



**Application by Gate Burton Energy Park Limited for Gate Burton Energy Park
The Examining Authority's written questions and requests for information (ExQ1)
Issued on 12 July 2023**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe D to the Rule 6 letter of 31 May 2023. Questions have been added to the framework of issues based on the information received to date set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on 'General matters, principle and nature of development' issue is identified as Q1.1.1, as this is the first question, relates to the first issue, and is part of the first set of written questions by the ExA. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [gateburtonsolar@planninginspectorate.gov.uk] and include '[Gate Burton Energy Park]' in the subject line of your email.

Responses are due by Deadline 2: [8 August 2023].

Abbreviations used:

PA2008	The Planning Act 2008	LoNI	Letter of No Impediment
AC	Alternating Current	LPA	Local planning authority
ALA 1981	Acquisition of Land Act 1981	MMO	Marine Management Organisation
Art	Article	MP	Model Provision (in the MP Order)
AS	Additional Submissions	MW	Mega Watts
BDC	Bassetlaw District Council	NCC	Nottinghamshire County Council
BESS	Battery Energy Storage System	NE	Natural England
BMV	Best and Most Versatile land	NGED	National Grid Electricity Distribution (East Midlands) Plc
BoR	Book of Reference	NPPF	National Planning Policy Framework
CA	Compulsory Acquisition	NPS	National Policy Statement
CPO	Compulsory purchase order	NRMM	Non-Road Mobile Machinery
CTMP	Construction Traffic Management Plan	NSIP	Nationally Significant Infrastructure Project
dB	Decibels	OLEMP	Outline Landscape and Ecology Management Plan
dDCO	Draft DCO	PoC	Point of Connection
EA	Environment Agency	PSED	Public Sector Equality Duty
EM	Explanatory Memorandum	PV	Photovoltaics
EMF	Electro Magnetic Field	R	Requirement
ERP	Emergency Response Plan	RR	Relevant Representation
ES	Environmental Statement	SI	Statutory Instrument
ExA	Examining authority	SOAEL	Significant Observed Adverse Effect Level



fCEMP	Framework Construction Management Plan	SoR	Statement of Reasons
fOEMP	Framework Operational Environmental Management Plan	SoS	Secretary of State
Ha	Hectares	TA	Transport Assessment
HE	Historic England	TP	Temporary Possession
HSE	Health and Safety Executive	TPO	Tree Preservation Order
Kv	Kilo Volt	WFD	Water Framework Directive
LCC	Lincolnshire County Council	WLDC	West Lindsay District Council
LIR	Local Impact Report		

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[EN010131-000454-Examination Library.pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/examination-library/EN010131-000454-Examination%20Library.pdf)

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: Written Question series: issue reference: question number, eg Q1.1.1 – refers to question 1 on issue 1 in this table.



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ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
1	General matters, principle and nature of development	
Q1.1.1	All	<p>Recent Government publications and consultations.</p> <p>Can IPs comment on the implications for their cases of the most recent Government publications including:</p> <ul style="list-style-type: none"> • The Department for Energy Security and Net Zero Policy Paper Powering Up Britain, and the complementary papers Powering UP Britain: Energy Security Plan and Powering UP Britain: Net Zero Growth Plan; and • The Department for Energy Security and Net Zero consultation on the revised energy National Policy Statements 'Planning for new energy infrastructure: revisions to National Policy Statements'.
Q1.1.2	Applicant	<p>Policy Implications for Net Zero</p> <p>Provide a summary of the effect upon, and the implications for, the Government's Net Zero and climate change commitments should the Proposed Development not be implemented.</p>
Q1.1.3	Applicant	<p>Policy implication for Net Zero</p> <p>Taking account of the availability and capacity of other existing points of connection to the National Electricity Transmission System (NETS) or local Distribution Network (both in the region and nationally), what evidence is there of opportunities for other solar projects to come forward in other locations that would be likely to fulfil the Governments Net Zero and climate change commitments in the absence of the Proposed Development?</p>
Q1.1.4	Applicant	<p>Updating references</p> <p>Paragraph 4.3.9 of the Applicant's Statement of Need [APP-004] refers to the then unpublished 'Skidmore Review'.</p> <p>Following its recent publication on 13 January 2023 as 'Mission Zero Independent Review of Net Zero', comments are invited on any implications this review may have in respect of the consideration of the Proposed Development.</p>
Q1.1.5	Bassetlaw District Council	<p>Bassetlaw Local Plan 2020-2037</p> <p>1) Can Bassetlaw District Council please provide an update in respect of the progress of their new local plan and its progress towards adoption?</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		2) Should this change during the Examination Bassetlaw District Council should inform the Examining Authority of any change in status at its earliest convenience.
Q1.1.6	Lincolnshire County Council	<p>Central Lincolnshire Local Plan Review</p> <p>1) Can Lincolnshire County Council please provide an update in respect of the progress of the Central Lincolnshire Local Plan Review and its progress towards adoption?</p> <p>2) Should this change during the Examination Lincolnshire County Council should inform the Examining Authority (ExA) of any change in status at its earliest convenience.</p>
Q1.1.7	Applicant	<p>Public sector equality duty (PSED)</p> <p>Submit an equality impact assessment to inform the ExA how the proposal would accord with the requirements of the Public Sector Equality Duty.</p>
Q1.1.8	Applicant	<p>Generation Capacity Dependability</p> <p>Figure 8.1 of the Statement of Need [APP-004] shows Illustrative Generation Capacity Dependability for a combined portfolio of solar and wind in Great Britain, with some supporting commentary in paragraphs 8.8.4 to 8.8.9.</p> <p>1) Provide further details of the methodology and evidence used in providing Figure 8.1 [APP-004], including the number, proportion, size and location of solar and wind generating assets used in its formulation.</p> <p>2) What level of certainty can there be that the conclusions derived from Figure 8.1 [APP-004] are typical for solar and wind installations as a whole?</p>
Q1.1.9	Applicant	<p>Mutual compatibility of solar and wind generation model</p> <p>Figure 8.2 of the Statement of Need [APP-004] shows the results of a model that seeks to illustrate the mutual compatibility of solar and wind generation, with some supporting commentary in paragraphs 8.8.10 to 8.8.14.</p> <p>1) Provide further details of the methodology and evidence used in this model and the resulting Figure 8.2 [APP-004], including any relevant assumptions and limitations.</p> <p>2) What level of certainty can be attached to the model, taking account of any assumptions and limitations within it?</p>
Q1.1.10	National Grid Transmission Plc (NGET)	Connection to the national grid

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		<p>Paragraph 9.3.12 of the Statement of Need [APP-004] concludes that the connection of the Proposed Development to the local NETS will not cause any specific or additional operability concerns either now or into the future. Paragraph 2.2.1 of the Grid Connection Statement [APP-232] states that in respect of works at Cottam national grid substation <i>"This use of existing infrastructure means there are no additional or extending works required to connect the Scheme beyond minor works required as standard to make the technical connection."</i></p> <ol style="list-style-type: none"> 1) Confirm if NGET agrees with this conclusion, setting out reasoning and justification for any concerns that may arise with the Applicant's assessment in this regard. 2) What is the existing available capacity of the Cottam Substation? Confirm that no expansion works would be required to the substation as a result of the Proposed Development.
Q1.1.11	Applicant	<p>Connection to the national grid</p> <p>In paragraph 4.1.2 of the Grid Connection Statement [APP-232] it states the Applicant accepted the grid connection offer A/NGET/WBEP/21/COTT-EN(0) provided by National Grid Electricity System Operator (NGESO) during March 2021.</p> <p>Provide a copy of the offer or detail the relevant matters including whether there are any limitations imposed or stipulations related to the amount of energy that can be exported to the national grid.</p>
Q1.1.12	Applicant	<p>Connection to the national grid</p> <p>In paragraph 4.1.3 of the Grid Connection Statement [APP-232] it states that the connection to the national grid will be an import and export connection to facilitateand the charging of the BESS from external sources.</p> <p>Why does the Battery Energy Storage Systems (BESS) require charging from external sources to support the generating station?</p>
Q1.1.13	Applicant	<p>Connection to the national grid</p> <p>Regarding Work No.4, the grid connection corridor and the 400kilovolts (kV) cable HDD and trench parameters (width and depth), the Outline Design Principles [APP-007] refer to <i>"The 400kV cable trench for open trenching will be a maximum of 2.5m deep and 1.42m wide"</i> Whereas Environmental Statement (ES) appendix chapter 2-B Grid Connection</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>construction Method Statement [APP-114] refers at paragraph 1.1.9 to <i>"The trench will be up to a maximum 1.42m wide and up to maximum 1.6m depth"</i>.</p> <p>Explain the reason for the different dimensions and confirm the correct parameters that have been used to inform the relevant ES assessments?</p>
Q1.1.14	Applicant	<p>Transfer of energy to the national grid</p> <p>My understanding is that a BESS is needed to control the transfer of energy to the national grid because of the fluctuating quantities of energy generated by the solar panels: The BESS could thus be necessary development associated with the Proposed Development which is the solar energy generating panels.</p> <p>Paragraph 2.4.24 of Chapter 2 of the ES (The Scheme) [APP-011] says that <i>"The BESS is designed to provide peak generation and grid balancing services to the electricity grid. It will do this primarily by allowing excess electricity generated from the solar PV panels to be stored in batteries and dispatched when required It may also import surplus energy from the electricity grid."</i></p> <p>Explain:</p> <ul style="list-style-type: none"> i) Under what circumstances and why it would be necessary to allow electricity imported from the national grid to be stored in the Gate Burton BESS; and ii) How and why the importation of electricity from the grid has a direct relationship with and supports the operation of the Proposed Development, (ie the solar panels generating the electricity), and is not an aim in itself but is subordinate to the principal development and thus fulfils the requirements of associated development.
Q1.1.15	Applicant	<p>Energy production from the solar panels</p> <p>In the Grid Connection Statement [APP-232] paragraph 4.1.1 states that <i>"The Scheme will generate electricity and transmit it to the System Operator (National Grid Electricity System Operator (NGESO))..."</i> And at paragraph 4.14 it states <i>"As such, the Applicant confirms that output of the Solar and BESS will be exported via the NETS"</i>, but no figures are provided.</p> <p>Bearing in mind the pace of technological change, including solar panel types, materials and configurations; and conversion efficiency from the Direct Current (DC) panels to inverters and inverters to Alternating Current (AC) output to the national grid can the Applicant address the following matters:</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		i) How much energy is it expected that the solar cells to produce daily? ii) At what times of day? iii) Is there hourly projections available of likely energy production by time of day and time of year? iv) How do these figures compare with other alternative sites investigated by the Applicant? v) What is the maximum storage demand that will be made on the BESS by the energy generated by the solar panels? vi) Is the BESS able to deal with this demand? And, vii) What is the export limit both as DC from the solar panels and as AC into the national grid?
Q1.1.16	Applicant	<p>Energy production efficiency</p> <p>Confirm the assumed efficiency of conversion from DC to AC and the efficiency of conversion from sunlight to electrical energy for the assessed scheme (or signpost where this is stated in the application) and do you expect this to improve by the time the proposed development is operational?</p> <p>If so, what does this mean in terms of the number, size, type and appearance of panels, the land required and the environmental and landscape impacts?</p>
Q1.1.17	Applicant	<p>Design Parameters</p> <p>An indicative site layout plan has been provided, Figure 2-4 of the ES [APP-033], and which is referenced in table 2-1 in the ES and in the Outline Design Principles [APP-007]. Whilst the ES and Outline Design Principles are included as Documents and Plans to be Certified (Schedule 13) the indicative site layout is not. The indicative site layout contains a number of parameters as well as detailed design elements</p> <ul style="list-style-type: none"> • How is the indicative site layout to be secured and tied to the Outline Design Principles and ES which rely upon it. Rather can the fundamental parameters be provided by way of a 'parameters plan' to illustrate the design principles? • Could a design parameters plant be a separate certified document or appended to the Outline Design Principles as an appendix as it would illustrate integral parameters to some of the descriptions and principles in the ODP.

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • If not why not and how are the cross references to the illustrative site layout then secured?
Q1.1.18	Applicant	<p>Design Parameters</p> <p>Paragraph 2.4.7 of Chapter 2 (The Scheme) of the ES [APP-011] notes that “<i>The number of PV Panels which will make up each PV Table is not yet known... For this reason, the assessment will be based on the parameters outlined in Table 2-1</i>”. The Climate change Chapter 6 [APP-015] indicates at paragraph 6.4.2 an assumed generation capacity of 531 Mega Watts (MW) and anticipated yields based on existing Photovoltaics (PV) technology. Paragraph 6.4.4 [APP-015] cross references The Proposed Development and the indicative site layout and paragraph 6.4.5 goes on to identify a particular PV panel.</p> <ul style="list-style-type: none"> • Confirm if the indicative site layout is based on this panel, and if so, confirm how many panels the indicative site layout illustrates. • Comment on the implications for improvements in technology on the effect for the output from the generating station and the input to the national grid (addressing any cap that may be imposed) should more efficient panels be installed • Comment on whether there would be a reduction in land take visual effects or number of solar arrays should more efficient panels be introduced or whether this would be used to increase output (if so, is this consistent with the offer in relation to the grid connection and could the BESS accommodate increased load?)
Q1.1.19	Applicant	<p>Design Parameters</p> <p>Many Relevant Representations referred to the efficiency of solar panels referencing a 10% efficiency, reduction in efficiency over time etc. Also, there are references to a reduction in power output when converting from DC to AC to export to the Grid.</p> <p>To enable an open and transparent discussion with members of the public and other stake holders it would be helpful if you provided a background paper to provide a simple non technical guide to the use of references related to MW(whether in AC or DC), MWp, conversion between AC and DC, yield, efficiency, etc (commonly referenced information and where correct understanding of meaning is important) to confirm how the references are used and ensure consistency of application throughout the Examination.</p>
Q1.1.20	Applicant	<p>Design Parameters</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		Explain why the Outline Design Principles do not secure the parameters of work 6 or work 8?
Q1.1.21	Lincolnshire County Council, Nottinghamshire County Council, West Lindsey District Council, Bassetlaw District Council, Environment Agency, Natural England, Historic England, Lincolnshire Wildlife Trust, and any other Interested Party.	<p>Management Plans</p> <p>The Applicant has submitted the following outline management plans:</p> <ul style="list-style-type: none"> i) Outline Battery Safety Management Plan [APP-222] ii) Framework Construction Environmental Management Plan (fCEMP) [APP-224] iii) Framework Operational Environmental Management Plan (fOEMP) [APP-225] iv) Framework Decommissioning Environmental Management Plan [APP-226] v) Outline Landscape and Ecology Management Plan (OLEMP)[APP-231] vi) Outline Skills, Supply Chain and Employment Plan [APP-228] vii) Outline Construction Traffic Management Plan [APP-212] viii) Outline Soil Management Plan [APP-233] ix) Outline Public Rights of Way Management Plan [APP-229] x) Archaeology Mitigation Strategy Part 1 [APP-227] <p>Comment as appropriate to your interests on any of these outline plans. This should include any potential amendment that may, in your view, be required in order to secure appropriate environmental outcomes and mitigation of effects.</p>
Q1.1.22	Local Planning Authorities	<p>Working hours outside regular working hours</p> <p>Are the Local Planning Authority(ies) (LPAs) satisfied with the Applicant's approach to securing working hours outside of the regular working hours in the fCEMP?</p>
Q1.1.23	Applicant	<p>Construction compounds</p> <p>The number, dimensions and duration of the construction compounds is not secured through the CEMP, OEMP or design parameters. Can the Applicant explain where this is secured in the dDCO?</p>
Q1.1.24	Applicant	<p>Cumulative effects assessment</p> <p>ES Chapter 5 EIA Methodology [APP-014], paragraph 5.8.12 states that a long list of cumulative developments is presented in ES Appendix 16-B (Effect Interaction Matrix) (an incorrect reference) and each technical Chapter provides a short list of developments derived from this list. Where the identified cumulative developments overlap with the zone of influence, these are then proposed to be included in the cumulative assessment. However, there are a number of technical Chapters which do not follow this methodology,</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>and it is unclear how the scope of the cumulative assessment has been determined. For example, ES Chapter 12 (Socio-economics and land use) [APP-021], and the cumulative assessment for agricultural land omits all identified cumulative development listed in ES Appendix 16-A (Short list of Cumulative Schemes), but includes Heckington Fen and Little Crow, and ES Chapter 13 (Transport and access) [APP-022], omits a number of cumulative developments located in the zone of influence.</p> <p>Can the Applicant explain how the cumulative assessment methodology has been applied to each aspect Chapter and how the developments included in the assessment have been identified?</p>
Q1.1.25	Local Planning Authorities	<p>Cumulative effects assessment</p> <p>Do the LPAs agree with the developments identified in the cumulative assessments within each aspect chapter? If not, identify any additional developments which should have been included and explain why they should be included?</p>
Q1.1.26	Applicant	<p>Decommissioning</p> <p>Section 2.7 of the ES Chapter 2 (The Scheme) [APP-011] explains that the design life of the Proposed Development is expected to be at least 60 years and the decommissioning assessment is based on an assumption that decommissioning would take place when the operational phase ends, but the dDCO does not include a specified end date and decommissioning could in effect take place before or after this date. Furthermore, since the Applicant is not seeking a time-limited consent there is potential that decommissioning may not occur.</p> <ol style="list-style-type: none"> 1) Explain why a 60 year design life has been adopted (noting most recent Solar parks propose a 40 year design life) and the effect this has had on scheme economics and environmental effects and the consideration of duration of effects 2) Comment on the implications for the conclusions of relevant ES assessment, for example the assessment of impacts to agricultural land, should the operational lifespan of the Proposed Development extend beyond 60 years?
Q1.1.27	Applicant	<p>OLEMP Management and monitoring up to 60 years</p> <p>The 60 year lifetime of the Proposed Development is not secured in the application. As management and monitoring of the site is only proposed and secured up to 60 years from completion of construction through the OLEMP, can the Applicant explain how monitoring</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		and management of the site is secured beyond this date should the Proposed Development continue to operate.
Q1.1.28	Exolum Pipeline Systems Ltd	<p>Exolum high pressure fuel pipelines</p> <p>Please provide details of the two pipelines that are identified in your Relevant Representation (RR) [RR-079] and Additional Submission (AS) [AS-021] that would be affected including the purpose of the pipelines, who and what they serve, and any consent requirements, safeguarding and maintenance distances that would be required.</p>
Q1.1.29	Applicant	<p>Exolum high pressure pipelines</p> <p>In what way has the Applicant accounted for the Exolum high pressure pipelines that were identified in Exolum Pipeline Systems Ltd its RR [RR-079] in the design of the Proposed Development, or identification of constraints, including any necessary access and maintenance requirements associated with the pipelines?</p>
2 Air Quality and Emissions		
Q1.2.1	The Applicant	<p>Assessment Assumptions</p> <p>ES Chapter 15 (Other Environmental topics) [APP-024] states "<i>It has been assumed for the purpose of the assessment that the Scheme will be built out in a single phase, which is considered the worst-case in terms of road traffic numbers and exposure of sensitive receptors to elevated levels of dust.</i>"</p> <p>Provide further justification for this statement and explain what confidence can be placed in this statement.</p>
Q1.2.2	West Lindsay District Council Bassetlaw District Council	<p>Non-Road Mobile Machinery (NRMM) emissions</p> <p>ES Chapter 15 (Other Environmental topics) [APP-024] states "<i>Emissions from NRMM will be temporary and localised and will be controlled through best-practice mitigation measures such as ensuring all vehicles switch off engines when stationary i.e. no idling vehicles. For that reason, construction phase NRMM emissions would not be significant and, therefore, these emissions have not been modelled nor are required to be considered any further in this assessment.</i>"</p> <p>Are the Relevant Local Authorities satisfied with this conclusion and that NRMM are scoped out?</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
Q1.2.3	West Lindsay District Council, Bassetlaw District Council, Lincolnshire County Council Nottinghamshire County Council	Construction Road Traffic Emissions Are the relevant Local Authorities satisfied that construction phase traffic emissions have been scoped out of the Air Quality Assessment (see paragraph 15.3.31 ES Chapter 15 (Other Environmental topics) [APP-024])?
Q1.2.4	West Lindsay District Council, Bassetlaw District Council, Lincolnshire County Council, Nottinghamshire County Council, Natural England, Environment Agency	fCEMP Mitigation measures Are the relevant Local Authorities and Statutory Bodies content that the mitigation measures identified in the fCEMP are sufficient to address any potential air quality effect and are sufficiently secured through the DCO? And are sufficient to address any dust effects on Ancient Woodland?
3 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))		
Q1.3.1	Applicant, Natural England	Protected Species NE have commented that they require further assessment on certain matters including protective species [RR-193]. NE are seeking clarification of the need for protected species licences NE recognise that Protected Species Licences may be required in due course but up until this point it has not been engaged in Letters of No Impediment (LoNI) or draft Protected Species Licences. NE confirm it would be happy to engage and work with the applicant and the examining authority on any required Protected Species Licences.) Paragraph 8.13.11 of ES Chapter 8 (Ecology and Nature Conservation) [APP-017] states " <i>The detailed CEMP(s) will outline all ecological mitigation, which will likely include combined pre-construction surveys, <u>protected species mitigation, translocation (if required), monitoring and post construction reinstatement plans.</u></i> " (my underlining) Given NE's comments about protected species Licences and no engagement with regard to Letters of No Impediment, Can the Applicant identify the likely protected species that may

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		be effected and detail how engagement with NE will be taken forward and the intention with regard to LoNI?
Q1.3.2	Applicant	<p>Water Framework Directive (WFD) Mitigation and Enhancement Strategy</p> <p>Confirm how the WFD mitigation and enhancement strategy is secured in the DCO?</p>
Q1.3.3	Applicant	<p>BNG Fragmented habitat and local wildlife sites</p> <p>The Environment Agency (EA) comment in its RR [RR-270] <i>“would encourage the applicant to achieve at least a 10% biodiversity net gain (BNG) across the scheme instead of the ‘no net loss in biodiversity’ that is stated within the BNG Assessment. This scheme presents an opportunity to restore and create key habitat linkages whilst delivering BNG. We would like to see the applicant consider linking existing fragmented habitat and local wildlife sites”</i>.</p> <ol style="list-style-type: none"> 1) Comment on the no net loss in biodiversity and any issues that would arise in seeking to achieve the 10% suggested by EA. 2) Has it been considered linking existing fragmented habitat and local wildlife sites, if not can the Applicant assess how this could be achieved and if you have confirm why it was not progressed
Q1.3.4	Applicant	<p>BNG Alternative habitat creation</p> <p>The EA state in its RR [RR-270] <i>“In the BNG Assessment it states that ‘95% of the solar array footprint within the proposed fence lines have been categorised as UKHab habitat ‘Grassland – Modified grassland’ with the remaining 5% allocated within the metric as ‘sealed surface’ to take into account array infrastructure’. The applicant should consider whether grassland is the most appropriate habitat to be created and explore options for woodland or wetland creation where appropriate. We would welcome an increase in hedgerow and woodland creation above that already proposed.”</i></p> <ol style="list-style-type: none"> 1) Can the Applicant justify why it concluded that grassland was the most appropriate habitat to be created? 2) Did the Applicant consider if other options for woodland or wetland creation in appropriate locations were considered ? If other options were not possible or there were limitations /restrictions please justify and explain the rationale.
Q1.3.5	Applicant	<p>Decommissioning returning land to agricultural use</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>Paragraph 8.8.4 in ES chapter 8 (Ecology and Nature Conservation) [APP-017] states <i>"Upon decommissioning the above-ground physical infrastructure will be removed, and the land within the Order limits will be returned to landowners in the condition as at the end of operation, including the established habitats and associated species, to allow landowners to return the land to its original use."</i></p> <ol style="list-style-type: none"> 1) Can the Applicant confirm how this process will operate. If the land has been compulsorily purchased how is the land returned? 2) If the land has been purchased through agreement what are the terms and is it hand back or offer to allow buy back? 3) Given decommissioning is suggested as 60 years in advance who will this be returned to if the original owners are no longer around? 4) How would putting the land back in its original use be secured? 5) How does this effect the consideration of the effects in respect of other matters including BMV?
4 Climate Change		
Q1.4.1	West Lindsay District Council, Bassetlaw District Council, Lincolnshire County Council, Nottinghamshire County Council	<p>Local Plan Policies</p> <p>Are the Local Plan policies identified in table 6-1 of ES Chapter 6 (Climate Change) [APP-015] up to date and relevant and have there been any updates or changes (in particular with regard to draft policies) that the relevant Local Authorities would wish to draw attention to?</p>
Q1.4.2	Applicant	<p>Assessment assumptions</p> <p>Paragraph 6.4.2 of Chapter 6 (Climate Change [APP-015] states, <i>"We have assumed a Scheme energy generation capacity of 531 MW and anticipated yields based on existing PV technology."</i></p> <p>Can the Applicant detail the basis of the calculation to arrive at the assumed energy generation capacity and confirm what the anticipated yields and existing PV technology are that are referred to?</p>
Q1.4.3	Applicant	Assessment Assumption

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		<p>The components and materials as described at paragraphs 6.4.3 – 6.4.11 and as referenced in the scheme description (Chapter 2) [APP-011] of the ES identify a specific panel the 'Jollywood JW-D144N-166 module rated at 470 Watts'.</p> <ol style="list-style-type: none"> 1) Given that the embodied carbon calculations are undertaken in relation to this panel are all the other derived figures taken on the basis of this panel? 2) If so, can the Applicant confirm are these panels used to create figure 2-4 the indicative layout and if so how many panels would be utilised. 3) What would the implications be for alternative more efficient panels, than this specific panel, in terms of overall energy generation? <ol style="list-style-type: none"> i) Would there be a reduction in the number of panels used to maintain a level of generation or would the amount of solar surface be maintained and the energy generation capacity be increased? ii) What effect would this have in respect of the BESS would that need to be increased or is it proposed to have a finite limit on the BESS, if so what is that and how is that secured in the DCO? iii) Does this have any implications for the operation and grid balancing benefits suggested from the BESS?
Q1.4.4	Applicant	<p>Waste Management</p> <p>It is stated (paragraph 6.4.17) of the ES that <i>"To calculate GHG emissions associated with waste treatment during construction and decommissioning, a conservative assumption that 70% of waste will be recovered, while 30% will be sent to landfill, has been applied. This is less than the latest waste recovery rate for construction and demolition waste in England which is 93.2% (Ref 6-27)."</i></p> <p>Provide an explanation why the recovery rate for construction and demolition waste in England is an appropriate bench mark to justify the 'conservative' claim of 70 % recovery is reasonable and appropriate given the very specific nature of the material and product.</p>
Q1.4.5	Applicant	<p>Land Use Change</p> <p>Paragraph 6.4.25 of the ES states <i>"However, it is assumed that the new areas of grassland will be returned to cropland following decommissioning of the Scheme, with any carbon stored in soil or vegetation re-released to the atmosphere. The beneficial GHG</i></p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p><i>impact from land use change is therefore considered to only be temporary (approximately 60 years) and has therefore been excluded from the lifecycle GHG impact assessment."</i></p> <p>Why is this a worst case scenario when there is no definitive end date for the scheme. The reference refers to 60 years approximately and there is no mechanism in the DCO to require decommissioning and the Consent is not time limited?</p>
Q1.4.6	Applicant	<p>Operational Phase – maintenance and replacement of components</p> <p><i>In terms of the solar panels paragraph 6.4.29 of the ES advises "Operational maintenance from the replacement of components during the design lifetime of the Scheme are based on replacement rates for similar schemes and based on the design life of the components. It is assumed that all of the PV Panels will require replacement once during the Scheme's design life, with a further 10% requiring replacement to cover equipment failures, at a constant rate throughout the 60-year project life."</i></p> <p>However, paragraph 6.4.28 of the ES states <i>"This data accounts for efficiency losses of the PV Panels over time based on an initial degradation factor of 2% for the first year, and 0.45% degradation for each subsequent year to the end of the warranty of the panels (25 years)."</i></p> <p>1) Explain why it is suggested that all panels would only need replacing once during the schemes lifetime when the warranty of the panels is 25 years and the assumed lifetime of the scheme is 60 years?</p> <p>2) Is this a reasonable worst case scenario?</p>
Q1.4.7	Applicant	<p>Impacts from waste</p> <p>Can the Applicant explain why the assessment of impacts from waste during operation and the assessment of waste cumulatively apply different methodologies as IEMA guidance criteria is used for impacts during operation but not for the assessment of cumulative impacts?</p>
5 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
Q1.5.1	Applicant	<p>Consents and agreements position statement</p> <p>The Applicant is requested to review the 'Consents and Agreements Position Statement [APP-013], keep it updated throughout the Examination and submit a final, consolidated version at Deadline 7.</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
Q1.5.2	Applicant	<p>Objections Schedule:</p> <p>Notwithstanding information contained in the Schedule of Negotiations and Powers Sought [APP-219], and with regard to the outcomes from continuing due diligence,</p> <ol style="list-style-type: none"> 1) Complete the Objections Schedule attached at Annex A below, and ensure that it is updated (tracked changes and clean versions) at each successive deadline so as to include up to date information about the status of all negotiations and current objections to the Compulsory Acquisition (CA) and/ or Temporary Possession (TP) proposals, both making new entries and deleting any entries that you consider no longer apply, taking account of the positions expressed in RRs and Written Representations (WRs) and giving reasons for any additions or deletions; and 2) Ensure that all updates to the Schedule of Negotiations and Powers Sought [APP-219] are issued as both clean and tracked change documents.
Q1.5.3	Applicant	<p>Crown land and consent:</p> <p>With regard to the outcomes from continuing due diligence, please explain briefly the position in respect of any Crown interests subject to PA2008 s135 with reference to the latest available Book of Reference (BoR) and Land Plan, to identify whether consent is required with respect to s135(1)(b) and/or s135(2) and detail what progress has been made to obtain such consent(s) including likely timetable for receiving consent.</p> <p>Written evidence of consent(s) obtained is required as soon as possible and in any event by the close of the Examination.</p>
Q1.5.4	Applicant	<p>Special category land and land subject to special Parliamentary procedure:</p> <p>Confirm that no special category land is to be the subject of any CA or TP proposals (PA2008 s130-132 refer).</p>
Q1.5.5	Applicant	<p>Statutory undertakers: land or rights (PA2008 s127):</p> <p>Notwithstanding information contained in the Schedule of Negotiations and Powers Sought [APP-219], please review RRs and WRs made as the examination progresses alongside your land and rights information systems and prepare and at each successive deadline update as required (tracked changes and clean versions) a table identifying and responding to any representations made by statutory undertakers with land or rights to which PA2008 s127 applies.</p>

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		<p>Where there are such representations, please identify:</p> <ul style="list-style-type: none">• the name of the statutory undertaker;• the nature of the undertaking;• the land and/ or rights affected, identified with reference to the most recent version of the Book of Reference (BoR) and Land Plan available at that time;• in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met;• in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met; and• in relation to these matters, whether any protective provisions and /or commercial agreements are anticipated, and if so<ul style="list-style-type: none">○ whether these are already available to the ExA in draft or final form;○ whether a new document describing them is attached to the response to this question: or○ whether further work is required before they can be documented; and• in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached:<ul style="list-style-type: none">○ whether the settlement has resulted in that statutory undertaker's representation(s) being withdrawn in whole or part; and○ identifying any documents providing evidence of agreement and withdrawal.
Q1.5.6	Applicant	<p>Statutory undertakers: extinguishment of rights and removal of apparatus etc. (PA2008 s 138):</p> <p>Notwithstanding information contained in the Schedule of Negotiations and Powers Sought [APP-219], please review your proposals relating to CA or TP of land and/ or rights and prepare and at each successive deadline update as required (tracked changes and clean versions) a table identifying whether and if so how these proposals affect the relevant rights or relevant apparatus of any statutory undertakers to which PA2008 s138 applies.</p> <p>In respect of such rights or apparatus, please identify:</p> <ul style="list-style-type: none">• the name of the statutory undertaker;

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • the nature of the undertaking; • the relevant rights to be extinguished and/ or the relevant apparatus to be removed; • how the test in s138(4) can be met; • in relation to these matters, whether any protective provisions and/ or commercial agreement are anticipated, and if so: <ul style="list-style-type: none"> ○ whether these are already available to the ExA in draft or final form; ○ whether a new document describing them is attached to the response to this question; or ○ whether further work is required before they can be documented; and • in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached: <ul style="list-style-type: none"> ○ whether the settlement has resulted in that statutory undertaker's representation(s) being withdrawn in whole or part; and ○ identifying any documents providing evidence of agreement and withdrawal.
Q1.5.7	Applicant	<p>Funding: Guarantees in respect of compensation: Art 47 refers to either a guarantee under Art 47(1)(a) or an alternative form of security under Art 47(1)(b), to be in place for no more than 15 years under Art 47(4). 1) Which of these do you propose to put in place, and why? 2) Explain why you consider 15 years to be sufficient.</p>
Q1.5.8	Applicant	<p>Unknown Owners There are a number of parcels identified in the BoR [APP-220] for which the owners are not known. Please provide an update on efforts to establish these owners/interests and details on what further steps will be undertaken to identify these owners prior to the exercise of CA powers.</p>
Q1.5.9	Applicant	<p>Site Selection: Paragraph 7.7.1 of the Statement of Reasons (SoR) [APP-218] states that, inter alia, in terms of site selection, a smaller scheme would not deliver the same generation capacity and as such would not represent a reasonable alternative. However, the ExA notes that there is no upper limit on total generation capacity.</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		Provide further justification for this statement in view of the uncertainty of total generation capacity as defined in Schedule 1.
Q1.5.10	Applicant	<p>Category 3 People outside the development site</p> <p>Given the extent of the Order land and the proximity of some residential and business premises to the Proposed Development site, is the Applicant confident that there are no category 3 people outside the development site that might make a claim, and that part 2b of the BoR [APP-016] can remain empty?</p>
Q1.5.11	Applicant	<p>Funding</p> <p>The funding statement [APP-221] identifies the cost estimate for the Proposed Development as £525 million which includes the compensation payable in respect of CA. Paragraph 3.1.5 provides a figure for the estimated compensation liability of £25 million which it is stated is periodically updated.</p> <p>Can the Applicant provide details of how this figure was arrived at, comment as to whether it is necessary to update the figure and if so what the latest updated figure is. Providing confirmation from an independent person that the range identified is accurate in terms of the current value of land and rights in this part of the country.</p>
Q1.5.12	Applicant	<p>Potential Compulsory Purchase (CP) of residential properties</p> <p>In RRs it is suggested residential properties have received Statutory Notices about possible compulsory purchase.</p> <ol style="list-style-type: none"> 1) Can the Applicant confirm if Statutory notices for possible CPO of residential properties have been issued? 2) If so can the Applicant identify those properties which have been sent such notices?; and 3) Confirm the basis on which CPO may be required and the justification for this?
Q1.5.13	Applicant	<p>Anglian Water Services Ltd</p> <p>Can the Applicant confirm that all the plots in the BoR relating to Anglian Water assets relates to pipeline assets rather than any above ground land holdings that Anglian Water may have?</p>
6 draft Development Consent Order (DCO)		

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
Q1.6.1		Issue Specific Hearing 1 (ISH1) on the Scope of the Proposed Development and the dDCO was held on 5 July 2023 (ISH1). The agenda for that hearing [EV-003] was published on 26 June 2023. The questions set out below are asked in addition to the questions asked orally at ISH1. They may include some duplication and overlap but provide Interested Parties (IPs) who did not attend ISH1 an opportunity to make submissions on the matters raised. IPs who participated in ISH1 and consider that their issues have already been drawn to the ExA's attention do not need to repeat their issues in writing, other than to summarise their oral submissions by Deadline 1 (Tuesday 18 July 2023).
Q1.6.2	Applicant	<p>Location to Inspect Development Consent Order</p> <p>In the explanatory note to the dDCO, can the Applicant confirm its intention as to where the Order may be inspected and that if that is at a third party location that that third party has agreed?</p>
Q1.6.3	Applicant	<p>dDCO documentation management</p> <p>The Applicant should keep the dDCO under constant review throughout the Examination to ensure definitions are kept up to date, articles and requirements are updated as matters evolve and how plans and drawings are defined and referenced etc. Updated dDCO should be submitted at each deadline to accommodate any amended changes in both clean and tracked change versions with a log of the changes included in the latest submitted version.</p>
Q1.6.4	Applicant	<p>dDCO - Article 2 - Interpretation</p> <p>In article 2 interpretation 'permitted preliminary works' carves out certain exceptions from the definition of the commencement of development.</p> <p>Can the Applicant explain the necessity for (h) site clearance (including vegetation removal, demolition of existing buildings and structures), and the extent this has been taken into account in assessing the significant environmental effects and its effect on the operation of requirement 7 and any Landscape and Ecological Management Plan to be approved before the 'commencement' of development.</p>
Q1.6.5	Applicant	<p>dDCO – Article 2 - Interpretation</p> <p>Article 2 'date of decommissioning' refers to requirement 19 but this requirement covers a different point altogether ie the submission and agreement of a decommissioning environmental management plan. The EM does not explain or justify the proposed interpretation. Can the Applicant amend the EM to justify the proposed interpretation.</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>A wider point on whether the DCO actually makes any requirement for decommissioning arises. The ES and Proposed Development is promoted on a 60 year operational period. Nothing in the dDCO requires decommissioning after that period. There is no specific article or requirement to that effect and Requirement 19 is in respect of the submission and agreement of a decommissioning plan, <i>'within 12 months of the date the undertaker decides to decommission....'</i> Meaning that this is left to no certainty or control on timing and based on a decision of the undertaker without fetter.</p> <p>Can the Applicant confirm the position in respect of the date of decommissioning and the implications for the scheme given the proposed interpretation and whether this should be amended.</p>
Q1.6.6	Applicant	<p>dDCO – Article 2 - Interpretation</p> <p>Article 2 apparatus is either defined in the 1991 Act or it is not. The definition 'further includes' includes a long list of additional items. The Explanatory Memorandum (EM) references the expansion being required to ensure the definition is sufficiently broad to encompass the type of apparatus the Applicant may encounter when constructing the authorised development, but does not give detail of what, where or when this may be encountered. The definition should be re-drafted and further justification provided in the EM [APP-216].</p>
Q1.6.7	Applicant	<p>dDCO – Article 3 – Development consent etc granted by this Order</p> <p>Article 3(2) appears to be a novel provision. Paragraph 2.1.5 of the EM [APP-216] states that 'this requires that the numbered works authorised by the Order are situated in the areas and within the limits of deviation shown on the Works Plans.' Similar claims are made in paras 5.2.7-5.2.9. However, the limits of deviation are not shown on the Works Plans.</p> <p>If you want to have Limits of Deviation at all, these need to be shown in the Works Plans and provided for in a specific Article in the dDCO.</p>
Q1.6.8	Applicant	<p>dDCO – Article 6 – Application and modification of statutory provisions</p> <p>Article 6 disapplication or amendment of legislation or statutory provisions. The guidance in section 25 of Advice Note 15 should be followed. In respect of each provision the EM should set out the following, rather than in generic terms.</p> <ul style="list-style-type: none"> • the purpose of the legislation/statutory provision

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • the persons/body having the power being disapplied • an explanation as to the effect of disapplication of the specific provision and whether any protective provisions or requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls • (by reference to section 120 of and Schedule 5 to the Planning Act 2008) how each disapplied provision constitutes a matter for which provision may be made in the DCO. <p>Where the consent falls within a schedule to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 can the Applicant please provide evidence that the regulator has consented to removing the need for the consent in accordance with s.150 Planning Act 2008.</p> <p>Paragraphs 5.2.12-15 of the EM [APP-216] should be drafted to explain why it is necessary to disapply each provision listed in Art 6(1) for this particular scheme but presently it does not or only does so in part.</p> <p>Art 6(3) is novel but the rationale for this is not covered in 5.2.18 of the EM [APP-216] and this should be amended. Reg 6 of the CIL Regs 2010 is either disapplied for this scheme or not but it is not disapplied "in effect".</p>
Q1.6.9	Applicant	<p>dDCO – Article 6 – Application and modification of statutory provisions</p> <p>The EA note that the Applicant wishes to disapply the Environmental Permitting (England and Wales) Regulations 2016 (EPR) and includes this in the DCO (Part 2 Principal Powers) in Article 6(1)(h). As currently drafted the EA note that this Article seeks to disapply Regulation 12 in its entirety, meaning that the requirement for all types of environmental permit is disapplied. The EA confirm they are unable to agree to this and will only agree to disapply the requirement for a flood risk activity permit once we can reach an agreement regarding the Protective Provisions for the EA in Schedule 15 Part 8.</p> <p>The EA further confirm it is unlikely to agree to the disapplication of other environmental permits under the 2016 Regulations, including a water discharge activity.</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>Accordingly, the EA request that Article 6(1)(h) is amended to read: "regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016, in respect of a flood risk activity permit only".</p> <p>Can the Applicant comment and amend the Order to address the EA's concerns or confirm why the Applicant has not and advise on how this is being progressed with the EA.</p>
Q1.6.10	Applicant	<p>dDCO – Article 6 – Application and modification of statutory provisions</p> <p>The disapplication of The Environmental Permitting (England and Wales) Regulations 2016 for work on or near a main river or sea defence (flood risk activity) is the only activity the EA state they will agree to disapply (subject to agreement regarding Protective Provisions). The Applicant should make it clear that any reference made to The Environmental Permitting (England and Wales) Regulations 2016 within the DCO text is related to flood risk activities only and that any additional permits for water abstraction or discharge would still need to be applied for.</p>
Q1.6.11	Applicant	<p>dDCO – Article 6 – Application and modification of statutory provisions</p> <p>The EA do not agree to the disapplication of sections 24 (restrictions on abstraction) and 25 (restrictions on impounding) of the Water Resources Act 1991. They indicate that they will not agree to the disapplication of the requirement for any environmental permit, other than a flood risk activity permit in exchange for agreed protective provisions.</p> <p>Please remove or confirm the Applicants position</p>
Q1.6.12	Applicant, Environment Agency	<p>dDCO – Article 6 – Application and modification of statutory provisions and Schedule 3</p> <p>The EA are considering the disapplication of local legislation listed in Schedule 3 of the DCO. If they have any concerns about this, they will endeavour to include comments in its W R.</p> <p>Can the EA confirm its position with regard to the local legislation in schedule 3.</p> <p>Can the Applicant liaise with the EA and provide further clarification or justification for the necessity to disapply each specific piece of legislation and the consequences of its disapplication for the affected parties.</p>
Q1.6.13	Applicant	<p>dDCO – Article 7 – Defence of proceedings in respect of statutory nuisance</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>In relation to Article 7 defence in respect of statutory nuisance, can the Applicant identify the controls/ mitigation on noise elsewhere in the DCO or documents to be certified that would justify the defence being provided by this article to statutory nuisance claims relating to noise.</p> <p>The relevant paragraphs 5.2.19 of the EM [APP-216] should explain why the broad defence in s.158 PA 2008 is not sufficient and why this additional provision is required. Furthermore, can the Applicant identify which specific Outline Design Principles relate to noise? As referenced in paragraph 5.2.19 of the EM [APP-216]</p>
Q1.6.14	Applicant	<p>Article 8 – Street works - Explanatory Memorandum (EM)</p> <p>In EM paragraph 5.3.1 it is noted that Article 8 has been modified from the previous model provision to bring in various sections of the 1991 Act but does not clearly explain the relevance of the 1991 Act in this regard.</p> <p>Please explain the relevance.</p>
Q1.6.15	Applicant	<p>Article 9 – Power to alter layout etc of streets - Explanatory Memorandum</p> <p>Paragraph 5.3.3 – 4 of the EM should explain why Article 9 is necessary for this Proposed Development .</p>
Q1.6.16	Applicant, Lincolnshire County Council , Nottinghamshire County Council	<p>dDCO - Article 9 - Power to alter layout etc of streets</p> <p>Article 9 (2) allows for the undertaker to alter the layout of any street.</p> <p>Can the Applicant confirm why such a wide power is necessary and whether additional schedules cannot be used to identify the traffic routes or streets that may be affected.</p> <p>Can the relevant Highway Authorities comment on the breadth of this power and whether it raises any issues for them.</p>
Q1.6.17	Applicant	<p>dDCO – Article 11 – Temporary stopping up of public rights of way</p> <p>The drafting of Article 11 “Temporary stopping up of public rights of way” attempts to cover both public highways and public rights of way (used by pedestrians only) but is somewhat confusing and does not address each well. See Article 11(1)(a) as an example. The Applicant should reconsider the drafting.</p>
Q1.6.18	Applicant	<p>dDCO - Article 12 – Use of private roads</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>The EM [APP-216] should explain why this article is necessary for this scheme and also identify any prior precedent (Model provisions or previous DCO).</p> <p>Can the Applicant confirm if there are any private roads within the Order Limits?</p> <p>This is an unusual article. The Applicant should justify the need for the power to take temporary passage over private roads both during the construction and maintenance periods, that it is reasonable and proportionate and to explain why TP has not been chosen as an alternative.</p>
Q1.6.19	Applicant	<p>dDCO - Article 18 – protective work to buildings.</p> <p>I note that this is a model provision which is often included in DCOs. However, the EM [APP-216] does not explain (see paragraphs 5.4.3-5.4.5) specifically why it is needed for this particular project simply noting that there are buildings within and in close proximity to the Order Lands that might feasibly require survey and protective works, without any indication of which, where or how many.</p> <p>Can further explanation and specific justification be provided for its inclusion?</p>
Q1.6.20	Applicant	<p>dDCO - Article 19 – Authority to survey etc. the land –</p> <p>This appears to overlap with the “permitted preliminary works” in Article 2, can the Applicant explain how it would operate. Moreover, there are some unusual features to this article, notably the application of an enforcement mechanism (by way of a warrant) where entry onto land is refused and a short prior notice period (only 14 days).</p> <p>Can further explanation and justification for such a mechanism be provided?</p>
Q1.6.21	Applicant	<p>dDCO – Article 22 Compulsory Acquisition of rights and Schedule 10</p> <p>Article 22(1) is broadly drafted to enable compulsory acquisition of new rights over all of the Order land. Schedule 10 limits the CA power in defined plots to the defined rights listed in that schedule. However, CA of rights is not limited to the plots listed in Schedule 10. This approach (allowing undefined rights in land not listed in that Schedule) should be clearly identified and the need for it explained and justified in the EM [APP-216] and Statement of Reasons [APP-218]. At present they are not. There must be evidence to show that persons with an interest in the Order land (and not just those with plots listed in Schedule 10) were aware that undefined new rights were being sought over all of the Order land and were consulted on that basis. It may be that the applicant intended CA of rights to be limited to the plots listed in Schedule 10. If so, the dDCO needs to be</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>amended to provide for this. See comments below in relation to Article 23 and the overlap between the two. Furthermore Article 22 is stated to be subject to Article 23 for reasons which are not clearly expressed or set out.</p> <p>Can the Applicant also provide evidence to show that persons with an interest in the Order land were aware that undefined new rights were being sought over all of the Order land and were consulted on that basis.</p>
Q1.6.22	Applicant	<p>dDCO - Article 23 – Private rights.</p> <p>Although this is a Model Provision the Applicant needs to show that it has made diligent enquiries to establish what such rights exist over the Order Land and that the affected parties have been consulted. There is considerable overlap with Art 22 which also gives the Applicant the ability to CA existing rights (see 22(1)).</p> <p>Explain why both are needed.</p>
Q1.6.23	Applicant	<p>Article 26 – statutory authority to override easements etc.</p> <p>The distinction between Article 23 (which deals with private rights) and Article 26 is not clear or explained in the EM [APP-216], provide further explanation and justification for its inclusion.</p>
Q1.6.24	Applicant	<p>dDCO - Article 29 & 30 – Temporary Possession.</p> <p>Whilst the majority of the land over which TP may be taken during construction of the Proposed Development is listed in Schedule 12, Article 29(1) (a) (ii) extends this power more broadly. The TP powers sought in Article 30 (1) (which relates to TP during the maintenance period) relate to any land within the Order Land (incidentally should Order Land be Order Limits?).</p> <ol style="list-style-type: none"> 1) Can the Applicant justify this broad power and identify the steps that have been taken to alert all landowners/occupiers of land within the Order Limits of this possibility? 2) Can the Applicant further explain and set out the intended operation of the transition of TP into CA. This is in the context that the Applicant is only required to give 14 days' prior notice of TP which is very short.
Q1.6.25	Applicant	<p>dDCO- Articles 31 Statutory Undertakers and 32 Apparatus and rights of Statutory Undertakers in stopped up streets</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>Articles 31 and 32 address Statutory Undertakers. Where RRs have been received where a representation is made by a Statutory Undertaker that engages section 127(1) of the Planning Act 2008 and if this has not been withdrawn, the Secretary of State will be unable to authorise CA powers relating to that Statutory Undertaker land unless satisfied of specified matters set out in section 127. If the representation is not withdrawn by the end of the examination, the ExA will need to reach a conclusion whether or not to recommend that the relevant statutory test has been met in accordance with s.127.</p> <p>The Applicant should work with all Statutory Undertakers to ensure withdrawal of any objections or provide justification to enable the ExA to reach firm conclusions in this regard.</p> <p>Furthermore, the Secretary of State will be unable to authorise removal or repositioning of apparatus (or extinguishment of a right for it) unless satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates in accordance with section 138 of the Planning Act 2008. The Applicant should therefore provide any relevant justification to support their case that such will be needed to show that extinguishment or removal is necessary, if that is the approach to be adopted.</p>
Q1.6.26	Applicant	<p>dDCO - Article 34 – Benefit of Order</p> <p>The benefit of the Order in relation to Work 4C is stated as being for the undertaker and National Grid Article 34 (2). Paragraph 5.6.2 of the EM does not explain why or what the implications of this might be and should be updated to provide suitable explanation.</p>
Q1.6.27	Applicant	<p>Article 39 – Tree Preservation Orders (TPO).</p> <p>Can the Applicant identify any TPOs within the Order Limits in a schedule and cross referred to in this Article.</p> <p>If there are no TPOs within the Order Limits explain why is this Article is included?</p>
Q1.6.28	Applicant	<p>dDCO - Articles 38 and 39</p> <p>Articles 38 and 39 relating to the removal of trees and hedgerows and trees the subject of TPOs. Advice note 15 advises that it is good practice to identify protected hedgerows and TPO trees in schedules which would allow the question of their removal to be examined in detail. Presently it is drafted as a general provision for general removal in which case the advice is to include that this should be the subject to later consent of the Local Authority.</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>Please adjust to address these matters and justify the position adopted in the EM [APP-216]</p> <p>Article 38 refers to any tree or shrub 'near' any part of the authorised development this is imprecise and ambiguous.</p>
Q1.6.29	Marine Management Organisation (MMO), Applicant	<p>dDCO - Article 44 and Schedule 9</p> <p>Article 44 provides for a deemed marine licence as set out in Schedule 9. Can the MMO confirm that they are satisfied that no draft Marine Licence is required and are happy that these provisions are removed from the dDCO ?</p> <p>Are the Applicant in agreement with this position?</p>
Q1.6.30	Appropriate consenting Authorities	<p>dDCO – Article 46 (and Schedule 16)</p> <p>In relation to Article 46 and Schedule 16 can the 'consenting authorities' as defined at 46(7) provide comment on the substance of the article and procedures set out in schedule 16 and identify if any issues arise with regard to ability to respond to such applications, periods for compliance, resourcing, appeals procedure etc.</p>
Q1.6.31	Applicant	<p>dDCO – Schedule 2 Requirements</p> <p>Requirement 5, missing word. After the list of details to be submitted paragraph starting 'relating to that part have been submitted and approved in writing by' should include the word 'to' between the words 'submitted' and 'and' as in its present drafting it requires the relevant planning authority to submit the details.</p> <p>In 5(2) should 'outline design principles' be cross referred to as the certified document to ensure certainty/ clarity.</p>
Q1.6.32	Applicant	<p>dDCO – Schedule 2 Requirements</p> <p>Can you explain why it is necessary for Requirement 6 to require specific consultation with identified specific authorities within the requirement. I am aware of a similar provision in Little Crow Solar Park DCO but that was on the basis of 'in the event that the submitted Battery Safety Management Plan proposed changes to the outline BSMP' thereby justifying the inclusion.</p> <p>Whilst the BESS has specific safety issues should the relevant parties therefore be approving authorities rather than consultees?</p>
Q1.6.33	Applicant	<p>dDCO – Schedule 2 Requirements</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>In Requirement 8 why is it necessary to require consultation with the relevant statutory nature conservation body. Is this not a matter more appropriate to Schedule 16 procedure for discharge of conditions. Advice note 15 advises that "Requirements should therefore be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects."</p> <p>Can the Applicant explain how the requirement meets the test of necessity. This should be fully explained in the EM</p>
Q1.6.34	Applicant	<p>dDCO – Schedule 2 Requirements</p> <p>In relation to Requirement 9 Fencing and other means of enclosure can the Applicant explain how Requirement 9(3) would become effective and ensure 'commence' included permitted preliminary works, when these are excluded from the commencement of development and therefore any such works would have not commenced the development and the DCO or articles within it may not be operational?</p>
Q1.6.35	Applicant	<p>dDCO – Schedule 2 Requirements</p> <p>In Requirement 10 is it appropriate to require consultation with a defined body or undertaker other than the relevant LPA is this not a matter more appropriately located in schedule 16 in procedure for discharge of requirements. See comments above. If there is specific reason or justification for inclusion please explain how this meets the test of necessity and update the EM.</p>
Q1.6.36	West Lindsey District Council, Basset law District Council, Lincolnshire County Council, Nottinghamshire County Council, Historic England	<p>dDCO – Schedule 2 Requirements</p> <p>Can the relevant Local Authorities and Historic England (HE) confirm they are satisfied with Requirement 11 and that it safeguards archaeological interests.</p>
Q1.6.37	Applicant	<p>dDCO – Schedule 2 Requirements</p> <p>In Requirement 12 is it appropriate to require consultation with defined bodies including the Highway Authority and EA, is this not a matter more appropriately located in Schedule 16 in procedure for discharge of requirements. See comments above. If there is specific reason or justification for inclusion please explain how this meets the test of necessity and update the EM.</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
Q1.6.38	Applicant	<p>dDCO – Schedule 2 Requirements</p> <p>In Requirement 13 is it appropriate to require consultation with defined bodies including the Highway Authority and EA, is this not a matter more appropriately located in Schedule 16 in procedure for discharge of requirements. See comments above. If there is specific reason or justification for inclusion please explain how this meets the test of necessity and update the EM.</p>
Q1.6.39	Applicant	<p>dDCO – Schedule 2 Requirements</p> <p>In Requirement 14 is it appropriate to require consultation with defined bodies including the Highway Authority, is this not a matter more appropriately located in schedule 16 in procedure for discharge of requirements. See comments above. If there is specific reason or justification for inclusion please explain how this meets the test of necessity and update the EM.</p>
Q1.6.40	Applicant	<p>dDCO – Schedule 2 Requirements</p> <p>In Requirement 16(3) is it appropriate to require consultation with defined bodies including the Highway Authority is this not a matter more appropriately located in schedule 16 in procedure for discharge of requirements. See comments above. If there is specific reason or justification for inclusion please explain how this meets the test of necessity and update the EM.</p>
Q1.6.41	Applicant	<p>dDCO – Schedule 2 Requirements</p> <p>Requirement 19 does not require decommissioning but only a process for decommissioning and restoration. The decision to decommission is left to the Applicant with no understanding or clarity about who, why, when or what factors are to be taken into account etc. Should these matters be the subject of a separate Requirement or article in the DCO.</p> <p>If not, why not and how does this affect the assessments undertaken in the ES and the intended 60 life span of the Proposed Development.</p>
Q1.6.42	Applicant	<p>dDCO Schedule 2 Requirements and Schedule 16 Procedure for discharge or Requirements</p> <p>The EA note that <i>“The Environment Agency wishes to be a specific named consultee in respect of Schedule 2, Requirement 7 (landscape and ecological management plan); and</i></p>

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		<p><i>Requirement 19 (decommissioning and restoration). We welcome our inclusion as a consultee to Requirement 6 (battery safety management plan); Requirement 12 (construction environment management plan); and Requirement 13 (operational environmental management plan).</i></p> <p><i>We would request that for the avoidance of doubt the words "following consultation with the Environment Agency" are inserted after "relevant planning authority". This will give us an opportunity to comment on the detailed mitigation and management schemes, secured post consent, to ensure adequate protection and enhancement of the environment"</i></p> <p>Given the previous comments above should these matters not more properly be included in Schedule 16 with a table of consultees for each condition and the purpose and nature of that impact along with the process for consultation and a resolution mechanism or position statement on what occurs should a negative response from the consultee be provided?</p> <p>See further below</p>
Q1.6.43	Applicant, Environment Agency	<p>dDCO – Schedule 15</p> <p>The EA have reviewed the proposed Protective Provisions (Schedule 15, Part 8) for the protection of the EA. The EA do not accept the current wording and comment that they will work with the Applicant to agree the wording.</p> <p>Can the Applicant and EA provide any necessary update during the course of the Examination on the progress towards agreement with the EA in terms of Protective Provisions.</p>
Q1.6.44	Applicant	<p>dDCO - Schedule 16 Procedure for discharge or Requirements</p> <p>The EA have indicated that it has concerns that the procedure outlined in this section of the DCO will not provide sufficient time for adequate consultation to take place for the discharge of requirements. Paragraph 3(3) states that where "<i>consultation with a requirement consultee is required, the relevant planning authority must issue the consultation to the requirement consultee within five working days of receipt of the application, and must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or that is requested by the requirement consultee within five working days of receipt of such a request and in any event within 15 working days of receipt of the application</i>".</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>If the relevant LPA does not issue the consultation until day 5, this would only provide the consultee with 10 working days to respond. The EA requests that this is amended to 20 working days to provide sufficient consultation timescales that align with those in the Development Management Procedure Order 2015, i.e. 21 days (equivalent to 15 working days) in addition to the 5 working days allocated for the relevant planning authority to issue the consultation.</p> <p>Similarly with Paragraph 4 appeals, (2)(c) should be amended to allow representations to be submitted within 20 working days.</p> <p>The EA also request that for the avoidance of doubt 'working day' is included in Paragraph 1 'Interpretation' as 'any day other than a Saturday, Sunday or English bank or public holiday'</p> <p>Can the Applicant comment on the proposed / suggested amendments.</p>
Q1.6.45	Applicant	<p>Tillbridge Solar Ltd</p> <p>Does the Applicant intend to include Protective Provisions in respect of Tillbridge Solar in the dDCO as with West Burton and Cottam? or how does it suggest that project should be handled differently, if so how?</p>
Q1.6.46	Applicant	<p>National Grid Electricity Distribution (East Midlands) plc (NGED)</p> <p>Can the Applicant confirm the latest position with regard to the progress of any asset protection agreement with NGED and the likelihood as to whether this will be completed before the close of the Examination?</p>
Q1.6.47	Applicant	<p>National Grid Electricity Distribution (East Midlands) plc</p> <p>Can the Applicant confirm the latest position with regard to discussions with NGED on the Protective Provisions in the dDCO and the likelihood as to whether these will be agreed before the close of the examination?</p>
7	Historic Environment	
Q1.7.1	West Lindsey District Council, Bassetlaw District Council, Lincolnshire County Council , Nottinghamshire County Council, Historic England	<p>Heritage Assets</p> <p>Are the relevant Local Authorities and HE satisfied that the Applicant has identified all relevant designated and non-designated heritage assets including any archaeological interest?</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
Q1.7.2	West Lindsey District Council, Bassetlaw District Council, Lincolnshire County Council, Nottinghamshire County Council, Historic England	<p>Archaeological surveys</p> <p>Are the relevant local authorities and HE satisfied that the Archaeological surveys are sufficient and that any identified gaps due to restricted access etc are sufficiently explained or justified. (eg paragraph 3.6.3 Appendix 7-A in Cultural Heritage Desk Based Assessment [APP-117]) ?</p>
Q1.7.3	West Lindsey District Council, Bassetlaw District Council, Lincolnshire County Council, Nottinghamshire County Council, Historic England	<p>Archaeological Mitigation Strategy (AMS)</p> <p>Can the relevant Local Authority and HE confirm whether the AMS part 1 [APP-227] and Part 2 fully secure the appropriate mitigation required to address the impacts of the Propose Development?</p>
Q1.7.4	West Lindsey District Council, Bassetlaw District Council, Lincolnshire County Council, Nottinghamshire County Council, Historic England	<p>Roles and responsibilities and implementation of AMS</p> <p>Are the relevant Local Authorities and HE satisfied that the dDCO and AMS sets out sufficient controls in respect of overseeing the monitoring and mitigation of the archaeological impact including the Archaeological Clerk of Works (ACoW) and the approval/ decision making processes?</p>
Q1.7.5	West Lindsey District Council, Bassetlaw District Council, Lincolnshire County Council, Nottinghamshire County Council, Historic England	<p>Variations to scheme design in the AMS</p> <p>Paragraph 7.7.1 of the AMS [APP-227] sets out a procedure for addressing changes to the scheme design. However, this does not make it clear the process for and authority to agree or approve such changes. <i>"The review will identify any changes to previously identified impacts and will identify the requirement for an appropriate mitigation response in consultation with the Archaeological Advisor to the relevant Local Planning Authority. The Archaeological Mitigation Strategy will be updated and submitted to the Archaeological Advisor to the relevant Local Planning Authority."</i></p> <p>Can the relevant Local Authority confirm that they are content that this suitably safeguards any effects that may arise from potential changes to the scheme design?</p>
Q1.7.6	Applicant	<p>Outline Design Principles (ODP) Heritage Setting Buffer</p> <p>The ODP includes a Heritage Setting Buffer described in the following terms <i>"No built infrastructure is to be located within the heritage setting buffer, as shown within ES Volume 2: Figure 2-4 Only landscaping and biodiversity enhancement is to be located within this area, as set out within the Outline LEMP [APP-231]."</i></p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		Given the direct reference to Figure 2-4 [APP-033] to identify the location of the Heritage Setting Buffer how is this to be secured as this is not identified as a certified document? If not, why not?
8 Human Health and Wellbeing		
Q1.8.1	Applicant	Health and safety related consents: Item 6 of the Consents and Agreements Position Statement [APP-217] refers to consents under Section 61 of the Control of Pollution Act 1974. What is the position if the application is not successful?
Q1.8.2	Applicant	Health and safety related consents: Item 7 of the Consents and Agreements Position Statement [APP-217] refers to health and safety related consents. <ul style="list-style-type: none"> • Do such consents apply in respect of both the workforce and members of the public? • How long before construction commences are such consents to be applied for? Rather than "as appropriate" does the Applicant mean that such consents are to be made as required to comply with relevant legislation?
Q1.8.3	Applicant	Effect on mental health and wellbeing Numerous concerns have been raised by local residents in their RRs in relation to the potential effects of the Proposed Development on mental health and wellbeing. The assessments in the ES in the Human Health and well being, cumulative effects and summary of significant effects chapters [APP-023 APP-025 and APP-026] conclude that no likely significant adverse effects are expected to arise from these topics. Taking account of the interaction between and potential combined effects, along with the general concerns raised by IPs on this matter, set out and explain in further detail what matters the Applicant has considered on how the Proposed Development (including its construction, operation and decommissioning) could be likely to affect the well-being and mental health of residents living in the locality of the Order Limits and any mitigation proposed.
Q1.8.4	West Lindsey District Council and Bassetlaw District Council	Study Area

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		Are the relevant Local Authorities satisfied that the study area for the Human Health and well-being effects (Rampton and Sturton wards in Bassetlaw District; and Lea, Stow and Torksey wards in the West Lindsey District) is appropriate?
Q1.8.5	Applicant	<p>Electro magnetic Field (EMF)</p> <p>Cables over 132kV are proposed as part of the Proposed Development. The Scoping Opinion [APP-110] states that in line with "<i>DECC Power Line: Demonstrating compliance with EMG public exposure guidelines, A Voluntary Code of Practice 2012</i>", cables above 132kV have potential to cause EMF effects and that the ES should demonstrate how design measures avoid the potential for EMF effects on receptors but this does not appear to be addressed in the application.</p> <p>Can the Applicant explain why it considers there would be no adverse effects from EMF and how any associated mitigation would be secured in the dDCO.</p>
Q1.8.6	West Lindsey District Council, Bassetlaw District Council, Lincolnshire County Council, Nottinghamshire County Council, UK Health Security Agency, Nottinghamshire Healthcare NHS Foundation Trust	<p>EMF</p> <p>Are the relevant Local Authorities and Health Authorities satisfied that the Applicant suggests EMF impacts have been scoped out given the justification at paragraph 14.8.2 of the ES?</p> <p>If not please explain the basis of your concerns?</p>
Q1.8.7	Applicant	<p>Joint Construction Traffic Management Plan (CTMP)</p> <p>In terms of cumulative effects, it is stated (paragraph 14.12.3 Chapter 14 Human Health and Wellbeing [APP-023] of the ES) that: "<i>It is considered that a joint CTMP could be prepared between the Scheme and West Burton Solar Project post-consent to manage and mitigate cumulative effects if necessary.</i>"</p> <p>This does not commit to the preparation of such plan as it includes the words 'could' and 'if necessary'. Please confirm the Applicants intention in this regard.</p> <p>Furthermore, please detail how the effects from other schemes, eg Cottam and West Burton, would be controlled through a CTMP required and controlled under this Order?</p>
Q1.8.8	Applicant	GP: Patient Ratio

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		<p>Paragraph 14.12.5 in Chapter 14 [APP-023] (Human Health and Wellbeing of the ES) states: "As explained in the Section 14.7, currently, the GP: Patient ratio is 1:1,880, which is also the recommended ratio set by the Royal College of General Practitioners (1:1,800). However, it is assumed that West Burton 2 and 3 together will have a peak construction workforce of 654 FTE and Cottam 1 will have a peak construction workforce of 832 FTE, in addition to the 363 FTE from Gate Burton. Taking into account these other developments, this could as a worst case scenario, potentially increase this ratio to 1:1,905 which greatly exceeds the recommended ratio as set by the Royal College of General Practitioners." Given the conclusion that the GP: Patient Ratio would potentially be significantly increased what mitigation is proposed? Or what are the implications conclusions on the basis of this outcome?</p>
Q1.8.9	Applicant	<p>Indicative timescales for construction and operation</p> <p>Paragraph 14.4.10 of the Health and Wellbeing Chapter [APP-023] says "In advance of a detailed construction programme, which will be prepared following the granting of the DCO, all temporary effects during construction are assessed as occurring simultaneously and for the entire 24-month programme. The same is assumed for decommissioning. Whilst a phased construction or decommissioning programme may be possible, the approach taken to assuming a 24-month duration means that the likely 'worst case' is assessed. This may result in the overestimation of predicted adverse health effects but is considered a robust approach to the assessment. Should the construction phase be extended or delivered in phases, the predicted effects would be the same or less than those outlined in this chapter."</p> <ol style="list-style-type: none"> 1) Is this always the case for all those who will be affected by the construction of the Proposed Development? 2) Could a more prolonged timescale mean more uncertainty and inconvenience, for example to landowners and farmers, with traffic disruption over longer periods in some areas, and thereby adversely affect the livelihood, general wellbeing and mental health of those affected to a greater extent than a shorter timescale?
<p>9 Landscape and Visual</p>		
Q1.9.1	Applicant	<p>Good Design</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>Section 4.5 of the Overarching National Policy Statement (NPS) for Energy (EN-1) emphasises the importance placed on ensuring good design in the development of National Infrastructure projects.</p> <p>Although the NPS is the primary source of policy under which the application will be considered, policy within the National Planning Policy Framework (NPPF) advocates for good design as do the 'Design Principles for National Infrastructure', developed by the National Infrastructure Commission.</p> <p>Please outline the Applicants approach to good design in respect of the following key elements, focusing on emerging technology and how each element reflects the principles of development responding to setting/place and people:</p> <ul style="list-style-type: none"> a) solar panels: form and associated platforms; b) substations, transmission cables and grid connection; c) the size and location of the BESS.
Q1.9.2	Applicant	<p>Design principles</p> <p>In the context of EN-1 of the NPSs paragraph 4.5.5, explain how the design of the proposed development meets the National Infrastructure Commission's Design Principles for National Infrastructure (February 2020) in respect of Climate, Places, People and Value, in all three phases of construction, operation and decommissioning.</p>
Q1.9.3	Applicant, West Lindsey District Council, Basset law District Council, Lincolnshire County Council , Nottinghamshire County Council.	<p>Design principles</p> <p>The National Infrastructure Strategy (November 2020) states that: <i>"All infrastructure projects to have a board level Design Champion in place by the end of 2021 at either the project, programme or organisational level, supported ... by design panels"</i>.</p> <ul style="list-style-type: none"> 1) Comment on the desirability of implementing the following measures to ensure that good quality sustainable design and integration of the proposed development, particularly the solar panels, BESS and substations, into the landscape is achieved in the detailed design, construction and operation of the projects. <ul style="list-style-type: none"> o A Design Champion to advise on the quality of sustainable design and the spatial integration of energy infrastructure structures, buildings, compounds, security fences, landscape, heritage, woodland, new landscape features, public rights of way and visual amenity.

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> ○ A 'design review panel' to provide informed 'critical-friend' comment on the developing sustainable design proposals; ○ An approved 'design code', 'design guide' or 'design approach document' (as approved in the Hinkley Point C Connector Project) to set out the approach to delivering the detailed design specifications to achieve good quality sustainable design; ○ An outline, including timeline, of the proposed design process, including consultation with stakeholders and a list of proposed consultees. <p>2) What qualifications and experience should the Design Champion have?</p> <p>3) How might the above measures be secured? and:</p> <p>4) Are any further measures needed? and</p> <p>5) In the opinion of the Local Authorities and other statutory parties, would the implementation of any or all of the above measures assist in determining post-consent approvals (including the discharge of requirements) in relation to achieving good design?</p>
Q1.9.4	Applicant	<p>Good Design: main buildings eg, control building, substation, BESS and warehouse and storage building</p> <p>NPS EN-1, section 4.5, criteria for 'good design' for energy infrastructure states that applying good design to energy projects should produce infrastructure that is sustainable, sensitive to place, efficient in the use of natural resources and energy used in their construction and operation and be matched by an appearance that demonstrates good aesthetics as far as possible.</p> <p>Paragraph 4.5.3 of NPS EN-1 requires applicants to take into account both functionality and aesthetics (including its contribution to the quality of the area in which it would be located) and encourages an applicant to take opportunities to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation.</p> <p>Explain how the criteria set out in NPS EN-1 have been met in the location, layout, design and proposed mitigation in respect of the main buildings at Gate Burton including the control building, proposed substation, BESS compound and associated structures/buildings.</p>
Q1.9.5	Applicant	Glint and Glare:

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		<p>Section 7 of the Glint and Glare Assessment Part 1 [APP-173] sets out the necessary mitigation measures needed to be put in place to reduce the medium and high impacts for residential and road receptors to reduce the final residual impacts to none or low. These include the implementation of hedgerows as shown in Figure 5: Annex A of that document. It is stated "<i>These hedgerows will be infilled and maintained to a height of at least 3m</i>".</p> <ol style="list-style-type: none"> 1) Can you confirm how this specific mitigation is secured in the DCO? 2) It is noted that a 15year timeframe for maturation is used for the overall assessments – can the applicant confirm whether this is the timeframe used for maturation of hedgerows and if so, provide an explanation of how impacts will be mitigated up until maturation. If not, can the applicant explain why no mitigation is proposed for this time period?
Q1.9.6	Applicant	<p>Vocabulary for description of residual effects</p> <p>ES Tables 10-7 to 10-10 describe impacts on visual receptors as "large", "noticeable" and "pronounced". For example, in Table 10-8, viewpoint 12 and 13 both have a receptor sensitivity of 'medium' and the impact is described as "<i>pronounced change to the composition of the view</i>". However, viewpoint 13 is considered to be a major significant residual effect and viewpoint 14 is a moderate significant residual effect. Can the Applicant explain the use of different vocabulary to describe impacts that may result in the same residual effect significance conclusion?</p>
Q1.9.7	Applicant	<p>Assessment Assumptions and limitations</p> <p>Paragraph 10.4.1 [APP-019] (Chapter 10 Landscape and visual; amenity) states "<i>A review of the Indicative Site Layout Plan against the Outline Design Principles confirmed that constructing and operating the Scheme in other ways allowed by the Outline Design Principles will not result in a greater impact to landscape character or visual amenity than the Indicative Site Layout Plan.</i>"</p> <p>Can the Applicant identify and explain the 'other ways allowed by the ODP' that you considered to arrive at this conclusion?</p>
Q1.9.8	Applicant	<p>Assessment Scenarios:</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>Paragraph 10.4 .12 [APP-019] (Chapter 10 Landscape and visual; amenity) includes sub paragraphs a) to o) paragraph f) of which includes reference to offices, mobile cranes and storage and i) refers to compounds storing materials as required.</p> <p>Can the Applicant confirm the height of any storage buildings, cranes etc assumed in these assessments and how this is secured in the DCO.</p>
Q1.9.9	Applicant	<p>Year 15 in winter conditions</p> <p>Can the Applicant provide an assessment of year 15 in winter conditions to demonstrate that planting will be effective as screening in winter months.</p>
Q1.9.10	Lincolnshire County Council, Nottinghamshire County Council	<p>Residential Visual Amenity assessment:</p> <p>Can Lincolnshire County Council confirm that it agree that the Residential Visual Amenity Threshold (RVAT) was not reached and therefore a RVAA was not necessary to carry out as stated at 10.6.28 of the Landscape and Visual Amenity Chapter of the ES [APP-019].</p> <p>Can Nottinghamshire County Council confirm whether they agree with this position.</p>
Q1.9.11	Lincolnshire County Council, Nottinghamshire County Council	<p>Zone of theoretical visibility and viewpoints.</p> <p>Can Lincolnshire County Council and Nottinghamshire County Council confirm that they are satisfied with the ZTV work and conclusions and that they are satisfied with the identification of viewpoints that have been assessed including the additional viewpoints LCC01-LCC10 referred to in the ES.</p>
Q1.9.12	Applicant, West Lindsey District Council, Lincolnshire County Council	<p>Assessment of Likely Significant Effects:</p> <p>The assessment includes reference to an Area of Great Landscape Value (AGLV) however has any consideration been given as to whether any part of the Order Lands or study area is or contributes to a 'valued landscape' as a specific area?</p> <p>If so, what conclusions have been reached and why?</p> <p>What are the views of the Relevant LPAs as to whether any of the area constities a 'valued landscape'?</p>
Q1.9.13	Applicant	<p>Significant effect Clay farmlands or Ancient Woodlands</p> <p>LLCA 06 references Clay Farmlands in Table 10-9 of the ES but references Ancient woodland in paragraph 10.9.104 of the ES where a significant effect is identified. Can the</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		Applicant clarify whether the significant effect is concluded for Clay Farmlands or Ancient woodland.
Q1.9.14	Applicant	<p>Cumulative effects:</p> <p>Paragraph 10.12.7 in the Landscape and visual amenity Chapter 10 of the ES [APP-019] states "<i>Given the proximity of the Scheme with these other solar projects, and the combined scale, the Applicant has worked in partnership to identify areas where projects can collaborate to manage environmental effects.</i>"</p> <p>It is not clear what is meant by this wording and it is not set out clearly in the ES what areas have included collaboration between projects – can the Applicant provide a summary table setting out where collaboration has occurred to manage environmental effects and what the outcomes of these are ?and detail how these can be secured in the DCO.</p>
Q1.9.15	Lincolnshire County Council	<p>Cumulative effects Assessment</p> <p>Confirm that LLC are in agreement with the short list of projects that have been included in the cumulative effects assessment for ES Chapter 10: Landscape and Visual Amenity [APP-019]?</p>
Q1.9.16	Applicant	<p>Summary of significant residual effects (Decommissioning)</p> <p>In Chapter 10 Landscape and Visual Amenity [APP-019] of the ES in table 10-10 Summary of significant residual effects (Decommissioning) the table entry for mitigation /enhancement measure for viewpoints 13, 17 and 19 is blank. Could this be completed. If it is none please insert the word `none`.</p>
Q1.9.17	Applicant	<p>Mitigation to reduce significant adverse effects</p> <p>Can the Applicant explain in more detail why no further mitigation is possible to reduce significant adverse effects on landscape and visual receptors both alone and cumulatively with other projects?</p>
Q1.9.18	Lincolnshire County Council	<p>Monitoring of mitigation measures in the OLEMP</p> <p>Please confirm that are content with monitoring arrangements of mitigation measures outlined in the Outline Landscape and Ecological Management Plan (OLEMP) and ES Chapter 10: Landscape and Visual Amenity [APP-019]?</p> <p>If not, please explain why.</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
Q1.9.19	Applicant	<p>Hedgerow planting and mitigation</p> <p>Chapter 10 Landscape and Visual Amenity [APP-019] of the ES contains tables 10-7 through to 10-10 setting out the summary of significant residual effects. Mitigation and enhancement measures include <i>“Additional hedgerow planting and increase of existing hedgerow height to approximately 3.5m.”</i> The Outline landscape and Ecology Master Plan [APP-231] at section 3.4 addresses hedgerows with trees and at 3.4.2 states <i>“Hedgerow height is important to screen views and the hedgerows will be maintained at a minimum of 3m high and ‘infilled’ where there are gaps in existing hedgerows.”</i></p> <p>The Landscape and visual assessment mitigation proposed is 3.5m however, the OLEMP only proposes to maintain hedgerows at 3m therefore, in these circumstances I consider a worst case scenario to be 3m and not 3.5m as assessed in relation to proposed mitigation. Can the applicant explain how a worst case scenario has been assessed and how it is secured through the application?</p>
10 Major accidents and Disasters		
Q1.10.1	Applicant	<p>Battery Energy Storage System (BESS)</p> <p>The Outline Battery Safety Management Plan [APP-222] at the final bullet point on page 6 states <i>“This anticipates Dame Marie Miller’s Lithium-Ion Battery Storage (Fire Safety and Environmental Permits) Bill, due for its second reading in March 2023 and will ensure a robust ERP (Emergency Response Plan)”</i>.</p> <p>Can the Applicant update this reference with the latest position and indicate any implications this may have for your ERP?</p>
Q1.10.2	Applicant	<p>Battery Energy Storage System (BESS)</p> <p>Paragraph 1.2.4 of The Outline Battery Safety Management Plan [APP-222] states <i>“The Outline Design Principles contain controls over the BESS, which include that an assessment will be undertaken, based on the detailed design for the BESS, to demonstrate that the risk of fire and impacts from such a fire will be no worse than as assessed in the plume assessment submitted with the Application.”</i> There does not appear to be a document entitled ‘plume assessment’ is this referring to the document ‘Unplanned Atmospheric Emissions from Battery Energy Storage Systems (BESS)’ [APP-172]? If so, clarify the reference if not confirm what it is referring to?</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
Q1.10.3	Applicant	Battery Energy Storage System (BESS) Paragraph 4.4.1 of the Outline Battery Safety Management Plan [APP-222] states " <i>The BESS will have a robust and validated ERP, developed in consultation with Lincolnshire FRS.</i> " This appears to be a separate document to the Battery Safety management Plan. Is this ERP document secured through the DCO, if so, how? And if not why not?
Q1.10.4	Applicant	Battery Energy Storage System (BESS) Requirement 6(4) includes that " <i>The relevant planning authority must consult with the Health and Safety Executive, Lincolnshire Fire and Rescue, Nottinghamshire Fire and Rescue Service and the Environment Agency before determining an application for approval of the battery safety management plan.</i> " <ol style="list-style-type: none">1) Given that the issue involves fire safety has the Applicant considered whether any or all of these agencies should be required to give approval rather than just be consulted?2) If not please explain why not and why the consultation would provide sufficient control for appropriate agencies.3) Given that this matter does not fall within the Health and Safety Executive's (HSE's) remit is it appropriate to include them in this list at all.
Q1.10.5	Health and Safety Executive, Lincolnshire Fire and Rescue, Nottinghamshire Fire and Rescue Service and the Environment Agency	Battery Energy Storage System (BESS) Are the Health and Safety Executive, Lincolnshire Fire and Rescue, Nottinghamshire Fire and Rescue Service and the Environment Agency satisfied with the approach and conclusions of the Outline battery Safety Management Plan [APP-222] and the 'Unplanned Atmospheric Emissions from Battery Energy Storage Systems (BESS)' [APP-172].
Q1.10.6	Applicant	Battery Energy Storage System (BESS) Please provide further explanation as to why the LFP lithium-ion battery technology is considered to be a reasonable worst-case scenario for the purposes of the plume assessment and Outline Battery Safety Management Plan [APP-222]. Please explain whether, and if so how, the approach to battery safety would differ if a different lithium-ion battery technology was used

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
11	Noise	
Q1.11.1	West Lindsey District Council, Bassetlaw District Council, Lincolnshire County Council, Nottinghamshire County Council.	<p>Sensitive Receptors</p> <p>Do the Host Authorities agree with the identified Zones of Influence and the Sensitive Receptors set out in table 11-2 and the locations set out in Figure 11-1 [APP-096] are representative of the nearest Sensitive Receptors?</p>
Q1.11.2	West Lindsey District Council, Bassetlaw District Council, Lincolnshire County Council, Nottinghamshire County Council.	<p>Noise and Vibration Assessment</p> <p>Please state whether the Host Authorities agree with the assessment methodology and conclusions set out in ES Chapter 11 (Noise and Vibration [APP-020]). If not please explain where you disagree and why.</p>
Q1.11.3	Applicant	<p>Grid Connection Corridor</p> <p>In Table 11-4 Grid Connection Corridor Construction Effects in Chapter 11 Noise and Vibration of the ES [APP-020] can the Applicant confirm that the receptor location for above the Significant Observed Adverse Effect Level (SOAEL) should in fact read 66 High Street, Marton?</p>
Q1.11.4	Applicant	<p>Section 61 consent</p> <p>Paragraph 11.10.15 in Chapter 11 Noise and Vibration of the ES [APP-020] states <i>"For all works that are undertaken outside of core work periods, a Section 61 consent will need to be obtained by the principal contractor. This will be agreed with the local planning authority and contain details on the methodology, mitigation, communication strategy and monitoring."</i></p> <p>What is the Applicants approach if a section 61 consent is not forth-coming?</p>
Q1.11.5	Applicant	<p>HDD activities</p> <p>Paragraph 11.10.16 in Chapter 11 Noise and Vibration of the ES [APP-020] states <i>'This hierarchy includes the use of acoustic fencing which, if required, could provide 10 dB of noise attenuation. Consequently, noise from HDD activities at AA12 would reduce to 51 dB LAeq,T at worst, which is below the SOAEL. As such, noise effects due to HDD activities are considered to be not significant'</i></p>

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		<p>This includes the terms 'if required' and 'could' before concluding the activities at AA12 'would' reduce to the specified level. But this can only be a could if those points were implemented. There is no firm commitment. Should this not be a necessary firm commitment given the predictions to ensure levels are no higher than the 51decibels(dB) LAeq T at worst ? if not why not? And how can this be secured?</p>
Q1.11.6	Applicant	<p>Distinctive tonal, impulsive or low frequency characteristics of noise</p> <p>Paragraph 5.11.4 of the National Policy Statement (NPS) EN-1 (and paragraph 5.12.6 of the revised draft NPS for Renewable Energy Infrastructure (EN-3), March 2023) requires that the Applicant's assessment includes the identification of any distinctive tonal, impulsive or low frequency characteristics of noise.</p> <ol style="list-style-type: none"> 1) Please provide a summary, in the clearest possible terms, of how these characteristics have been identified. This may include examples of equivalent sound sources to provide a guide to all Interested Parties. 2) Give the design flexibility sought for particular elements of the proposal, what likelihood is there that such characteristics might change once the final design has been determined?
Q1.11.7	Applicant	<p>Improvements to Health and Quality of life</p> <p>The third limb of paragraph 5.11.9 of NPS EN-1 (and paragraph 5.12.17 of the draft NPS EN-1 March 2023) requires that proposals, where possible, to contribute to improvements to health and quality of the life through the effective management and control of noise.</p> <ol style="list-style-type: none"> 1) Please summarise how the Proposed Development does this, cross referencing where necessary to existing documents. 2) If it has not been possible for the Proposed Development to achieve this then please explain why not, and comment on the statement at 11.11.1 that <i>"No enhancement measures are proposed during construction, operation or decommissioning following the incorporation of the embedded measures described above."</i>
<p>12 Socio-economic Effects and Land Use (including Agricultural land and BMV)</p>		
Q1.12.1	Applicant	<p>Grid connection corridor – BMV</p> <p>NE advise in its RR [RR-193] that <i>"It is stated that soil surveys were not considered necessary to inform the ES as the area could return to agricultural use following</i></p>

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		<p><i>construction of the cable route. However, soil surveys will be necessary post consent to inform the construction and ensure that the cable route is restored to its current ALC grade. Natural England advise that this should be made a requirement of the DCO, along with restoration of the cable trenches to their ALC grade prior to operation of the scheme, to ensure the impacts along the cable route are only temporary as described."</i></p> <p>However, without having a robust baseline, it is unclear to what state the land will be restored to and how this will be measured.</p> <p>Can the Applicant explain the methodology for ensuring the land is restored to its baseline state following the completion of construction and how this is secured in the application?</p> <p>Can the Applicant confirm that appropriate post consent soil surveys will be undertaken and advise how this will be secured in the DCO.</p> <p>If they consider this is not necessary, please explain why and justify.</p>
Q1.12.2	Applicant	<p>BMV land within the Gate Burton Energy Park</p> <p><i>NE in its RR [RR-193] advise that "To properly inform an assessment of potential impacts all elements of the project, permanent infrastructure; temporary solar PV arrays; and other mitigation and enhancement options (i.e. BNG areas) should be shown by the addition of a table showing the ALC grade and proportion of all areas of permanent and non permanent units across the full DCO limits would be helpful."</i></p> <p>Can the Applicant produce the requested table and if not please explain and justify why it is not required.</p>
Q1.12.3	Applicant	<p>BMV National Policy Statement for energy EN1</p> <p>The Proposed Development although suggested to have a 60 year operational life is not time limited by any Article or requirement in this context can the Applicant comment on NE's comment in its RR [RR-193] that <i>"Furthermore, if not time limited as described, the proposed development has the potential to lead to the permanent reduction in agricultural production. This should be considered whether this is an effective use of land in line with the National Policy Statement for Energy (EN-1) and Renewable Energy Infrastructure (EN-3), which encourages the Applicant to seek to 'minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations."</i></p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
Q1.12.4	Applicant	<p>BMV National Policy Statement for energy EN1</p> <p>Explain how the Applicant has sought to minimise the impacts on BMV land and what other areas/alternatives have been considered.</p> <p>Please explain how the temporary loss of 80.4 hectares of BMV land would be an effective use of land and would accord with Paragraph 5.10.8 of NPS EN-1.</p>
Q1.12.5	Applicant	<p>BMV soil health</p> <p>Can the Applicant provide further commentary/ evidence around the impacts on soil health in the context of NE's comments in their RR [RR-193] <i>"It should be noted that whilst arable reversion to grassland has been shown to benefit Soil Organic Matter, this benefit will only extend to the duration of the reversion, i.e., during the operational phase and restricted to those areas of land currently under cultivation. However, there could be a disbenefit to the soil resource due to unknowns as a result of the solar development infrastructure. It is currently unclear as to what impact the solar panels may have on the soil properties such as carbon storage, structure and biodiversity. For example, as a result of changes in shading; temperature changes; 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."</i></p>
Q1.12.6	Applicant	<p>BMV Soil Management Plan</p> <p>NE have welcomed the preparation of the Outline Soil Management Plan [APP-233] submitted with the application and made some specific comments in their RR [RR-193] can the Applicant respond to each of the points raised.</p>
Q1.12.7	Applicant	<p>Public Rights of Way Impact Magnitude Criteria</p> <p>Table 12-6 in Chapter 12 (socio economics and land use) [APP-021] of the ES uses a qualitative description for identifying the magnitude of impact e.g. High – substantial increase/ decrease, Medium – noticeable increase/ decrease, Low – slight increase or decrease. These are subjective terms open to significant variation of judgement.</p> <ol style="list-style-type: none"> 1) Can the Applicant indicate what factors and scale are considered in arriving at these judgements. 2) Can the Applicant ascribe a distance or time or both in bandings to provide an indication of the judgement that has been employed and can this be explained and justified. If not, please explain why not.

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
Q1.12.8	Applicant	<p>Construction Employment leakage</p> <p>An adjustment of 43% is suggested as appropriate for the main construction period. In terms of cumulative effects an overlap with other solar schemes is identified but this does not affect the overall conclusion. To what extent did the applicant attribute shortages in specialist skilled solar workers and overall construction workers increasing the potential leakage outside the study area? What percentage was ascribed and why?</p>
Q1.12.9	Applicant	<p>Sheep grazing for agricultural use under solar panels</p> <p>Paragraph 12.10.3 of Chapter 12 Socio Economic and Land Use [APP-021] of the ES refers to <i>"This includes the area underneath the panels where some sheep farming could be undertaken(78.4ha grade 3a and estimated BMV) in accordance with the Outline Landscape and Ecology Management Plan (OLEMP) [EN010131/APP/7.10],as well as the Grid Connection Corridor (74.8 ha of estimated BMV) which can be returned to agricultural use after construction"</i>.</p> <ol style="list-style-type: none"> 1) Can the Applicant sign post where in the OLEMP details of how or where sheep farming could be undertaken? 2) Can the Applicant provide details of how sheep farming could be undertaken as an agricultural enterprise, who would 'farm' the sheep, how would this be secured through the DCO, and provide any evidence that this has been successfully undertaken on other solar farms.
Q1.12.10	Applicant	<p>Return of land to arable use after decommissioning</p> <p>Paragraph 12.10.33 of Chapter 12 Socio Economic and Land Use [APP-021] chapter of the ES refers to <i>"...land used for the Scheme will be returned to arable agricultural use."</i></p> <ol style="list-style-type: none"> 1) How is this secured in the DCO? 2) Who will it be returned to ? 3) On what terms? and 4) How can it be guaranteed it will return to arable agricultural use? 5) If not returned to arable agricultural use what effect would this have for the conclusions in respect of significance of effect?
Q1.12.11	Applicant	<p>Land use and food production</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<ol style="list-style-type: none"> 1) How much of the existing agricultural land relates to arable and how much is pasture at present? 2) What crops are currently grown on this land? 3) How much land is used for grazing livestock? 4) What are the actual current yields in terms of arable, pasture and livestock? 5) What is the estimated loss in yield due to the Proposed Development?
Q1.12.12	Applicant	<p>Decommissioning</p> <p>Explain how Requirement 19 [APP-215] ensures the site would be restored to its former condition following decommissioning.</p>
Q1.12.13	Applicant, West Lindsey District Council, Basset law District Council, Lincolnshire County Council, Nottinghamshire County Council.	<p>Tourism</p> <p>Although paragraph 12.6.20 of Chapter 12 Socio Economic and Land Use [APP-021] of the ES refers to <i>"Criteria for receptor sensitivity and impact magnitude have been set out below (Table 12-3 and Table 12-4) (although specific sensitivity values are not attributed to socioeconomic receptors as explained above), which have been grouped as follows: economic impacts, local amenities and land use impacts, and tourism impacts."</i> There is little further commentary on the potential effects on tourism.</p> <ol style="list-style-type: none"> 1) Can the Applicant either signpost the assessment of the effect on tourism or provide further evidence with regard to effects on tourism and comment on the Relevant Representations many of which refer to the potential for adverse effects on tourism. 2) Can the Host Local Authorities comment on its position in respect of the effects on Tourism?
Q1.12.14	Applicant	<p>Woodside Pet Care:</p> <p>As a local business operator who are concerned about the effect of the proposed development on the operation of their business has the Applicant assessed the impact of the Proposed Development on the continuation of Woodside Pet Care business and any potential adverse effects. If so, what effects have been identified and if any identified how have these been mitigated?</p>
13 Transportation and Traffic		

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
Q1.13.1	Lincolnshire County Council, Nottinghamshire County Council.	<p>Transport Assessment (TA) methodology conclusions and CTMP and CEMP</p> <ol style="list-style-type: none"> 1) Do NCC and LCC as Local Highway Authorities agree with the methodology and conclusions of the TA [APP-166] and as reported in the ES Chapter 13 Transport and access [APP-022]? 2) If not ,please identify where issues arise and the reasons. 3) Do NCC and LCC agree with the mitigation and output from the CTMP and CEMP will adequately address any residual effects and are they satisfied these are appropriately secured through the dDCO?
Q1.13.2	Lincolnshire County Council, Nottinghamshire County Council.	<p>Abnormal Loads</p> <ol style="list-style-type: none"> 1) Are NCC and LCC as local Highway authorities satisfied with the arrangements for abnormal loads set out in the Framework CTMP [APP-167 & APP-168]? 2) If not, please identify where issues arise and the reasons?
Q1.13.3	Lincolnshire County Council, Nottinghamshire County Council.	<p>Travel Plan</p> <p>Chapter 13 Transport and Access [APP-022] of the ES, paragraph 13.6.68, sets out that no travel plan will be provided for the construction or operational phases.</p> <ol style="list-style-type: none"> 1) Are NCC and LCC satisfied with this conclusion? 2) If not, please identify where issues arise and the reasons?
Q1.13.4	Applicant	<p>Construction vehicle assumptions</p> <p>Chapter 13 Transport and Access [APP-022] of the ES sets out assumptions for construction vehicle movements to the solar and energy storage park at paragraph 13.6.14, please explain and justify the basis for the percentage splits, shuttle service splits, vehicle occupancy etc. or signpost where this is set out as this appears to be a direct lift from the TA [APP-166] paragraph 6.2.5 but which also does not appear to have any explanation or justification.</p>
Q1.13.5	Basset law District Council,	<p>Grid Connection Corridor access</p> <p>In the Statement of Common Ground between the Applicant and Bassetlaw District Council (BDC) and Nottinghamshire County Council (NCC) BDC suggest that <i>'the Transport Assessment should cover the new proposed accesses to the GCC works near the power</i></p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p><i>station and explain why it is necessary to construct new accesses over the existing power station accesses.'</i></p> <p>The status is noted as under discussion although a detailed Applicant position is set out. Can BDC confirm its current position with any necessary explanation?</p>
Q1.13.6	Applicant	<p>Cumulative impacts construction</p> <p>Paragraphs 13.13.35 to 13.13.38 refer to the grid connection corridor and a 'potential' for a shared corridor along with a joint CTMP 'could' be prepared between this Proposed Development and Cottam and West Burton. This does not provide any certainty.</p> <p>How would such plan be secured?</p> <p>What weight can be given to the potential benefits if this is not formally secured?</p>
Q1.13.7	Applicant	<p>Collision data</p> <p>The Transport Assessment [APP-166] analyses collision data provided by over the latest five year period.</p> <p>Can the Applicant explain why the collision data over the past five years is considered to be representative given the possible impacts in terms of traffic movements of the Covid-19 pandemic during this period?</p>
14 Water Environment (including flooding)		
Q1.14.1	Applicant	<p>Point of Connection application Anglian Water</p> <p>Paragraph 9.4.13 of Chapter 13 Water Environment [APP-018] of the ES notes that "At the time of writing (January 2023), a Point of Connection (PoC) application is being progressed with Anglian Water for this connection and to confirm the availability of supply. Should this approach not be suitable, then tanks of water would be located within the Solar and Energy Storage Park to store the necessary volume needed for firefighting purposes within the BESS Compound."</p> <p>Can the Applicant confirm the present position. It is noted that in the Consents and Agreements Position Statement [APP-217] no reference is included regarding a PoC application?</p>
Q1.14.2	Applicant	Environmental Permitting - disapplication

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ExQ1	Question to:	Question:
		<p>The EA in its RR [RR-270] note that <i>“the applicant wishes to disapply the Environmental Permitting (England and Wales) Regulations 2016 (EPR) and includes this in the DCO (Part 2 Principal Powers) in Article 6(1)(h). As currently drafted this Article seeks to disapply Regulation 12 in its entirety, meaning that the requirement for all types of environmental permit is disapplied. We are unable to agree to this and will only agree to disapply the requirement for a flood risk activity permit once we can reach an agreement regarding the Protective Provisions for the Environment Agency in Schedule 15 Part 8. We are unlikely to agree to the disapplication of other environmental permits under the 2016 Regulations, including a water discharge activity – also see section 6.0 below regarding this. Accordingly, we request that Article 6(1)(h) is amended to read: “regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016, in respect of a flood risk activity permit only”.</i></p> <p>1) Can the applicant confirm its position in this regard and address the EA’s comments? 2) Also further clarification of the necessity of such should be included in the EM [APP-216].</p>
Q1.14.3	Applicant	<p>Protective Provisions</p> <p>The EA in its RR [RR-270] note the proposed protective provisions Schedule 15,(Part 8) for the protection of the EA. The EA confirm these are not acceptable in the current wording but that they will work with the Applicant to agree the wording.</p> <p>Can the Applicant confirm the present position and how this matter is being taken forward?</p>
Q1.14.4	Applicant	<p>Flood Zones</p> <p>ES Figure 9-2 does not list the flood zones and ES Figure 2-1b does not delineate flood risk zones 3a and 3b. Can the Applicant provide a map identifying the Proposed Developments’ location in relation to flood risk zones 3a and 3b.</p>
Q1.14.5	Applicant	<p>PV Panels in Flood Zone 3</p> <p>The EA in its RR [RR-270] note that whilst the PV panels will be sequentially located in flood zone 1, their interpretation is that some will be located in flood zone 3. Whilst they acknowledge the loss of Floodplain is likely to be negligible they have suggested there should be a consideration and calculation of the cumulative loss of floodplain volume from</p>

ExQ1: [12 July 2023]**Responses due by Deadline [2]: [8 August 2023]**

ExQ1	Question to:	Question:
		<p>the posts supporting the photovoltaic panels and whether this loss needs to be reasonably compensated for as part of the proposals.</p> <p>Can the Applicant respond to the suggestion and if no calculation is proposed please justify why not?</p>
Q1.14.6	Applicant	<p>Grid connection construction statement – launch and reception pits</p> <p>The EA in its RR [RR-270] note <i>“The cross-section drawing (Annex E) provided in the ES, Volume 3, Appendix 2-B: Grid Connection Construction Method Statement [APP-114] should be updated to demonstrate that an 8 metre distance from the launch and reception pits to the landward side of each bank will be maintained. The crossing should also be at least 1.5 metres below the riverbed and 10 degrees perpendicular to the direction of the flow in the main river”</i>.</p> <p>Can the Applicant please submit an amended drawing to reflect these requirements or explain why it is not necessary?</p>
Q1.14.7	Lincolnshire County Council	<p>CEMP details of areas of site to be made impermeable.</p> <p>Lincolnshire County Council (LCC) have stated in its RR that <i>“More detail would be needed on areas of the site which are proposed to be made impermeable and these could be conditioned using suitably worded requirements. Again, the Draft DCO includes an appropriate requirement (Schedule 2, Condition 10) to address this.”</i></p> <p>Could LCC elaborate on what the additional detail that would be required would be and the wording of any suitably worded condition (requirement) that they consider would be necessary?</p>

ExQ1: [12 July 2023]

Responses due by Deadline [2]: [8 August 2023]

ANNEX A

Gate Burton Energy Park: Compulsory Acquisition or Temporary Possession Schedule

List of all objections to the grant of Compulsory acquisition OR TEMPORARY POSSESSION powers (ExQ1: Question 1.5.2)

In the event of a new interest in the land, or Category 3 person, being identified the Applicant should inform those persons of their right to apply to become an Interested Party under s102A PA2008.

Obj No.ⁱ	Name/ Organisation	IP/AP Ref Noⁱⁱ	RR Ref Noⁱⁱⁱ	WR Ref No^{iv}	Other Doc Ref No^v	Interest^{vi}	Permanent / Temporary^{vii}	Plot(s)	CA?^{viii}	Status of objection

i Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ii Reference number assigned to each Interested Party (IP) and Affected Person (AP)

iii Reference number assigned to each Relevant Representation (RR) in the Examination library

iv Reference number assigned to each Written Representation (WR) in the Examination library

v Reference number assigned to any other document in the Examination library

vi This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

vii This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights

viii CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.