construction of each respective access does not require construction vehicles to obstruct the operation of the carriageway.	The Applicant notes the Council's concern about the safety and enforcement of temporary 30mph speed limits on rural roads subject to the national speed limit, and its statement that such limits will not be accepted. The temporary 30mph limits on Bramley Lane, Lidget Lane, Sandy Lane, Long Lane, Crowgate, Dog Kennels Hill, Lady Field Road, Packman Lane and Manor Road are specified in Part 2 of Schedule 7 to the **draft Development Consent Order (DCO) [AS-009]**, under article 18(1)(b). Any provision made under article 18 requires notice to the chief officer of police and the traffic authority, publication in a local newspaper and a site notice at each end of the length of road affected (article 18(5)). The Applicant has sought for the grid connection corridor construction to maximise the use of off network haul routes, thereby minimising road user interface with construction vehicles to any designated crossing points. These crossing points will be temporary in nature to facilitate the cable installation works and therefore the Applicant is seeking to balance operational safety requirements with the aim to minimise overall vegetation loss when considering

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	13) Dependent on the frequency of construction vehicles crossing the highway at designated crossing points, temporary traffic lights / traffic management may be required to safely facilitate crossing vehicles. Further information should be provided by the Applicant in relation to where traffic management measures may be required, and what form these measures will take.	visibility splays. As set out in the response to RR-2316/153, the Council's review gives the need for speed survey evidence to justify the temporary limits at these locations, which is a matter for the detailed design of each access, and the Applicant is willing to work with the Local Highways Authorities to agree any temporary traffic management measures and how these will be secured as part of the DCO. The Applicant notes the Council's advice that a Stage 1 Road Safety Audit (RSA) and Designer's Response will be required for each access point from the adopted highway at an appropriate point during design development. Road safety audits are secured by Schedule 2 Requirement 3 of the **draft Development Consent Order (DCO) [AS-009]**. No part of the authorised development may commence until the relevant planning authority has approved the details of vehicular access, junction improvements and passing places, and the road safety audits, relating to that part (Schedule 2, Requirement 3(1)(f) and (h) of the **draft DCO [AS-009]**). As set out in the response to RR-2316/153, the Applicant is willing to engage with the Local Highways Authorities to agree the approach for the undertaking of Road Safety Audits proportionately, on access points where issues have been raised.
RR-2316/153l	The PRoWMP acknowledges that a number of Definitive Map Modification Orders (DMMO) applications exist within the vicinity of the site; however, these are not identified or mapped. The PRoWMP states that any future routes	The Applicant notes the Council's view that the overall approach to public rights of way management is reasonable, and its request for further information on

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	established through the DMMO process would be managed in a similar manner to existing routes. Further information regarding which DMMO applications have been considered, whether any are likely to affect the Order Limits and whether any could influence the proposed PRoW mitigation strategy should be provided.	Definitive Map Modification Order (DMMO) applications. The **outline Public Rights of Way Management Plan [APP-047]** notes that the Applicant is aware of a number of DMMO applications submitted for consultation with neighbouring local authorities near the Proposed Development. If any orders are made, the routes will be managed during construction and operation in a similar manner to the other rights of way where practicable. As the location of those future public rights of way's is not yet decided and any future proposed DMMO applications unknown, it may be necessary to close or divert any new right of way if required to ensure the deliverability of the Proposed Development (paragraphs 4.6.5 and 5.1.9). The public rights of way management plan for each part must be substantially in accordance with the outline plan and approved by the relevant planning authority (Schedule 2, Requirement 8 of the **draft Development Consent Order (DCO) [AS-009]**).
RR-2316/153m	Several RMBC promoted routes pass through or adjacent to the proposed Whitestone Solar Farm DCO. Further information should be provided regarding the proposed management of these promoted routes.	The Applicant notes the Council's request for information on the management of promoted routes. **Environmental Statement (ES) Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]** identifies the promoted long-distance walking routes that intersect the Order Limits: the Cuckoo Way, Five Churches Walk, Don Valley Way, Rotherham Ring Route, Rotherham Round Walk and South Yorkshire Way (paragraph 15.5.42). The Trans Pennine Trail and National Cycle Network route 6 intersect the Order Limits close to Ulley and Whiston (paragraph 15.5.41). Where these routes use public

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		rights of way within the Order Limits, they are managed through the **outline Public Rights of Way Management Plan [APP-047]**, which provides for retention of access, temporary diversions where necessary, advance notice and signage, and controlled crossing points with priority for path users (paragraphs 4.5.1, 4.6.2 and 4.6.3). **ES Chapter 15 [APP-067]** assesses effects on rights of way and other recreational routes as Minor Adverse (Not Significant), taking account of the Moderate sensitivity of routes such as the Trans Pennine Trail and the promoted long-distance routes (paragraphs 15.7.45 to 15.7.47). The public rights of way management plan for each part must be approved under Schedule 2, Requirement 8 of the **draft Development Consent Order (DCO) [AS-009]**.
RR-2316/153n	**4.9 PROW** 4.9.1 Appendix 2 of this report provides a technical note which provides commentary on the proposed management of Public Rights of Way (PRoW) Network and should be read in conjunction with Appendix 1. **Permanent Diversion of Aston Footpath No.16** A permanent diversion is proposed for Aston Footpath No.16. The diversion is expected to increase route length by an additional 110m for users travelling east and heading south, and an additional 7m for users heading east and north. It is considered that the diversion does not represent a significant increase in length and that the diversion provides a direct, appropriate and attractive alternative to the existing alignment. **Temporary Closure of Whiston Footpath No.12**	The Applicant notes the Council's conclusion that the permanent diversion of Aston Footpath No.16 does not represent a significant increase in length and provides a direct, appropriate and attractive alternative to the existing alignment. As set out in the **outline Public Rights of Way Management Plan [APP-047]**, the diverted route would run east to west between Aston Footpath No.20 and Ulley Footpath No.5 within an environmental mitigation area (Table 4-1). It would be established during construction, before the existing route is closed (paragraph 4.1.2). Advance notice of the diversion will be signed on the route, the diversion will be clearly marked with signage at either end, and the local authority and local stakeholders will continue to be consulted (paragraph 4.3.2). The public rights of way management plan for

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	A temporary closure is proposed for Whiston Footpath No.12, potentially for up to one month, due to construction activities associated with the cable corridor near the M1 underpass. The PRoWMP identifies that there is no safe alternative in the immediate proximity to temporarily divert the alignment of PRoW. It is considered that the proposed temporary closure for up to one month does not represent a significant period of time. Furthermore, an alternative route across the M1 via the footways on the A618 Pleasley Road is available. **Definitive Map Modification Orders** The PRoWMP acknowledges that a number of Definitive Map Modification Orders (DMMO) applications exist within the vicinity of the site; however, these are not identified or mapped. The PRoWMP states that any future routes established through the DMMO process would be managed in a similar manner to existing routes. Further information regarding which DMMO applications have been considered, whether any are likely to affect the Order Limits and whether any could influence the proposed PRoW mitigation strategy should be provided. **Promoted Routes** Several RMBC promoted routes pass through or adjacent to the proposed Whitestone Solar Farm DCO. Further information should be provided regarding the proposed management of these promoted routes.	each part must be substantially in accordance with the outline plan and approved by the relevant planning authority under Schedule 2, Requirement 8 of the **draft Development Consent Order (DCO) [AS-009]**. The Applicant notes the Council's conclusion that the temporary closure of Whiston Footpath No.12 for up to one month does not represent a significant period of time, and that an alternative crossing of the M1 is available via the footways on the A618 Pleasley Road. The **outline Public Rights of Way Management Plan [APP-047]** records that the closure is needed because there is no option for a diversion near the M1 underpass that would keep a safe working distance between construction of the Cable Corridor and path users. It also records that the duration and need for the closure will be investigated in more detail once the contractor is appointed, before construction begins (paragraph 4.4.1). During the closure, advance notice will be signed on the route, fencing or another barrier will be in place, and the local authorities and local stakeholders will continue to be consulted (paragraph 4.4.2). The Applicant notes the Council's request for further information on Definitive Map Modification Order (DMMO) applications. Within the Council's Rights of Way Claims Register, the Applicant has identified seven rights of way claims that would interface with the Proposed Development. These include: • PROW/C/66 Upgrade Ulley Bridleway No.6 to Byway Status (registered 1997, case status: awaiting investigation)

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		• PROW/C/67 Byway between Carr Lane and High Lane, Ulley (registered 1998 and 2025, case status: Awaiting Investigation) • Whiston - York Lane to Morthen Lane (registered 2025, case status: Awaiting Investigation) • Aston – Long Road to Hardwick Lane (registered 2025, case status: Awaiting Investigation) • Whiston – Morthen Lane to Upper Whiston Lane (registered 2025, case status: Awaiting Investigation) • Wickersley - Slacks Lane (Upgrade part of Wickersley Footpath No 9 and Thurcroft Footpath No 4 to bridleway) (registered 2025, case status: Awaiting Investigation) • Harthill - Dowcarr Lane to Harthill Bridleway No 4 (registered 2026, case status: Awaiting Investigation) If any of the above orders are made, the new routes will be managed during construction and operation in a similar way to the existing public rights of way where practicable. With the timeframes for any application

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		identified currently not yet known, it may be necessary to close or divert a new right of way to ensure the Proposed Development can be delivered (paragraphs 4.6.5 and 5.1.9) of the **outline Public Rights of Way Management Plan [APP-047]**. The Applicant notes the Council's request for information on the management of its promoted routes. **Environmental Statement (ES) Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]** identifies the promoted routes that cross the Order Limits. These are the Cuckoo Way, Five Churches Walk, Don Valley Way, Rotherham Ring Route, Rotherham Round Walk and South Yorkshire Way (paragraph 15.5.42), together with the Trans Pennine Trail and National Cycle Network route 6 near Ulley and Whiston (paragraph 15.5.41). Where these routes use public rights of way within the Order Limits, they are managed through the **outline Public Rights of Way Management Plan [APP-047]**. That plan provides for access to be kept open, temporary diversions where needed, advance notice and signage, and controlled crossing points that give priority to path users. **ES Chapter 15** assesses the effects on rights of way and other recreational routes as Minor Adverse (Not Significant) (paragraphs 15.7.45 to 15.7.47).
RR-2316/154	**4.10 Air Quality** **Construction and Decommissioning Dust** 4.10.1 Construction dust mitigation measures (excluding demolition) for the highest level of risk from Institute of Air Quality Management (IAQM) guidance have been included as embedded mitigation.	The Applicant notes the Council's agreement on construction dust mitigation, and its comment on demolition at decommissioning. **Environmental Statement (ES) Chapter 12: Air Quality [APP-064]** applies the Institute of Air Quality Management (IAQM) dust methodology. That

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	4.10.2 The Outline Construction Environmental Management Plan (OCEMP) includes an Outline Dust Management Plan (ODMP) which sets out the measures to mitigate dust and emissions to air during the construction phase of the Scheme. The mitigation measures included in the ODMP are in accordance with those recommended in ES Volume 2 Chapter 12 Air Quality, which are based on the IAQM guidance. A DMP will form part of the CEMP, which will be substantially in accordance with the OCEMP and is secured by Requirement 4 of the Draft DCO. The proposed dust mitigation measures are therefore considered to be sufficient to ensure that potentially significant air quality effects associated with construction dust are not significant. 4.10.3 Should any demolition be required during decommissioning, the DMP included in the Decommissioning Environmental Management Plan (DEMP), required by Requirement 13 of the Draft DCO, should include measures to control emissions of dust from demolition activities from the IAQM guidance.	methodology treats demolition as a dust source in its own right (paragraph 12.4.15). It sets demolition criteria in Table 12.8 (paragraph 12.4.26) and a separate risk-of-effect matrix for demolition (paragraph 12.4.28). Paragraph 12.4.25 of **ES Chapter 12 [APP-064]** assumes decommissioning has the same dust and traffic impacts as construction. Paragraph 12.6.4 proposes the same mitigation measures used during construction for decommissioning. Those construction measures are derived from IAQM guidance and are applied to decommissioning through the Decommissioning Environmental Management Plan (DEMP). The **outline Decommissioning Environmental Management Plan [APP-044]**, Table 1.1, requires air quality and dust at decommissioning to be managed using proportionate measures equivalent to those applied during construction. These include: - the preparation and implementation of a Dust Management Plan; - a nominated site contact for dust; - a route for dust complaints to be received and addressed promptly; - dust suppression by dampening and water sprays; - minimised drop heights; and - stockpile management and trackout controls. Under Schedule 2, requirement 13 of the **draft Development Consent Order (DCO) [**AS-009**]**, no decommissioning works may be carried out until a DEMP substantially in accordance with the outline

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		DEMP has been approved by the relevant planning authority. The Council will therefore be able to review the Dust Management Plan for decommissioning in its area before the works begin.
RR-2316/155	**Construction Road Traffic Emissions** Impacts on Human Receptors 4.10.4 ES Volume 2 Chapter 12 Air Quality presents an assessment of road traffic emission impacts during the construction phase of the Scheme. The assessment has been undertaken using a screening methodology predominantly based on Environmental Protection UK (EPUK) and IAQM guidance. Whilst the EPUK & IAQM guidance screening criterion of an increase in vehicle movements of more than 200 Heavy Duty Vehicle (HDV) Annual Average Daily Traffic (AADT) for roads outside of Air Quality Management Area (AQMA) is exceeded on one road link (A57 – between Todwick Rd and the M1), it is a marginal exceedance of 15 HDV AADT (total 215 HDV AADT) and nitrogen dioxide (NO2) concentrations along this road link are likely to be similar to those measured at RMBC diffusion tubes RDT57 and RDT56 which had a measured annual mean NO2 concentration of <25 µg/m3 in 2022. Therefore, it is agreed that significant air quality impacts are not expected to occur at human receptor locations outside of any AQMAs. 4.10.5 Three road links with CDC's area are identified as exceeding the EPUK & IAQM screening criterion of an increase in vehicle movements of more than 25 HDV AADT for roads within an AQMA. These road links are A630 High Road, partially within the CDC AQMA No.2 (Warmsworth), A630 and A630 Sheffield Road (between Edlington Lane and Low Road), within CDC AQMA No.5 (Conisbrough). The	The Applicant notes the Council's agreement that construction traffic emissions will not give rise to significant air quality effects on human receptors. This applies both outside the Air Quality Management Areas (AQMAs) and on the three links within Doncaster AQMA No. 2 and No. 5. This is consistent with **ES Chapter 12: Air Quality [APP-064]**, paragraphs 12.7.11 to 12.7.16. These screen the construction traffic changes against the Institute of Air Quality Management (IAQM), Defra and Design Manual for Roads and Bridges (DMRB) criteria. They conclude that no significant effects are expected on human receptors. Construction traffic routes and heavy goods vehicle (HGV) movements are controlled through the Construction Traffic Management Plan (CTMP) secured by Requirement 5 of the **draft Development Consent Order (dDCO) [AS-009]**. The Applicant acknowledges the minor discrepancies between the construction traffic figures presented in Table 12.12 of **ES Chapter 12 [APP-064]** and Table 13.17 of **ES Chapter 13: Traffic and Transport [AS-025]** and confirms that the figures presented in Chapter 13 are correct. As acknowledged by the Council, these differences do not affect the conclusions of the air quality assessment or the significance of effects identified. Accordingly, the

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	additional HDV vehicle movements on these road links is 69 AADT. 4.10.6 There are no exceedances of the annual mean NO2 objective at monitoring locations adjacent to or representative of these road links in recent years. The increases in HDV vehicle movements are also below the EPUK & IAQM screening criteria for roads outside of an AQMA of 100 HDV AADT. Therefore, it is agreed that the Scheme is unlikely to give rise to an exceedance of the air quality objectives at human receptor locations, and it is agreed that the air quality effects of the Scheme on human receptors can be considered to be not significant. 4.10.7 It is noted, however, that the traffic flows presented in Table 12.12 of Chapter 12 Air Quality differ slightly to those presented in Table 13.17 of Chapter 13 Transport on a number of road links, for example Common Lane, Flash Lane and Cumwell Lane. Whilst these differences are minor and would not affect the conclusions of the assessment presented in Chapter 12 Air Quality, consistent construction traffic flows should be presented across the ES or justification given as to why the traffic flows presented in Table 12.12 of Chapter 12 Air Quality differ to those in Table 13.17 of Chapter 13 Transport.	Applicant does not consider that an update to ES Chapter 12 is necessary.
RR-2316/156	<u>Impacts on Ecological Receptors</u> 4.10.8 ES Volume 2 Chapter 12 Air Quality presents an assessment of air quality impacts on ecological receptors during the construction phase of the Scheme. The assessment has been undertaken using a screening methodology based on DMRB guidance and EPUK & IAQM guidance screening criteria. Air quality effects on ecological receptors within 200m of construction traffic routes are deemed to be not significant on the basis of DMRB and	Sensitive ecological receptors within 200m of the affected road network were identified and screened in the air quality assessment. **Environmental Statement (ES) Chapter 12: Air Quality [APP-064]**, paragraph 12.4.5, states that "For traffic screening, ecological receptors within 200m of the likely construction traffic routes have been considered" in line with Design Manual for Roads and Bridges (DMRB) guidance.

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	EPUK & IAQM screening criteria applied to the Scheme in isolation. It is agreed that the criteria used are appropriate to screen air quality effects on ecological receptors as a result of the Scheme in-isolation. 4.10.9 However, an assessment of the air quality effects of road traffic emissions associated with the Scheme on Protected Sites (SSSIs, SPAs, SACs and Ramsar sites), in-combination with other projects and plans (i.e. inter-project air quality effects), has not been undertaken in accordance with standard advice provided by Natural England (attached to their letter dated 27th October 2025 in response to the Section 42 consultation). 4.10.10 Air quality effects resulting from the Scheme on ecological receptors should be reviewed considering the Standard Advice provided by Natural England. The Natural England Standard Advice advises that Joint Nature Conservation Committee (JNCC) Decision Making Thresholds (DMTs) may be used to justify not undertaking an in-combination assessment. It should be noted that the JNCC DMT for road traffic of a 0.15% increase in road traffic compared to the baseline traffic flow, is typically substantially lower than the EPUK & IAQM and DMRB screening thresholds that have been applied to screen out further assessment of air quality effects on SSSIs as a result of the Scheme in-isolation in Chapter 12 of the ES. 4.10.11 It is therefore considered that there is insufficient information in the ES to determine the in-combination (inter-project) air quality effects of the Scheme on ecological receptors.	Paragraph 12.4.8 of **ES Chapter 12 [APP-064]** names the designated sites within 200m of the construction traffic routes: Edlington Wood, Potteric Carr, Sprotbrough Gorge, Lindrick Golf Course, Anston Stones Wood and Crabtree Wood Sites of Special Scientific Interest (SSSIs). Paragraphs 12.4.21 to 12.4.24 set out the DMRB screening criteria, a change of 1,000 annual average daily traffic (AADT) or 200 heavy duty vehicle (HDV) AADT. Under these criteria those six sites are included in the assessment. Only sites sensitive to nitrogen deposition need be included, and non-statutory sites are not subject to critical loads (paragraph 12.4.23). For human receptors, the construction traffic changes screen out on Institute of Air Quality Management (IAQM), Defra and DMRB criteria, including by reason of construction in any one location being expected to last less than 24 months (**ES Chapter 12 [APP-064]**, paragraphs 12.7.11 to 12.7.15). Having found that the roads screen out for human receptors, **ES Chapter 12 [APP-064]** screens out additional assessment of ecological receptors. It concludes that no significant effects are expected from construction traffic on human or ecological receptors (paragraph 12.7.16; Table 12.13). **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.5, reaches the same conclusion for construction traffic emissions on the nationally designated sites as important ecological features. Paragraph 6.7.4 draws on ES Chapter 12 for construction dust. The 250m study area referred to in paragraph 6.7.5 of **ES Chapter 6**

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		[AS-021] does not replace the 200m screening distance. The conclusion in paragraph 6.7.5 is consistent with the DMRB 200m screening in **ES Chapter 12 [APP-064]** (paragraphs 12.4.5 and 12.7.16). Construction traffic routes and heavy goods vehicle (HGV) movements are controlled through the Construction Traffic Management Plan (CTMP) secured by Requirement 5 of Schedule 2 to the **dDCO [AS-009].** The Applicant considers that the assessment of cumulative air quality effects is proportionate to the nature and scale of the Proposed Development's anticipated contribution. As demonstrated in **ES Chapter 12 [APP-064]**, construction traffic emissions associated with the Proposed Development fall below the relevant screening thresholds, and significant effects on ecological receptors are not anticipated. Furthermore, other developments would be expected to implement their own construction traffic and environmental management measures, where secured through their respective consents, to manage emissions and construction dust. On this basis, significant cumulative air quality effects are not anticipated, and the Applicant considers that further assessment is not warranted.
RR-2316/157	<u>BESS Plume Assessment</u> 4.10.12 A BESS Plume Assessment has been undertaken and presents the impact of hydrogen fluoride (HF) emissions	It is acknowledged that the Council views the fundamentals of the assessment method, including

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	on human receptors during a BESS fire event. Whilst there is considerable uncertainty as to the emission rates of pollutants from a BESS fire event, and there is no authoritative guidance on how to quantify emissions or impacts, the purpose of the assessment is to identify the level of risk and given the uncertainties involved it is typical to apply conservative assumptions to ensure the level of risk is not underestimated and ensure robust procedures are identified in the Outline Battery Safety Management Plan (OBSMP). 4.10.13 The ALOHA model software used is not typically applied in the UK, but the fundamentals are considered applicable. However, it is unclear from the BESS Plume Assessment if this has considered worst-case meteorological conditions as the '5th percentile windspeed' has been applied, as opposed to the worst 1-hr. Furthermore, none of the assessed scenarios appear to consider 'stability class F' which would typically be expected to result in the largest impacts.	the use of the ALOHA model, as being applicable for this type of assessment. In order to avoid underestimating the risk of exposure to emissions from a BESS fire, the modelling approach needs to make reasonable worst case assumptions, that produce the highest magnitude impacts at relevant receptor locations. These assumptions differ in some respects from what the equivalent reasonable worst case would be in a dispersion modelling assessment of a managed short term emission from a tall stack, for example. In the example of a stack emission the highest magnitude impact at any location would occur when the plume is brought down to ground level as close as possible to the stack it is released from, this would be for the lowest possible wind speed and the most stable atmospheric conditions (stability Class F or G). For the BESS fires scenarios, the emissions need some wind movement to transport the near ground level emission towards the receptors , which are located hundreds of metres away. The lowest possible wind speed is for still air, which does not provide the required movement towards the receptor and would not result in the highest magnitude impact at the receptor. The lowest windspeed is not the worst case condition. The wind speeds and stability classes used in the ALOHA model are a reasonable basis for calculating the upper bound of concentrations that could be experienced at the receptor locations under actual weather conditions experienced in the study area.

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		All the model scenarios assume the conservation of mass of the emission within the plume as it moves downwind. This means there is no loss of HF due to the gas undergoing chemical reactions despite it being a highly reactive gas, and no loss of HF by being absorbed into water in the air or on moist surfaces, despite it being highly soluble. The application of such conservative assumptions ensure the risk has not been underestimated.
RR-2316/158	4.10.14 The BESS Plume Assessment states that there are no exceedances of the Acute Exposure Guideline Level 1 (AEGL-1) for HF at any of the modelled residential receptor locations in the single cabinet fire event scenario, however the AEGL-1 for HF is predicted to be exceeded within adjacent farmland and the M1 motorway; no indication is given as to whether the AEGL-2 would be exceeded on the M1 motorway. In the multi-cabinet fire event scenario, the HF AEGL-1 is predicted to be exceeded at receptor location 'R4' – Upper Whiston Farm, as well as adjacent farmland and the M1 motorway; again, no indication is given as to whether the AEGL-2 would be exceeded on the M1 motorway.	The **Battery Energy Storage System (BESS) Plume Assessment [APP-157]** includes the ALOHA model run file for each scenario in Appendix A.1 Aloha Run Reports. The final section of each report states the distance at which the AEGL-1 value was achieved, if it was exceeded at any distance from the source, and the text states that AEGL-2 was not exceeded at any distance from the source. Consequently, the tabulated and graphical summaries of the impacts included within the report do not include the AEGL-2 achievement distance as it is not exceeded at any offsite location, including the M1. This point is also addressed in the text of the **BESS Plume Assessment [APP-157]**, for example at para 6.6.4 and 7.4.2.
RR-2316/159	4.10.15 Public rights of way (PRoW) have not been considered in the assessment. There are two PRoW located within the areas identified as exceeding the HF AEGL-1 and the OBSMP needs to consider this to ensure that appropriate mitigation is identified to avoid air quality impacts on users of the PRoW during a BESS fire event.	Users of public rights of way were considered in the **Battery Energy Storage System (BESS) Plume Assessment [APP-157]**. Paragraph 8.1.3 of the **Plume Assessment [APP-157]** addresses workers on agricultural land and users of public rights of way close to a fire when it starts. They would be able to move to a safer distance and avoid exposure to elevated concentrations.

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		The Acute Exposure Guideline Level (AEGL)-1 threshold used to define the areas the Council refers to is the most conservative criterion (**Plume Assessment [APP-157]**, paragraph 5.2.6). It marks effects that are transient and reversible (paragraph 5.2.3). The AEGL-2 level is the level at which serious or long-lasting effects or an impaired ability to escape could arise. It is not reached at any location in any scenario, including on any right of way (**Plume Assessment [APP-157]**, paragraphs 6.6.4, 7.4.2 and 8.1.5). The measures protecting people off site, including right of way users, are in the emergency arrangements that the **outline Battery Safety Management Plan (BSMP) [APP-048]** requires. - The pre-fire plan is to include, subject to consultation with the local fire and rescue service, arrangements for alerting any impacted off-site parties and for air quality monitoring in a prolonged fire (**outline BSMP [APP-048]**, paragraphs 5.5.1 and 5.5.2). - The risk management plan must address impacts on sensitive receptors close to the BESS Site (**outline BSMP [APP-048]**, paragraph 5.7.5). - The Detailed BSMP must include an environmental risk assessment of emissions and an Emergency Response Plan (**outline BSMP [APP-048]**, paragraph 7.2). These outline BSMP measures are secured by Requirement 6 of the **draft Development Consent Order (dDCO) [AS-009]**. Under it, the BSMP requires the approval of the relevant planning authority after

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		consultation with South Yorkshire Fire and Rescue Service. The Plume Assessment considered the potential pollutants and identified hydrogen fluoride as the principal pollutant of concern (**BESS Plume Assessment [APP-157]**, paragraph 1.1.5). The detailed-design plume study will assess sensitive receptors within 1km of the BESS and will include particulate matter (paragraph 1.1.4).
RR-2316/160	4.10.16 No assessment has been undertaken of the impact of smoke resulting from a BESS fire on visibility on the M1 motorway and given the exceedances predicted for the HF AEGL-1, there is potential for impacts of other pollutants to occur. 4.10.17 It is noted that further assessment will be undertaken at the detailed design stage once the make, model and layout of the BESS are known, in accordance with National Fire Chiefs Council (NFCC) revised guidance, and that this would include a visibility impact assessment on transport links within a 1km radius of the BESS compound. However, given the proximity of the M1 motorway to the BESS compound, visibility impacts on the M1 motorway should be considered at the outline stage to ensure that appropriate mitigation is secured in the OBSMP. Furthermore, the requirement for a detailed BESS plume assessment to inform the final BSMP should be clarified and secured under Requirement 6 of the Draft DCO. **Summary** 4.10.18 Key issues relating to air quality are summarised below:	The effect of Battery Energy Storage System (BESS) smoke on visibility on the M1 is to be assessed during detailed design once a final BESS technology/manufacturer has been chosen.. The **outline Battery Safety Management Plan (BSMP) [APP-048]**, which Schedule 2, Requirement 6 of the **draft Development Consent Order (DCO) [**AS-009**]** secures, requires a site-specific risk assessment of failure scenarios and resulting emissions to air (paragraph 2.5.2.5). It is to be read with the BESS Plume Assessment (**outline BSMP [APP-048]**, paragraph 2.5.2.6), which commits to the detailed-design plume and visibility study. The **BESS Plume Assessment [APP-157]** states that, in line with National Fire Chiefs Council (NFCC) guidance, a plume analysis specific to the detailed design will assess sensitive receptors within 1km (paragraph 1.1.4). It will include particulate matter and a visibility impact assessment on any transport links within 1km of the BESS compound, which takes in the M1. Smoke density depends on the combustible materials in the equipment selected (**Plume Assessment**

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	• Further information is required on the in-combination effects of construction road traffic emissions associated with the Scheme on Protected Sites, including SSSIs. • Worst-case meteorological conditions should be considered in the BESS Plume Assessment or justification provided as to how the parameters used provide a robust assessment. • PRoW should be considered as sensitive receptors in the BESS Plume Assessment and appropriate mitigation secured in the OBSMP to protect users of nearby PRoW from hydrogen fluoride and other relevant pollutant emissions (including but not limited to PM2.5, hydrogen cyanide and carbon monoxide). • Any predicted exceedances of the Acute Exposure Guideline Level 2 for hydrogen fluoride on the M1 motorway should be reported in the BESS Plume Assessment. • The impact of smoke from a BESS fire on visibility on the M1 Motorway should be considered in the BESS Plume Assessment and appropriate mitigation measures included in the OBSMP. • A detailed BESS Plume Assessment should be secured under Requirement 6 of the Draft DCO.	**[APP-157]**, paragraph 5.1.19). These are not known until the make, model and layout are fixed (paragraph 8.1.6). An assessment at outline stage would therefore rest on assumed materials rather than the equipment to be installed. The Detailed BSMP must include an environmental risk assessment so that emissions are understood and mitigated (**outline BSMP [APP-048]**, paragraph 7.2). The pre-fire plan is to include, subject to consultation with the local fire and rescue service, arrangements for alerting any impacted off-site parties (paragraphs 5.5.1 and 5.5.2). Under Schedule 2, Requirement 6 of the **draft DCO [**AS-009**]**, no part containing Work No. 3 may commence until the relevant planning authority has approved a BSMP substantially in accordance with the outline BSMP, following consultation with South Yorkshire Fire and Rescue Service. The authority must give significant weight to any consultation representation made by the Fire and Rescue Service and to the latest NFCC guidance.
RR-2316/161	**4.11 Ground Conditions** 4.11.1 Through consultation with the Council and the Mineral Planning Officer, issues raised in relation to construction and operation within Mineral Safeguarding Areas (MSAs) have been addressed with reference to ES Volume 3, Figure 9.4: Mineral Resources [EN0110020/APP/6.19], Table 9.3 and Section 9.7 of the Ground Conditions Chapter.	The Applicant notes this comment.

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	4.11.12 Previously raised issues regarding lack of information in relation to coal mining gas been addressed through inclusion of Coal Mining Risk Assessments (CMRAs) for W1, W2 and W3. 4.11.3 Phase 1 Contaminated Land Reports (CLRs), in addition to the now included CMRAs, describe potential for unstable ground conditions and include a preliminary risk assessment (PRA) in relation to land instability, respectively. 4.11.4 The CLRs include PRAs for land contamination and baseline information has been incorporated into Section 9.5 of the Chapter. Assessment of effects from land contamination have now been included in Section 9.7, with associated mitigation included in Section 9.6. 4.11.5 Hydrogeological conditions (aquifer designations) are now described in the CLRs and details provided in Section 9.5. Assessment of effects is provided in Section 9.7. Risks to groundwater are now considered in the CLRs and the assessment itself, addressing previous concerns from the Environment Agency.	
RR-2316/162	4.11.6 The presence of Private Water Supplies has not been addressed in the baseline studies.	Private water supplies are addressed in **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraphs 10.5.42 to 10.5.45. Although the consulted local authorities reported no known supplies within their jurisdiction in the Study Area, questionnaires sent to properties identified a groundwater spring used as a private water supply. This is recorded in Table 10.13 and shown on Figure 10.10. **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**, paragraph 9.5.65, also records a domestic private water supply at Straight Mile Fishery near W2.

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		Effects on private water supplies are assessed as Negligible (Not Significant) in **ES Chapter 10 [AS-023]**, paragraphs 10.7.53, 10.7.56 and 10.7.60. Before construction, a water supplies risk assessment will be undertaken for relevant private water supplies and licensed abstractions, in consultation with the local authority. This is secured through the Construction Environmental Management Plan under Schedule 2, requirement 4 of the **draft Development Consent Order (DCO) [AS-009]**.
RR-2316/163	4.11.7 The use of factual Unexploded Bomb (UXB) risk mapping alone is not considered to be sufficient to characterise the potential Unexploded Ordnance (UXO) risk. The Applicant should provide a non-technical UXO risk assessment based on CIRIA guidance (Unexploded ordnance (UXO) risk management guide for land-based projects (C785)). 4.11.8 The management of unexpected contamination within the oCEMP has been updated and now references relevant procedures/permits and exemptions in regard to soil management.	Paragraph 9.6.3 of **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]** requires a pre-construction UXO risk assessment in accordance with CIRIA C785 and, where necessary, the preparation of an appropriate safety plan. This commitment will be incorporated into the final Construction Environmental Management Plan (CEMP), secured through Requirement 4 of the **draft Development Consent Order [AS-009]**. The Applicant will update the **outline Construction Environmental Management Plan [APP-042]** to explicitly reference CIRIA C785, Unexploded Ordnance (UXO) Risk Management Guide for Land-Based Projects, to provide further clarity on the approach to assessing and managing UXO risks prior to construction.
RR-2316/163a	4.11.9 We are pleased that the Study Area has been increased to 250m around the Order Limits, and we agree	The Applicant notes the Council's comment.

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	that this appropriate as it is an unofficial industry standard. Reference to some guidance which quotes this buffer would be beneficial but would not affect the outcome of the assessment.' 4.11.10 Geological sensitive sites have now been addressed in Section 9.5 of the Chapter. 4.11.11 All phases of the Proposed Development are now included with the assessment of effects provided in Section 9.7 and the associated outline Environmental Management Plans for Construction (oCEMP), Operational (oOEMP) and Decommissioning (oDEMP) have been included in the appendices. 4.11.12 Fires and firewater have been considered within the oBSMP and adequate mitigation measures are included within the report should water be used as a suppressant to prevent contamination from being released into the environment.	
RR-2316/163b	4.11.13 No issues have been scoped out of the assessment following consultation, which we agree is appropriate. We note that the CLRs were prepared at an early stage of the design and have not been updated to reflect the final design, but that the assessment presented in the ES Chapter only applies to the final route.	The Applicant notes the Council's agreement that no issues have been scoped out of the assessment. The position the Council describes on the Contaminated Land Reports is set out in **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**, paragraph 9.3.6. The Phase 1 Contaminated Land Reports hold the detailed baseline data and were compiled before the design freeze. They therefore cover some areas no longer in the Order Limits, particularly for the Cable Corridors, and take in more potential source areas than the final design. Their preliminary risk assessments and conceptual site models helped guide the assessment. Nothing was scoped out on the strength of them, and all potential effects were

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		considered anew for the final design in section 9.7 of **ES Chapter 9 [APP-061]**. Requirement 4(3) of the **draft Development Consent Order (dDCO) [AS-009]** provides that no phase of the development may commence, and no ground investigation or other listed survey for that phase may start, until a written strategy has been approved by the relevant planning authority. The strategy is for identifying and remediating any contamination risks for that phase.
RR-2316/164	**Key Issues and effects** 4.11.14 On 17 August 2026 the Government published the new National Planning Policy Framework (NPPF), which replaces the 2024 version (updated in 2025) of the NPPF. Understandably, the ES Chapter currently references the 2024 version. Review of the updated NPPF should be undertaken to confirm no significant amendments would be required under the updated version.	The Applicant's general position on the August 2026 NPPF is set out in the response to RR-2316/44, with regards to the references to an earlier draft NPPF in the Planning Statement and other documents.
RR-2316/165	4.11.15 Receptors listed in paragraph 9.5.133 do not match those identified in Table 9.4. In addition, receptors identified in Table 9.4 only seem to be in relation to contamination and agricultural soil resources. Land stability, mineral resources, and geologically sensitive sites should also be discussed and assessed. In addition, ecological receptors (effects due to mobilisation or introduction of contamination, or from changes to groundwater regime in the case of groundwater dependent terrestrial ecosystems) also have not been mentioned in the assessment. 4.11.16 The same applies to magnitudes of impact in Table 9.5, although mineral resources are included there.	Land stability, mineral resources, geologically sensitive sites and ecological receptors are each discussed and assessed. Water habitats and ecology are assessed as Controlled Waters (surface and groundwater). Table 9.4 of **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]** sets out sensitivity categories by receptor type. Paragraph 9.5.133 then applies them to the receptors actually present, which is why the two differ in form. Paragraph 9.5.133 of **ES Chapter 9 [APP-061]** lists geology receptors and the Mineral Safeguarding Areas for coal, limestone and sand and gravel, and

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		assigns each a sensitivity. It also states that the effects of contamination on ecology and property are considered. Table 9.4 of **ES Chapter 9 [APP-061]** includes surface mineral reserves under soil resource. The assessment in section 9.7 of **ES Chapter 9 [APP-061]** covers each of the matters the Council lists: - Land stability: construction on land potentially unstable from historic coal mining, landslip and infilled land is assessed at paragraphs 9.7.32 to 9.7.38 of **ES Chapter 9 [APP-061]**, drawing on the Coal Mining Risk Assessments. - Mineral resources: sterilisation of the Mineral Safeguarding Areas is assessed from paragraph 9.7.39 of **ES Chapter 9 [APP-061]**. - Geologically sensitive sites: there are no geological Sites of Special Scientific Interest (SSSIs), Regionally Important Geological Sites (RIGS) or geoparks within the Study Area (**ES Chapter 9 [APP-061]**, paragraph 9.5.2). There is therefore no receptor to assess (Table 9.1, ID 3.4.7). - Ecological receptors are assessed in ES Chapter 9 "Basis of Assessment" and as paragraph 9.4.25 of **ES Chapter 9 [APP-061]** notes, the ecological effects are assessed in **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** and **ES Chapter 10: Water Resources and Flood Risk [AS-023]**. Knock-on effects of dewatering on ecological receptors are identified at paragraph 9.7.25 of **ES Chapter 9 [APP-061]**.

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RR-2316/166	4.11.17 It is also noted that only three tiers of sensitivity are presented, whereas, although not directly relevant to the proposed development, the National Highways' (formerly Highways England) Design Manual for Roads and Bridges LA 109 Geology and Soils (2019) represents best practice for geology and soils ES assessment, which presents further tiers such as very high and negligible. Applying these additional tiers may affect the outcome of the assessment of significance.	The methodology in **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]** is built on the IEMA (now ISEP) guidance on land and soils and the Environment Agency's Land Contamination Risk Management (LCRM) guidance (paragraph 9.4.14). As the Council notes, the Design Manual for Roads and Bridges (DMRB) LA 109 is a road-scheme standard and is not directly relevant to the Proposed Development. The Applicant's position is that applying the LA 109 tiers would not change any conclusion, for the reasons below. In the significance matrix that follows paragraph 9.4.17 of **ES Chapter 9 [APP-061]**, a Negligible magnitude produces a Negligible effect at every sensitivity. That follows from Table 9.5 of **ES Chapter 9 [APP-061]**, which defines Negligible magnitude as no loss or alteration of characteristics and no observable impact in either direction. A receptor that undergoes no observable change is not affected, however sensitive it is. The Negligible sensitivity is applied to the coal Mineral Safeguarding Areas. Paragraph 9.5.133 of **ES Chapter 9 [APP-061]** treats these as unlikely to be developed given the UK's Net Zero Strategy. The Council's alternative would not alter any finding of significance. The combinations it proposes would produce Minor effects, and only Moderate or Major effects are significant (for example **ES Chapter 9 [APP-061]**, paragraph 9.7.15). No effect in the chapter would move from not significant to significant. A Very High tier would add nothing to the findings of significance either. The High tier takes in the most

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		sensitive receptors, including Principal Aquifers, all surface water bodies and best and most versatile (BMV) land (**ES Chapter 9 [APP-061]**, Table 9.4). A High sensitivity receptor gives a Moderate or Major effect at any magnitude above Negligible (the significance matrix following paragraph 9.4.17). Where effects were at risk of being understated, the chapter assesses them as if they had occurred and then considers likelihood (**ES Chapter 9 [APP-061]**, paragraph 9.4.19). This is why effects such as land instability are reported as Moderate to Major before mitigation (paragraph 9.7.38).
RR-2316/167	4.11.18 A sensitivity of 'negligible' is used in Table 9.6, however, as discussed above, negligible sensitivity is not defined in Table 9.4. Negligible effects make up almost half of the table. A Minor effect should result from the combination of a High Sensitivity + Negligible Magnitude and a Negligible Sensitivity and a High Magnitude.	In the significance matrix that follows paragraph 9.4.17 of **Environmental Statement (ES) Chapter 9 [APP-061]**, a Negligible magnitude produces a Negligible effect at every sensitivity. That follows from Table 9.5 of **ES Chapter 9 [APP-061]**, which defines Negligible magnitude as no loss or alteration of characteristics and no observable impact in either direction. A receptor that undergoes no observable change is not affected, however sensitive it is. The Negligible sensitivity is applied to the coal Mineral Safeguarding Areas. Paragraph 9.5.133 of **ES Chapter 9 [APP-061]** treats these as unlikely to be developed, given the UK's Net Zero Strategy. The combinations the Council proposes would produce Minor effects. Only Moderate or Major effects are significant (**ES Chapter 9 [APP-061]**, for example paragraph 9.7.15). The Applicant's position is therefore that the Council's alternative would not alter any finding of significance. No effect in the chapter would move from not significant to significant.

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RR-2316/168	**Mitigation Measures** 4.11.19 Mitigation measures presented in the oCEMP, oOEMP, oDEMP, including the outline Site Waste Management Plans (oSWMPs), outline Soil Management Plans (oSMPs), outline Excavated Materials Management Plan (oEMMP) presented within those EMPs, are deemed appropriate in relation to Ground Conditions, along with the outline Battery Safety Management Plan (oBSMP). 4.11.20 Although it is reasonable for some of those plans to be presented within the various oEMPs, it would be recommended that when these non-outline documents are prepared for appropriate subsections/routes, these documents are presented under separate covers rather than being included in the various EMPs. This is to allow these documents to be more accessible and easier to be updated throughout the construction, operational, and decommissioning phases.	The Applicant notes the Council's view that the ground conditions mitigation is appropriate. Schedule 2, Requirement 4(2) of the **draft Development Consent Order (DCO) [AS-009]** states that the CEMP for each part must include a site waste management plan, a dust management plan, a soil management plan, an excavated materials management plan and an incident response plan. Each is therefore a distinct, named plan that requires the approval of the relevant planning authority as part of the CEMP. Requirement 4(2) does not prevent those plans being submitted as separately bound documents within the CEMP. Their presentation can be settled when each CEMP is submitted. The Battery Safety Management Plan would be a separately presented document.
RR-2316/169	4.11.21 Following future ground investigation works, a Remediation Strategy and Verification Plan should be prepared where necessary.	The Applicant confirms that Schedule 2, Requirement 4(3) of the **draft Development Consent Order (dDCO) [AS-009]** secures the preparation and approval of a remediation strategy, to be approved by the relevant planning authority, in consultation with the Environment Agency (where relevant). **ES Chapter 9: Ground Conditions and Land Quality [APP-061]** also identifies the requirement for further ground investigations and appropriate remediation prior to construction.
RR-2316/169a	4.11.22 We disagree with the sensitivity part of the assessment, and believe this should be reviewed to reflect the guidance presented in the National Highways' (formerly Highways England) Design Manual for Roads and Bridges	The Applicant notes the Council's disagreement with the sensitivity part of the assessment. The methodology in **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality**

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	LA 109 Geology and Soils (2019), as this is considered best practice for ground conditions and land quality ES chapters, independent of the proposed development type.	**[APP-061]** is built on the IEMA (now ISEP) guidance on land and soils and the Environment Agency's Land Contamination Risk Management (LCRM) guidance (paragraph 9.4.14). As the Council notes at its paragraph 4.11.17, the Design Manual for Roads and Bridges (DMRB) LA 109 is a road-scheme standard and is not directly relevant to the Proposed Development. The Applicant's position is that applying the LA 109 sensitivity tiers would not change any conclusion, for the reasons given in the responses to RR-2316/166 and RR-2316/167.
RR-2316/170	**4.12 Socio Economic** 4.12.1 Below sets out comments on the socio economic elements to the proposed development **Provision of a health summary** 4.12.2 There has been no health summary prepared as recommended, but health impacts are covered at a high level across various chapters. 4.12.3 Chapter 16 (Other Environmental Topics) [6.16] confirms that a standalone assessment for Human Health and Population is scoped out of the EIA. Table 16.1 refers to other chapters in which effects are to be covered. These chapters and the coverage of health issues therein are summarised below: - Chapter 7 (Landscape and Visual) [6.7] notes that mental health and wellbeing is not specifically assessed in the chapter, recognises that impacts to landscape character/visual amenity may cause mental health issues, and says that these are considered further in Chapter 17 (Cumulative Effects).	The human health effects the Council identifies across the technical chapters are drawn together in one place. This is the Human Health section of **Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069]**. A standalone Human Health chapter was scoped out, with health effects assessed in the relevant technical chapters. The **Environmental Impact Assessment (EIA) Scoping Opinion [APP-089]** accepted this approach, as noted in **ES Chapter 16: Other Environmental Topics [APP-068]**, paragraph 16.1.9 and Table 16.1). The Scoping Opinion records the recommendation of the UK Health Security Agency (UKHSA) and the Office for Health Improvement and Disparities (OHID). They recommended that health matters be drawn together in a specific section summarising key information, risk assessments, mitigation, conclusions and residual impacts (**ES Appendix 2.2: EIA Scoping Opinion [APP-089]**, UKHSA and OHID scoping response).

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	- Chapter 12 (Air Quality) [6.12] identifies human health receptors and sensitivities in 12.4 and likely significances of effect in 12.7. Whilst some potentially large magnitude effects are identified, for example in relation to dust impacts during earthworks, it concludes that due to the embedded mitigations in 12.6, potential effects are Not Significant. Moreover, it refers to Chapter 17 (Cumulative Effects). - Chapter 13 (Traffic and Transport) [6.13] refers to Chapter 17 (Cumulative Effects), acknowledging the potential for combined effects arising from construction phase Traffic and Transport Impacts. – Chapter 14 (Noise and Vibration) [6.14] assesses health impacts relating to construction and operation noise, and refers to Chapter 17 (Cumulative Effects), acknowledging the potential for combined effects. - Chapter 17 (Cumulative Effects) intra- and inter- project cumulative effects. With respect to topics not already covered in the chapters above, it provides some elaboration: o The Outline ProW Management Plan [5.14] is referenced, including steps to maintain access and enjoyment (17.5.7-9). O Steps taken to minimise landscape and associated mental health impacts are outlined (17.5.10-12). 4.12.4 Taken together, the chapters above do assess – albeit at a high level – Human Health impacts, though a health summary has not been prepared.	The Human Health section of **ES Chapter 17 [APP-069]**, at paragraphs 17.5.3 to 17.5.14 of section 17.5, provides this.
RR-2316/171	**Further detail on supporting employment opportunities** 4.12.5 Chapter 15 (Socio-Economics, Tourism and Recreation, and Land-Use) [6.15] assesses the magnitude of the construction impact on employment as Low, noting (among other things) that 'Jobs may be filled by workers from reasonable commuting distances nearby such as Sheffield and Chesterfield' (15.7.10).	**Environmental Statement (ES) Chapter 15: Socio-Economics, Tourism and Recreation and Land Use [APP-067]**, Table 15-23, allocates two-thirds of the construction employment outside the local Study Area. Of 759 direct jobs a year, 253 are estimated to be local and 506 national. Of the 1,616 total jobs, including indirect and induced jobs, 538 are local (**ES Chapter 15 [APP-067]**, paragraphs 15.7.8 and

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	4.12.6 This is reinforced in 15.7.24-25, which discuss impacts on the tourism sector. The reference to a 17- mile commuting radius is repeated, and it is noted that 'A small portion of the workforce may travel from further afield and could require temporary accommodation nearby'. 4.12.7 As noted previously, the specialised, national nature of the solar construction workforce casts doubt on the use of a UK average for commuting distance. Detail on how the Proposed Development will support employment opportunities for local people has still not been provided, and the (unquantified) impact on temporary accommodation is likely to constitute an underestimate.	15.7.9). The employment assessment therefore does not assume that the construction workforce is local. The Low magnitude at paragraph 15.7.10 of **ES Chapter 15 [APP-067]** rests on three reasons: - the impact is temporary, over the two-year construction period it assumes; - the jobs are a small share of a workforce with an existing critical mass in construction and manufacturing; - jobs may be filled from commuting distance. The 17-mile figure is the average daily distance travelled by UK construction workers, from Construction Industry Training Board data (**ES Chapter 15 [APP-067]**, paragraph 15.7.24). **Temporary accommodation** Paragraph 15.7.25 of **ES Chapter 15 [APP-067]** recognises that some workers may travel from further afield and need accommodation. Paragraph 15.7.28 and Table 15-25 estimate spare hotel and short-term rental capacity at the peak of the tourist season. Even at peak occupancy, the ES estimates spare capacity for about 445 hotel bedspaces and 529 short-term rental bedspaces in Rotherham, and 772 and 1,233 in Doncaster. It notes that the hotel data date from 2016. Paragraph 15.7.31 of **ES Chapter 15 [APP-067]** concludes a Minor Adverse (Not Significant) effect. **Support for local employment** Support for local employment is set out in the **outline Skills and Supply Chain Management Plan [APP-051]**, to which paragraph 15.7.13 of **ES Chapter 15 [APP-067]** refers. Its Key Measures and Actions table

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		sets out measures to maximise local recruitment during construction, operation and decommissioning (**outline Skills and Supply Chain Management Plan [APP-051]**, Table 5-1). The outline plan provides for communication channels with Job centres in Rotherham and Doncaster, local hubs and schools' partners, with a particular focus on areas with higher unemployment (**outline Skills and Supply Chain Management Plan [APP-051]**, paragraph 5.1.1). Six local recruitment firms were identified with City of Doncaster Council and the Rotherham Metropolitan Borough Council (**outline Skills and Supply Chain Management Plan [APP-051]**, paragraph 7.5.3). The plan envisages that Barnsley and Rotherham Chamber of Commerce, along with Doncaster Chamber, could assist with market engagement, skills alignment and supplier events (paragraph 6.4.1). The outline plan is listed as commitment C48 of the **Commitments Register [EN0110020/APP/6.20.1]** (Rev 02 – submitted at PD-A). The plan was presented to the Council's Economic Strategy, Regeneration and Environment Services on 2 April 2026 (**ES Chapter 15 [APP-067]**, the summary of other consultation introduced at paragraph 15.3.8).
RR-2316/172	**Exclusion of the West of Maltby** 4.12.8 The west of Maltby is still not included in the socio-economic study area, despite the order limits extending slightly into it in Figure 15.2 of Chapter 15: Figures [6.19]. This should be reviewed and accounted for at examination stage.	The neighbourhood Study Area comprises wards within Doncaster and Rotherham local authority areas that have been selected to determine an area of 'best fit' with the Order Limits in order to identify neighbourhoods that may be more likely to experience wider socio-economic or socio-cultural effects associated with the construction, operation and maintenance, or decommissioning of the Proposed

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		Development. Ward boundaries changed in 2024 and so the wards used in the Census 2021 do not directly align with those used in more recent Office for National Statistics (ONS) datasets. For this reason, there are two versions of the neighbourhood Study Area used in the assessment: one using 2019 ward boundaries (shown in Environmental Statement (ES), Figure 15.1), and one using 2024 ward boundaries (shown in ES Figure 15.2). There is one small area to the west of Maltby that is within the Order Limits that has not been included in the neighbourhood Study Area using either 2019 or 2024 ward boundaries. This comprises a very small area of land immediately adjacent to the M18 motorway north of Hellaby Industrial Estate that would be part of the cable corridor. This area is within the ward of Tickhill and Wadsworth (2019 and 2024), which is in the Doncaster City Council local authority area and covers a large rural area to the north and east of Maltby. As the area that falls within the Order Limits represents a very small portion of the total ward area, and it is not expected that settlements within the wider ward would experience significant wider socio-economic or socio-cultural effects associated with the construction or operation of a small section of cable corridor, it is not considered proportionate to include this ward within the neighbourhood Study Area. There is a further area to the west of Maltby that is within the Order Limits and within the neighbourhood Study Area using 2024 ward boundaries, but that has not been included in the neighbourhood Study Area using 2019 ward boundaries. This area is within the

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		2024 ward of Bramley and Ravenfield, in the Rotherham Borough Council local authority area, and in the 2019 ward of Wickersley. As shown in Figure 15.2, the ward of Bramley and Ravenfield covers a stretch of cable corridor alongside the M18 motorway and also intersects with the Order Limits to the south of Conisborough. The ward of Wickersley covers the residential area of Bramley to the west of the M18 motorway. As above, given the effects likely to arise from the construction of a small section of the cable corridor in this area, it is not considered proportionate to include the ward of Wickersley in the neighbourhood Study Area. Both Tickhill and Wadsworth and Wickersley wards are included within the local Study Area. This means that relevant baseline data has been collected at local authority level, and that potential socio-economic, wider socio-economic and socio-cultural effects arising in these areas have been assessed at the local level in **ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]**. Both areas also fall within the 5km buffer of the Order Limits used to assess tourism and recreation effects (as shown in ES Figure 15.3), and so potential tourism and recreation effects arising in this area have been considered.
RR-2316/173	**4.13 Agricultural Land Classification** 4.13.1 The National Planning Policy Framework (NPPF) encourages local authorities to prioritise lower-quality land for development, ensuring the high-quality agricultural land remains available for food production. It is a requirement to	The Applicant notes this comment.

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	consult Natural England where a development proposal affects 20ha or more of Best and Most Versatile (BMV) land, making an Agricultural Land Classification (ALC) survey a necessary step in order to identify the areas of BMV land within the development site boundary. 4.13.2 The ES includes 6.20 Appendix 9.6: Agricultural Land Classification Report (application document ref. EN0110020/APP/6.20, Revision 01, dated June 2026), produced by Land & Drainage Consultancy (LDC). LDC refer to the report as Soil Resource Assessment and Agricultural Land Classification (ref. LDC_ERM_Whitestone_Solar_ALC_Repot_Rev3_04032026, dated March 2026). 4.13.3 6.20 Appendix 9.6 of the ES does not make a distinction between the two council jurisdictions (City of Doncaster Council and Rotherham Metropolitan Borough Council) when assessing the site. The north of the site is within the City of Doncaster Council jurisdiction, whilst the central and southern area of the site is within the Rotherham Metropolitan Borough Council jurisdiction. The boundary between the two Councils is at the point where Common Lane / Moor Lane cross the M18	
RR-2316/174	**Adequacy of Survey** 4.13.4 Although the total site area is 1480ha, the total area included in the survey is 1206.85ha (81% of the total area). This leaves 273.15ha (2,731,500m2) of land un-surveyed (19% of the total area). Paragraph 1.3 of 6.20 Appendix 9.6 states that LDC did not survey the areas of the site subject to connection works, and instead focused only on land proposed for the placement of solar arrays. 4.13.5 The issue of insufficient survey coverage has previously been raised by the Planning Inspectorate, as	The Applicant acknowledges that the Agricultural Land Classification (ALC) survey presented in **Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification Report [APP-129]** focused on land proposed for solar arrays and did not include the Cable Corridors (paragraph 1.3). As explained in **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**, Table 9.1, detailed ALC surveys were not undertaken within the Cable Corridors because the proposed cable installation

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	described in Issue ID 3.4.1 in Table 9.1 of (ES 6.9 Chapter 9: Ground Conditions and Land Quality, application document ref. EN0110020/APP/6.9, Revision 01, dated June 2026). Environmental Resources Management (ERM) posited the reasoning that the "trenching works required for the laying of cables would be very short in duration, localised and linear" and that "the land would be reinstated following installation and returned to agricultural use." Note that while ERM stated in Table 9.1 of Chapter 9 that discussion of potential alternatives would be provided in ES 6.4 Chapter 4: Alternatives and Design Evolution, the latest iteration of this document (application document ref. EN0110020/APP/6.4, Revision 01, dated June 2026) provides no further information and states that "points like ALC have not been considered in detail", for the reasons previously provided.	works would be temporary, localised and linear in nature, with land reinstated and returned to agricultural use following construction A desk-based review of Natural England's ALC mapping indicates that the Cable Corridors predominantly comprise Grade 3 agricultural land, with localised areas of Grade 2 (**ES Chapter 9: Ground Conditions and Land Quality [APP-061]**, paragraph 9.5.108). Potential effects on best and most versatile (BMV) agricultural land within the Cable Corridors have also been considered in **ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]**, including the temporary land requirements associated with cable installation (paragraph 15.7.61). **ES Chapter 15 [APP-067]** identifies a Moderate Adverse (Significant) effect on the availability of BMV agricultural land (paragraph 15.7.66). **ES Chapter 4: Alternatives and Design Evolution [APP-056]**, paragraph 4.6.20, explains that ALC was not considered in detail when comparing cable corridor options, reflecting the temporary nature of the works and the proposed reinstatement of agricultural land. Measures to manage soil handling, storage and reinstatement will be secured through the Soil Management Plan, required as part of the

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		Construction Environmental Management Plan under Schedule 2, requirement 4(2)(c) of the **draft Development Consent Order (dDCO) [AS-009]**. The Applicant therefore considers that the approach to ALC survey coverage is proportionate to the nature and duration of the proposed works, and that the potential effects on agricultural land and soils have been appropriately assessed.
RR-2316/175	4.13.6 Paragraph 1.1 of 6.20 Appendix 9.6 states that an approach of a "semi-detailed" survey was requested from LDC by ERM. LDC proceeded with a survey at a frequency of 1 auger per 2 Hectares (ha), upon ERM's request. However, it is noted that a typical ALC survey is undertaken at a frequency of 1 auger per 1 ha. Whilst this approach can be used for preliminary surveys, at this stage in the planning process, it is considered that a full detailed survey is required to identify the BMV land. 4.13.7 Published guidance states that, along with a frequency of 1 auger per 1 hectare, a frequency of 1 trial pit per 10 augers (i.e. 1 trial pit per 10ha) should be employed. This frequency has not been accomplished by the survey, which includes a total of 4 trial pits to cover the 1206.85ha area surveyed (a frequency of 1 pit per 302ha). It is also noted that the 4 trial pits did not target each of the four soil associations expected in the site, as described in Paragraphs 4.8 to 4.11 of 6.20 Appendix 9.6 and shown in Figure 1.	The survey is sufficient for the assessment of effects on best and most versatile (BMV) land. **Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification Report [APP-129]** records 625 auger borings to 1.2m across the current redline boundary. They cover the land proposed for solar arrays and not the connection works, at about one boring per two hectares (paragraphs 1.3, 3.2 and 3.3). A further 178 borings in earlier iterations of the boundary were excluded from the reporting (**ALC Report [APP-129]**, paragraph 3.3). The borings were supplemented by: - four profile pits (**ALC Report [APP-129]**, paragraph 3.5) with topsoil and subsoil samples from the pits, analysed for texture, organic matter, stone content and nutrient status (paragraphs 3.9 to 3.11) by a UKAS-accredited laboratory (paragraph 3.12); and - topsoil samples from each field, 125 in total with 116 within the Order Limits (around the 1 sample per 10 ha requirement), analysed for texture, organic matter, stone content and nutrient status.

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		Grading followed the MAFF 1988 criteria (**ALC Report [APP-129]**, paragraph 3.13). As noted in **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**, a sampling grid of one location per hectare was used in areas of planned permanent infrastructure, including the Battery Energy Storage System (BESS) and substation locations. There the effect on soil is permanent, and the grid established a more detailed classification (paragraph 9.4.6). The four pits cover the soils that make up almost all of the surveyed land. Trial Pit 3 represents the Rivington 1 soils, and Trial Pit 2 the transition from Rivington 1 to Dale and Bardsey. Trial Pits 1 and 4 represent the Dale and Bardsey associations (**ALC Report [APP-129]**, paragraphs 4.19, 4.25 and 4.38). Together these form the dominant soil type across98.1% of the surveyed area (paragraph 4.36). The Aberford association and where it is transitional to Dale and Bardsey are the only soils without a trial pit, and are found only in the northern section, over 7.7 ha (0.7% of the surveyed area, **ALC Report [APP-129]**, paragraphs 4.29 and 4.32). A denser grid would refine boundaries between grades at field level, but would not change the basis of the assessment. The survey found that, in most instances, the better grades show high spatial variability within larger areas of Subgrade 3b, with only a few fields entirely or mainly BMV (**ALC Report [APP-129]**, paragraph 5.11). Table 15-26 of **ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]** records most

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		of the BMV land under solar PV (131.62ha) or under mitigation planting and enhancement (77.57ha). It records 7.34ha under substations, BESS and access tracks, a figure that includes construction compounds used only during construction. The ES estimates the BMV land required for BESS, substations or other infrastructure in place for the life of the development at 0.4ha of Grade 3a, under a substation in W1 (**ES Chapter 9 [APP-061]**, paragraph 9.5.3; **ES Chapter 15 [APP-067]**, paragraph 15.7.59). The ES reports the effect on the availability of BMV land as Moderate Adverse and Significant (**ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]**, paragraph 15.7.66). Soils are handled and reinstated under the soil management plan that Requirement 4(2)(c) of the **draft Development Consent Order (dDCO) [AS-009]** requires within the Construction Environmental Management Plan (CEMP).
RR-2316/176	**Referenced Guidance** 4.13.8 Various references to published guidance within Paragraph 3.15 of 6.20 Appendix 9.6 of the ES are outdated. These include: 4.13.9 Revised Guidelines and Criteria for Grading the Quality of Agricultural Land, MAFF (1988) has been updated to Agricultural Land Classification of England and Wales Guidelines for grading the quality of agricultural land, Defra Joint Publication 069 (2025). However, the substance of the updated guidance has not been changed from the MAFF 1988 guidance.	Noted. The change in references do not affect the grading or the findings, and some have come into effect after the submission of the ES.

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	4.13.10 Soil Survey Field Handbook, Technical Monograph No. 5, Harpenden (1974) is the first edition and has been updated to the fourth edition (2022). 4.13.11 Nutrient Management Guide, DEFRA/AHDB (2022) was updated in March 2026. It is noted that this update was published after the commencement of the survey works. 4.13.12 Guidance for Successful Reclamation of Mineral and Waste Sites, DEFRA (2004) has been superseded by Guide to reclaiming mineral extraction and landfill sites to agriculture, Natural England (2022). 4.13.13 In addition, Guide to Assessing Development Proposals on Agricultural Land, Natural England (2018) has been updated in July 2026 (after the date of issue of 6.20 Appendix 9.6 Revision 01).	
RR-2316/177	**Competency** 4.13.14 It is a requirement that the team producing an ALC is suitably qualified and experienced. While Paragraph 1.4 of 6.20 Appendix 9.6 provides some details of the team's experience and qualifications, the detail provided is not sufficient to meet the requirements set out by the British Society of Soil Sciences (BSSS) Professional Competency Standard (PCS) scheme for ALC.	**Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification Report [APP-129]**, paragraph 1.4, records the team's experience and qualifications. - The report was authored by a soil scientist at Land Drainage Consultancy (LDC) and verified by a second LDC surveyor. Both are experienced soil surveyors, with full British Society of Soils (BSSS) memberships, and maintain active professional engagement through regular participation in BSSS events and CPD training courses. - The verifier is qualified under the Fertiliser Adviser Certification and Training Scheme (FACTS) and is an early career member of the British Society of Soil Science. The verifier assists on the surveying, cartography and preparation of ES land and soil

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		chapters across mineral extraction, highway, linear utility and solar projects. - The surveys were supported by a soil scientist with more than 40 years' experience of specialist soil science consultancy, soil classification and agricultural land classification. - All surveyors hold detailed knowledge and understanding of the ALC system under the updated JP049 ALC guidance, and their approach reflects current best practice and is fully aligned with updated ALC guidance, ensuring that all assessments are technically sound and defensible. Samples were analysed by a UKAS-accredited laboratory (**ALC Report [APP-129]**, paragraph 3.12). The boring logs, profile pit descriptions and laboratory report sheets are appended to the report (**ALC Report [APP-129]**, paragraph 3.16). The gradings can therefore be checked against the field evidence. The Applicant considers the survey team suitably qualified and experienced for the survey undertaken.
RR-2316/178	**Grading** 4.13.15 Paragraph 4.55 of 6.20 Appendix 9.6 states that "it is likely that land is being farmed beyond the slope limitations provided in the 1988 guidelines." While Stantec does not argue this statement, we note that the updated 2025 guidelines elected to retain the slope limitations from the 1988 guidelines for consistency between pre- and post- 2025 ALC surveys.	The Applicant notes the Council's observation. Paragraph 4.55 of **Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification (ALC) Report [APP-129]** comments on current farming practice on slopes of 7 to 11 degrees where run-outs are available. It was not used to set aside the slope limits in the grading. The grading was made under the MAFF 1988 criteria (**ALC Report [APP-129]**, paragraph 3.7). Paragraph 4.54 applies their slope limits: locally steep slopes over 7 degrees without run-outs restrict machine

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		access and lead to an ALC limitation of subgrade 3b and Grade 4. Paragraph 5.14 of the **ALC Report [APP-129]** records the small areas limited to Grade 4 by steep slopes around the periphery of the site. The grading therefore uses the same slope limits that the Council confirms the 2025 guidelines retain.
RR-2316/179	4.13.16 It is noted that the various map series provided as appendices to the 6.20 Appendix 9.6: Agricultural Land Classification Report do not include inset maps. While not a major issue in and of itself, this has resulted in areas of the site being missed from the map series. This affects not insignificant areas of the site within both council jurisdictions. Stantec has made a comparison between the map series and the figures provided in ES 6.19 Chapter 9: Figures (Revision 01, dated June 2026). ES Volume 3 Figure 9.2 ALC Survey Results Sheet 1 of 1 shows that the majority of areas that are missing from the map series provided in 6.20 Appendix 9.6 are classified as ALC subgrade 3b, which is the overruling grade across the site, however an area of ALC subgrade 3a (BMV) is shown near Dinnington (Rotherham Metropolitan Borough Council). This oversight also means that Stantec's review cannot determine the appropriateness of the survey works and available data in the areas not shown.	The land referred to as missing from the ALC appendices are the cable route corridors that were deliberately not assessed and the omission of complete areas of cable routes in **Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification Report [APP-129]** Appendix 7 is not an oversight. This is because, at this stage, the ALC status of the cable route is irrelevant to the proposed works to be carried out in the corridors, as this will be subject to further to site-specific mitigation in Soil Management Plans, to be developed within the CEMP. Furthermore, impacts to soils resulting from the installation of cables are assessed as temporary and reversible Neglible impact on soil function in paragraph 9.7.11 of **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**.
RR-2316/180	4.13.17 While there is a degree of variation in how the same results may be mapped into ALC grades, Stantec question the choice of ALC Grade 2 along Anston Brook, given the area being within a Flood Zone 3. Additionally, it appears that the individual Grades for each auger have been adhered to in the overall grading of the site. This has resulted in small areas being of different (lower) grades than the surrounding area (higher, typically Subgrade 3b). Typically, these areas	The **Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification (ALC) Report [APP-129]** has taken a conservative approach to depicting the grading of samples where a single BMV soil class is recorded within a wider backdrop of non-BMV. This conservative approach was taken at the request of Natural England during early consultations,

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	of lower grades would merely be incorporated into the surrounding higher grade.	as a mitigation to the perception of the survey being at 'semi-detailed' sample density. Similarly, the retention of BMV classification along the Anson Brook has been the conservative mapping choice for the same reason. For the entirety of this area to be considered Non-BMV, ALC subgrade 3b, the Applicant would need to be able to prove one of the following criteria takes place: - Winter flooding (Nov – March), occurs every 1 in 3 to 1 in 9 years, with inundation lasting for more than 4 days. - Winter flooding (Nov – March), occurs more than once every 3 years, with inundation lasting between 2-4 days. - Summer flooding (March -Nov), occurs every 1 in 10 to 1 in 14 years, with inundation lasting for more than 4 days. - Summer flooding (March -Nov), occurs every 1 in 3 to 1 in 9 years, with inundation lasting between 2-4 days. On site, evidence of persistent wet ground/flooding in a low area to the northwest was reported, and for this reason this area was downgraded to ALC subgrade 3b on flood risk. However, the remainder of the site presented no evidence of flooding. Furthermore, as the field sloped down towards Anston Brook it is in LDC's opinion that any flood water is unlikely to sit for prolonged period of time as the natural topography of the land encourages the water to shed and is often elevated. It is therefore believed that this would in

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		practice maintain their capability for better graded, BMV land.
RR-2316/181	**Recommendations** 4.13.18 While some recommendations are made in Section 5.0 of 6.20 Appendix 9.6, there is a lack of mention of the requirement to consult with Natural England, given the 242.8ha BMV (minimum requirement 20ha).	The Applicant confirms that Natural England has been consulted on matters relating to the agricultural land classification and soils management, as documented in Table 9.2 of **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**. **ES Appendix 9.6: Agricultural Land Classification Report [APP-129]** provides the technical findings and recommendations relating to agricultural land and soils, whilst the statutory consultation undertaken and the Applicants responses are recorded in **ES Chapter 9 [APP-061]**.
RR-2316/182	4.13.19 Paragraph 5.6 of 6.20 Appendix 9.6 states that the proposed solar farm scheme “has the potential to create short term impacts”, however Stantec note that this temporary period represents a significant period of time; Paragraph 2.5.5 of ES 6.21 Non-Technical Summary (application document ref. EN110020/APP/6.21, Rev 01, dated June 2026) provides an expected operation period of 60 years.	**ES Chapter 15: Socio-Economics, Tourism and Recreation and Land Use [APP-067]** assesses the use of agricultural land for solar photovoltaic (PV) development as semi-permanent. It concludes that there would be a Moderate Adverse (Significant) effect on the availability of best and most versatile (BMV) agricultural land (**ES Chapter 15 [APP-067]**, paragraphs 15.7.65 and 15.7.66). The assessment therefore does not treat the operational period as short term. The **Planning Statement [AS-015]** treats the land as used temporarily and returned to arable use at decommissioning. It records that the Environmental Statement "has confirmed that significant effects are likely to arise" and that limited weight may be applied against the Proposed Development in the planning

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		balance (paragraph 9.3.12). It addresses food production at paragraph 9.3.10 of the **Planning Statement [AS-015]**. The weight to be given to the effect is a matter for the Examining Authority in its recommendation and for the Secretary of State in the decision.
RR-2316/183	**4.14 Arboriculture** 4.14.1 Comments are provided below in relation to the arboriculture documentation and information received. 4.14.2 They relate to a number of issues, including a lack of information on TPOs and Conservation Areas and lack of explanatory text on a number of matters predominantly noting a lack of assessment on the impact on Treeton Woods Ancient Woodland; an irreplaceable habitat adjacent to the Order Limits. Appendix 6.14: Arboriculture Survey and Tree Constraints Plan, 3.1.2–3.1.4 The report acknowledges that TPO and Conservation Area searches could not be completed for Rotherham MBC due to a database fault. This matter requires addressing and updating.	The Tree Preservation Order (TPO) information for Rotherham has been obtained and used in the Environmental Statement (ES). **ES Appendix 6.14: Arboriculture Survey and Tree Constraints Plan [APP-107]** records that the online search could not be completed for the Rotherham sites because of an apparent fault with the Council's database at the time (paragraph 3.1.3). **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** then addressed the Council's own consultation comment on TPOs, and has used the Council's mapping as the data source to inform the EIA (Table 6-3, RMBC Tree Preservation Orders row). TPO woodland and trees within 200m of the Order Limits are mapped on **ES Figure 6.2: TPOs within 200m Buffer of Order Limits [APP-074]**. The ES records that all TPO woodland and trees are to be avoided. None are present within the Order Limits other than at Cuckoo Way / Chesterfield Canal, where the cable will cross by a trenchless method (**ES Chapter 6 [AS-021]**, Table 6-3). The woodland buffers in the **Outline Design Parameters [APP-158]**, Table 2.1 (25m from woodland and 15m from trees for Works Nos. 1, 3, 4 and 8), apply in the same way to woodland with TPO status.

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		Part 2 of Schedule 12 to the **draft Development Consent Order (DCO) [AS-009]** lists one TPO, CC1999/0110. The work is described as facilitating construction of the cable underneath it at a depth of at least 3 metres (Work No. 2L). Article 44 of the **dDCO [AS-009]** applies to any tree subject to a TPO. It allows work to the tree only where the undertaker reasonably believes it necessary to prevent the tree obstructing the authorised development or endangering its users. The undertaker must do no unnecessary damage to the tree. The arboriculture survey recommends that the Rotherham position be confirmed with the local planning authority before works commence. It also recommends a further check before any tree works are authorised, to confirm whether any tree is covered by a TPO or lies within a Conservation Area (**Arboriculture Survey [APP-107],** paragraphs 3.1.3 and 3.1.4). During construction, retained trees are protected by root protection areas and protective fencing (**outline Construction Environmental Management Plan (CEMP) [APP-042],** Table 1.2). This is secured through the CEMP under Schedule 2, Requirement 4 of the **draft DCO [AS-009]**. With the mitigation and avoidance measures set out in the application, no impacts on TPO trees or woodland are anticipated, and therefore the EIA does not require updating.
RR-2316/184	Appendix 6.14: Arboriculture Survey and Tree Constraints Plan, 3.1.6–3.1.8	As noted in **Environmental Statement (ES) Appendix 6.14: Arboriculture Survey and Tree Constraints Plan [APP-107]**, there is no designated

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	The report confirms no ancient woodland lies within the survey area but identifies Site 6 as immediately adjacent to Treeton Woods Ancient Woodland. This is inconsistent and needs updating. There is also no assessment of the implications of development adjacent to an irreplaceable habitat which needs to be addressed. Appendix 6.14: Arboriculture Survey and Tree Constraints Plan, 3.1.8 The report notes that ancient woodland is a material planning consideration but does not explain how this has informed the survey recommendations or constraints assessment. Clarification on this matter is required.	ancient woodland within the survey area (paragraph 3.1.6). Site 6 is immediately adjacent to Treeton Woods, an ancient woodland outside the survey area (paragraph 3.1.7). The two statements describe different areas, so the Applicant considers the survey consistent. Across the Order Limits, **ES Chapter 6 [AS-021]** records circa 0.25ha of ancient woodland in Cable Route B bordering W1 (paragraph 6.5.28). The ES assesses it on the basis that the cable crosses it by trenchless methods, giving very limited potential for direct effects (ES Chapter 6 [AS-021], Table 6-11). **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** also records Treeton Wood Local Wildlife Site (LWS) as adjacent to W2 and designated under the ancient woodland criterion (Table 6-9). **Development next to ancient woodland** The implications of development next to ancient woodland are assessed in **ES Chapter 6 [AS-021]**. Paragraph 6.7.35 of **ES Chapter 6 [AS-021]** identifies the pathways: direct damage from construction machinery and vehicles, and indirect effects from lighting, noise, dust and pollution. **ES Chapter 6 [AS-021]** proposes a 25m offset buffer between ancient woodland and construction areas, beyond the minimum 15m in planning advice (paragraph 6.6.23), which is secured in the **Outline Design Parameters [APP-158]**. For the solar, Battery Energy Storage System (BESS), substation and construction compound works (Works Nos. 1, 3, 4 and 8), Table 2.1 of the **Outline Design Parameters [APP-158]** provides for infrastructure to be kept 25m from woodland and 15m

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		from trees. That offset does not itself cover access works (Work No. 5). Site 6 lies on a highway edge next to Treeton Woods (**Arboriculture Survey [APP-107]**, paragraphs 3.1.7 and 3.2.3). For any access works there, impacts would be mitigated through the 25m buffer between ancient woodland and construction areas that **ES Chapter 6 [AS-021]** proposes (paragraph 6.6.23), and on the construction measures below. The outline Construction Environmental Management Plan (oCEMP) commits to dust suppression, lighting controls, noise control measures and contractor briefing (**ES Chapter 6 [AS-021]**, paragraph 6.6.23). Working methods for ancient woodland are secured through the CEMP under Schedule 2, requirement 4 and the Landscape and Ecology Management Plan (LEMP) under Schedule 2, requirement 7 of the **draft Development Consent Order (DCO) [AS-009]**. With these measures, effects on ancient woodland are assessed as short term, Negligible and Not Significant (**ES Chapter 6 [AS-021]**, paragraph 6.7.36). **How ancient woodland informed the survey** The **Arboriculture Survey [APP-107]** is a BS 5837:2012 baseline. Its trees were assessed "objectively and without reference to any proposed site layout", and focuses on areas of proposed access points (**Arboriculture Survey [APP-107]**, Appendix 2). Its Tree Constraints Plan is to be used as a layout design tool (paragraph 3.3.4). The constraint that ancient woodland places on the layout is set by the Outline Design Parameters.

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RR-2316/185	Appendix 6.14: Arboriculture Survey and Tree Constraints Plan, 3.2.5 The report identifies Category A trees and groups but does not explain whether any are likely to conflict with the emerging development footprint. As submitted, the significance of these assets is established but the consequences for layout design remain unclear. Updated commentary and evidence on this matter is requested.	**Environmental Statement (ES) Appendix 6.14: Arboriculture Survey and Tree Constraints Plan [APP-107]** is a BS 5837:2012 baseline survey. It covered the proposed access points to the Proposed Development (**ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, Table 6-3). Its trees were assessed "objectively and without reference to any proposed site layout" (**Arboriculture Survey [APP-107]**, Appendix 2). This is so that the Tree Constraints Plan can be used as a layout design tool (paragraph 3.3.4). The report recommends that category A and B trees be retained where possible and incorporated into the design (**Arboriculture Survey [APP-107],** paragraph 3.3.1). It also recommends that panels, frames and associated infrastructure be kept outside root protection areas wherever practicable, with trenchless or hand-dug methods for any cabling within them (**Arboriculture Survey [APP-107]**, paragraph 3.3.7). Table 2.1 of the **Outline Design Parameters [APP-158]** provides for infrastructure within Works Nos. 1, 3, 4 and 8 to be kept 15m from trees and 25m from woodland, whatever the tree's category. It allows no works within the root protection area of veteran trees. Those offsets do not apply to access works (Work No. 5) or cables (Work No. 2). Schedule 2, requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]** requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters. Tree loss locations are shown on the **Vegetation Removal Plans [AS-007].**

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		Further arboricultural surveys will be undertaken before construction (ES Chapter 6 [AS-021], Table 6-3). During construction, retained trees would be protected by root protection areas and protective fencing (**outline Construction Environmental Management Plan (CEMP) [APP-042]**, Table 1.2), secured by Schedule 2, requirement 4 of the **dDCO [AS-009]**. Retained trees will be inspected by an arboriculturist during construction, and works adjacent to them will be carried out under a watching brief (**outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 7.3.5), secured by Schedule 2, requirement 7 of the **dDCO [AS-009]**.
RR-2316/186	Appendix 6.14: Arboriculture Survey and Tree Constraints Plan 3.2.8 Six Category U trees are identified as having a life expectancy of less than ten years but requiring no immediate works. The basis for this distinction is not fully explained and requires further justification	The basis for the distinction is given in paragraph 3.2.8 of **Environmental Statement (ES) Appendix 6.14: Arboriculture Survey and Tree Constraints Plan [APP-107]**. The six trees (T35, T215, T219, T306, T311 and T468) are category U because of their limited remaining life expectancy. Having regard to their condition and site context, they "are not considered to present an unacceptable level of risk at present". The report adds that works may be needed in future should site usage change. The trees that do need action are listed separately at paragraph 3.2.9 of the **Arboriculture Survey [APP-107]**. These are the trees recommended for removal regardless of development, or for further arboricultural inspection or risk assessment, with details in Appendix 4. The distinction is therefore between U trees that the report considers do not present an unacceptable level of risk at present, and those it recommends for removal, or for further inspection or

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		risk assessment to determine the extent of their defects.
RR-2316/187	Appendix 6.14: Arboriculture Survey and Tree Constraints Plan, 3.2.10 The statement that all remaining Category C trees are of "little arboricultural significance" requires justification. Whilst Category C trees are of lower quality than Categories A and B, BS5837 recognises that they may still make a meaningful contribution to landscape character, screening and environmental value. Further assessment and justification on the Category C trees is therefore required.	Paragraph 3.2.10 of **Environmental Statement (ES) Appendix 6.14: Arboriculture Survey and Tree Constraints Plan [APP-107]** gives the reason for the category. All the trees either have defects which limit their long-term prospects or are of insignificant size. The same paragraph records that, as a whole, they "do provide some landscape, ecological, and screening value". This is the contribution the Council describes, and the report takes it into account. Paragraph 3.3.2 of the **Arboriculture Survey [APP-107]** recommends that, where suitable, category C trees, tree groups and hedges with reasonable future prospects be retained as part of the development. Paragraph 3.3.3 of the **Arboriculture Survey [APP-107]** states that development proposals could remove category 'C' trees and replacement planting would largely mitigate their losses. The 15m tree buffer in Table 2.1 of the **Outline Design Parameters [APP-158]** applies to category C trees as to any other within Works Nos. 1, 3, 4 and 8. Schedule 2, requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]** requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters. During construction, retained trees would be protected by root protection areas and protective fencing (outline CEMP [APP-042], Table 1.2). This is secured by Requirement 4 of the dDCO [AS-009]. Retained trees would be inspected by an

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		arboriculturist during construction. Works next to them are carried out under a watching brief (outline LEMP [APP-046], paragraph 7.3.5), secured by Requirement 7.
RR-2316/188	**4.15 Glint and Glare** **Legislation, Policy and Guidance** 4.15.1 The guidance relating to the assessment of glint and glare is outlined within this section. Neo Environmental working alongside Stantec to assess Glint and Glare for the Council agree that there is limited legislation available for glint and glare and all the guidance highlighted within this section is the best guidance available.	The Applicant notes this comment The Council's advisers agree that the guidance set out in **Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]** is the best available. The legislation, policy and guidance applied are set out in the Legislation, Policy and Guidance section of the **Glint and Glare Report [AS-060]**, ending at paragraph 16.2.15. They are set out in more detail in **ES Appendix 16.1: Legislation, Policy and Guidance [APP-151]**.
RR-2316/189	4.15.2 It should be noted that there is some policy that we would recommend be included within this section. The CAA – CAP738: Safeguarding of Aerodromes 3rd Edition (https://www.caa.co.uk/publication/download/12346) which helps provide advice and guidance to ensure aerodrome safeguarding. 4.15.3 As mentioned in the 'Moving Receptors PRoW section below, reference to the British Horse Society – Advice on Solar farms near routes used by equestrians should be made as this provides justification for the methodology used. 4.15.4 Furthermore, footnote 3 does not work correctly. It should be ensured that the correct link has been provided within the Glint and glare assessment.	The Applicant agrees that CAP 738 and the guidance document published by the British Horse Society (BHS) are worthy of citation. It is agreed that the BHS guidance is helpful in the assessment of bridle paths and equestrian receptors. The glint and glare assessment report will be updated to address other comments received, the updated report will include this guidance document in its assessment of equestrian receptors. It is not predicted to change the impact classification or predicted effects upon equestrian receptors. CAP 738 notes that glint and glare should be considered by aerodromes considering a proposed development with respect to safeguarding. However the document does not provide a methodology to which such assessments should follow. Citation of the document will be included in an updated glint and

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		glare assessment however does not influence the methodology or results. Footnote 3 will be reviewed as part of the updated glint and glare assessment report and corrected if non-functional.
RR-2316/190	**Glint and Glare Definitions** 4.15.5 This section sets out the definitions of glint and glare, whilst also highlighting the type of reflections that are caused off solar panels and that they generally have similar characteristics to that of reflections of bodies of water and other common materials. Neo Environmental agree with these definitions. **Receptors** 4.15.6 Neo Environmental agree that a 1km study area is sufficient for assessment of ground-based receptors. 4.15.7 It is not clear where the non-reflection zones are with the figures that have been provided. Neo Environmental would usually locate the non-reflection zones on each of the ground based receptor figures. 4.15.8 Neo Environmental agree that a 1km study area is sufficient for assessment of ground-based receptors. 4.15.9 It is not clear where the non-reflection zones are with the figures that have been provided. Neo Environmental would usually locate the non-reflection zones on each of the ground based receptor figures.	The applicant is unsure to which specific figures the comment relates. Should document and paragraph/figure references be provided, the applicant is happy to review and further discuss the interpretation of these figures. If the comment is in reference to which areas are predicted to cause reflections to a given receptor: these can be seen in Annex A of the **Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]** which presents the modelling outputs. For each receptor, one of the graphs shows the panel area assessed, coloured in where reflections are possible and colour coded by predicted intensity.
RR-2316/191	Residential Dwellings 4.5.10 It is noted that 2m has been used for height within the model, Neo Environmental also use 2m as the height to represent the centre of a ground floor window.	The Applicant directs the reader to Figures 16.2.1, 16.2.2 and 16.2.3 of **Environmental Statement (ES) Chapter 16 Figures [APP-085],** which show the

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	4.15.11 A statement is made that a representative dwelling will be used to assess a group of receptors, it is not made clear on the map or in the report where this has occurred. Neo Environmental would expect a residential area to be made clear on the maps to be able to see where a representative receptor has been chosen.	locations of each residential receptor relative to the panel areas. If the comment is in reference to these Figures being amended to highlight residential areas, such as towns and villages where representative receptors are more likely be made use of, this can be carried out and presented within an updated glint and glare assessment report.
RR-2316/191a	Road and other Ground-Based Transport Receptors 4.5.12 The use of 1.5m for receptor height for rail, 2.75m for rail and 2.5m for horse riders is agreed with and is an acceptable approach to assessing road, rail and bridleway receptors. It is noted that receptor routes are placed with analysis every 200m for moving receptors, this is agreed. Aviation Assets 4.15.13 The study areas outlined within this section seem reasonable and fit with industry standards. Whilst they are slightly different from Neo Environmental's, this will not significantly alter the outcome of the Glint and glare assessment.	The Applicant notes these comments.
RR-2316/192	**Consultation** 4.15.14 This section outlines the consultation undertaken to date on the project and Neo Environmental will leave the response to this section to the relevant consultees. **Assessment Methodology and Impact Criteria** 4.15.15 This section sets out the methodology and impact criteria used when assessing the potential glint and glare impacts upon receptors. Neo Environmental agree that the SGHAT is an industry standard tool that can be used when assessing Glint and Glare. Neo Environmental note that solar	Noted. The panels will have an anti-reflective coating (**Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]**, paragraph 16.2.35). This is included in Table 2.1 of the **Outline Design Parameters [APP-158]**. Schedule 2, requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]** requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters.

ID	Representation	Applicant Response
	panels now do have an “Anti-Reflective Coating”, this may provide a more realistic outcome and likely reduce impacts shown. 4.15.16 Neo Environmental agrees with the methodology that ‘Roads and streets located within urban environments, with buildings and other infrastructure located in the intervening space between the proposed panels and the road, are not included as any visibility of panels will be screened from view by the buildings.’. Proposed Development Description – Relevant Parameters Considered as part of the Analysis 4.15.17 Neo Environmental agrees with the relevant parameters considered as part of the Analysis Assumptions, Exclusions and Limitations 4.15.18 The assumptions stated are agreed as the model does have limitations which means the model represents an absolute worst-case scenario. Magnitude of impact 4.14.19 The relevant definitions for green, yellow and red glare are outlined within this section as well as an outline of how the impact are determined for each receptor. Static Receptors (Buildings and Residential Receptors) 4.15.20 The limits set out in Table 16.2.1 are agreed with when assessing the impact upon residential receptors. It is assumed that the quantity of glare is related to the quantity of yellow glare only for residential receptors due to the previous statement in paragraph 16.2.44 that outlines there is no specific guidance identifying the magnitude of impact from solar reflections on ground-based static receptors.	The Solar Glare Hazard Analysis Tool (SGHAT) runs for ground-based receptors model the panel surface as smooth glass without an anti-reflective coating (**Glint and Glare Report [AS-060]**, Annex A, PV array inputs). The model also assumes the sun is always shining at its fullest intensity and does not take account of screening. It therefore overestimates the glare possible and presents the worst case (**Glint and Glare Report [AS-060]**, paragraphs 16.2.36 and 16.2.37). The results reported are a worst case and, as the Council's advisers note, the coating would be likely to reduce the impacts shown. For aviation, where the coating was modelled, it reduces the reflections towards the visual circuits at Netherthorpe Airfield to low potential for temporary after-image (**Glint and Glare Report [AS-060]**, paragraph 16.2.374). The Applicant also notes comments on Proposed Development Description, Assumptions, Exclusions and Limitations, Magnitude of Impact and Static Receptors.
RR-2316/193	Moving Receptors (Road and Rail)	The applicant agrees upon review that green glare towards road and rail receptors represents a change

ID	Representation	Applicant Response
	4.15.21 The limits set out for assessing the impacts of road and rail receptors is not agreed with. As stated earlier green glare cannot be categorised as a None impact. The reason behind ignoring green glare on moving receptors needs to be highlighted more effectively with evidence to back up this reasoning. It is of Neo Environmental's view that green glare should be considered for moving receptors due to the potential safety implications, generally green glare would be categorised as a Low impact if done in line with industry standards.	from the baseline conditions and therefore should not be categorised as no impact, but rather low impact. An updated glint and glare assessment report will be submitted into examination which actions this change to the impact classification. The residual impact for roads where green glare is predicted will change from no impact (insignificant) to low impact (insignificant) where views of the reflecting areas are predicted to be possible. This will therefore not introduce new significant effects or require additional mitigation as a result of this update.
RR-2316/194	4.15.22 Neo Environmental has concern over the methodology used to assess the magnitude of impact on road receptors. Currently the assessment classifies impacts as 'where yellow or red glare occurs on a Local road, the magnitude of impact will be Low' and 'Where yellow or red glare occurs on a Motorway, major national, national and regional road, as well as on rail receptors, the magnitude of impact will be High.'. The classification of the road in our opinion does not affect the scale of impacts upon the road when looking at roads that do not serve residential dwellings solely. As previously mentioned green glare would be categorised as a Low impact and Yellow Glare impacts on roads should be classified as High due to the safety issue associated with these impacts, if done in line with industry standards.	With regard to the impact classification of green glare, the applicant has addressed this in its response to RR-2316/193 With respect to solar reflections towards local roads, the magnitude of impact as a result of solar reflections towards road users along roads deemed to be local roads is low (insignificant). Road users along local roads are considered to have the capacity to experience solar reflections without a reduction to safety. The workload of a road user along a local road is expected to be lower than that of a user of a larger road where there are multiple lanes of traffic, speed limit changes, other users overtaking and joining, signs to be observed, etc. Users of local roads are expected to use their judgement in deciding a safe speed which is suitable for the road conditions, weather, etc. A user of a local road is therefore more able to accommodate a source of solar reflections and respond to it without an impact upon safety. This is inline with industry standards and precedence.

ID	Representation	Applicant Response
		When identifying receptors for the assessment, a desk-based review of imagery is undertaken to identify roads within the assessment area and to identify their classification (local, regional, national, major national). This review considers several factors including: to what the road connects, where it is a through road, lane width, markings, condition, etc. Professional judgement is then employed to classify each road to discern its sensitivity.
RR-2316/194a	Moving Receptors (PRoW) 4.15.23 Neo Environmental agrees with the justifications made in paragraphs 16.2.49 and 16.2.50 overall. However, it is advised, as mentioned above, that reference to the British Horse Society (BHS) - Advice on Solar farms near routes used by equestrians be made as this outlines the fact the BHS agree that impacts from a solar farm would not be detrimental to the health or wellbeing or a horse.	The Applicant notes these comments.
RR-2316/195	Moving Receptors (Aviation) 4.15.24 The limits set out for assessing the impacts of aviation receptors is not agreed with. As stated earlier green glare cannot be categorised as a None impact, it should be noted that Negligible and None are not the same when it comes to impacts. It is clearly outlined with FAA guidance that green glare impacts upon approach is classified as a Low impact and not a None impact. It is of Neo Environmental's view that green glare should be considered for moving receptors due to the potential safety implications,	The applicant agrees upon review that green glare towards aviation receptors represents a change from the baseline conditions and therefore should not be categorised as no impact, but rather low impact. An updated glint and glare assessment report will be submitted into examination which actions this change to the impact classification for moving aviation receptors, i.e. pilots. Residual impacts will not change from insignificant to significant as a result of this change to the impact classification.

ID	Representation	Applicant Response
	generally green glare would be categorised as a Low impact if done in line with industry standards. 4.15.25 It is also noted that this change is unlikely to materially change the outcome of the assessment. Air Traffic Control Tower (ATCT) 4.15.26 The limits set out are exactly the same as Neo Environmental and therefore these are agreed with when assessing the impact upon ATCT receptors.	
RR-2316/195a	**Baseline Conditions** Residential Receptors 4.15.27 It is noted that receptors north and south of the panels have been ignored due to the fixed frame panels, Neo Environmental would take the approach of outlining the areas where glare is not possible, information surrounding the azimuth that glare can occur and visualisation of the zones of non-reflection to outline which receptors have been scoped out of the assessment for this reason. However, as stated earlier Neo Environmental do not agree with these impact classifications on safety grounds.	The applicant acknowledges that further visualisation of the areas within which reflections are not predicted could aid a reader. Should the council have concern with respect any specific property, the applicant welcomes further engagement to discuss potential effects upon these receptors. The applicant welcomes further detail regarding safety concerns. Glint and glare effects towards residential receptors consider residential amenity. There is no safety impact related to residential receptors
RR-2316/196	4.15.28 It is noted that receptors located outside the ZTV have been omitted from assessment, this is an acceptable approach. However, it may be useful to have the ZTV overlaid with the residential receptors, so it is easier to see this for the reader.	The Applicant notes the Council's comments. The ZTV applied is the one set out in Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment (**ES Appendix 16.2: Glint and Glare Report [AS-060]**, paragraph 16.2.63). It is mapped in **ES Chapter 7 Figures Part 1 [APP-075]**, Figures 7.4 to 7.7 (the overview and the ZTV for each of W1, W2 and W3). Those figures can be read alongside the numbered receptor points on **ES Figures 16.2.1 to 16.2.3 [APP-085]**.

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RR-2316/197	Road and Rail Receptors 4.15.29 Table 16.2.5 – 16.2.7 outlines the road and rail routes that have been included within the assessment, for the most part Neo Environmental agree with the roads included. 4.15.30 However, there are a multitude of roads dissecting the application site which have not been assessed, these roads run adjacent to panels and will potentially have significant impacts, furthermore, the speed of rural roads can reach up to 60mph in some areas which is of significant importance considering the possibility of glare impacting drivers. In our opinion all roads which are connecting roads should be assessed within 1km of the Panel Boundary. The only roads which should be scoped out of the assessment are ones which solely serve residential dwellings as vehicle users of these roads will likely be travelling at low speeds and therefore, there is a negligible risk of safety impacts resulting from glint and glare of the Proposed Development.	The applicant has responded to points regarding the identification and assessment of local roads in its response to RR-2316/193. The Applicant does not agree with Neo Environmental's definition of which roads should be scoped out of receptors taken forward for geometric modelling.
RR-2316/198	4.15.31 Route 2 in area W1 has been scoped out of the assessment due to the receptor not being located within the ZTV, however, the Figure 7.4 of the Chapter 7 Figures shows an area of high theoretical visibility across Route 2, therefore, it is our opinion that this route be assessed. It may be useful to have the ZTV overlaid with the road receptors, so it is easier to see this for the reader.	No significant impact is predicted upon Route 2 of W1. The Applicant directs the reader to Figure 7.5 of **Environmental Statement (ES) Chapter 7 Figures Part 1 [APP-075]**. Route 2 of W1 (A630) runs from Hooton Roberts past Hill Top and towards the south edge of Conisbrough. The Figure does not show visibility is predicted along this road section with the exception of a small section where the A630 passes Hill Top and meets Firsby Lane and Old Road and near view point 13. Due to existing screening at the road side in the form of vegetation and buildings, views are not predicted in practice.

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		Therefore the Applicant does not deem it necessary to take this road further for geometric modelling. The applicant acknowledges that overlaying the ZTV results upon the maps of glint and glare receptors could be helpful for a reader.
RR-2316/199	PRoW Receptors 4.15.32 Neo Environmental agree with the PRoW receptors that require assessment and it falls in line with the methodology outlined earlier in the report. Aviation Assets Aviation Assets 4.15.33 Neo Environmental agree with the aviation receptors that require assessment and it falls in line with the methodology outlined earlier in the report. **Impact Assessment** 4.15.34 Neo Environmental agree that impacts during operation should be the impacts assessed only.	The Applicant notes these comments.
RR-2316/200	Residential Receptors 4.15.35 Table 16.2.14 – 16.2.16 shows the bald earth glare results for each residential receptor that has been identified as requiring assessment. It can clearly be seen what each impact is for each receptor. The impact classification appears to fall in line with the limits set out earlier in the report. However, there are some small discrepancies with the results as mentioned below; 4.15.36 Within Tables 16.2.14 – 16.2.16 the 'Maximum Duration of Glare Per Day in a No-Screening Scenario (in minutes)' will need to be reassessed. It was found for Receptor 32 within area W2 of the Proposed Development that 768 minutes of glare would occur per day, this is approximately 13 hours duration which is highly unlikely. It is thought that this column has been calculated by adding the	The Applicant notes the comments. The glint and glare report will be updated during examination to address other comments, as part of this update these receptors will be reviewed to ensure the results are correct / corrected. Should significant impacts be identified as a result of this review, suitable mitigation will be proposed either in the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** or at the detailed design stage.

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	minutes of impact per day from each array, whereas these impacts would overlap in duration meaning a worst case duration per day is needed. 4.15.37 Furthermore, it was found that within Table 16.2.16 Receptor 12 had impacts of 15 minutes maximum duration and 5.5 hours of glare per year with a 'None' magnitude of impact listed. Within Annex A at a degree tilt of 8 degrees Receptor 12 yields 17.5 hours of yellow glare at a worst case, as opposed to the 5.5 hours listed. It is advised to ensure all impacts are correctly outlined within the tables and detailed assessment section to ensure all impacting receptors are assessed as currently Receptor 12 does not appear to have been assessed within the visual assessment.	
RR-2316/200a	<u>Road and Rail Receptors</u> 4.15.38 Table 16.2.17 – 16.2.19 shows the bald earth glare results for each road receptor that has been identified as requiring assessment. It can clearly be seen what each impact is for each receptor. The impact classification appears to fall in line with the limits set out earlier in the report. However, as stated earlier Neo Environmental do not agree with these impact classifications on safety grounds. <u>PRoW Receptors</u> 4.15.39 Table 16.2.20 – 16.2.22 shows the bald earth glare results for each PRoW receptor that has been identified as requiring assessment. It can clearly be seen what each impact is for each receptor. The impact classification appears to fall in line with the limits set out earlier in the report. Neo Environmental agree with the classifications reached for these impacts.	The Applicant notes Neo Environmental's confirmation that the bald earth results for road receptors in Tables 16.2.17 to 16.2.19 of **Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]** are clearly presented, and that the impact classifications are consistent with the limits set out in the report. The Applicant also notes Neo Environmental's disagreement with those classifications on safety grounds. The Applicant's response is set out in the responses to RR-2316/193 and RR-2316/194. In summary, the Applicant agrees that green glare towards road and rail receptors should be classified as low impact rather than no impact, and the updated Glint and Glare Report will make this change. This will not introduce any new significant effects. For yellow glare on local roads, the Applicant's position remains that the magnitude of impact is low. The Applicant would welcome further engagement with the Council

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		and Neo Environmental on any specific roads or road sections of concern. The Applicant notes and welcomes Neo Environmental's agreement with the impact classifications reached for public rights of way receptors in Tables 16.2.20 to 16.2.22 of **ES Appendix 16.2: Glint and Glare Report [AS-060]**
RR-2316/200b	Aviation Receptors 4.15.40 Table 16.2.23 and 16.2.24 shows the bald earth glare results for each Aviation receptor that has been identified as requiring assessment. It can clearly be seen what each impact is for each receptor. The impact classification appears to fall in line with the limits set out earlier in the report. Neo Environmental agree with the classifications reached for these impacts.	The Applicant notes these comments.
RR-2316/200c	Summary of Bare Earth Glare Analysis 4.15.41 The impacts for each receptor type are summarised within this section of the report. As correctly described, these impacts represent an absolute worst-case scenario. However as mentioned earlier Neo Environmental do not agree with the approach to some of the assessment and some of the impacts yield different results to what is shown in the analysis and so this section of text will likely update as a result.	The Applicant notes Neo Environmental's agreement that the bare earth results represent an absolute worst-case scenario. The Applicant's response to those comments is set out in the responses to RR-2316/193, RR-2316/194 and RR-2316/205. As set out there, an updated Glint and Glare Report will be produced to address the comments received.
RR-2316/200d	4.15.42 The reasoning provided for the glare impacts upon the aviation receptors, particularly Netherthope Airfield, offer a reasonable and well laid out argument that is considered to be acceptable. Thus, Neo Environmental agree with the impacts described for aviation receptors.	The Applicant notes and welcomes Neo Environmental's agreement with the reasoning and impacts described for aviation receptors, including Netherthorpe Airfield.

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RR-2316/200e	**Embedded Mitigation** 4.15.43 It is noted that there are multiple mitigation measures that are proposed as part of the Proposed Development which will help mitigate Glint and Glare impacts. These measures include hedgerows, treelines and opaque fencing to be in place until any propose vegetative measures are grown to a sufficient height. 4.15.44 These measures are welcomed and will likely provide sufficient screening as part of the design to help reduce the potential Glint and Glare impacts down. However, Neo Environmental does not agree with the methodology of the road receptors.	The Applicant notes and welcomes Neo Environmental's view on Glint and Glare mitigation. The Applicant notes that Neo Environmental does not agree with the methodology for road receptors. The Applicant's response is set out in the responses to RR-2316/193 and RR-2316/194. The Applicant would welcome further engagement with the Council and Neo Environmental on any specific roads or road sections of concern.
RR-2316/201	**Stage 2 – Detailed Assessment** 4.15.45 It is noted that due to the large amount of areas and arrays within the Proposed Development it would be beneficial to list the area of impacts and also the impacting arrays within the residential receptor analysis paragraphs, this would allow for a clear understanding of each impacting array upon the receptor.	The detailed assessment identifies, for each residential receptor, the part of the Proposed Development from which glare can arise, and points to the chart that maps it. The receptor paragraphs in **Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]** refer to the 'Glare Reflections on the PV Footprint' chart in Annex A. Each then states which section of which area can affect the receptor. For example, it is 'a southern and central section of W1' for Receptor 32 in W1 (**ES Appendix 16.2 [AS-060]**, paragraph 16.2.128), and 'a central strip of W2B' for Receptor 32 in W2 (paragraph 16.2.182). Where receptors remained at risk, the receptor-specific assessment and ratings are presented in Annex B (**ES Appendix 16.2 [AS-060]**, paragraphs 16.2.60 and 16.2.61). The Applicant considers that listing individual array identifiers in the text would not add to what the charts show.

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RR-2316/202	**Aviation Receptors** 4.15.46 Neo Environmental agrees with the justifications set out in paragraph 16.2.373 and 16.2.374, however, it is noted that within paragraph 16.2.374 it states the impact upon this receptor can be classified as None. This contradicts the above where it is stated with ARC coating the impacts reduce to green glare and therefore Neo Environmental would classify these as Low and Acceptable Impacts. Neo Environmental agrees with the information provided in paragraph 16.2.375.	The Applicant has addressed this comment with respect to classification of green glare towards pilot receptors in its response to RR-2316/195.
RR-2316/203	<u>Visual Analysis</u> 4.15.47 This section of the report outlines the actual visibility from the receptors into the Proposed Development where the glint and glare impacts are occurring from. It is noted that 'Glint and Glare Modelling' is attached to the report which contains arial images taken from Google Earth, with the aim of showing the real-world potential for impact. 4.15.48 However, 'Glint and Glare Modelling' does not offer clear evidence to support the conclusions outlined within this section. It is not clear where the glare is originating from, or how much coverage is provided from the existing vegetation. A diagram showing; the area of the solar farm that has the potential to cause glare upon the receptor, location of the receptor and location where the image is taken would provide a better understanding to determine if the receptors are screened. 4.15.49 It is noted that some of the images show extensive tree coverage and have the arial imagery showing the location of potential impacts in some cases, however it would be preferred to have this for each receptor to allow for a better assessment of impacts.	The imagery shown in the Glint and Glare Modelling report, which forms an Annex to **Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]**, is not intended to show the predicted reflector area and identified screening. This instead shows the receptor location and relevant azimuth angles of the sun. The Applicant acknowledges that additional imagery showing the reflector areas and identified screening would aid a reader. Additional imagery will be created, showing these considerations, both for dwelling receptors and for road receptors to address the comment raised. This will be included in an updated Annex to Appendix 16.2 [AS-060].

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RR-2316/204	4.15.50 The embedded mitigation measures outlined above will also likely screen any glare impacts from the solar farm. **Additional Mitigation** 4.15.51 Neo Environmental agrees with the additional mitigation proposed. **Stage 3 - Residual Impact Assessment** 4.15.52 Neo Environmental agrees with the mitigating factors set out in this section regarding the hedgerow planting as part of the outline Landscape and Ecology Management Plan [EN0110020/APP/5.13] and the reflections would occur only during times of direct sunlight as set out in Annex B. Additionally, paragraph 16.2.386 set out mitigating factors surrounding the model assuming the sun is always shining at its fullest intensity and that impacts do not account for different weather conditions that frequently occur that would in reality give rise to lower effects and durations than the worst-case assessment presented, this is also agreed. 4.15.53 Neo Environmental agree with the residual impact assessment, however, we would have assessed all roads within the 1km study area and there are some potential issues within the residential impact assessment as outlined previously in the report.	The Applicant has addressed Neo Environmental's points regarding the assessment of roads in its response to RR-2316/197 The Applicant notes the remaining points in this response.
RR-2316/205	**Conclusions** 4.15.54 The conclusions section provides an overview of the overall assessment and if there were any potential impacts. In this instance there is highlighted to be no High/Medium impact upon dwellings, roads, rail and aviation. Nothing is mentioned with respect to the impacts upon the upper floor views of residential receptors, Moderate views upon road receptors, Low and High impact views upon PRoW's and green glare impacts upon aviation receptors in this section. It	Initial analysis of potential glint and glare impacts upon residential amenity did not consider views above the ground floor. Where significant impacts upon residential amenity were predicted, additional analysis was undertaken which included consideration of views above the ground floor. The Applicant acknowledges and agrees that potential views above the ground floor of a residential dwelling are a consideration for residential dwelling receptors.

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	should be taken into consideration that any impacts regardless of justification surrounding the magnitude of the impact cannot yield a None impact if there is resulting green, yellow or red glare. It is our opinion that impacts should be labelled as Low in instances where glare is found at an acceptable level. Although Neo Environmental disagrees with some of the methodology, the conclusions found within the summary are mostly agreeable that the site is acceptable with regards to glint and glare. The roads assessment methodology isn't a methodology that we could agree upon as we would consider yellow glare a High impact regardless of the road type. We would suggest that some further changes to the assessment are required so that the assessment has been completed in line with industry standard and best practice. The following points require further information/clarification: - The zones of none reflection have not been outlined clearly including azimuth angles and discounted receptors. - Yellow and Green Glare impacts have been discounted on some roads and we would disagree with this. - Some types of road within the 1km study area have been dismissed, however, we would suggest all roads need to assess excluding roads within built up areas and roads that serve single dwellings. - The ZTV has not been outlined clearly on the receptor maps to outline which receptors have been discounted due to being outside the zone of theoretical visibility. - Inclusion of the CAA – CAP738: Safeguarding of Aerodromes 3rd Edition and British Horse Society – Advice on Solar farms near routes used by equestrians would benefit the justifications outlined within the assessment.	The **Glint and Glare Report [APP-152]** will be updated to address other comments, as a part of this update explicit reference will be made in the assessment of screening as to whether this obstructs from the ground floor only or both the ground and upper floor for all residential dwelling receptors. Should this update identify any Significant additional effects, suitable mitigation will be recommended as appropriate. With respect to all points in this response, which forms a summary of Neo Environmental's conclusions, the Applicant has addressed these in its responses to RR-2316/188-205.

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	- Some of the figures within the tables look to be incorrect, these need to be double checked with the analysis. - It is difficult to tell the impact or location of some receptors without clearer images, the inclusion of site specific pictures would be beneficial.	
RR-2316/205a	**5 Development Consent Order** 5.1.1 Rotherham Metropolitan Borough Council has both a specific interest in articles of the draft development consent order ("DCO") which affects their statutory functions and a broader interest in ensuring the DCO is well-framed and fit for purpose. Due to the complex nature of statutory instrument drafting, the Council reserves the right to make further detailed representations on the drafting of the DCO at later deadlines, in particular in the LIR and at any ISHs concerned with the DCO.	The Applicant notes the Council's interest in the articles of the draft Development Consent Order (DCO) [AS-009] that affect its statutory functions, and in ensuring that the DCO is well-framed and fit for purpose. The Applicant acknowledges that the Council reserves the right to make further representations on the drafting of the DCO, including in its Local Impact Report and at any Issue Specific Hearings on the DCO. The Applicant welcomes the Council's continued involvement and will continue to engage with it on the drafting of the DCO, including through the Statement of Common Ground. The Applicant will respond to any further representations made by the Council at the relevant Examination deadlines.
RR-2316/206	**Conclusions** 6.1.1 As set out within the introduction to this representation, the Council maintains its overall objection to Whitestone Solar Farm proposed development and application as drafted on the basis of its serious strategic concerns relating to the loss of high-quality agricultural land and Green Belt together with the individual and the cumulative impact of the Project on Rotherham's environment, local communities and businesses, when taken together with other major infrastructure proposed in this area.	The Applicant notes the Council's objection. The Applicant's primary Green Belt case is that the land is grey belt and the Proposed Development is not inappropriate development. Very special circumstances are set out in the alternative (**Planning Statement [AS-015]**, Appendix 2: Green Belt Assessment, paragraphs 4.1.1 and 4.6.1 to 4.7.1). Cumulative effects with other schemes in the area are assessed in **Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069]**. The **Planning Statement [AS-015]** assesses the harms in the planning balance, including the

ID	Representation	Applicant Response
	6.1.2 There is a considerable requirement for clarification and further assessment to provide a robust evidence base for the application through the examination process which we will continue liaising with the Applicant on. 6.1.3 Where specific technical representations have been made and recommendations suggested, we trust that these will be explored positively, proactively and pragmatically throughout the examination. 6.1.4 The Council will continue to assist the ExA through submission of an LIR, participation in hearings and responding to ExA's Questions throughout the examination and welcomes the opportunity to comment further on matters of detail throughout the examination.	significant effect on best and most versatile (BMV) agricultural land (paragraph 9.3.12). The Applicant considers that the application is supported by a robust evidence base. The clarifications the Council seeks are given point by point in these responses. Each of the concerns the Council lists, the loss of agricultural land, the Green Belt, and the individual and cumulative effects on Rotherham's environment, communities and businesses, is answered in the Applicant's responses to the Council's detailed points. See also the responses to RR-2316/1 and RR-2316/2, on the Council's covering email and its objection to the application as drafted.

3.3 North East Derbyshire District Council (Host Authority) [RR-2015]

ID	Representation	Applicant Response
North East Derbyshire District Council (RR-2015)		
RR-2015/1	North East Derbyshire District Council would like to comment on landscape impact, highways and biodiversity.	The effects of the Proposed Development on landscape, highways and biodiversity are assessed in the Environmental Statement (ES). The relevant chapters are **ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, **ES Chapter 13: Traffic and Transport [AS-025]** and **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**

3.4 Bolsover District Council (Neighbouring Authority) [RR-0284]

ID	Representation	Applicant Response
Bolsover District Council (RR-0284)		
RR-0284/1	Summary: No objections in principle, subject to request for additional landscape mitigation in the form of tree planting on the southern boundary and field margins generally at the southern end of the site.	The Applicant notes that Bolsover District Council raises no objection in principle. The **outline Landscape and Ecology Management Plan (LEMP) [APP-046]** provides the planting of the kind the Council describes, and as part of ongoing engagement with the host authorities the Applicant will consider the potential to incorporate further landscape mitigation measures where suitable through the introduction of additional planting on the southern boundary of the Order limits. This includes new species-rich hedgerows with trees, and gapping up of existing hedgerows in W3, with hedgerow trees added where over-shading of panels can be avoided. The southernmost part of Whitestone 3 lies in the Derbyshire Limestone Farmland Landscape Character Type. **Environmental Statement Appendix 7.3: Landscape Character Baseline and Assessment [AS-040]** describes it as open owing to the "distinct lack of hedgerow trees allied to the gentle relief". The siting and density of trees there must therefore respect that openness. For these reasons, the Applicant considers that the additional tree planting requested on the southern boundary and field margins at the southern end of the site is not necessary. The detailed planting requires the approval of the relevant planning authority through the LEMP under

ID	Representation	Applicant Response
		Requirement 7 of Schedule 2 to the **draft Development Consent Order (dDCO) [AS-009]**. The approved LEMP must be implemented and maintained throughout operation of the relevant part of the authorised development to which the LEMP relates (Requirement 7(3)). The Council's review of views from within the district, and its request for strengthened southern boundary planting with occasional middle-ground tree planting along hedgerows and access roads, are answered below.
RR-0284/2	From a review of the information contained in Volume 6: Environmental Statement 6.8 Chapter 8: Cultural Heritage and Archaeology (Clean) Application Document ref. EN0110020/APP/6.8.1 Revision 02 August 2026, it is noted that an appropriate assessment of the significance of the setting of listed heritage assets in Bolsover District Council's administrative area has been undertaken, although this doesn't contain a separate assessment of the impact on the GII Stable block and the GII* Gazebo. Notwithstanding this minor technical point, Bolsover District Council agrees with the conclusions contained in this document that the proposed development would result in low-level harm to the setting of designated heritage assets within Bolsover District. On this basis we would request that given the significance of the affected assets, this harm should be given appropriate weight in the overall planning balance in the determination of the application.	Barlborough Hall, including the GII Stable block and the GII* Gazebo, has been assessed. They were assessed as part of the groups of designated assets within Barlborough Hall Registered Park and Garden and Barlborough Conservation Area, not as separate receptors. This is due to their relationship to the estate of Barlborough Hall being key to the structures historic context; therefore, they were assessed as a group together. The Applicant is of the opinion that the setting assessments presented in **Environmental Statement Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]** of each of the assets mentioned by the Local Authority were robust and the conclusions are sound, as summarised below. For each building, the sieving exercise records that its setting makes little contribution to its significance beyond its link to the adjacent Hall and its place within the Park and Garden. It records that each would be "assessed as part of a group relating to the wider CA or P&G"

ID	Representation	Applicant Response
		(**Environmental Statement Appendix 8.3.1: Sieving Exercise Assets [AS-046]**). Both buildings are named receptors in the Registered Park and Garden assessment and in the Conservation Area assessment. Each of those assessments predicts a small magnitude of impact and a Moderate (adverse) effect (**Environmental Statement Appendix 8.4: Assessment of Indirect Effects to Setting [AS-048]**, Tables 8.4.3 and 8.4.4). The Registered Park and Garden assessment finds that "Designed views from the hall east and west, over the formal gardens, stables and towards the gazebo would also not be affected" (**Environmental Statement Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.7.88). The change is to views north over the rural periphery beyond the park, and key internal designed views would not change (**Environmental Statement Chapter 8: Cultural Heritage and Archaeology [AS-019]**, paragraph 8.7.90). The Stable Block is also named in the cumulative assessment for the Registered Park and Garden and its associated listed buildings, which predicts no cumulative effect (**Environmental Statement Chapter 8: Cultural Heritage and Archaeology [AS-019]**, Table 8.13). **Environmental Statement Chapter 8: Cultural Heritage and Archaeology [AS-019]** concludes that the harm to these designated assets is less than substantial, at the lower end of that scale, and is to be weighed against the public benefits (paragraph 8.7.46). The **Planning Statement [AS-015]** applies paragraph 5.9.28

ID	Representation	Applicant Response
		of National Policy Statement (NPS) EN-1: great weight is given to an asset's conservation, and "The more important the asset, the greater the weight should be" (paragraph 8.4.14). It identifies the Moderate adverse effects on Barlborough Registered Park and Garden and Barlborough Conservation Area (**Planning Statement [AS-015]**, paragraph 8.4.19). It then weighs that harm against the public benefits under paragraph 5.9.33 (**Planning Statement [AS-015]**, paragraph 8.4.21).
RR-0284/3	Wider landscape and character impacts of the development on Bolsover District Council's area: - • Pin13 on the viewshed encompasses the worst-case scenario potentially covers most area of most visibility. • The area of field most visible slopes southward from Woodall Village towards the A619 Rotherham Road; within Bolsover District (red line below) the impact is mainly restricted to glimpsed views from the A618 and from Pebley Farm and Pebley Inn Public House. • Whilst noting that the green hatch shows potential views for Southgate Lodge and the footpath approach from Barlborough Hall, intervening vegetation and topography means that the impact is low. • There are direct views from Barlborough Parish footpath FP22 where it crosses from Rotherham Road A619 to Pebleygrove Farm and there would be moderate impact on views from the Pebley Public House. • Views from footpath 24 along 'Pebley Oaks' historic footpath towards North Lodge and across the A618 are screened to the southeast corner of the field to the southern extent of the solar farm.	The Applicant notes the Council's comments on views from Bolsover District, including that the visual impacts are likely to be limited, but consider there is an opportunity to provide additional mitigation in the form of further planting on the boundary of the Order limits above that set out in the **outline Landscape and Ecology Management Plan (oLEMP) [APP-046]**, secured via an update to the oLEMP or via the LEMP to be prepared under Requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]** **Views from Bolsover District** As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement (ES) Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on the representative views and visual receptors groups within Bolsover District, including Viewpoints 52 and 66. **Landscape character of north Derbyshire** The southernmost parts of Whitestone 3 lie in the Derbyshire Limestone Farmland Landscape Character Type (**Environmental Statement Appendix 7.3:**

ID	Representation	Applicant Response
	• Any potential to see views northwards from the lane from Barlborough to Nitticar Farm along the eastern boundary of Barlborough Hall estate are minimal, with some slight potential intervisibility to the solar farm in winter. As the solar farm is 1.7m away the impact would be negligible. • Due to the presence of Nitticarhill Wood and Longribank Wood views to east are enclosed with no impact on Nitticarhill Farm or the wider landscape. Whilst it is accepted that visual impacts are limited, it is considered that additional mitigation should be provided to that shown in the submitted Outline Landscape and Ecology Management Plan Document ref. EN0110020/APP/5.13 Revision 01 May 2026 (Drawing reference: EN0110020/APP/6.19 – Indicative Landscape Mitigation Plan Sheet 7 of 7). This should be in the form of strengthening the southern boundary planting with occasional strategically placed middle ground tree planting along existing hedgerows and access roads, to reflect the landscape character of this part of north Derbyshire, to further mitigate the impacts on the development on Bolsover District.	**Landscape Character Baseline and Assessment [AS-040]**, paragraph 7.3.292). In that landscape, tree cover is mainly large woodlands, with tree groups around villages and farmsteads. "The distinct lack of hedgerow trees allied to the gentle relief creates an open landscape" (**ES Appendix 7.3 [AS-040]**, paragraphs 7.3.292 and 7.3.293). Any further trees along hedgerows and access roads would therefore need to be placed so as to keep that open character, which is a matter for the detailed Landscape and Ecology Management Plan (LEMP). The effect on the Limestone Farmland Landscape Character Type is Negligible Adverse (Not Significant) at Year 1 and Year 15 (**ES Chapter 7 [APP-059]**, Table 7-12). As part of ongoing engagement with the host authorities the Applicant will submit an update to the **Environmental Statement Chapter 7: Landscape and Visual Impact Assessment [APP-059]** at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on the Derbyshire Limestone Farmland Landscape Character Type. **Planting in the outline LEMP** The **outline LEMP [APP-046]** provides: - over 6km of species-rich native hedgerow with trees and approximately 34km of species-rich native hedgerow across the Order Limits (**oLEMP [APP-046]**, paragraph 7.4.1); - gapping up of existing hedgerows in W3 to enhance landscape features and reinforce field patterns (**oLEMP [APP-046]**, paragraph 7.4.7);

ID	Representation	Applicant Response
		- hedgerow trees added during gapping up where over-shading of panels can be avoided (**oLEMP [APP-046]**, paragraph 7.3.11). Screening hedgerows are maintained at 3m to 4m, and hedgerow trees are allowed to grow taller (**oLEMP [APP-046]**, paragraph 7.4.5). Species are chosen with regard to the requirements of the local area (**oLEMP [APP-046]**, paragraph 7.4.6). The locations on the Indicative Landscape Mitigation Plan in Appendix A are indicative (**oLEMP [APP-046]**, paragraph 7.4.8). The detailed planting for Whitestone 3 will be fixed in the detailed LEMP. The Applicant will review the potential for further tree planting to be included on the southern boundary of the Order limits and include on the mitigation plan proposed as part of the **oLEMP [APP-046]** as far as is practicable.

3.5 Environment Agency [RR-0795]

ID	Representation	Applicant Response
Environment Agency (RR-0794)		
RR-0795/01/13	**EA01 (Crayfish)** Issue: The management of non-native species is incomplete. Biosecurity measures do not specify the management of signal crayfish should they be encountered during works. Impact: Not managing non-native species can have a detrimental impact on native white clawed crayfish for example they outcompete native crayfish for food and habitat and carry harmful viruses which kill native species. Solution: Include a biosecurity measure to humanely dispatch any non-native crayfish encountered during works. Non-native crayfish should be ideally disposed of onsite (burial) rather than being taken away to prevent potentially transferring crayfish plague. General Comment (protected species surveys) We note that protected species surveys were not completed in their entirety prior to DCO submission, due to access constraints. Without all the baseline data, the construction, mitigation and compensation measures	The Applicant notes this comment. The control of INNS is detailed within **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** and measures are secured within the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** and **outline Landscape and Ecology Management Plan (oLEMP) [APP-046]**. Compliance with Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) will be met where non-native crayfish species are encountered during works. This will include ensuring biosecurity measures are specifically in place where non-native crayfish are encountered, and that humane dispatch of non-native crayfish is proposed. These measures will be included and secured in the CEMP. The Applicant notes the EA's comments on protected species surveys as well as the importance for the EA to remain a consultee on Schedule 2, Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**. The Applicant notes comments on the horizonal buffer of 5m (for ditches). This distance complies with the minimum criteria for Flood Risk Assessment Permit exemption (FRA3) as specified by the Environment Agency and has been used as a worst case for the purposes of assessment. However, the Applicant has

ID	Representation	Applicant Response
	are not based on completed ecological assessments, therefore we have not been able to conduct a comprehensive review of the proposal. However, we are satisfied with the commitment to complete protected species and habitat surveys in the CEMP (APP-058 Section 6.4.20, Chapter 6) prior to construction. It is important we remain as a consultee on Requirement 4 (Construction Environment Management Plan) so that we review this information and comment on it. <u>General Comment (buffer zones)</u> The applicant has proposed to apply a horizontal buffer of 5m from the top of the bank for ditches. This buffer needs to be wider. A wider margin maintains connectivity and a continuous pathway for wildlife (especially to allow otters to commute in high flow), allows habitat creation across the landscape in the form of tussocky grass, scrub and scattered trees to provide shelter for riparian mammals and a general biodiversity value. We recommend providing a 10m watercourse buffer from the bank-top for all watercourses (ordinary watercourses and main watercourses). However, we stress that the recommendation to provide a 10m buffer around ordinary watercourses is an advisory comment from the Environment Agency, and we defer to the Lead Local Flood Authority for comments on ordinary watercourses.	committed to a buffer of 10m from all watercourses (including ditches) for Works Nos. 1, 2, 3, 4, and 8 as stated in the **Outline Design Parameters [APP-158]**.
RR-0795/02	**EA02 (short term impacts)** <u>Issue:</u>	The Applicant notes the EA's comments on short term impacts. A reasonable worst-case approach has been applied in the assessment that specifically overestimates impacts. It is assumed that this refers to trenchless and

ID	Representation	Applicant Response
	The short-term impacts are underestimated. (Short term effects defined as up to two years). Impact: A period of two consecutive years could lead to significant impacts to fish populations. If the impact effected spawning fish or juvenile fish then this could lead to two year classes being impacted. Consequently, this could lead a deterioration in WFD status as well as significant impact to fish populations within a watercourse. Solution: Effects defined as short term in the EIA should not be assumed inconsequential based on them being defined as short term.	trenched impacts during vehicular crossing construction and where cable routes are being constructed. Trenching is to be applied on watercourses that are dry or near dry, so will not impact migrating fish during this period that are already impacted by other pre-existing mechanisms. This would apply to watercourses that are absent of fish. During consultation on the 7 October 2026, the following was clarified: The Applicant explained that the two-year construction period relates to construction across the Order Limits; works at individual watercourse crossings would be considerably shorter. HDD crossings, for example, are likely to take a matter of weeks and works would generally seek to avoid sensitive periods and/or be undertaken during appropriate dry conditions. Following the CIEEM EcIA guidelines, the assessment reports the effects considering (as appropriate) the following: • positive or negative • extent • magnitude • duration • frequency and timing • reversibility The fact that effects on fish are considered short-term does is not the reason for the conclusion of negligible and not significant. All these factors are considered together to reach a conclusion on the significance of the effect taking account of committed mitigation measures.

ID	Representation	Applicant Response
		Further details are provided in **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** and measures are secured within the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** through Schedule 2, Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**.
RR-0795/03	**EA03 (open-cut trenching)** Issue: The proposed working width corridor for open-cut trenching appears unnecessary large, creating impacts which could be avoided. Impact: For any open-cut trenching across waterbodies, 40m seems excessive and the footprint could have long term impacts to the waterbody as a whole. Impacts include loss of habitat, habitat fragmentation, loss of fish spawning habitat and mortality to fish. Solution: Trenchless crossings should be prioritised in the first instance, particularly where there is valued ecological receptors. Where this is not possible, then the working corridor should be kept to as small a footprint as possible when crossing waterbodies. The applicant should provide some confidence that where waterbodies are crossed using open-cut, that robust mitigation will be in place to protect fish and aquatic ecology, but that the open-cut section will be less than 40m.	The Applicant notes the EA's comments on the working width corridor of the Cable Corridor. The indicative 40m working width allows for the construction of a temporary access road and stockpiling of material adjacent to the cable trench. This also allows space for temporary construction compounds, and trenchless crossing compounds. For watercourse crossings where possible the Applicant has sought to approach these from both sides to avoid the need to build bridges/culverts if possible, and reduce the width required when crossing the watercourse. The working width beyond watercourses up to the cable corridor width would allow manoeuvring of plant and materials, with flexibility on approach and micrositing options with cable and temporary track laying, and during construction would not take up the entire cable corridor width. Trenchless crossing is the proposed method where valued fish receptors were recorded. Paragraphs 6.7.92 and 6.7.93 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** record trenchless or bridge crossings where migratory fish, bullhead and coarse fish were found. Paragraph 6.7.94 applies a precautionary trenchless approach on the Cable Corridor while fish surveys continue. That approach is to be reviewed once the survey results are

ID	Representation	Applicant Response
		available. Table 1.2 of the **outline Construction Environmental Management Plan [APP-042]** provides that "Watercourse and ditch crossings will be avoided where practicable". It also provides that in-channel works use controlled methods to reduce disturbance to aquatic habitats and species. The conditions required for when waterbodies are to be crossed using open-cut methods are included within **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**. Mitigation to protect fish and aquatic ecology is set out in Table 1.2 of the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** and will be detailed in the final CEMP.
RR-0795/04	**EA04 (eDNA survey)** Issue: Concerns that the eDNA sample does not accurately assess the baseline. As well as sampling error, conditions of the waterbody create uncertainty surrounding the results. such as high flows, or shallow clear water, where sunlight may degrade eDNA. Impact: The understanding of what protected species are in the area is not complete. Solution: The eDNA data should also present the meta data for the sampling locations as well as noting the above issue as a limitation where relevant and steps taken to compensate for this.	The Applicant notes the EA's comments on eDNA sampling. Metadata information is not usually collected for these surveys, and in our experience is not usually requested. The assessment has used reasonable worst-case assumptions where presence of sensitive fish species was confirmed, or where results were inconclusive / where surveys were unable to be completed. The eDNA method itself never claims proof of absence only that at the time of collection and analysis no detectable eDNA was collected and identified. Where further eDNA surveys have been completed subsequent to ES submission, and following consultation meeting of the 7 October 2026, supporting technical information from the results of these surveys will be shared with the EA. To ensure a robust process, the assessment and analysis had been undertaken in line with the Naturemetrics accredited testing laboratories sample

ID	Representation	Applicant Response
		collection and analysis protocols and the **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** has assessed the worst-case scenario and appropriate mitigation has been included where required.
RR-0795/05	**EA05 (protected and priority species)** Issue: There are no fish species listed under protected and priority species. Impact: Impact-pathways to fish receptors may not have been identified and fully assessed. Solution: Update the Priority species list for the site. Ensure designs take this into account and mitigation proposed is appropriate. Our records show that the Ulley Brook holds bullhead (Annex II species). Furthermore, the River Rother has records of brown/sea trout which are likely also present in the Ulley Brook and so should be listed in this section. We note the species recorded in the eDNA survey in paragraphs 6.5.72 and 6.5.73. All of these species should be listed in paragraph 6.5.11 and considered as protected and priority species.	The Applicant notes the EA's comments on fish species. It is noted that fish species were not listed in para 6.5.11 of **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, and this is an omission that will be updated during the examination. Our desk study results accord with the Environment Agency's Fish Data Explorer records to confirm the presence of bullhead in Ulley Brook. The desk study results do not confirm the presence of brown/sea trout in Ulley Brook. However, protected and priority fish species identified from desk study and survey are described in paras 6.5.72 and 6.5.73. Mitigation measures for fish are set out in para 6.6.52 and 6.6.53. Assessment of protected/priority fish is included at paras 6.7.91 to 6.7.96 of **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**. Mitigation to protect fish and aquatic ecology is set out in Table 1.2 of the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** and will be detailed in the CEMP.
RR-0795/06	**EA06 (noise and vibration)** Issue:	The Applicant notes the EA's comments on noise and vibration. The 1.5m depth below the watercourse is the Environment Agency's minimum depth specification for

ID	Representation	Applicant Response
	Insufficient evidence has been provided to demonstrate that a depth of greater than 1.5m below base of watercourses will be sufficient mitigation to reduce impacts of noise and vibration from drilling. Impact: Noise and vibration associated with drilling could interrupt migratory behaviour, use of habitat and fish egg development. Solution: If it is assumed that >1.5m depth will be sufficient mitigation, then evidence must be provided that shows that any noise of vibration at the bed of the watercourse will be negligible. Alternatively, the drilling should take place outside of sensitive spawning migratory periods for fish, where sensitive fish receptors are present.	agreeing to drilling below a main river to avoid the need for a Flood Risk Activity Permit (exemption known as FRA3). The watercourses and proposed approach satisfy the requirement for FRA3 conditions, and specifically in relation to the following condition: *'Well clear of protected sites: not within 200m of an SSSI, SAC, SPA, Ramsar site or local nature reserve, and not within 100m of any river or lake classed as high morphological status'.* The Environment Agency does not specify any disqualification from drilling permit exemption with regard to fish species for the FRA3. By omission within the exemption criteria, it can be assumed that 1.5m is an acceptable minimal depth for fish. Drilling for linear projects (e.g. cabling, pipeline, etc.) is used as a standard construction technique to avoid impacts on sensitive features and has been used as an engineering solution for almost 100 years (1929). Embedded mitigation measures for fish where applicable is set out in Table 1.2 of the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** and will be detailed in the final CEMP to include timing of works (eg to avoid spawning) or through measures to reduce noise and vibration, as appropriate.
RR-0795/07	**EA07 (in-channel works)** Issue: There is insufficient mitigation to protect European eel. Impact: Injury and mortality of fish through entrainment and impingement of fish into pumps. Solution:	The Applicant notes the EA's comments on insufficient mitigation to protect European eel. Details of mitigation proposed to reduce potential impacts on fish species, including around watercourse crossings, are provided in **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** and mitigation for aquatic habitats and species is set out in Table 1.2 of the **outline Construction Environmental Management Plan (oCEMP) [APP-042]**.

ID	Representation	Applicant Response
	We would favour a design that avoids in-channel works. However, where this is not feasible then the following should also apply: Where over-pumping is required during in-channel works, then screens with 2mm aperture should be installed to protect eel. In addition, where sections of watercourse are coffer dammed, flow should be maintained to ensure all fish have connectivity upstream and downstream. In channel works should only take place outside of sensitive fish spawning and migratory periods.	The Applicant notes the 2mm aperture on screens to protect eels during over pumping, and works outside of the fish spawning and migration period, and ensuring flow is maintained for fish connectivity where sections of watercourse are coffer dammed. The Applicant agrees with the Environment Agency's comments in relation to construction and will commit to best practice measures, which will be included in the oCEMP.
RR-0795/08	**EA08 (ordinary watercourses)** Issue: Aspects of the assessment have underestimated the ecological value of certain areas. The assumptions made regarding the 'value' of ordinary watercourses versus main river are inappropriate. Trenchless crossings at a minimum depth of 1.5m is proposed and there is an assumption that the watercourses defined as "ordinary watercourses" are minor. This is a false assumption – the term "ordinary watercourse" refers to the organisation responsible for the management of flood risk i.e. in the case of a "Main River" the Environment Agency is responsible for the management of flood risk. "Ordinary watercourses" are managed by the Lead Local Flood Authority (LLFA) or Internal Drainage Board (IDB) (where one exists). The terminology does not define how ecologically/gynomorphically important/unique the watercourse is. Indeed a "Main River" could be a small	The Applicant notes the EA's comments on the ecological value of certain areas. A reasonable worst-case approach has been applied in the assessment that specifically overestimates impacts. The Applicant recognises the classifications of 'Ordinary Watercourse' and 'Main River' and jurisdictions for management presented by the Environment Agency in their comments. It is understood that all the watercourses present within the Order Limits are all classified as Ordinary Watercourses (**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.4.12) that would be managed by the Lead Local Flood Authority/Internal Draining Board. The Applicant acknowledges comments on the minimum depth for trenchless crossings and notes that a 1.5m depth below the watercourse is the Environment Agency's minimum depth specification for agreeing to drilling below a main river to avoid the need for a Flood

ID	Representation	Applicant Response
	stream, whereas an "ordinary watercourse" could be a large river. Impact: Misidentification of watercourses and assumption of minor impacts could lead to detriment in watercourse (including WFD) condition. Trenchless watercourse crossings with a minimum depth of 1.5 m below the hard bed of the watercourse, as stated, could lead to detriment in condition if, even when managed as an "ordinary watercourse", the watercourse is of high ecological and hydromorphological value. Frac-out of drilling fluids due to insufficient depth of drilling (lack of overburden pressure) could result in damage to both hydromorphological features and ecological habitats. Solution: Depth of trenchless crossings should be evaluated on a case-by-case basis taking into account local conditions, possibility of frac-out and other issues such as electro magnetic fields. A blanket approach should not be used. As the watercourses concerned are "ordinary watercourse" we defer to any recommendations from the LLFA/IDB. However, for the avoidance of doubt, the Environment Agency are the competent authority where it comes to matters concerning Water Environment Regulations (WFD).	Risk Activity Permit (exemption known as FRA3). The watercourses and proposed approach satisfy the requirement for FRA3 conditions, and specifically in relation to the following condition: *'Well clear of protected sites: not within 200m of an SSSI, SAC, SPA, Ramsar site or local nature reserve, and not within 100m of any river or lake classed as high morphological status'.* The Environment Agency does not specify any disqualification from drilling permit exemption with regard to fish species for the FRA3. By omission within the exemption criteria, it can be assumed that 1.5m is an acceptable minimal depth for avoiding effects on fish from trenchless crossings. Watercourses within the Order Limits have been classified hydro-morphologically following the MoRPh and River Type Surveys and have been allocated a Final Condition Class for the River Condition Assessment that provides supporting information on how important or unique the watercourses are and their scale. Information is reported in **ES Appendix 6.4.1: River Condition Assessment [AS-031]**.
RR-0795/09	**EA09 (trenchless crossings)** Issue: Best practice is not being constantly applied. This paragraph states that "Some trenchless crossings for cable installation...will be undertaken in accordance with	The Applicant notes the EA's comments on best practice not being constantly applied and agrees that this paragraph should have stated that 'all' trenchless crossings for cable installation…will be undertaken in accordance with industry best practice and carefully managed to prevent the inadvertent release of drilling

ID	Representation	Applicant Response
	industry best practice...". We are concerned, as this should be 'all' trenchless crossings. Impact: Lack of industry best practice and therefore lack of careful management of drilling pressures may lead to detrimental effects within watercourses caused by breakout of drilling fluids. Solution: Ensure that best practice is used for 'all' trenchless crossings. Ensure that drill operators are carefully monitoring drill pressures so that if pressure should drop, indicating a potential breakout, then drilling can be stopped before (too much) damage occurs.	fluids into the surrounding surface environment including surface watercourses and waterbodies. **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]** will be updated and a revised version submitted at next relevant deadline. The Applicant also acknowledges that drill operators should carefully monitor drill pressures.
RR-0795/10	**EA10 (cable depth)** Issue: Cables are proposed to be installed 1.5m below the riverbed. Impact: There is a greater risk of drilling fluids leaking into a river or stream when cables are installed only 1.5 metres below the riverbed, particularly where the ground is made up of soft materials. At shallow depths, there is less pressure from the surrounding ground to contain the drilling operation, which increases the chance of the ground cracking and drilling fluids escaping into the watercourse. It is also possible that, depending on the activity of the watercourse, vertical/lateral movement of the channel may expose cables installed at such shallow depths, requiring remedial actions/mitigation. Solution:	The 1.5m figure is a minimum, not a fixed installation depth. The depth at each crossing is set in detailed design against local conditions. Table 2.1 of the **Outline Design Parameters [APP-158]** requires that, where trenchless crossings of watercourses are used, "they will be to a depth of at least 1.5m below the bed of each watercourse". Paragraph 1.6.12 of the **outline Cable Construction Method Statement [APP-052]** sets out the proposed approach to undertaking ground investigations prior to trenchless crossings, to inform the detailed design and ensure that riverbed levels are not adversely effected. Table 1.2 of the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** requires that "Trenchless crossings beneath watercourses will be designed to maintain an appropriate minimum depth below the channel bed to avoid disturbance to substrates and aquatic habitats".

ID	Representation	Applicant Response
	Recommendation is to have at least a minimum depth of 3m (preferably 5m to avoid potential Electro Magnetic Field effects on fish/eels). However, the depth of trenchless crossings should be evaluated on a case-by case basis considering local conditions and geology. Positioning of launch and reception pits should also be located to avoid active sections of watercourse, where there may be potential for channel incision/lateral movement to expose the cable within the river/floodplain.	The cable details require the approval of the relevant planning authority under Schedule 2, requirement 3(1)(g) of the **draft Development Consent Order (dDCO) [AS-009].** Schedule 2, requirement 3(2) of the **dDCO [AS-009]** requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters. The only exception is where the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. On the matter of drilling fluid breakout, paragraph 9.6.3 of **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]** lists, among the embedded mitigation measures incorporated into the oCEMP [APP-042] for delivery through the Construction Environmental Management Plan (CEMP), a measure that applies to every trenchless crossing. It provides: "Trenchless crossings for cable installation will be undertaken in accordance with industry best practice and carefully managed to prevent the inadvertent release of drilling fluids into aquifers or the surrounding surface environment, including land and water bodies". Through the CEMP, laydown areas for trenchless crossings are kept a minimum of 10m from the bank, with sediment and pollution controls in place. At detailed design, the location of the launch and reception pits will be considered on a crossing-specific basis having regard to the active channel and potential for channel incision and lateral movement. Table 10.2.6 of **Environmental Statement (ES) Appendix 10.3: Water Framework Directive Compliance Assessment [AS-056]** sites launch and reception pits at least 10m from surface waterbodies. It lists "Strict management of construction materials and

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		drilling fluids to prevent release to surface waters" among the mitigation for trenchless crossings. On channel movement, the depth at each crossing is set in detailed design, as described above. The CEMP controls are secured by Schedule 2, requirement 4 of the **dDCO [EN0110020/APP/6.20.1]**, on which the undertaker must consult the Environment Agency.
RR-0795/11	**EA11 (Missing calculations)** Issue: Flood risk calculations have not been provided thus it's unclear if flood risk has been appropriately assessed. Panel supports are located within the design flood extent. Volumetric analysis for floodplain impact have been summarised, however full calculations have not been included. Impact: It is not clear what calculations have informed the analysis and conclusions. The potential impact on floodplain volumes remains unclear. Solution: Further detail and calculations should be submitted as part of the Flood Risk Assessment.	The Applicant acknowledges the Environment Agency's comments regarding the supporting calculations underpinning the assessment of floodplain displacement associated with solar panel supports. This matter was discussed with the Environment Agency during a meeting held on 5 October 2026. Following this meeting, a revised technical note, *Whitestone Solar Farm – Addressing EA Comments* (Wallingford HydroSolutions, October 2026), was issued to the Environment Agency to provide further clarification and supporting calculations in relation to the submitted **Environmental Statement (ES) Appendix 10.2: Flood Risk Assessment (FRA) [APP-137]**. Section 2 of the technical note provides detailed volumetric displacement calculations for both the worst-case concentration of solar panel supports and a typical panel array. The calculations demonstrate that the proposed C-section panel supports would result in a negligible increase in flood levels, with a maximum calculated increase of 0.3 mm under the worst-case local scenario.

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		The technical note also considers the potential cumulative impacts across the Proposed Development and concludes that these would be negligible, as the areas subject to flood risk comprise discrete flood cells that are not hydraulically connected across the wider site. The Applicant therefore considers that the additional information addresses the Environment Agency's request for further supporting calculations and demonstrates that the proposed solar panel supports would have a negligible impact on floodplain storage. The EA issued a response to the Technical Note on 22 October 2026 stating *"This has now been addressed. Volumetric calculations have been supplied with the technical note, dated October 2026, which outline the volume of storage lost from solar panel support columns and the impacts on flood level. This is reasonable."* As a result, the **FRA [APP-137]** will be updated and resubmitted during Examination to incorporate the revised figures.
RR-0795/12	**EA12 (Flood levels changes due to displacement)** Issue: Insufficient information is provided to understand and verify the calculation of flood level changes resulting from solar PV panel leg displacement. Impact: The assessment of flood risk impacts elsewhere are difficult to verify without further supporting evidence. Solution:	The Applicant acknowledges the Environment Agency's comments regarding the supporting calculations and assumptions used to assess changes in flood levels resulting from the displacement of floodwater by solar PV panel supports. This matter was discussed with the Environment Agency during a meeting held on 5 October 2026. Following this meeting, a revised technical note was issued subsequently to provide further clarity in relation to

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	Please provide the volume loss (m3) for each leg configuration, the analysis extent (m2), and a justification for the analysis extent within the Flood Risk Assessment. <u>Additional comments:</u> Section 10.2.122 describes the impact of Solar PV panels on flood risk elsewhere and estimates water level increases of 3 millimetres (mm) and 0.18 mm for different panel leg configurations. This assessment is welcomed; however, it would be helpful if further detail could be provided to allow the calculations to be more readily understood. Include the total floodplain storage loss (m^3) associated with each leg configuration (solid rectangular and C-section) and the analysis extent area (m^2) over which this volume loss has been distributed. This would enable the calculations to be verified and the assumptions underpinning the assessment to be more clearly understood. Clarify the extent of the analysis area used within the calculation. For example, does the area of influence correspond to the Order Limits of the proposed development, or has a wider area been adopted? The chosen extent could influence the estimated water level changes and should therefore be clearly described within the Flood Risk Assessment.	supporting calculations in relation to the submitted **Environmental Statement (ES) Appendix 10.2: Flood Risk Assessment (FRA) [APP-137]**. Sections 2.1 and 2.2 of the technical note provide detailed volumetric displacement calculations for two assessment scenarios: a worst-case concentration of four panel supports within an area of 6.528 m^2, and a typical panel array comprising 24 supports within an area of 181.545 m^2. The calculations demonstrate that the proposed C-section supports would displace approximately 0.002016 m^3 and 0.012096 m^3 of floodwater respectively, resulting in calculated flood level increases of 0.3 mm and 0.07 mm. The technical note also provides comparative calculations assuming solid rectangular supports, resulting in maximum calculated flood level increases of 4.1 mm and 0.9 mm respectively. As explained in Section 2.3 of the technical note, the assessment adopts a conservative approach by concentrating the displaced floodwater within the immediate area of the panel supports, rather than distributing it across the wider floodplain. In practice, the displaced water would extend beyond these assessment areas, resulting in lower predicted changes in flood levels.

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		The Applicant therefore considers that the additional information provides the necessary justification for the assessment areas adopted and enables the Environment Agency to verify the calculations and conclusions regarding the negligible impact on floodplain storage. The EA issued a response to the Technical Note on 22 October 2026 stating *"This has now been addressed. Calculations have been provided with the technical note, data October 2026, which demonstrate how changes in water level have been calculated. The calculated changes are shown to be negligible"*. As a result, the **FRA [APP-137]** will be updated and resubmitted during Examination to incorporate the revised figures.
RR-0795/13	**EA13 (Unclear figures)** Issue: These figures show the design flood level, however shading does not show the extent of this flood scenario. Impact: The extent of flood risk within the site development areas under the design flood event is not clear Solution: Figures need to be updated to show the design flood extents which reflect the levels shown.	As outlined in the Applicant's response to RR-0795/11 (EA11), a meeting was held with the Environment Agency on 5 October 2026 to discuss flood risk matters. Subsequently, a revised technical note, Whitestone Solar Farm – Addressing EA Comments (Wallingford HydroSolutions, October 2026), was issued to the Environment Agency, providing further clarification and revised figures in response to the matters raised. The Environment Agency confirmed on 22 October 2026 that the matters raised had been addressed. **Environmental Statement (ES) Appendix 10.2: Flood Risk Assessment [APP-137]** will be updated and resubmitted during Examination to incorporate the revised figures.
RR-0795/14	**EA14 (Unclear figures)** Issue:	As outlined in the Applicant's response to RR-0795/11 (EA11), a meeting was held with the Environment

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	Figures provided in the FRA are unclear. Green shading shows areas 'not at risk of flooding' but also where 0.4m panel raising is sufficient as flood mitigation. Impact: Two areas of green shading causes confusion over which areas are not at risk of flooding, and which areas include panel raising as flood mitigation. Solution: The colouring of these figures needs to be updated to remove confusion. Flood outlines shown should also reflect the extent of the design flood event.	Agency on 5 October 2026 to discuss flood risk matters. A revised technical note was subsequently issued to the Environment Agency, providing clarification on the freeboard allowances applied to solar PV panels, including the justification for the approach adopted. The Environment Agency confirmed on 22 October 2026 that the matters raised had been addressed. **Environmental Statement (ES) Appendix 10.2: Flood Risk Assessment (FRA) [APP-137]** will be updated and resubmitted during Examination to reflect the clarifications provided. The EA issued a response to the Technical Note on 22 October 2026 stating issues had been addressed, as a result, the **FRA [APP-137]** will be updated and resubmitted during Examination to incorporate the revised figures.
RR-0795/15	**EA15 (Freeboard allowance)** Issue: There is uncertainty over what freeboard allowance will be applied to the solar PV panels in the context of the fluvial design event. # Impact: Without appropriate freeboard, solar panels may be set too low, increasing their vulnerability to flooding. Solution: Please ensure a freeboard of +600mm is applied above the calculated fluvial design flood level for solar PV panels Additional comments:	As outlined in the Applicant's response to RR-0795/11 (EA11), a meeting was held with the Environment Agency on 5 October 2026 to discuss flood risk matters. A revised technical note was subsequently issued to the Environment Agency, providing clarification on the freeboard allowances applied to solar PV panels, including the justification for the approach adopted. The Environment Agency confirmed on 22 October 2026 that the matters raised had been addressed. **Environmental Statement (ES) Appendix 10.2: Flood Risk Assessment (FRA) [APP-137]** will be updated and resubmitted during Examination to reflect the clarifications provided. The EA issued a response to the Technical Note on 22 October 2026 stating issues had been addressed, as a result, the **FRA [APP-137]** will be updated and

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	Section 10.2.70 states that a freeboard of 600 millimetres (mm) will be applied above the design fluvial flood level to account for uncertainty. This is welcomed. However, other sections of the Flood Risk Assessment refer only to "an appropriate freeboard allowance". To provide greater certainty, it would be helpful if a clear commitment could be made to applying a minimum freeboard allowance of +600 mm above the design flood level for all solar PV panels. It may be possible to justify a reduced freeboard allowance at the detailed design stage using detailed hydraulic modelling and a more refined assessment of flood risk. However, at this stage, a +600 mm freeboard allowance appears appropriate given the methodology adopted for determining design flood levels and the inherent uncertainties associated with the available flood risk evidence.	resubmitted during Examination to incorporate the revised figures. This matter was discussed with the Environment Agency during a meeting held on 5 October 2026. Following this meeting, a revised technical note, *Whitestone Solar Farm – Addressing EA Comments* (Wallingford HydroSolutions, October 2026), was issued to the Environment Agency, providing further clarification of the freeboard allowances adopted within the submitted **Flood Risk Assessment (FRA) [APP-137].** EA issued a response to the Technical Note on 22 October 2026 stating "*This has now been addressed. It is proposed that a +600m freeboard above the design flood level will be applied where detailed modelling is not available. Where detailed modelling is available a freeboard of +300mm will be used." As a result, the FRA [App-137] will be updated and resubmitted during Examination to incorporate the revised figures."*
RR-0795/16	**EA16 (culverts)** Issue: Four new culverts are proposed (not on Main Rivers) however they are not detailed in the Flood Risk Assessment. There are proposals to reinstate culverts for track crossing points over watercourses. It is also unclear what "existing culverts will be capped..." means in practice. Impact: New culverts have the potential to impact flood flows and depths. Culverting of watercourses also has multiple impacts to aquatic ecology and	The Applicant acknowledges the Environment Agency's comments regarding the proposed watercourse crossings, including the use of new culverts, the treatment of existing crossings and the potential implications for flood risk, aquatic ecology and hydromorphology. A meeting was held with the Environment Agency on 19 October 2026 to discuss the proposed watercourse crossing strategy and provide further explanation of the engineering and environmental rationale for the proposed arrangements. Representatives from the engineering,

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	geomorphology, including loss of and fragmentation of habitat, reduction in fish migration, loss of natural bed material and loss of natural geomorphological processes. This could lead to detrimental effects on the ecological and hydromorphological status of the watercourse and any downstream waterbodies. Leaving a culvert in place, even if decommissioned, may prevent future works to the watercourse and uplift in WFD status. Solution: Open span crossings should be prioritised and where existing culverts crossings are utilised, they should be removed and replaced with open span crossings. If this is not possible then they must be designed in a way that improves fish passage and preserves the natural bed of the watercourse. If multiple existing crossings occur in close proximity, consider upgrading one crossing point and removing the others. The Flood Risk Assessment must include details of all proposed new culverts, including their dimensions and capacities, to ensure that there is no resulting flood risk impact. Where an existing watercourse crossing is marked for decommissioning, the structure should be completely removed instead of being sealed and decommissioned. Therefore, allowing a re-establishment of fluvial processes and natural/semi-natural ecological conditions.	ecology and flood risk teams attended to present the proposals and discuss the Environment Agency's concerns. The proposed crossing strategy seeks to minimise interventions within watercourses, avoid sensitive habitats and established vegetation, and utilise existing crossings wherever practicable. The proposals include a combination of new open-span bridges, new box culverts and the retention or reinforcement of existing crossings, informed by site-specific engineering and environmental constraints. During the meeting, the Applicant presented the rationale for the proposed crossing types, including considerations relating to construction methodology, vegetation removal, tree root protection zones, aquatic ecology and maintaining existing watercourse conditions. The Applicant acknowledges the Environment Agency's preference for open-span crossings and the need for further site-specific justification where culverts are proposed. Following the meeting, it was agreed that the Applicant would prepare a technical note setting out the rationale and justification for each proposed watercourse crossing. This will include consideration of alternative crossing arrangements, potential ecological and geomorphological effects, Water Framework Directive implications and relevant hydraulic design considerations.

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		The technical note will be submitted during Examination and provided to the Environment Agency for review. The Applicant will continue engagement with the Environment Agency to address the outstanding matters raised.
RR-0795/17	**EA17 (Site investigation)** Issue: Assessment has been carried out before all supporting information and data is available and site investigations (including in and around landfills) have been completed. Impact: The potential magnitude of impact cannot be determined, even when embedded mitigation is considered, until site investigations have been carried out. Current assessments cannot be relied upon as information and screening may change. Solution: Assessment must be revisited when additional data has been collected. A clear strategy for how, where and when (ie. before or after DCO approval) the site investigations will be carried out must be presented, featuring guidance and strategies that lead the investigation. We wish to see details on sources, receptors and activities and also when the applicant may consider groundwater, levels and/or quality, monitoring and over what period this would occur. We require guarantee that the applicant will investigate to the maximum reasonably foreseeable depths of impacts.	The Applicant acknowledges the Environment Agency's comments regarding the scope of further ground investigations and the assessment of potential contamination sources across the Proposed Development. Initial comments were received from the Environment Agency following its review of the draft Phase 1 Contaminated Land Reports, subsequently submitted as **Environmental Statement (ES) Appendices 9.7 to 9.9 [APP-130, AS-054 and APP-132]**. A meeting was held with the Environment Agency on 7 May 2026 and 28 September 2026 to provide further clarification regarding the assessment methodology, proposed mitigation measures and the scope and timing of additional ground investigations. During the meeting, the Applicant clarified that the Phase 1 Contaminated Land Reports were prepared prior to design freeze and therefore considered a wider range of potential contamination sources, including areas subsequently removed from the Order Limits. These reports provided baseline information and preliminary conceptual site models which informed the assessment

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	Additional comments: Paragraph 9.8.1 states 'The Proposed Development would incorporate additional mitigation to reduce any potential adverse effects on sensitive receptors. The primary additional mitigation is focussed Phase 2 ground investigation of soil, groundwater, ground gas or ground conditions. This will be required to mitigate certain potential effects in certain specific areas of the Proposed Development.' Paragraph 9.8.5 says that ground investigation is proposed in areas of development coinciding with the Principal Aquifer. It has not been explained why only these areas will be targeted. Paragraph 9.8.2 says that groundwater investigations are proposed in areas identified as having registered historic landfills and historic surface coal mining if evidence of contamination is encountered during construction. Potential risks from encountering contamination should be assessed prior to construction. Ground investigations and/or further data review will be undertaken in areas where the Cable Corridors intersect with identified known landfills. The completion of ground investigations has previously been discussed between the Environment Agency and Applicant. However, the results of this discussion has not been incorporated into the application documents.	of potential effects presented in **ES Chapter 9: Ground Conditions and Land Quality [APP-061].** The Applicant explained that the primary mitigation strategy has been to avoid potentially contaminated land wherever practicable, including the siting of buildings and other infrastructure away from identified landfills, former mine entries and other potentially contaminated areas. Where avoidance is not possible, additional mitigation measures are identified in Section 9.8 of **ES Chapter 9 [APP-061],** including intrusive site investigations and risk assessments to inform detailed design. These investigations will be undertaken where earthworks are proposed within 20 m of a mine entry or within or adjacent to a landfill site. Further investigations will also be undertaken in areas of historic surface coal mining where evidence of contamination, waste materials or ground instability is identified during construction. Where investigations identify potentially contaminated or unstable ground, appropriate further assessment, design modifications and, where necessary, remediation measures will be implemented. The Applicant also explained that approximately 50 ha of formerly mined land is located within the Order Limits. In the absence of evidence of historic landfilling or other potentially contaminative activities, the backfill is considered likely to comprise predominantly mine spoil. Accordingly, the Applicant considers that a targeted, risk-

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		based approach to further investigation is proportionate to the identified risks, rather than undertaking intrusive investigations across all areas of formerly mined land prior to construction. During the meeting on 7 May 2026, the Environment Agency indicated that it was supportive in principle of the proposed approach to post-decision ground investigations, subject to reviewing the final Application documents to confirm that the measures discussed were appropriately reflected and secured. The Applicant confirms that the necessary investigations to assess ground conditions prior to the commencement of the relevant phase of development are secured through Schedule 2, Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009],** with further mitigation measures identified within the **outline Construction Environmental Management Plan [APP-042]** and **outline Operational Environmental Management Plan [APP-043].** The Applicant remains committed to undertaking appropriate ground investigations, risk assessments and any necessary remediation measures to ensure that potential contamination risks are appropriately managed. The Applicant will continue to engage with the Environment Agency regarding the scope and implementation of these measures.
RR-0795/18	**EA18 (intrusive investigation)** Issue:	The Applicant acknowledges the Environment Agency's comments regarding the scope of intrusive ground

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	No intrusive investigation is planned, despite identifying a potential for land contamination in all three study areas. Some potential sources cover large areas of the proposed panel areas, and other entirely cross the cable route corridors and cannot be avoided. Despite this, the applicant has concluded no intrusive investigation is necessary. We strongly disagree with this. <u>Impact:</u> Known potential sources of contamination are not to be investigated further. There is a potential for uncontrolled excavation in areas of contamination. <u>Solution:</u> Undertake ground investigation, including sampling, targeting all potential contamination sources which have been identified. Further investigation and sampling should be carried out across the whole site, to obtain background information. This can be used to support geotechnical design. <u>Additional comments:</u> In Appendix 9.7, paragraph 9.7.99, limited intrusive investigation is recommended. We agree that further work is needed but the scope should be greater than that stated. In Appendix 9.8, paragraph 9.8.96 states: "No further Phase 2 intrusive investigation, remediation, or special measures are considered necessary". Given the site history and setting, we disagree with this. In Appendix 9.9, in paragraph 9.9.100, "further Phase 2 intrusive investigation" is identified as a means of reducing risk in specified locations, but in the next	investigations and the potential contamination sources identified across the Proposed Development. As discussed with the Environment Agency during the meeting held on 7 May 2026, the Phase 1 Contaminated Land Reports (**Environmental Statement (ES) Appendices 9.7 to 9.9 [APP-130, AS-054 and APP-132]**) were prepared prior to design freeze and therefore considered a wider range of potential contamination sources, including areas subsequently removed from the Order Limits. These reports provided baseline information and preliminary Conceptual Site Models which informed the subsequent assessment of potential effects presented in **ES Chapter 9: Ground Conditions and Land Quality [APP-061].** The Applicant clarified that the primary mitigation strategy has been to avoid potentially contaminated land wherever practicable, including locating buildings and other infrastructure away from identified landfills, former mine entries and other potentially contaminated areas. Where avoidance is not possible, additional mitigation measures are identified in Section 9.8 of **ES Chapter 9 [APP-061],** including intrusive site investigations and risk assessments to inform detailed design. These investigations will be undertaken where earthworks are proposed within 20 m of a mine entry or within or adjacent to a landfill site, and in areas of historic surface coal mining where evidence of contamination, waste

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	sentence it is stated as not being necessary. This is confusing. We disagree that intrusive works are not necessary. All potential sources identified in the reports should be targeted. This should include landfills, infilled ground, made ground, mining waste within the DCO boundary, and areas within the DCO boundary which are adjacent to such sources that are off site. This is not an exhaustive list. We recommend the applicant refers to sections of Scope of ground investigation and Frequency of sampling and testing outlined in BS5930, and BS EN 1997-2 (referenced therein). While the text discusses some potential contaminants that may be present, there is no consideration of these in the Assessment of Potential Effects or report conclusions. For example, surface water PBDE contamination is known to be present within the site boundary. We generally expect a robust Conceptual Site Model to include contaminants which may affect each source. The proposed "Discovery and Inspection Strategy" in the oCEMP should only be used where previously unknown contamination has been encountered during construction works. Wherever the potential for contamination is known to be present, we expect this to be fully investigated prior to works commencing. We note that the shallow groundwater has been identified as being unlikely to be encountered. If shallow groundwater is identified during intrusive works, we expect subsequent groundwater level monitoring in accordance with relevant best practice guidance. Any potentially contaminated water should be sampled and tested for an appropriate suite of chemicals at a suitably accredited laboratory. The applicant must ensure that	materials or ground instability is encountered during construction. The findings of these investigations will inform the detailed design and, where necessary, further site investigations, risk assessments, design modifications or remedial works will be undertaken to appropriately manage identified risks. The Applicant also explained during the meeting that approximately 50 ha of formerly mined land is located within the Order Limits. In the absence of evidence of historic landfilling or other potentially contaminative activities, the backfill is considered likely to comprise predominantly mine spoil. The Applicant therefore considers that a targeted, risk-based approach to further investigation is proportionate to the identified risks, rather than undertaking intrusive investigations across the entirety of the Order Limits prior to construction. During the meeting on 7 May 2026, the Environment Agency indicated that it was supportive in principle of the proposed approach to post-decision ground investigations, subject to reviewing the final Application documents to confirm that the proposed measures were appropriately reflected and secured. The Applicant has committed to undertaking necessary investigations to assess ground conditions prior to the commencement of the relevant phase of development through Schedule 2, Requirement 4 of the **draft**

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	any legal obligations relating to management of known land contamination are followed.	**Development Consent Order (dDCO) [AS-009]**, with the relevant mitigation measures also identified in the **outline Construction Environmental Management Plan [APP-042].** The Applicant considers that the proposed approach provides a proportionate framework for identifying, investigating and managing potential contamination risks associated with the Proposed Development and will continue to engage with the Environment Agency regarding the scope of further investigations and any necessary mitigation measures.
RR-0795/19	**EA19 (Mechanism for assessment of thermal and hydrogeological effects)** Issue: It is not clear what the securing mechanism will be for the assessment of thermal and hydrogeological effects, which will be undertaken as part of detailed design to confirm that groundwater resources are adequately protected. Impact: Without a clear mechanism for securing the assessment of thermal effects, impacts to groundwater could occur without mitigation Solution: Explain the securing mechanism for assessing thermal and hydrogeological effects	As identified in paragraph 9.7.53 of **ES Chapter 9 [APP-061]**, further assessment of thermal and hydrogeological effects will be undertaken as part of detailed design, where necessary, to confirm that groundwater resources are adequately protected. The Applicant proposes to update the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** during Examination to reflect this commitment. The detailed CEMP will be secured through Schedule 2, Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**, providing the mechanism for securing the further assessment and any associated construction-phase mitigation measures. The Applicant therefore considers that the proposed amendment to the oCEMP will address the Environment Agency's concern regarding the securing mechanism for further assessment.

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RR-0795/20	**EA20 (Foundation depths)** Issue: There are discrepancies in the anticipated foundation depths, especially for the Battery Energy Storage System (BESS) and Power Conversion Stations (PCS), between chapters 5 and 9. Foundation design and impacts on different receptors cannot be adequately assessed if information is inconsistent between chapters. Impact: There is a risk of opening pollution pathways to groundwater. Solution: Ensure the ES includes consistent likely foundation depths for all components between all chapters. Additional comments: Examples of inconsistencies: 5.4.21 - The PCSs would be placed on a hardstanding foundation which would not typically exceed depths of 2m BGL but could also include piling to depths of up to 5m BGL. 5.4.54 - The BESS units would be located on foundations of hardstanding, which would not typically exceed depths of 2m BGL. Pile foundations could reach up to 15m depth BGL should they be required following ground investigation. The dimensions and quantities will depend on the number, size and weight of the BESS units chosen at detailed design stage. 5.4.69 - Substations, and associated infrastructure within the substation compound would be located on concrete	The Applicant acknowledges the Environment Agency's comments regarding the discrepancies in anticipated piled foundation depths between **ES Volume 2, Chapter 5: The Proposed Development [APP-057]** and **ES Volume 2, Chapter 9: Ground Conditions and Land Quality [APP-061].** ES Chapter 9 will be updated to align the foundation depth assumptions with those presented in Chapter 5, ensuring consistency across the Environmental Statement. The Applicant also notes the Environment Agency's support for the commitment in paragraph 9.7.29 of Chapter 9 to undertake a Foundation Works Risk Assessment in accordance with Environment Agency guidance prior to construction. This assessment will inform the detailed foundation design and identify any necessary mitigation measures to minimise the potential for creating pollution pathways to groundwater.

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	foundations with a maximum depth of 5m BGL, unless pile foundations are required, which could reach up to 15m BGL. 9.4.29 - Power conversion stations, BESS and substation foundations may require piling, anticipated to be up to a maximum of approximately 3, 4 and 15m BGL respectively. Open-cut trenches for cable installation are assumed to be a maximum of approximately 3m below finished ground level. Chapter 5 details foundation depths of 2m to 5m for PCSs; chapter 9 states 3m. Chapter 5 details foundations depths of 2 to 15m for BESS; chapter 9 states 4m. Chapter 5 details foundation depths of 5 to 15m; chapter 9 states 15m. We are pleased to note in Section 9.7.29: "a Foundation Works Risk Assessment will be undertaken in line with EA guidance prior to construction". We support this inclusion.	
RR-0795/21	**EA21 (Summary table)** Issue: The summary table does not accurately reflect the main text as there are inconsistencies between the text in the report and the summary tables, 9.8 and 9.9. There is inconsistent use of sensitivity and magnitude of effect classifications. Impact: Important information may be missed and receptor sensitivity may be underrepresented. Solution: Check that all text regarding sensitivity of receptor, magnitude of impact, likelihood of effect, significance of effect and significance of residual effect is consistent	The Applicant acknowledges the Environment Agency's comments regarding inconsistencies between Section 9.7 and summary Tables 9.8 and 9.9 of **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**. The summary tables are generally consistent with the assessment presented in Section 9.7. However, it should be noted that Table 9.8 identifies additional mitigation measures and presents the resulting residual effects, whereas Section 9.7 describes the initial effects prior to the application of additional mitigation. This distinction may account for some of the apparent differences between the assessment text and summary tables.

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	between the text in section 9.7 and the summary tables (9.8 and 9.9). Additional comments: Moderate and medium are used in receptor sensitivity in table 9.9, but the categories in table 9.6 are low, medium and high. 9.7.30 – 9.7.31 Potential Contamination of Soil and Groundwater by Accidental Leaks and Spillages. The text states medium to high sensitivity of receptors but table 9.9 lists medium only.	Notwithstanding this, the Applicant will undertake a review of Section 9.7 and Tables 9.8 and 9.9 to ensure consistency in the terminology and classifications applied, including receptor sensitivity, magnitude of impact, likelihood and significance of effects, and residual significance. The review will address the specific discrepancies identified by the Environment Agency, with any necessary corrections incorporated into an updated version of ES Chapter 9.
RR-0795/22	**EA22 (Very low likelihood)** Issue: "Very low" likelihood is not defined in 9.7.20, 9.8.24, 9.9.23 or within Chapter 9. This is not a valid criterion for use in these tables. We disagree with the "very low" likelihood used in Tables 9.7.4, 9.8.4 and 9.9.4 of each appendix for the activity "Earthworks and piling". Given the presence of infilled land of unknown composition, and the proposal to excavate and pile into this ground, we consider there to be a complete pathway. Impact: There is a risk of construction works encountering contamination and creating pathways for migration of contaminants due to inappropriate assessment of effects Solution: Mitigation could include avoiding trenching and piling in areas of historic landfill (see paragraphs 9.7.81 and 9.9.80). Ground investigation is required to investigate	The design of the Proposed Development has sought to avoid identified sources of potential contamination wherever practicable. However, the Applicant acknowledges that the proposed cable route crosses an area of historic landfill, which will be subject to targeted ground investigation and risk assessment to inform the detailed design and appropriate mitigation measures. The approach to ground investigations within approximately 50 ha of formerly mined land was discussed with the Environment Agency at a meeting on 7 May 2026 and 28 September 2026. The Applicant explained that the backfilled material is considered likely to comprise predominantly mine spoil, unless available records indicate otherwise, and that the potential for significant contamination is considered limited. On this basis, the Applicant considers it proportionate to adopt a risk-based approach to further investigation within these areas. Where potentially contaminated

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	these sources. Other pre-construction mitigation or remediation may also be required	materials, unexpected ground conditions or evidence of pollutant linkages are encountered during construction, further investigation and risk assessment will be undertaken, with appropriate mitigation or remediation implemented where necessary. Risk terms: paragraph 9.7.20 of **Environmental Statement (ES) Appendix 9.7: Phase 1 Contaminated Land Report Whitestone 1 [APP-130]** defines four likelihood categories (High, Medium, Low and Unlikely). The "Very Low" likelihood is equivalent to 'Unlikely' and the Potential Risk Rating in its Tables 9.7.4 to 9.7.6, and in the equivalent tables for W2 and W3, are outputs of the preliminary risk assessment. The significance conclusions are those reached in section 9.7 of **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**. The Applicant considers that this approach, together with targeted investigation of identified higher-risk areas, provides a proportionate means of managing potential contamination risks associated with earthworks and piling.
RR-0795/23	**EA23 (Potential risk rating)** Issue: "Potential Risk Rating" criteria are not defined. Impact: The meaning of risk ratings is unclear. Relevance to other assessment criteria is ambiguous. Solution:	Risk terms: paragraph 9.7.20 of **Environmental Statement (ES) Appendix 9.7: Phase 1 Contaminated Land Report Whitestone 1 [APP-130]** defines four likelihood categories (High, Medium, Low and Unlikely). The "Very Low" likelihood is equivalent to 'Unlikely' and the Potential Risk Rating in its Tables 9.7.4 to 9.7.6, and in the equivalent tables for W2 and W3, are outputs of the preliminary risk assessment. The significance conclusions are those reached in section 9.7 of **ES**

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	Define the risk ratings used. Consider also using "Significance of Effect" as defined in Table 9.7.5, 9.8.5 and 9.9.5 respectively of each report. Update reports as necessary.	**Chapter 9: Ground Conditions and Land Quality [APP-061]**.
RR-0795/24	**EA24 (Known/expected contaminated soil)** Issue: Insufficient mitigation has been proposed for potential impacts of encountering known/expected contaminated soil. We disagree that to "include encountering potential contaminated soils procedure in CEMP" is sufficient mitigation for potential impacts identified. Impact: There is a risk of construction works encountering contamination and creating pathways for migration of contaminants due to inappropriate assessment of effects. Solution: Where contamination is expected, further works should be carried out before construction. Additional comments: We consider that the procedure in the CEMP should only be for previously unknown and unexpected contamination.	The assessment presented in **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]** identifies potential sources of contamination and associated risks to environmental receptors. The approach to managing potential contamination risks, including the scope and timing of further ground investigations, has been discussed with the Environment Agency at meetings held on 7 May and 28 September 2026. The Proposed Development has sought to avoid identified sources of potential contamination wherever practicable. Where works are proposed within or adjacent to identified higher-risk areas, including the historic landfill crossing, targeted ground investigations and risk assessments will be undertaken prior to the relevant construction activities. The findings will inform any necessary mitigation or remediation measures. The Applicant considers that a proportionate, risk-based approach to investigation is appropriate, recognising that the extent of further investigation should reflect the nature of the potential contamination sources and the proposed construction activities.

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		The unexpected contamination procedure within the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** will provide an additional safeguard for previously unidentified contamination encountered during construction and will not be relied upon as the sole mitigation for identified contamination risks. The Applicant considers that this approach provides an appropriate framework for managing potential contamination risks during construction, informed by ongoing engagement with the Environment Agency.
RR-0795/25	**EA25 (contamination from ground disturbance)** Issue: Potential impacts of disturbing contaminated sources through ground disturbance during operation of the 9.7 scheme (such as maintenance work) have not been considered in the model. Impact: Risks to groundwater may not be appropriately managed. Solution: Update relevant paragraphs and tables. Additional comments: This is most likely if works are required in areas not accessed during construction. Previous ground models may not be fully reviewed prior to these works. It is also possible for contaminants to have migrated into previously excavated areas after construction (such as from an off-site source). We accept that mitigation in the	Table 1.1 of the **Outline Operational Environmental Management Plan (oOEMP) [APP-043],** under Ground Conditions and Land Quality, already requires maintenance activities to follow appropriate method statements, including procedures for the identification and management of unexpected contamination. It also establishes good practice measures to protect soil and groundwater quality during operational activities involving ground disturbance. These measures will be detailed in the Operational Environmental Management Plan (OEMP), as secured by Schedule 2, Requirement 11 of the dDCO, which as noted in response to RR-0795/53, is to be updated at the next relevant deadline to include the Environment Agency as a consultee [AS-009]. The unexpected contamination protocol will include appropriate procedures for identifying, reporting,

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	oOEMP may be appropriate, but we would like to see it included for completeness	assessing and managing unexpected contamination, including measures to prevent the mobilisation of contaminants and protect groundwater quality.
RR-0795/26	**EA26 (accidents and incidents)** Issue: The Conceptual Site Models (CSM) in the Preliminary Risk Assessment reports do not include accidents and incidents, including but not limited to fire, at the substations within each area and at the BESS in W2. Impact: There is a risk to controlled waters and other receptors if accidents and incidents are not considered and managed. Solution: Update relevant paragraphs and tables and address in detail in at least one of the documents submitted. Additional comments: In Appendix 9.8, paragraph 9.8.92, it states a proposal for BESS and substation foundations to extend up to 4mbgl. We are not clear how this will interact with sealed drainage solutions in these locations. While we wouldn't necessarily expect this information to be in the PRA, we do expect to see it addressed in detail in at least one of the documents submitted. This design detail might affect the discussion of the risk in the Conceptual Site Model's.	The Phase 1 Contaminated Land Reports (**Environmental Statement (ES) Appendices 9.7 to 9.9 [APP-130, AS-054 and APP-132]**) were prepared prior to design freeze and informed the assessment presented in **ES Chapter 9: Ground Conditions and Land Quality [APP-061].** The assessment considers potential environmental effects associated with the Proposed Development, with mitigation measures incorporated to prevent and manage pollution risks. Construction-related pollution prevention measures are detailed in Table 1.2 of the **Outline Construction Environmental Management Plan (oCEMP) [APP-042].** These include bunded storage of fuels, oils and chemicals, impermeable refuelling and handling areas, spill prevention and response measures, and appropriate drainage controls. Section 1.11 also establishes procedures for responding to environmental incidents, including containment, notification, monitoring and remediation where required. With regard to fire-related incidents associated with the Battery Energy Storage System (BESS), the **Outline Battery Safety Management Plan (oBSMP) [APP-048]** sets out the proposed fire prevention, emergency response and environmental protection measures.

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		In particular, Section 6.1 of the oBSMP confirms that contaminated firewater will be contained within the BESS site through the drainage design. An automatic penstock valve, with manual override, will prevent the uncontrolled release of potentially contaminated runoff. Firewater will be directed to a SuDS pond, with an estimated capacity of up to 8,047 m^3, subject to detailed design. Paragraph 3.1.8 of the **Outline Surface Water Drainage Strategy (oSWDS) [APP-050]** provides that the BESS area will be impermeably lined (subject to ground investigation results and detailed design) so "that all runoff (including firewater) drains to a dedicated attenuation basin". The basin is sized for both the design rainfall event and the firewater containment volume.The oBSMP further confirms that firewater will not be released to the environment until appropriate testing has been undertaken by a UKAS-accredited laboratory, with off-site disposal where required by the Environment Agency. The **Outline Design Parameters [APP-158],** Table 2.1 (Work No. 3), provide that "An impermeable lining will be incorporated to prevent escape of potential contaminants". Schedule 2, Requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]** requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters The detailed design will be informed by a site-specific Fire Risk Assessment and the preparation of a detailed Battery Safety Management Plan. As set out in Section 7 of the oBSMP, this will include an environmental risk assessment addressing potential indirect effects, including leakage and other emissions. The detailed BSMP will be submitted for approval prior to construction

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		of the BESS, following consultation with South Yorkshire Fire and Rescue Service. The Applicant therefore considers that appropriate measures have been identified to manage the potential environmental consequences of accidental pollution and fire-related incidents, with further design-specific details to be developed and secured through the relevant management plans.
RR-0795/27	**EA27 (cable/pile removal)** Issue: There is inadequate mitigation of the risks from removal of cables and piles, described as "avoided or assessed by Phase 2 SI". We cannot yet know if these areas will be avoided. A Phase 2 SI has not been recommended in W2 or W3 (see separate Issue for this). Impact: Removal of cables and piles may create new pathways, or ground conditions may have changed. For example, there is a potential for contamination to have occurred since construction, such as from a new off-site source. Solution: The applicant needs to outline further mitigation for this activity and effect.	As outlined in **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**, the assessment has considered potential effects on ground conditions and controlled waters, with mitigation measures identified to manage potential contamination risks. The Applicant recognises that ground conditions and potential contamination sources may change over the operational lifetime of the Proposed Development. Accordingly, potential contamination sources, pathways and receptors will be reassessed as part of the preparation of the detailed Decommissioning Environmental Management Plan (DEMP), informed by the **Outline Decommissioning Environmental Management Plan (oDEMP) [APP-044].** This reassessment will consider the potential for the removal of cables and piles to create new pathways for contaminant migration and will identify appropriate mitigation measures, including further investigation or risk assessment where necessary, having regard to the

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		ground conditions and applicable regulatory requirements at the time of decommissioning. The Applicant considers that this approach provides an appropriate framework for managing potential contamination risks associated with decommissioning, recognising that the nature and extent of such risks will need to be established closer to the time of the works.
RR-0795/28	**EA28 (Aquifer sensitivity)** Issue: A sensitivity assessment of shallow groundwater has not been considered for areas underlain by bedrock principal aquifer. Impact: Misinterpretation of site characterisation may result in significance of effect being assessed too low. Solution: Bedrock aquifer should be considered in 9.7.30 and included in the summary Table 9.9 entry for Operation and Maintenance: "Potential contamination of ground and groundwater by accidental leaks and spillages". As Best and Most Valuable (BMV) is assessed as High sensitivity, we are satisfied that the discussion still applies. The applicant must be careful of this in future. Additional comments: 9.7.30 – Describes "shallow groundwater underlying the area (superficial aquifers being 'Medium' sensitivity)." However, some of the site is immediately underlain by bedrock principal aquifer. The superficial designation only applies where it is present, therefore shallow	As set out in **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**, the Order Limits overlies Principal Aquifer in a small (8 ha) part of W1 and along 2.5 km of the cable corridor between W2 and W3, south of South Anston. In both locations these are on the erosional edge of the Cadeby Formation and are therefore thin. Nonetheless, for accidental leaks and spills these small areas could be considered as High Sensitivity, alongside BMV land. Section 9.7.30 and table 9.9 in **ES Chapter 9: Ground Conditions and Land Quality [APP-061]** will be updated to reflect this, noting that the conclusions of the assessment would remain unchanged, and effects would be not significant.

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	groundwater underlying some areas of site, if encountered, will be High sensitivity. Unspecified High sensitivity receptors are mentioned, but the bedrock aquifer (present near surface in some areas) is not listed in the summary table.	
RR-0795/29	**EA29 (Principal aquifer receptor)** Issue Principal aquifer not listed as a potential receptor in the CSM. Impact: Works in the cable corridors could impact this receptor. Solution: Update the table to include and consider the principal aquifer. Additional comments: 9.9.93 states: "The outer buffers of the Cable Corridor Options extend over small areas of dolostone (Cadeby Formation), although the actual Cable Corridor Option selected will avoid this, and glacial till." Paragraph 9.3.1 and the map we have been provided with, indicate that cable corridor options CR 3a and CR 3b pass fully through these areas, so cannot avoid it. The Cadeby Formation is a principal aquifer.	As discussed with the Environment Agency during the meeting held on 7 May 2026, the Phase 1 Contaminated Land Reports (**Environmental Statement (ES) Appendices 9.7 to 9.9 [APP-130, AS-054 and APP-132]**) were prepared prior to design freeze and therefore considered a wider range of cable corridor options than those subsequently incorporated into the Proposed Development. Whilst the Preliminary Risk Assessments (PRA) and CSMs informed the assessment of potential effects within the Environmental Statement, no potential effects were scoped out on this basis, and all potential effects were considered afresh within **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**. The Applicant confirms that avoidance of Principal Aquifers has been a key consideration in the development of the design and selection of cable corridors. However, it is acknowledged that a short section of the selected cable route crosses the Cadeby Formation, which is classified as a Principal Aquifer. The Applicant considers that potential effects on groundwater receptors, including Principal Aquifers, have been considered within the subsequent ES assessment,

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		notwithstanding the preliminary nature of the CSM presented within the Phase 1 Contaminated Land Reports. Accordingly, the Applicant considers that the potential impacts on Principal Aquifers have been appropriately considered within the assessment of the Proposed Development.
RR-0795/30	**EA30 (Private water supply data)** Issue: Water abstraction data is only based on an Envirocheck report, therefore some smaller Private Water Supply records (held by local authorities) may not be included in the reports. Impact: Impacts on private water supplies might be overlooked Solution: The applicant must contact relevant local authorities to identify if records of any such abstractions are held and update reports as relevant.	As set out in paragraph 10.5.42 of **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**, consultation was undertaken with Chesterfield Borough Council (CDC), Rotherham Metropolitan Borough Council (RMBC), and North East Derbyshire District Council (NEDDC) to establish whether any private water supplies (PWS) were recorded within the Study Area. Responses were received from all three local authorities confirming that no private water supplies were recorded under their respective jurisdictions within the Study Area. Additionally, as set out in paragraph 10.4.43 of **ES Chapter 10 [AS-023]** questionnaires were issued to properties within the Study Area to confirm if they were on a private water supply. This identified one private water supply. The Applicant therefore confirms that the assessment was not based solely on Envirocheck data and that the relevant local authority records and direct engagement with property owners were considered in establishing the baseline conditions. Accordingly, the Applicant c.

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RR-0795/31	**EA31 Private water supplies in SPZ1** Issue: A private water supply, potentially spring-fed, has been identified within the Proposed Development which has not been assigned a SPZ1 designation. Impact: Impacts on private water supplies might be overlooked Solution: Update the assessment of impacts to private water supplies with consideration of the SPZ1 designations they should have.	Noted. The Applicant will liaise with the Environment Agency to confirm the noted private water supply identified in the Order Limits. **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.7.51, 10.7.60 and table 10.13 and **ES Chapter 9: Ground Conditions and Land Quality [APP-061].** The Applicant will engage with the Environment Agency to confirm the appropriate consideration of Source Protection Zone 1 (SPZ1) requirements for the identified private water supply. Following this engagement, ES Chapter 10 [APP-062] and ES Chapter 9: Ground Conditions and Land Quality [APP-061] will be reviewed and updated, where required, for submission at the next appropriate Examination Deadline
RR-0795/32	**EA32 (Local information)** Issue: The applicant has missed important local information and not fully considered previous comments from the EA. We do not agree with the assessment of impacts in 10.7.102 Impact: Groundwater could be negatively impacted. Solution: Review all available data and consider impacts to all groundwater receptors. Additional comments:	The Applicant acknowledges the Environment Agency's comments regarding the consideration of groundwater receptors. The Environment Agency's previous comments concerning the potential presence of springs in the vicinity of Brampton were considered as part of the assessment presented in **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**. However, no springs were identified through the baseline assessment. The Applicant remains committed to ongoing engagement with the Environment Agency and would welcome the opportunity to review any additional local

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	It is unclear what searches the applicant has made to date. OS Maps are listed as a source of information in 10.5.1. Springs are shown on several current and historical map excerpts included with the Envirocheck data searches supplied by the applicant. On current Ordnance Survey 1:25,000 scale mapping for the proposed development area, numerous springs (denoted as "Spr" or "Sprs") are shown within and near to the DCO boundary. Figure 10.9 identifies one spring in the vicinity of the proposed development. 10.7.6 refers to 'all' springs which suggests that more than one has been identified. A distance of 10m between springs and proposed infrastructure is not insufficient to rule out potential effects. Shallow groundwater is likely to be present at the site which could be impacted through the installation of deeper piles at the substations. This information should also be presented in chapter 9 where impacts to groundwater are discussed.	information regarding potential springs or other groundwater receptors to determine whether further consideration is required.
RR-0795/33	**EA33 (Pre-commencement works)** Issue: Mitigation and controls for pre-commencement works are unclear and not included within the scope of this oCEMP. Impact: Leading to a risk to controlled waters Solution: Outline which works and activities will be completed pre- commencement and provide some comment, instruction, or links to other relevant guidance for these to be completed without posing risks to the environment.	Future site investigations have been discussed with the EA on 7 May 2026 and 28 Sept 2026. Mitigation associated with pre-commencement works (such works are defined as Permitted Preliminary Works within the **draft Development Consent Order (dDCO) [AS-009]**) on controlled waters will be secured by Schedule 2, Requirement 4(3) of the **dDCO [AS-009],** within the **outline Construction Environmental Management Plan (oCEMP) [APP-042]**.

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	Additional comments: While these works will be carried out prior to commencement, and therefore before finalisation of the CEMP, it is common practice for these to be acknowledged within the oCEMP. The controls for these activities should be made clear within the application documents.	
RR-0795/34	**EA34 (Unexpected, contaminated soil)** Issue: Potential impact of contamination and excavated contaminated soil on controlled waters has not been included. The procedure for managing unexpected contamination set out in 1.9.18 (and duplicated in 1.10.20) is inadequate. Impact: There is a risk to controlled waters if the protocol for managing unexpected potentially contaminated soil does not include consideration of this receptor. Solution: Include controlled waters as a receptor for contamination and excavated contaminated soil. Include a detailed protocol for managing unexpected potentially contaminated soil and groundwater in the CEMP. While a draft procedure is included as 9.11 and 10.11, it would be useful to reference or reproduce this in Table 1.2. The procedure should be agreed with the LPA and EA prior to commencement. Consultation with the LPA and EA should also be included at various stages as part of the protocol. Additional comments:	The **outline Construction Environmental Management Plan (oCEMP) [APP-042]** already establishes procedures for identifying and managing unexpected contamination through the Outline Soil Management Plan (paragraphs 1.9.17–1.9.18 of the oCEMP) and Outline Excavated Materials Management Plan (paragraphs 1.10.19–1.10.21 of the oCEMP). These measures require works in affected areas to cease, the area to be made safe and isolated, and the Environment and Consents Manager to be notified. They also provide for the assessment of contamination with reference to the Phase 1 Contaminated Land Reports (**Environmental Statement (ES) Appendices 9.7 to 9.9 [APP-130, AS-054 and APP-132]**) and Conceptual Site Model, including consideration of potential risks to groundwater and controlled waters. The detailed Construction Environmental Management Plan (CEMP) will establish the procedures for specialist assessment, consultation with the relevant Local Planning Authority and Environment Agency, where appropriate, and the identification and implementation of

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	The Phase 1 desk study has identified historical land use and areas of potential contamination, but an intrusive ground investigation was not recommended to further assess these areas.	necessary mitigation or remediation measures before affected works recommence. The protocol will be developed in consultation with the relevant authorities prior to commencement of the applicable construction activities. Regarding the Environment Agency's comments on ground investigations, Section 9.8 of **ES Chapter 9: Ground Conditions and Land Quality [APP-061]** identifies targeted Phase 2 ground investigations in areas of elevated contamination or ground stability risk. These include areas where cable corridors intersect identified historic landfills and locations within the established 20 m exclusion zones around mine entries where works cannot be avoided. Further investigations will also be undertaken in other areas of historic mining activity where evidence of contamination or relevant ground hazards is encountered. The Applicant considers that the existing mitigation, together with the proposed clarification of the unexpected contamination protocol, provides an appropriate framework for managing contamination risks to land and controlled waters during construction. The Applicant will update the outline Construction Environmental Management Plan (oCEMP) [APP-042] during Examination to clarify the procedures for managing unexpected contamination, including consideration of groundwater and other controlled waters as potential receptors. This will include updating Table 1.2 to cross-reference the relevant procedures within the

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		Outline Soil Management Plan and Outline Excavated Materials Management Plan.
RR-0795/35	**EA35 (Dewatering)** Issue: There is insufficient discussion about dewatering (if required) and relevant legislation for its implementation. Impact: Dewatering may be carried out illegally if legislation is not followed. Solution: Provide discussion and reference of the relevant permit or exemption requirements for dewatering. Explain how this will be assessed, monitored, and achieved. Additional comments: If dewatering is required, the applicant proposes to pump it into settlement lagoons prior to discharging it to land. The applicant must ensure that they have understood and complied with all relevant legislation for dewatering and discharge of such water. There is no explanation of what will happen to sediment which is settled in the lagoons. 1.10.21 states: "Dewatering, where required, will be managed in accordance with agreed drainage and treatment arrangements." Again, there is no mention of obtaining the necessary permits, or what exemption conditions may apply.	As set out in paragraph 9.7.25 of **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**, temporary dewatering may be required during construction, including for foundation excavations and trenchless crossing launch pits. Groundwater monitoring undertaken as part of pre-construction ground investigations will inform the design of any necessary dewatering arrangements. Paragraphs 1.7.35–1.7.36 of the **Outline Construction Environmental Management Plan (oCEMP) [APP-042]** identify the potential use of settlement lagoons to treat water arising from dewatering activities prior to discharge onto vegetated surfaces. Paragraph 1.7.35 also confirms that dewatering activities will comply with applicable legislation and permitting requirements relating to water abstraction, treatment and discharge. To address the Environment Agency's comments, the Applicant will review and update the oCEMP to provide further clarity on the assessment and management of dewatering activities. This will include identifying whether abstraction licences, environmental permits or relevant exemptions are applicable to the proposed dewatering and discharge arrangements. Any necessary licences or permits will be obtained, and relevant exemption conditions satisfied, prior to undertaking the activities.

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		The detailed Construction Environmental Management Plan (CEMP) will establish appropriate dewatering, treatment and monitoring measures, informed by site-specific ground conditions, anticipated water volumes and water quality. The proposed discharge arrangements will be assessed to ensure that they do not result in unacceptable impacts on land or controlled waters. Where settlement lagoons are required, accumulated sediment will be appropriately assessed, classified and managed, including disposal through authorised waste management routes where necessary. These measures will ensure that dewatering activities are undertaken in accordance with applicable regulatory requirements (including (as appropriate) the Water Resources Act 1991, Water Abstraction and Impounding (Exemptions) Regulations 2017, EA Regulatory Position RPS 368 (2026), Environmental Permitting Regulations, EA RPS 261, Land Drainage Act 1991) and that potential impacts on groundwater, surface water and land are appropriately managed.
RR-0795/36	**EA36 (Waste batteries)** Issue: Storage, handling, and risks from damaged or end-of-life batteries are not addressed in the oSWMP Impact: Waste batteries, if managed incorrectly, could impact land and controlled waters. Solution:	Paragraph 5.8.4 of the **Outline Battery Safety Management Plan (oBSMP) [APP-048]** establishes measures for the safe storage of damaged batteries prior to disposal. This includes the requirement for damaged batteries to be stored separately from unreacted cells and end-of-life batteries within an impermeable, covered and bunded area, thereby minimising the potential for impacts on land and controlled waters.

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	Update the oSWMP to explain how waste batteries will be managed to avoid causing impacts to land and controlled waters. Additional comments: We note that the oBSMP includes some additional information regarding the storage of waste batteries, however this should be signposted within the oSWMP.	To address the Environment Agency's comments, the Applicant will update the Outline Site Waste Management Plan (oSWMP), contained within the Outline Construction Environmental Management Plan (oCEMP) [APP-042], during Examination to explicitly reference the relevant provisions of the oBSMP and clarify the arrangements for managing waste batteries.
RR-0795/37	**EA37 (HDD fluid)** Issue: There is insufficient discussion of and commitment to produce a Horizontal Directional Drilling (HDD) fluid breakout plan or Drilling Fluid Management Plan (or equivalent.) The applicant states that mitigation in the oCEMP is sufficient to manage risks from HDD fluid breakout. This may be acceptable in principle, but the current mitigation proposed in the oCEMP is inadequate. Frac-outs during construction are not uncommon during HDD and can result in fine sediments being released. Impact: There is a risk of drilling fluid breakout and inadequate handling thereof, resulting in a reduction in water quality if fine sediments enter surface water runoff or directly enter watercourses. Solution: The applicant must add a commitment to produce a HDD fluid breakout plan (or equivalent) in either Ground Conditions and Land Quality or Water Resources and Flood Risk or table 1.2 in the oCEMP and take all the	Mitigation measures to prevent and manage accidental releases of potentially polluting substances are already detailed within Table 1.2 of the **Outline Construction Environmental Management Plan (oCEMP) [APP-042],** under both Ground Conditions and Land Quality and Water Resources and Flood Risk. To provide further assurance, the Applicant commits to preparing a HDD Fluid Management Plan, incorporating procedures for preventing, monitoring and responding to inadvertent drilling fluid breakout (frac-out). This will include appropriate containment, recovery and disposal measures to minimise the risk of drilling fluids entering watercourses or surface water drainage pathways. The oCEMP will be updated to include an explicit commitment to prepare and implement the HDD Fluid Management Plan as part of the detailed Construction Environmental Management Plan (CEMP), prior to commencement of the relevant HDD activities.

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	steps that are reasonably practicable to minimise pollution during HDD. Add a Drilling Fluid Management Plan as an appendix to the CEMP. ion 5.4.47 of Chapter 5 commits to a minimum buffer 0 m from the top of bank of watercourses. Table 10.2.2 of the WFD aessment also confirms that for interconnection cables which are scoped in there will be 10m between launch & exit pits to watercourse and recognises frac out risk. However, further detail is e CEMP. t is advised to be aware certain bentonite pellets used in HDD are known to be coated in PFAS. The applicant should check with or that their bentonite is PFAS-free.	The specification of drilling fluids and additives, including confirmation of their suitability for use in proximity to sensitive water receptors, will be addressed within the detailed Plan.
RR-0795/38	**EA38 (Waste HDD fluid)** Issue: The site waste management plan does not include drilling fluid, therefore the fate of drilling fluid after HDD works is unclear. Impact: There is a risk to controlled waters if drilling fluid is not adequately disposed of. Solution: The applicant must provide detail of how HDD fluid will be disposed of in the site waste management plan.	The **Outline Construction Environmental Management Plan (oCEMP) [APP-042]** includes an Outline Site Waste Management Plan (oSWMP), which establishes the framework for managing waste generated during construction. As confirmed in response to EA37, the Applicant commits to preparing an HDD Fluid Management Plan as part of the detailed Construction Environmental Management Plan (CEMP), following consent and prior to commencement of the relevant HDD activities. The HDD Fluid Management Plan will address the collection, containment, handling and management of used and surplus drilling fluids, including appropriate arrangements for their reuse, treatment or disposal. Where disposal is required, drilling fluid waste will be appropriately characterised and transferred to a suitably authorised waste management facility by a registered waste carrier, in accordance with applicable waste management legislation.

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		The oCEMP will be updated to include specific provisions for the management and disposal of waste drilling fluids, with the detailed arrangements established through the CEMP and HDD Fluid Management Plan.
RR-0795/39	**EA39 (Land stabilisation)** Issue: Management of chemicals used for mine or other geotechnical stabilisation is not included and groundwater has not been considered as a receptor for mine stabilisation. Impact: Chemicals may impact on groundwater chemistry if not properly used. Solution: The applicant must ensure possible interactions between chemicals, rock, and groundwater are considered prior to any stabilisation. A hydrogeological risk assessment or management plan may be required. Additional comments: There will need to be a thorough investigation if the applicant proposes grouting old shafts and levels. If levels are flooded and mine water not pumped dry, it could be construed as discharge direct to groundwater for which there would be need for a risk assessment. This may need a permit. Many cement-based grouts contain PFA, and some may be prohibited. If displacing groundwater in tunnels, grout may have high barium content. Any pumping would require a permit for abstraction and discharge after treatment as mine water	The Applicant has adopted an avoidance-led approach to areas affected by historic shallow mine workings, thereby minimising the potential for ground instability and the requirement for associated stabilisation measures. As detailed in **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**, targeted Phase 2 ground investigations will be undertaken where required to further assess potential ground stability, contamination and mine gas risks prior to construction. A 20 m exclusion zone has also been established around identified mine entries, with further investigations required where works within these areas cannot be avoided. Mitigation measures relating to ground stability and the management of excavated materials are included within the Outline Excavated Materials Management Plan, forming part of the **Outline Construction Environmental Management Plan (oCEMP) [APP-042].** Should ground stabilisation be identified as necessary following further investigation, the proposed methodology will be assessed to identify potential risks to groundwater, including interactions between any stabilisation materials, underlying geology and groundwater. Where chemical

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	will be ferruginous. Pumping may also cause localised subsidence in some cases. The Mining Remediation Authority (MRA) should be consulted with any proposals for capping or grouting. Currently, the potential for ground stability issues due to historical coal mining is not fully known. If any land stabilisation is required, especially where that includes grouting of mine workings and shafts, the risks to controlled waters must be fully assessed in the design phase.	grouting or similar techniques are proposed, an appropriate hydrogeological risk assessment will be undertaken to inform the selection of materials, construction methodology and any necessary mitigation measures. The need for environmental permits or other regulatory approvals will be established prior to undertaking the relevant activities, and the Mining Remediation Authority will be consulted where works affect historic mine entries or workings. The Applicant will review the oCEMP to ensure that these requirements are appropriately reflected and secured through the detailed Construction Environmental Management Plan.
RR-0795/40	**EA40 (Reporting environmental incidents)** Issue: Requirement for when to contact the EA is unclear. 1.11.4 and 1.11.5 states: "Where pollution is serious…." and "Should a serious environmental incident occur, the EA will also be notified", however 'serious' is not defined in the glossary. Impact: Workers may not understand when environmental incidents must be reported to EA, which is a pollution risk to controlled waters and land. Solution: Provide additional clarity and instruction in the oCEMP.	All environmental incidents and near misses will be reported promptly through the Site's internal incident reporting procedures. Where polluting substances have entered, or could enter, a watercourse or infiltrate into the ground, the Environment Agency must be notified immediately via its 24-hour incident hotline (0800 80 70 60). This includes incidents involving ruptured tanks, leaking pipes, uncontained spills or other releases of potentially polluting substances. The Applicant will update Section 1.11 of the outline Construction Environmental Management Plan (oCEMP) **[APP-042]** during Examination to clarify the circumstances requiring immediate notification to the

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	Additional comments: The applicants must report an incident immediately if polluting substances have entered or could enter a watercourse or soak into the ground. For example, from a ruptured tank, leaking pipe or uncontained spill (source: LCRM). See: Report an environmental problem - GOV.UK	Environment Agency, including the provisions in paragraphs 1.11.4 and 1.11.5. These procedures will subsequently be incorporated into the detailed CEMP, which will be submitted for approval prior to the commencement of the relevant construction activities.
RR-0795/41	**EA41 (unexpected contamination protocol)** Issue: The oOEMP does not refer to an unexpected contamination protocol. Unexpected contamination could be encountered during the operational period of the scheme. Impact: Inadequate management of unexpected contamination could lead to impacts on groundwater. Solution: Include an unexpected contamination protocol that is consistent with the oCEMP and oDEMP.	Where unexpected contamination is encountered during operational maintenance activities, works in the affected area will cease where necessary to prevent further disturbance or mobilisation of contaminants. The affected area will be appropriately secured, and a suitably qualified specialist will assess the nature and extent of contamination and potential risks to environmental receptors, including groundwater. Appropriate mitigation or remediation measures will be identified and implemented before affected works recommence. Any pollution incidents will be reported to the relevant regulatory authorities in accordance with applicable reporting requirements. These procedures will be consistent with the unexpected contamination protocols established for the construction and decommissioning phases of the Proposed Development. The Applicant will update Table 1.1 of the **outline Operational Environmental Management Plan (oOEMP) [APP-043]** during Examination to incorporate an unexpected contamination protocol, which will subsequently inform the detailed OEMP.

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RR-0795/42	**EA42 (procedure for identifying and managing unexpected contamination)** Issue: Procedure for identifying and managing previously unexpected contamination if encountered during construction is not specifically included in table 2.3-1in relation to the operational and decommissioning" phases. Impact: Potential that insufficient controls will be in place if unexpected contamination is encountered during works Solution: Ensure the unexpected contamination protocol is included in the oCEMP, oOEMP and oDEMP. Additional comments: The Phase 2 Ground Investigations are listed as commitments for 'Exposure of construction workers to contamination through encountering contaminated soils as a result of ground works' and 'Potential effects resulting from construction on land with deleterious ground conditions – unstable land associated with historic coal mining and /or landfills". This should refer to controlled water receptors as well.	The Applicant confirms that appropriate procedures for the identification, assessment and management of unexpected contamination will be incorporated into the detailed Construction Environmental Management Plan (CEMP), Operational Environmental Management Plan (OEMP) and Decommissioning Environmental Management Plan (DEMP), as relevant to the activities undertaken during each phase. Unexpected ground conditions and contamination is included within Paragraphs 1.9.17-19 within the **outline Construction Environmental Management Plan [APP-042]**. The Applicant will update the **oCEMP [APP-042]**, **outline Operational Environmental Management Plan (oOEMP) [APP-043]** and **outline Decommissioning Environmental Management Plan (oDEMP) [APP-044]** during Examination to ensure that appropriate procedures for identifying, assessing and managing unexpected contamination are included for each phase of the Proposed Development. The Applicant also acknowledges the Environment Agency's comments regarding the Phase 2 ground investigation commitments. These investigations will consider potential risks to controlled waters, where relevant, alongside risks to construction workers and ground stability.

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		The updated procedures will inform the detailed CEMP, OEMP and DEMP, secured through Schedule 2, Requirements 4, 11 and 13 respectively of the **draft Development Consent Order (dDCO) [AS-009]** .
RR-0795/43	**EA43 (Decommissioning buried cables)** Issue: There is a lack of consistency regarding the fate of buried cables at decommissioning. An indicative lifespan for buried cables is not given. Some components are shown as "replacement not anticipated", and above ground cables have a lifespan of 25-30 years. It is unclear why buried cables are not listed at all. Impact: Requirements and associated impacts of replacing buried cables is unknown. This includes degradation of cables in the subsurface, waste quantities (of old cables), effects of excavation to remove and replace cables. Solution: Confirm indicative lifespan for buried cables, and any associated impacts, and decommissioning proposals. This should be included in the ES and oDEMP. Additional comments:	Paragraph 5.7.2 of **ES Chapter 5: The Proposed Development [APP-057]** and paragraph 9.7.57 of **ES Chapter 9: Ground Conditions and Land Quality [APP-061]** provide that ducts for cabling buried beneath plough depth would be left in place, subject to landowner agreement. Paragraph 3.2.1 of the **Outline Decommissioning Environmental Management Plan (oDEMP) [APP-044]** further clarifies that cables and ducts buried below plough depth would be left in situ unless the original use of the land is impacted. Under Schedule 2, Requirement 13 of the **draft Development Consent Order (dDCO) [AS-009],** decommissioning must commence no later than 60 years after final commissioning. Decommissioning will be undertaken in accordance with a detailed Decommissioning Environmental Management Plan (DEMP), which must be substantially in accordance with the oDEMP, approved prior to decommissioning works and implemented as approved. The Applicant recognises that the appropriate approach to buried cables will need to be reviewed at the time of

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	The fate of cables at decommissioning is not specified in Chapter 5, paragraph 5.7.2 or Chapter 9 paragraph 9.7.57, but in 3.2.1 of the Outline Decommissioning Environmental Management Plan it states that cables will be left in situ. We do not currently have specific guidance or a regulatory position about cables being left in situ in the context of groundwater and land contamination. However, we ask the applicant to consider the potential effects of cables being left in situ, such as deterioration of plastic and metal over extended time periods, and the release of these materials into soil and groundwater. The applicant should refer to regulatory guidance and general best practice at the time of decommissioning. Whilst the current intention may be for these to be left in the ground, we strongly recommend that the applicant considers full cable removal in their designs. Allowance should be made at this stage for cable removal should it be later deemed necessary, so that the method of installation does not mean this cannot be reasonably achieved. It is important to consider that use of plastic ducting to facilitate easy removal of cables may have its own impacts. This ducting could degrade over time in a similar manner to plastic cable housing, with some residual risk to sensitive receptors.	decommissioning, taking account of their condition, prevailing legislation, regulatory guidance and environmental considerations, including the potential effects of material degradation on soil and groundwater. The detailed DEMP will therefore consider the environmental implications of retaining buried cables and ducts in situ, alongside the potential impacts associated with their removal, and identify appropriate mitigation measures where necessary. Where replacement of buried cables is required during the operational phase, the associated activities will be managed through the relevant operational environmental management procedures, with appropriate measures implemented to minimise ground disturbance and potential impacts on controlled waters.
RR-0795/44	**EA44 (Firewater and firewater runoff)** Issue: There is no consideration of effects of fires and firewater on ground conditions and groundwater, and the management/fate of captured firewater is not discussed in enough detail. Release of firewater to the environment would require a permit that can take	Section 6.1 of the **Outline Battery Safety Management Plan (outline BSMP) [APP-048]** confirms that firewater from the Battery Energy Storage System (BESS) will be contained on site through the drainage design. An automatic penstock valve with manual override will close in the event of a fire to capture potentially contaminated runoff and rainwater (paragraph 6.1.1). Firewater will be

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	several months to obtain, which is not mentioned. There is a lack of clarity regarding how firewater runoff will be managed during/after a fire event at the BESS and substations. Impact: Inadequate management of firewater and associated procedures could lead to inadequate mitigation and impacts on groundwater. Solution: Ensure fires and firewater are considered in relation to ground conditions and land quality in subsequent reports. Update table 1.1 to reflect the key mitigation measures from the oBSMP. Provide further detail regarding the fate of captured firewater in subsequent documents. Removal off site may be a more appropriate solution. Explain the drainage arrangements for the BESS and substations to demonstrate that firewater will not drain to ground, and therefore, groundwater. Confirm how run-off during and after a fire event will be managed. Additional comments: Pollution from potential firewater at BESS is mentioned as being included in the assessment of effects during operation, but other than a reference to it being included, there is no further discussion on the subject. For BESS operation to continue, the drainage basin must have capacity to capture new firewater and runoff. We note that in chapter 10 there is discussion of firewater impacts to surface water. This does not include an assessment of impacts of potential firewater	directed to a suitably sized Sustainable Drainage Systems (SuDS) attenuation pond and will not be released to the environment before appropriate testing by a UKAS-accredited laboratory (paragraph 6.1.3). The **Outline Surface Water Drainage Strategy (outline SWDS) [APP-050]** provides further detail regarding these arrangements. Paragraph 5.3.17 confirms that the penstock valve will be located downstream of the attenuation basin to enable potentially contaminated water to be contained and removed by tanker rather than discharged to watercourses. Paragraph 5.3.32 confirms that firewater runoff from the BESS areas will be captured to prevent discharge off site or infiltration to ground, with contaminated water removed by tanker. Paragraph 5.3.35 of the outline SWDS further confirms that firewater runoff contained within Attenuation Basin 2 will be retained and tested prior to any discharge. Water will only be considered for release to surrounding watercourses where testing demonstrates that it is uncontaminated or meets applicable environmental standards. Where contamination is identified, the water will be removed off site by tanker for appropriate treatment or disposal. The Applicant acknowledges that any proposed discharge of captured firewater must comply with applicable regulatory requirements, including obtaining an environmental permit where required. Appendix A of the **Consents and Agreements Position Statement [AS-013]** identifies that an Environment Agency water

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	on groundwater receptors. Table 10.17 should refer to the oBSMP as embedded mitigation. Testing of potentially contaminated gravel in the drainage layer, penstock maintenance schedule, the need for environmental permits and other measures outlined in the oBSMP should be included in the oOEMP for completeness. See our guidance: Discharges to surface water and groundwater: environmental permits - GOV.UK 3.1.8 The BESS area will be impermeably lined, unless proven that infiltration is unviable from ground investigation results ensuring that all runoff (including firewater) drains to a dedicated attenuation basin. 3.1.9 The discharge of runoff from the BESS area and onsite substations via infiltration is unlikely to be viable due to predominantly clay ground conditions identified from BGS maps. Table 4-1 Direct discharge to the ground via infiltration is not considered appropriate in these areas [BESS and onsite substation area] Paragraph 5.3.8 states "It is crucial that such runoff is contained and removed via tankering, ensuring it is not discharged into watercourses or waterbodies." Then in 5.3.35 it is suggested that it may be released into the environment. The oBSMP also suggests that it could be stored, tested and released into the environment.	activity permit may be required for discharges of treated contaminated water to a watercourse. No discharge requiring a permit will take place without the necessary authorisation. Requirement 6 of Schedule 2 to the **draft Development Consent Order (dDCO) [AS-009]** secures a final BSMP substantially in accordance with the outline BSMP. Requirement 12 secures the final Surface Water Drainage Strategy, substantially in accordance with the outline SWDS, subject to approval by the relevant local drainage authority following consultation with the relevant planning authority and the Environment Agency. The detailed BSMP, Surface Water Drainage Strategy and Operational Environmental Management Plan (OEMP) will establish the operational procedures for containment, testing and management of firewater, including inspection and maintenance of drainage isolation measures, management of potentially contaminated drainage materials and reinstatement of the required firewater containment capacity following an incident. The Applicant will also review the relevant provisions of **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**, **ES Chapter 10: Water Resources and Flood Risk [AS-023]** and the **outline Operational Environmental Management Plan [APP-043]** to ensure that the potential effects on groundwater receptors and

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		the associated firewater management measures are appropriately reflected.
RR-0795/45	**EA45 (Fuel and chemical storage)** Issue: It is not clear within the documents that fuels and chemicals will be covered and where refuelling will occur. Impact: If fuels and oils are not suitably stored and refuelling is not managed, there is an increased risk of them entering the water environment and decreasing the water quality. Solution: Information is required to demonstrate that: - fuel, chemical and oil storage will be covered to prevent rainfall accumulation. - if necessary, a method to remove accumulated rainwater should be provided. - consideration is given to oil separators being used in the drainage system. - refuelling should only occur in designated re- fuelling areas away from sensitive receptors on impermeable surfaces. Additional comments: We note that the oCEMP describes bunded areas with an impermeable base with 110% containment capacity, but this is not included in the oOEMP or oDEMP. These should be updated so documents are consistent.	The Applicant notes the Environment Agency's concern surrounding fuels, oils, and chemicals. As set out in **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]** and the **Outline Construction Environmental Management Plan (oCEMP) [APP-042],** fuels, oils and chemicals will be stored in accordance with applicable UK legislation, including the Control of Pollution (Oil Storage) (England) Regulations 2001, where relevant. Refuelling will be undertaken within designated areas on impermeable surfaces, located away from sensitive environmental receptors and at least 10 m from surface watercourses. The precise locations and arrangements for refuelling will be determined during detailed construction planning and established within the Construction Environmental Management Plan (CEMP). The oCEMP establishes measures for the storage of fuels, oils and chemicals within secure, bunded and sheltered areas, incorporating impermeable containment and a minimum bund capacity of 110%. These measures will minimise the potential for rainfall accumulation and prevent the uncontrolled release of pollutants to the surrounding environment. Where rainwater accumulates within bunded storage areas, it will be appropriately assessed and managed

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		prior to removal or disposal to prevent contaminated discharges. Paragraph 10.6.8 of **ES Chapter 10: Water Resources and Flood Risk [AS-023]** also identifies that the drainage system will be designed to enable the containment of pollutants, including oils. The requirement for oil separators or other appropriate treatment measures will be considered as part of the detailed drainage design. The Applicant notes that information surrounding the bunded areas with an impermeable base with 110% containment capacity is not included within the **outline Operational Environmental Management Plan (oOEMP) [APP-043]** or **outline Decommissioning Environmental Management Plan (oDEMP) [APP-044]**. The oOEMP and oDEMP will be updated accordingly so that the documents are consistent.
RR-0795/46	**EA46 (Wheel wash)** Issue: It is uncertain how water from wheel wash will be contained and disposed of. Whilst we understand that designated wash-out facilities will have containment measures, which are intended to prevent contaminated wash out from passing untreated into surface water features, the details of this are unclear. Impact:	The Applicant notes the Environment Agency's comments regarding the management of wastewater arising from wheel washing and vehicle cleaning activities. Paragraph 10.6.13 of **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]** confirms that designated wash-out facilities within the construction compounds will incorporate suitable

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	If wash water is not managed correctly, it can enter watercourses and has the potential to decrease water quality due to contamination that may be present. Solution: It should be made clear that wheel washing and washing down of vehicles and equipment will be undertaken within a designated impermeable or lined area and should not be allowed to discharge into a watercourse or infiltrate to groundwater. They could also be bunded. Washing waters should be able to be contained to prevent contaminated water entering waterbodies or groundwater. If discharge at the site is required, you should consider any potential impacts of this discharge and confirm that a water discharge activity permit will be sought from the Environment Agency. Rumble strips could be used to remove mud from wheels. Dry brushing could occur, where possible, to minimise risk to water quality. e note that it says that drainage systems onsite will be enable the containment of spillages and appropriate	containment measures to prevent contaminated wash water from entering surface water features untreated. Furthermore, paragraph 1.7.37 of the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** confirms that sump water from vehicle washing facilities will be collected and pumped out for off-site disposal by a licensed waste carrier. Alternatively, water may be discharged to vegetated surfaces where its quality meets Environment Agency requirements. These measures will ensure that wastewater arising from vehicle washing activities is appropriately managed to minimise the risk of contamination to surface water and groundwater receptors.
RR-0795/47	**EA47 (Transformer bunding)** Issue: Details on bunding for the power conversion station (PCS) components, including inverters, transformers, switchgear, and other electrical equipment is unclear. Impact: Without bunding, transformers (which may be oil-insulated) could leak or spill. Hydrocarbons could pose an unacceptable risk to the water environment receptors.	The Applicant acknowledges the Environment Agency's comments regarding the provision of appropriate containment measures for transformers and other electrical equipment associated with the Proposed Development. Where transformers or other electrical equipment contain insulating oil or other potentially polluting liquids, appropriate secondary containment measures will be

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	Solution: All transformers should be bunded for all phases of development. They will need to be suitably sized to contain 110% of the volume. Where they are exposed to rainwater, the Applicant must have a mechanism to remove accumulated rainwater regularly. This should be updated in the APP-043 5.10 Outline Operational Environmental Management Plan and APP-050 5.17 Outline Surface Water Drainage Strategy.	incorporated into the detailed design to minimise the risk of accidental releases to the water environment. The design of any required bunding will take account of the volume of liquids contained within the equipment, relevant environmental requirements and the need to manage accumulated rainwater where containment systems are exposed to the elements. The detailed specification of these measures will be determined during detailed design and reflected in the detailed OEMP, secured under Schedule 2, Requirements 3 & 11 of the **draft Development Consent Order (dDCO) [AS-009].**
RR-0795/48	**EA48 (Emergency response plan)** Issue: The Environment Agency is not listed as a consultee during the development of the Emergency Response Plan (ERP) and we request to be included. Impact: ERPs are important for managing high risk situations quickly and effectively. Solution: We request that the Applicant develops this ERP in consultation with the Environment Agency in relation to responding to flood warnings and pollution events, as well as the relevant local authority planning officer, and emergency services including the local fire service. The ERP should identify the importance of notifying any downstream river/groundwater abstractors in the event of a fire should impacts to surface water and/or	Section 5.7 of the **Outline Battery Safety Management Plan (outline BSMP) [APP-048]** establishes the commitment to prepare an ERP during detailed design, prior to construction of the Battery Energy Storage System (BESS), in consultation with the local Fire and Rescue Service and other relevant authorities, as required. Paragraph 5.7.2 of the outline BSMP identifies the indicative information to be included within the ERP, including emergency response procedures, contact details of relevant stakeholders (including downstream abstractors), and arrangements for responding to incidents. The Applicant confirms that the Environment Agency will be consulted on the relevant environmental aspects of

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	groundwater occur, to ensure that Environment Agency incident response personnel are made aware of this as a priority. All relevant incident response parties should be made aware of the ERP and provided with immediate access to it. Additional comments: Consideration should be given to the ERP being submitted and approved through a DCO requirement	the ERP, including procedures for responding to flood warnings, pollution incidents and potential impacts on surface water and groundwater. Consultation will also be undertaken with the relevant local authority emergency planning officers and emergency services, as appropriate. The detailed ERP will establish appropriate notification and communication procedures, including arrangements for promptly notifying the Environment Agency and identifying and alerting potentially affected downstream surface water and groundwater abstractors where an incident could affect water quality. The ERP will be made available to relevant incident response personnel, with arrangements established to ensure that current emergency procedures and contact information can be accessed promptly during an incident. The Applicant notes the Environment Agency's suggestion that the ERP should be secured through a separate Development Consent Order (DCO) requirement. However, Requirement 6 of Schedule 2 to the **draft Development Consent Order (dDCO) [AS-009]** already secures the preparation and approval of a detailed BSMP substantially in accordance with the outline BSMP, which includes the commitment to prepare an ERP. The Applicant therefore considers that the existing DCO mechanism provides an appropriate means of securing the ERP without introducing a separate requirement.

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		Schedule 2, Requirement 6(1) of the **dDCO [AS-009]** will be updated to add the EA as a consultee on matters related to their function.
RR-0795/49	**EA49 (Water quality data)** Issue: Baseline data sources for the Water Resources and Flood Risk chapter and WFD Assessment did not include the EA's Water Quality Explorer. Impact: If all relevant data is not used, conclusions about the water quality baseline may not be based on complete information. Solution: The Applicant should use Map Explorer | Water Quality Explorer to provide further information on the water quality.	The data used in **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**, and the accompanying **ES Appendix 10.3: Water Framework Directive (WFD) Compliance Assessment [AS-056]** was the 'EA Catchment Data Explorer'. This dataset considers water quality in terms of the chemical status which is classified as pass or fail. All WFD watercourses in the Study Area have been classified as 'Fail'. The Environment Agency's Water Quality Explorer would provide detailed water quality monitoring results for WFD and Ordinary watercourses in the Study Area (although it is noted that results are not available for all watercourses within the Study Area). However, it is not considered that the inclusion of this detail would materially change the outcome of **ES Chapter 10 [AS-023]** or the **WFD Assessment [AS-056]**. This is because the ES and WFD assessment have assessed the risk of the project causing further deterioration of water quality, for example as a result of pollutants being washed into watercourses. **ES Chapter 10 [AS-023]** and the **WFD Assessment [AS-056]** concluded with mitigation in place there would be no deterioration in surface water quality with the implementation of mitigation. Therefore, even if the Water Quality Explorer shows the watercourse to already have poor water quality, there would be no worsening of this status as a result of the Proposed Development.

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RR-0795/50	**EA50 (Supporting guidance)** Issue: The guidance section is missing relevant information. Impact: If all relevant guidance is not used, assessment about the water environment may not be based on complete information. Solution: The Applicant should use the following guidance and best practice documents for mitigation to the water environment: • CIRIA Containment Systems for the Prevention of Pollution (C736) – to be added to section 10.2.5 in Chapter 10, and Table 1.1 in CEMP • Oil storage regulations for businesses - GOV.UK – to be added to Table 1.1 in CEMP • Pollution prevention for businesses - GOV.UK – to be added to Table 1.1 in CEMP	The Applicant notes the guidance identified by the Environment Agency, including CIRIA C736 *Containment Systems for the Prevention of Pollution*, the GOV.UK guidance on oil storage regulations for businesses and the GOV.UK guidance on pollution prevention for businesses. These documents will be taken into account, where relevant, in the development and implementation of detailed pollution prevention and mitigation measures for the Proposed Development. The Applicant will review Table 1.1 of the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** to ensure that the relevant guidance is appropriately referenced and informs the detailed CEMP. The Applicant considers that the inclusion of these additional guidance references does not alter the conclusions of the assessment presented in **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**.
RR-0795/51	**EA51 (water quality monitoring)** Issue: Insufficient detail regarding the plan for water quality monitoring. Section 10.6.31 states, “it is assumed a period of pre-construction monitoring will be required to establish baseline conditions, construction phase monitoring, and "post-construction monitoring to ensure no long-term impacts”, however further details are unknown. Impact:	The Applicant acknowledges the Environment Agency's comments regarding the proposed water quality monitoring arrangements. As identified in paragraph 10.6.31 of **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023],** water quality monitoring is anticipated to include pre-construction monitoring to establish baseline conditions, monitoring during

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	If a monitoring plan is not suitably designed then it may not be able to detect relevant trends, if any, on water quality during the construction and operation phases. <u>Solution:</u> The Applicant must provide further details of water quality monitoring. A suggested location, frequency and duration of any monitoring should be provided. It is suggested this will occur where there are water crossings, but this should also occur upstream and downstream of any discharges / surface water outfalls." <u>Additional comments:</u> "Water quality monitoring should start prior to construction so that the water quality of any possibly affected areas are known before significant sediment is disturbed and hazardous substances are on site. It should continue throughout construction and into operation to ensure there is no decrease in water quality as a result of the phase change. There should be visual observations, in-situ samples taken onsite with hand-held devices and some samples sent off to UKAS accredited laboratories. The duration should occur at least 6 months prior to construction to ensure sufficient data is available to be representative, and frequency for all phases of monitoring should be at least monthly frequency. The methods and specific parameters can be agreed with the EA at detailed design. We note Table 1.2 of CEMP states, “surface water monitoring where required”, but there should be a clear commitment in the CEMP for water quality monitoring	construction and post-construction monitoring to identify any potential longer-term effects. Further details of the water quality monitoring programme will be provided within the detailed Construction Environmental Management Plan (CEMP), secured through Requirement 4 of Schedule 2 to the **draft Development Consent Order (dDCO) [AS-009].** In developing the monitoring programme, the Applicant will take account of the Environment Agency's comments raised under EA51, including: - The location of monitoring points, including watercourse crossings and, where appropriate, upstream and downstream of relevant discharges and surface water outfalls; - The use of visual observations, in-situ water quality measurements and laboratory analysis; - The commencement of baseline monitoring at least six months prior to construction; - Monthly monitoring during the relevant stages of development; and - Any additional requirements identified through further consultation with the Environment Agency. The Applicant notes that the detailed construction drainage arrangements and operational Sustainable Drainage Systems (SuDS) have not yet been finalised. Consequently, the precise locations of discharge points and surface water outfalls are not currently known, and it would therefore be premature to prescribe the final

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	as described above. Section 1.6.4 of the CEMP only states, "regular walkover inspections will be undertaken"	monitoring locations at this stage. The detailed drainage strategy will be required to be substantially in accordance with the **outline Surface Water Drainage Strategy [APP-050]**, pursuant to Requirement 12 of Schedule 2 to the **dDCO [AS-009].** The monitoring programme will be developed alongside the detailed drainage design to ensure that monitoring locations and methodologies are appropriate to the potential impacts on receiving watercourses and other water environment receptors. The detailed CEMP will be required to be substantially in accordance with the **outline Construction Environmental Management Plan [APP-042]**, pursuant to Requirement 4 of Schedule 2 to the **dDCO [AS-009].** The Applicant will consult with the Environment Agency, as appropriate, in developing the detailed water quality monitoring arrangements.
RR-0795/52	**EA52 (Requirement 6 – Battery Safety Management Plan)** Issue: The Environment Agency is not listed as a named consultee for the discharge of Requirement 6 (Battery Safety Management Plan) Impact: Increased risk of detrimental impacts to controlled waters if the BSMP does not include sufficient mitigation. Solution:	The Applicant agrees to this request (as per response to EA48). The **draft Development Consent Order (dDCO) [AS-009]** will be amended accordingly and a revised version of the dDCO will be submitted at the relevant deadline.

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	We request to be consulted on the BSMP to be approved under Requirement 6.	
RR-0795/53	**EA53 (Requirement 11 – Operational Environmental Management Plan)** Issue: The Environment Agency is not listed as a named consultee for the discharge of Requirement 11 (Operational Environmental Management Plan)" Impact: Increased risk of detrimental impacts to controlled waters if the OEMP does not include sufficient mitigation. Solution: We request to be consulted on the OEMP to be approved under Requirement 11.	The Applicant agrees to this request. The **draft Development Consent Order (dDCO) [AS-009]** will be amended accordingly and a revised version of the dDCO will be submitted at the relevant deadline.
RR-0795/54	**EA54 (Requirement 13 – Decommissioning and restoration)** Issue: The Environment Agency is not listed as a named consultee for the discharge of Requirement 13 (Decommissioning and restoration) Impact: Increased risk of detrimental impacts to controlled waters if the DEMP does not include sufficient mitigation. Solution: We request to be consulted on the DEMP to be approved under Requirement 13.	The Applicant agrees to this request. The **draft Development Consent Order (dDCO) [AS-009]** will be amended accordingly and a revised version of the dDCO will be submitted at the relevant deadline.

ID	Representation	Applicant Response
RR-0795/55	**EA55 (Requirement Wording)** Issue: The use of the phrase 'substantially in accordance with' in requirements undermines enforceability and creates unnecessary uncertainty. Impact: Using the term "substantially" results in a Requirement being unenforceable and is not precise. This is against government policy (National Planning Policy Framework (NPPF)) and the six tests sited in Paragraph 57 of the NPPF. Solution: We request the removal of the term "substantially" from the Requirements where the Environment Agency is, or has requested to be, a named consultee.	The Applicant's proposed drafting is consistent with a number of recently made solar DCO decisions (including the Fenwick Solar Farm Order 2026, Springwell Solar Farm Order 2026 and One Earth Solar Farm Order 2026) and thus reflects a well precedented approach. The drafting has been included to ensure that there is a proportionate degree of flexibility available to the Applicant. The management plans should in the main accord with the outline document and where it varies from the outline document should not give rise to any materially new or materially different environmental effects in comparison with those reported in the Environmental Statement.
RR-0795/56	**EA56 (Requirement Wording)** Issue: The draft requirements in which the Environment Agency is, or has requested to be, a named consultee are worded as follows: '…submitted to and approved by the relevant"planning authority, in consultation by the undertaker with the Environment Agency…' This infers that the relevant planning authority will not be consulting us, which is common practice. Impact: There is uncertainty around the discharge of requirement procedure for the Environment Agency and whether the Environment Agency's input and influencing will be undermined.	The Applicant agrees to this request. The **draft Development Consent Order (draft DCO) [AS-009]** will be amended accordingly and a revised version of the draft DCO will be submitted at the relevant deadline.

ID	Representation	Applicant Response
	Solution: We request the wording of the requirements is amended to '…submitted to and approved by the relevant planning authority, such approval to be in consultation with the Environment Agency.'	
RR-0795/57	**EA57 (Requirement Wording)** Issue: The draft requirements in which the Environment Agency is, or has requested to be, a named consultee are worded as follows: '…in consultation by the undertaker with the" Environment Agency on matters related to their functions'. Impact: Not being consulted on the information in its entirety, and only on the matters the applicant believes is related to our function, could lead to key information being missed by "ourselves and lead us to produce an incomplete, inaccurate response on the requirement." Solution: To prevent ambiguity, we request seeing all the information required to discharge the requirement. The wording of the requirement must be amended to reflect this.	The Applicant notes the Agency's point and proposes to maintain the drafting in the relevant paragraphs in Schedule 2, but for clarity to add the following drafting to paragraph 1 of Schedule 2: "References to a body being consulted on matters relevant to their functions is to be construed so as to- (a) require the undertaker to provide adequate information to enable the relevant consultee to provide representations; and (b) ensure that only representations which relate to matters relevant functions of that consultee are provided and considered." The **draft Development Consent Order (dDCO) [AS-009]** will be amended accordingly and a revised version of the dDCO will be submitted at the relevant deadline.
RR-0795/58	Water Resources The outline Construction Environmental Management Plan (oCEMP) states that the applicant will produce a Water Consumption Plan prior to construction which will be secured through the CEMP and subject to consultation with ourselves. We are satisfied with this approach.	Noted. The Applicant confirms that a Water Consumption Plan will be prepared prior to construction, in consultation with the EA where required. as set out in Table 1.2 of the **outline Construction Environmental Management Plan (oCEMP) [APP-042]**

ID	Representation	Applicant Response
RR-0795/59	Estates – Environment Agency Land The Book of Reference lists some Environment Agency land which may be impacted by the proposal. The applicant will need to contact EstatesLandEnq@environment-agency.gov.uk to make sure they have all the correct land agreements in place. They may need licences to undertake surveys and if they are going to be crossing our land we would also expect them to enter into an option agreement for an easement. We may also have tenancies on the land, and we would expect the applicant to contact those tenants separately.	The Applicant notes this comment and that the Environment Agency has been identified as holding Category 1 interests in Plot 9-8, as defined under section 57 of the PA 2008. These interests are set out in the **Book of Reference [EN0110020/APP/4.3.1]**. The Applicant confirms that the acquisition of the new rights sought in the **draft Development Consent Order (dDCO) [AS-009]** is not anticipated to interfere with the Environment Agency's interests in Plot 9-8 and as such no direct negotiations or agreement is required.

3.6 Forestry Commission [RR-0824]

ID	Representation	Applicant Response
FORESTRY COMMISSION (RR-0824)		
RR-0824/1	While the application acknowledges that parts of the site are directly adjacent to ancient woodlands, several documents state there is no ancient woodland or ancient or veteran trees within the site, yet one veteran tree and ancient woodland are referenced in the BNG report. The Revised Ancient Woodland Inventory for the area has highlighted a small area of woodland within the site along a cable corridor that has recently been designated as Ancient Woodland. The red line boundary bisects part of the woodland. The Revised Ancient Woodland Inventory is a separate map layer to the usual Ancient Woodland Inventory. The revision may have been published after most of the documents were produced. For reference, it is located at grid reference SK 5070 9491.	The Applicant notes and thanks the Forestry Commission for their comments. The only ancient woodland within the Order Limits is an area of about 0.25ha in Cable Route B, bordering Whitestone 1, next to Firsby Brook (**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.5.28). Whilst this is within the Order Limits, it is not within the Site (area proposed for solar PV array and associated infrastructure, BESS, Substation, landscaping and habitat enhancement). Having reviewed **ES Appendix 6.4: Biodiversity Net Gain (BNG) Report [APP-096]**, the Applicant agrees that wording describing ancient woodland in paragraph 6.4.60 could be made clearer to reflect that Ancient Woodland is located in the Cable Corridor. There is only one Veteran tree on site, in W1 as described in paragraph 6.7.37 of **ES Chapter 6 [AS-021]**. This is consistently noted in **ES Appendix 6.2: UK Habitat Survey Report [APP-094]** and the **BNG Report [APP-096]**. Arboriculture surveys informing **ES Appendix 6.14: Arboriculture Survey and Tree Constraints Plan [APP-107]** did not cover all of the order limits, but were targeted to 37 key areas across the order limits. Whilst these surveys found no ancient or veteran trees within the survey area, this did not conclude that there were no veteran or ancient trees in the Order Limits. The Applicant therefore disagrees that

ID	Representation	Applicant Response
		there is inconsistency between documents in relation to veteran trees. The Applicant notes that the Ancient Woodland Inventory was revised on 29 July 2026, after the submission of this DCO application. As this designation occurred since the DCO application, the Applicant will review this and provide further information during the examination.
RR-0824/2	Ancient Woodland: Ancient woodlands are an irreplaceable habitat. They have great value because they have a long history of woodland cover, being continuously wooded since at least 1600AD with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). Section 5.4.32 of EN-1 – The Overarching National Policy Statement for Energy states: "Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both the construction and operational phases" We would particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and "Keepers of Time" – Ancient and Native Woodland and Trees Policy in England. We note that all woodlands including ancient woodlands, will be afforded a 25m buffer that will be fenced during construction. However concerns remain particularly regarding Burnt Wood (ASNW/PAWS) and	The Applicant notes the Forestry Commission's comments on Burnt Wood and Spring Wood. No infrastructure within the solar arrays (Work No. 1), Battery Energy Storage System (BESS) (Work No. 3), substations (Work No. 4) or primary construction compounds (Work No. 8) may be located within 25m of woodland (**Outline Design Parameters [APP-158]**, Table 2.1). **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.6.23, explains that this 25m buffer exceeds the 15m minimum in the standing advice. It also explains that the buffer "will also include created habitats such as grassland, that would replace existing arable habitat". Dust, lighting and noise controls and contractor briefing apply at construction (same paragraph). Effects on ancient woodland are assessed as Not Significant (**ES Chapter 6 [AS-021]**, paragraph 6.7.36). Burnt Wood and Spring Wood lie adjacent to W2 (**ES Chapter 6 [AS-021]**, Table 6-11). W2B lies on both sides of Burnt Wood. Its two areas are joined by Cable Routes G1 and G2, which each directly abut the wood (**ES Chapter 3: The Site and Surrounding Area [APP-055]**, paragraphs 3.5.40 to 3.5.43). The **Outline Design Parameters [APP-158]** set no woodland distance for the

ID	Representation	Applicant Response
	Spring Wood (ASNW) as these will be enclosed or partly enclosed by the development. Development that encloses a woodland and removes functional habitat links should be avoided. Woodland and woodland dependent species, that become isolated in their landscape and surrounded by development will deteriorate over time if habitat connectivity is not considered and provided. The provision of new woodland and woodland edge planting should be considered in areas around existing Ancient Woodland.	cable works (Work No. 2) (Table 2.1). **ES Chapter 6 [AS-021]**, paragraph 6.6.23, proposes a 25m offset between each ancient woodland block and construction areas. The perimeter fencing follows the solar PV areas (**Outline Design Parameters [APP-158]**, Table 2.1). The buffer land around them becomes created habitat such as grassland, rather than arable (**ES Chapter 6 [AS-021]**, paragraph 6.6.23). Habitat links are maintained by hedgerow gapping up, new connecting hedgerows, open grassland between sensitive habitats and rides (commitment C4 of the **Commitments Register [EN0110020/APP/6.20.1]** (Rev 02 - to be submitted at PD-A)). They are also maintained by mammal access gates in perimeter fencing, and habitat corridors enhanced through the solar PV site (**outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 4.1.16). The **outline LEMP [APP-046]** provides over 6km of new species-rich hedgerow with trees, approximately 34km of species-rich hedgerow, at least 1ha of native tree belts and at least 1ha of mixed scrub (paragraph 7.4.1). Individual trees are also planted to link larger areas of woodland, hedgerows and tree belts (**outline LEMP [APP-046]**, paragraph 7.4.39). The Applicant's position is therefore that the solar, BESS, substation and compound works are kept away from Burnt Wood and Spring Wood, and that habitat links to both woods are maintained. Access roads will be designed to ensure they are sufficiently away from the woodlands in line with Planning guidance. The Applicant acknowledges the request for the provision of new woodland and woodland edge planting in areas around existing Ancient Woodland, and for the proposed

ID	Representation	Applicant Response
		planting of this habitat for consideration in the updated oLEMP. Requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]** requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. The construction measures are secured by the Construction Environmental Management Plan (CEMP) under Requirement 4, and the habitat creation by the LEMP under Requirement 7 of the **draft DCO [AS-009]**. Permanent fencing details require the approval of the relevant planning authority under Requirement 9 of the **draft DCO [AS-009]**. An application not determined within eight weeks, or such other period as is agreed in writing, is deemed granted (**draft DCO [AS-009]**, Schedule 2, paragraph 18(3)).
RR-0824/3	Species such as bats, birds and invertebrates rely on woodland edge as foraging and commuting habitat. Recent studies have shown that solar panels negatively affect the activity of six out of eight bat species – which are European Protected Species. Of those bat species surveyed, those that used woodland edge were most affected. The panels have been theorised to reflect bats echolocation making detection, navigation and feeding harder, in addition to risk of potential collisions where the flat surfaces are mistaken for water. Solar panels have also been shown to have potential negative impacts on invertebrate populations, which may be related to the reduction of bats around solar farms. Inclusion of wildflower and diverse grassland under the	The Applicant notes the Forestry Commission's comments on woodland-edge species. The application provides for each type of measure the Forestry Commission suggests, as follows. - Wildflower and diverse grassland under the panels: large areas of species-rich grassland will be provided beneath the solar panels (**outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 4.1.17; paragraph 7.3.15). This is within approximately 1,043ha of grassland across the Order Limits, in hedgerow and field margins, riparian zones, wildflower meadows and around and beneath the panels (paragraph 7.4.1).

ID	Representation	Applicant Response
	solar panels may help to mitigate this. Incorporations of biodiverse buffers are strongly suggested. Breaking up the mosaic of woodland and open habitat can greatly reduce bats' ability to forage, the severing of habitat continuity can impact flight paths and reduce access between foraging and roosting areas. Having solar panels or fencing close to the edge of woodland areas, will greatly reduce the available habitat for foraging bats and may add extra disturbance pressure to roost sites. Hedges are vital commuting and foraging routes for bats in between woodlands, similar buffers around key hedge routes connecting woodlands will greatly reduce the fragmentation impact which could be caused by solar panels. To mitigate some of the potential impacts, the provision of scrub and flowering plants could increase invertebrate populations and potential foraging for bats.	- Biodiverse buffers: the 25m buffer to ancient woodland will include created habitats such as grassland replacing arable land (**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.6.23). Solar infrastructure is kept at least 25m from woodland and 15m from trees (**Outline Design Parameters [APP-158]**, Table 2.1). - Buffers to hedges connecting woodlands: the hedgerow offset is 5m (**Outline Design Parameters [APP-158]**, Table 2.1), which the **outline LEMP [APP-046]** measures from the hedgerow centre line (paragraph 7.3.12). This is narrower than the 25m woodland buffer. Within it, no tracks (other than field entrances), panels or other electrical infrastructure (other than cable crossings) may be placed. That buffer is sown with species-rich grassland and flower-rich margins (**outline LEMP [APP-046]**, paragraph 7.3.12), and new species-rich hedgerows with trees increase connectivity (paragraphs 7.4.4 and 7.4.5). - Scrub and flowering plants: at least 1ha of mixed scrub is proposed to create a habitat mosaic (**outline LEMP [APP-046]**, paragraphs 7.4.1 and 7.4.47). Ending arable farming reduces fertiliser and insecticide inputs, benefiting invertebrates and so prey for foraging bats (**ES Chapter 6 [AS-021]**, paragraph 6.6.36). The ES assesses construction effects on bats as likely Not Significant (**ES Chapter 6 [AS-021]**, paragraph 6.7.65), and the habitat enhancements as a Significant Beneficial effect on bats (paragraph 6.10.9). Perimeter fence lighting is avoided and security lighting at the Battery Energy Storage System (BESS) and substations is controlled, giving a Not Significant effect on bats (**ES**

ID	Representation	Applicant Response
		Chapter 6 [AS-021], paragraph 6.7.131). To test effects on bats in operation, bat activity will be monitored with static detectors at the baseline locations during construction and in years 1, 3, 5 and 10 after construction (**outline LEMP [APP-046]**, paragraph 9.1.8). These measures are secured through the LEMP under Requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]**. Requirement 3(2) of the **draft DCO [AS-009]** requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would result.
RR-0824/4	Infrastructure to support solar arrays, such as BESS (Battery Energy Storage Systems) should be sited well away from woodlands, especially ancient woodland. Woodlands or scrub should not be used as screening particularly for BESS to reduce the risk of possible wildfire should a battery fire occur.	The Applicant notes the Forestry Commission's comments on the siting of the Battery Energy Storage System (BESS). The BESS is required to be sited away from woodland and to be kept clear of combustible vegetation. No BESS infrastructure (Work No. 3) may be located within 25m of woodland or 15m of trees, and no works may take place within the Root Protection Area of veteran trees (**Outline Design Parameters [APP-158]**, Table 2.1). Requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]** requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. The same 25m woodland offset applies to the solar, substation and primary compound works (Works Nos. 1, 4 and 8) (**Outline Design Parameters [APP-158]**, Table

ID	Representation	Applicant Response
		2.1). This is consistent with the 25m buffer assessed in **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.6.23. It does not apply to the cable works (Work No. 2). On fire risk, the **outline Battery Safety Management Plan (BSMP) [APP-048]** requires vegetation to be trimmed so that it is at least 3m, and tree canopies at least 10m, from the closest battery enclosure (Table 8.1). It also requires areas between units to be gravel and kept free of combustible vegetation (**outline BSMP [APP-048]**, paragraph 4.2.5). Vegetation is to be trimmed regularly to keep the 3m separation (paragraph 4.2.10). Any vegetation near the battery enclosures, including any planting used for screening, is subject to those clearances (**outline BSMP [APP-048]**, Table 8.1). Fire risk is managed through the Battery Safety Management Plan secured by Requirement 6 of the **draft DCO [AS-009]**.
RR-0824/5	Woodland and Tree Loss: Although the arboricultural report and the vegetation removal plans highlight areas of canopy cover to be lost, it is unclear what that equates to in terms of the number of trees and specific loss of canopy cover across the site. We understand that 0.3ha of wet woodland is likely to be lost, although nothing appears to be confirmed within plans. Therefore it is difficult to assess the level of compensation planting required.	The Applicant notes the Forestry Commission's comments on tree and woodland loss. The loss of wet woodland is quantified in the Environmental Statement (ES), at up to 0.03ha rather than 0.3ha. **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.49, states: "Up to 0.03ha of habitat would be lost, which equates to 0.9% of the 3.29ha of Wet Woodland within the Order Limits." The loss is a section up to 6m wide at the Anston Brook track crossing, involving a very small number of trees at worst (same paragraph). It is assessed as a low magnitude, local, adverse Significant effect in the medium term (**ES Chapter 6 [AS-021]**, paragraph 6.7.50).

ID	Representation	Applicant Response
		Elsewhere, tree and woodland loss is limited to access points and track crossings. Sections of hedgerow and tree line up to 6m wide per location will be removed for access to the Cable Corridor, vehicular access to the Site and internal track crossings (**ES Chapter 6 [AS-021]**, paragraph 6.7.62). The **Outline Design Parameters [APP-158]**, Table 2.1, set solar, Battery Energy Storage System (BESS), substation and compound infrastructure at least 15m from trees and 25m from woodland. Requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]** requires the detailed design to accord with them, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. The locations of removal assessed are shown on the **Vegetation Removal Plans [AS-007]**. Under article 43(4) of the **draft DCO [AS-009]**, the undertaker may also undertake works to or remove any hedgerow within the Order limits that may be required. Under article 43(1), trees near the Order limits may be felled or lopped where reasonably believed necessary. Trees, woodland and hedgerows are removed only where access is required, and retained trees are protected by Root Protection Areas in accordance with BS 5837:2012 (**outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraphs 7.3.6 and 7.3.7). Compensation is based on habitat area through the statutory biodiversity metric, rather than tree numbers. Requirement 7(2) of the **draft DCO [AS-009]** requires each LEMP to show how it will contribute to minimum biodiversity net gains across the authorised development. These are 28% for habitat units, 30% for

ID	Representation	Applicant Response
		hedgerow units and 10% for watercourse units. Requirement 7(3) requires the approved LEMP to be implemented and maintained throughout operation. The planting includes at least 1ha of native tree belts and over 6km of new species-rich hedgerow with trees (**outline LEMP [APP-046]**, paragraph 7.4.1). It also includes individual trees along field boundaries, in hedgerows and in grassland (paragraph 7.4.38). For the wet woodland, the outline LEMP identifies enhancement of the retained wet woodland along Anston Brook, subject to feasibility assessment. Areas with potential for wet woodland creation identified through Local Nature Recovery Strategy discussions are being considered (**outline LEMP [APP-046]**, paragraph 7.4.37; **ES Appendix 6.4: Biodiversity Net Gain Report [APP-096]**, paragraph 6.4.102). The planting is secured by the LEMP under Requirement 7 of the **draft DCO [AS-009]**.
RR-0824/6	Tree Planting: As stated in the Environmental Improvement Plan 2025 it is a strategic government objective to increase the net area of tree canopy and woodland cover to 16.5% of total land area in England by 2050. Therefore, the Forestry Commission is seeking to ensure that tree planting is a consideration in every development not just as compensation for loss. It is also unclear what planting is proposed. Documents state that 1ha of tree belts are proposed but mention is also made of individual trees, and hedgerows with trees. It is unclear whether the individual trees are in addition to the 1ha or inclusive within the figure. 1ha of tree planting equates roughly to 0.08% of the site area. Further planting in areas surrounding existing woodland to expand and connect habitats would improve habitat	The Applicant notes the Forestry Commission's comments on tree planting. Tree planting forms part of the landscape and biodiversity strategy, not only compensation, and the 1ha figure relates to native tree belts alone. The **outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, paragraph 7.4.1, lists the habitats proposed across the Order Limits. These are over 6km of species-rich native hedgerow with trees, approximately 34km of species-rich native hedgerow, at least 1ha of native tree belts, at least 1ha of mixed scrub, at least 6ha of arable field margins, and approximately 1,043ha of grassland. The 1ha figure is for native tree belts. Individual trees are a separate planting type in the outline LEMP. They are planted singly and in lines along

ID	Representation	Applicant Response
	connectivity and make woodlands more resilient. Especially when incorporated with further woodland edge and scrubby habitat providing a graduated edge as part of a mosaic of habitats. We note the intention to incorporate planting of new wet woodland habitat in line with the LNRS. This process could be extended to all of the woodlands within the site.	field boundaries, within existing and new hedgerows, and in larger areas of grassland (**outline LEMP [APP-046]**, paragraph 7.4.38), with locations shown on the Indicative Landscape Masterplan (paragraph 7.4.41). The planting is for screening and for wildlife. The tree belts provide connectivity and habitat (**outline LEMP [APP-046]**, paragraph 7.4.27), and the individual trees link larger areas of woodland, hedgerows and tree belts (paragraph 7.4.39). The **Outline Design Parameters [APP-158]**, Table 2.1, set the solar, Battery Energy Storage System (BESS), substation and compound works (Works Nos. 1, 3, 4 and 8) at least 25m from woodland. Requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]** requires the detailed design to accord with them, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. Around the ancient woodland, the 25m buffer will include created habitats such as grassland replacing arable (**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.6.23). Individual trees are planted to link woodland, hedgerows and tree belts (**outline LEMP [APP-046]**, paragraph 7.4.39). On wet woodland, the **outline LEMP [APP-046]**, paragraph 7.4.37, considers areas identified through Local Nature Recovery Strategy discussions within the Order Limits as having potential for wet woodland creation. That approach is tied to where such potential has been identified. It is not applied to every woodland in the Site.

ID	Representation	Applicant Response
		The planting is secured through the LEMP under Requirement 7 of the **draft DCO [AS-009]**. Replacement planting is required if losses mean the planting no longer achieves its screening purpose (**outline LEMP [APP-046]**, paragraph 7.4.3). Woodland-edge planting around the ancient woodlands is addressed in the response to RR-0824/2, on Burnt Wood, Spring Wood and habitat links around ancient woodland.
RR-0824/7	Deer fencing: As this project will include a large area of fencing, it has the scope to exclude a large amount of farmland from the deer range in the area. In areas where woodlands are contained and surrounded by the site, fencing could curtail their movement and enclosed deer would cause deterioration of the woodland. Large scale fencing is likely to increase herbivore browsing and grazing to other areas in close proximity to the site. Impacts are likely to increase in surrounding woodlands, including ancient woodlands and the wider landscape, where hedgerows and stewardship schemes may be impacted upon. Changing how deer move through the landscape, may also increase the numbers of deer crossing local roads, and therefore may increase the numbers of deer vehicle collisions in the area. If culls occur prior to development, the risks should reduce.	The Applicant notes the Forestry Commission's comments on deer and fencing. The perimeter fencing encloses the solar array fields, not the woodlands or the countryside as a whole. Habitat corridors between the fenced areas keep deer and other mammals moving through the landscape. **Fencing and corridors** Fencing is around the solar PV areas; it is wooden post and wire or wooden post and mesh, up to 2.2m high, (**Outline Design Parameters [APP-158]**, Table 2.1). Habitat corridors, including new connecting hedgerows and grasslands are proposed between the fenced areas, so that wildlife corridors are maintained for mammals (**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, Table 6-3, response to Sheffield Wildlife Trust). Deer are therefore not intended to use the fenced solar fields, but they are not confined by them. The ancient woodlands lie adjacent to the Site (**ES Chapter 6 [AS-021]**, Table 6-11). The **Outline Design Parameters [APP-158]**, Table 2.1, set a 25m offset from woodland for the arrays. Requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]** requires the detailed design to

ID	Representation	Applicant Response
		accord with that offset, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. The buffer land around the ancient woodland becomes created habitat such as grassland (**ES Chapter 6 [AS-021]**, paragraph 6.6.23). **Connectivity and woodland protection** Habitat corridors, including new connecting hedgerows and grasslands that allow wildlife passage, are secured through the Landscape and Ecological Management Plan (LEMP) under Requirement 7. Deer fencing will be used to protect newly created habitats, including woodland (**ES Chapter 6 [AS-021]**, Table 6-3, response to the Forestry Commission). **Deer culls** No deer cull is proposed. The corridors between the fenced areas remain open to deer, so the Proposed Development does not rely on reducing deer numbers. Connectivity is secured by the LEMP under Requirement 7. All permanent fencing details require approval by the relevant planning authority under Requirement 9 of the **draft DCO [AS-009]**. An application to the relevant planning authority not determined within eight weeks, or such other period as is agreed in writing, is deemed granted (**draft DCO [AS-009]**, Schedule 2, paragraph 18(3)).

3.7 Natural England [RR-1968]

ID	Representation	Applicant Response
Natural England (RR-1968)		
RR-1968/1	Natural England wish to raise the following headline points on the DCO application; Nationally Designated Sites • Clarification is required on the water quality mitigation proposed during construction in the prevention of impacts to Sites of Special Scientific Interest (SSSI). Best Most Versatile Land and Soils • Due to the use of reconnaissance ALC surveys, there is a lower certainty in the recorded soil types than if a detailed survey had been undertaken. This is especially a consideration for the application's panel areas. • There is a lack of reference to important information sources. • The draft SMP is lacking important information to inform the final version. Detailed comments are provided in our full representation.	The Applicant notes this comment.
RR-1968/2	**Topic: NE1 Sprotbrough Gorge SSSI, Anston Stones Wood SSSI and Lindrick Golf Course SSSI** Issue Summary: Water quality (C) and (O) NE Commentary and Advice: During the pre-application process Natural England requested the assessment to consider the potential impacts of water pollution to nationally designated sites	The applicant welcomes the support for measures to prevent impacts on watercourses included in the outline Construction Environmental Management Plan (CEMP). For clarification, the construction water quality measures apply to work in proximity to any watercourse. This is the approach Natural England identifies as acceptably preventing pollution run-off into watercourses with aquatic connectivity to the designated sites. **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.6, identifies the Sites of Special Scientific

ID	Representation	Applicant Response
	which are hydrologically connected to the development site. We note the submission of the outline Construction Environmental Management Plan (CEMP) to the examination (dated June 2026). We broadly concur with the measures outlined in Table 1.2 to prevent impacts to watercourses and terrestrial receptors, of particular relevance are the measures listed for the 'Surface waters, groundwater, and floodplain function, aquatic habitats' receptors. The document does not identify SSSIs as ecological receptors, for which the mitigation measures should be adhered to. It should be clarified whether these mitigation measures will be applicable to work undertaken in proximity to any watercourse. While we would advise on identification of SSSIs as sensitive receptors in the CEMP to ensure that mitigation is applied appropriately, if the mitigation will be applied to any connected watercourse this will also acceptably prevent pollution run off into designated sites for this development. <u>Matters that must be secured in the DCO</u> We welcome that production of a final CEMP is secured within Requirement 4 Schedule 2, discharged prior to commencement of the construction phase.	Interest (SSSIs) stated by the applicant as having a hydrological link to the Site. It notes that only Sprotbrough Gorge has aquatic designated features. It concludes that with the outline CEMP in place and with pollution prevention measures in place there is no pathway to the designated features, and the effect is Not Significant (**ES Chapter 6 [AS-021]**, Table 6-13). Because the measures are applied at every watercourse, they protect each hydrologically connected SSSI and the features for which they are designated. However, for clarity, reference to hydrologically connected SSSIs will be included in the CEMP as another group sensitive feature subject to watercourse pollution prevention measures. Schedule 2, requirement 4 of the **draft Development Consent Order (DCO) [AS-009]** requires a CEMP substantially in accordance with the outline CEMP to be approved by the relevant planning authority before any part of the authorised development commences. The undertaker must consult the Environment Agency on matters related to its functions. Construction must be carried out in accordance with the approved CEMP.
RR-1968/3	**Topic: NE2 Sprotborough Gorge SSSI** <u>Issue Summary:</u> Water quality (O)	Firewater from the Battery Energy Storage System (BESS) is to be contained on site and tested before any release. It is removed off site by tanker if contamination is found or the Environment Agency requires it (**outline Battery Safety Management Plan (outline BSMP)**

ID	Representation	Applicant Response
	NE Commentary and Advice: The location of the Battery Energy Storage System (BESS) is identified in 4-2A on Works Plans (dated February 2026). The Application includes submission of an Outline Battery Safety Management Plan (BSMP) (dated June 2026). Section 6.1 of this document states that the firewater produced during emergency procedures will be gathered on site and treated before being released, or will be tankered off site if required by the Environment Agency. The watercourse adjacent to the BESS system flows in close proximity to the boundary of the Sprotbrough Gorge SSSI. It is Natural England's position that BESS emergency procedures should ensure no additional nutrient input or chemical contamination of designated site watercourses through firewater discharge. However we won't advise further on how this should be achieved, and we will defer to the Environment Agency on post consent decision making for this topic. Matters that must be secured in the DCO We welcome that production of a final Battery Safety Management plan is secured within Requirement 6 Schedule 2	**[APP-048]**, paragraph 6.1.3; **outline Surface Water Drainage Strategy (outline SWDS) [APP-050]**, paragraphs 5.3.32 and 5.3.35). Section 6.1 of the **outline BSMP [APP-048]** provides that contaminated water will be contained within the BESS location within the Site as part of the drainage design. An automatic penstock valve with manual override closes on a fire event to capture run-off and rainwater that may have become contaminated (paragraph 6.1.1). Firewater is gathered into a Sustainable Drainage Systems (SuDS) pond with asuitable capacity. The **outline SWDS [APP-050]**, paragraph 5.3.17, describes the same penstock arrangement downstream of the attenuation basin: "This method ensures that potentially contaminated water would be contained and can then be tankered away instead of being discharged to watercourses." Paragraph 5.3.32 records that firewater runoff from the BESS areas will be captured so that it cannot discharge off site or to ground. It will be removed off site by tanker if contamination is found. Paragraph 5.3.35 of the **outline SWDS [APP-050]** provides that external firewater runoff contained in Attenuation Basin 2 is held and tested. It is released to the surrounding watercourses only if it is found to have no contaminants present, or contaminants within acceptable legal limits. Otherwise, it is taken off site by tanker for treatment. Requirement 6 in Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009]** secures a final BSMP substantially in accordance with the outline BSMP. Schedule 2, requirement 12 of the **draft DCO [AS-009]** secures the final surface water drainage strategy, to be

ID	Representation	Applicant Response
		substantially in accordance with the outline strategy. That strategy requires the approval of the relevant local drainage authority, following consultation by the undertaker with the relevant planning authority and the Environment Agency. The **Consents and Agreements Position Statement [AS-013]**, Appendix A, identifies that an Environment Agency water activity permit may be required for discharges of treated contaminated water to a watercourse.
RR-1968/4	**Topic: NE3 All National designated sites** Issue Summary: Air pollution from traffic (C) NE Commentary and Advice: We have attached our standard advice on NSIPs (Appendix 1). You should review any further information received in line with Natural England's advice to assess the application. This standard advice is Natural England's formal statutory advice. It provides decision makers with the information needed to fulfil their statutory duties when making decisions on NSIP applications with potential air pollution impacts. Any overall conclusion regarding impacts on statutory protected sites must take into account the standard advice for air pollution. Natural England will not provide bespoke advice on this topic for this project.	The Applicant confirms that Natural England's standard advice on air pollution has been considered in the assessment presented in **ES Chapter 12: Air Quality [APP-064]**. The assessment incorporates an additional screening step for construction traffic emissions, consistent with established planning guidance, to determine whether detailed dispersion modelling is required. Whilst this differs from the approach set out in Natural England's standard advice, the Applicant considers that the approach adopted is appropriate and that the assessment adequately addresses potential air quality effects on statutory designated sites. The assessment concludes that these effects would be Not Significant.

ID	Representation	Applicant Response
RR-1968/5	**Topic: NE4 Protected species** NE Commentary and Advice: Natural England has adopted standing advice for protected species, which includes guidance on survey and mitigation measures. Natural England is not providing bespoke advice on the protected species information provided in the ES for this project. A separate protected species licence from Natural England or Defra may be required. Applicants should refer to the guidance at Wildlife licences: when you need to apply to check to see if a mitigation licence is required. Applicants can also make use of Natural England's charged service Pre Submission Screening Service for a review of a draft wildlife licence application. Natural England can then review a full draft licence application to issue a Letter of No Impediment (LONI) which explains that based on the information reviewed to date, that it sees no impediment to a licence being granted in the future should the DCO be issued. See Advice Note Eleven, Annex C — Natural England and the Planning Inspectorate | National Infrastructure Planning for details of the LONI process	The Applicant notes Natural England's comments and advice..
RR-1968/6	**Topic: NE5 Biodiversity net gain** NE Commentary and Advice: We welcome the commitment to delivering BNG on this project. The Biodiversity Net Gain (BNG) Report submitted for examination (ES document 6.20, dated June 2026) demonstrates a total of 42.52% uplift in habitat units; 44.47% uplift in hedgerow units; and	Noted and confirmed below. The **outline Landscape and Ecology Management Plan (outline LEMP) [APP-046]**, paragraph 1.3.3, states: "Flexibility to refine these proposals post consent will allow for alignment with relevant Local Nature Recovery Strategies, once published." Requirement 7(1) in Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009]** requires consultation with Natural

ID	Representation	Applicant Response
	10.11% uplift in watercourse units. It is also confirmed that the statutory metric has been used for the calculations. However it is also noted that not all of the delivered habitat will be allocated to this project (6.4.98), and the amount to be allocated is set out in Requirement 7 of the draft Development Consent Order (DCO). We welcome that these increases are all above the 10% minimum uplift and will be secured for a minimum of 30 years (6.4.79), in line with best practice for BNG in NSIPs. This is also secured within the submitted outline Landscape and Ecology Management Plan. It would be beneficial to ensure that final BNG proposals align with the aims of the relevant Local Nature Recovery Strategy. The potential for additional environmental enhancement measures to be included within the plans which can be 'stacked' within BNG calculations could also be explored. <u>Matters that must be secured in the DCO</u> Requirement 7, Schedule 2 of the draft DCO states a final Landscape and Ecology Management Plan (LEMP) will be produced that will demonstrate how the project will deliver a minimum uplift of 28% biodiversity net gain for areas habitat units, 30% biodiversity net gain for hedgerow units and 10% biodiversity net gain for watercourse units. We welcome this minimum commitment within the draft DCO. We also welcome that Natural England are to be consulted on the discharge of the final LEMP.	England before the final LEMP is approved. Natural England will therefore see how the final proposals align with the published LNRS. Stacking opportunities will be explored as the BNG proposals develop.

ID	Representation	Applicant Response
RR-1968/7	**Topic: NE6 Ancient Woodland and ancient/veteran trees** NE Commentary and Advice: It is noted that there are multiple ancient woodland sites located in proximity to the application redline boundary. We note the outline CEMP submitted to the examination does include a statement that minimum buffers will be applied to woodland, based on site-specific constraints (Table 1.2). However specific distances are not committed to within the document. Natural England and the Forestry Commission have produced Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk) (standing advice), which should be considered when determining this DCO application. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.	Specific buffer distances are secured. They are set out in the **Outline Design Parameters [APP-158]**, not in the outline Construction Environmental Management Plan (CEMP). Table 2.1 of the Outline Design Parameters provides that no infrastructure within Work Nos. 1 (solar), 3 (BESS), 4 (substations) or 8 (primary construction compounds) will be located within 25m of woodland or 15m of trees, and that there will be no works within the Root Protection Area of veteran trees. Requirement 3(2), Schedule 2 of the **draft Development Consent Order (DCO) [AS-009]** requires the detailed design to accord with these parameters. The buffers were set with the standing advice in view. The 25m woodland buffer exceeds the minimum buffer of at least 15m from ancient woodland set by the standing advice (**Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.6.23 and Table 6-3). ES Chapter 6 assesses the effects on ancient woodland as not significant (paragraph 6.7.36). The only ancient woodland within the Order Limits is an area of about 0.25ha in Cable Route B, bordering Whitestone 1, next to Firsby Brook (**ES Chapter 6 [AS-021]**, paragraph 6.5.28). The cable is proposed to be installed there by trenchless crossing, so the potential for direct effects is very limited (ES Chapter 6, Table 6-11). During construction, working methods for ancient woodland and ancient and veteran trees are secured through the CEMP and the LEMP, under Schedule 2, requirements 4 and 7 of the draft DCO. The **outline CEMP [APP-042]**, Table 1.2, requires buffers for woodland and trees to be set out, fenced and enforced

ID	Representation	Applicant Response
		during construction, and the Ecological Clerk of Works will monitor compliance.
RR-1968/8	**Topic: NE7 Soils and best and most versatile agricultural land** Issue Summary: Agricultural Land Classification Surveys overarching comments NE Commentary and Advice: Follow up to the S42 Response The below advice is in response to the June 2026 6.20 Environmental Statement Volume 3 Appendix 9.6 Agricultural Land Classification Report. Previous detailed advice has been provided regarding the agricultural land and soils as part of the S42 response. A semi-detailed Agricultural Land Classification (ALC) survey has been undertaken across part of the Site. As previously stated, reconnaissance surveys can help guide decision making, however detailed surveys will still be required to inform appropriate soil handling techniques within a Soil Management Plan (SMP). We would continue to advise that detailed ALC surveys should be undertaken for the full area covered by the redline boundary, including the cable route corridor. It would appear that there have been no changes to Appendix 9.6 Agricultural Land Classification Report following the S42 response. As such, the advice provided in Appendix II for the S42 remains relevant (attached for reference).	The Agricultural Land Classification (ALC) survey was commissioned at one auger boring per 200 m in an offset grid. **Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification Report [APP-129]** describes this as a reconnaissance grading at a semi-detailed scale (paragraph 1.3). It used 625 auger borings to 1.2m across the current red line boundary, four profile pits, and topsoil sampling with laboratory analysis (**Agricultural Land Classification Report [APP-129]**, paragraphs 3.2 to 3.12). Areas of planned permanent infrastructure, including the Battery Energy Storage System (BESS) and substation locations, were sampled at one location per 100 m. This gives a more detailed classification where the effect on soil is permanent (**Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**, paragraph 9.4.6). The Applicant's position is that the ALC survey is sufficient to determine the application and to inform the soil handling measures, and that a detailed survey of the whole Order Limits, including the cable corridors, is not needed. The reasons are set out below. The survey covered the land proposed for solar arrays, not the areas subject to connection works (**Agricultural Land Classification Report [APP-129]**, paragraph 1.3). The report gives the area surveyed as 1,191ha. Natural England's S42 advice asks for land take by component and ALC grade, for the operational phase not to be treated as short term, and for cumulative effects on BMV

ID	Representation	Applicant Response
		land Within the Site, 220.48ha (19.17%) is best and most versatile (BMV) agricultural land (**ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]**, paragraph 15.5.49 and Table 15-26). The ES reports the effect on the availability of BMV land as Moderate Adverse and Significant (**ES Chapter 15 [APP-067]**, paragraph 15.7.66). It does not rely on the survey density to understate that effect. The cable corridors were assessed from a desk-based review of Natural England's ALC mapping, which indicates predominantly Grade 3 with localised Grade 2 (**ES Chapter 9 [APP-061]**, paragraph 9.5.108). It finds the effect temporary, reversible and Not Significant, because trenches are short-lived and reinstated under the Soil Management Plan (**ES Chapter 9 [APP-061]**, Table 9.2 and paragraphs 9.7.6 and 9.7.11). The ES assesses the use of agricultural land for up to 60 years as semi-permanent, not short term (**ES Chapter 15 [APP-067]**, paragraph 15.7.58). The Moderate Adverse (Significant) effect on BMV land is reported on that basis (paragraph 15.8.1 of **ES Chapter 15 [APP-067]**). Cumulative effects on agricultural land are assessed in **ES Chapter 15 [APP-067]**, paragraphs 15.9.9 to 15.9.13. These conclude that the cumulative effect is unlikely to be greater than the Proposed Development's own Moderate Adverse (Significant) effect on BMV land (paragraph 15.7.66). On soil handling, the outline Soil Management Plan in the **outline Construction Environmental Management Plan (CEMP) [APP-042]** requires ALC data to inform soil stripping depths, segregation and reinstatement methods (paragraph 1.9.12).

ID	Representation	Applicant Response
RR-1968/9	<u>NE Commentary and Advice:</u> The following overarching comments are as follows: Natural England would like to make authors aware that since the publication of the Whitestone Solar Farm ALC & Soil Resource Assessment in march 2026, the Provisional ALC mapping has been superseded by the Predictive ALC map. Furthermore, the MAFF 1988 Guidelines (referenced in Para 3.13), have now been updated to the 2025 Defra/WG Joint Publication Agricultural Land Classification of England and Wales: Guidelines for grazing the quality of agricultural land – JP-069. In the desk survey, there is no reference to the Post 1988 ALC surveys, nor Soils and their Use (Midland and Western England) book which accompanies Sheet 3. Furthermore, there is no reference to the 1:25,000 soil map for Maltby and accompanying Soils in South Yorkshire 1 book, which covers a large portion of the northern site. This memoir provides useful soil information in the context of the site location.	The Agricultural Land Classification (ALC) grades rest on the field survey, not on the desk sources. The report draws on the Post-1988 ALC surveys for context of ALC in the area. As ALC surveys were undertaken across the entirety of the Site, results from these surveys were used as the primary data source for assessment. Results from these surveys give a more accurate representation of soil quality on site than predictive or older sources, and therefore allow for the development of a more robust baseline for the purposes of assessment. At time of survey commencement (Spring 2025), MAFF 1988 guidelines were still applicable. Consistent methodology was used throughout the survey period. It is worth noting that grading criteria was unchanged in the updated 2025 guidelines, and therefore the results of the survey are still considered valid. The cable corridors were assessed from a desk-based review of Natural England's ALC mapping, which indicates predominantly Grade 3 with localised Grade 2 (**Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**, paragraph 9.5.108). It finds the effect temporary, reversible and Not Significant, because trenches are short-lived and reinstated under the Soil Management Plan (**ES Chapter 9 [APP-061]**, Table 9.2 and paragraphs 9.7.6 and 9.7.11). Whilst the Applicant notes that the Provisional ALC mapping has since been superseded by the Predictive ALC map, due to the temporary and reversible nature of any effect, the conclusions of the assessment are still valid and correct. **Environmental Statement (ES) Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use**

ID	Representation	Applicant Response
		[APP-067] uses the Defra Predictive ALC data for the Cable Corridors (paragraph 15.7.61). It also uses it for the Site's share of best and most versatile (BMV) land in Rotherham and Doncaster (paragraph 15.7.65).
RR-1968/10	Topic: NE8 Issue Summary Agricultural Land Classification Surveys Additional advice NE commentary and advice Additional comments regarding the ALC survey (6.20 Environmental Land Statement Volume 3 Appendix 9.6 Agricultural Land Classification Report): Para 3.5. Whilst you can determine stone type, soil auger cores are not suitable to determine stone content. Soil pits are required to determine a more robust stone content. Four pits were explored across the full study site, however 6 soil types were identified (Para 4.16). A soil pit should be excavated in at least every different soil type identified as per Natural England's Guide to assessing development proposals on agricultural land - GOV.UK. Given the size of the site, spread across a number of spatially discrete parcels, it would be expected that a soil pit would be dug at each soil type in each spatially discrete area. Para 3.15. The authors should be aware that the 2021 IQ Soil Guidance, has superseded the MAFF (2000) Good Practice Guide for Handling Soils.	The stone content recorded by auger only is acknowledged to have constraints; however, the assessment was supported by targeted soil pits used to calibrate auger observations. These pits were deliberately located in areas previously augured to ensure consistency and to validate the interpretation of stone content across the Order Limits. Surveyors undertaking this survey are experienced across a range of sites across the country and have developed their calibration across differing soil types and associated pits at each of these sites. For topsoil stone content, this can be estimated with reasonable accuracy through augering and excavation of the topsoil layer, prior to augering the remaining depth. This approach provides a reliable basis for determining whether the topsoil stone content limitation applies. As a rule, where the subsoil is impenetrable to hand tools and augering, according to professional experience, this typically corresponds to stone contents exceeding 20%, increasing with depth where it has been inferred to bedrock, such as sandstone of the Rivington Soil Association. It would be impractical to expect to excavate pits at every location where high subsoil stone content is encountered. Regarding the influence of stone content on droughtiness, this limitation only applied to soils of the Rivington association. A representative pit was

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	Natural England welcome the consideration of how climate properties and limitations may change across the large site. Natural England welcome the discussion in para 4.49 regarding organic matter content, and are pleased to see the lab analysis for particle size distribution (PSD) linked to the hand texturing in Para 4.50. Land use section. It would have been useful to pull out the land use for horse paddocks are they are specifically mentioned in Para 4.49.	excavated within this soil type to inform the droughtiness calculation. In total, five soil types were identified across the Order Limits (see **Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification (ALC) Report [APP-129]**), three of which were formally tested through soil pits. An additional pit was dug to represent the Dale formation as it was acknowledged that this Soil Association occurred in significant quantity to warrant additional examination despite, in ALC terms, being comparable to that of the Bardsey Soil Association. Pits were not specifically dug in the Aberford and Aberford/Dale transitionary soil types due to the following reasons: - Occurred in very small, single isolated locations. Following revisions to the red line boundary, there is limited area of this soil type that remain within the Order Limits. The auger borings from which this soil type was mapped are no longer within the Order Limits, however mapping remains, with the exception of AB1. Therefore, representative pit locations are also located outside of the Order Limits. - Aberford transitionary soil type also showed a high degree of variation, a product of its transient nature, therefore a pit would not be truly representative of all locations and ALC grade. - Aberford soil type occurred in a single area of the Site. Mottling and gleying identified in the auger boring, did not occur in sufficient abundance to be indicative of and SPL, therefore examination of soil structure would have limited bearing on the overall ALC grade.

ID	Representation	Applicant Response
		While more pits can always provide additional detail, current ALC guidance does not specify a required number of pits over a set area. In line with established practice, LDC selected pit locations to represent the dominant soil associations, ALC grades, and key limitations across the site, as well as distributing pits across the whole site area. This approach is considered to provide a robust evidence base for the ALC grading whilst limiting disturbance to crops and farmers. The Applicant notes the updated 2021 IQ Soil Guidance.
RR-1968/11	Issue Summary Agricultural Land Classification Surveys additional advice Para 5.4 (6.20 Environmental Land Statement Volume 3 Appendix 9.6 Agricultural Land Classification Report):) is an assumption, unless there is a commitment in place to return the land to 'productive agricultural use': 'Soils will be retained in situ for the 35-year throughout the duration of the development, after which solar panels are to be decommissioned and returned to productive agricultural use.' Whilst we appreciate the consideration of the potential benefits, paragraph 5.5 states 'Positive benefits are likely to accrue in terms of soil structure, organic matter, soil biodiversity and carbon sequestration due to longer term grassland establishment and in the absence of cultivations.' This is an assumption and would wholly depend on current land use and the current soil structural, OM and soil	The Applicant notes Natural England's response on this matter.

ID	Representation	Applicant Response
	biodiversity conditions, of which only OM was determined during this assessment. The inherent soil structure was determined from only four soil pits, however soil structure from a Visual Assessment of Soil Structure (VESS) would be recommended to determine the structure baseline and repeated following decommissioning to determine whether there has been any improvement (or deterioration) in soil structural conditions. This would need to be done at a much greater survey density than the pits currently provide. It should be noted that whilst arable reversion to grassland has been shown to benefit SOM, this benefit will only extend to the duration of this reversion. Due to a lack of evidence, it is currently unknown as to what impact the solar panels may have on soil health in the UK, as a result of changes in shading; temperature changes; rain shadows; preferential flow pathways; micro-climate; and vegetation growth caused by the panels. Therefore, it is unknown what the overall impact of a temporary Solar development will have on soil health, including SOM content. This is the same for Paragraph 5.7 'A move towards less intensive grassland use can provide significant offsets in terms of carbon footprint with reduced emissions, lower agricultural inputs/outputs and resultant resource efficiencies'. This assumption assumes a reduction in agricultural production across the whole site, however, as stated elsewhere in the report, some land is already under grassland, and some land may stay in arable use, for example the cable route corridors. Para 5.19 suggests that at present, the full site is arable, however throughout this chapter, multiple references are made to	

ID	Representation	Applicant Response
	grassland on site, including horse paddocks, therefore this is incorrect to state it is all arable. Natural England welcomes the inclusion of the Soil Type maps. These could usefully be referenced in the Soil Management Plan. However, in the absence of a detailed survey, the boundaries of these soil types have a greater degree of uncertainty than if a detailed survey had been undertaken. For example, in Appendix 2.1 a slither of soil type 3 is mapped at the northern tip, despite a lack of soil auger cores or soil pits within this mapped soil type. What was the decision-making process to include this on the map?	
RR-1968/12	**Topic: NE9 Soils and best and most versatile agricultural land** Issue Summary Soil Management Plan NE commentary and advice The outline SMP provided as part of the Outline CEMP is extremely basic, we advise the following additional information should be incorporated. Table 1.1 should make reference to the Defra (2009) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and the IQ (2022) Soils Guidance. . The oSMP should set out the considerations for soil re-use, to maximise the use of soil on site and to ensure no loss to landfill (i.e. no soil surplus). Table 1.2: Natural England welcome that a detailed SMP will be secured through the CEMP, this should	The outline Soil Management Plan sets the controls that most of Natural England's additions seek. Schedule 2, requirement 4(2)(c) of the **draft Development Consent Order (dDCO) [AS-009]** secures the detailed plan that Natural England accepts will follow. Guidance: the Soil Management Plan is to be developed in line with the Defra 2009 Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. **Environmental Statement (ES) Appendix 9.6: Agricultural Land Classification Report [APP-129]**, paragraph 3.15, also lists the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings and the Defra 2009 Code as guidance applied. The **outline Construction Environmental Management Plan (oCEMP) [APP-042]** is the control document for all construction works. The Excavated Materials Management Plan and Soils Management Plan within the **oCEMP [APP-042]** set out specific best practice for the handling, re-use, and restoration and aftercare of excavated materials and soils. The oCEMP will be

ID	Representation	Applicant Response
	cover all land within the red line boundary, with soil information determined from a detailed ALC Survey. We advise that soil restoration and any habitat creation is tailored to the soil resource present on site, using site specific data. The SMP should include the restoration criteria for all land to be returned to agricultural use, including the ALC grade and soil properties. Soils should be monitored for up to 5 years following restoration to ensure the correct ALC criteria has been reached (on land restored to agricultural use) and the habitats created are in a suitable condition. Depending on the land-use, agricultural activities, site-specific conditions, and site-specific construction activities, the aftercare may include treatments, such as: cultivation (e.g. subsoiling), installation of underdrainage, seeding, liming, and/or fertilising. Para 1.9.13. We advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. All soils should only be handled in a dry and friable condition, and it is expected that soil handling will be confined to the drier summer period to minimise risk of soil damage. Reference could usefully be made to the field tests for suitably dry soils provided in Table 4.2 in the IQ (2022) Good Practice Guide for Handling Soils in Mineral Workings. The Construction programme should allow for stoppage time when weather conditions are inappropriate for soil handling (Para 1.3.6).	reviewed for inclusion of relevant guidance including the IQ (2022) Good Practice for Handling Soils in Mineral Workings. Natural England's request for a detailed ALC survey across the whole red line is answered in the response to RR-1968/8.

ID	Representation	Applicant Response
	Matters that must be secured in the DCO We are satisfied that the production of a final soil management plan is suitably secured within the wording Requirement 4, Schedule 2 and will be produced as part of a final CEMP	
RR-1968/13	DCO/DML or omission ref: Requirement 4, Schedule 2. Natural England's comments: We welcome that production of a final CEMP is secured within this requirement, and that it is stated this must be substantially in accordance with the outline CEMP submitted to the examination. We consider this an essential requirement. We are satisfied that the production of a final soil management plan is suitably secured within the wording of this requirement. We have provided further comments in Table 1 regarding our advice on the submitted soils information; however we do not propose changes to the wording of the DCO.	The Applicant notes Natural England's comment on this matter.
RR-1968/14	DCO/DML or omission ref: Requirement 6, Schedule 2 Natural England's comments: We welcome that this requirement secures production of a final Battery Safety Management Plan (BSMP) which should be substantially in accordance with the BSMP submitted to the examination. We consider this an essential requirement. DCO/DML or omission ref: Requirement 7, Schedule 2. Natural England's comments:	The Applicant notes Natural England's comment.

ID	Representation	Applicant Response
	We welcome that production of a final Landscape and Ecology Management Plan (LEMP) is secured within this requirement, and that it is stated that this must be substantially in accordance with the outline LEMP submitted to examination. We consider this an essential requirement and welcome that Natural England will be consulted on the final LEMP prior to commencement of the development. We consider the wording is suitable and welcome that BNG delivery targets have been secured within the DCO which are above the minimum 10%. DCO/DML or omission ref: Requirement 12, Schedule 2 Natural England's comments: We welcome that this requirement secures the production of the final surface water drainage strategy, which should be substantially in accordance with the outline surface water drainage strategy submitted to the examination. We consider this an essential requirement.	

3.8 The Coal Authority (trading name The Mining Remediation Authority) [RR-2612]

ID	Representation	Applicant Response
The Coal Authority (trading name The Mining Remediation Authority) (RR-2612)		
RR-2612/1	The Coal Authority, trading as the Mining Remediation Authority, is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas. The authors of the reports, ERM, acknowledge the coal mining legacy features present on the sites, as identified in the reports as 1, 2 and 3. The report authors state that where mine entries are present on a site below ground installations, including foundations for solar panels and other permanent infrastructure, should avoid these zones of influence. They go on to comment that if these mining features cannot be avoided, then further Phase 2 investigations to establish the geotechnical risk, or other mitigation will be required. We support the layout being designed to avoid development being located over, or close to, mine entries and their zones of influence. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:	The Applicant notes the Coal Authority's comments. The Applicant notes the Mining Remediation Authority has submitted a relevant representation [RR-1916], could the Coal Authority please clarify if these two relevant representations have been submitted by the same legal entity. The application is designed on the basis that the Mining Remediation Authority supports. Below-ground infrastructure is to avoid the zones of influence of known mine entries through avoidance-led design. As set out in the **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]**, paragraph 9.8.2, "*For mine entries, a 20m exclusion zone has been established such that no construction works can be undertaken within this zone unless Phase 2 ground investigations are undertaken first, co-ordinated by the MRA.*" Substations and the Battery Energy Storage System (BESS) have been located away from all areas with potential for deleterious ground conditions. Solar arrays, cables and access tracks overlap relatively small areas of potential hazard (**ES Chapter 9 [APP-061]**, paragraph 9.7.37). .

ID	Representation	Applicant Response
	https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries	
RR-2612/1a	Our records indicate that within the area identified for the project there are recorded coal mining features present at surface and shallow depth including; mine entries, coal workings and reported surface hazards. These features may pose a potential risk to surface stability and public safety. We previously commented on this project and the draft ES, to which we raised no objections as it was noted that a CMRA would be provided as a technical appendix to the main document. I have now had an opportunity to review the coal mining information submitted to support the EIA, namely; Coal Mining Risk Assessment: Whitestone 1 (6.20 Appendix 9.10), Rev 01, June 2026, prepared by ERM, Coal Mining Risk Assessment: Whitestone 2 (6.20 Appendix 9.11), Rev 01, June 2026, prepared by ERM, and Coal Mining Risk Assessment: Whitestone 3 (6.20 Appendix 9.12), Rev 01, June 2026, prepared by ERM.	The Applicant notes the Coal Authority's comments.
RR-2612/2	In respect of shallow mine workings, ERM note that a site walkover, and likely Phase 2 geotechnical assessment, to assess the status of the land due to shallow and opencast coal mining activities is recommended, as well as consideration of the condition and treatment of the mine entries where they cannot be avoided. This they note would assess the geotechnical stability of the site and confirm the risk from subsidence. The report authors also recommend that the Phase 2 also establishes if mine gas is present, specifically for the site identified as W3.	The Applicant notes the Coal Authority's comments. The application provides for Phase 2 investigation of mine entries, including a mine gas assessment, before any construction within their zones of influence. **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]** records that targeted ground investigation is to be undertaken before construction where a risk of unstable ground has been identified (Table 9.2). The **outline Construction Environmental Management Plan (oCEMP) [APP-042]** requires mitigation informed by the Coal Mining Risk

ID	Representation	Applicant Response
		Assessments, with targeted investigation where necessary. **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**, paragraph 9.8.2, prohibits construction within 20m of a mine entry unless Phase 2 ground investigations are carried out first, co-ordinated by the Mining Remediation Authority. Paragraph 9.8.3 of **ES Chapter 9 [APP-061]** states: "*Phase 2 investigations required in the 20m zone around mine entries will include ground stability risks and a mine gas assessment.*" This investigates the ground stability of, and mine gas at, any mine entry that is not avoided. The areas at highest risk of unstable land are the historic opencast workings in the western section of W2, on Cable Route D1 and in the eastern section of W3 (**ES Chapter 9 [APP-061]**, paragraph 9.7.34). In response to the Authority's statutory consultation comments, Table 9.2 of **ES Chapter 9 [APP-061]** records that "*Coal mining and other land stability risks will be further addressed as part of the ongoing detailed design development by targeted ground investigation undertaken prior to construction in areas where risk of unstable ground has been identified to inform design*." The **oCEMP [APP-042]**, Table 1.2 (Land stability), requires mitigation to be informed by the Coal Mining Risk Assessments, with targeted investigations where necessary to inform safe construction. The Phase 1 work included site walkovers of areas with potential ground conditions, including infilled land and areas with mine entries (**ES Chapter 9 [APP-061]**, paragraph 9.4.9(vi)). Where ground stability issues, voids or potentially gas-generating material are found in areas

ID	Representation	Applicant Response
		of surface coal working during construction, Phase 2 investigation and gas monitoring follow (paragraph 9.8.3; commitments C28 and C29 of the Commitments Register [**EN0110020/APP/6.20.1**] (Rev 02) – to be submitted at PD-A). The Applicant recommends a Phase 2 assessment of whether mine gas is present at W3, especially near known mine entries (**ES Appendix 9.12: Coal Mining Risk Assessment: Whitestone 3 [APP-135]**, paragraph 9.12.139). The Phase 2 investigation within the 20m zone around each mine entry includes a mine gas assessment (**ES Chapter 9 [APP-061]**, paragraph 9.8.3). During operation, routine monitoring will take place in areas that Phase 2 investigations identify as having higher potential for mine gas hazards. The details will be incorporated in the OEMP (paragraph 9.8.3; **outline Operational Environmental Management Plan (OEMP) [APP-043]**, Table 1.1). The construction measures are secured through the CEMP under Schedule 2 Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**. The operational monitoring is secured through the OEMP under Requirement 11.
RR-2612/3	The Planning team at the Coal Authority has no objections to this proposal, subject to the recommendations in the report being carried out on site. It is recommended that conditions are imposed on any consent granted to ensure that, were deemed necessary, where identified surface instability poses a risk to built development and important infrastructure, investigatory works, and any remedial works required, are undertaken on site.	The Applicant notes that the Authority has no objection, subject to the recommendations being carried out on site. The Schedule 2 Requirements of the **draft Development Consent Order (dDCO) [AS-009]** provide the mechanism that secures investigatory and remedial works. This is the approved CEMP, which must follow the oCEMP land stability measures, and, for contamination, the strategy under Requirement 4(3).

ID	Representation	Applicant Response
		With these measures in place, **Environmental Statement (ES) Chapter 9: Ground Conditions and Land Quality [APP-061]** assesses the residual effect of construction on unstable land associated with historic coal mining as Minor (Not Significant) (Table 9.8).

3.9 UK Health Security Agency [RR-2682]

ID	Representation	Applicant Response
UK Health Security Agency (RR-2682)		
RR-2682/1	We can confirm that: With respect to Registration of Interest documentation, we are reassured that earlier comments raised by us on 27 October 2025 have been addressed. In addition, we acknowledge that the Environmental Statement (ES) has not identified any issues which could significantly affect public health. UKHSA/OHID is satisfied with the methodology used to undertake the environmental assessment. Following our review of the submitted documentation we are satisfied that the proposed development should not result in any significant adverse impact on public health. On that basis, we have no additional comments to make at this stage and can confirm that we have chosen NOT to register an interest with the Planning Inspectorate on this occasion.	The Applicant notes the confirmation from the UK Health Security Agency (UKHSA) and the Office for Health Improvement and Disparities (OHID) that their earlier comments have been addressed. It also notes that they are satisfied with the methodology of the environmental assessment, and that the Proposed Development should not result in any significant adverse impact on public health.

3.10 Network Rail Infrastructure Limited (submitted by Addleshaw Goddard LLP) [RR-1981]

ID	Representation	Applicant Response
Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited (RR-1981)		
RR-1981/1	The Promoter seeks authority and powers in the draft Order to: a) permanently acquire rights over land in the ownership of and/or otherwise affecting the interests of Network Rail. as summarised below: Permanent acquisition of new rights over 2360.60 square metres of unnamed private track, disused railway, verge and woodland; east of Park Lane, Conisbrough, Doncaster (Plot 4-4) a. Network Rail is the beneficiary of rights reserved by a Conveyance dated 14 November 1972 on title SYK501898 Permanent acquisition of new rights over 9345.21 square metres of grassland, private unnamed track, hedgerows and woodland; east of Bramley Lane, Bramley, Rotherham (Plot 5-13) a. Owner in respect of mines and minerals excepted by a Conveyance dated 23 November 1973 on title SYK512981 b. Network Rail is also the beneficiary of restrictive covenants and rights reserved as contained in Conveyance dated 23 November 1973 on title SYK512981 Permanent acquisition of 152994.42 square metres of agricultural land, trees, shrubbery and hedgerow; south west of Cramfit Road, Sheffield (Plot 21-2) a. Network Rail is the beneficiary of restrictive covenants, easements and rights relating to light, air, support, construction and rights of entry contained in a Conveyance dated 05 October 1964 on title	The Applicant notes the location of Network Rail Infrastructure Limited's ('NRIL') land and rights. These interests are set out in the **Book of Reference [EN0110020/APP/4.3.1]**.

ID	Representation	Applicant Response
	SYK119870 Permanent acquisition of 5546.74 square metres of agricultural land; south west of Cramfit Road, Sheffield (Plot 21-3) a. Network Rail is the beneficiary of restrictive covenants, easements and rights relating to light, air, support, construction and rights of entry contained in a Conveyance dated 05 October 1964 on title SYK119870 Permanent acquisition of 9721.35 square metres of agricultural land; south west of Cramfit Road, Sheffield (Plot 21-4) a. Network Rail is the beneficiary of restrictive covenants, easements and rights relating to light, air, support, construction and rights of entry contained in a Conveyance dated 05 October 1964 on title SYK119870 Permanent acquisition of 325761.28 square metres of agricultural land and public right of way (Anston Footpath 5); north of Sheffield Road (A57), Todwick, Sheffield (Plot 21-13) a. Network Rail is the beneficiary of rights granted by a Transfer dated 11 October 2016 on title SYK48014 Permanent acquisition of new rights over 5383.34 square metres of railway (Sheffield to Lincoln Line), embankment, woodland and public right of way (Doorstep Walk 16); north of Ladyfield Road, Thorpe Salvin, Sheffield (Plot 23-7) a. Owner and Occupier This plot comprises operational railway land on the Sheffield to Lincoln Line. Permanent acquisition of 142443.94 square metres of agricultural land, west of M1, Woodall, Sheffield (Excluding those interests held by The Secretary of State for Environment, Food and Rural Affairs) (Plot 27-4) a. Network Rail is the beneficiary of rights of access contained in a Conveyance dated 29 September 1966 on title SYK401805. Permanent acquisition of new rights over 498.43 square metres of	

ID	Representation	Applicant Response
	agricultural land; south of Killamarsh Lane, Woodall, Sheffield (Plot 27-11) a. Network Rail is the beneficiary of rights of access contained in a Conveyance dated 29 September 1966 on title SYK401805	
RR-1981/2	Network Rail wishes to ensure that the Scheme will not have a detrimental impact on the operation of the Railway and that the safety of the Railway is maintained during the construction, operation and ongoing maintenance requirements of the Scheme. As the Promoter proposes to compulsorily acquire new rights over railway land, carry out works in close proximity to railway assets and acquire land and rights over which Network Rail has the benefit of private rights and protections, Network Rail objects to the inclusion and exercise of such powers unless and until its interests are properly protected. Network Rail's objection is founded in particular on sections 127 and 138 of the Planning Act 2008. The draft Order authorises the compulsory acquisition of land and rights affecting statutory undertaker land and rights benefiting statutory undertaker land. It also authorises interference with, suspension or extinguishment of rights benefiting railway property and may authorise works affecting railway property and access to it. On the information presently available, and absent adequate protective provisions and appropriate contractual protection, Network Rail considers that the Secretary of State cannot yet be satisfied that: • in respect of section 127(2) and/or section 127(5), the relevant land or rights can be acquired without serious detriment to the carrying on of Network Rail's undertaking, or that any such detriment can be made good; and/or • in respect of	The Applicant's position is that the tests in sections 127 and 138 of the Planning Act 2008 are met, for the reasons in the **Statement of Reasons [APP-020]**, paragraphs 10.2.3 to 10.2.13. Part 7 of Schedule 11 to the **draft Development Consent Order (dDCO) [AS-009]** (for the protection of railway interests) which are currently being progressed between NRIL and the Applicant, will provide adequate safeguards for the railway during construction, operation and maintenance. The only operational railway land included in the Order land is Plot 23-7, over which permanent acquisition of new rights only are sought (**Book of Reference [EN0110020/APP/4.3.1]**). As regards any works carried out in close proximity to railway assets, the railway crossing on Cable Route section L (crossing 103, shown in the table of cable corridor crossings encountered between W2 and W3 in Table 1-4 of the **outline Cable Construction Method Statement [APP-052]** is a horizontal directional drilling crossing, or other suitable alternative as agreed with Network Rail as part of detailed design. Paragraph 1.6.12 of the Outline Cable Construction Method Statement states that "*Appropriate ground investigation will be undertaken in advance of any trenchless crossings to support settlement calculations and ensure that riverbed levels, underground services, roads and railways will not be adversely affected by the works*."

ID	Representation	Applicant Response
	section 138, any extinguishment or interference with relevant rights, or removal/repositioning of relevant apparatus, is necessary and appropriately safeguarded In particular, the powers sought are likely to interfere with the safe and efficient operation of the Railway and cause serious detriment to the carrying on of Network Rail's statutory undertaking including through potential interference with maintenance access, inspection, emergency access, support, drainage, operational flexibility and the safe operation of railway infrastructure.	Article 35 of the **dDCO [AS-009]** authorises the extinguishment of statutory undertakers' rights and the removal of their apparatus. Those powers are exercisable only "Subject to the provisions of Schedule 11 (protective provisions)" which provisions are currently being progressed by NRIL and the Applicant. Article 26(6) disapplies the general extinguishment of private rights for any right to which section 138 or article 35 applies. Article 27 of the **dDCO [AS-009]** separately authorises activities under the Order notwithstanding interference with an easement or other right, with compensation payable under section 7 or 10 of the Compulsory Purchase Act 1965 (article 27(3)).
RR-1981/3	Although Network Rail acknowledges that the Promoter has included a form of protective provisions in the draft development consent order (document 3.1), the form of these provisions is unacceptable to Network Rail. In particular, the Promoter's form of provisions are deficient as they omit key protections regarding the Promoter's exercise of compulsory acquisition rights, specifically those contained at paragraph 4 of the provisions at Appendix 1 to this Representation. This omission (among others) is of particular concern to Network Rail, given the Promoter is proposing to acquire rights over operational railway land including Plot 23-7 on the Sheffield to Lincoln Line. Should Network Rail be unable to ensure the new rights sought are exercised in a properly regulated manner to prevent adverse impacts to the Railway, this poses a real risk to Network Rail's ability to safely operate the railway.	The Applicant notes NRIL's position in respect of the form of protective provisions in Part 7 of Schedule 11 to the dDCO and engagement with NRIL is ongoing regarding the form of these.
RR-1981/4	By way of example, Network Rail objects in particular to the exercise over or in relation to railway property of	The Applicant notes NRIL's examples provides in relation the form of the protective provisions contained in Part 7

ID	Representation	Applicant Response
	powers which would permit, without Network Rail's consent: • compulsory acquisition of land, subsoil or rights; • imposition of restrictive covenants; • override, suspension or extinguishment of rights benefiting railway property; • survey and investigation powers; • temporary possession powers; • maintenance activities within the relevant protection zone; • works affecting access to railway property; and • tree felling or other activities capable of affecting the stability, safety or operation of railway property	of Schedule 11 to the **draft Development Consent Order (dDCO) [AS-009]**. Engagement with NRIL is ongoing regarding the form and scope of the protective provisions.
RR-1981/5	In order for Network Rail to be in a position to withdraw its objection Network Rail will require adequate protective provisions to be included within the Order (and for the avoidance of doubt Network Rail require these Protective Provisions to be in the form set out at Appendix 1 to this Relevant Representation) and an agreement with the Promoter to ensure that the new rights sought are exercised in a properly regulated manner to prevent adverse impacts to the Railway. Network Rail's objection is therefore capable of withdrawal if: • adequate protective provisions are included in the Order in a form acceptable to Network Rail; and • appropriate asset protection and other commercial arrangements are agreed with the Applicant before the exercise of powers affecting railway property or rights benefiting railway property.	As set out above, the Applicant is engaging with NRIL to progress the form of the protective provisions contained in Part 7 of Schedule 11 to the **draft Development Consent Order (dDCO) [AS-009]**.

ID	Representation	Applicant Response
RR-1981/6	Network Rail is continuing to review the Promoter's plans, draft Order and application documents, and will continue to work constructively with the Promoter to clarify any issues raised. The Examining Authority and the Secretary of State will need to be satisfied that railway safety and operations will not be compromised by the making of the Order. Network Rail requests that the Examining Authority identifies statutory undertaker protection, including railway land and railway rights, as a principal issue for examination and, if necessary, for consideration at any compulsory acquisition hearing Network Rail hereby requests that the Examining Authority treats Network Rail as an Interested Party for the purposes of the Examination and Network Rail reserves the right to produce additional and further grounds of concern when further details of the Scheme and its effects on Network Rail's assets are available.	Whether statutory undertaker protection is a principal issue for examination, and whether a compulsory acquisition hearing is held, are matters reserved to the Examining Authority. The Applicant also notes NRIL's reservation of the right to produce additional and further grounds of concern.

3.11 Canal & River Trust [RR-0314]

ID	Representation	Applicant Response
Canal & River Trust		
RR-0314/1	The Trust wish to make the following Relevant Representations with respect to the Whitestone Solar Farm Project. The Canal & River Trust is a charitable organisation and is the landowner and navigation authority for the Chesterfield Canal, part of which lies within the red line boundary of the application. We are also the landowner and operator for Harthill Reservoir, which lies in proximity to the scheme. Broadbridge Dyke Feeder, which discharges water from the reservoir towards the canal, also lies within the red line boundary of the scheme (elements of solar farm 1-3A lie either side of the feeder). The Waterways Infrastructure Trust is the trust settled by the Secretary of State for Environment, Food and Rural Affairs by way of a trust settlement deed dated 28 June 2012, under which the Trust holds the Infrastructure Property (comprising the waterways, towpaths and associated infrastructure). The objects of the trust include to hold the Infrastructure Property, for the public benefit, for use and enjoyment including for navigation, for walking on towpaths, for recreation in the interest of the public's health and social welfare as well as to protect and conserve the heritage interests of the Infrastructure Property and to further the conservation,	The application recognises the Canal & River Trust's role as owner and navigation authority for the Chesterfield Canal, and as owner and operator of Harthill Reservoir and Broadbridge Dyke Feeder. The Trust is identified as a statutory undertaker that may have an interest or apparatus within the Order land (**Statement of Reasons [APP-020]**, paragraph 10.2.2). The **Book of Reference [EN0110020/APP/4.3.1]** lists the Trust: • as owner of plot 23-8 (canal (Chesterfield Canal)), where new rights are sought for the cable crossing; • as owner of plot 28-8 (north of Harthill Reservoir); • as owner of the subsoil to half width of Woodall Lane in plots 28-5 and 28-6; and • as holding rights over plots 28-7, 28-9 and 28-11 near the reservoir. **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]** records that the Harthill Reservoir supplies water to the Chesterfield Canal via the feeder, which flows north into the canal. It also records that the feeder intersects the Order limits within W3 (reference 1-3A) (paragraph 10.5.15). The Trust's undertaking is protected by a dedicated protective provisions, Part 5 of Schedule 11 to the **draft**

ID	Representation	Applicant Response
	protection and improvement of the natural environment and landscape of the Infrastructure Property.	**Development Consent Order (dDCO) [AS-009]** which are currently being progressed with the Applicant.
RR-0314/2	Summary The Trust wish to raise comments requesting additional clarity on specific elements the scheme in addition to requests for items to be considered in the Outline Design Parameters (APP-158) and Outline Construction Environmental Management Plan (APP-042). We also wish to raise comment with respect to the submitted Protective Provisions for the Trust within the draft Development Consent order, which we are presently reviewing. Subject to clarification of the points raised and agreement between the applicant and Trust on final Protective Provisions, the Trust believes that no significant issues will remain outstanding between the Trust and the applicant by the end of examination.	The Applicant notes the Trust's summary of its position. The **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** (Section 2: Status of Negotiations with Statutory Undertakers) records the status of discussions with the Trust. The Trust's requests for clarity, and for items to be included in the **Outline Design Parameters [APP-158]** and the **outline Construction Environmental Management Plan (oCEMP) [APP-042]**, are addressed below. Schedule 11, Part 5 of the **draft Development Consent Order (dDCO) [AS-009]** contains protective provisions in favour of the Trust and these are currently being progressed between the Trust and the Applicant.
RR-0314/3	Access to Harthill Reservoir for Maintenance An access from Woodall Lane exists to fields north of Harthill Reservoir. The Trust relies on this access in order to access our land alongside the spillway to the reservoir to undertake any maintenance work to the structure. Works area 5, as shown on APP-010, comprises of road changes describes in the Outline Design Parameters (APP-158) as comprising of visibility splays, widening works, the creation of new accesses and the 'enhancement of existing accesses'. This has the potential to impact the existing access that the Trust benefits from, and we request that information is provided to confirm that our existing access to our land will be unaffected (so as to enable us to carry out	The Applicant notes the Trust's comments on its access from Woodall Lane to the spillway at Harthill Reservoir. The Applicant is aware of the Trust's position in regarding access to the spillway from Woodall Lane, which the Trust raised in its response to the statutory consultation. In response to the Trust's comments, design amendments were made to the Proposed Development as detailed in **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**, Table 10.3: "*Design amendments following statutory consultation have moved the Order Limits to outside the area where the new spillway has been constructed*".

ID	Representation	Applicant Response
	maintenance as may be required to the spillway). This is important so as to ensure for proper maintenance of the reservoir.	The Applicant proposes to implement a crossing of Woodall Lane at access location CC-26 and CC-27, located on Sheet 49 of Appendix 3 of the **outline Construction Traffic Management Plan [AS-011]**. These works include temporary street works as identified in Schedules 4 and 5 of the **draft Development Consent Order (dDCO) [AS-009]**, which includes temporary street works to facilitate the construction of the accesses and any cable installation works. However, the Applicant can confirm that this access location would be situated to the west of the existing Harthill Reservoir Access and therefore the operation of this access would not inhibit access to the Harthill Reservoir. The **dDCO [AS-009]** provides for temporary street works on Woodall Lane. Schedule 4 Part 2, temporary street closure in Schedule 5 Part 1 and temporary means of access to works in Schedule 6 Part 2. These are shown on the **Streets, Rights of Way and Access Plans [APP-011]**. The **dDCO [AS-009]** also seeks permanent new rights over land comprising Woodall Lane and its adjoining shrubbery and hedgerows (plots 28-3, 28-5 and 28-6), and over the Trust's plot 28-8 (**Book of Reference [EN0110020/APP/4.3.1]**). These rights are for Work No. 5 (access) and, for plot 28-5, also Work No. 2 (cables) (**Statement of Reasons [APP-020]**, Table A1). All are listed in Schedule 8 of the **dDCO [AS-009]**. The visibility splays on Woodall Lane were added to enable safe access for construction of Cable Route M. That route was itself amended to take account of the changes at Harthill Reservoir (**ES Chapter 4:**

ID	Representation	Applicant Response
		Alternatives and Design Evolution [APP-056], paragraph 4.7.40).
RR-0314/4	Access to land parcel 28-11 The Trust require access to the wooded parts of parcel 28-11 to monitor vegetation growth that could impact Harthill Reservoir. We would request clarity on how this access can be retained during and post development.	Plot 28-11 (land south east of Dowcarr Lane, Harthill) is included for permanent acquisition. The **Book of Reference [EN0110020/APP/4.3.1]** lists the Canal & River Trust as holding rights over it under a Transfer dated 29 November 2022 on title SYK367119. Article 26 of the **dDCO [AS-009]** does not apply to any right to which section 138 of the Planning Act 2008 or article 35 of the **dDCO [AS-009]** applies (article 26(6)). A right of way vested in a statutory undertaker for the purpose of carrying on its undertaking is a 'relevant right' for section 138 (**Statement of Reasons [APP-020]**, paragraph 10.2.9). Its extinguishment is subject to the protective provisions for the benefit of the Trust in Schedule 11 Part 5 of the **dDCO [AS-009]** which are currently being progressed with the Applicant. Any other private right over land acquired outright is extinguished under article 26(1) of the **dDCO [AS-009]**. This does not apply where the right is preserved under article 26(7) of the **dDCO [AS-009]**, by a notice given by the undertaker or by agreement with the holder of the right.
RR-0314/5	Works alongside and over the Chesterfield Canal and Broadbridge Dyke Feeder. Works Area 2, comprising of cable installation works, crosses the Chesterfield Canal. The parameters document (APP-158) specified that watercourses will be crossed using trenchless techniques, as a minimum depth of 1.5m. We do not consider that 1.5m would be of an appropriate depth to limit the potential of damage	The Applicant notes the Trust's comments on the depth of the Chesterfield Canal crossing. The 1.5m in Table 2.1 of the **Outline Design Parameters [APP-158]** is a minimum for trenchless watercourse crossings by the Work No. 2 cables. It is not a limit on the depth at the Chesterfield Canal. Table 2.1 of the **Outline Design Parameters [APP-158]** states for Work No. 2: "*Where trenchless crossings to*

ID	Representation	Applicant Response
	to the canal. Should horizontal direction drilling be used (which we consider as a likely option as used on other solar schemes such as the Cottam and East Yorkshire Solar Projects), then a depth of at least 3m below the canal bed would be required in order to limit the extent of vibrations that could otherwise potentially harm the canal structure. This depth would be subject to the results of ground investigations and surveys of the area as well as the drilling method used. The need for a 3m minimum depth was communicated at pre-application stage. We request that the parameters document (APP-158) is amended to ensure that a depth of at least 3 metres below the canal bed is achieved. Additionally, the Trust would wish to review any crossing proposals below the canal, so as to ensure that the structure of the canal is appropriately protected.	*watercourses are used, they will be to a depth of at least 1.5m below the bed of each watercourse.*" The canal crossing is identified as a trenchless crossing (**Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**, Table 10-16, crossing 23). It is also identified as a horizontal directional drilling crossing of the railway and canal (**outline Cable Construction Method Statement [APP-052]**, table of Cable Corridor crossings between W2 and W3, crossing 103) or equivalent suitable trenchless method. **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** assessed the crossing on the basis that it needs to be deep enough to avoid the canal, the railway and the woodland block. It states that "*for the Chesterfield Canal crossing, this is expected to be greater and a minimum 3m depth*" (paragraph 6.7.25). Therefore, the minimum depth at the Canal crossing will be 3m. The final depth depends on ground investigation, which will be undertaken in advance of any trenchless crossing (**outline Cable Construction Method Statement [APP-052]**, paragraph 1.6.12). **ES Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.6.33, states that "*CRT will also be consulted where their assets are to be crossed to agree the specific mitigation and depth cables should be buried to*". Trenchless methods beneath the Trust's assets will follow the Trust's Code of Practice for Works affecting the Canal & River Trust (commitment C32 of the **Commitments Register [EN0110020/APP/6.20.1]** (Rev 02 - to be submitted at PD-A)).

ID	Representation	Applicant Response
		On the Trust's review of crossing proposals, the canal crossing is a 'specified work' under Part 5 of Schedule 11 to the **draft Development Consent Order (dDCO) [AS-009]** and the Trust's review of any related plans will be determined in accordance with the protective provisions under that Schedule which are currently being progressed between the Trust and the Applicant. On vibration, the **outline Construction Environmental Management Plan (oCEMP) [APP-042]**, Table 1.2, provides that a management approach will be developed with the appointed construction contractor. This is to ensure that construction vibration levels do not exceed 15mm/s at Chesterfield Canal (see also **ES Chapter 14: Noise and Vibration [AS-027]**, paragraph 14.7.10). This is secured through the CEMP pursuant to Schedule 2 Requirement 4 to the **dDCO [AS-009]**.
RR-0314/6	Due to the nature of the scheme, we expect that cable installation works will be required to cross Broadbridge Dyke Feeder. We are unsure if this is included as part of Works Area 9 as the draft DCO text within Schedule 1 (2) describes this encompassing "works to allow installation of bridge or culvert crossings". However, the parameters document (APP-158) only refers to above ground pedestrian/vehicular crossings. We would welcome clarity on this. Should work no. 9 not include a cable crossing, then we request that information is provided to confirm the dyke will be crossed by cable, and if so, how. As per our comments on Works Area 2, we request that any trenchless crossing should be at least 3m below the watercourse so as to limit the potential for damage to the feeder channel above.	Work No. 9 does not include cable crossings. Schedule 1 to the **draft Development Consent Order (dDCO) [AS-009]** describes it as "*works to create access track crossing structures*", including bridge or culvert crossings over watercourses and drains. It is for this reason that the **Outline Design Parameters [APP-158]**, Table 2.1, deal only with crossing structures for vehicles and pedestrians. The Broadbridge Dyke Feeder is to be crossed by one new permanent access track (**Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.7.63). This is shown as a bridge at crossing 7 in Table 10.15 of **ES Chapter 10: Water Resources and Flood Risk [AS-023]**.

ID	Representation	Applicant Response
		Cables within the solar areas, including any crossing of the Broadbridge Dyke Feeder between the two parts of Work No. 1-3A, are authorised: - as part of Work No. 1, which in Schedule 1 of the **dDCO [AS-009]** includes "*cable crossings, including over watercourses*"; and - by the ancillary works in Schedule 1 of the **dDCO [AS-009]**, which include "*electrical and telecommunications cables, including crossings under watercourses*". The exact locations and methods of cable crossings of small watercourses within the Site will be determined at detailed design (**ES Chapter 10 [AS-023]**, paragraph 10.7.27). Table 2.1 of the **Outline Design Parameters [APP-158]** provides that: - no infrastructure within Work No. 1 is to be within 10m of watercourses other than cable crossings; and - trenches are to be used only across dry ditches and drains or watercourses of low ecological value, in consultation with the Lead Local Flood Authority. Requirement 3(2) in Schedule 2 of the **dDCO [AS-009]** requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters. The exception is where the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. On depth, where trenchless cable crossings of watercourses are used, a depth of at least 1.5m beneath the watercourse is proposed (Outline Design **Parameters [APP-158],** Table 2.1). Trenchless crossings are to be designed to maintain an appropriate minimum depth below the channel bed to avoid disturbance to

ID	Representation	Applicant Response
		substrates and aquatic habitats (**outline Construction Environmental Management Plan (oCEMP) [APP-042]**, Table 1.2). The ES measure proposed for vibration and noise for watercourses and wet ditches with sensitive aquatic features is to maintain sufficient depth of more than 1.5m below the base, where possible (**ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.6.15). The greater depth expected at the Chesterfield Canal reflects the need there to avoid the canal, a railway line and a woodland block (**ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, paragraph 6.7.25). Under Part 5 of Schedule 11 to the **dDCO [AS-009],** any cable crossing that "*may affect the waterway or any function of the Canal & River Trust*" is a specified work. Its plans, including the method of construction, must be approved by the Trust's engineer, or settled by arbitration, before construction. Approval is not to be unreasonably withheld or delayed.
RR-0314/7	The Trust consider that there is a need to ensure that trenchless crossing installations below the Chesterfield Canal or Broadbridge Dyke Feeder do not result in vibrations that could adversely impact waterborne species or habitat, or damage the structure of the watercourses. This would be best managed through a review of the proposed construction techniques for the crossings. We request that a Method Statement for the installation of the trenchless crossings is provided as part of the final Construction Environmental Management Plan. We therefore request that the Outline Construction Environmental Management Plan (APP-042) is expanded to specify that an appropriate	Pursuant to Requirement 4 of Schedule 2 to the **draft Development Consent Order (dDCO) [AS-009]**, the CEMP must be substantially in accordance with the **outline Construction Environmental Management Plan (oCEMP) [APP-042]**. Table 1.2 of the **oCEMP [APP-042]**: - provides that watercourse crossings are designed and constructed "*in accordance with best practice, subject to relevant approvals and method statements*"; - requires trenchless crossings beneath watercourses to maintain an appropriate minimum depth below the channel bed to avoid disturbance to substrates and aquatic habitats; and

ID	Representation	Applicant Response
	method statement for trenchless crossings will be provided in the final document, specifying the exact methodology that will be employed in the crossing installation.	- requires species measures, including for white-clawed crayfish, to be addressed through method statements and supervision by the Ecological Clerk of Works. On vibration, Table 1.2 of the **oCEMP [APP-042]** provides that inherently lower vibration plant will be selected where appropriate. It also provides that a management approach will be developed with the appointed construction contractor to ensure that construction vibration levels do not exceed 15mm/s at Chesterfield Canal (see also **Environmental Statement (ES) Chapter 14: Noise and Vibration [AS-027]**, paragraph 14.7.10). The 15mm/s figure is set for the canal. Any trenchless crossing beneath Broadbridge Dyke Feeder is subject to the general vibration controls in Table 1.2 of the **oCEMP [APP-042]**. Trenchless methods beneath the Trust's assets are to follow the Trust's Code of Practice. The **outline Cable Construction Method Statement [APP-052]** explains that the trenchless method will be selected on a crossing by crossing basis. The choice depends on the type of crossing, alignment, length, ground conditions and depth (paragraph 1.4.12). Ground investigation is to be undertaken in advance of any trenchless crossing (paragraph 1.6.12). This summary method statement, updated once detailed design is completed will be provided as part of the CEMP. Any review of specific plans for works will be undertaken in accordance with the protective provisions at Part 5 of Schedule 11 to the **dDCO [AS-009]** which are currently being progressed between the Applicant and the Trust.

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RR-0314/8	Should work be proposed to install a bridge above Broadbridge Dyke Feeder, then we request that this is designed appropriately to limit the potential for damage to the feeder channel and limit the potential for obstructions or blockages to water flow. Due to the potential impact on water flows from Harthill Reservoir, we request that the detailed design should be agreed with the Trust. We note that the works plans confirm that Work Area 6 (comprising of green infrastructure and habitat management works) do not extend to cover the waterspace of the feeder channel.	The application sets design standards for the feeder crossing, and the design is subject to the Trust's protective provisions in Schedule 11 to the **draft Development Consent Order (dDCO) [AS-009]** which are currently being progressed between the Trust and the Applicant. **Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.7.63, states that the feeder passes between parcels 1-3A and that "*One proposed permanent new access track will cross the dyke*." Table 10.15 lists the Broadbridge Dyke access track crossing (crossing 7) as a bridge. New watercourse crossings are to be designed to convey the 1 in 100 year plus climate change event, with a freeboard allowance. Each crossing is to be designed on a case-by-case basis (**ES Chapter 10 [AS-023]**, paragraph 10.6.25). **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]** requires a survey of Broadbridge Dyke for white-clawed crayfish refuges, so that the crossing can be micro-sited to avoid them (paragraph 6.6.51). Watercourse crossings are to be designed and built in accordance with best practice, subject to relevant approvals and method statements (**outline Construction Environmental Management Plan (oCEMP) [APP-042]**, Table 1.2). No additional discharge to the feeder is sought (**ES Chapter 10 [AS-023]**, the statutory consultation feedback table, response to the Canal & River Trust). On the Trust's approval of the design, a work that "*may affect the waterway or any function of the Canal & River Trust*" is a “specified work” (Part 5 of Schedule 11 to the

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		dDCO [AS-009]). The Broadbridge Dyke Feeder carries water from Harthill Reservoir to the Canal (**ES Chapter 10 [AS-023]**, paragraph 10.5.15). The Applicant therefore considers that the Broadbridge Dyke Feeder bridge falls within that definition. As such, agreement as to detailed design will be in accordance with the protective provision in Part 5 of Schedule 11 to the **dDCO [AS-009]** which are currently being progressed between the Trust and the Applicant. The Trust's observation that Work No. 6 does not extend over the feeder waterspace is noted.
RR-0314/9	The Trust require access to the Broadbridge Dyke feeder channel at all times for maintenance works, including the removal of debris or obstructions to water passage and the operation of Harthill Reservoir. We note that the Streets and Rights of Way and Access Plans (APP-011) indicate that the existing public accesses routes alongside the feeder will remain open, but that temporary diversions will be in place to allow construction of Work no 9. We therefore request more clarity from the applicant over the impact of the works on access to this area during and post construction, so as to ensure that essential maintenance access for the Trust to this area will remain.	**Environmental Statement (ES) Chapter 10: Water Resources and Flood Risk [AS-023]** notes that consultation is ongoing with the Trust to ensure that appropriate stand-offs and access to its assets will be maintained, so that there are no impacts on Harthill Reservoir (paragraph 10.6.60). Access rights for maintenance of Broadbridge Dyke Feeder will be agreed with the Trust (paragraph 10.7.63). Outside the crossing points, the Proposed Development is designed to keep a 10m buffer from watercourses, including the Broadbridge Dyke Feeder (**Outline Design Parameters [APP-158],** Table 2.1, Work No. 1; **ES Chapter 10 [AS-023]**, paragraph 10.6.16 and Table 10.3 of the statutory consultation feedback, response to the Canal & River Trust) (**Consultation Report Appendix E: Statutory Consultation Feedback (Part 1) [APP-029]**, printed page 11). One permanent new access track will cross the feeder (**ES Chapter 10 [AS-023]**, paragraph 10.7.63). During operation of the Proposed Development (i.e. post-

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		construction) there will be no impacts to the Trust's assets as there will be no works likely to cause structural damage (**ES Chapter 10 [AS-023]**, paragraph 10.7.104). The temporary diversions of public rights of way shown on the **Streets and Rights of Way and Access Plans [APP-011]** and detailed in Schedule 5 to the **draft Development Consent Order (dDCO) [AS-009]**.
RR-0314/10	Biodiversity Chapter 6 of the Environmental Statement (APP-058) identifies the presence of a candidate Local Wildlife Site on the Chesterfield Canal. The canal provides a habitat for species, including White Clawed Crayfish (paragraph 6.5.69). It is important that appropriate mitigation occurs to prevent harm to the environment of the canal. 6.6.15 identifies that measures to reduce noise and vibration should be employed. This includes reference to the use of "lowest noise and vibration rated suitable equipment" and the use of trenchless crossings more than 1.5m below the watercourse. As highlighted above, we do not consider 1.5m to be sufficient, and request that this is increased to at least 3m. Trenchless crossings would need to be adequately controlled to limit the potential for vibrations that could impact species or cause sedimentation through vibrations (that could impact habitats) and we request that a more detailed method statement is provided to detail appropriate mitigation. As above, we request that a Method Statement for the installation of the trenchless crossing is provided as part of the final Construction Environmental Management Plan (APP-042). We note that the Outline Construction Environmental Plan (APP-042) includes measures to control dust and protect surface watercourses, and the	The canal and its white-clawed crayfish population are assessed, and the protective and safeguarding measures are included within the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** and secured through Schedule 2 Requirement 4 of the **draft Development Consent Order (dDCO) [AS-009]**. **Environmental Statement (ES) Chapter 6: Biodiversity and Nature Conservation [AS-021]** records white-clawed crayfish in the Chesterfield Canal and Broadbridge Dyke, within the Chesterfield Canal Local Wildlife Site (LWS) (paragraph 6.5.70). The effects of the canal crossing on the LWS are assessed as Not Significant (paragraph 6.7.27). In relation to the depth of watercourse crossings, the 1.5m stated in **ES Chapter 6 [AS-021]**, paragraph 6.6.15, is a general minimum for watercourses and wet ditches with sensitive aquatic features. For the Chesterfield Canal crossing, the assessment expects a greater depth, stating "a minimum 3m depth" in paragraph 6.7.25. At that depth, direct effects from electromagnetic fields (EMFs) on migratory fish and other species within the LWS are not expected (paragraph 6.7.25). The final depth will be agreed with the Trust (**ES Chapter 10: Water Resources and Flood Risk [AS-023]**, paragraph 10.6.33).

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	recognition of exact measures in a final document could help protect the environment of the canal, and associated habitats.	In relation to vibration, the **oCEMP [APP-042],** Table 1.2, states that a management approach will be developed with the appointed construction contractor. This is to ensure that construction vibration levels do not exceed 15mm/s at Chesterfield Canal. This is the threshold **ES Chapter 14: Noise and Vibration [AS-027]** applies for potential damage to the Canal's structures (paragraphs 14.7.9 and 14.7.10). For the Canal's species, the measures **ES Chapter 6 [AS-021]** lists for delivery through the CEMP include the use of the lowest noise and vibration rated suitable equipment (paragraph 6.6.15). On sedimentation, temporary laydown areas for trenchless crossings will be more than 10m from the bank, with sediment and pollution controls in place. Drilling will be managed to prevent inadvertent release of drilling fluids (**ES Chapter 10 [AS-023]**, paragraph 10.6.34). Management of drilling fluids are secured in a revision to the oCEMP that the Applicant will submit at an appropriate examination deadline. White-clawed crayfish mitigation includes a licensed Ecological Clerk of Works who provides a Method Statement, biosecurity, and timing of works outside the breeding season (**ES Chapter 6 [AS-021]**, paragraph 6.6.51). These measures are secured through the CEMP by Requirement 4 in Schedule 2 to the **dDCO [AS-009]**. The method for the trenchless crossing is set out in outline in the **outline Cable Construction Method Statement [APP-052]** (section 1.4 and the table of Cable Corridor crossings between W2 and W3, crossing 103). The Trust's reliance on the **oCEMP [APP-042]** for dust and watercourse protection measures is noted. The

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		CEMP must be substantially in accordance with the oCEMP pursuant to Requirement 4(2) in Schedule 2 to the **dDCO [AS-009]**.
RR-0314/11	Landscape Impacts Elements of the solar scheme will be visible from Harthill Reservoir. We consider that there will be some impact to recreational users of the reservoir. Chapter 7 of the Environment Statement (APP-059) and photomontage of View 49 (APP-076) include an assessment of views from the reservoir. We question the final assessment of the view as having a moderate/minor adverse effect after both 1 year and 15 years and with no significant impact as pages 143 and 144 in APP-076 show remaining open visibility of the solar array in years 1 and 15. Additionally, many receptors in the LVIA are dismissed because their views are described as "fleeting," "transitory," or experienced at high speeds (pages 65-66). Harthill Reservoir, however, is different. Visitors often stop for extended periods. There are views from the reservoir across the open water and surrounding countryside. In terms of mitigation, the scheme relies upon the scheme-wide hedgerow and woodland strategy. In terms of view 49, the effect does not decrease between Year 1 and Year 15. For many other viewpoints, the impact of the mitigation planting diminishes the overall impact over time, sometimes reducing from "Significant" to "Not Significant." However, at VP49, the assessor arrives at the same conclusion at both stages. This does suggest that the extent of mitigation planting (work area 6) sought for this area is not expected to have a material impact on the reservoir view. We advise that a more effective mitigation strategy is considered for this area,	The Applicant notes the Trust's comments on views from Harthill Reservoir. Minimisation of the visual impact arising from the Proposed Development on people engaged in recreation close to Harthill Reservoir has been an important consideration throughout the iterative design process. For instance, the area of panels west of the reservoir was reduced to protect views from the footpath around its northern edge (**ES Chapter 4: Alternatives and Design Evolution [APP-056]**, paragraph 4.7.33; **ES Chapter 7: Landscape and Visual Impact Assessment [APP-059]**, Table 7-11) following consultation. New planting, including hedgerows and trees, is also proposed along the northern edge of the proposed panels, as secured in the **outline Landscape and Ecology Management Plan [APP-046]**. Regarding the definition of the level of effect, including at Year 1 and Year 15, as part of ongoing engagement with the host authorities the Applicant will submit an update to the **ES Chapter 7 [APP-059]** at Deadline 1, which is anticipated to include an update on the effect of the Proposed Development on recreational receptors around Harthill Reservoir.

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	if possible. This could comprise of the removal of the most visually prominent solar panel installations on the rising landform facing the reservoir, the use of an increased offset distance to the reservoir, or the incorporation of additional woodland blocks positioned to obstruct views of the solar arrays from the reservoir.	
RR-0314/12	Acquisition of interests in and rights over Trust land and temporary possession The applicant has been engaging with the Trust to seek certain rights over Trust land, though negotiations have not concluded. The Trust expects the land interests and rights needed by the applicant and any use of its land for temporary possession to be obtained through agreement.	As set out in the **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]**, the Applicant issued detailed Heads of Terms to the Trust in March 2026 to seek to secure the rights required to construct, operate, maintain and decommission the Proposed Development. The Trust has appointed an agent who the Applicant is engaging with in order to secure a private treaty agreement. The Applicant will continue to engage with the Trust and its agent to resolve any concerns with a view to agreeing terms on a voluntary basis. It is expected that agreement can be reached before the close of Examination. Any material updates will be included in the **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** at the appropriate deadline. In accordance with paragraphs 25 and 26 of the Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land,[i] the compulsory acquisition powers in the **draft Development Consent Order (dDCO) [AS-009]** are sought in parallel with negotiations, to ensure deliverability of the Proposed Development in the event that a voluntary agreement is not reached.
RR-0314/13	Protective Provisions We consider the majority of matters raised in this representation can be satisfactorily addressed by the inclusion of protective provisions for the Trust in the DCO. We welcome the	The Applicant notes the Trust's comments on the protective provisions. Protective provisions for the benefit of the Trust are included in Part 5 of Schedule 11 to the **draft**

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	inclusion of protective provisions in the application draft DCO though we are working with the applicant to understand the differences between the draft DCO and the Trust's standard protective provisions, provided to the applicant as part of pre-application engagement. We aim to update the Examining Authority on our discussions with the applicant on the protective provisions in due course.	**Development Consent Order (dDCO) [AS-009]** and the Applicant will continue to work with the Trust to progress these. The **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** (Section 2: Status of Negotiations with Statutory Undertakers) records the status of discussions with the Trust.

3.12 Cadent Gas Limited (submitted by CMS Cameron McKenna Nabarro Olswang) [RR-0311]

ID	Representation	Applicant Response
CMS Cameron McKenna Nabarro Olswang on behalf of Cadent Gas Limited (RR-0311)		
RR-0311/1	Representation on behalf of Cadent Gas Limited (Cadent) to the Whitestone Solar Farm Development Consent Order (DCO). CMS Cameron McKenna Nabarro Olswang LLP (CMS) acts on behalf of Cadent and is authorised to make this relevant representation on its behalf in objection to the proposed Order. Cadent is a licensed gas transporter under the Gas Act 1986, granted pursuant to section 7 of the Gas Act 1986. Through the Gas Transporter Licence, Cadent operates and maintains the gas distribution networks in the North-West, West Midlands, East of England and North London, with corresponding statutory and regulatory obligations enforced by Ofgem. Cadent's primary duties are to operate, maintain and develop its networks in an economic, efficient, and coordinated way. Cadent wishes to make a relevant representation to the proposed DCO in order to protect its position in light of infrastructure which is within or in close proximity to the proposed DCO boundary.	The Applicant notes Cadent Gas Limited's (Cadent) objection and its status as a licensed gas transporter.
RR-0311/2	Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits should be maintained at all times and access to inspect such apparatus must not be	The **draft Development Consent Order (dDCO) [AS-009]** maintains Cadent's rights to retain, access and maintain its apparatus. Protective provisions for the benefit of Cadent are included in Part 4 of Schedule 11 to

ID	Representation	Applicant Response
	restricted. The documentation and plans submitted for the above proposed scheme have been reviewed in relation to impacts on Cadent's existing apparatus located within this area, and Cadent has identified that it will require adequate protective provisions to be included within the DCO to ensure that its apparatus and land interests are adequately protected and to include compliance with relevant safety standards.	the **dDCO [AS-009]** and the Applicant will continue to work with Cadent to progress these. Part 4 of Schedule 11 to the **dDCO [AS-009]** provides that the undertaker may not acquire, extinguish, interfere with or override any easement or other interest in land of Cadent otherwise than by agreement (paragraph 31(1)). Where the undertaker acquires an interest in land containing apparatus belonging to Cadent, that apparatus must not be decommissioned or removed until alternative apparatus is constructed and in operation (paragraph 32(1). The necessary facilities and rights set out in paragraph 32(2) must be provided to Cadent's reasonable satisfaction. Cadent will be at liberty at all times to take necessary access across any street temporarily closed, altered, diverted or restricted under article 14 of the **dDCO [AS-009]**. It may carry out works to its apparatus there (paragraph 29). Protective works under article 20 of the **dDCO [AS-009]** may not obstruct or render less convenient access to any apparatus without Cadent's consent (paragraph 30). Where access to apparatus is materially obstructed, the undertaker must provide alternative rights and means of access. These must enable Cadent to maintain or use its apparatus no less effectively than before such obstruction (paragraph 39). No specified works may commence until Cadent has approved, in writing a plan, and if reasonably required by Cadent, a ground monitoring scheme in respect of those works (paragraph 34(1) of Schedule 11). Cadent may

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		require modifications to the plan as may be reasonably necessary to secure its apparatus against interference or risk of damage, or to secure proper and convenient access (paragraph 34(5)). The works must follow the approved plan and any conditions, and Cadent is entitled to watch and inspect them (paragraph 34(6)). The undertaker provides an appropriate indemnity in paragraph 36. At construction level, the **outline Construction Environmental Management Plan (oCEMP) [APP-042]** requires safe methods of working and stand-off distances to be agreed before construction, with exclusion zones where required (paragraph 1.3.13). It requires the CEMP to set out procedures including review of asset records, trial holes where required, agreed stand-off distances and controlled excavation in line with HSG47 guidance (Table 1.2, Telecommunications and Utilities). Three further measures are secured through the CEMP under Schedule 2, Requirement 4 of the **dDCO [AS-009]**, and through the Decommissioning Environmental Management Plan (DEMP) under Schedule 2, Requirement 13. These include continued consultation with utility providers through detailed design, the incorporation of protective measures, and the stopping of works and contact with the utility owner if an unknown service is found.
RR-0311/3	Cadent has gas pipelines and associated apparatus located within the order limits which are affected by works proposed (as noted in the Book of Reference), the extent to which is still being assessed and which may require diversions subject to the impact. Any	The **draft Development Consent Order (dDCO) [AS-009]** requires the undertaker to provide Cadent with the facilities and rights for any alternative apparatus before existing apparatus is removed. It also allows rights to be acquired for Cadent's benefit. The Applicant considers

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	proposed diversions have not yet reached detailed design stage and so the positioning, land rights and consents required for these gas diversions are not confirmed. At this stage, Cadent is not satisfied that the tests under section 127 of the Planning Act 2008 can be met. Cadent has experience of promoters securing insufficient rights in land within DCOs for necessary diversions of its apparatus or securing rights for the benefit of incorrect entities. It is important that sufficient rights are granted to Cadent to allow Cadent to maintain its gas distribution network in accordance with its statutory obligations.	that the tests in section 127 of the Planning Act 2008 are met, for the reasons set out below. Cadent's land interests are recorded in the **Book of Reference [**https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110020-000159-4.3 Book of Reference.pdf**EN0110020/APP/4.3.1]**. In the design, a PAS128 Type D survey was undertaken and known Cadent assets were avoided with suffiecient offset within the solar array area. Access roads and cabling will need to cross Cadent assets, with exact locations to be agreed at detailed design. Where cables cross existing utilities they will be laid perpendicular to them where possible and at least 0.6m above or below them (commitment C53 of the **Commitments Register [EN0110020/APP/6.20.1]** (Rev 02 - to be submitted at PD-A)). The authorised works set out in Schedule 1 of the **dDCO [AS-009]** include gas connections, diversions and works to alter the position of services and utilities connections. A diversion within the Order limits that detailed design shows to be needed is therefore within the works the Order authorises. This is provided it is not likely to give rise to materially new or materially different environmental effects from those assessed in the environmental statement (**draft DCO [AS-009]**, Schedule 1). The dDCO includes protective provisions for Cadent under Part 4 of Schedule 11 to the **draft DCO [AS-009]**. Apparatus may not be removed, and Cadent's rights to maintain it may not be extinguished, until alternative

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		apparatus is in operation and the necessary facilities and rights have been provided (**draft DCO [AS-009]**, Schedule 11, paragraph 32(1)). The undertaker must afford to Cadent, to its satisfaction, the necessary facilities and rights for the construction and subsequent maintenance of the alternative apparatus (paragraph 32(2)). These must be on terms no less favourable on the whole to Cadent than those it enjoys for the apparatus being replaced (paragraph 33(1)). Article 25(1) of the **draft DCO [AS-009]** allows the rights acquired under the Order to include "*rights and restrictive covenants for the benefit of a statutory undertaker or any other person*". The dDCO does not confine rights to the undertaker. Cadent is not obliged to use its own compulsory purchase powers unless it elects to do so (Schedule 11, paragraph 32(3)). A diversion may need rights outside the Order land. In that case, Part 4 of Schedule 10 to the **draft DCO [AS-009]** (applied by article 37) allows the undertaker, with Cadent's written agreement, to seek a compulsory purchase order. Under that order, Cadent itself may be authorised to acquire the easement or right, over land within or outside the Order limits (paragraph 8, Schedule 10). The undertaker bears Cadent's reasonable costs of acquiring rights, including where it uses its own compulsory purchase powers, and of any diversion (**draft DCO [AS-009]**, Schedule 11, paragraph 35(1)(a) and (b)).

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		Paragraph 31(1) of Part 4 of Schedule 11 to the **draft DCO [AS-009]** provides that, regardless of anything in the Order, the land plans or the **Book of Reference [EN0110020/APP/4.3.1]**, the undertaker may not acquire, extinguish, interfere with or override any interest of Cadent in land otherwise than by agreement. The powers in article 35 of the **draft DCO [AS-009]** over statutory undertakers' land and apparatus are expressly subject to Schedule 11. The **Statement of Reasons [APP-020]** sets out the section 127 tests (paragraphs 10.2.3 and 10.2.4). It records the Applicant's conclusion that statutory undertakers will not suffer serious detriment to the carrying on of their undertakings, so the tests in section 127 are satisfied (**Statement of Reasons [APP-020]**, paragraph 10.2.7).
RR-0311/4	Protective provisions for the benefit of Cadent have been included in the draft DCO however, they are not in the form required to safeguard Cadent's interests despite Cadent engaging with the Applicant at the pre-application stage and identifying the form of protective provisions that are required. As a responsible statutory undertaker, Cadent's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. Whilst the project interacts with Cadent's apparatus, the draft DCO does not include an adequate form of protective provisions for Cadent's benefit. Adequate protective provisions for the protection of Cadent's statutory undertaking have not yet been agreed but are in discussion between the parties.	Protective provisions for the benefit of Cadent are included in Part 4 of Schedule 11 to the **draft Development Consent Order (dDCO) [AS-009]** and these are separate from the general utility provisions in Part 1. The Applicant agrees that the protective provisions in the dDCO and those preferred by Cadent are broadly consistent, however, there are some differences. The Applicant's position is that Part 4 provides adequate protection for Cadent's undertaking, and that Cadent's preferred form need not be adopted unchanged. The form in the dDCO for the benefit of Cadent are precedented in other made Development Consent Orders. The Applicant disagrees that the approach in the dDCO is inconsistent with section 3.1.4 of the Guidance "Nationally Significant Infrastructure Projects - Advice

ID	Representation	Applicant Response
	Protective provisions for the benefit of Cadent's statutory undertakings have been included in a number of recently made DCOs and Cadent's preferred form of protective provisions for inclusion within the DCO are included at Appendix 1. Cadent requests that these are included at Part 4 of Schedule 11 to the DCO. The substance of these protective provisions is broadly consistent with the protective provisions for the benefit of Cadent included in the Applicant's draft DCO (subject to key differences in material areas) and with the requirement for security provisions in respect of potential liabilities secured at Article 50 of the Applicant's draft DCO. The explanatory memorandum does not justify the departure from Cadent's requirement that the preferred form of protective provisions are included in the DCO. The Applicant's approach is not consistent with section 3.1.4 of the Guidance "Nationally Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders" Updated 24 March 2025 (Advice Note Fifteen).	Note Fifteen: drafting Development Consent Orders" (March 2025). Furthermore, the Applicant notes that the "*Guidance note on preparing an application : Part 3 Contents of a draft development Consent Order*" has recently been updated (July 2026). The revised Guidance addresses a number of drafting points in relation to protective provisions, one of these is that such "*Most statutory undertakers have now developed their own preferred form of protective provisions which is very helpful to the preparation of the draft DCO. However, these must be adapted as necessary, so they accurately reflect the proposed development.*" In our view, this indicates that protective provisions should be appropriately tailored to the specific application, which is what the Applicant has sought to do. The differences between Cadent's preferred form and the submitted Part 4 are the subject of negotiation between the parties. The status of the negotiations on Part 4 is recorded in Section 2 of the **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]**.
RR-0311/5	Cadent is engaged with the Applicant but has not yet reached satisfactory agreement. Cadent's solicitors have sought to engage with the Applicant in respect of the protective provisions over a significant period of time and have only recently received a substantive response from the Applicant. Cadent's preferred form of protective provisions, which are widely used in DCOs, were provided to the Applicant in March 2026. Cadent wishes to reserve the right to make further representations as part of the examination process but	The Applicant notes Cadent's comments on engagement, and its reservation of the right to make further representations. The Applicant engaged with Cadent before the application was submitted and has continued to do so through the pre-examination stage. An introductory meeting on the Proposed Development and interaction points was held on 6 February 2026 (**Consultation Report [**APP-024**]**, table 9.4). In responding to Cadent's statutory consultation feedback, the Applicant's legal team engaged with

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	will continue to seek to engage with the Applicant to reach a satisfactory agreement. Cadent will keep the examining authority updated in this regard.	Cadent's legal team in relation to protective provisions. Interaction plans were shared with Cadent for review as explained in the **Consultation Report Appendix E: Statutory Consultation Feedback (Part 1) [**APP-029**]** (pages 2 to 5). As noted above, the Applicant will continue to work with Cadent to progress these and is confident that agreement will be reached on them.

3.13 National Grid Electricity Transmission (submitted by Eversheds Sutherland (International) LLP) [RR-1966]

ID	Representation	Applicant Response
Eversheds Sutherland (International) LLP on behalf of National Grid Electricity Transmission (RR-1966)		
RR-1966/1	NGET Affected Land The Application documents indicate that the Applicant is seeking the permanent freehold acquisition of land over a number of plots containing NGET assets and rights for its 275 and 400 kV overhead line routes, (plots 8-1, 8-4, 8-10, 12-4, 12-6, and 16-1 of the land plans). The Applicant is also seeking temporary and permanent rights over a number of plots containing NGET rights for its existing 275 and 400 kV overhead line routes (plots 5-1, 6-2 - 6-6, 7-1 – 7-5, 7-7, 7-11, 7-20, 7-22, 7-23, 8-2, 8-3, 8-12, 8-13, 9-1, 9-3 – 9-8, 9-15, 9-16, 10-5, 10-6, 10-11-10-15, 11-10, 11-11, 12-1, 12-8, 16-1 – 16-14 and 16-7 of the land plans). Plot 9-6 encompasses land required for the new NGET Long Lane 400 kV Substation, plot 9-12 includes land that will be utilised as the construction compound for the new NGET Long Lane 400 kV Substation, these plots have been included within the Order Limits for the purposes of Work No.2, works to lay high voltage electrical cables and to facilitate the connection of the authorised development to the National Grid Substation and this land is subject to the compulsory acquisition of permanent rights. Plots 9-8, 9-9 and 9-10 are required for the access to the new Long Lane 400 kV Substation and have been	The Applicant notes the location of National Grid Electricity Transmission PLC's ('NGET') existing land, rights and assets. These interests are set out in the **Book of Reference [EN0110020/APP/4.3.1]**. The Applicant also notes NGET's proposals in connection with the new Long Lane 400 kV Substation and overhead lines.

ID	Representation	Applicant Response
	included within the Order Limits for the purposes of Work No. 5 works to facilitate access to Work No.2 and this land is subject to the compulsory acquisition of permanent rights. Plots 9-11, 9-12 and 9-13 include land required by NGET for essential new electricity transmission infrastructure including the required new NGET overhead lines, this land is also subject to the compulsory acquisition of permanent rights.	
RR-1966/2	<u>Interaction with NGET New Infrastructure Works</u> The proposed Order Limits overlap with land required for the siting of future NGET infrastructure. The future NGET infrastructure works consists of the Brinsworth to Chesterfield reinforcement project (hereafter referred to as "the NGET Projects"). The NGET Projects are essential to deliver future capacity on the NETS for other generation connections. Planning permission for the NGET Projects is expected imminently (Planning Ref: RB2025/1468) from Rotherham Metropolitan Borough Council ("RMBC") under the Town and Country Planning Act ("TCPA") 1990. Section 37 of the Electricity Act 1989 establishes the statutory consenting process to install and keep installed overhead electric lines. Planned works will commence in Q4 of 2026 for both the overhead line works and associated temporary enabling works. The key elements of the NGET Projects are: • The Long Lane 400 kV Substation:- The Long Lane 400 kV Substation includes the construction of a new 400 kV Gas Insulated Switchgear (GIS) substation on land east of Long Lane, Brinsworth, South Yorkshire, together with associated infrastructure and connections to a new substation near Chesterfield. This project is	The application for the Proposed Development identifies the overlap with the Long Lane 400kV Substation, explains why the substation land is within the Order Limits, and assesses the two schemes together. The substation site is within the Order Limits only to enable the Proposed Development to connect to the national grid. **Environmental Statement (ES) Chapter 3: The Site and Surrounding Area [APP-055]**, paragraph 3.5.32, explains that the substation is brought forward by National Grid independently and does not form part of the application for the Proposed Development. It states that the substation area is included to accommodate the works required to connect the Proposed Development to the substation. The **Grid Connection Statement [AS-062]** sets out the division of responsibility: - NGET has confirmed a bay will be available for the Proposed Development (paragraph 5.1.5); - the Applicant is responsible for the cable up to and within the substation and the equipment in its bay (paragraph 5.1.6); - the construction of the substation and any modifications to the transmission system are NGET's responsibility (paragraphs 6.5.2 and 7.2.2). These are under its

ID	Representation	Applicant Response
	required to facilitate the uprating of the existing Brinsworth to Chesterfield 275 kV overhead line to 400 kV. • Brinsworth to Chesterfield Project:- The Brinsworth to Chesterfield Project forms part of NGET's wider programme of network reinforcement works and is closely associated with the Chesterfield to High Marnham Project. The Applicant proposes to connect its Project to the National Electricity Transmission System via NGET's proposed Long Lane 400 kV Substation. The proposed Order Limits therefore interface directly with infrastructure promoted and to be delivered separately by NGET. Both of the NGET Projects form part of NGET's wider Great Grid Upgrade programme. Together, they will provide increased network capacity between the North of England and the Midlands, improve network resilience, support the transfer of renewable energy and facilitate future connections to the electricity transmission system. The delivery of the Long Lane Substation and associated reinforcement works is therefore of strategic importance to the future operation and development of the national electricity transmission network, including the future connection arrangements proposed for the Project. The footprint of the substation works sit wholly within the red-line boundary of the Project (plot 9-6 of the land plans) where the Applicant is seeking permanent rights.	separate planning application RB2025/1468. The new 400kV overhead line sections will be consented under section 37 of the Electricity Act 1989 (paragraphs 6.5.1 and 9.1.4). The rights sought over plot 9-6 are new rights for Work No. 2 (cables), as set out in the **Statement of Reasons [APP-020]** (Appendix A1). The two schemes are assessed together. RB2025/1468 is among the developments included in the cumulative assessment in **ES Chapter 17: Cumulative Effects Assessment [APP-069]**, Table 17.8. 14.9.54). In the **draft Development Consent Order (dDCO) [AS-009]**, the interface is managed through Part 6 of Schedule 11 to the draft DCO, which provides protective provisions for NGET.
RR-1966/3	NGET's Statutory Duties As a responsible statutory undertaker, NGET's primary concern is to meet its statutory obligations and to ensure that any development does not adversely affect those statutory obligations. NGET has a duty to protect	The **draft Development Consent Order (dDCO) [AS-009]** contains bespoke protective provisions for NGET that address the protection, standards and access it describes. These are in Part 6 of Schedule 11 to the **dDCO [AS-009]**.

ID	Representation	Applicant Response
	its position in relation to apparatus and land which is within or in close proximity to the draft Order Limits. Additionally, NGET must protect its ability to deliver, operate and maintain its future proposed infrastructure. NGET will therefore require appropriate protection for retained or proposed infrastructure, including compliance with relevant standards for works proposed within close proximity of its apparatus or proposed apparatus. NGET's rights of access to inspect, maintain, renew and repair such apparatus must be maintained at all times and access to inspect and maintain such apparatus must not be restricted. Further, where the Applicant intends to acquire land or rights, or interfere with any of NGET's interests in land or NGET's apparatus, NGET will require appropriate protection. Further discussion and agreement with the Applicant is required in relation to the impact on its apparatus and rights.	Specified works are defined in paragraph 68 of Schedule 11 to the **dDCO [AS-009]**. They are authorised works over or within 15 metres of NGET's apparatus, works that may adversely affect it, and works including activities referred to in development near overhead lines EN43-8 and HSE guidance note 6. Paragraph 75 of Schedule 11 requires a plan and method statement at least 56 days before any specified works. It requires further detail for works within 10 metres of a tower foundation or between towers. Paragraph 75(4) prevents those works starting until NGET has given written approval. At all times when carrying out any works authorised by the Order, the undertaker must comply with NGET's policies for development near overhead lines EN43-8 and HSE guidance note 6 (paragraph 75(11) of Schedule 11). Commitment C53 of the **Commitments Register [EN0110020/APP/6.20.1]** (Rev 02 - to be submitted at PD-A) adds that Guidance Note GS6 will be followed to maintain safe distances from overhead lines during construction. It also provides that a 5.3m minimum clearance would be maintained between the highest point of the PV modules and NGET's 400kV and 275kV overhead lines. The clearance is also in the **Outline Design Parameters [APP-158]**, Table 2.1. The detailed design must accord with these under Requirement 3(2) of Schedule 2 of the **dDCO [AS-009]**, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. Paragraph 80 of Schedule 11 to the **dDCO [AS-009]** applies wherever the Order's powers materially obstruct access to apparatus. It requires alternative access no

ID	Representation	Applicant Response
		less effective than before, to the extent consistent with and authorised by the Order. Paragraph 71 of Schedule 11 keeps NGET's access across any temporarily closed street to maintain its apparatus. Under the **dDCO [AS-009]**, paragraph 73(1), the undertaker may hold or temporarily possess land containing apparatus. In that case, the apparatus must not be removed, and NGET's right to maintain it must not be extinguished, until alternative apparatus is in operation to NGET's reasonable satisfaction. Apparatus is defined in the **dDCO [AS-009]**, paragraph 68 of Schedule 11, as "*electric lines or electrical plant… belonging to or maintained by NGET, together with replacement apparatus*." The words of the definition do not confine it to apparatus existing when the Order is made. NGET's concern about delivering infrastructure not yet built and the request for consent to the acquisition of its land and rights are addressed below.
RR-1966/4	<u>Existing NGET infrastructure within/in close proximity to the Order Limits</u> NGET owns and operates substations and multiple overhead lines that are located within and in close proximity to the Order Limits for the Project. These assets form an essential part of the electricity transmission network in England and Wales. The details of the electricity assets are as follows: Overhead Lines (OHLs) YYL ROUTE 275kV OHL HIGH MARNHAM - THURCROFT - WEST MELTON ALDWARKE – BRINSWORTH	The Applicant notes list of existing NGET infrastructure within or in close proximity to the Order Limits. The application identifies NGET's existing overhead lines and substations within and near the Order Limits, and has sought to design around them. NGET were contacted as part of the statutory consultation process, and provided details of nearby assets, and guidance for designing and working around existing NGET assets. These were considered in the design evolution process as outlined in the **Consultation Report Appendix E: Statutory Consultation Feedback (Part 1) [APP-029]**. Some of the NGET assets listed in NGET's representation were not identified by NGET at the time of

ID	Representation	Applicant Response
	XE ROUTE 275kV OHL HIGH MARNHAM - THURCROFT - WEST MELTON XEA ROUTE 275kV OHL HIGH MARNHAM - THURCROFT - WEST MELTON ALDWARKE – BRINSWORTH 4ZH ROUTE 400 kV OHL BRINSWORTH - THORPE MARSH 1 BRINSWORTH - THORPE MARSH 2 4ZV ROUTE 275 kV OHL BRINSWORTH - CHESTERFIELD 1 BRINSWORTH - CHESTERFIELD 2 ZBB ROUTE 275 kV OHL BRINSWORTH - JORDANTHORPE BRINSWORTH - NORTON LEES - SHEFFIELD CITY Substation land in close proximity to the order: • Thurcroft 275 kV Substation • Brinsworth 400 kV Substation • Brinsworth 275 kV Substation Associated overhead and underground apparatus including cables	the statutory consultation; however, the Applicant carried out a PAS 128 Type D survey to identify all utilities within or near the Order Limits for consideration in the design process. It is also worth noting that interaction plans have been shared with NGET for review and regular engagement is ongoing to ensure NGET's requirements are considered. NGET is identified as a statutory undertaker with an interest or apparatus in the Order Land in the **Statement of Reasons [APP-020]**, paragraph 10.2.2. It is recorded in the **Book of Reference [EN0110020/APP/4.3.1]** on the plots crossed by its lines. At the non-statutory consultation in 2024, NGET identified Brinsworth and Thurcroft substations and overhead lines within the site (**Consultation Report [APP-024]**, Table 3.12 (feedback from organisation). **Environmental Statement (ES) Chapter 16: Other Environmental Topics [APP-068]**, paragraph 16.4.22, provides for a 5.3m minimum clearance between the top of the PV modules and NGET's 400kV and 275kV overhead lines. This is also a parameter in the **Outline Design Parameters [APP-158]**, Table 2.1. The detailed design must accord with these under Schedule 2 Requirement 3(2) of the **draft Development Consent Order (dDCO) [AS-009]**, unless the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. As set out in ES Chapter 16: Other Environmental Topics, Guidance Note GS6 is followed for construction near overhead lines (**ES Chapter 16 [APP-068]**, paragraph 16.4.20). Table 16.24 of **ES Chapter 16 [APP-068]** notes that, with

ID	Representation	Applicant Response
		the embedded mitigation in section 16.4, the effects on telecommunications and utilities are 'Not Significant'. All of these assets, and the associated overhead and underground apparatus, are apparatus protected under Part 6 of Schedule 11 to the **dDCO [AS-009]**.
RR-1966/5	Protection of NGET Assets As stated above, NGET requires robust Protective Provisions to be included within the draft Development Consent Order (the "Order") for the Project. These provisions must ensure that all NGET assets, both existing and any anticipated future assets, are adequately protected and that all works comply with relevant safety standards. There is a clear precedent for the protection of future assets within Development Consent Orders, including the Protective Provisions secured by NGET in the Awel Y Mor DCO, Outer Dowsing Offshore Wind DCO and Mona Offshore Wind DCO. The Awel Y Mor Development Consent Order ("AYM DCO") and the recently granted Mona Offshore Wind Development Consent Order ("Mona DCO") provide precedents for the protection of NGET future assets via Protective Provisions. The Protective Provisions secured in the AYM DCO ensured the protection of existing and future NGET infrastructure at the Bodelywddan substation. This was because NGET was bringing forward a project to upgrade the existing Bodelwyddan substation comprising extending the substation itself as well as associated overhead line works to the south of the existing substation to enable the connection of multiple NGET customer projects in this location. The AYM DCO project was just one of the connecting projects and therefore specific Protective	Part 6 of Schedule 11 to the **draft Development Consent Order (dDCO) [AS-009]** is a set of protective provisions for NGET. The Applicant notes NGET's position in respect of the form of protective provisions in Part 6 of Schedule 11 to the dDCO and engagement with NGET is ongoing regarding the form of these. Engagement between the Applicant and NGET in relation to the interface between the two schemes, including the overlap with NGET's Brinsworth to Chesterfield reinforcement and the Long Lane substation is ongoing. Interaction plans have been shared with NGET for review and although NGET's detailed design for the Long Lane 400kV substation is still in progress, the Applicant is committed to engaging with NGET to avoid/minimise impact to existing and prospective NGET assets. Records of the ongoing engagement will be captured in the draft Statement of Common Ground, which will submitted at Deadline 1.

ID	Representation	Applicant Response
	Provisions were included in the AYM DCO to avoid those future NGET works from being prejudiced by the AYM DCO project. As such, NGET seeks a form of Protective Provisions based on those included in the AYM DCO and the recently granted Mona DCO. NGET requires ongoing engagement from the Applicant to secure appropriate protective provisions on the face of the proposed DCO which must put in place a framework to protect NGET's proposed assets and facilitate all future access, land, and other rights necessary for NGET to deliver its statutory functions, including future projects. Engagement is also required to agree suitable arrangements around the interface of the NGET Projects and the Applicant's proposed Project. NGET will liaise with the Applicant on this point.	
RR-1966/6	<u>Compulsory Acquisition Powers in respect of the Project</u> As noted above, the Order seeks powers of compulsory acquisition of land, temporary possession of, and compulsorily acquisition of rights and interests in NGET operational land. NGET must safeguard its ability to deliver its statutory undertaking and licence obligations, it is therefore critical that NGET's consent is a precondition to any such land being occupied, or any such interest or right being acquired. NGET's Protective Provisions, which it requires to be included in the Order, will include provision for such consent. This protection is critical not only for existing assets but also for land and rights required for NGET's future infrastructure. In the absence of appropriate provisions for the protection of NGET, its ability to deliver its statutory duties will be severely compromised.	The **draft Development Consent Order (DCO) [AS-009]** makes occupation of NGET's land, and interference with its apparatus and rights, subject to article 35 and the Schedule 11 protective provisions.

ID	Representation	Applicant Response
RR-1966/7	Conclusion NGET acknowledges that the Project is currently at the Pre-Examination stage. Whilst NGET does not object to the Project in principle, it reserves all of its rights to make further representations during the Examination in relation to any impacts on its existing and proposed assets, land interests and statutory functions. NGET will continue to engage with the Applicant with a view to resolving outstanding matters, including the agreement of appropriate protective provisions, and will keep the Examining Authority updated as discussions progress.	The Applicant notes that NGET does not object to the Proposed Development in principle and reserves its rights to make further representations in relation to any impacts on its existing and proposed assets, land interests and statutory functions. The Applicant is preparing a draft Statement of Common Ground (SoCG) to reflect communications with NGET so far and capture ongoing engagement. This will be submitted at Deadline 1.

3.14 Harmony Energy Ltd [RR-0966]

ID	Representation	Applicant Response
Harmony Energy Ltd (RR-0966)		
RR-0966/1	As previously discussed directly with Whitestone, Harmony Energy holds an approved and extant planning consent for BESS development (RB2024/0321, Rotherham Council), which falls within the red line boundary of this project. The proposed development would directly affect the deliverability of our scheme, which we intend to construct within the next five years.	The overlap with the consented scheme (RB2024/0321) was identified in the application for the Proposed Development and taken into account in the design and assessment of the Proposed Development. The rights sought over plot 8-13 are new rights for Work No. 2 (cables) as noted in the **Statement of Reasons [APP-020]** and Schedule 8 of the **draft Development Consent Order (dDCO) [AS-009]**. The Applicant is actively engaging with Harmony Energy to minimse the impact of the Proposed Development on Harmony Energy's scheme. The Environmental Statement (ES) treats the consented scheme as a development within the Order limits. It is listed in the long list of other developments (**ES Appendix 17.2: Long List of Developments for Cumulative Effects Assessment [APP-154]**) and shown on **ES Figure 17.1 [APP-086]**. **ES Chapter 4: Alternatives and Design Evolution [APP-056]**, paragraph 4.7.40, records that during design evolution Cable Route C was "*refined since the Draft ES to be more considerate of adjacent proposed schemes and effects through construction*". The **Consultation Report [APP-024]**, in its table of ongoing stakeholder engagement after the Statutory Consultation, records a meeting with Harmony Energy on 14 January 2026 for an

ID	Representation	Applicant Response
		"*Initial discussion regarding alternative for cable route C (formerly 2A).*" Article 42 of the **draft Development Consent Order (dDCO) [AS-009]** addresses planning permissions that overlap the Order limits. Article 42(2) provides that, to the extent that development with planning permission is inconsistent with development carried out under the Order, the development granted planning permission can continue to be carried out. As explained in the **Explanatory Memorandum [APP-018]**, paragraph 4.43.2, Article 42 is required to allow the Order and other local planning permissions to coexist without creating enforcement conflicts. . The Applicant is preparing a draft Statement of Common Ground which captures on-going engagement with Harmony. The draft SoCG will be submitted at Deadline 1.

3.15 Mining Remediation Authority [RR-1916]

ID	Representation	Applicant Response
Mining Remediation Authority (RR-1916)		
RR-1916/1	The Mining Remediation Authority (MRA) seeks to register as an Interested Party in relation to the Whitestone Solar Farm Development Consent Order application. The MRA's interest relates principally to the Dinnington 1 abandoned mine methane (AMM) borehole and the surrounding land required for the purpose of operational mine water monitoring, maintenance activities and any future enhancement works. The MRA has been engaged in discussions regarding the borehole and associated land interests for a considerable period as the borehole forms part of an ongoing programme relating to AMM boreholes and the wider management of mine water across the South Yorkshire coalfield.	As set out in its Relevant Representation, the MRA has recently raised concerns regarding the preservation of, and access to, the Dinnington-1 borehole. The Applicant was not informed of this requirement during the pre-application engagement. However, the Applicant is proactively engaging with the MRA to determine how the MRA's requirements can be accommodated. The Applicant will confirm to the Examining Authority once it has a material update on this matter. The Applicant notes the Coal Authority has submitted a relevant representation [RR-2612], could the Mining Remediation Authority please clarify if these two relevant representations have been submitted by the same legal entity.
RR-1916/2	Unfortunately information regarding the proposed solar farm development appears not to have been disclosed by the landowner during those discussions. Earlier engagement would have allowed the implications of the development proposals for the borehole and associated rights to be considered proactively by all parties.	See response to **RR-1916/1** above.
RR-1916/3	The borehole is currently assessed as a strategically important monitoring and investigation asset to support the MRA's statutory responsibilities relating to mine water management and environmental protection.	See response to **RR-1916/1** above.

ID	Representation	Applicant Response
	The MRA is concerned that the proposed solar farm development and associated land acquisition proposals could adversely affect: • Access to the borehole for inspection, mine water level and quality monitoring, maintenance and operational activities. • The ability to undertake future investigations, pumping trials or enhancement works. • Critical data collection which will inform future operational requirements across the South Yorkshire coalfield associated with mine water monitoring, management and remediation programmes. • The long-term safeguarding of infrastructure that may be required in connection with the MRA's statutory functions. Given the MRA's ongoing assessment of the Dinnington 1 AMM Borehole as a potentially significant monitoring and operational asset, it is essential that the development as proposed does not prejudice the MRA's ability to exercise its statutory functions now or in the future. The MRA seeks confirmation that the proposed draft Development Consent Order contains appropriate provisions to protect the MRA's statutory duties and future operational requirements are not impeded by any authorised development.	

3.16 JJS1 Limited (submitted by Pegasus Planning Group Ltd) [RR-1233]

ID	Representation	Applicant Response
Pegasus Planning Group Ltd on behalf of JJS1 Limited (RR-1233)		
RR-1233/1	In November 2025 an appeal was allowed at 'Land at Moat Lane, Wickersley, Thurcroft, Rotherham, S66 1DZ' for the installation of a battery storage facility (Appeal Reference: APP/P4415/W/25/3363208). JJS1 Limited have reviewed the DCO application material and identified that drawing 'Land Plan in Accordance with Regulation 5 (2)(i) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 Sheet 8 of 29' includes land required to facilitate the above referenced battery storage scheme within parcel '8-12'. The key provides says this is 'Land to be used temporarily and rights to be acquired permanently.' 'Illustrative Masterplan Sheet 3 of 7' indicates parcel '8-12' is required for a 'proposed cable corridor'. My client has therefore identified a clear conflict in land use. Planning permission has been granted to my client for a low carbon energy scheme which will deliver a public benefit identified within national planning policy; supporting the transition to net zero and improving the UK's energy security. My client remains amenable to discussions with Whitestone Solar Farm to explain this constraint to their development and work towards a solution where the granting of the DCO does not prejudice my clients ability to implement their development.	The consented battery storage scheme at Land off Moat Lane, Wickersley has been identified and taken into account in the application. The Applicant's position is that what the **draft Development Consent Order (DCO) [AS-009]** seeks over plot 8-12 is new rights, and restrictive covenants, for Work No. 2 (electrical cables and ancillary works), under article 25 of and Schedule 8 to the draft DCO. It does not seek acquisition of the land. The scheme (Rotherham Metropolitan Borough Council reference RB2024/0063, appeal reference APP/P4415/W/25/3363208) is listed in **Environmental Statement (ES) Appendix 17.2: Long List of Developments for Cumulative Effects Assessment [APP-154]** as approved at appeal and within the Order Limits. **ES Chapter 6: Biodiversity and Nature Conservation [AS-021]**, Table 6-14 records it as approved at appeal and within Cable Route C. **ES Chapter 9: Ground Conditions and Land Quality [APP-061]**, Table 9.10 records a spatial overlap with the Proposed Development. It also records a likely temporal overlap with both its construction and its operation. The overlap JJS1 Limited identifies was therefore known to the Applicant, and has been assessed on the basis that the battery storage scheme is consented. The **Book of Reference [EN0110020/APP/4.3.1]** describes plot 8-12 as "Permanent acquisition of new rights over 25370.03 square metres of agricultural land,

ID	Representation	Applicant Response
		pylons and overhead lines". Appendix A of the **Statement of Reasons [APP-020]** identifies plot 8-12 as required for Work No. 2, electrical cables and ancillary works. No freehold acquisition of the plot is sought. The Land Plans key category quoted by JJS1 Limited reflects paragraph 6.3.1 of the **Statement of Reasons [APP-020]**. That paragraph explains that "The Order Limits do not contain any parcels of land that would be subject to temporary possession powers only". It also explains that land over which permanent rights are sought would also be capable of temporary possession during construction. The cable itself would be buried. **ES Chapter 5: The Proposed Development [APP-057]**, paragraph 5.4.33 confirms that all high voltage cabling would be laid below ground. The final alignment of the cable within plot 8-12 is not fixed by the application. Requirement 3 of Schedule 2 to the **draft DCO [AS-009]** provides that no part of the authorised development may commence until details of its layout and of power cables have been submitted to and approved in writing by the relevant planning authority. Engagement is ongoing with JJS1 to minimise the impact of The Proposed Development on its scheme. The Applicant is preparing a draft Statement of Common Ground which captures communication with JJS1 so far and ongoing engagement. This which will submitted at Deadline 1.

3.17 National Highways (Submitted by Pinsent masons LLP) [RR-1967]

ID	Representation	Applicant Response
Pinsent Masons LLP on behalf of National Highways Limited (RR-1967)		
RR-1967/1	**1. Introduction** 1.1 This is the relevant representation of National Highways ("NH") in respect of the application ("Application") by Whitestone Net Zero Ltd ("Applicant") for an order granting development consent ("DCO") for the Whitestone Solar Farm. The Applicant seeks development consent for the Whitestone Solar Farm project ("Authorised Development"). 1.2 This relevant representation ("RR") is being submitted by NH pursuant to section 102(4) of the Planning Act 2008, in its capacity as a statutory consultee in the planning process, and as Strategic Highways Authority appointed under the provisions on the Infrastructure Act 2015 with responsibility for operating, maintaining and improving the Strategic Road Network ("SRN"). NH requests that it be registered as an interested party in the examination of the Application. **2. Summary** 2.1 NH objects to the DCO and the Authorised Development for the reasons set out below:	The Applicant notes National Highways' objection. Schedule 11, Part 8 of the **draft Development Consent Order (dDCO) [AS-009]** contains a dedicated set of protective provisions for National Highways. As noted in the **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** Heads of Terms have been issued to National Highways. Protective provisions are under negotiation. The Applicant's position on each of National Highways' points, covering compulsory acquisition, traffic data, the protective provisions, drainage, glint and glare, fencing and approval rights under the Requirements, is set out below.
RR-1967/2	a) NH objects to powers of compulsory acquisition being granted in respect of NH's operational land, and to any extinguishment of rights enjoyed by NH for the	As set out in the **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]**, the Applicant issued detailed Heads of Terms to National Highways in March

ID	Representation	Applicant Response
	purposes of carrying on its undertaking. NH considers that the necessity for compulsory acquisition powers is not made out, given that negotiations with NH are ongoing and NH sees no reason why a voluntary agreement cannot be reached. NH cannot accept an uncontrolled power of compulsory acquisition over its operational undertaking and requires the Applicant to agree to the relevant controls in its preferred set of protective provisions to ensure that is compulsory acquisition powers are required, these can be implemented in a coordinated manner alongside other network occupancy restrictions at the time that access is needed.	2026 to seek to secure the rights required to construct, operate, maintain and decommission the Proposed Development. The Applicant is continuing to engage with National Highways and its agent to resolve any concerns with a view to agreeing terms on a voluntary basis. It is expected that agreement can be reached before the close of Examination. Any material updates will be included in the **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** at the appropriate deadline. In accordance with paragraphs 25 and 26 of the Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land,[ii] the compulsory acquisition powers in the **draft Development Consent Order (dDCO) [AS-009]** are sought in parallel with the ongoing negotiations, to ensure deliverability of the Proposed Development in the event that a voluntary agreement is not reached. The Applicant is also in the process of negotiating with National Highways in relation to the draft protective provisions for the benefit of National Highways in Part 8 of Schedule 11 to the **draft DCO [AS-009]**. The Applicant incorporated the Applicant's preferred version of these protective provisions within the draft DCO at submission of the application but there are a number of points outstanding between the parties. The Applicant is committed to continued engagement with National Highways over the points of disagreement with a view of reaching agreement by the close of examination.
RR-1967/3	b) NH requires more information from the Applicant in respect of traffic flow data for the SRN, collection of PIC	The information sought by National Highways is provided within a number of application documents. The **outline**

ID	Representation	Applicant Response
	data, and further information on the number, type and impact of construction vehicle and worker movements associated with the Authorised Development on the SRN. NH has been unable to fully review the efficacy of the proposed mitigation measures within the oCTMP [APP-045] due to the lack of baseline data and assessment on the impacts of the Authorised Development on the SRN. NH reserves its position on the adequacy of the measures proposed to secure this, pending review of the further information that has been requested to understand the impacts on the SRN. See paragraph 4 for further details.	**Construction Traffic Management Plan (oCTMP) [AS-011]** gives the peak day for the whole Proposed Development and Cable Corridor as 1,194 two-way worker vehicle movements and 579 two-way heavy goods vehicle (HGV) movements (paragraph 3.5.2). The **Environmental Statement (ES) Appendix 13.2: Transport Statement [APP-143]** lists the vehicle types (paragraph 4.4.1). It also records that staff will arrive before the 08:00 to 09:00 peak and leave after the 17:00 to 18:00 peak, and that HGV movements will avoid those peaks (**Transport Statement [APP-143]**, paragraphs 4.7.1 and 4.7.2). Scheduling HGV movements outside peak hours and managing worker arrival and departure times are secured through the oCTMP which is secured by Requirement 5 of Schedule 2 to the **draft Development Consent Order (DCO) [AS-009]** which requires that the detailed CTMP is substantially in accordance with the oCTMP. The baseline counts for traffic data were taken on the local roads that construction traffic uses after leaving the strategic road network (SRN) (**Transport Statement [APP-143]**, paragraph 3.4.1). Collision data covers the approach links to M18 Junction 1 and M1 Junctions 31 and 33 (**Transport Statement [APP-143]**, Tables 3-3 and 3-4). The CTMP cannot be approved until the relevant highway authority has been consulted under Requirement 5(1) of Schedule 2 to the **draft DCO [AS-009]**. Any detailed CTMP submitted post consent, must be substantially in accordance with the oCTMP (Requirement 5(2)).

ID	Representation	Applicant Response
		National Highways' request for SRN baseline, junction and collision data, and its request for approval rights over the CTMP, are also answered in the responses to RR-1967/11 and RR-1967/12.
RR-1967/4	c) The protective provisions for the benefit of NH as presented in Schedule 11 Part 8 of the draft DCO [APP-017] are not agreed. In NH's view, they represent a much-reduced standard of protection than that which NH expects with respect to a development of this nature. The Application as presented contains a substantial number of direct interfaces with the SRN, including several HDD cable crossings, multiple instances of works being carried out on overbridges crossing the operational SRN, temporary possession powers on over 71 plots of operational land and significantly wider powers contained in the relevant works as would be required for a simple cable crossing beneath the SRN (e.g. compounds, earthworks, accesses etc). The version of the protective provisions included in Schedule 11 Part 8 does not include many of the standard protections which NH will accept (as a minimum to offset the impact of these intrusive works, in order to protect its operational undertaking and the travelling public. For instance, the Applicant has removed provisions requiring them to provide a bond to cover circumstances where the works not carried out in a defective manner or are commenced and then not completed. At the same time, they have removed all indemnity provisions, meaning NH has no recourse to financial protection in the event of an issue arising on its network that was directly caused by the Authorised Development. NH cannot accept a position whereby the	The Applicant notes National Highways' comments regarding the drafting of the protective provisions contained in Part 8 of Schedule 11 to the **draft Development Consent Order (DCO) [AS-009]** for the benefit of National Highways. The Applicant does not agree that the provisions provide a materially reduced standard of protection. The protective provisions in Part 8 of Schedule 11, contains a detailed approval and certification regime governing all works affecting the strategic road network, including approval of designs, programmes, geotechnical assessments, condition surveys, monitoring, road safety audits, road space bookings, inspection arrangements, remediation obligations and cost recovery mechanisms. The Applicant also notes that the drafting proposed in the draft DCO is not novel and reflects provisions included in recently made Orders, including the Five Estuaries Offshore Wind Farm Order 2025 and the North Falls Offshore Wind Farm Order 2026. Notwithstanding the parties' differing positions on certain aspects of the protective provisions, including the bond and indemnity provisions referred to by National Highways, discussions remain ongoing. The Applicant is continuing to engage constructively with National Highways with a view to narrowing the areas of disagreement and seeking to reach agreement on the protective provisions before the close of Examination.

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	taxpayer is left to indemnify the Applicant for defective or negligent works carried out on the SRN. The Secretary of State's 2 decision1 (and the ExA's recommendation report)2 in the Gatwick Airport Northern Runway DCO specifically deal with the provision of a bond and an uncapped indemnity in the NH protective provisions and are informative in this respect. In that case, paragraph 21.7.15 of the ExA recommendation report states that it is not appropriate for a public sector agency to potentially fund a private sector burden. The use of the potentially carries weight when considering the need for the bond to cover risks that have not yet become contingent. The ExA goes on to find that both the bond and indemnity are required in order to prevent serious detriment arising under s127 of the Planning Act 2008. The Secretary of State agrees with this conclusion in paragraph 442 of the decision letter. NH requires that substantial amendments are made to Schedule 11 Part 8 to bring it up to a standard which is comparable to other developments of the same nature. Recent precedents include Great North Road Solar, Fosse Green Solar, East Midlands Gateway Phase 2 and Norwich to Tilbury. Where the Applicant maintains its position with respect to the protective provisions, NH will have no choice but to make submissions on the basis of a serious detriment to its undertaking pursuant to s.127(5) of the Planning Act 2008. See paragraphs 4 and 5 for further details.	
RR-1967/5	d) NH requests approval rights in respect of the discharge of certain Requirements, including Requirements 3 (detailed design approval), 5 (construction traffic management plan), 7 (landscape	The Applicant has considered National Highways' request for approval rights in respect of Requirements 3, 5, 7, 9, 13 and 15 of Schedule 2 to the **draft**

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	and ecology management plan), 9 (fencing and other means of enclosure), 13 (decommissioning and restoration) and 15 (amendments to approved details), to the extent that the phase which is the subject of the relevant discharge application affects the SRN. See paragraph 6 for further details.	**Development Consent Order (DCO) [AS-009]** and sets out its position as follows. Requirement 3 (Detailed design approval) The Applicant has amended requirement 3 of Schedule 2 to the **draft DCO [AS-009]** to give National Highways consultation rights in respect of sub-paragraphs (1)(f) and (h) which are the matters listed under (1) most related to National Highways' functions. The Applicant does not consider it appropriate and nor is it precedented that National Highways has approval rights in respect of all detailed design elements. The next iteration of the draft DCO incorporating the updated drafting will be submitted at the next appropriate deadline. Requirement 5 (Construction traffic management plan) Under the current drafting, National Highways already benefits from consultation rights as "relevant highway authority" for the SRN. The Applicant considers consultation rights the appropriate and precedented position in respect of the CTMP at the current time. Requirement 7 (Landscape and ecology management plan) The Applicant does not consider it appropriate for National Highways to have approval rights in respect of the LEMP. Paragraph 108(1)(e) of the protective provisions for National Highways within Schedule 11 of the **draft DCO [AS-009]** provides National Highways with consultation rights in respect of mitigation measures for glint and glare

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		within a LEMP. The Applicant considers this proportionate and appropriate in order for National Highways to have a say in the preparation of the LEMP in respect of matters relating to impacts on the SRN. <u>Requirement 9 (Fencing and other means of enclosure)</u> The Applicant has amended requirement 9 paragraphs (1) and (2) of Schedule 2 to the **draft DCO [AS-009]** to give National Highways consultation rights in relation to fencing to be erected adjacent to the SRN for glint and glare boarding. The next iteration of the draft DCO incorporating the updated drafting will be submitted at the next appropriate deadline. <u>Requirement 13 (Decommissioning and restoration)</u> The Applicant has amended requirement 13(2) of Schedule 2 to the **draft DCO [AS-009]** to give National Highways consultation rights in respect of the DEMP. The next iteration of the draft DCO incorporating the updated drafting will be submitted at the next appropriate deadline. <u>Requirement 15 (Amendments to approved details)</u> The Applicant has not made any changes to the drafting of Requirement 15. The Applicant does not consider it proportionate, appropriate or precedented for National Highways to have approval or consultation rights in respect of this requirement. As noted above, there are already a number of provisions within the **draft DCO [AS-009]** which give National Highways approval rights in respect of design of works before they commence. These

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		provisions are predominantly found within the draft protective provisions for National Highways in Part 8 of Schedule 11 to the draft DCO.
RR-1967/6	4. IMPACTS ARISING FROM THE AUTHORISED DEVELOPMENT 4.1 The Authorised Development will have the following impact on the SRN: 4.1.1 Cable crossings beneath the SRN mainline carriageway – (a) The Applicant is proposing to carry out the following HDD cable crossings beneath the SRN: (i) Work No. 2E beneath Plot 9-11; (ii) Work No. 2D-1 beneath Plot 10-6; (iii) Work No. 2C beneath Plots 10-7 and 10-8; (iv) Work No. 2C beneath Plots 11-12 and 11-13; (v) Work No. 2I-2 beneath Plot 14-19; (vi) Work No. 2I-2 beneath Plot 18-18; (vii) Work No. 2N beneath Plots 27-1 and 27-2; and (viii) Work No. 2N beneath Plots 29-7 and 29-8. ("the HDD Works") (b) The HDD Works are all taking place beneath the M1 mainline carriageway and existing bridge structures and comprise of: "cabling, and any works required for crossing, moving, re-routing or over/undergrounding of existing utility assets (inc. water, gas, sewer pipes, electricity distribution/transmission cabling, telecommunications, drainage), earthworks, power conversion stations, secondary construction compounds and cable crossings including under watercourses".	The Applicant is working with National Highways through the CD622 process, and will use the engagement and discussions to confirm the suitable design approach. In any event, works undertaken within National Highways' land are subject to the controls contained in the protective provisions for National Highways' benefit in Part 8 of Schedule 11 to the **draft Development Consent Order (DCO) [AS-009]**. Paragraph 106 distinguishes between "cable works", being trenchless cable installations beneath the strategic road network, and "SRN works", being other authorised development within the strategic road network. Both categories of works require National Highways' approval before they may proceed. The Applicant notes National Highway's comments that the protective provisions in Part 8 of Schedule 11 are not yet agreed. The Applicant is continuing to work with National Highways to progress these with a view of reaching agreement during the course of examination. The plots identified by National Highways (Plots 9-11, 10-6, 10-7, 10-8, 11-12, 11-13, 14-19, 18-18, 27-1, 27-2, 29-7 and 29-8) are recorded in the **Book of Reference [EN0110020/APP/4.3.1]** as plots over which rights are sought rather than land proposed to be acquired. The Applicant therefore does not agree that the draft DCO authorises unrestricted earthworks, compounds or power conversion infrastructure within National Highways' land. Any works proposed in those locations

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	(c) The HDD Works, if granted, would not only allow the Applicant to carry out cable crossings under the M1 carriageway, but would also allow it to carry out earthworks, construct power conversion stations and compounds on the SRN. The HDD Works, which are not subject to any control in any other provision in the DCO, are therefore extremely broad and go significantly further than what is actually required to deliver the cable work in that location. (d) NH requires that the Applicant commit to narrow the scope of the HDD Works to just what is required to deliver the cable works in that location and further, accept NH's protective provisions as appended to this RR (Appendix 1) with regard to those cable works. (e) Without those proportionate protections in place for NH's benefit, the HDD Works could result in serious detriment to NH pursuant to section 127(5) of the Planning Act 2008.	remain subject to the approval regime contained in the protective provisions in Part 8 of Schedule 11 to the draft DCO, under which National Highways retains approval rights over the detailed design, methodology and programme for works affecting the strategic road network. The Applicant's position in relation to National Highways' proposed protective provisions, including the indemnity, bond and consent requirements sought by National Highways, is addressed in the responses to RR-1967/16 to RR-1967/24.
RR-1967/7	4.1.2 Construction works on overbridges which oversail the SRN – (a) The Applicant is proposing to carry out Work No. 5 on Plots 5-6, 7-16, 7-17, 14-19, 29-8, all of which comprise of NH owned bridge structures crossing the M1 mainline carriageway. Work No. 5 includes: "the creation of accesses from the street, enhancement of accesses from the street, visibility splays, creation of passing places, works to widen and surface the street and private means of access. These works are proposed to be carried out to highway in the local highway network, albeit on NH owned structures". (b) Accordingly, the Applicant is proposing to carry out major construction works on various local highway	The Applicant's position is that works on National Highways' bridge structures over the M1 are strategic road network (SRN) works. This includes Work No. 5 works to the local roads the bridges carry. SRN works are subject to National Highways' approval under the protective provisions for National Highways found in Part 8 of Schedule 11 to the **draft Development Consent Order (DCO) [AS-009].** "SRN works" is defined within the draft protective provisions in Part 8 of Schedule 11 as any part of the authorised development' which involves works to the carriageway or verge or any other part of the strategic road network… including. …. to operational assets ancillary thereto'. The Applicant's position is that works to

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	roads situated on NH owned bridges. The works would be taking place above an operational motorway which would be open to traffic during the works. The potential for impact to the SRN and/or road users as a result of these works is clearly significant and needs to be appropriately managed and secured in a way that is satisfactory to NH and the local highway authority. (c) NH requires that the Applicant agree to its protective provisions as appended to this RR (Appendix 1) to avoid a serious detriment arising pursuant to section 127(5) of the Planning Act 2008.	the bridge structures, which are highway assets of National Highways, therefore, fall within "SRN works" as defined. As part of the protections to the "SRN works", the Applicant would note the following: SRN works may not commence until: • a stage 1 or stage 2 road safety audit has been carried out and its recommendations approved by National Highways; • National Highways has approved the programme, the detailed design and proposed road space bookings; and • a condition survey and monitoring regime for its structures has been agreed. Notwithstanding the Applicant's position that the draft protective provisions already provide a suitable level of protection for National Highways, the Applicant is continuing to work with National Highways to progress these with a view of reaching agreement during the course of examination.
RR-1967/8	4.1.3 Drainage (a) As a general point, NH objects to the inclusion of or reliance placed on any NH owned culverts or drainage infrastructure which forms part of the SRN. These highway drainage systems are designed to accommodate surface water flows absent the Authorised Development and any additional volume which is introduced to the highway drainage system could give rise to increased levels of surface water	The Applicant notes that National Highways is currently confirming the location and extent of any National Highways-owned culverts within the Order Limits and has indicated that this information will be provided in due course. At present, the Applicant is not aware of any proposed connection or discharge to National Highways-owned drainage infrastructure requiring National Highways'

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	pooling around the SRN. This in turn could lead to safety impacts on the SRN. (b) Paragraph 59 of the Department for Transport Guidance "Strategic Road Network and the Delivery of Sustainable Development" states that "to ensure the integrity of the highway drainage systems, no new connections into those systems from third party development and proposed drainage schemes will be accepted. Where there is already an existing formal or informal connection into the highway drainage system from a proposed development site, the right for a connection may be allowed to continue provided that the flow, rate and quality of the discharge into the highway drainage system remains unaltered or results in a betterment. NH may require a drainage management and maintenance agreement to be entered into to secure this requirement in perpetuity". (c) Article 19 (Discharge of Water) of the draft DCO allows for the Applicant to use any watercourse (which includes culverts), public sewers or drains for the discharge of water in connection with the construction, maintenance or decommissioning of the Authorised Development provided it has obtained the consent of the person to whom it belongs. (d) NH is in the process of confirming details of any NH owned culverts within the Order Limits and will provide the Applicant with these details in due course. (e) Where any NH culverts do exist within the Order Limits and the Applicant requires discharge into them, consent will not be given unless it can be demonstrated to be in compliance with Department for Transport	consent. Should National Highways identify culverts or drainage assets within the Order Limits which may be affected by the Authorised Development, the Applicant will review that information and engage with National Highways as necessary in relation to any potential interface. The Applicant notes that the **Outline Surface Water Drainage Strategy [APP-050]** proposes that runoff from the substations and battery energy storage system would be attenuated and restricted to greenfield runoff rates. The detailed drainage design remains subject to approval under Requirement 12 of Schedule 2 to the **draft Development Consent Order (DCO) [AS-009]** and must be substantially in accordance with the Outline Surface Water Drainage Strategy. The Applicant therefore considers that it is premature to draw conclusions regarding any potential effects on National Highways' drainage infrastructure before National Highways has identified the relevant assets and provided the necessary information to enable those interfaces to be assessed. The Applicant will continue to engage with National Highways on this issue as further information becomes available.

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	Guidance and any other requirements imposed by NH at its discretion.	
RR-1967/9	4.1.4 Temporary possession of operational land and compulsory acquisition of rights to carry out construction works on operational land (other than carriageway crossings) – (a) The Applicant is proposing temporary possession and compulsory acquisition of rights over 71 plots of land owned by NH. Very limited engagement has been carried out with NH to date on voluntary acquisition of rights over these plots. NH has received heads of terms and is currently engaging a professional team to consider them and respond, however such terms were only provided just prior to the Application being submitted and accordingly, NH has had little time to mobilise its team or consider the significant volume of plots which are subject to acquisition. (b) Section 122 of the Planning Act 2008 provides that a development consent order may only authorise compulsory acquisition if the Secretary of State is satisfied that: (i) The land is required for the development to which the consent relates, or is required to facilitate, or is incidental to, the development, or is replacement land given in exchange under section 131 or 132, and (ii) There is a compelling case in the public interest for the compulsory acquisition. (c) The Planning Act 2008 Guidance relates to procedures for the compulsory acquisition of land 20137 provides that the Applicant should be able to demonstrate to the satisfaction of the Secretary of State	As set out in the Applicant's response to RR-1967/2 and the **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]**, the Applicant has been engaging with National Highways since February 2025 and issued detailed Heads of Terms in March 2026 to seek to secure the rights required to construct, operate, maintain and decommission the Proposed Development. This was approximately three months prior to submission of the Application and is considered to be appropriate in view of when the Applicant had sufficient certainty around the extent of the Order Limits, construction works and land requirements to enter into such negotiations. National Highways has not been able to substantively engage with the proposed Heads of Terms as discussions have primarily centred around National Highways' interest in the Order Land. The Applicant is informed that a large proportion of land registered to National Highways has been acquired by the relevant highway authorities as part of a number of Side Road Orders, with National Highways only retaining ownership of the subsoil. These transactions are not reflected in the relevant HM Land Registry titles but are now captured in the updated **Book of Reference [EN0110020/APP/4.3.1]**. The Applicant considers that this matter is now resolved and that the negotiation of a private treaty agreement can progress. It is expected that agreement can be reached before the close of Examination, however, compulsory acquisition powers are sought in parallel with negotiations, to ensure

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	that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. The Applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in land is for a legitimate purpose and that it is necessary and proportionate. NH considers that compulsory acquisition powers in this case are not necessary, given that attempts to negotiate rights voluntarily have not yet started (or failed). Whilst it is accepted by NH that compulsory acquisition of rights have, in this case, been included as a means of providing a fallback position where negotiations with NH were to fail, NH cannot accept the imposition of compulsory acquisition powers over its network without having its preferred set of protective provisions included in the Order. Without the preferred protective provisions including in the DCO as appended (Appendix 1), NH considers that the Authorised Development will result in a serious detriment to NH's statutory undertaking pursuant to s.127(5) of the Planning Act 2008. The justification for these provisions and why they are needed to mitigate the effects of compulsory acquisition of rights over/under the SRN is set out in paragraph 5 below.	deliverability of the Proposed Development in the event that a voluntary agreement is not reached. As outlined in the **Statement of Reasons [APP-020]**, and demonstrated by the **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1],** the Applicant considers that the inclusion of powers of compulsory acquisition in the **draft Development Consent Order (DCO) [AS-009]** is necessary, proportionate, and justified and that it meets the relevant statutory tests of the PA 2008 and complies with the Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land.[iii]
RR-1967/10	4.1.5 Extinguishment of rights – (a) NH has the benefit of rights to maintain fencing and boundary treatment in Plots 8-5 and 8-10, which will be extinguished to facilitate construction and operation of the solar arrays in those plots. (b) NH has the benefit of rights to maintain fencing and boundary treatment in Plot 8-7 and 8-9. The Applicant is proposing temporary possession of this Plot, however	The **Book of Reference [EN0110020/APP/4.3.1]** records National Highways' rights of entry to maintain a fence, under a Conveyance of 1 November 1966, over plots 8-5, 8-7, 8-8, 8-9 and 8-10. Plots 8-7, 8-8 and 8-9 are plots over which new rights are sought. Schedule 8 of the **draft Development Consent Order (DCO) [AS-009]** lists them for temporary possession and new rights for Work Nos. 2 and 5 (cables

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	there is no corresponding work shown on the Work Plans. It is not clear to what extent NH's right is to be extinguished and for the avoidance of doubt, NH objects to any extinguishment. (c) NH has the benefit of rights to maintain fencing and boundary treatment in Plot 8-8. The Applicant is proposing temporary possession of this Plot and the acquisition of permanent rights to construct an access track to allow a bridge or culvert crossings over watercourses and drains and works to alter, maintain, repair, or replace existing crossing structures over watercourses or drains. It is not clear to what extent NH's right is to be extinguished to facilitate these works but NH objects to any extinguishment of its rights.	and access works). The **Statement of Reasons [APP-020]** gives the same purposes (Appendix A, Table A1, plots 8-7 and 8-9). On the Works Plans, the strip along Second Lane containing plots 8-7 and 8-9 lies within the area shown for Work No. 6 (**Works Plans [AS-005]**, sheet 8). Plots 8-5 and 8-10 are proposed for permanent acquisition (**Book of Reference [EN0110020/APP/4.3.1])** How article 26 of the **draft DCO [AS-009]** applies: • On plots 8-7, 8-8 and 8-9, private rights are extinguished only "in so far as their continuance would be inconsistent with the exercise of the right" acquired (draft DCO , article 26(2)). During temporary possession they are suspended only so far as they are inconsistent with the purpose of the possession, and only while it lasts (draft DCO , article 26(4)). The Applicant considers that a right to enter land to maintain a boundary fence is consistent with cable and access rights over the same land. • On plots 8-5 and 8-10, private rights are extinguished on acquisition or entry (draft DCO , article 26(1)). This does not apply if the undertaker gives notice that they are not to be extinguished, or agrees with the right holder that they continue (draft DCO, article 26(7)). • Article 26 does not apply to any right to which section 138 of the Planning Act 2008 or article 35 applies (article 26(6)). • Any loss from extinguishment or suspension is compensated (draft DCO , article 26(5)).

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		The **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** records that Heads of Terms were issued to National Highways in March 2026 and are under discussion. That agreement is the means for the Applicant and National Highways to reach agreement in respect of these plots and the continued exercise of National Highways' rights where appropriate and practicable.
RR-1967/11	4.1.6 Traffic and Transport – (a) The key interfaces between the Authorised Development and the SRN are in respect of the A1(M), the M1 and the M18. (b) The M1 runs north to west between the Whitestone 2 and Whitestone 3 parcels of the Authorised Development site, whilst the M18 runs west to east to the eastern side of Whitestone 1 and Whitestone 2 parcels and cable corridor route. PV module areas and associated infrastructure will directly border stretches of the M1 mainline between Junction 30 and Junction 31, predominantly surrounding the Woodall Services, between Junction 31 and Junction 33 and between Junction 32 of the M1 and Junction 1 of the M18. It also appears that cabling will cross underneath the M1 mainline to connect the Authorised Development's module areas. (c) NH additionally anticipates that Junction 36 of the A1(M), Junction 1 of the M18, and Junctions 31 and 33 of the M1 will be used for vehicular access to the site of the Authorised Development.	In line with RR-1967/3, the Applicant is committed to engaging with National Highways on this matter.

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	(d) NH's concerns regarding impacts on the SRN and the extent to which these have been addressed within the Application documents are set out below. <u>Scope of assessment</u> (i) The Traffic and Transport chapter of the Environmental Statement [APP-065] and Transport Statement [APP-143] have both adopted a strategic approach to estimating the distribution of construction HGVs as the origins of these HGVs were not known at the point of assessment. It has therefore been assumed that HGVs would enter the local network from key SRN corridors, reflecting typical freight movement and regional connectivity. The chapter identifies that Junction 36 of the A1(M), Junction 1 of the M18, and Junctions 31 and 33 of the M1 motorway will be utilised to provide SRN routing onto the local highway network. (ii) However, whilst baseline traffic data has been gathered from automatic traffic counts at locations near to these junctions, no baseline traffic data for the SRN or for these junctions have been collected. Therefore, the capacity of these junctions for the proposed HGV routing and collisions data on these junctions has not been used in the assessment. (iii) As a result, NH have been unable to assess the likely impacts of the Authorised Development on the SRN or the efficacy of the mitigation proposed within the oCTMP [APP-045]. NH are engaging with the Applicant to receive further information on the traffic flow data for the SRN, collection of PIC data, and further information on the number, type and impact of construction vehicle and worker movements associated with the Authorised Development on the SRN.	

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RR-1967/12	Outline Construction Traffic Management Plan [APP-045] (iv) As noted above, NH has been unable to fully review the efficacy of the proposed mitigation measures within the oCTMP [APP-045] due to the lack of baseline data and assessment on the impacts of the Authorised Development on the SRN. NH reserves its position on the adequacy of the measures proposed to secure this, pending review of the further information that has been requested to understand the impacts on the SRN. In this context, it is essential that NH has approval rights over the detailed CTMP to the extent that it relates to matters concerning the SRN (please refer to section 7 below).	As noted above, the Applicant is committed to engaging with National Highways in respect of the additional baseline data it requires. In relation to National Highways' request for approval rights over the detailed Construction Traffic Management Plan (CTMP), the Applicant notes that under the current drafting of Requirement 5 in Schedule 2 to the **draft Development Consent Order (DCO) [AS-009]**, National Highways already benefits from consultation rights as "relevant highway authority" for the SRN. The Applicant considers consultation rights the appropriate and precedented position in respect of the CTMP at the current time.
RR-1967/13	Outline Decommissioning Environmental Management Plan [APP-044] (v) NH notes that prior to the commencement of the decommissioning of the Authorised Development, a Decommissioning Traffic Management Plan (DTMP) is to be produced in consultation with the relevant LPAs and regulatory bodies. NH request that this DTMP is produced and approved by NH, particularly as the intention is to use the same mitigation measures proposed in the oCTMP and HGV routing from the SRN.	Paragraph 3.8.1 of the **outline Decommissioning Environmental Management Plan (DEMP) [APP-044]** states that a Decommissioning Traffic Management Plan (DTMP) will be included in a detailed Decommissioning Environmental Management Plan (DEMP) at the decommissioning stage. The same paragraph also states that DTMP will be produced in consultation with the relevant LPAs and regulatory bodies. It is the Applicant's view that National Highways would be included under the relevant "regulatory bodies" as highway authority on matters relating to the SRN. The Applicant's position is that National Highways does not need to approve the DTMP, for these reasons: • details relating to decommissioning will continue to be defined closer to the actual decommissioning phase; it is not necessary to make any updates to

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		the Outline DEMP to give National Highways approval rights for the DTMP at the current time • The DEMP must be substantially in accordance with the outline DEMP. It must be approved by the relevant planning authority before any decommissioning works are carried out (Requirement 13(2) to (4) of Schedule 2),as noted above, the Applicant has agreed to amend the draft DCO [AS-009] to provide National Highways with consultation rights for matters relating to the SRN, this drafting update will be shown in the next iteration of the draft DCO, to be submitted at a later deadline. • The DTMP will be produced before decommissioning in consultation with the relevant planning authorities and regulatory bodies (**outline DEMP [APP-044]**, paragraph 3.8.1). Decommissioning access "will be confirmed as the Proposed Development's design progresses and in consultation with the relevant Highways Authorities and National Highways, as appropriate" (**outline DEMP [APP-044]**, paragraph 3.8.2).
RR-1967/14	Glint and Glare Report [APP-152] (vi) The assessment largely relies upon the existing vegetation to partially obscure views of the panels and provide mitigation for the impacts of glint and glare on road users. However, it is not clear how this vegetation was identified as suitable for mitigation or whether it is suitably evergreen in all locations noted to provide adequate screening throughout the year. Furthermore,	In response to point (vi) regarding how the existing vegetation has been identified, the Applicant would note that in reviewing existing vegetation a desk-based review of available imagery, including aerial and streetview, is undertaken. Where necessary, historical imagery is reviewed to observe density of screening in winter when reflections are predicted outside the full leaf period.

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	the assessment has identified a 350m stretch of the M1 where panels will be visible but no mitigation has been provided. NH would welcome further information on the justification for the lack of mitigation proposed here. (vii) Where existing vegetation is not located or sufficient to provide mitigation for glint and glare effects on road users, the applicant has proposed additional planting, secured via the oLEMP [APP-046]. However, NH has noted to the Applicant that there are locations where this planting is not acceptable as this is proposed in NH plots that already provide species rich grassland and additional planting would therefore be detrimental to the objectives and benefits of those plots. (viii) In addition, the Applicant notes in the oLEMP [APP-046] that planting will be monitored and managed for the first 5 years to ensure it reaches a sufficient height and density to achieve appropriate screening and that in the interim, opaque fencing will be provided to mitigate impacts of glint and glare. The Applicant further notes that where planting fails or is insufficient, these fences will act as standalone mitigation. However, NH notes that there is very little information about the implementation or maintenance of these fences. For example, will intrusive works be required to implement these fences and will these be monitored throughout the lifetime of the Authorised Development to ensure that they remain in situ and provide effective mitigation. In this context, it is essential that NH has approval rights over the detailed LEMP to the extent that it relates to matters concerning the SRN (please refer to paragraph 6 below).	In respect of the 350m section of the M1, text regarding the justification of the predicted impact was missing from the **Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]**, paragraphs 16.2.342 and 16.2.343, in error. In assessing this section of the M1, the assessment identified intervening terrain and existing vegetation which obstructs visibility to some sections of road. For these sections no impact is predicted. For remaining sections, mitigation in the form of additional planting will be proposed to obstruct views of the reflecting area for road users and is presented in the **outline Landscape and Ecology Management Plan (LEMP) [APP-046]**, therefore no residual effect is predicted. An updated glint and glare assessment report will be produced which includes the missing text detailing the impact justification. Planting on National Highways' plots. In response to point (vii), here planting may not be implemented because of stakeholder or landowner requirements, the opaque screen may be considered as a standalone mitigation measure (**outline LEMP [APP-046]**, paragraph 5.1.6). That is the proposed mitigation where National Highways, as the landowner, does not accept planting on its species-rich grassland. This area is shown on Sheet 4 of the **Works Plans [AS-005]**. The area is shown to be within Works No. 6 'works to create and maintain areas of green infrastructure and habitat management'. In the event that National Highways consider an opaque screen to be the preferred solution, this will be installed under point 'c' of the ancillary or

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		related works listed at the end of Schedule 1 within the **draft Development Consent Order (DCO) [AS-009]**. In response to point (viii), where new planting mitigates effects on drivers, an opaque screen may be installed until the planting is tall and deep enough to screen (**outline LEMP [APP-046]**, paragraph 5.1.6). Glint and glare fences may be up to 4 m high and will not be located within 5 m of the edge of the carriageway (**Outline Design Parameters [APP-158]**, Table 2.1). Requirement 3(2) of the **draft DCO [AS-009]** requires the detailed design to accord with the Outline Design Parameters. The exception is where the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. Maintenance of all fencing within the Order limits is to be included in the OEMP. If losses of mitigation planting leave gaps that defeat the screening, replacement planting will infill them throughout the operation of the Proposed Development (**outline LEMP [APP-046]**, paragraph 7.4.3). The assessment is to be re-run at detailed design, with mitigation confirmed in the LEMP (**outline LEMP [APP-046]**, paragraph 5.1.1). In respect of National Highways' role, glint and glare mitigation measures on the SRN are "SRN works" under paragraph 106 of Part 8 of Schedule 11 to the **draft DCO [AS-009]**. Their detailed design needs National Highways' approval before they start (**draft DCO [AS-009]**, Schedule 11, paragraph 108(1)). That detailed design information includes the drawings, specifications and calculations for boundary environmental and mitigation fencing (paragraphs 106 and 108(1)(c)). The

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		way any such fence on the SRN is to be installed is therefore subject to National Highways' approval before the SRN works start. Before any SRN works start, the undertaker must also have consulted National Highways on glint and glare mitigation within a LEMP, as far as relevant to its functions (Schedule 11, Part 8, paragraph 108(1)(e)). The Applicant's position is that approval of the LEMP itself is not also needed.
RR-1967/15	(ix) NH requires that the design of any fencing adjacent to the SRN be approved by its operations team, to ensure it is compliant with DMRB standards to avoid potential road safety issues arising in inclement weather conditions.	Fencing adjacent to the SRN for glint and glare mitigation, is included within the definition of "SRN works" under Part 8 of Schedule 11 to the **draft Development Consent Order (DCO) [AS-009]**. As noted above, the detailed design information that requires National Highways' approval before SRN works start includes "boundary environmental and mitigation fencing" (paragraphs 106 and 108(1) of Schedule 11). SRN works must be carried out in accordance with the Design Manual for Roads and Bridges (DMRB) and other standards National Highways requires (paragraph 109(3)(b) of Schedule 11), thereby already ensuring that the fencing design would be compliant with DMRB standards. It is therefore, the Applicant's position that National Highways has approval rights in respect of the design of any fencing on the SRN for glint and glare mitigation which can therefore, at National Highways' own discretion, be approved by its operation team.

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RR-1967/15a	(x) NH are engaging with the Applicant to receive further information on the assessment of glint and glare, including the justifications for the assessment of effects, and the location and nature of proposed planting. NH further invites the Applicant to provide details of the monitoring and implementation methods of the opaque screening proposed. NH reserves its position on the adequacy of the measures proposed to mitigate glint and glare, pending review of the further information that has been requested.	The Applicant notes National Highways' request for further information on the glint and glare assessment, including the justification for the assessment of effects, the location and nature of the proposed planting and the monitoring and implementation of the proposed opaque screening, and that National Highways reserves its position pending that information. The Applicant is reviewing the points raised and will update the Glint and Glare assessment during the examination.
RR-1967/16	5. PROTECTIVE PROVISIONS 5.1 Unlike other statutory consultees involved in the consenting of nationally significant infrastructure projects, NH is a very active promoter of development consent orders and understands keenly the pressures and requirements placed on applicants to balance the delivery of the scheme with the protections afforded to statutory consultees. NH has been at the vanguard of DCO-consented development since the Planning Act 2008 was introduced and has offered many commitments for the protection of electricity and gas apparatus, water and drainage infrastructure, railway undertakings and other infrastructure owned by statutory consultees as a consequence of its own development consent orders. The SRN deserves the same measure of protection, proportionate to the extent of interference caused by the Authorised Development. 5.2 The SRN is inherently a dangerous network to operate on, over and under – given the very limited control that NH has on road users operating at high speeds and the impacts that uncontrolled construction operations on the network can have to those road	The Applicant considers that Schedule 11, Part 8 of the **draft Development Consent Order (DCO) [AS-009]** provides several of the protections National Highways lists (5.3.2 and 5.3.3, and in part 5.3.6 and 5.3.7). Taking each in turn: • 5.3.1 and 5.3.5, held harmless and indemnified: the draft protective provisions requires the undertaker to remedy at its own expense any damage it causes to the strategic road network (paragraphs 109(6) and 109(7)). Where a final condition survey is agreed, remedial works for material damage it identifies are at the undertaker's cost. Alternatively, National Highways may do them and recover its expenditure (paragraph 113). • 5.3.2, National Highways' procedures: works must comply with National Highways' road space booking procedures (paragraphs 109(2) and 116(2)). They must meet the Design Manual for Roads and Bridges (DMRB), the Specification for Highway Works and the CDM Regulations (paragraph 109(3)(b) and (c)). National Highways

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	users. The potential for catastrophic damage or injury from collision is prevalent – which is precisely why NH has strict procedures for contractors operating on, over or under the SRN, particularly those which it does not itself directly control. 5.3 NH understands the need for proportionality in the context of such protections and considers that a proportionate level of protection in all cases and as a minimum standard where there is the potential for impact to the SRN should be the following: 5.3.1 That NH be held harmless from the impact of third-party development; 5.3.2 that NH's procedures – put in place for the protection of property and persons – are adhered to in accordance with NH's strict requirements; 5.3.3 that any works carried out to the highway, on NH land, underneath the highway, above the highway and to apparatus forming part of the highway estate should be certified by NH and approved by NH on completion of the works; 5.3.4 that financial provision should be put in place to ensure that in the event of the Applicant commencing works which may impact the SRN (including for example, underground works beneath the SRN or construction works which oversail above it) and falling into financial difficulty or defaulting on completion of the works, NH has the resources needed to put the SRN and the highway estate into the position it was in before the Applicant commenced works; 5.3.5 that NH be indemnified for any loss or damage to the SRN or the highway estate as a result of the works; 5.3.6 that the Applicant requests approval from NH	also has the benefit of inspection and work supervision access rights (paragraph 109(5)). • 5.3.3, certification and approval on completion: there are provisional certificates for SRN works and cable works (paragraphs 111 and 112), and a final certificate for the SRN works after the defects period (paragraph 114). The SRN works also follow a stage 3 road safety audit and the provision of as-built information (paragraph 111(4)). Where agreed, the undertaker would also be required to carry out a final condition survey (paragraph 113). • 5.3.4, financial provision: National Highways is permitted to recover its costs in advance of works (paragraph 110(2)) and has the benefit of a commuted sum for new assets (paragraph 115). • 5.3.6, approval before exercising powers: National Highways' approval is needed before any SRN works or cable works start (paragraph 109). National Highways' agreement is also needed for any works less than 4 metres below the carriageway (107(3)). • 5.3.7, emergency access: National Highways has access to its highway drainage assets on demand in an emergency (paragraph 117). It may inspect the works at all reasonable times (paragraph 109(5)). If the works fall behind the agreed programme or are suspended beyond a reasonable period, it may withdraw a road space booking (paragraph 109(8)).

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	before exercising any powers under the DCO in relation to the SRN or the highway estate (such approval not to be unreasonably withheld) to enable proportionate rights and reservations to be secured for the protection of the SRN through private treaty; and 5.3.7 that emergency procedures be agreed for NH to access the SRN to carry out works or remove dangerous obstacles resulting from the Authorised Development which pose a risk to life. 5.4 These proportionate controls are included in NH's preferred set of protective provisions at Appendix 1.	Notwithstanding the Applicant's position that the draft protective provisions for the benefit of National Highways already provide an adequate level of protection, and many of the provisions are substantially in accordance with National Highways' preferred provisions, the Applicant is continuing to engage constructively with National Highways with a view to narrowing the areas of disagreement and seeking to reach agreement on the protective provisions before the close of Examination. The Applicant would also note that the recently updated guidance on preparing an application Part 3: Contents of a draft Development Consent Order includes updates in respect of protective provisions within DCOs. The new guidance is explicit in stating that protective provisions must not impede implementation of projects giving the example of unfettered detailed-design approval procedures which could be operated to frustrate delivery. It is the Applicant's view that some of the provisions requested by National Highways in their preferred provisions, stray into such territory. The guidance also recognises that the final drafting may need to depart from an organisation's standard template. The Applicant is of the view that the protective provisions currently within the **draft DCO [AS-009]** represent a fair balance to which the guidance indicates. Despite that, as noted, the Applicant is willing and committed to continuing discussions with National Highways in respect of the outstanding drafting points. The indemnity sought under 5.3.1 and 5.3.5 is answered in the response to RR-1967/21. National Highways' consent before compulsory acquisition powers are

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		exercised, under 5.3.6, is answered in the response to RR-1967/22.
RR-1967/17	5.5 A heavily amended version of the NH preferred protective provisions was included by the Applicant at Schedule 11 Part 8 of the draft DCO. This version is not agreed by NH. It omits almost all of the key protections which NH requires in order to ensure the integrity of its network and the protection of the public. These include:	This is noted, and each point responded to in RR-1967/18 to RR-1967/23.
RR-1967/18	5.5.1 Bond – the Applicant has removed the obligation to provide a bond of up to 200% of the cost of the works which affect the SRN. In this case, this would include the cable crossing works and the works taking place above the SRN. NH does not have recourse to an emergency budget for repair works necessitated by damage or defects caused by third party works. By removing the bond – and the indemnity provisions - the Applicant is asking the Secretary of State to authorise that any damage or defect which occurs to the SRN as a direct result of the Authorised Development (and caused by the Applicant) should be rectified and paid for by the taxpayer. Its position is that the public should subsidise any failure on its part to carry out its works diligently and to a satisfactory standard. This position is simply not acceptable. It would not be acceptable if the Applicant were a housing developer seeking to make alterations or adaptations to the local road network. It has not been acceptable on any other solar DCOs which have included comparable powers over the SRN. It should not be acceptable in this case. See paragraph 2.1(c) above in relation to the position of both the ExA and the Secretary of State on this on the recent Gatwick Airport Northern Runway DCO, finding that the absence	The Applicant is continuing to engage constructively with National Highways in respect of the draft protective provisions in Part 8 of Schedule 11 to the **draft Development Consent Order (DCO) [AS-009]**. The Applicant acknowledges that the bond provisions are a point of disagreement between the parties and welcomes further discussions with National Highways as to how agreement can be reached over these provisions.

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	of the bond in NH's protective provisions amounts to a serious detriment under s127 of the Planning Act 2008. This provision has been imposed on many made DCOs in the energy sector and has also been accepted by the Applicants of Fosse Green Solar Farm DCO, Green Hill Solar DCO, Great North Road Solar DCO and Norwich to Tilbury DCO, the bond provisions being accepted in respect of the HDD works beneath the carriageway specifically.	
RR-1967/19	5.5.2 DBFO – the Applicant has removed the drafting which allows any DBFO contractor to benefit from the protective provisions, where the part of the SRN subject to the Authorised Development is controlled and managed under a DBFO contract. This provision has no detriment to the Applicant, so its removal is not justified. This provision was most recently accepted in final draft DCO in Fosse Green Solar DCO examination, Green Hill Solar DCO examination, the Great North Road Solar DCO examination and the Norwich to Tilbury DCO examination and is well precedented in many other made DCOs.	As part of negotiations on the draft protective provisions for the benefit of National Highways in Part 8 of Schedule 11 to the **draft Development Consent Order (DCO) [AS-009]**, the Applicant has requested confirmation from National Highways as to whether there is a DBFO contract in place for the M18. The Applicant has not yet received a response from National Highways and so does not have any clarity over whether such provisions are required under the draft protective provisions.
RR-1967/20	5.5.3 Restrictions on powers – the Applicant has removed the drafting in NH's protective provisions which requires the Applicant to obtain NH's consent before exercising specific powers on the SRN. This would include powers such as discharge of water (which is expressly prohibited in Government Guidance), or the carrying out of Street Works, which NH will only accept via the Applicant agreeing to the terms of it standard s50 street works licence (rather than the much less regulated/controlled provisions in the draft Order). NH recognises that these provisions	The powers National Highways names are subject to National Highways' consent or control within the draft protective provisions in Part 8 of Schedule 11 to the **draft Development Consent Order (DCO) [AS-009]**, as follows: • Discharge of water: National Highways' highway drainage assets are protected by paragraph 117 of the protective provisions. The undertaker must not, in reliance on any power under the Order, interfere with or impair their functioning. It must allow

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	place additional controls on the Authorised Development, however many of these provisions are unlikely to be engaged and therefore consent will not be required. The Applicant has however sought wider powers than it strictly requires over the SRN and so NH considers these restrictions to be the optimal way in which to control excessive use of DCO powers over its network. This provision has been imposed on many made DCOs in the energy sector and has also been accepted by the Applicants of Fosse Green Solar Farm DCO, Green Hill Solar DCO, Great North Road Solar DCO and Norwich to Tilbury DCO.	National Highways access to them on reasonable request or, in an emergency, on demand. The owners of a "public sewer or drain" that article 19 allows to be used are listed in article 19(8)(a) of the draft DCO , and do not include National Highways. • Works on the network: no SRN works may start without National Highways' approval of the road safety audit recommendations, programme and detailed design, including details of proposed road space bookings (paragraph 108(1) of the draft protective provisions). • Street works: alteration of the layout of a street not listed in Schedule 4 of the draft DCO, needs the prior written consent of the street authority, which for the strategic road network (SRN) is National Highways (article 12(4)). Any such works on the SRN are also SRN works, subject to the approvals in paragraph 108(1) and a road space booking under paragraph 109(2) of the draft protective provisions. The Applicant's position is therefore that a general requirement for National Highways' consent before specific powers are exercised on the SRN is not needed.
RR-1967/21	5.5.4 Indemnity – the Applicant has removed NH's indemnity from the protective provisions. The indemnity is a non-negotiable provision to NH, particularly where the Applicant is proposing works over and below the SRN. NH should be held harmless from any work carried out on or above its network to ensure the ongoing integrity of the SRN. The Applicant has agreed	The Applicant is continuing to engage constructively with National Highways in respect of the draft protective provisions in Part 8 of Schedule 11 to the **draft Development Consent Order (DCO) [AS-009]**. The Applicant acknowledges that the indemnity provision is a point of disagreement between the parties and welcomes

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	to provide an indemnity to Network Rail in Schedule 11, Part 7 – so it is not clear why NH has not been afforded the same level of protection given the significant interface with the SRN. See paragraph 2.1(c) above in relation to the position of both the ExA and the Secretary of State on this on the recent Gatwick Airport Northern Runway DCO, finding that the absence of an uncapped indemnity in NH's protective provisions amounts to a serious detriment under s127 of the Planning Act 2008. This provision was most recently accepted in the final draft DCO in the Fosse Green Solar DCO examination, Green Hill Solar DCO examination, Great North Road Solar DCO examination and the Norwich to Tilbury DCO examination and is well precedented in many other made DCOs.	further discussions with National Highways as to how agreement can be reached over this. The Applicant acknowledges that the draft protective provisions incorporated within the application version of the **draft DCO [APP-17]** did not include an indemnity provision. However, since submission of the application, the Applicant shared a copy of the protective provisions with National Highways, in August, which contains an indemnity provision which is acceptable to the Applicant. The Applicant has not yet received comments from National Highways on the latest revision of the draft protective provisions shared but welcomes comments in respect of this provision.
RR-1967/22	5.5.5 Land – the Applicant has removed the clauses which require the Applicant to seek the consent of NH (not to be unreasonably withheld or delayed) before exercising its compulsory acquisition powers over the SRN. The Applicant will argue that this provision acts as a veto on the lawful exercise of powers of compulsory acquisition, which have been granted to it under a DCO. NH disagrees with this position, on the basis that there is no reason that voluntary agreement cannot be reached on the grant of the necessary rights. NH is not a private developer – it is a strategic highway company with strict regulatory restrictions on the use of its operational estate. If voluntary grant of rights is, for whatever reason, not agreed, then this provision does not veto the operation of compulsory acquisition powers – it simply requires that they be exercised in a manner in which NH can facilitate alongside other planned	The Applicant notes National Highways' comments in respect of the Applicant's removal of the "veto" provisions in National Highways' preferred protective provisions. Since the submission of the application, the Government guidance "*Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project*" has been updated. The revised guidance addresses the issue of the provision of a "veto" mechanisms for exercising compulsory acquisition powers in Protective Provisions. The revised guidance indicates such third parties preferred protective provisions 'should not simply negate the principal provisions of the DCO and thereby become an impediment to implementation of the project'. It is the Applicant's view, that this applies to veto powers on

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	maintenance and occupational restrictions on the network at that time. NH is obliged through its licence to support and facilitate development – however this must be done cognisant of the risks to the SRN and road users. This provision was most recently accepted in final draft DCO in the Fosse Green Solar DCO examination, Green Hill Solar DCO examination, Great North Road Solar DCO examination and the Norwich to Tilbury DCO examination and is well precedented in many other made DCOs.	compulsory acquisition which are the provisions sought by National Highways. Notwithstanding the position in the updated Government guidance, the Applicant's firm position is that a veto over compulsory acquisition powers (by requiring that acquisition of land or rights may only be by agreement or that the Order's compulsory acquisition powers may only be exercised with the consent of the statutory undertaker concerned) in favour of statutory undertakers is neither necessary nor justified given the comprehensive suite of protections already proposed by the Applicant for the benefit of National Highways. Despite the fact that negotiations between the parties are ongoing, the draft protective provisions in Part 8 of Schedule 11 to the **draft Development Consent Order (DCO) [AS-009]** already ensure that National Highways' apparatus and interests cannot be adversely affected as a consequence of compulsory acquisition powers without appropriate safeguards, controls and remedies. In those circumstances, there is no basis for the contention that an additional compulsory acquisition veto is required to prevent harm to National Highways. The result of the veto provision sought by National Highways would be the effective disapplication of powers within the draft DCO and this is positively inconsistent with Government guidance on the drafting of DCOs. While veto provisions relating to the compulsory acquisition of statutory undertaker land may be precedented in some DCOs, the relevant Government guidance now makes clear that protective provisions should not negate the Applicant's DCO powers, including with regards to compulsory acquisition.

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		The Applicant would also highlight that the Secretary of State expressly considered a "veto" provision in relation to the HyNet Carbon Dioxide Pipeline Order 2024. In that case, the decision letter records "*The Applicant considers that it cannot agree to restriction of the use of compulsory powers unless the voluntary land agreement is in place, citing that this would create a ransom situation and create risk to the delivery of the Proposed Development… The Secretary of State agrees with the ExA and is of the view that the PPs provide sufficient protection to CRT.*" Further, the Applicant notes that the recently published, Nuclear Regulatory Review 2025 3 produced by a Taskforce led by John Fingleton, recommended that model provisions for DCO drafting should be reinstated to help solve common problems occurring in the consenting of NSIPs including incorporating acceptable protective provisions for statutory undertakers which do not, in accordance with government guidance, negate other provisions of the DCO. On 26 November 2025, the Prime Minister fully endorsed the recommendations of the Review, accepting "*the principle of all the recommendations it has set out*". Additionally, on 13 March 2026, the Chancellor published an open letter to nuclear regulators and industry confirming their intention to implement the recommendations of the nuclear regulatory taskforce review. The Applicant also notes that the policy paper, "Building our nuclear nation: government response to the Nuclear Regulatory Review 20255 " published March 2026, commits to "*implementing these recommendations as quickly as possible*".

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		Finally, the refusal of compulsory acquisition veto powers is precedented. By way of one particular example, the Canal and River Trust and National Highways requested a veto power over CA rights but neither party was afforded such provisions in The HyNet Carbon Dioxide Pipeline Order 2024.
RR-1967/23	5.5.6 Dispute resolution – the Applicant has changed NH's preferred dispute resolution mechanism from expert determination to arbitration. No justification has been given to NH as to why this change was made. Expert determination is more suitable to the type of technical dispute that would arise under NH's protective provisions. It is also significantly less costly to the taxpayer than arbitration. This provision was most recently accepted in final draft DCO in the Fosse Green Solar DCO examination, Green Hill Solar DCO examination, Great North Road Solar DCO examination and the Norwich to Tilbury DCO examination and is well precedented in many other made DCOs. 5.6 All of these provisions must be reinstated.	The Applicant's position is that differences under Part 8 of Schedule 11 to the **draft Development Consent Order (DCO) [AS-009]** are determined in accordance with article 47 (paragraph 118). The Applicant is continuing to engage constructively with National Highways in respect of the draft protective provisions in Part 8 of Schedule 11 to the **draft DCO [AS-009]** and welcomes further discussions in respect of this provision.
RR-1967/24	5.7 A justification for the key provisions in NH's preferred version (Appendix 1) is set out in the table below	The Applicant notes the table that National Highways has included at paragraph 5.7 of its Relevant Representation setting out a justification for the key provisions in National Highways' preferred protective provisions. The Applicant will consider the justifications as it continues to engage constructively with National Highways over the drafting of the protective provisions in Part 8 of Schedule 11 to the **draft Development Consent Order (DCO) [AS-009]** with a view of reaching agreement on the points of disagreement.

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RR-1967/25	6. DRAFT DCO AND REQUIREMENTS 6.1 The current version of the draft DCO as submitted with the Application includes numerous Requirements in Schedule 2 which are not in a form which is acceptable to NH. NH requests approval rights in respect of the discharge of certain Requirements, including Requirements 3 (detailed design approval), 5 (construction traffic management plan), 7 (landscape and ecology management plan), 9 (fencing and other means of enclosure), 13 (decommissioning and restoration) and 15 (amendments to approved details), to the extent that the phase which is the subject of the relevant discharge application affects the SRN. The table below sets out further detail and justification for our request.	Please see the Applicant's response to RR-1967/5 above which provides a detailed submission in response to National Highways' request for amendments to the drafting of requirements 3, 5, 7, 9, 13 and 15 of Schedule 2 to the **draft Development Consent Order (DCO) [AS-009]**.
RR-1967/26	Article 2 NH proposes that a definition of "National Highways" is inserted into article 2. "National Highways" means National Highways Limited (Company No. 09346363) of Three Snowhill, Snow Hill Queensway, Birmingham, England, B4 6GA. Given that NH will need to be named in the various Requirements referred to below, NH would suggest that a definition of "National Highways" is included in the draft DCO. This is a typographical change that will not result in any additional burden on the Applicant, so detailed justification is not required. However, this definition is precedented, for example in the London	The Applicant has made the drafting change requested by National Highways and has included the requested definition of National Highways in article 2 of the **draft Development Consent Order (DCO) [AS-009]**. The next iteration of the draft DCO incorporating this change will be submitted at the next appropriate deadline.

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	Luton Airport Expansion Development Consent Order 2025 (among others).;p.,l0l;p[;[-=]	
RR-1967/27	Requirement 3 The draft DCO currently requires that the Applicant submits detailed designs to the local planning authority for approval. In the absence of any drafting to the contrary, we consider that this must include design of works being carried out on NH's operational estate (e.g. Work Numbers 2 and 5). There is currently no requirement to seek NH's approval (or even consult with NH) in respect of works being carried out on, under or over the SRN. NH requires that the design of any works set out in Schedule 1 which are to take place on, under or over the SRN be approved by NH to ensure that the design is compliant with highway technical standards and safety requirements. NH's proposed amendment to Requirement 4 is proportionate and means that the Applicant only needs to seek NH's approval in respect of design details which are relevant to the SRN. This amendment does not need to result in a duplicative control mechanism, as there is strictly no need for the local planning authority to approve the detailed design of works being carried out on the SRN. It is however appropriate that the strategic highway authority approves any works which are to take place on its network. Similar requests have been made on all current solar DCO applications before the Secretary of State for consideration.	The design of SRN works, and of cable works under the strategic road network (SRN), needs National Highways' approval under the draft protective provisions for National Highways in Part 8 of Schedule 11, Part 8 of the **draft Development Consent Order (DCO) [AS-009]**. SRN works include works to National Highways' own structures and assets, such as its bridges over the M1. The Order as a whole therefore does require National Highways' approval of the design of SRN works and of cable works under the SRN. • SRN works are any part of the authorised development that involves works to the carriageway, verge or any other part of the SRN, including glint and glare mitigation and any maintenance (paragraph 106 of the protective provisions). They cannot start until a stage 1 or stage 2 road safety audit has been carried out and its recommendations approved by National Highways. National Highways must also have approved the programme and the detailed design (paragraph 108(1)(a) to (c)), and the audit brief for all road safety audits (paragraph 108(1)(h)). The detailed design information covers site clearance, boundary environmental and mitigation fencing, earthworks with geotechnical assessments to Design Manual for Roads and Bridges (DMRB) CD622, and utilities diversions (paragraph 107). • The works must be carried out in accordance with the approved design, the DMRB and the other standards National Highways requires (paragraph

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		109(3)). Any change to the detailed design needs National Highways' approval (paragraph 108(6)). • Cable works under the SRN (Work No. 2) are trenchless works "where no works are required to or on the operational carriageway" (paragraph 106). They cannot start until National Highways has approved their detailed design and geotechnical assessment (paragraph 108(2)). No works may be carried out less than 4 metres below the carriageway without its agreement (paragraph 107(3)). • The Applicant's position is that any part of the access works in Work No. 5 on National Highways' carriageway, verge or structures, which are highway assets of National Highways, falls within "SRN works" as defined in paragraph 106 of the protective provisions. It is controlled in the same way. National Highways accepts that there is no need for the local planning authority to approve the detailed design of works on the SRN, and that the strategic highway authority should approve works on its network. The protective provisions for National Highways provide the mechanism that does this. The Applicant's position is therefore that Requirement 3 of the **draft DCO [AS-009]** should not make National Highways an approving body. Adding it would create a second approval of the same details under a different procedure.
RR-1967/28	Requirement 5	Please see the Applicant's response to RR-1967/5 above which provides a detailed submission in response to National Highways' request for amendments to the

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	NH requires that Requirement 5 is amended to include NH as an approving body for the CTMP, with regard to specific elements relevant to the SRN. The current version of Requirement 5 in the draft DCO only includes a right for NH to be consulted on the final CTMP. NH does not consider it appropriate that the local planning authority be responsible for signing off the CTMP, as the current discharge of requirements process creates unnecessary risk that NH's consultation response is lost. Requirement 18 (Applications made under Part 1) provides that where the relevant planning authority does not determine an application within the period set out in sub-paragraph (1), the relevant planning authority is deemed to have granted all parts of the application (without any condition or qualification) at the end of that period. This means that where NH is consulted and provides a consultation response on the CTMP, NH's conditions and requirements would only be built into any conditional approval of the final CTMP where the local planning authority responded within the allocated time frame. Where it doesn't respond (e.g. because of capacity constraints which are entirely outside of NH's control), NH's comments – which may contain important safety matters – would be essentially lost. The only ways to avoid this situation arising would be for the deemed consent provisions to be removed from Requirement 18 or for NH to become an approving body on Requirement 5 insofar as matters relate to the SRN. NH does not consider that it is proportionate to remove the deemed consent provisions from Requirement 18 as the Applicant should rightly expect for matters to be progressed in a timely 20 fashion.	drafting of requirement 5 of Schedule 2 to the **draft Development Consent Order (DCO) [AS-009]**. By way of summary, the Construction Traffic Management Plan (CTMP) cannot be approved until the undertaker has consulted the relevant highway authority on matters related to its functions (Requirement 5(1)of Schedule 2. "Highway authority" has the meaning in the Highways Act 1980 (article 2). That includes National Highways for the strategic road network (SRN). Further, any CTMP submitted for approval must be substantially in accordance with the outline CTMP (Requirement 5(2) of Schedule 2).The **outline CTMP [AS-011]** was developed through engagement with the relevant highway authorities, including meetings with National Highways in November 2025 (paragraph 1.3.4). It states that the CTMP will be shared with the relevant planning authority following consultation with National Highways (paragraph 1.3.5). It can be modified following further information and advice from consultees (paragraph 1.3.3). Every DCO turns on its own circumstances. In this Order, any CTMP must be substantially in accordance with an outline CTMP developed through engagement with the highway authorities, including National Highways. National Highways' consultation response goes before the discharging authority. The Applicant's position is therefore that National Highways does not need to be an approving body for the CTMP.

ID	Representation	Applicant Response
	Therefore in our view, NH should be listed as an approving body on Requirement 5. This position is now well precedented and has been accepted on the Viking CCS Pipeline DCO, East Midlands Gateway Phase 2, Tween Bridge Solar DCO and Great North Road Solar DCO.	
RR-1967/29	Requirement 7 NH requires that Requirement 7 is amended to include NH as an approving body for the LEMP, with regard to specific elements relevant to the SRN. The current version of Requirement 7 requires that the LEMP must be approved by the relevant planning authority following consultation with the Environment Agency and Natural England. There is currently no recourse for NH's comments with respect to the ecological mitigation along the SRN to be taken account of. As set out in 4.1.6, the authorised development includes a substantial amount of development immediately adjacent to the SRN resulting in residual glint and glare impacts to road users. NH has concerns around the quality and type of mitigation proposed and given the potential for impact, NH considers that its environment team should have an active role in signing off the LEMP in respect of matters adjacent to the SRN. NH is also concerned by the Applicant's proposed use of fencing as a temporary mitigation measure, when such fencing will need to be approved by NH to ensure it is safe for use on the SRN. These provisions are not currently accounted for in the DCO. As stated above in relation to the drafting of Requirement 5, if NH were made a consultee in respect of Requirement 7, there is a substantial risk that its comments would be lost as a	Please see the Applicant's response to RR-1967/5 above which provides a detailed submission in response to National Highways' request for amendments to the drafting of requirement 7 of Schedule 2 to the **draft Development Consent Order (DCO) [AS-009]**. The Applicant would also note the following points: 1) Glint and glare mitigation on the strategic road network (SRN) is subject to National Highways' approval under the protective provisions for National Highways in Part 8 of Schedule 11 to the **draft DCO [AS-009]**. The undertaker must also consult National Highways on glint and glare mitigation within a Landscape and Ecology Management Plan (LEMP) before any SRN works start. The Applicant's position is therefore that National Highways does not need to be an approving body for the LEMP. 2) Residual effects. The glint and glare assessment does not predict significant residual glint and glare effects on road users. The **Environmental Statement (ES) Appendix 16.2: Glint and Glare Report [AS-060]** concludes that, with the proposed additional mitigation, "no significant residual glare effects are predicted for road or rail receptors" (paragraph 16.2.379). 3) National Highways' role in the mitigation:

ID	Representation	Applicant Response
	result of the deemed consent provisions in Requirement 18. To counter this, we consider that NH should be listed an approving body on Requirement 7 in respect of matters concerning the SRN. Similar requests have been made on all current solar DCO applications before the Secretary of State for consideration.	National Highways was engaged on the glint and glare screening along the roads concerned. Its feedback on the location and feasibility of the screening was taken into account, and engagement continues during detailed design (**Environmental Statement (ES) Chapter 16: Other Environmental Topics [APP-068]**, paragraph 16.3.13). 4) Glint and glare mitigation measures on the SRN are SRN works (paragraph 106 of the draft protective provisions for National Highways). Their detailed design, including boundary environmental and mitigation fencing, needs National Highways' approval before they start (paragraphs 106 and 108(1)(c)). 5) The screening fences. Glint and glare fences may be up to 4 m high and will not be located within 5 m of the edge of the carriageway (**Outline Design Parameters [APP-158]**, Table 2.1). Requirement 3(2) of Schedule 2 to the **draft DCO [AS-009]** requires the detailed design to accord with the Outline Design Parameters.
RR-1967/30	Requirement 9 NH requires that Requirement 9 is amended to include NH as an approving body with regard to fencing to be erected adjacent to the SRN. The Authorised Development includes a substantial amount of development immediately adjacent to the SRN and the current mitigation proposals include fencing and other means of enclosure along the highway boundary. NH's operations team is responsible for signing off fencing and boundary treatment adjacent to the SRN, to ensure it meets current safety standards and is able to withstand inclement weather conditions without posing a safety risk to road users. The current	Please see the Applicant's response to RR-1967/5 above which provides a detailed submission in response to National Highways' request for amendments to the drafting of requirement 9 of Schedule 2 to the **draft Development Consent Order (DCO) [AS-009]**.

ID	Representation	Applicant Response
	version of Requirement 9 requires that fencing along the SRN be approved by the local planning authority without recourse to NH. This is unacceptable given the potential for safety impacts to road users on NH's network. As stated above, in relation to the drafting of Requirement 5, if NH were made a consultee in respect of Requirement 9, there is a substantial risk that its comments would be lost as a result of the deemed consent provisions in Requirement 18. To counter this, we consider that NH should be listed an approving body on Requirement 9 in respect of matters concerning the SRN. Similar requests have been made on all current solar DCO applications before the Secretary of State for consideration.	
RR-1967/31	Requirement 13 NH requires amendments to Requirement 13 to include an express approval right for NH in respect of matters relevant to the SRN. NH requires approval rights in respect of the DEMP to ensure that traffic management for the decommissioning phase of the Authorised Development is signed off by the relevant authority (i.e. NH for the SRN). The future condition of the SRN and surrounding development context cannot be known at the point of consent, so it is important that NH is in a position to approve management measures at the appropriate time. NH approval in respect of matters relating to the SRN is sought to ensure that decommissioning can be coordinated safely to the extent that reliance on the SRN is required. Given the potential impact on the SRN and the fact that its condition at that time will not be	Please see the Applicant's response to RR-1967/5 above which provides a detailed submission in response to National Highways' request for amendments to the drafting of requirement 13 of Schedule 2 to the **draft Development Consent Order (DCO) [AS-009]**.

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	known, it is reasonable and proportionate for NH to be expressly included as an approving body in the terms of Requirement 13. Where the SRN is not proposed to be used during the decommissioning phase or there are no impacts which require NH's input, no requirement to seek NH's approval will be necessary. However, where it is, that should be expressly catered for in the Requirement.	
RR-1967/32	Requirement 15 NH requires an approval right in respect of any amendments to approved details which are related to its undertaking. Given that NH requires approval rights in respect of various Requirements as set out above, it is logical that NH should similarly have approval rights in respect of any amendments to documents approved pursuant to those Requirements. More generally, NH approval is required where amendments to approved details relate to SRN safety, particularly given the potential for works beneath the M1 and M18. Development under and in close proximity to an operational motorway presents inherent safety risks. The impacts of any such amendments could therefore be severe (including risk to the public) where NH approval is not secured. Similar requests have been made on all current solar DCO applications before the Secretary of State for consideration.	Please see the Applicant's response to RR-1967/5 above which provides a detailed submission in response to National Highways' request for amendments to the drafting of requirement 15 of Schedule 2 to the **draft Development Consent Order (DCO) [AS-009]**.
RR-1967/33	7. SUMMARY AND CONCLUSIONS 7.1 For the reasons given above, NH requests to be registered as an interested party in the examination of the Application. NH objects to the Application and the	The Applicant notes National Highways' objection and is committed to further engagement through the Examination process. The Applicant will seek to agree a draft Statement of Common Ground (SoCG) with

ID	Representation	Applicant Response
	Authorised Development and requests that the NH preferred protective provisions in Appendix 1 (or a form in substantial accordance with) are incorporated into the DCO. In the absence of this, NH maintains that the Authorised Development results in a serious detriment to the SRN pursuant to s.127(5) Planning Act 2008.	National Highways as recently directed by the Examining Authority. This which will submitted at Deadline 1.

3.18 ERG UK Holding Limited (submitted by Shepherd and Wedderburn LLP) [RR-0796]

ID	Representation	Applicant Response
Shepherd and Wedderburn LLP on behalf of ERG UK Holding Limited (RR-0796)		
RR-0796/1	1.6 While the Applicant purports to have excluded PHWFL's leased areas from the Order land, ERG is concerned that the excluded areas may not accurately reflect the leased areas. ERG is also concerned that the excluded areas are not sufficient to allow the safe operation, maintenance and eventual decommissioning of the Wind Farm. The leases PHWFL has with the Landowners grant rights to use the land adjoining the leased areas as required for the operation of the Wind Farm. The leases also include the right to retain an area of permanent hardcore for the purpose of locating a crane. Where parts of the existing PHWFL hardstanding areas fall outside the leased areas, these need to be left clear for the purpose of ongoing maintenance and decommissioning. The right to access the hardstanding areas over the term of the lease is included within the existing leases with the Landowners. These areas of hardstanding were installed during construction and remain in place, with some parts of the hardstanding situated outside the leased areas. The Land Plans and Works Plans [APP-010] appear to show parts of the hardstanding areas being covered with solar panels, which if permitted will compromise PHWFL's ability to safely operate the Wind Farm. ERG would welcome urgent discussion with the Applicant to ensure that such	**Land Plans [**APP-009**]**, Sheets 14, 17 and 18, exclude circular areas shown in yellow around Penny Hill Wind Farm Limited's ('PHWFL') turbines from the Order Limits. On Sheet 14, the private access track in Plot 14-16 crosses one of these areas. Shared access rights are sought over that access track. In response to PHWFL's targeted consultation feedback, the Applicant reviewed the design and "*included a setback accordingly to remain outside the Penny Hill leased area and to avoid impacting the operation of the turbines*" (**Consultation Report Appendix G: Targeted Consultation [APP-032]**, Appendix G2.1, pages 42-43). If PHWFL require further clearance for maintenance activities, such as installing crane pads and laydown areas, PHWFL would need to avoid adversely affecting the Proposed Development. The Applicant requests that ERG provide a plan showing the location and size of the existing hardstanding areas for consideration. As noted in the **Planning Statement [AS-015]**, paragraph 2.2.12, "*appropriate buffers have been given to the turbines within the design of the Proposed Development*". Within the Penny Hill Wind Farm Height Restriction Area shown on **Environmental Statement (ES) Figure 5.2 [APP-073]**, solar PV modules and power conversion station enclosures may not exceed 3m in height.

ID	Representation	Applicant Response
	adjoining land to the leased areas needed for the continuing safe operation of the Wind Farm are fully excluded from the Order land.	Elsewhere in the Proposed Development, the height limits for the PV modules and power conversion station enclosures are 3.8m and 3.5m respectively as set out in **ES Chapter 5: The Proposed Development [APP-057]** (paragraphs 5.4.10 and 5.4.20) and in the **Outline Design Parameters [APP-158]** (Table 2.1). These are secured with Schedule 2, Requirement 3(2) of the **dDCO [AS-009]** which requires the detailed design to accord with the Design Approach Document and the Outline Design Parameters. The only exception is where the relevant planning authority is satisfied that no materially new or materially different environmental effects would result. PHWFL's rights under its leases over land within the Order Limits are recorded in the **Book of Reference [EN0110020/APP/4.3.1]**, Parts 1 and 3. Most of them are rights of access granted by leases dated 9 and 14 December 2011. Article 26(7) of the **draft DCO [AS-009]** allows any such right to be preserved by notice or by agreement with the holder. As noted in the **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** "*Discussions are ongoing between the Affected Person and the Applicant regarding the interface between each parties' project.*" The Applicant's position is that the Order Limits exclude the Penny Hill Wind Farm leased turbine areas, and that the design allows the continued operation of the turbines. For these reasons, the Applicant considers that no further land needs to be removed from the Order Limits. The Applicant will seek to agree a Statement of Common Ground with ERG as recently directed by the Examining Authority. This which will submitted at Deadline 1.

ID	Representation	Applicant Response
RR-0796/2	2.1 PHWFL is noted in the Book of Reference [APP-022] as having a Category 1 interest (as tenant and occupier) in Plot 14-16, over which the Applicant seeks powers of compulsory acquisition of rights and temporary possession powers. 2.2 PHWFL is noted as having a Category 2 interest (pursuant to its leases) over a number of plots over which the Applicant seeks powers of compulsory acquisition of land: Plots 14-1, 14-2, 14-5, 14-8, 14- 13, 14-15, 14-23, 14-27, 17-2, 17-4, 18-2, 18-4, 18-7, and 18-13. 2.3 There are also Plots over which the Applicant seeks powers of compulsory acquisition where PHWFL are not noted as having a Category 2 interest, but where ERG consider it is likely that PHWFL does have a Category 2 interest pursuant to its leases. These are Plots 14-7, 14-20, 14-22, 14-28, 17-7, 18- 1, and 18-11. ERG would welcome the Applicant's explanation as to why it has not included PHWFL in the Book of Reference for these Plots, or for the Book of Reference to be updated accordingly. 2.4 PHWFL is noted as having a Category 2 interest (pursuant to its leases) over a number of plots over which the Applicant seeks powers of compulsory acquisition of rights and temporary possession 2 Throughout this Relevant Representation, where reference is made to the Applicant seeking powers of compulsory acquisition of rights, this should be read as also referring to powers of imposition of restrictive covenants. E2417.1 1023823468 7 CWI 3 powers: Plots 14-3, 14-4, 14-14, 14-16, 14-17, 14-24, 14-25, 14-26, 17-3, 17-5, 18-3, 18-5, 18-8, and 18-12.	The Applicant notes the location of PHWFL's land interests and that additional rights in land have been flagged by PHWFL. These rights have been included in the updated version of the **Book of Reference [EN0110020/APP/4.3.1]**.

ID	Representation	Applicant Response
	2.5 Again, there are also additional Plots over which the Applicant seeks powers of compulsory acquisition of rights and temporary possession powers over which it is likely PHWFL has a Category 2 interest pursuant to its leases. These are Plots 13-6, 14-21, 18-6, 18-9, and 18-10. These interests should be added to the Book of Reference. As above, the Applicant should explain why it has not included these interests, or update the Book of Reference.	
RR-0796/3	2.6 Save in relation to Plot 14-16, the Applicant has excluded the areas over which PHWFL has leases for its six wind turbines. However, as set out in the Book of Reference, PHWFL has extensive rights under its leases over land included within the Order Limits. These rights are essential for the safe operation of the Wind Farm. 2.7 As demonstrated in the Works Plans, the Applicant is proposing to install solar panels around the leased footprint of four of the six turbines (with a narrow buffer of green infrastructure and habitat management between the turbines and the solar panels), and to create areas of green infrastructure and habitat management around the footprint of three turbines (one turbine being surrounded by solar panels to the north and green infrastructure and habitat management to the south).	As set out in the **Book of Reference [EN0110020/APP/4.3.1]**, for Plot 14-16 the Applicant is seeking new rights over 575.52 square metres of private access track south of Brampton Lane, as delineated in blue on Sheet 14 of the **Land Plans [APP-009]** . PHWFL is recorded as a lessee and occupier of Plot 14-16. The rights sought are for Work Nos. 2 (cables) and 5 (access) as set out in the **Statement of Reasons [APP-020]**, Appendix A and in Schedule 8 of the **dDCO [AS-009]**. On review this is a typographical error and only Work No 5 is relevant to Plot 14-16. The **Statement of Reasons [APP-020]**, and Schedule 8 of the **dDCO [AS-009]** will be updated and revised versions submitted to the examination in due course. The arrangement of solar panels and green infrastructure around the turbine leased areas reflects the design constraints the Applicant applied around the Wind Farm. As noted above, within the Penny Hill Wind Farm Height Restriction Area shown on **Environmental Statement (ES) Figure 5.2 [APP-073]**, solar PV modules and power conversion station enclosures will not exceed 3m in height. Elsewhere the height limits are 3.8m and 3.5m respectively (**ES Chapter 5: The Proposed**

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		Development [APP-057], paragraphs 5.4.10 and 5.4.20 and **Outline Design Parameters [APP-158]**, Table 2.1). The Applicant will seek to agree a Statement of Common Ground with ERG as recently directed by the Examining Authority. This which will submitted at Deadline 1.
RR-0796/4	2.8 Plot 14-16 cuts across the footprint for one of the wind turbines, and while the Applicant does not appear to propose to carry out any works on this Plot, it does (as set out above), seek the compulsory acquisition of rights. 2.9 Notwithstanding the number of Plots in which PHWFL has an interest, in particular Plot 14-16 (where it has an interest as tenant and occupier), the Applicant has not included PHWFL in the Land and Rights Negotiations Tracker [APP-023], and no attempt has been made to obtain PHWFL's consent to the grant of new rights to the Applicant in relation to Plot 14-16.	The proposed acquisition of new rights over Plot 14-16 is required to facilitate Work No. 5 (access), as described in Schedule 1 to the **dDCO [AS-009]**. Schedule 8 of the dDCO [AS-009] lists the purpose for acquisition of rights for plot 14-16 as Works No. 2 and 5. On review this is a typographical error and only Work No 5 is relevant to Plot 14-16. The **Statement of Reasons [APP-020]**, and Schedule 8 of the **dDCO [AS-009]** will be updated and revised versions submitted to the examination in due course. PHWFL is included in the **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** under the section titled 'Section 2: Status of Negotiations with Statutory Undertakers'. The submission version of the **Land and Rights Negotiations Tracker [APP-023]** recorded that discussions are ongoing between ERG and the Applicant regarding the interface between both parties' projects and that the agreement is under review. In October 2026, the Applicant concluded that a legal agreement would be necessary with PHWFL and the Applicant will issue detailed Heads of Terms to PHWFL to seek to ensure the Wind Farm and Proposed Development can co-exist. These Heads of Terms relate to the shared use and maintenance obligations for access roads within the Site. The Applicant will continue to engage with PHWFL to resolve any concerns with a

ID	Representation	Applicant Response
		view to agreeing terms on a voluntary basis. It is expected that agreement can be reached before the close of Examination. Any material updates will be included in the **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** at the appropriate deadline.
RR-0796/5	2.10 The Applicant carried out non-statutory targeted consultation between 4 March and 3 April 2026. ERG responded to this consultation on 2 April 2026, setting out its significant concerns regarding the proximity of the proposed solar panels to the operational wind turbines, compromising the ability to safely operate and maintain the Wind Farm. The consultation response set out the key technical concerns regarding interactions with the proposed Project and the Wind Farm. In summary: 2.10.1 By excluding only the leased area from the Order Limits, and encircling the existing turbines with solar panels and green infrastructure, there is not adequate space allowed for all potential maintenance activities required for the turbines, which may include replacement of major components including turbine blades. Replacement of main components would require main and auxiliary cranes and lifting gear, and adequate space for positioning, manoeuvring and component laydown. Adequate space is required not just around the hard standing area at the turbine, but also along the access route, with consideration needing to be given to swept paths and ensuring appropriate passing places for specialised (long) vehicles. PHWFL has rights to use the Landowners' properties for these purposes, which do not appear to have been given any consideration by the Applicant. The Project would	The Applicant began engagement with Penny Hill Wind Farm Limited and its parent company, OnPath Energy Limited from December 2024. On Path requested that the solar array infrastructure be situated outside their leased area. They also informed the Applicant about a 3m height restriction area. The Applicant was informed in March 2026 that OnPath Energy Limited would no longer be the owner of the wind farm. The Applicant can provide evidence of correspondence with On Path. The Applicant then contacted the new owner, ERG UK Holding Limited (ERG) and commenced engagement. ERG responded to the Applicant's targeted consultation in April 2026 and the Applicant noted those comments. The Applicant's position is that the leased turbine areas are excluded from the Order Limits as shown in excluded circular yellow areas on Sheets 14, 17 and 18 of the **Land Plans [APP-009]**. On Sheet 14, the private access track in Plot 14-16 crosses one of them, and the Applicant only seeks new rights over that access track, as set out in the **Statement of Reasons [APP-020]** and Schedule 8 of the **draft Development Consent Order (DCO) [AS-009]**. The private access tracks themselves will not be acquired. The Applicant would use private roads under article 17 of the **draft DCO [AS-009]** "*in common with other permitted users*", because "*the Applicant does not require the exclusive use and possession of the private roads while*

ID	Representation	Applicant Response
	prevent PHWFL from being able to safely maintain the existing, operational turbines comprising the Wind Farm. ERG's position is that the Applicant should amend the draft Development Consent Order [AS-009], Land Plans and Works Plans to provide for an appropriate level of separation between the Project and the Wind Farm	*exercising this power*" (**Explanatory Memorandum [APP-018]**, paragraphs 4.18.1 and 4.18.2). Where PHWFL's rights of access cross land to be acquired outright, article 26(7) of the **draft DCO [AS-009]** allows them to be preserved by notice or agreement. The Applicant's position is that the Proposed Development would not prevent PHWFL from maintaining the turbines. For the reasons above, the Applicant considers that the draft DCO, Land Plans and Works Plans do not need amending to add any further separation.
RR-0796/6	2.10.2 Similarly, there is not adequate space allowed for decommissioning of the turbines. The planning permission for the Wind Farm includes conditions requiring PHWFL to decommission the turbines and their associated equipment, and restoration of the land to agricultural use, including the private access tracks over which the Applicant is seeking powers of compulsory acquisition of rights. The Project would prevent PHWFL from being able to comply with the conditions of its planning permission in relation to decommissioning the turbines. As above, the draft Development Consent Order, Land Plans and Works Plans should be amended to provide for an appropriate level of separation.	As detailed above, the Applicant's position is that the leased turbine areas are excluded from the Order Limits and that "*appropriate buffers have been given to the turbines within the design of the Proposed Development*" (**Planning Statement [AS-015]**, paragraph 2.2.12).. The Applicant's use of private roads under article 17 of the **draft Development Consent Order (dDCO) [AS-009]** is non-exclusive (**Explanatory Memorandum [APP-018]**, paragraph 4.18.2). Over the track plots only new rights are sought. PHWFL's existing rights are extinguished only in so far as they would be inconsistent with the new right (**dDCO [AS-009]**, article 26(2)). Where PHWFL's rights of access cross land to be acquired outright, article 26(7) of the **dDCO [AS-009]** allows them to be preserved by notice or agreement. The Applicant's position is that the Proposed Development would not prevent PHWFL from decommissioning the turbines in line with its planning permission and considers that the draft DCO, Land Plans and Works Plans do not need amending to add any further separation.

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RR-0796/7	2.10.3 The Applicant has advised ERG that it intends to use the private access tracks (built or upgraded by PHWFL to access its turbines) for construction traffic and for operation and maintenance access during the operational phase of the Project. The Applicant is seeking compulsory acquisition of rights over the private access tracks. PHWFL's decommissioning obligations under the planning permission for the Wind Farm and its leases with its landlords include a requirement to remove the private access tracks. PHWFL is also under an obligation in its leases to keep the private access tracks in good and suitable repair and condition. PHWFL consider a legal agreement is required to regulate repair and maintenance of the private access tracks required due to use for the purposes of the Projects, to ensure security of the private access tracks from unauthorised access is maintained, and to allow retention of the access tracks at the end of PHWFL's leases. Without this, PHWFL would be required to bear the costs of repair and maintenance due to the Project, and the Project's ongoing use of the private access tracks would prevent PHWFL from being able to comply with the terms of its leases in relation to decommissioning the private access tracks. Further, ERG considers provision is required in the Development Consent Order itself to allow for retention of the private access tracks notwithstanding the terms of PHWFL's planning permission. Without this, the Project's ongoing use of the private access tracks would prevent PHWFL from being able to comply with the conditions of its planning permission in relation to decommissioning the private access tracks. It is also unclear whether the	The Applicant notes ERG's comments on the private access tracks. [The Applicant has had initial engagement with [ERG and/or PHWFL] in relation to a separate legal agreement in relation to the management of the private access tracks.] However, the Applicant is considers the dDCO provides adequate provision, in relation to repair and maintenance of the tracks, article 17(2) of the **draft Development Consent Order (dDCO) [**AS-009**]** provides that "*The undertaker must pay reasonable compensation to the person liable for the repair of a road to which paragraph (1) applies for any loss or damage*" from the Applicant's use. Where PHWFL is liable for the repair of a track, it would therefore be entitled to reasonable compensation for loss or damage caused by that use. Once the Proposed Development is operational, maintenance visits are expected once per week on average to any one area of the Site, by van or similar vehicle (**Environmental Statement (ES) Chapter 13: Traffic and Transport [**AS-025**]**, Tables 13.1 and 13.2). Where temporary possession is taken, article 33(6) of the **dDCO [**AS-009**]** requires restoration to the owner's reasonable satisfaction, subject to the exceptions listed in article 33(6)(a) to (g). Site security during construction, operation and decommissioning of the Proposed Development is addressed through management plans secured by Requirements in Schedule 2 of the **dDCO [**AS-009**]**. These are the **outline Construction Environmental Management Plan (oCEMP) [**APP-042**]**, paragraph 1.3.7; the **outline Operational Environmental Management Plan (oOEMP) [**APP-043**]**, paragraph

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	application provides for alternative access routes to the Project if PHWFL require to close access tracks around the turbines during maintenance works for health and safety reasons.	1.3.22; and the **outline Decommissioning Environmental Management Plan (oDEMP) [**APP-044**]**, paragraph 3.10.1. Details of temporary and permanent fences and enclosures must be approved under Schedule 2, Requirement 9 of the **dDCO [**AS-009**]**. Retention of the tracks and PHWFL's decommissioning obligations: Work No. 5 in Schedule 1 of the **dDCO [AS-009]** authorises works to facilitate access, including "works to widen and surface the street and private means of access". The rights sought over the track plots are for that purpose. Article 42(2) of the **dDCO [AS-009]** deals with development granted planning permission under the 1990 Act, to the extent that it is inconsistent with authorised development carried out under the Order. Such development "may continue to be carried out or used notwithstanding that inconsistency and is deemed not to be a breach of this Order and may not be enforced against under the 1990 Act by reason of such inconsistency". Article 42(5) of the **dDCO [AS-009]** defines an inconsistency as a physical conflict, or a circumstance in which development is no longer capable of being physically implemented or otherwise operated in accordance with its permission. Alternative access when PHWFL closes a track: the Applicant's use of the tracks under article 17 is non-exclusive (**Explanatory Memorandum [APP-018],** paragraph 4.18.2). Construction traffic is managed under the Construction Traffic Management Plan (CTMP) secured by Requirement 5. The **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** records, for PHWFL, that "The need for a land agreement is under review and will be progressed if required, although no

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		agreement is expected to be needed between the Affected Person and the Applicant." The Applicant's position is that, for these reasons, a new DCO provision is not needed.
RR-0796/8	2.10.4 The proximity of solar panels to the turbines may prevent adequate access to the turbines by emergency services in the event of an emergency, imposing on the ability of PHWFL to safely operate the Wind Farm. As above, an appropriate level of separation should be provided.	The Applicant's position is that the leased turbine areas are excluded from the Order Limits. The exception is where the private access track in Plot 14-16 crosses the area excluded around one turbine (**Land Plans [APP-009]**, Sheet 14). The Applicant seeks new rights over the private access tracks for access, rather than their acquisition. Its use of private roads under article 17 of the **draft Development Consent Order (DCO) [AS-009]** is shared with other permitted users rather than exclusive (**Explanatory Memorandum [APP-018]**, paragraph 4.18.2). Over the track plots, where only new rights are sought, PHWFL's existing rights are extinguished only in so far as their continuance would be inconsistent with the new right (**draft DCO [AS-009]**, article 26(2)). Where PHWFL's rights of access cross land to be acquired outright, article 26(7) of the **draft DCO [AS-009]** allows them to be preserved by notice or agreement. Temporary possession of land may be taken under article 33 or 34 of the **draft DCO [AS-009]**. Private rights are then suspended only in so far as their continuance would be inconsistent with the purpose of that possession (article 26(4)). Possession under article 34 may last only as long as is reasonably necessary to carry out the maintenance (article 34(5)).

ID	Representation	Applicant Response
		The Applicant's position is that the Proposed Development would not prevent emergency access to the turbines.
RR-0796/9	2.10.5 ERG have concerns as to whether appropriate space would be allowed next to the existing private access tracks to allow PHWFL to access buried inter-turbine cabling, and the Wind Farm's high voltage power export cable. ERG is also reviewing whether any inter-turbine cabling is buried away from the tracks, underneath the land which the Applicant proposes to use for solar panels and green infrastructure and habitat management.	The Order seeks new rights over the private access tracks rather than their acquisition. The Applicant's use of them under article 17 of the **draft Development Consent Order (dDCO) [AS-009]** is non-exclusive (**Explanatory Memorandum [APP-018]**, paragraph 4.18.2). Over plots where only new rights are sought, including the track plots, existing private rights are extinguished only in so far as their continuance would be inconsistent with the new right (**dDCO [AS-009]**, article 26(2)). Where PHWFL's rights lie over land to be acquired outright, article 26(7) of the **dDCO [AS-009]** allows them to be preserved by notice or agreement. The **outline Construction Environmental Management Plan (oCEMP) [APP-042]**, paragraph 1.3.13, provides for below-ground utilities to be identified through utility searches and engagement with statutory undertakers. It also provides for safe methods of working, stand-off distances and exclusion zones to be agreed before construction. For existing infrastructure generally, the **following measures** are secured through the CEMP under Requirement 4 of the **dDCO [AS-009]**: - the design will incorporate protective measures to safeguard existing infrastructure; - cables crossing existing utilities will be laid at about 90 degrees where possible and at least 0.6m above or below them.

ID	Representation	Applicant Response
		The detailed layout of cables must be approved under Requirement 3(1)(g) of the **dDCO [AS-009]** before that part of the development commences. Where the exercise of Order powers interferes with a right of PHWFL, article 27(3) of the **dDCO [AS-009]** provides compensation. The Applicant's position is that the Proposed Development would not prevent PHWFL from reaching its buried cables.
RR-0796/10	2.10.6 There are also concerns as to whether the Applicant has given consideration to the potential for 'ice throw' from turbines, which poses risk to workers at the Project and may damage solar panels. The Applicant's response to ERG's consultation response was that this was a risk for PHWFL to manage. This would ordinarily be managed through leases with the Landowners, which impose restrictions on the use of adjoining property. However, as discussed in section 3 below, the Applicant is seeking compulsory powers which would override the restrictions set out in the leases.	The Applicant's position is that the turbine leased areas, which ERG says extend to the span of the blades, are excluded from the Order Limits. The Applicant has included a setback "**to remain outside the Penny Hill leased area**" (**Consultation Report Appendix G: Targeted Consultation [APP-032]**, Appendix G2.1, printed pages 42 to 43). The Applicant's view is that PHWFL as a responsible developer would have carried out assessments pre-construction to ensure a sufficient buffer within its lease area to mitigate ice throw impacts on members of the public and nearby public rights of way. **Land Plans [APP-009]**, Sheets 14, 17 and 18, exclude circular areas around the turbines from the Order Limits. On Sheet 14, the private access track in Plot 14-16 crosses one of them, and only new rights are sought over that track. Within the Penny Hill Wind Farm Height Restriction Area, panels and power conversion station enclosures are limited to 3m in height (**ES Chapter 5: The Proposed Development [APP-057]**, paragraphs 5.4.10 and 5.4.20; **ES Figure 5.2 [APP-073]**). The **Book of Reference [EN0110020/APP/4.3.1]**, Part 3, records restrictive covenants contained in a PHWFL lease on Plot 14-8. Where the exercise of Order powers breaches a restriction as to the user of land arising by

ID	Representation	Applicant Response
		contract, article 27(1) of the **draft Development Consent Order (dDCO) [AS-009]** authorises the activity. Compensation is provided by article 27(3) to the person with the benefit of the restriction, and by article 26(5) where a right is extinguished.
RR-0796/11	2.10.7 There is a proven, good wind resource at the Wind Farm, and ERG is considering options for extending the permitted operational lifetime of the Wind Farm, or repowering the Wind Farm with larger, more modern turbines. At this point in time, it is anticipated that the capacity of the Wind Farm could also be increased to 31.5MW during repowering, and it is likely that at the point of repowering the increased capacity could be even greater. Life extension will require continued maintenance of the turbines, while repowering would require space to decommission the existing turbines and construct the new turbines. The location of repowered turbines would likely be different from the existing turbines due to the E2417.1 1023823468 7 CWI 5 need to increase inter-turbine spacing for larger turbines. The Applicant's approach to siting of solar panels so close to the existing turbines would limit the flexibility available, limiting the number of turbines which could be included in any repowering application. The new National Planning Policy Framework, published on 17 August 2026, is supportive of repowering and life extension. Policy W3 states that "In considering proposals for renewable and low-carbon energy development and electricity network infrastructure, substantial weight should be given to … In the case of applications for the re-powering and life-extension of existing sites, the additional benefit of	The Applicant is not aware that PHWFL or ERG have made an application or scoping request for repowering or life extension of the Wind Farm. If such an application has been made, the Applicant requests PHWFL or ERG inform the Applicant. The Applicant's cumulative assessment takes into account development that is under construction, approved or the subject of a submitted application. It also takes into account development at scoping, or identified in plans, where reasonably likely to come forward (**Environmental Statement (ES) Chapter 17: Cumulative Effects Assessment [APP-069]**, paragraph 17.4.19). A repowering scheme at an options stage does not meet those criteria. It does not appear in the long list of developments (**ES Appendix 17.2: Long List of Developments for Cumulative Effects Assessment [APP-154]**). Life extension of the existing turbines would rely on the same maintenance access provisions as currently in place.

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	utilising an established site for this purpose…" While DCO applications must be determined in accordance with the National Policy Statements, Policy W3 demonstrates Government support for the principle of repowering the Wind Farm. The repowering potential of the Wind Farm should be protected, whereas the Applicant's proposals would severely limit, if not sterilise, the site for repowering.	
RR-0796/12	2.11 Given the need to allow adequate space for operational maintenance and decommissioning, and the need for set off between the turbines and other developments for safety reasons, it is ERG's view that no responsible developer would place wind turbines and solar panels within such close proximity as the Applicant is proposing for the Project, and that the current proposals for the Project are not compatible with the ongoing operation of the existing Wind Farm. Similarly in relation to repowering, ERG consider it would be possible for the Project and a repowered Wind Farm to co-exist, if the Applicant engaged with ERG's concerns, and sought to appropriately design the Project to allow for co-existence with the Wind Farm.	The design of the Proposed Development was drawn to co-exist with the Wind Farm. The Applicant's position is that the leased turbine areas are excluded from the Order Limits, the Applicant having included a setback "*to remain outside the Penny Hill leased area*" (**Consultation Report Appendix G: Targeted Consultation [APP-032]**, Appendix G2.1, printed page 42). The exception is where the private access track in Plot 14-16 crosses the area excluded around one turbine (**Land Plans [APP-009]**, Sheet 14). Buffers were given to the turbines (**Planning Statement [AS-015]**, paragraph 2.2.12). Panels and power conversion station enclosures are limited to 3m in height within the Penny Hill Wind Farm Height Restriction Area (**ES Chapter 5: The Proposed Development [APP-057]**, paragraphs 5.4.10 and 5.4.20; **ES Figure 5.2 [APP-073]**). The private access tracks are subject to new rights rather than acquisition. The Applicant's use of the access tracks m under article 17 of the **draft Development Consent Order (dDCO) [AS-009]** is non-exclusive (**Explanatory Memorandum [APP-018]**, paragraph 4.18.2). On ERG's point about set-off for safety reasons, separation between the turbines and the Proposed

ID	Representation	Applicant Response
		Development is provided by three measures described above: the setback from the leased areas, the buffers given to the turbines, and the height limits within the Height Restriction Area. The **Planning Statement [AS-015]**, paragraphs 8.1.62 to 8.1.64, sets out paragraph 2.5.2 of the National Policy Statement EN-3, including co-existence with other terrestrial uses. It refers to Section 5 of the Planning Statement and the **Design Approach Document [APP-040]** for the Applicant's compliance with design policy. The **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** records that "Discussions are ongoing between the Affected Person and the Applicant regarding the interface between each parties' project." The Applicant's position is that the Proposed Development is compatible with the continued operation of the Wind Farm.
RR-0796/13	2.12 In response to ERG's targeted consultation response, the Applicant's response, as set out in Appendix G [APP-032] of the Consultation Report is narrowly focused on concerns regarding layout, and simply states: "The Applicant has included a setback accordingly to remain outside the Penny Hill leased area and to avoid impacting the operation of the turbines. If further clearance is required for maintenance activities such as installing crane pads and laydown areas, it will have to be done in a manner that does not adversely affect the Applicant's development, and the Applicant would need to be adequately compensated if there is an impact on the operation of our development or generation revenue." 2.13 This response demonstrates a fundamental lack of understanding as	The Applicant's response recorded in **Consultation Report Appendix G: Targeted Consultation [APP-032]**, Appendix G2.1, records that the Applicant "*included a setback accordingly to remain outside the Penny Hill leased area and to avoid impacting the operation of the turbines*". The design also limits panels and power conversion stations to 3m in height within the Penny Hill Wind Farm Height Restriction Area (**ES Chapter 5: The Proposed Development [APP-057]**, paragraphs 5.4.10 and 5.4.20). **Consultation Report Appendix G [APP-032]** also states that *'if further clearance required for maintenance activities, such as installing crane pads and laydown areas, it will need to avoid adversely affecting the Applicant's Development'*. It also states that the Applicant

ID	Representation	Applicant Response
	to the spacing requirements for on-going maintenance of an operational wind farm. As set out above, PHWFL retained appropriate rights over the Landowners' properties to safely operate, maintain and decommission the Wind Farm. However, the Applicant is seeking to use the DCO regime to remove these rights, as discussed in section 3 below. It is inappropriate to suggest that PHWFL, as the existing operator, must pay the Applicant, as an incoming operator, to allow PHWFL to maintain (and decommission) its assets when the rights to do so are being taken away from PHWFL by the Applicant.	would expect compensation for any impact on its operation or generation revenue. PHWFL's lease rights over Order land are recorded in the **Book of Reference [EN0110020/APP/4.3.1]**. Where any of them is extinguished or interfered with by the exercise of Order powers, PHWFL is entitled to compensation under articles 26(5) and 27(3) of the **draft Development Consent Order (dDCO) [AS-009]**. A right may be preserved by notice or agreement under article 26(7). The Applicant's position is that its consultation response took account of the Wind Farm's operational needs.
RR-0796/14	2.14 The Applicant's suggestion that solar panels could be removed and replaced (at PHWFL's expense) to allow for maintenance if required also does not address issues regarding land where the Applicant is proposing green infrastructure and habitat management which may be required by PHWFL for maintenance, decommissioning and repowering. Removal and replacement of planting would not be consistent with the purpose for which it is included in the Applicant's application.	The Applicant's response recorded in **Consultation Report Appendix G: Targeted Consultation [APP-032]**, Appendix G2.1 (printed pages 42 to 43), notes the setback from the leased area. *It states that any 'further clearance required for maintenance activities, such as installing crane pads and laydown areas, would need to avoid adversely affecting the Applicant's Development'*. It also states that the Applicant would expect compensation for any impact on its operation or generation revenue. It does not propose the removal and replacement of solar panels. The Applicant has not proposed that green infrastructure or habitat management areas be removed to accommodate turbine maintenance, decommissioning or repowering. The green infrastructure and habitat management areas are secured through the Landscape and Ecological Management Plan (LEMP) under Schedule 2 Requirement 7 of the **draft Development Consent Order (dDCO) [AS-009]**. The LEMP must be substantially in accordance with the **outline Landscape**

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		and Ecology Management Plan [APP-046]. Any working arrangements for PHWFL's use of those areas for turbine works would be a matter between the parties. Where the exercise of Order powers extinguishes or interferes with a PHWFL right over that land, compensation is payable under articles 26(5) (subject to article 26(6)) and 27(3) of the **dDCO [AS-009]**.
RR-0796/15	2.15 The Applicant finalised and submitted its application very shortly after close of the targeted consultation. Given the limited and inadequate response to ERG's consultation response, it does not appear that appropriate consideration was given to ERG's concerns before the application was finalised. Figure 10.9 of the Consultation Report [APP-024] suggests some changes were made to the Project following the targeted consultation, but Appendix G2 suggests no design changes were made to the Project following the targeted consultation. The Applicant should clarify this inconsistency.	The Applicant began engagement with PHWFL and its parent company, OnPath Energy Limited from December 2024. As noted above, engagement regarding the Wind Farm with ERG commenced upon ERG taking ownership of PHWFL. Therefore the Applicant has engaged with both the current and previous owner of the Wind Farm, including design and site sharing with OnPath Energy until March 2026, when confirmed by On Path that the site has been sold to ERG. Since then there has been a series of meetings and email communication to discuss ERG's concerns. For clarity, there is no inconsistency, Figure 10.9 of the **Consultation Report [APP-024]** shows the changes to the draft Order Limits for the cable corridors across the pre-application period. Paragraph 10.4.6 of the **Consultation Report [APP-024]** explains that the Applicant reduced optionality in the Cable Corridors after the statutory consultation. It also explains that the Applicant "*added a few additional cable options*" through the targeted consultation. Those changes were the subject of the targeted consultation itself (**Consultation Report [APP-024]**, paragraph 9.1.1 and Table 9.1). The 'Design change' column of Appendix G2.1 of **Consultation Report Appendix G: Targeted Consultation [APP-032]** notes whether feedback

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		received from the targeted consultation led to a further change. ERG submitted a response ot the targeted consultation, after reviewing all cosnutlaito nfeedback, including ERG's, no further design changes were considered necessary by the Applicant. The Applicant's position is that the two documents are consistent, and that PHWFL's feedback was considered before submission.
RR-0796/16	3.1 Article 12 of the draft Development Consent Order authorises the Applicant to carry out works to streets as specified in Schedule 4. As set out in Schedule 4 and shown on the Applicant's Streets and Rights of Way and Access Plans [APP-011], the Applicant proposes to carry out alterations to the layout of (i) Penny Hill Lane near the accesses marked 14/05 and 14/06, (ii) Brampton Lane near the accesses marked 14/09 and 14/10, and (iii) Carr Lane near the accesses marked 18/01 and 18/03. These accesses are to the private access tracks built or upgraded by PHWFL. 3.2 Article 14 of the draft Development Consent Order authorises the Applicant to temporarily close or restrict access to streets as specified in Schedule 5 and shown on the Streets and Rights of Way and Access Plans. This would include authorising the temporary closure or restriction of Penny Hill Lane, Brampton Lane and Carr Lane, which are the public highways used by PHWFL to access the private access tracks to reach the turbines. The Applicant is not proposing to put any diversions in place in relation to these closures.	The Applicant notes ERG's comments on access to the turbines from Penny Hill Lane, Brampton Lane and Carr Lane. The **draft Development Consent Order (dDCO) [AS-009]** regulates the alteration and closure of these lanes as follows. The alterations authorised by article 12 of the **dDCO [AS-009]** and listed in Schedule 4 are to the layout of Penny Hill Lane, Brampton Lane and Carr Lane near the accesses marked 14/05, 14/06, 14/09, 14/10, 18/01 and 18/03. They alter the layout of those junctions and do not close them. Part 1 of Schedule 7 of the **dDCO [AS-009]** provides for traffic signals and banksman control on Brampton Lane, Penny Hill Lane and Carr Lane. Under article 14 of the **dDCO [AS-009],** streets listed in Schedule 5 may be temporarily closed or restricted only after consulting the street authority. Penny Hill Lane, Brampton Lane and Carr Lane are listed in Part 1 of Schedule 5 of the **dDCO [AS-009],** so the Applicant would consult the street authority regarding any temporary closures or restrictions required. The **outline Cable Construction Method Statement [APP-052]**, paragraph 1.6.14, lists temporary diversions and partial or full road closures among the traffic management measures, the latter "*to be agreed with the*

ID	Representation	Applicant Response
	3.3 PHWFL must have unimpeded access to each of its turbines, in order to be able to access them both for routine maintenance, and in case of emergency. ERG and PHWFL request that the Applicant enter into a legal agreement with them undertaking to ensure that access to the turbines will be facilitated at all times. If the Applicant is not willing to enter into such an agreement, appropriate protective provisions, to be included in the Development Consent Order, will be sought.	*relevant authority*". Construction traffic is controlled through the Construction Traffic Management Plan (CTMP) under Schedule 2 Requirement 5 of the **dDCO [AS-009]**. As noted above, the Applicant will issue detailed Heads of Terms to PHWFL to seek to ensure the Wind Farm and Proposed Development can co-exist. The Applicant will continue engaging with ERG to mitigate access restrictions to the wind farm.
RR-0796/17	3.6 Neither the draft Development Consent Order nor the Book of Reference define what the new rights are which are being sought in relation to those plots over which the Applicant seeks powers of compulsory acquisition of rights and temporary possession powers. There is therefore a real lack of clarity as to what the powers would authorise. 3.7 It is standard practice in the DCO regime for Development Consent Orders to define the rights being sought in relation to each relevant plot, or at the very least to set out the types of rights being sought. By way of example, looking at the four most recent DCOs made for solar projects, the One Earth Solar Farm Order 2026, the Dean Moor Solar Farm Order 2026, the Peartree Hill Solar Farm Order 2026, and the Springwell Solar Farm Order 2026, all contain Schedules which clearly set out the types of rights which may be acquired over, and restrictive covenants which may be imposed upon, each plot over which compulsory acquisition powers are sought. In contrast, Schedule 8 of the Applicant's draft Development Consent Order simply sets out the Work Number relevant to each plot. 3.8 This gives those with an interest in the affected plots no	The **draft Development Consent Order (dDCO) [AS-009]** limits the rights sought by reference to the purposes of the named Works. Article 25(2) of the **dDCO [AS-009]** limits the powers over land in Schedule 8 to "*the acquisition of rights in the land and the imposition of restrictive covenants, as may be required for or in connection with the authorised development for the purposes specified in relation to that land in column (2) of that Schedule*". Column (2) ties each plot to the Work Numbers described in Schedule 1 of the **dDCO [AS-009]**. The **dDCO [AS-009]** does not describe the rights by type, as ERG says the Orders it cites do. It takes the purpose-based approach in article 25(2) instead. The Applicant's position is that the draft DCO limits each right sought by reference to the purposes of the Works named for that plot. Under article 26(2) of the **dDCO [AS-009]**, existing private rights over land subject to new rights are extinguished only "*in so far as their continuance would be inconsistent with the exercise of the right*". Because the rights are limited to the purposes of named Works, whether a particular right is inconsistent can be judged against the purposes in column (2) of Schedule 8 of the

ID	Representation	Applicant Response
	understanding as to what rights the Applicant is seeking to acquire and what restrictive covenants the Applicant is seeking to impose.	**dDCO [AS-009]**. Any interference with a right under article 27 carries compensation under article 27(3).
RR-0796/18	3.9 Article 26(1) of the draft Development Consent Order provides that all private rights or restrictive covenants over land subject to compulsory acquisition of land are extinguished following the Applicant's acquisition of the land, whether compulsorily or by agreement. This means that all rights and restrictive covenants held by PHWFL over the Plots outlined in paragraph 2.2 will be extinguished. As explained in paragraph 2.12, it is standard practice for windfarms to limit the leased areas to the footprint of the span of the turbine blades, and for the operator to retain rights over the landlord's retained land to allow the landlord to retain some use of the land, while also allowing the operator to be able to safely operate, maintain and ultimately decommission their windfarm. Extinguishing these rights through the operation of Article 26 would have a serious detrimental impact on PHWFL's ability to safely operate and maintain the Wind Farm.	Article 26(1) of the **draft Development Consent Order (dDCO) [AS-009]** extinguishes private rights over land acquired under article 22, whether acquired compulsorily or by agreement. It is subject to article 26(7) of the **dDCO [AS-009]**. This allows the undertaker, before acquisition, appropriation, entry or temporary possession, to give notice that paragraphs (1) to (4) do not apply to any right specified in the notice. It also allows the undertaker to agree that with the holder of the right. That is the mechanism for preserving a right, such as a right of access to a turbine, where it can continue alongside the Proposed Development. The Applicant's position is that a notice disapplying article 26 of the **dDCO [AS-009]** to every right under PHWFL's leases should not be given now. This is because whether a right can continue depends on the right and on the final layout. The final layout requires the approval of the relevant planning authority under Scehdule 2 Requirement 3 of the **dDCO [AS-009]**. Article 27 of the **dDCO [AS-009]** authorises activity in accordance with the Order notwithstanding interference with a right or breach of a restriction. Compensation is provided by article 27(3). Article 26(5) provides compensation under section 152 of the 2008 Act for any right extinguished or suspended. Compensation under article 26(5) is backed by the security required by article 50 of the **dDCO [AS-009]** before the powers in articles 22, 25 and 26 are exercised. PHWFL's rights over the plots concerned are recorded in the **Book of Reference**

ID	Representation	Applicant Response
		[EN0110020/APP/4.3.1]. Those compensation provisions apply to any of those rights that is extinguished under article 26 or interfered with under article 27.
RR-0796/18a	3.10 Article 26(2) of the draft Development Consent Order provides that all private rights over land subject to compulsory acquisition of rights are extinguished insofar as their continuance would be inconsistent with the exercise of the Applicant's acquired right or imposed restrictive covenant following the Applicant's acquisition of the right or benefit of the restrictive covenant, whether compulsorily or by agreement. As set out above, there is a real lack of clarity as to the rights being sought by the Applicant, which leaves ERG unable to identify whether the rights PHWFL hold could be inconsistent with the exercise of the rights the Applicant seeks. As currently drafted, the Development Consent Order is not competent. The Applicant should amend their draft Development Consent Order to provide detailed descriptions of the rights being sought, in accordance with precedents. 3.11 Article 26(7) provides that sub-paragraphs (1) to (4) are subject to any notice given by the Applicant before acquisition of the land or rights over land that these provisions do not apply. ERG consider that the Applicant should provide notice that these provisions do not apply to any rights held by PHWFL under their leases with the Landowners. 3.12 Article 27 of the draft Development Consent Order also provides the Applicant with the power to override easements and other rights. If the Applicant provides notice as set out in the paragraph above, Article 27	The Applicant notes ERG's comments on articles 26(2), 26(7) and 27 of the **draft Development Consent Order (dDCO) [AS-009]**. The Applicant does not agree that the draft DCO is not competent. As noted above, Article 25(2) of the **dDCO [AS-009]** limits the powers over land in Schedule 8 to "*the acquisition of rights in the land and the imposition of restrictive covenants, as may be required for or in connection with the authorised development for the purposes specified in relation to that land in column (2) of that Schedule*". Column (2) ties each plot to the Work Numbers described in Schedule 1 of the **dDCO [AS-009]**, and the **Statement of Reasons [APP-020]**, Appendix A, describes the works for which rights are sought over each plot. The Applicant's position on describing the rights by type, rather than by purpose, is set out in the response above. Under article 26(2) of the **dDCO [AS-009]**, existing private rights over land subject to new rights are extinguished only "*in so far as their continuance would be inconsistent with the exercise of the right*". Because the rights are limited to the purposes of named Works, whether a particular right held by PHWFL is inconsistent can be judged against the purposes in column (2) of Schedule 8 of the **dDCO [AS-009]**. Article 26(7) of the **dDCO [AS-009]** allows the undertaker, before acquisition, appropriation, entry or temporary possession, to give notice that paragraphs (1) to (4) do not apply to any right specified in the notice. It

ID	Representation	Applicant Response
	should also be disapplied in relation to any rights held by PHWFL under their leases with the landowners.	also allows the undertaker to agree that with the holder of the right. The Applicant's position is that a notice disapplying article 26 to every right under PHWFL's leases should not be given now. This is because whether a right can continue depends on the right and on the final layout, which requires the approval of the relevant planning authority under Schedule 2 Requirement 3 of the **dDCO [AS-009]**. ERG's request in relation to article 27 is made on the basis that such a notice is given. As the Applicant does not propose a general notice at this stage, it does not propose that article 27 be disapplied in relation to PHWFL's lease rights. Article 27 of the **dDCO [AS-009]** authorises activity in accordance with the Order notwithstanding interference with a right or breach of a restriction, and any such interference carries compensation under article 27(3). Article 26(5) provides compensation under section 152 of the 2008 Act for any right extinguished or suspended.
RR-0796/19	3.13 Article 33 of the draft Development Consent Order allows the Applicant to take temporary possession over the land set out in Schedule 8 and shown on the Land Plans in connection with the construction of the Project. This includes the private access tracks built or upgraded by PHWFL to access the turbines forming the Wind Farm, and means that the Applicant could exclude PHWFL from their own access tracks. As set out above, PHWFL require unimpeded access to their turbines at all times. ERG and PHWFL request that the Applicant enter into a legal agreement with them undertaking to ensure that powers under Article 33 will not be used to exclude them from the tracks. If the Applicant is not	The Applicant's use of the private access tracks during construction is authorised by article 17 of the **draft Development Consent Order (dDCO) [AS-009]**. The **Explanatory Memorandum [APP-018]**, paragraph 4.18.2, explains that this is distinct from temporary possession because "*the Applicant does not require the exclusive use and possession of the private roads while exercising this power*". Where temporary possession is taken under article 33 of the **dDCO [AS-009]**, not less than 14 days' notice must be served on owners and occupiers (article 33(3)). Where a risk to safety is identified, the undertaker must instead give such notice as is reasonably practical in the

ID	Representation	Applicant Response
	willing to enter into such an agreement, appropriate protective provisions, to be included in the Development Consent Order, will be sought.	circumstances (article 33(4)). Private rights are suspended only in so far as their continuance would be inconsistent with the purpose for which possession is taken. They are suspended only for as long as the undertaker remains in lawful possession (**dDCO [AS-009]**, article 26(4)). The land must be restored before possession is given up, subject to the exceptions listed in article 33(6) of the **dDCO [AS-009]**. Compensation is payable for any loss or damage (article 33(7)). As noted above, the Applicant will issue detailed Heads of Terms to PHWFL to seek to ensure the Wind Farm and Proposed Development can co-exist. The Applicant will continue engaging with ERG to mitigate access restrictions to the wind farm.
RR-0796/20	3.14 Similarly, Article 34 allows the Applicant to take temporary possession of any Order land when required in connection with the maintenance of the Project during the "maintenance period" (as defined in Article 34(12). Again, this would allow the Applicant to exclude PHWFL from their own access tracks, and a suitable legal agreement or protective provisions are required to ensure PHWFL has unimpeded access to its turbines.	Article 34 of the **draft Development Consent Order (dDCO) [AS-009]** allows temporary possession only where it is reasonably required for maintaining the authorised development during the maintenance period. Not less than 28 days' notice must be given to owners and occupiers, or such shorter period as the owner approves (article 34(3)), save where a safety risk is identified (article 34(4)). Possession may last only as long as reasonably necessary to carry out that maintenance (article 34(5)). The maintenance period is five years from final commissioning. For landscaping or ecological works, it is such period as the approved Landscape and Ecological Management Plan (LEMP) provides (**dDCO [AS-009]**, article 34(12)). As with article 33, private rights are suspended only in so far as their continuance would be inconsistent with the purpose of the possession (**dDCO [AS-009]**, article 26(4)).

ID	Representation	Applicant Response
		As noted above, the Applicant will issue detailed Heads of Terms to PHWFL to seek to ensure the Wind Farm and Proposed Development can co-exist.
RR-0796/21	3.15 It is clear the Applicant has not considered the potential impact of their proposed Project and draft Development Consent Order on the Wind Farm. There is no assessment in 'Chapter 15: Socio- Economics, Tourism and Recreation, and Land Use' of the Environmental Statement of the detrimental impact the proposed Project would have on the existing Wind Farm. Similarly, 'Chapter 11: Climate Change and Greenhouse Gas Assessment' contains no consideration of the net effect of potentially causing the Wind Farm to become inoperable, and sterilising the ability to repower the Wind Farm. The Environmental Statement is considered to be inadequate in its failure to take these matters into account E2417.1 1023823468 7 CWI 8 in its assessments.	The ES identifies the Wind Farm in the baseline. It records the six turbines and that "*appropriate buffers have been given to the turbines within the design of the Proposed Development*" (**ES Chapter 3: The Site and Surrounding Area [APP-055]**, paragraph 3.4.11). The layout is set back to remain outside the Penny Hill leased area (**Consultation Report Appendix G: Targeted Consultation [APP-032]**, Appendix G2.1). In addition, panels and power conversion stations are limited to 3m within the Penny Hill Wind Farm Height Restriction Area (**ES Chapter 5: The Proposed Development [APP-057]**, paragraphs 5.4.10 and 5.4.20). The Applicant's position is that, with the setback from the leased areas, the buffers and the height limits, the design does not give rise to a likely significant effect on the operation and / or repowering of the Wind Farm requiring assessment in the ES. **ES Chapter 15: Socio-Economics, Tourism and Recreation, and Land Use [APP-067]** assesses land use in terms of agricultural land and its temporary or semi-permanent change of use. **ES Chapter 11: Climate Change and Greenhouse Gas Assessment [APP-063]** assesses the greenhouse gas effects of the Proposed Development itself. A Scoping Opinion was sought from the Planning Inspectorate to determine the content and scope of the ES. The assessment of the Wind Farm is beyond the scope of both ES Chapter 11 and Chapter 15, and its inclusion was not requested in the Scoping Opinion (**ES Appendix 2.2: EIA Scoping Opinion [APP-**

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		089]).In addition, no repowering proposal meets the criteria for inclusion in the cumulative assessment (**ES Chapter 17: Cumulative Effects Assessment [APP-069]**, paragraph 17.4.19). The Applicant's position is therefore that the ES is adequate. Access over land to be acquired , maintenance space around the turbines and the Wind Farm's repowering potential are addressed above.
RR-0796/22	ERG is also concerned that the Applicant has not considered the impact that the proposed Project will have on the security of the Wind Farm, and the increased risk of unauthorised access and vandalism due to increased use of the private access tracks. ERG require commitments from the Applicant that the private access tracks will be properly secured, either in a legal agreement or protective provisions.	Security is addressed through the management plans secured by the **draft Development Consent Order (dDCO) [AS-009]**. Management measures, including security, are addressed through the design parameters and topic-specific management plans secured by Schedule 2 Requirements (**outline Construction Environmental Management Plan (oCEMP) [APP-042]**, paragraph 1.3.7). The **outline Decommissioning Environmental Management Plan (oDEMP) [APP-044]**, paragraph 3.10.1, makes the contractor responsible for site security during decommissioning. It states that temporary measures such as CCTV and controlled access points may be installed where necessary. Details of all permanent fences and means of enclosure must be approved under Schedule 2 Requirement 9 of the **dDCO [AS-009].** The Applicant's use of the tracks is non-exclusive (article 17; **Explanatory Memorandum [APP-018]**, paragraph 4.18.2). Once operational, maintenance visits are expected once per week on average to any one area of the Site, by van or similar vehicle (**Environmental Statement (ES) Chapter 13: Traffic and Transport**

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		[AS-025], Table 13.1). Where that use causes loss or damage to the person liable for the repair of a track, article 17(2) of the **dDCO [AS-009]** provides compensation. As noted above, the Applicant will issue detailed Heads of Terms to PHWFL to seek to ensure the Wind Farm and Proposed Development can co-exist.
RR-0796/23	3.16 The significantly detrimental impact on the Wind Farm could have significant compensation implications, which will not have been taken into account when preparing the Funding Statement [APP-021]. The Applicant should review the Funding Statement and confirm that it has funds to compensate PHWFL if the Project causes some or all of the turbines to cease operations as they cannot be safely maintained.	The cost estimate of £500 million to £600 million includes "land acquisition costs and compensation liabilities" (**Funding Statement [APP-021]**, paragraphs 2.2.1 and 2.2.2). The Applicant confirms that "*sufficient funding will be available to deliver the Proposed Development, including the acquisition of land and the payment of statutory compensation arising from the exercise of compulsory acquisition powers*" (**Funding Statement [APP-021],** paragraph 2.5.1). It also confirms that adequate financial resources will be available to meet any statutory compensation liabilities (**Funding Statement [APP-021]**, paragraph 2.5.2). Article 50 of the **draft Development Consent Order (dDCO) [AS-009]** prevents the powers in articles 22, 25, 26, 29, 32 and 35 being exercised until a guarantee or alternative security has been approved by the Secretary of State. The security must cover the compensation liabilities in respect of compensation under those articles. It is enforceable by any person to whom compensation is payable. It need not be kept in place for more than 15 years after the relevant power is exercised (article 50(4)). The Applicant's position is that compensation liabilities have been taken into account, and that the Proposed Development would not cause the turbines to cease operating.

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		The reasons the turbines can continue to be maintained are given above.
RR-0796/24	4.1 It is noted that a number of the application documents have been submitted in non-searchable electronic formats – for example the Land and Rights Negotiation Tracker and Statement of Reasons. This is extremely unhelpful for interested parties, who are required to process a significant volume of information in order to understand the impacts of the Applicant's proposals. We respectfully request that the Examining Authority consider including a procedural decision in the Rule 6 letter requiring the Applicant to provide all further documentation in a searchable electronic format, and to resubmit searchable versions of all affected application documents.	The Applicant notes this comment and has discussed the matter further with the Planning Inspectorate and the Examining Authority, following confirmation that this technical issue arose as a result of the new submission portal process. Since then, a number of documents have been updated by the Applicant and are now fully searchable including updated revisions of the **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** and **Book of Reference [EN0110020/APP/4.3.1]**. However, should this issue persist, please notify the Applicant and the Planning Inspectorate accordingly.
RR-0796/25	5.1 Paragraph 4.7.2 of the 'Overarching National Policy Statement for Energy' ("EN-1") states that "Applying good design to energy projects should produce sustainable infrastructure sensitive to place, including impacts on heritage, efficient in the use of natural resources, including land-use, and energy used in their construction and operation…" 5.2 Paragraph 2.5.2. of the 'National Policy Statement for Renewable Energy Infrastructure' ("EN-3") states that "Proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of… opportunities for co-existence/co-location with other marine and terrestrial uses…" 5.3 For the reasons set out above, it is considered that the Applicant's application for the Project does not demonstrate good design. Rather than proposing a design which can co-exist with the Wind Farm, the Applicant has put forward proposals which	The **Planning Statement [AS-015]**, paragraphs 8.1.62 to 8.1.64, sets out EN-3 paragraph 2.5.2, including co-existence with other terrestrial uses. It refers to the **Design Approach Document [APP-040]** for the Applicant's compliance with design policy. Co-existence with the Wind Farm is built into the design. The Applicant's position is that the Order Limits exclude the leased turbine areas. In response to PHWFL's targeted consultation feedback, **Consultation Report Appendix G: Targeted Consultation [APP-032]**, Appendix G2.1 (printed pages 42 to 43), records a setback "*to remain outside the Penny Hill leased area*". The **Planning Statement [AS-015]**, paragraph 2.2.12, records that appropriate buffers have been given to the turbines. On **Land Plans [APP-009]**, Sheet 14, the private access track in Plot 14-16, over which only new rights are sought, crosses the area excluded around one

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	are incompatible with the safe ongoing operation of the existing Wind Farm, and is seeking powers to remove rights which PHWFL currently holds for the purposes of the Wind Farm, including rights over private access tracks built or upgraded by PHWFL. The proposed Project would also severely impact the ability to repower the Wind Farm, which has a proven, good wind resource, which should be protected. Good design of the Project should allow sufficient room for repowering of the Wind Farm, which may involve relocation of turbines and new associated infrastructure. The proposed Project is not sensitive to its location, and does not promote efficient use of natural resources. 5.4 ERG would welcome discussions with the Applicant to ensure that the Wind Farm and the Project can co-exist, in accordance with EN-1 paragraph 4.7.2 and EN-3 paragraph 2.5.2. As set out above, ERG considers that it is possible for the Wind Farm and the Project to co-exist. ERG and PHWFL respectfully request that the Examining Authority require the Applicant to amend the application to provide for appropriate separation distances and preserve PHWFL's existing rights under its leases, and ensure the continued safe operation, maintenance, decommissioning and future repowering of the Wind Farm. In addition, a legal agreement with ERG and PHWFL or protective provisions, is required to regulate the interactions between the projects. In the absence of the amendments, agreement and/or protective provisions required to address the issues raised in this letter, ERG and PHWFL consider that the Application should not be granted in its current form. E2417.1 1023823468 7 CWI	turbine. Heights are limited within the Penny Hill Wind Farm Height Restriction Area (**ES Chapter 5: The Proposed Development [APP-057]**, paragraphs 5.4.10 and 5.4.20). New rights, not ownership, are sought over the private access tracks (**Book of Reference [EN0110020/APP/4.3.1]**, for example plots 14-14, 14-16 and 18-12). The undertaker may use them under article 17 of the **draft Development Consent Order (dDCO) [AS-009]**. Existing rights over them are extinguished only in so far as they are inconsistent with the rights acquired (article 26(2)). Where PHWFL rights lie over land to be acquired outright, article 26(1) of the **dDCO [AS-009]** would extinguish them unless the undertaker gives notice or reaches agreement under article 26(7). Any right extinguished or interfered with is compensated (articles 26(5) and 27(3)). The **Land and Rights Negotiations Tracker [EN0110020/APP/4.4.1]** records that discussions on the interface between the projects are ongoing. The Applicant considers that the Proposed Development demonstrates good design and can co-exist with the Wind Farm.

3.19 Northern Powergrid (Yorkshire) PLC (submitted by Weightmans LLP) [RR-2016]

ID	Representation	Applicant Response
Weightmans LLP on behalf of Northern Powergrid (Yorkshire) PLC (RR-2016)		
RR-2016/1	The following representations are submitted on behalf of Northern Powergrid (Yorkshire) Plc ('Northern Powergrid') as an electricity undertaker for the area within which the Whitestone Solar Farm scheme is located. Northern Powergrid is in principle supportive of the above project but has concerns regarding the impacts that the proposed scheme will have on existing assets and their pending improvement works.	The Applicant notes Northern Powergrid (Yorkshire) PLC's (Northern Powergrid) in principle support for the Proposed Development. Northern Powergrid is identified in the application as a statutory undertaker that may have an interest or apparatus within the Order land (**Statement of Reasons [APP-020]**, paragraph 10.2.2). Northern Powergrid is listed in the **Book of Reference [EN0110020/APP/4.3.1]** in respect of its apparatus and easements. **Environmental Statement (ES) Chapter 16: Other Environmental Topics [APP-068]**, paragraph 16.4.13, lists Northern PowerGrid (Electric) among the utilities providers identified as present within the Order Limits and with whom consultation is ongoing. The Applicant has shared interaction plans with Northern Powergrid that show how the Proposed Development interacts with Northern Powergrid's assets and buffer zones that have been allowed to ensure sufficient clearances are maintained from Northern Powergrid's assets. The Applicant has allowed sufficient clearance in line with Northern Powergrid's guidance either side of high voltage and low voltage cables where Northern Powergrid's assets run within the solar array area of the Order Limits. Along the cable route, the Applicant will ensure Northern Powergrid is consulted where its assets

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		need to be crossed, and any crossing requirements are reflected in designs which will be reviewed by Northern Powergrid prior to works commencing. HSG 47 guidance will be applied for cable installation across or in close proximity to existing underground assets as outlined in Table 1.2 of the **outline Construction Environmental Management Plan (oCEMP) [APP-042]**. Northern Powergrid has not shared any details of its proposed improvement works, the Applicant requests that Northern Powergrid shares those details where relevant to the Proposed Development, as soon as practicable. However, in the absence of those details, the Applicant considers the protections in included in Part 1 Schedule 11 of the **draft Development Consent Order (dDCO) [AS-009]** will ensure that Northern Powergrid can undertake its improvement works to its existing assets. The ongoing engagement between the Applicant and Northern Powergrid is captured in the draft Statement of Common Ground, which will be submitted at Deadline 1.
RR-2016/2	Areas shown within the proposed development boundary have a direct impact on Northern Powergrid's existing critical national infrastructure which serve significant numbers of customers in the local and wider area, and the rights for these assets are essential in maintaining an uninterrupted power supply to the customers they serve. Northern Powergrid has a statutory duty to provide its customers with an uninterrupted supply of electricity and thus rightly raises concerns to any scheme that would result in a breach to its duty. Northern Powergrid have reviewed the plans currently available and confirmed that they have distribution substation sites, together with underground	Part 1 of Schedule 11 to the **draft Development Consent Order (dDCO) [AS-009]** applies to any licence holder within the meaning of Part 1 of the Electricity Act 1989, including Northern Powergrid, Northern Powergrid's access to its apparatus and Northern Powergrid's ability to recover the costs of any diversion or relocation. The Applicant's position is that the Proposed Development does not represent a risk to Northern Powergrid's apparatus nor its ability to meet its statutory duties. The Applicant has not identified distribution station sites owned by Northrrn Powergrid within the order limits. There are interactions with NPG's

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	cables and overhead lines either within, or in very close proximity to the order area. The proposed development seeks to interfere with this existing apparatus, access to such apparatus and servicing rights which are vital for Northern Powergrid's existing operations. Northern Powergrid therefore reserves the right to review the position as the scheme progresses and protect its existing apparatus including with bespoke protective provisions in the Order, as at this stage, the specific details of the DCO infrastructure including the depth, diameter and respective easement strips are unknown. Northern Powergrid's existing apparatus may need to be diverted to accommodate the DCO project and therefore Northern Powergrid requires bespoke protective provisions to protect its position and recover the costs of any required diversions or relocations.	overhead lines and undergound cables which have been considered in the design process. Paragraph 8 of Part 1 of Schedule 11 to the **dDCO [AS-009]** requires a plan of any works near to, or affecting, retained apparatus to be submitted not less than 28 days before those works start. The works may only be carried out in accordance with that plan and with Northern Powergrid's reasonable requirements "*for the alteration or otherwise for the protection of the apparatus, or for securing access to it*". Northern Powergrid is entitled to watch and inspect the execution of the works. Paragraph 4 of Part 1 of Schedule 11 to the **dDCO [AS-009]** preserves a utility undertaker's access to apparatus in streets temporarily closed or restricted under the Order. The application sets maximum dimensions for the cable works. The **Outline Design Parameters [APP-158]**, Table 2.1, provides that "*Interconnection cables will be installed at a maximum depth of 3m below ground level*", with the depth varying where they cross existing utility corridors. **ES Chapter 5: The Proposed Development [APP-057]**, paragraph 5.4.38, gives a typical working width corridor of maximum 40m for open cut trench sections. Additional details regarding cable construction methods can be found in the **outline Cable Construction Method Statement [APP-052]**. Where cables cross existing utilities, they would be laid at approximately 90 degrees to them where possible and at least 0.6m above or below them (**ES Chapter 16: Other Environmental Topics [APP-068]**, paragraph 16.4.24). The **outline Construction Environmental Management Plan (oCEMP) [APP-042]**, Table 1.2, sets out the same measures. The **oCEMP [APP-042]** outlines consultation

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		with statutory undertakers, trial holes where required, agreed stand-off distances and controlled excavation in line with HSG47 as additional mitigation measures. Detailed design, including for cable works, must be approved under Requirement 3 in Schedule 2 to the **dDCO [AS-009]**. Details submitted to the relevant planning authority under that requirement must accord with the outline design parameters document, unless the relevant planning authority is satisfied that the subject matter of the approval sought would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement. For overhead lines, Guidance Note GS6 will be followed to maintain safe distances and heights during construction, with goalpost-controlled crossing points for plant (**ES Chapter 16 [APP-068]**, paragraph 16.4.20). Northern Powergrid's request for bespoke protective provisions in place of Part 1 Schedule 11 of the **dDCO [AS-009]** is addressed below.
RR-2016/3	Northern Powergrid also has concerns over the currently proposed protective provisions contained within the draft Order as they do not take into account site specific issues and do not accord with Northern Powergrid's standard protective provision requirements.	Northern Powergrid's existing apparatus is protected by Part 1 of Schedule 11 to the **draft Development Consent Order (dDCO) [AS-009]**. The Applicant considers these provisions are sufficient to protect Northern Powergrid's apparatus if and where it is affected by the Order. The protective provisions cover all of Northern Powergrid's apparatus affected by the Order, other than apparatus in streets whose relations with the undertaker are regulated by the street works provisions of Part 3 of the New Roads and Street Works Act 1991 (**dDCO [AS-009]**, Schedule 11, Part 1, paragraph 3).

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		Site-specific matters and below ground utilities are also dealt with through the Construction Environmental Management Plan (CEMP) which is secured by Requirement 4 of Schedule 2 to the **dDCO [AS-009]**. The **outline Construction Environmental Management Plan (oCEMP) [APP-042]**, paragraph 1.3.13, provides that "*Prior to commencement of construction, safe methods of working and appropriate stand-off distances will be agreed, with exclusion zones implemented where required to avoid impacts on existing assets.*" The Applicant's view is that the existing protective provisions in Part 1 of Schedule 11 of the **dDCO [AS-009]**, provide Northern Powergrid with sufficient protections, and bespoke protective provisions are not required.
RR-2016/4	The compulsory purchase powers incorporated into the DCO seeks to acquire land and interests which, if acquired, would adversely affect Northern Powergrid's ability to use, access, maintain and where necessary upgrade its equipment. It is not necessary to acquire these interests where an agreement between the parties would be more appropriate.	Northern Powergrid's position on the use of agreements in lieu of exercise of compulsory purchase powers set out in the **draft Development Consent Order (dDCO) [AS-009]** is noted. The **Statement of Reasons [APP-020]** explains why powers are sought over all the Order land, including interests the Applicant expects to secure by agreement. At paragraph 8.1.6 it says the cautious approach ensures "*that it has the right to acquire the interests it needs in the whole of the Order limits*". Paragraph 10.2.5 notes that the Applicant has held discussions with the relevant statutory undertakers during preparation of the application, details of which are set out in the draft Statement of Common Ground. which will submitted at Deadline 1. Paragraphs 10.2.7 and 10.2.13 of the **Statement of Reasons [APP-020]** set out why the Applicant considers the tests in sections 127 and 138 of

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		the Planning Act 2008 are met. This includes the fact that powers of compulsory acquisition will be exercised in accordance with Schedule 11 of the **dDCO [AS-009]**. Article 35 of the **dDCO [AS-009]** allows the undertaker to acquire land, or rights over land, belonging to statutory undertakers, and to extinguish rights or remove or reposition apparatus. Those powers are exercisable only subject to the provisions of Schedule 11 to the **dDCO [AS-009]**. Where the undertaker acquires an interest in land containing apparatus, paragraph 6(1) of Part 1 Schedule 11 of the **dDCO [AS-009]** provides that the apparatus is not to be removed until alternative apparatus is in operation to Northern Powergrid's reasonable satisfaction. The right to maintain the apparatus is not to be extinguished until then either. Paragraph 8 of Part 1 of Schedule 11 to the **dDCO [AS-009]** secures Northern Powergrid's reasonable requirements for the protection of retained apparatus and for access to it. The Applicant notes that Northern Powergrid's interests in the Order land are limited. The **Book of Reference [EN0110020/APP/4.3.1]** lists Northern Powergrid as an owner only by reason of cautions against first registration (plots 1-2, 7-25, 8-2 and 8-3) and subsoil to half the width of the highway (plots 25-11 and 26-4). Only plot 1-2 is proposed to be acquired outright. In respect of the other five plots, only new rights are sought. Elsewhere, Northern Powergrid is recorded as an occupier in relation to its apparatus and associated rights, which are protected pursuant to paragraphs 5 to 8 of Part 1 of Schedule 11 to the **dDCO [AS-009].**

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RR-2016/5	Northern Powergrid is keen to discuss its concerns with Whitestone Net Zero Ltd to reduce the project's impacts on Northern Powergrid's apparatus and agree bespoke protective provisions within the draft Order.	The Applicant held discussions with Northern Powergrid during preparation of the application (**Statement of Reasons [APP-020]**, paragraph 10.2.5). As noted in the **Consultation Report [APP-024]** the Applicant had a meeting with Northern Powergrid on 26 January 2026 on the technical requirements for the cable route 2B and interaction plans. The Applicant has produced plans for specific areas of interest along the cable route which are being discussed with Northern Powergrid. Records of engagement will be captured in the draft Statement of Common Ground. This will submitted at Deadline 1. Consultation with Northern Powergrid will continue post consent as detailed design is undertaken and before construction. This is secured through the Construction Environmental Management Plan (CEMP) under Requirement 4 of Schedule 2 of the **draft Development Consent Order (dDCO) [AS-009].** The Applicant's position is that sufficient engagement has happened and is ongoing with Northern Powergrid to mitigate any impact to Northern Powergrid's existing and future assets. Considering that Northern Powergrid's existing apparatus is protected by Part 1 of Schedule 11 to the **dDCO [AS-009],** the Applicant's position is that bespoke protective provisions are not required.

WHITESTONE
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