West Burton Solar Project

Applicant's Responses to ExA First Written Questions

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SOLAR PROJECT

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Issue Sheet

Report Prepared for: West Burton Solar Project.
Examination Deadline 3

Applicant's Responses to ExA First Written Questions

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1 Introduction

1.1.1 This report responds to the Examining Authority's (ExA) first written questions, issued on 15 December 2023 **[PD-009]**. It responds to each of the questions posed to the Applicant. The Applicant has not responded to questions posed to specific Interested Parties but will review those responses once available and may comment on those at Deadline 4.

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

- General and cross-topic Questions
- Agriculture and Soils
- Biodiversity and Ecology
- Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations
- Draft Development Consent Order (DCO)
- Health and Wellbeing
- Historic Environment
- Landscape and Visual
- Need, the electricity generated and climate change
- Noise, Vibration and Air Quality
- Other planning matters
- Safety and Major Incidents
- Socio-economics Matters
- Transport and access, highways and public rights of way (ProW)
- Water Environment including Flooding

2 General and Cross-topic Questions

ExQ	Respondent	Question	Applicant's Response
1.1.1	All Parties	**Revised Energy National Policy Statements** On November 22nd the Department for Energy Security and Net Zero published an updated version of the draft National Policy Statements (NPS) (EN1-5) (National Policy Statements for energy infrastructure - GOV.UK (www.gov.uk)) which contain some changes to elements, particularly in the Overarching Statement EN-1, regarding the decision-making process for low carbon generation applications in general and including solar generating stations and related connections. These revised draft Statements have also been laid before parliament but are yet designated for the purposes of s104 of the Planning Act 2008. The ExA notes the Applicant intention to provide an updated Planning Statement to Deadline 2 to address the Revised Energy National Policy Statements issued. Do any parties other have any comments on the potential effect of changes in the November 2023 versions of the revised draft Energy NPS on matters related to this application, compared to the March 2023 versions of the Energy NPS?	The updated National Policy Statements (NPS) for Energy published on 22 November 2023, were laid before Parliament under section 9(8) of the Planning Act 2008. In accordance with section 5(4) and (4A), they will be designated after a period 21 'sitting days' in the House of Commons. It is therefore expected that these new NPSs will be designated and applicable to all new DCO applications for energy NSIPs under s104 of the Planning Act 2008 from early 2024. Section 1.6 of EN1 (November 2023) sets out the transitional provisions and states that for DCO applications submitted prior to the designation of the November 2023 NPSs (such as the Scheme), the 2011 suite of NPSs will continue to have effect and therefore the DCO application for the Scheme will be determined under s105 of the Planning Act 2008. However, paragraph 1.6.3 states that the November 2023 NPSs are capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the Secretary of State. The Applicant's position is that the November 2023 NPSs are important and relevant considerations and should be given significant weight in light of the importance the NPSs place on the role of renewable energy in decarbonisation and achieving the Government's 2050 net zero obligations. The NPSs also

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			reiterate the target of 70GW of ground and rooftop solar deployment by 2035. The Applicant confirms an updated **7.5_B Planning Statement Revision B [EN0101032/EX3/WB7.5_B]** has been submitted at Deadline 3 to demonstrate the Applicant's position on the compliance of the Scheme with the November 2023 NPSs. The Applicant will confirm to the Examining Authority when the new NPSs have been formally designated.
1.1.2	Applicant	**Energy National Policy Statements** Noting that NPS EN-3 for Renewable Energy does not refer to solar, the Applicant is asked to please explain why they consider this to be important and relevant to the determination of the Proposed Development, as set out in the Planning Statement [APP-313] at paragraph 5.4.9.	The applicant has amended **7.5 Planning Statement [EN010132/EX3/WB7.5_A]** at Deadline 3 to clarify that adopted NPS EN-3, is not considered to be 'important and relevant' to the determination of this application.
1.1.3	Applicant	**Energy National Policy Statements** The Planning Statement [APP-313] at paragraph 5.6.1 sets out that the Applicant expects that the Energy NPS's will be attributed most weight when the application is determined. Please provide reasons for this.	The Secretary of State confirmed in paragraph 4.5 of the Decision Letter for the Cleve Hill Solar Park Order 2020 that the "*Secretary of State is aware that the Overarching National Policy Statement for Energy EN-1 ("EN-1") applies to electricity generating stations with a generating capacity of more than 50MW, although not this particular type of generating station. The Secretary of State, therefore, considers that policies in EN-1 are matters which are both important and relevant to his decision on whether to grant or withhold consent for the Development*." The importance

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			and relevance of the 2011 NPS EN-1 was reiterated in the Secretary of State's Decision Letter for the Little Crow Solar Park Order 2022. In paragraph 4.7 of the Decision Letter for the Longfield Solar Farm Order 2023, the Secretary of State stated that "*...the need for solar is established in the dNPSs and is a matter he considers to be important and relevant to this decision under section 105 of the 2008 Act. The Secretary of State agrees with the ExA's conclusions and ascribes the Proposed Development's contribution to meeting this need substantial positive weight in the planning balance*." The Applicant refers to its response to ExQ 1.1.1 above. Whilst it is acknowledged that the 2011 NPSs are important and relevant under the transitional provisions, the Applicant considers that the November 2023 NPSs are also important and relevant and should be given considerable weight for the following reasons: • the NPSs specifically apply to NSIPs and set out the national need for such schemes; • the NPSs have been recently revised to reflect current Government policy; • EN-1 identifies now NSIP-scale solar as critical national priority infrastructure; and EN-3 has been recently revised to provide clear and current policy for NSIP-scale solar as a renewable energy generating station.

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1.1.4	Applicant	**Operational Lifetime of Proposed Development** In response to ISH1 discussions [REP1-052], the Applicant confirms that the dDCO amends the Requirement 21 to require decommissioning to take place within 60 years of the final commissioning date of the Scheme. However, paragraphs 1.1.5 and 2.3.1 of the revised Operational Environmental Management Plan [REP1-038] states that the operational lifetime of the Proposed Development would be 40 years and decommissioning is estimated to be no earlier than 2066. The Applicant is asked to consider the implications of a 60 year operational period update this document accordingly.	The need to decarbonise does not 'stop' at Net Zero or at 2050, and the provision of zero-carbon energy to the electricity system and wider energy system is of enduring importance. The benefit therefore of continuing to operate a scheme for up to 60 years rather than ceasing to generate at 40 years, ensures that the Scheme is able to contribute to that enduring need for as long as it is able to. The alternative would be that the Scheme would need to be decommissioned at 40 years, even if it was not at the end of its operational life as a productive generating station, and a new generating station scheme would need to be developed, consented, funded and constructed to make up for the energy lost through closing early. There is no guarantee that such a scheme would come forwards. The DCO application as originally submitted did not include a time limit. Following concerns raised by stakeholders and interested parties, the Applicant has included a requirement to decommission the Scheme no later than 60 years following the date of final commissioning. The **8.2.3 Review of Likely Significant Effects at 60 Years [REP1-060]** sets out the implications of an up to 60-year operational period. The **Operational Environmental Management Plan [EN0101032/EX3/WB7.14_B]** has been updated at Deadline 3 to correct the historic reference to 40 years.
1.1.5	Applicant	**Cumulative Construction Period**	Paragraph 4.5.55 of **6.2.4 Environmental Statement - Chapter 4_Scheme Description [APP-042]** refers specifically to assessment of cumulative scenarios with regards to works

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		The ES Chapter 4 [APP-042] paragraph 4.5.55 sets out that 5 year sequential worst case scenario for construction has been adopted. The Applicant is asked why this is the case, given that there is potential for the cumulative schemes Gate Burton, West Burton and Cottam to be constructed over a 7 year period, noting their anticipated construction timeframes?	on the Shared Cable Route (Work No. 5B on **2.3_B Works Plans Revision B [REP1-004]**. As such, the sequential 5-year period is assumed as a reasonable worst case scenario for assessing construction impacts directly related to the installation of the cable ducting and cable jointing for each of the three identified NSIPs. This methodology is agreed and consistent across West Burton, Cottam, and Gate Burton in their assessment of impacts arising from the construction of the Shared Cable Corridor. The five-year period is based on the fact that each of the schemes will need to have completed construction of the Shared Cable Route prior to their respective grid connection dates.
1.1.6	Applicant	**Solar PV Panels** The Applicant explains in the ES Chapter 4 [APP-042] at paragraph 4.5.5, that due to the rapidly developing range of technologies for PV panels, the generating capacity, technology type and size of the individual panels are not specified in the DCO application. Rather, the maximum total surface area of all PV panels is limited to the area shown on the Works Plan [APP-008] for Work No. 1. Nonetheless, the indicative landscape section [APP-284] and illustrative site layouts [REP1-022] have been produced suggesting dimensions and suggested positions for the solar PV Modules. The Applicant is asked to please:	a) In paragraph 7.8.10 of **6.2.7_A ES Chapter 7 Climate Change Revision A [REP1-012]** it is stated that the total number of solar PV modules in the indicative design is 1,001,808. b) PV solar panels continue to evolve the same fundamental technologies at a rapid rate. The ongoing improvements are twofold; the wattage of individual panels increases over time, and the efficiency with which the panels convert solar irradiance into electricity is improving. There are also occasional step changes in efficiency, for example the introduction of bi-facial panels that can receive irradiance on both sides a few years ago. This came from a relatively minor modification to panel design on the back of a panel so it has no bearing on the visual look of the panel or indeed how it would have been assessed within the Rochdale envelope.

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		a) Give an indication of how many panels would be present in the indicative site layout; b) 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; c) 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; d) If so, is this consistent with the offer in relation to the grid connection and could the Battery Energy Storage System accommodate an increased load?	As described above, the rate of technology improvements leaves an uncertainty as to how much the amount of electricity generated will increase per hectare. Similarly, flexibility has been maintained within the Rochdale envelope to enable fixed or tracker panels to be installed. Panels mounted on tracking systems achieve a higher load factor thereby generating more electricity or in other words a higher yield, when compared to fixed mounting structures. In comparison, fixed systems are cheaper to install and allow a greater overall installed capacity on the same land area. The decision to select one over the other is therefore a function of the price of the panels and mounting structures at the time and predicted electricity prices. Higher predicted electricity prices in isolation would suggest a better business case for trackers. In contrast if panels were particularly cheap at the point of ordering for construction then it may be favourable to install more panels on fixed structures. Either solution could deliver the most efficient overall output from the project, depending on market conditions at the time. By adding more, or using more efficient, panels, the energy provided to the National Grid over the course of a year would increase. There is no practical cap imposed on the energy which can be transmitted to the grid but the variable nature of the primary energy source (sunlight) means that the energy increase would likely be in proportion to the increase in effective capacity at the scheme for small increases in effective capacity. For larger increases in effective capacity, generation would be curtailed

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			to keep energy production to the maximum level of the grid connection agreement of 480MW export and 20MW import provided by National Grid (please refer to **7.7 Grid Connection Statement [APP-316]**). Section 7.6 of **7.11 Statement of Need [APP-320]** describes overplanting as a way of increasing the lifetime generation of the scheme and therefore as full a utilisation of the available grid connection capacity as is possible. However above a certain level, overplanting does not provide an economic regulation to the total installed capacity greater than that achieved by a modest level of overplanting. For this reason, significant increases in installed capacity (by adding more or using more efficient panels) is not a realistic option at the Scheme based on current known technologies. The Scheme as designed provides an optimal utilisation of the grid connection capacity, given the available land and connection resource. Delivering a smaller scheme would deliver less annual low-carbon energy to the grid, and would not utilise the grid capacity to the greatest extent possible by a solar scheme in the proposed location. Solar panel output increases as a product of panel size (area) and panel efficiency. Any increase in panel output due to increasing the size of the panel will not materially affect their coverage across the site because the total area of panels in the Scheme will be the same. Figure 10.2 of **7.11 Statement of Need [APP-320]** shows that the efficiency of solar cell technology has increased over the last 40 years and that Crystalline-Si, Multi-Function and Thin-Film technology cell

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			efficiencies have increased broadly linearly. The Applicant therefore anticipates that over the period of possible module procurement for the scheme, module efficiency will continue to increase, at best, linearly. Manufacturers are constantly improving their technology. For example, one manufacturer is currently developing a 715W module with the same physical dimensions of the existing 670W panel. This therefore represents at most an 7% increase in generation capacity for the same physical footprint. c) As described above, utility scale PV plant equipment is advancing, and it is difficult to predict what the future capacity of a PV module will be. Designs can only incorporate products which are already available in the market and optimisation can be performed at a later stage if equipment becomes more efficient. By installing more efficient panels, the Applicant may be able to install fewer panels, however the total coverage across the site is not expected to change significantly if this was the case. Further, the Applicant may unlock opportunities to enhance the overall efficiency of the scheme at the detailed design stage, for example by spacing the panels out more (increasing the pitch) within the extent of the Works areas, in order to reduce shadowing effects or removing inefficient corners of fields that reduce infrastructure requirements. It is therefore not a given that the installation of higher efficiency panels will automatically result in reduced land take. In order to capture the benefits associated with using the most appropriate technology available for the site, panel

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			procurement will take place at the appropriate stage of the development plan and flexibility in design is required to ensure that the Scheme is developed to its full potential once the technology for installation has been selected. The choice of panel is only one of a number of factors to consider when determining the extent of land required for the Scheme. For example, layout optimisation, ground conditions, ecological and heritage constraints, are all likely to have a greater bearing on land requirement than panel choice. d) The size of the import and export connection to the National Grid, which is invariant in relation to the capacity of solar generation installed 'behind' the connection, is a key factor in determining the power capacity of the BESS to be installed at the Scheme. The energy capacity of the Scheme will be limited by the physical characteristics which define the Rochdale envelope within which the Scheme is being assessed. It will be of greatest benefit to the energy system and therefore for decarbonisation, energy security and affordability, for the Applicant to optimise the installed capacity of solar generation and of battery energy storage capacity (as opposed to battery power capacity) at the Scheme. However, it is not anticipated that the installation of more efficient panels would have an impact on the characteristics which define the Rochdale envelope for the associated BESS development.

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1.1.7	Applicant	**Mitigation** The ES Chapter 22, Table 22.1 [APP-060] does not provide a management plan by which to secure mitigation, it states that mitigation is secured through Chapter assessments or detailed design. However, some of this mitigation, for example, the standoff distance of at least 3m between the perimeter security fencing and array structure, and noise louvres providing at least 10dB noise reduction around the conversion units, is not included in the Concept Design Parameters [APP-322] or the Project Description. It is also not included in Requirement 5 of the dDCO [APP-017] which secures approval of detailed design. Can the Applicant please explain how these mitigation measures are secured or why they do not need to be secured?	Column 5 of Table 22.1 in **6.2.22 ES Chapter 22 Mitigation Schedule [APP-060]** provides the number of the Requirement in Schedule 2 of **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]** wherein provision of the mitigation measures prescribed are secured. Where an outline document is directly relevant to a requirement, this has been referenced (e.g. Requirement 13 relates to a Construction Environmental Management Plan, the outline version of which was submitted as part of the DCO application and updated during the Examination). . Requirement 16 requires the operational noise assessment to incorporate the operational mitigation measures set out in Section 15.6 of Chapter 15 of the Environmental Statement **[APP-053]**. Paragraph 15.6.13 states that acoustic louvres providing noise reduction of at least 10dB will be used for the Conversion Units shown on the plan at Figure 15.28. For the purpose of clarity, a minimum parameter between security fencing and any part of the solar array structure of 3.0m has been included in the **7.13_B Concept Design Parameters and Principles Revision B [EN0101032/EX3/WB7.13_B]** at Table 2.5. This is therefore secured through Requirement 5 of Schedule 2 to the dDCO **[EN010132/EX3/WB3.1_C].**

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1.1.8	Applicant	**Cumulative Assessment** The ES Chapter 23 [APP-061] does not summarise the cumulative effects of the Proposed Development although significant adverse cumulative effects are concluded, for example, waste during decommissioning. Can the Applicant please provide such a summary table for significant cumulative effects.	In response to the question, the Applicant has provided at Deadline 3 a summary of cumulative effects as assessed in the ES at **6.2.23_B ES Chapter 23 Summary of Significant Effects [EN010132/EX3/WB6.2.23_B]**.
1.1.9	Local Authorities (LA's)	**Cumulative Assessment** Do the LAs agree with the identified cumulative developments assessed within each aspect chapter? If not, can they please identify which cumulative developments have been omitted from which assessments and explain why they consider that they should be included.	The Applicant is aware of a number of new projects that have come into the public domain since the submission of the DCO application for the Scheme. The Applicant is currently reviewing the publicly available information relating to these projects and will update the **Joint Report on Interrelationships between Nationally Significant Infrastructure Projects Revision B [REP2-010]** in due course.
1.1.10	Applicant	**Cumulative Assessments: other projects** Concerns are raised by Interested Parties about the cumulative effects of solar development, including with reference to the area considered. In this regard, the Written Representation (WR) submitted by 7000 Acres [REP1A-021] sets out that a 5km search area is insufficient due to the size and regional nature of the multiple solar NSIP schemes in the area.	The Applicant has set out the cumulative effects methodology in **6.2.2 Environmental Statement - Chapter 2_EIA Process and Methodology [APP-040]** in section 2.5. The Long List of Cumulative Schemes is included at **6.3.2.3 Environmental Statement - Appendix 2.3 Cumulative Assessment Sites [APP-069]** and includes a number of solar farms below 50MW in scale. This list has informed the short list presented within each technical chapter of this ES, which for each technical

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		Reference is also made in the WR submitted by West Lindsay District Council (WLDC) [REP1A-004] to the Stow Park Solar Farm and the One Earth Solar Farm. The Applicant is asked to please set out how the cumulative effects of solar development proposals in the surrounding area, other than those referred to in the Joint Report on Interrelationships between Nationally Significant Infrastructure Projects [REP1-057], been considered?	discipline is topic specific, and based on their own methodology and justification, including: a) the scale of the other developments; b) the developments that fall within the ZOI of each environmental aspect; and c) if there is the potential for any temporal overlap between the Scheme and other developments.
1.1.11	Applicant and Interested Parties	**Government Net Zero Commitment** Provide a summary of the effect on, and the implications for, the Government's Net Zero and climate change commitments should the Proposed Development in isolation, or in conjunction with others, not be implemented.	The Net-Zero obligation is the UK's contribution to meeting the 2015 Paris Agreement on Climate Change and there is a duty on government to ensure that these targets are met. Paragraphs 4.7.4 – 4.7.6 of **7.11 Statement of Need [APP-320]** summarise the Committee on Climate Change (CCC's) 2022 review of Government progress towards its 2050 Net Zero commitments: the UK's emissions targets are compliant with the Paris Agreement and the Net Zero strategy (and supporting strategies) to reach them are credible, however policies are not yet in place to drive the large programme of delivery required in the 2020s and tangible progress is lagging behind the policy ambition. The implication is that more needs to be done in delivery and policy to achieve the required emissions targets on the way to Net Zero. The Committee on Climate Change annual Progress Report to Parliament, June 2023, continues to describe a lack of urgency

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			in the delivery of decarbonisation in the UK. Page 14 of that report, states that the UK should stay firm on its existing commitments to decarbonise (including delivery of a zero-carbon electricity system by 2035), and move to delivery. The report states that *"To achieve the [Declared National Ambitions (NDC) 2030] commitments the goal of at least a 68% fall in territorial emissions from 1990 levels, the rate of emissions reduction outside the power sector must almost quadruple from what has been achieved so far"* … but *"Some of the key planks of the UK Net Zero Strategy have substantial lead-times"*. Figure 5.2 of **7.11 Statement of Need [APP-320]** shows the results of an analysis by National Grid ESO of the carbon emissions associated with each of the four scenarios they modelled in the 2022 Future Energy Scenarios, in relation to carbon budgets CB4, 5 and 6. Carbon emissions are currently higher than they need to be to meet CB4 (2023-2027), and emissions will need to already be on a significantly downward trajectory through CB5 (2028-2032) in order to remain on track to achieve CB6 (2033-2037). Government's position is that solar will be part of the solution to decarbonising the electricity grid (Paragraph 8.1.1 of **7.11 Statement of Need [APP-320]**) and Figure 5.1 of **7.11 Statement of Need [APP-320]** shows the trajectories of installed solar capacity projected in each of National Grid's Future Energy Scenarios. Rising from c.14GW at the time of

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			writing this submission, solar generation capacity in the UK will need to rise to between 25GW and 42GW by 2030 in scenarios which are compliant with a Net Zero future. In its Future Energy Scenarios 2022 and 2023 reports, National Grid ESO projected that between 36GW and 60GW of solar capacity would be required in the UK in order to remain compliant with a Net-Zero future, but Government's view is now that even more solar must be delivered by 2035 to ensure that Net-Zero and energy security are both delivered in an affordable, efficient, pro-business and pro-enterprise way. To achieve these targets and secure our Net Zero future, the equivalent of over 150 solar projects (480MW x 115 = 55.2GW, versus c.15GW installed solar capacity as at 2023) of a similar scale to the Scheme will be required to come forwards in the next 12 years (i.e., in 2035 or earlier). The Applicant does not expect all of this capacity to be large-scale ground mounted solar but does expect that large-scale ground mounted solar will play a significant role in the delivery of Net Zero, for reasons set out in Section 7.6 of **7.11 Statement of Need [APP-320]**. Section 7.5 of **7.11 Statement of Need [APP-320]** describes how suitable locations for large-scale solar generation in the UK may be assessed and selected by developers, concluding in Paragraph 8.4.9 of **7.11 Statement of Need [APP-320]** that the West Burton substation is a highly suitable connection point for the Scheme and therefore so is the proposed location because it also possesses

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			an attractive combination of available land and sufficiently high solar irradiation. One of the key benefits of the Scheme is that it makes use of existing grid connection capacity which facilitates a connection in 2028. The opportunities to connect large-scale solar schemes in the East Midlands before 2030 are currently limited. The Scheme holds a grid connection offer with connection date in 2028 and therefore will, if consented, contribute to the UK's decarbonisation and security of supply efforts in the important 2020s timeframe. If the Scheme is not implemented, then a critical opportunity will have been missed to deliver a significant capacity of low-carbon solar generation capacity onto the National Electricity Transmission System in the important 2020s. Firstly, this would have a multiplying effect on the criticality and scale of projects required to deliver in later timeframes to make up for the carbon emissions (and their associated global warming effect) which would otherwise have been avoided by the Scheme. Secondly, this would have an effect on the cost and timings associated with connecting the required capacities of low-carbon generation to meet Net-Zero. Unless a different low-carbon generation scheme came forward and was consented to connect at West Burton against a similar timescale, connection capacity would need to be created elsewhere which would likely take more time (increasing carbon emissions in the

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			ensuing period) and increase consumer costs (when compared to utilising an existing and available point of connection). NPS EN-1 (November 2023) is clear on the point of need, requiring the Secretary of State to assess all applications for development consent for the types on infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent (paragraph 3.2.6). NPS EN-1 (November 2023) further states that the Secretary of State is not required to consider the specific contribution of any individual project to satisfying the need established within the NPS (paragraph 3.2.8). Finally, solar is recognised as being Critical National Priority Infrastructure (see paragraph 4.2.5 of EN-1 (November 2023)), meaning that there is a critical national priority for the provision of nationally significant low carbon infrastructure in order to meet the Government target of fully decarbonising the power system by 2035. Paragraph 4.2.6 confirms that the overarching need case set out in paragraphs 3.2.6 to 3.2.8 "*is the starting point for all assessments of energy infrastructure applications*". If the Scheme is not implemented, the benefit brought forward by the Scheme to Government's Net Zero and climate change commitments, and energy security aims would need to be delivered by as yet undefined, unconsented projects. The Applicant considers that this would significantly increase the risk of non-delivery of Government's legal obligations.

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1.1.12	Applicant and Interested Parties	**Battery Energy Storage Systems** It has been suggested in the Written Representation (WR) made by 7000 Acres [REP1A-021] that there is currently insufficient evidence for the ExA to conclude that an energy trading Battery Energy Storage System (BESS) would be Associated Development, or an aim in itself. It is also suggested that the Applicant has not provided evidence why a BESS of this size is required, why its capacity should be uncapped, and why it needs to trade energy with the National Grid. The Applicant is asked to please respond to the points raised, where relevant providing evidence to support its position.	Paragraph 3.1.8 of the **Explanatory Memorandum [REP2-008]** sets out the reasons why the Applicant considers the tests for associated development have been met. The Applicant notes that paragraph 2.10.16 of NPS EN-3 (November 2023) refers to energy storage as an example of associated development for a solar farm. The National Infrastructure Commission (NIC) describe the need for flexibility in the UK's future energy system, stating that: "It is key that, alongside deploying renewables, the UK continues to drive innovation in the power sector to effectively build a flexible electricity system. Storage technologies, flexible demand, efficient interconnectors, and other innovations are also needed to support renewables and maintain the security of the electricity system." [National Infrastructure Commission, Renewables, recovery, and reaching Net Zero, 2020, p6] Flexibility is delivered through interactions between both supply (generation) and demand (consumption) to help the national energy system function safely and efficiently. The full operation of flexible assets within that system requires them to both store energy from (or save) and release energy to (or use more) the energy system in response to market drivers, as will subsequently be explained. The overriding themes for the GB electricity market in the coming decade are those of decarbonisation through an increase in deployment of renewable generation, and higher

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			demand due to the electrification of heat, transport and industrial demand, while meeting Security of Supply standards and Affordability aims. This means a move away from dispatchable fossil-driven assets and towards renewable plant: a theme which will alter the needs of the GB electricity system. System security of supply will need to address: • Changing patterns of, and variability in, residual demand (demand net of renewable output) • A reduction in the proportion of synchronous plant connected and available to support system frequency, and • A shift in the location of generation reflecting resource (wind and solar) distribution Flexibility is the ability to shift in time or location the consumption or generation of energy and is needed to maximise the use of renewables when there is an abundance of generation, and to fill the supply gaps in periods of shortfall. Storage provides flexibility. NPS EN-1 (November 2023) sets out the emerging policy position in favour of electricity storage: "*Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated*" (paragraph 3.3.25). Storage facilities need to be able to import energy and export energy. National

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			Grid ESO's 2023 Future Energy Scenarios (FES) indicates that storage and interconnection (flexibility) capacity will need to increase (from 12.7GW in 2022) to 28.6 – 46.4GW in 2030 and 49.3– 78.9GW by 2050 to balance supply and demand both within the GB system and across borders, in those FES pathways which are compatible with net zero. As renewable generation capacity increases on the GB electricity system, so too will the total capacity of operational storage systems to balance an increasingly variable supply portfolio with demand across timeframes ranging from milliseconds to seasons. *"Storage and interconnection can provide flexibility, meaning that less of the output of plant is wasted as it can either be stored or exported when there is excess production. They can also supply electricity when domestic demand is higher than generation, supporting security of supply. This means that the total amount of generating plant capacity required to meet peak demand is reduced"* [NPS EN-1 (November 2023), Para 3.3.6]. As both renewable generation capacity and storage capacity are expected to increase, projects which seek to connect to grid connection points which can accommodate storage facilities may propose to bring forwards co-located storage facilities as Associated Development to the main (renewable generation) development. Where available grid connections enable the co-location of renewable generation with storage, a scheme which includes

ExQ	Respondent	Question	Applicant's Response
			both may be proposed and by doing so would – among other reasons – ensure that the greatest use can be made of that available grid connection infrastructure. The size of the import connection secured by connection agreement with National Grid at the point of connection is therefore an important input into the maximum power capacity of the BESS proposed at a facility. Other physical parameters may limit specific elements of the scheme, including parameters which will have the effect of capping the energy capacity of the proposed storage facility. Given the need for flexible sources of generation to support the rollout of renewable generation capacities onto the National Electricity Transmission System (NETS), it follows that where the deployment of storage facilities is acceptable in a planning sense, that the consent process does not impart any conflicting or arbitrary caps on either energy or power capacity of an installed storage facility. Developers may therefore approach consent in such a way that secures flexibility in design (by way of a 'Rochdale envelope' approach) in order to allow provision in the DCO for technological innovation and improvements that may be realised at the time of procurement and construction, in order to ensure that it can construct the Scheme taking advantage of innovation, safety improvements and cost-efficiencies. Chapter 11 of **7.11 Statement of Need [APP-320]** provides further information on the role of electricity storage generally in the system and also as part of the Scheme. Table 9.2 lists many of the system ancillary services which may be required

ExQ	Respondent	Question	Applicant's Response
			of the storage facility to support the smooth functioning of GB's electricity system. The storage facility will provide Ancillary Services which are essential to support the smooth functioning of the grid and these are listed at Table 9.2 of **7.11 Statement of Need [APP-320]**. The storage facility will also help National Grid Electricity System Operator (NGESO) balance supply and demand by participating in the Balancing Mechanism. Assets to provide these functions (by providing Ancillary Services and operating in NGESO's Balancing Mechanism) are necessary to address the impacts of increasing renewable energy sources (RES) which displace the carbon intensive means of generation that have traditionally provided these functions. In order for the storage facility to fulfil both of these functions, it will at times import power from the principal solar development. It will also need to be able to import power from the grid as well as export power to the grid to provide these services. The following table includes the same services as Table 9.2 of **7.11 Statement of Need [APP-320]** with two additional data fields. The first field, describes whether the service is an Ancillary Service, procured by NGESO for the proper functioning of the electricity system or has Other purposes which help 'keep the lights on' but are not those services specifically described by the NIC as those which *"support renewables and maintain the security of the electricity system"*. The second field describes whether in providing each Ancillary Service, a co-located solar + storage scheme would import,

<table>
<tr><th>ExQ</th><th>Respondent</th><th>Question</th><th>Applicant's Response</th></tr>
<tr><td></td><td></td><td></td><td>export or both, power from/to the National Electricity Transmission System.

<table>
<tr><th>Service</th><th>Service Type</th><th>Connection</th></tr>
<tr><td>Trading</td><td>Other</td><td></td></tr>
<tr><td>Balancing Mechanism</td><td>Other</td><td></td></tr>
<tr><td>Frequency Response</td><td>Ancillary</td><td>Both</td></tr>
<tr><td>Reserve Operation</td><td>Ancillary</td><td>Both</td></tr>
<tr><td>Reactive Power</td><td>Ancillary</td><td>Export</td></tr>
<tr><td>Inertia</td><td>Ancillary</td><td>Both</td></tr>
<tr><td>Black Start</td><td>Ancillary</td><td>Both</td></tr>
<tr><td>Constraint Management</td><td>Ancillary</td><td>Both</td></tr>
<tr><td>Infrastructure</td><td>Other</td><td></td></tr>
</table>

It is clear from the table that it will be necessary for a storage facility to import energy from the NETS in the course of providing these Ancillary Services.

The import of energy from the NETS for other reasons would require no additional infrastructure or equipment, and would therefore cause no additional environmental or planning impacts, but would also help to balance supply and demand in the UK's electricity system and is therefore of benefit to developing and delivering a net zero energy system.</td></tr>
</table>

ExQ	Respondent	Question	Applicant's Response
1.1.15	Applicant	**Bassetlaw Local Plan** The Applicant is asked to address the fact that at Appendix D of the Planning Statement [APP-313] Policy ST51 the Bassetlaw Local Plan is referred to twice with different text for each.	The Applicant acknowledges that Policy ST51 of the Bassetlaw Local Plan has been referred to twice in Appendix D. The **Planning Statement [EN010132/EX3/7.5_A]** has been updated to reflect the correct wording of Policy ST51 and has been submitted at Deadline 3. The assessment of the Scheme against Policy ST51 remains as set out in Appendix D.
1.1.16	Applicant	**Neighbourhood Plans** Noting the references to relevant Neighbourhood Plan policies contained in the LIRs, the Applicant is asked to review those referred to in the Planning Statement [APP-313] in terms of whether all those of relevance have been included.	In light of the Local Impact Reports, Section 2 of Appendix D contained within the **Planning Statement [EN010132/EX3/7.5_B]** has been updated to reflect all relevant policies contained within the Neighbourhood Plans and has been submitted at Deadline 3. Policy 8 of The Sturton by Stow and Stow Neighbourhood Plan (SSNP) is not considered to be a relevant policy as the Scheme does not involve the loss or change of use of a community facility as identified in Part 1 of Policy 8. This policy is therefore not included in Appendix D.
1.1.17	Applicant	**Neighbourhood Plans** The Applicant is asked to explain which part(s) of the Proposed Development lie in each relevant Neighbourhood Plan area.	The table below sets out which parts of each of the three Sites that comprise the Scheme lie in a Neighbourhood Plan Area. West Burton 1 sits within Scampton Neighbourhood designated area. There is no neighbourhood plan document to view as of yet and the preparation of the neighbourhood plan is still at an early stage.

<table>
<tr><th>ExQ</th><th>Respondent</th><th>Question</th><th>Applicant's Response</th></tr>
<tr><td></td><td></td><td></td><td>
<table>
<tr><th>Neighbourhood Plan</th><th>West Burton 1</th><th>West Burton 2</th><th>West Burto</th></tr>
<tr><td>Sturton by Stow and Stow Neighbourhood Plan 2019-2036</td><td></td><td></td><td>✓</td></tr>
<tr><td>Saxilby with Ingleby Neighbourhood Plan 2016-2036</td><td></td><td>✓</td><td></td></tr>
<tr><td>Sturton Ward Neighbourhood Plan 2021-2037</td><td></td><td></td><td>✓</td></tr>
<tr><td>Treswell and Cottam Neighbourhood Plan Referendum Version</td><td></td><td></td><td>✓</td></tr>
</table>
</td></tr>
<tr><td>1.1.19</td><td>Applicant</td><td>Comparable Scale Infrastructure

Noting the proposed heights of PV panels above ground level, and sub-station heights, please can the Applicant provide, if available, reference to a comparable solar farm with regard to height, massing of associated infrastructure, and manoeuvrability of panels?</td><td>Planning permission was granted in December 2021 by West Suffolk Council for a solar farm containing tracker panels on land north of RAF Honington (application reference number DC/21/0115/FUL, accessible at https://planning.westsuffolk.gov.uk/online-applications/)

The site is currently under construction with Trina Vanguard 2P trackers in a '2 in portrait' (2P) design. This corresponds to a maximum height of 4.25m (at 50 degrees tilt) and therefore conforms to the maximum height (4.3m) allowed by its planning consent.

Additionally, planning permission was granted in July 2022 by North Yorkshire Council for a solar farm containing tracker panels on land north and south of Camela Lane, Camblesforth (application reference number 2021/0788/EIA, accessible at https://www.northyorks.gov.uk/planning-and-conservation/view-and-comment-planning-applications). Similarly, the maximum height granted for these solar panels is 4.3m. The '2 in portrait' design which tilts on one axis used for both of these consented sites is the same as has been</td></tr>
</table>

ExQ	Respondent	Question	Applicant's Response
			submitted for the Scheme, and therefore the manoeuvrability and height of the panels are comparable. For substation heights, a 400kV substation with a maximum height to the top of the busbars of 13.2m would not be required for development connecting to the electricity distribution network, which operates at 132kV or lower. Examples of a 400kV substation that is similar to the one proposed at West Burton 3 would therefore be limited to other NSIP developments. The consented Longfield Solar Energy Farm NSIP [PINS: EN010118] has a maximum substation height of 13m, secured in the Concept Design Appendix [EN010118/REP6-005]. Examples of 132kV substation heights comparable to that proposed at West Burton sites 1 and 2 can be found in the TCPA examples given above, where the minimum specified height of the busbars given in both of those applications are 6.29m, which is comparable to the 6.5m given in **7.13_B Concept Design Parameters and Principles [EN0101032/EX3/WB7.13_B].**
1.1.20	Applicant	**Site Selection and consideration of alternatives** With reference to the approach to alternative and design evolution set out in the ES Chapter 5 [APP-043], the Applicant is asked to please respond to the comments made by WLDC in their WR [REP1A-004] relating to the *absence from the methodology of a clear set of objectives or*	The **Site Selection Assessment Revision A [AS-004]** sets out the five-stage assessment methodology that was undertaken at section 2. Where the bullet pointed objectives set out by the Council were taken into consideration within the **Site Selection Assessment Revision A [AS-004]** is set out below: • Minimising the distance between the grid connection and the solar panels to minimise environmental impacts; Considered at Stage 1 – Paragraph 2.1.12 states *"an initial search area was*

ExQ	Respondent	Question	Applicant's Response
		principles to guide the decision making process to ensure the final shortlisted site is consistent with the design, planning and environmental objectives for the project.	*identified at a 5km radius from the POC, however this was later expanded with the clear preference of identifying land as close to the POC as possible, the search area was enlarged incrementally until suitable options were found"* • Topography being flat or with shallow south facing slopes' ; Considered at Stage 3 – Paragraph 2.1.33 states: *"All land with a 3% or less gradient which is considered to be very flat and optimal for solar generation has been considered potentially suitable to meet the Scheme's requirements of maximising energy generation and avoiding visual intrusion. This land has been taken forward to the Stage 4 assessment"* • Sites to be of a size suitable for economic viability and being fields that are large and regular in shape; Considered at Stage 3 – See paragraphs 2.1.17 - 2.1.22. Paragraph 2.1.21 explains that *"Areas of unconstrained land of at least 40ha were therefore taken forward to the Stage 4 assessment."* • Fields identified to be contiguous to provide a self-contained site that minimises impacts; This was not considered to be an essential objective of the site selection process because the Applicant considers that it is possible to create a well-designed Scheme that minimises environmental impacts through a linked network of sites as proposed. Section 6.4 of the **7.5 Planning**

ExQ	Respondent	Question	Applicant's Response
			Statement [EN0101032/EX3/WB7.5_A] shows that the Scheme has been subject to a detailed and sensitive iterative design process. This has taken account of the context and features of the land within the Order limits, nearby sensitive receptors and assets, information emerging from environmental surveys, feedback from stakeholders, and opportunities and constraints in order to develop a good design that balances the need to maximise the energy generation capacity of the Scheme, with the avoidance and mitigation of impacts, and provision of environmental and other enhancements, where practicable. • To be located near to existing main highways with ease of access for construction and decommissioning; Considered at Stages 4 and 5. See Annex B Assessment Indicator B6 which assesses whether the local road network, from the primary road network to the potential development area, is suitable for HGV access, having regard to listed evaluation criteria. • Brownfield land opportunities to be identified and considered; Considered at Stage 3 together with suitability of rooftop solar, see paragraphs 2.1.23 - 2.1.31. • Preference for a small number of willing landowners to form a contiguous site. Availability of willing landowners was considered at Stage 5 (see paragraph 2.1.41 - 2.1.42. This

ExQ	Respondent	Question	Applicant's Response
			identified potentially willing landowners with large-scale land holdings and resulted in the identification of four potential development areas as well as the Scheme land. Some of the PDAs were more contiguous areas of land than the Scheme land but nevertheless, the assessment concluded that there are no obviously more suitable locations within the area of search than the proposed Sites for the Scheme.
1.1.21	Applicant	**Site Selection and Viability** Noting the significantly sized 15km search area set out in the ES Chapter 5 [APP-043], the Applicant is asked to comment on the implications of this for scheme viability, noting that because the further a solar farm is from the point of connection, the less efficient transmission to the grid becomes and the connection becomes significantly more costly.	Paragraph 2.1.12 of **Site Selection Assessment Revision A [AS-004]** explains that an initial search area was identified at a 5km radius from the POC, however this was later expanded with the clear preference of identifying land as close to the POC as possible. The search area was enlarged incrementally until suitable options were found within a 15km radius as explained within the **Site Selection Assessment Revision A [AS-004].** The Applicant considers that the chosen sites are located close enough to the POC to provide a viable scheme. The land required for the Scheme has been demonstrated within **6.3.5.1 ES Appendix 5.1 Site Selection Assessment Revision A [AS-004]** to perform better than 3 of the assessed Potential Development Areas (PDAs) and equal to the remaining one following the site selection process (which was itself ruled out because it is immediately adjacent to High Marnham Power Station where a grid connection was not preferred by National Grid at the time of site selection).

ExQ	Respondent	Question	Applicant's Response
			Consequently, there are no obviously more suitable and available locations for the Scheme within the Search Area.
1.1.22	Applicant and Nottinghamshire County Council (NCC)	**Sturton Le Steeple Quarry** NCC in their Local Impact Report (LIR) [REP1A-006] at 5.4 express concerns in in relation to the cable routing not prejudicing the re-opening of the Sturton le Steeple Quarry. Noting the references to the Quarry at Table 3.10 of their Statement of Common Ground [REP1-068] (SoCG), the Applicant and NCC are asked to review any possible impacts and update the SoCG accordingly.	The Applicant has agreed with Nottinghamshire County Council in the draft Statement of Common Ground between the two parties (and Bassetlaw District Council) **[REP1-068]** that the route of the grid connection cable does not affect the permitted area of mineral working. The Applicant confirms that the access track to Sturton le Steeple Quarry is intended to be crossed by use of Horizontal Directional Drilling (see point HV_SK7985_005 in **7.15_A Crossing Schedule Revision A [AS-001]**. As such, works to lay the cable are not anticipated to materially constrain access to the quarry site. Furthermore, traffic movements associated with the cable route are also not anticipated to materially constrain access to the quarry site.
1.1.23	All parties with protective provisions for their benefit included in Schedule 16 (Protective Provisions) of the dDCO.	West Burton A Spherical Tokamak for Energy Production, (STEP) fusion project NCC in their LIR [REP1A-006] at Section 6 refer to the West Burton A and STEP Project - potential impact of solar developments. They note that the West Burton A site has been selected by the UK Atomic Energy Authority (UKAEA) as a base for the development of the UK's first Nuclear Fusion Plant, with the potential to yield significant quantities of low carbon energy, generate employment opportunities and encourage investment in the region. The Spherical Tokamak for Energy	An online meeting was held between the Applicant and the UKAEA on 29th November 2023. The Scheme's proposed works and extent were discussed with the UKAEA. The Scheme's high voltage cable is proposed to connect to the National Grid substation at West Burton Power Station, which is the proposed site of the STEP fusion project, hence the meeting was held to highlight any potential conflicts. The UKAEA confirmed that the ownership of the landholding at West Burton Power Station remains with EDF, and requested that all negotiations regarding the proposed Scheme cable route are completed with EDF, and the UKAEA will provide

ExQ	Respondent	Question	Applicant's Response
		Production, (STEP) fusion project is a long-term initiative which is not expected to be commissioned until 2040 with development consent to be gained between 2024 and 2032. NCC notes that the Applicant has not yet met with representatives of UKAEA to discuss the respective projects and expresses concerns. Specifically, NCC refers to the importance of ensuring that the cable route for the West Burton Solar Project does not sterilise development land or detract from future development plans. a) The Applicant is asked to please indicate how intend to secure appropriate consultation with EDF (as the landowner), UKAEA and the relevant local authorities over the final cable routeing? NCC also refer to their wishes to develop a master plan for the area to ensure that they work collaboratively with private sector partners (including solar farm promoters) to maximise the potential for clean and green energy development within the Trent Valley and that developments are sequenced correctly to best achieve the long-term objectives.	comments internally to EDF during that process. The Applicant is continuing discussions with EDF regarding the route of the cable through West Burton Power Station land and it is anticipated that this can be agreed prior to the close of the examination. The Applicant is willing to discuss any masterplan with NCC and will review the further details provided by NCC in response to this question.

ExQ	Respondent	Question	Applicant's Response
		b) NCC is asked to please provide details of the master plan they refer to at paragraph 6.6 of their LIR.	
1.1.24	Applicant	Monitoring Details of a number of the monitoring requirements set out in both the outline Construction Environmental Management Plan (OCEMP) [REP1-034] and the outline Operational Environmental Management Plan (OEMP) [REP1-038] are limited, with specific requirements to be confirmed in detailed CEMP/OEMP. Whilst acknowledging that these documents are in outline, the Applicant is asked to provide further detail of the following monitoring requirements: a) Greenhouse gas emissions from construction traffic/operational maintenance activities. b) Disruption to local residents, businesses and community facilities c) Potential for risks to human health from contamination d) Major incidents and accidents	Part a): Greenhouse gas emissions from construction and operational maintenance traffic movements can be recorded by logbook using the Government Conversion Factors for company reporting of greenhouse Gas emissions available on the www.gov.uk website. Information will be recorded on vehicle engine type, size, and distance driven as part of the logging of traffic movements required for the Scheme which can then be used to determine the GHG emissions. Part b): Monitoring of traffic movements by contracted hauliers will be undertaken to ensure compliance with the full CTMP to minimise traffic-based disruption to communities. A Community Liaison Group (see para. 2.2.1 of **oCEMP [EN010132/EX3/WB7.1_B]**) will also monitor any incidents of disruption and provide an intermediary point of contact for residents or local businesses, so that any impacts can be logged and suitably addressed by the Site Manager(s). This responsibility will be passed on to the operations Environment manager(s) (see para. 6.1.2 of **oOEMP [EN010132/EX3/WB7.14_B]**) when construction is completed. Part c):

ExQ	Respondent	Question	Applicant's Response
			In tandem with monitoring requirements for ecological and hydrological impacts from contamination, early risks will be logged as part of a walk-over study of the Sites to identify locations of greatest risk for contamination being found. As part of the proposed Discovery Strategy for contamination, events or locations where contamination is discovered will be logged by the Environmental Manager on site. Sufficient information will be gathered to ensure that the most suitable decontamination or remediation strategy is implemented to minimise risks to human health. As noted in Table 3.11 of **oCEMP [EN010132/EX3/WB7.1_B]**, the Environmental Manager will also be responsible for monitoring the Scheme's compliance with safety regulations regarding the storage of potential contaminants onsite throughout the Scheme's construction. This responsibility will be passed on to the operations Environment manager(s) (see para. 6.1.2 of **oOEMP [EN010132/EX3/WB7.14_B]**) when construction is completed. Part d): A Health and Safety Manager (see para. 2.2.1 of **oCEMP [EN010132/EX3/WB7.1_B]**) will be responsible for monitoring health and safety conditions on the Scheme sites during construction. This will include (in tandem with the mitigation measures set out Table 3.13 of **oCEMP [EN010132/EX3/WB7.1_B]**) the monitoring of the sites with regard to accordance with all relevant health and safety legislation, and recording of any breaches or whistleblowing, and assuring that risk assessments for works that are of a

ExQ	Respondent	Question	Applicant's Response
			greater risk of causing major accidents and disasters are produced, complied with, and updated as required.
1.1.25	Applicant	**Cottam Solar Project: Change Request** The ExA note that a notification of intention to submit a request for changes to the Cottam Solar Project was published on 30 November 2023. The Cottam and West Burton Solar project proposals share part of the same cable route corridor. Therefore, the ExA would like to ascertain whether the change to the Cottam proposal will have implications for the West Burton Solar Project. If it does, the Applicant is asked to please clarify their intentions in this regard.	The Applicant acknowledges the change request notification made for Cottam Solar Project has implications for the West Burton Solar Project as a result of changes to the Shared Cable Route. As a result, the Applicant has submitted notification of a proposed Change Application **[EN010132/CR1/WB9.1]** on 3rd January 2024. The proposed changes include for one change within the Shared Cable Route to ensure consistency with Cottam Solar Project **[EN010133]** and Gate Burton Energy Park **[EN010131]**.

3 Agriculture and Soils

ExQ	Respondent	Question	Applicant's Response
1.2.1	Applicant	**Cable Route Corridor – BMV** Natural England (NE) notes [RR-233] that no soil survey has been undertaken along the cable route corridor. Section 4.1.1 of the Outline Soil Management Plan (OSMP) [APP-325] states that a detailed survey of the cable route corridor will be made a condition of the DCO. NE recognise that a deviation from the standard soil survey methodology will be required due to the linear nature of the cable trench. NE advises that this further survey work should be made a requirement of the DCO, to ensure the appropriate soil management can be implemented along the cable corridor. Restoration of the cable trenches to their current ALC grade should also be secured to ensure the impacts along the cable route are only temporary as described. Please can the Applicant respond to NE's points, updated in its WR [REP1A-008] and provide commentary on further survey work,	The outline Soil Management Plan (oSMP) (**6.3.19.2 Environmental Statement - Appendix 19.2 Outline Soil Management Plan Revision A [EN010132/EX3/WB6.3.19.2_A]**) paragraph 4.1.1 notes that before construction work commences, additional soil surveys should be undertaken on the route of the grid connection works. This obligation in the oSMP is secured by Requirement 19 of the **draft Developpent Consent Order [EN010132/EX3/WB3.1_C]** (provided at Deadline 3), which requires that the final Soil Management Plan approved by the relevant planning authority must be substantially in accordance with the oSMP.

ExQ	Respondent	Question	Applicant's Response
		including the possibility of this becoming a requirement in the DCO.	
1.2.2	Applicant	**Shared Cable Route Corridor** ES Chapter 19: Soils and Agriculture [APP-057] Paragraphs 4.5.53 to 4.3.56 discuss the construction of the 'Shared Cable Route Corridor' shared with Gate Burton Energy Park and Cottam Solar Project. Two scenarios are presented: Scenario 1 the cables are laid at the same time; and Scenario 2 where the cables are laid separately. The possible impacts of this element of the proposal on soils have not been assessed. NE [REP1A-008] advise that the oSMP should also be updated to specify that the cable route will be restored to its current ALC grade post-construction. This is necessary in order to conclude that the project will not cause any permanent loss of Best and Most Versatile Land. Can the Applicant please: a) Clarify the methodology for ensuring the land is restored to its baseline state following the completion of construction and	a) The oSMP requires the adoption of the Institute of Quarrying (2021) Good Practice Guide for Handling Soils in Mineral Workings, for all soil handling activity in the construction, operation and decommissioning of the solar farm (paragraph 3.1.1 of **6.3.19.2 Environmental Statement - Appendix 19.2 Outline Soil Management Plan Revision A [EN010132/EX3/WB6.3.19.2_A]**). Following this good practice guide will prevent both loss of soil material from the site and loss of soil functional capacity for agricultural production (soil degradation) through inappropriate soil handling. This is secured by Requirement 19 of the **draft Development Consent Order [EN010132/EX3/WB3.1_C]** (provided at Deadline 3), which requires that the final Soil Management Plan approved by the relevant planning authority must be substantially in accordance with the oSMP. b) Please refer to the response to 1.2.1, above, in respect of post-consent/pre-construction soil surveys.

ExQ	Respondent	Question	Applicant's Response
		how this is secured in the application? b) Confirm that appropriate post consent soil surveys will be undertaken and advise how this is secured in the DCO. If they consider this is not necessary, please explain why and justify.	
1.2.3	Applicant	**BESS - BMV and Land Coverage** ES Chapter 19: Soils and Agriculture [APP-057] states there will be no loss of agricultural land resource during operation. However, with the Substations, BESS and access tracks, it appears that some resource would inevitably be lost resource during operation. Additionally, the area proposed to be occupied by the Substations and Battery Storage infrastructure in the ES Chapter 19 [APP-057] paragraph 19.9.2 is noted to be approximately 6ha, whilst elsewhere it had been set out as 4.27ha. The Applicant is asked to:	a) The following area measurements are given to 0.1ha (1,000m2) which is the standard convention for area measurements of a detailed ALC survey (mapped to a maximum scale of 1:10k) carried over from the former MAFF ALC survey teams. The BESS site will occupy approximately 1.7ha of land in West Burton 3. Of this approximately 0.3ha will be Grade 3a land and the remaining 1.4ha Grade 3b land. The substations will occupy an area of approximately 2.7ha of Grade 3b land. 0.3ha in West Burton 1, 0.5ha in West Burton 2 and 1.9ha in West Burton 3. The substation in West Burton 3 may also include some Grade 3a land but at approximately 0.02ha this is below the threshold of measurement for a detailed ALC survey. The area estimate of 4.27ha given in Paragraph 4.2.7 of **ES Chapter 19 [APP-057]** is describing the Scheme and not ALC Grade area, so areas of elements comprising this total have not been rounded to the closest 0.1ha as they have been when considering extent of ALC Grade. Paragraph 19.9.2 gives a combined area of approximately 6ha occupied by the BESS and

ExQ	Respondent	Question	Applicant's Response
		a) Please clarify the amount of land this type of infrastructure will occupy. b) Set out (or signpost) to the potential impacts of elements of the project by land coverage. This should include permanent infrastructure; temporary solar PV arrays; and other mitigation and enhancement options (i.e. Biodiversity Net Gain areas). It would be helpful if shown within an additional table showing the Agricultural Land Classification (ALC) grade and proportion of all areas of each permanent and non-permanent item across the full DCO limits	Substation elements in the description of the potential construction effects. This enlarged area was given to accommodate a degree of micro-siting without affecting the assessment of effects. Access tracks cover approximately 7.4ha of which approximately 2.5ha will be BMV land. However characterising this agricultural land as lost during operation will exaggerate extent. This is as existing farm tracks may not be mapped on the ALC survey owing to the survey scale, and many sections of temporary access track will coincide with existing farm track and field headland. b) As the Scheme will be decommission no later than 60 years from the final commissioning date, it will not result in any permanent sterilisation of agricultural land resource. The majority of the land within the Sites can continue in agricultural production throughout the operational phase (e.g. grazing sheep). A small fraction of the Sites will be occupied by structures such as BESS and substations for the operational phase. Topsoil from these small areas will be stripped and retained for reuse at the same location after decommissioning as per **6.3.19.2 Outline Soil Management Plan Revision A [EN010132/EX3/WB6.3.19.2_A]**. There is therefore no loss of agricultural land attributable to elements of the development such as the BESS, just occupation of that small area for the duration of the operational phase. A plan of the areas of the Scheme and the relevant ALC grade is found at Appendix 6 to **ES Appendix 19.1: Agricultural Land Quality, Soil Resources & Farming Circumstances [APP-137]**

ExQ	Respondent	Question	Applicant's Response
			and should be read in conjunction with the Works Plans **[REP1-004]**.
1.2.4	Applicant	**BMV - National Policy Statement for energy EN-1** Concerns have been expressed by IPs that, if not time limited, the proposed development has the potential to lead to the permanent reduction in agricultural production. The Proposed Development is now suggested to have a 60-year operational life (Requirement 21). a) Please can the Applicant explain how Requirement 21 complies with the NPS for Energy (EN-1) and Renewable Energy Infrastructure (EN-3). Please make specific reference to the how it achieves the aim to minimise impacts on the best and most versatile (BMV) agricultural land (defined as land in grades 1, 2 and 3a of the ALC) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be	A) Paragraph 5.10.8 of NPS EN-1 (2011) directs applicants to seek to minimise impacts on BMV agricultural land and use lower grade land in preference except where this would be inconsistent with other sustainability considerations. EN-3 (2011) makes no reference to BMV land. NPS EN-1 (November 2023) reiterates the direction to applicants to minimise impacts on BMV land (para 5.11.12) and introduces the recommendation that applicants should seek to minimise impacts on soil health and protect and improve soil quality (para 5.11.13). NPS EN-3 (November 2023) paragraph 2.10.29 notes that land type should not be a predominating factor in determining the suitability of a site location. Paragraph 2.10.29 reiterates the preference for use of lower quality land over BMV land where use of agricultural land is necessary. Paragraph 2.10.145 directs the SoS to ensure that the applicant has put forward appropriate measures to minimise any impacts on soils or soil resources. As the Scheme will be decommissioned, there is no loss of BMV land. **6.2.5 Environmental Statement - Chapter 5_Alternatives and Design Evolution [APP-043]** sets out the site selection process. The Applicant has selected non-BMV land as far as practicable

ExQ	Respondent	Question	Applicant's Response
		inconsistent with other sustainability considerations. b) Please can the Applicant also explain how temporary loss of BMV land would be an effective use of land, and would accord with Paragraph 5.10.8 of NPS EN-1.	and Table 5.9 explains the reasons why small areas of BMV land have been included within the Order Limits. For example, during the pre-application process, the removal of West Burton 4 from the Sites demonstrates a commitment to limit the area of BMV land included within the Order Limited for the Scheme. Paragraphs 19.9.13 to 19.9.15 of **ES Chapter 19 Soils and Agriculture [APP-057]** explain how the Scheme will protect and improve soil quality. The overriding sustainability consideration is the development of consentable renewable energy sites with a viable grid connection. B) The Applicant notes that paragraph 5.10.8 of NPS EN-1 (2011) states that applicants should seek to minimise the impacts on BMV land and preferably use land that is not BMV land; it does not mention 'effective' use of land. The Scheme will temporarily occupy agricultural land including some BMV land. This BMV land is not lost as all but a small fraction can continue in agricultural production throughout the operational phase, and all agricultural land will remain available for use following decommissioning of the Scheme. With no loss of agricultural land extent or quality, no harm to the agricultural land resource will result from the Scheme. Impacts on BMV land are therefore minimal and the Scheme is consistent with the policy contained paragraph 5.10.8.
1.2.5	Applicant	**Outline Soil Management Plan – Advice from Natural England** Natural England's comments in its RR [RR-233] to the OSMP [APP-325], set out 7 bullet points of advice. NE's WR	The Applicant has made further updates to the oSMP submitted at Deadline 3 (**6.3.19.2 Environmental Statement - Appendix 19.2 Outline Soil Management Plan Revision A [EN010132/EX3/WB6.3.19.2_A]]**) in consultation with NE. The Applicant has been concerned that the commitment to retain ALC Grade was potentially unworkable. This is

ExQ	Respondent	Question	Applicant's Response
		[REP1A-008] confirms that the majority of matters raised have now been resolved through progress and the Statement of Common Ground (SoCG) [REP1-067]. The remaining concern lies around the specific commitment to restoration of the order limits to their current ALC grade. The applicant has agreed to include this, but the detail of amendments to the OSMP are yet to be finalised. a) To what extent does the Applicant consider these have been addressed? b) Does the Applicant intend to make further updates to the OSMP based on this advice? If not, how will the advice be treated?	because the ALC grade of land will be insensitive to the solar farm (including construction and decommissioning works) so that any variation in ALC grade between the current baseline and a resurvey post decommissioning will most likely to be a difference in assessment between two soil scientists several decades apart and not any actual change at the site that could conceivably alter the ALC Grade. A change in ALC grade of the type that Natural England seeks to ensure are avoided could be caused by activities such as the deliberate removal of a substantial volume of soil from the site. No such activity is proposed. The Applicant and NE are therefore clarifying the updates to the oSMP to allow for variation owing to a difference in interpretation between two soil scientists several decades apart. The Applicant confirms that it agrees to the principle that the Scheme should not result in any degradation in ALC land, subject to this point of assessment variation being resolved.
1.2.6	Applicant	**Diversification of Farming Enterprise - Moderate Beneficial Effect** Various documents within the Application, for example the Outline Landscape and Ecological Management Plan (OLEMP) [APP-311], state that mowing may replace grazing as a	The moderate beneficial effect on farm businesses for the operational phase of the Scheme identified in **ES Chapter 19: Soils and Agriculture [APP-057]** is a result of the new diversified enterprise that each farm business will obtain, income from the Scheme (paragraph 19.9.19 to 19.9.20). Paragraph 19.10.8 notes that grazing offers an additional enterprise for the operational phase but this mitigation does not change the moderate beneficial effect. The conclusion of the moderate beneficial effect is therefore entirely due to the farm business income

ExQ	Respondent	Question	Applicant's Response
		management practice underneath the panels. ES Chapter 19 Soils and Agriculture [APP-057], refers to a moderate beneficial significant effect through the diversification of farming enterprise. This appears to stem from income from panel placement rather than diversified farming per se. The link between a change in land use and the conclusion of effects on farming circumstances during operation is not clear – i.e. does it relate to grazing, or to mowing, or both?. Please can the Applicant explain how the change in land use has influenced the conclusion of a moderate beneficial effect.	from the Scheme, and not due to any income that may be derived from grazing livestock during the operational phase.
1.2.7	Applicant and Interested Parties	**Soil Health** Whilst the possible soil resource benefits from the scheme, especially to Soil Organic Matter is acknowledged, there remains uncertainty with regard to the impact solar panels may have on other soil properties. These include	The positive benefit of a fallow period is both substantial and reliable. Defra R&D project SP08016 makes this clear and is referenced in paragraph 19.9.14 of the **ES Chapter 19: Soils and Agriculture [APP-057]**. We do not yet have any completed long term studies of the effect of solar panels on the soil resource below them. However, no apparent short term adverse effects of significance have been reported as emerging and no plausible mechanism for an adverse effect has been put forward.

ExQ	Respondent	Question	Applicant's Response
		carbon storage, structure and biodiversity. a) Please can the Applicant, and optionally other Interested Parties, set out their views and evidence on the impact of a temporary solar development on soil health. The ExA notes NE's WR [REP1A-008] comments on progress through the SoCG, that the OSMP will include the requirement for the appointment of a suitably qualified soil scientist who will assess disturbed and undisturbed land within the Sites for any degradation of the baseline ALC Grade and soil functionality. b) Please can the Applicant provide an update on a specific requirement for the restoration of the order limits to the same ALC grade which NE consider is necessary in order to conclude that the project will not cause any permanent loss of Best and Most Versatile land.	Published papers including Applied Animal Behaviour Science DOI: 10.1016/j.applanim.2022.105799 (*A preliminary investigation of the effect of solar panels and rotation frequency on the grazing behaviour of sheep (*Ovis aries*) grazing dormant pasture*) have found benefits from grazing below solar in terms of herbage quality and livestock welfare, but have not reported any soil effects. If at the conclusion of a long term study, any effect of solar panels on soils can be discerned, it is likely to be marginal compared to the known and substantial beneficial effect of reverting arable land to grassland. In respect of the restoration of land to the same ALC grade, please refer to the Applicant's response to 1.2.5, above.
1.2.8	Applicant	**Superseded National Planning Guidance**	PPG7 has been superseded and IEMA guidance is not national planning policy. However, the Farming Circumstances assessment outlined in

ExQ	Respondent	Question	Applicant's Response
		Paragraph 19.2.23 of revised ES Chapter 19: Soils and Agriculture [APP-057] refers to superseded PPG7 and Institute of Environmental Management and Association (IEMA) guidance, as the basis for the assessment of Farming Circumstances. As IEMA guidance is not national planning policy, and PPG7 is superseded, can the Applicant please explain how this is justified?	Annex B of PPG7 was not replaced or updated following PPG7 being superseded. The Annex B text from PPG7 was maintained for many years in the Design Manual for Roads and Bridges (DMRB) but was dropped when publication of DMRB was transferred away from the Department of Transport. In the absence of any other guidance on the assessment of development effects upon farm businesses, it has been common practice to continue to use the Annex B approach. Prominent recent examples include HS2 and Sizewell C as well as Solar Farm NSIP sites at Little Crow, Scunthorpe and Sunnica, Newmarket.
1.2.9	Applicant	**Food Security – Material Planning Consideration** Paragraph 19.5.2 to 19.5.3 of Chapter 19: Soils and Agriculture [APP-057] discuss food security. These state that "there are no food security policy constraints on the use of agricultural land for solar PV" and that "Arable land is also used to produce non-food crops for markets… The relevant assessment for policy purposes is the ALC grade of the agricultural land, not its current use or the intensity of that use". The materiality of food security is also discussed elsewhere, for example at Table 19.2. Please can the Applicant	Food security is not a policy consideration within NPS EN-1 (2011), NSP EN-1 (November 23) or NPS EN-3 (November 2023). The key policy tests for the decision maker in respect of solar farm impact upon agricultural land are found in NPS EN-1 (2011), paragraph 5.10.8, NPS EN-1 (November 2023), paragraph 5.11.12, and #NPS EN-3 (November 2023), paragraph 2.10.29. In summary, this requires that applicants should seek to minimise impacts on BMV land (being ALC Grades 1, 2 and 3a) and ensure impacts should be considered against the measures set out under paragraphs 2.10.66 – 2.10.83 and 2.10.98 – 2.10.110 in EN-3 (November 2023). Paragraph 5.10.15 (EN-1 (2011)) states that the Secretary of State should give little weight to loss of ALC grades 3b, 4 and 5 agricultural land, while NPS EN-3 (November 2023), paragraph 2.10.145 requires the Secretary of State to ensure mitigation measures to minimise impacts on soils and soil resources are appropriately provided by the Applicant.

ExQ	Respondent	Question	Applicant's Response
		confirm, and explain, why it considers that food security is not a material planning consideration?	The 2021 Defra report on food security issues for the UK notes that UK self sufficiency in food production has remained relatively stable for the last two decades, and that the key threats to UK food security include climate change and soil degradation. Land use change is not listed as a threat to UK food security and no impact on UK self sufficiency from land use change is reported.
1.2.10	Applicant	**West Burton 3 – BMV Land** Chapter 19: Soils and Agriculture [APP-057] and supporting information (Appendix 19.1 [APP-137] and Appendix 19.4 [APP-306]) identifies that within West Burton 3, Farm Business C and D contain BMV land. Various Written Representations suggest that these should be excluded from the scheme, due to the significant proportion of land within BMV. Can the Applicant please provide a response, and in doing so, explain what the consequences of the removal of these Farm Businesses would be?	West Burton 3 contains BMV land. However the Scheme will not result in any loss of BMV land extent or quality as the Scheme will be decommissioned. The West Burton 4 land area was removed from the Sites as detailed ALC determined that the entire area was BMV land. Although no harm would result to the BMV land in West Burton 4 as a result of temporary occupation by a solar farm, a decision was made to remove this parcel in part because it was entirely BMV land. This is consistent with NPS EN-1 and EN-3 policy to minimise the use of BMV land where possible (please refer to the Applicant's response to 1.2.9 for detailed policy references). The West Burton 3 site (367.2ha) is approximately 52.9% Grade 3b land. The BMV land present is Grade 1 – 4.8%, Grade 2 – 1.9%, and Grade 3a – 39.7%. Therefore, whereas West Burton 4 was entirely BMV land, West Burton 3 is predominantly Grade 3b (non-BMV) land. Were all of the BMV land in West Burton 3 to be removed from the Sites in addition to the West Burton 4 land, the area of land lost would be over one and a half times greater than that of the entire Little Crow Solar NSIP site (approximately 220ha). Such a reduction in land would mean that it would not be possible for the Scheme to deliver the grid connection capacity. **2.5 Environmental Statement - Chapter 5_Alternatives and**

ExQ	Respondent	Question	Applicant's Response
			Design Evolution [APP-043] sets out the site selection process. Table 5.9 explains the reasons why small areas of BMV land have been included within the Order Limits. Where a field contains a mix of BMV and non-BMV land, it would not be practicable to continue to farm BMV parts of these fields on their own or would leave isolated fields of non-BMV land that could not be viably used as part of the Scheme. As there is no permanent loss of agricultural land extent or quality resulting from the temporary occupation by a solar farm, the Applicant's position is that there is no loss of the resource of BMV land as a result of the Scheme. By contrast, retaining the BMV land within West Burton 3 provides for greater electricity production and a correspondingly greater contribution towards reaching Net Zero (please refer to the Applicant's response to 1.1.11 in this respect).
1.2.11	Applicant	**Agricultural Land Classification** 7000 Acres has suggested that there is low confidence in the Agricultural Land Classification data [REP1A-011]. It cites the potential for a margin of error or change in the ALC figures, and adherence to the correct methodology. Also, that the sub-classification of land between 3a and 3b is less relevant, and that all grade 3 land should be included in BMV. 7000 Acres suggests that the application of the ALC only is flawed, as it does not consider crop yield.	TIN049 and the NPPF are clear that the Best and Most Versatile agricultural land is that in ALC Grades 1, 2 and 3a. ALC Grade 3b is not BMV land. NPS EN-3 (November 23) further confirms that the ALC "is the only approved system for grading agricultural quality in England and Wales". It is therefore wholly appropriate that ALC is used to assess and consider the agricultural value of the land within the Order limits. The Applicant makes no comment on the suggestion by the Interested Party that Government policy is incorrect or inappropriate in respect, in particular, to Grade 3a/3b classification. Crop yield is not a determining factor when assessing ALC grade. Heavy and poorly drained arable land limited to Grade 3b is not unique to this region but is common across large areas of lowland England. It may produce good yields for a narrow range of crops in many years, but is not versatile (able to economically grow a wider variety of crops). It is

<table>
<tr><th>ExQ</th><th>Respondent</th><th>Question</th><th>Applicant's Response</th></tr>
<tr><td></td><td></td><td>The Applicant is invited to respond to these points.</td><td>therefore given less protection in planning to the more versatile and less abundant BMV land.

Natural England retain experienced ALC specialists who have reviewed the Applicants ALC assessment. As noted in their Deadline 1A submission [REP1A-008] "Natural England are satisfied that the detailed ALC survey undertaken across the order limits is appropriate."</td></tr>
<tr><td>1.2.12</td><td>Applicant</td><td>Agricultural Land Resources

Paragraph 19.8.4, and Table 19.10 of Chapter 19: Soils and Agriculture [APP-057] sets out percentages of the site within various ALCs. To identify the percentages within each of West Burton 1, 2 and 3 it is necessary to cross reference to Environmental Statement (ES) Appendix 19.1: Agricultural Land Quality, Soil Resources & Farming Circumstances [APP-137]. Annex 1 therein contains detailed analysis, including the analysis and classification of West Burton 4.

a) Can the Applicant please provide clarification that data in Chapter 19 is relevant for West Burton 1, 2 and 3 only, and not inclusive of West Burton 4, and</td><td>The Applicant has provided all of the ALC assessment and field data for the original survey area and not attempted to conceal results for areas that have been removed from the Order Limits during the pre-application process (including West Burton 4).

Figures 19.1, 19.2 and 19.3 show the extent of the Order Limits superimposed on the ALC Grade Distribution [APP-303, APP-304 and APP-305]. The data in Chapter 19: Soils and Agriculture [APP-057] is only relevant to the West Burton 1, 2 and 3 land that is within the Order Limits as shown on Figures 19.1, 19.2 and 19.3.

ALC grade areas for WB1, 2 and 3 are as follows:

<table>
<tr><th>Class</th><th>West Burton 1 (ha)</th><th>West Burton 2 (ha)</th><th>West Burton 3 (ha)</th></tr>
<tr><td>Grade 1</td><td>0.0</td><td>0.0</td><td>17.6</td></tr>
<tr><td>Grade 2</td><td>0.0</td><td>2.6</td><td>6.9</td></tr>
<tr><td>Grade 3a</td><td>19.3</td><td>7.3</td><td>145.8</td></tr>
<tr><td>Grade 3b</td><td>71.1</td><td>291.6</td><td>194.3</td></tr>
<tr><td>Non-agri</td><td>0.0</td><td>0.0</td><td>1.3</td></tr>
<tr><td>Unsurveyed</td><td>0.0</td><td>1.5</td><td>1.2</td></tr>
</table></td></tr>
</table>

ExQ	Respondent	Question	Applicant's Response
		b) Is it possible to have the breakdown of ACL for each of WB1, 2 and 3.	Areas in hectares are rounded to 0.1ha for a detailed ALC survey.
1.2.13	Applicant	**Inclusion of West Burton 4 within Appendix 19.1** The continued inclusion of West Burton 4 within Chapter 19 [APP-057], in particular within the Appendix 19.1 [APP-137], is confusing. The ExA understands that West Burton 4 was removed from the proposed scheme prior to submission of the application. a) Please can the Applicant provide further rationale and information regarding the removal of West Burton 4 from the proposed scheme. b) Please comment on the results of additional lab testing on samples from West Burton 4, and whether or not similar testing of samples from West Burton 1, 2 and 3 occurred either as a matter of course, or once the West Burton 4 samples had provided information to change the results.	As per the response above to 1.2.10. West Burton 4 was found to be wholly BMV land. In conjunction with other sustainability considerations the presence of this BMV land contributed to the Applicant's decision to remove this land from the Order Limits. Following ALC field survey, preliminary results were sent to another ALC specialist for review. The review recommended that additional soil samples should be taken for laboratory analysis. Specifically, this was to obtain greater clarity on the presence of topsoil Calcium Carbonate than the reliance on a field test (effervescent reaction with acid). The additional testing for West Burton 4 found more calcium carbonate than had been apparent from field testing. This was present in areas where farmers had not applied lime so was geogenic (natural to the soil) and relevant to assessing wetness grade. Because of this the ALC Grade for land limited by soil wetness was revised upwards. For West Burton 1, 2 and 3, additional testing found Calcium Carbonate presence in line with field testing. The farmer also reported applying lime for some of these areas, application which is made following a lime requirement assessment and not for land with geogenic calcium carbonate. As there was no discrepancy between field testing and laboratory testing for calcium carbonate for West Burton 1, 2 and 3, there was no need to amend soil wetness limitation to ALC grade as at West Burton 4.

ExQ	Respondent	Question	Applicant's Response
1.2.14	Applicant	**Cable Route Corridor** Paragraph 19.3.9 of revised Chapter 19: Soils and Agriculture [APP-057] states there would be an anticipated limited impact of the Cable Route Corridor. Preceding paragraphs 19.3.7 and 19.3.8 set out that the corridor has not been subject to soil survey assessment and that agricultural occupancy and land use information will need to be collected ahead of trenching work. Can the Applicant please: a) Explain how it is anticipated that the impact will be limited. b) Provide further information on the Cable Route Corridor, including confirmation as to the amount of land that has not been assessed. Please advise whether or not an ALC survey can be carried out for the corridor for inclusion in the OSMP.	The impact of cable route corridor works on agricultural land, soils and farming circumstances are anticipated to be limited as the works are very narrow, reducing the extent of land directly affected. he embedded mitigation of a Soil Management Plan (secured by Requirement 19 of the draft Development Consent Order [EN010132/EX3/WB3.1], provided at Deadline 3) will prevent soil handling while material has been wetted to a plastic consistence, and the duration of work in each field will be short minimising the impact on each farmers land management. No soil survey work has yet been undertaken for the Cable Route Corridor as the final route will not be confirmed until the detailed design stage. The Applicant considers that it would be disproportionate and disruptive to landowners to carry out a site surveys over the entirety of the Cable Route Corridor during the consenting stage.. Once the detailed route of the Cable Route Corridor has been established, soil data will be collected to inform the SMP. This same soil data collection will enable an ALC Grade assessment to be made of the Cable Route Corridor.
1.2.15	Applicant	**ALC Survey – Inconsistencies and Missing Data**	For sample points 450 and 451, the upper subsoil does not have sufficient depth to be classed as a Slowly Permeable Layer (SPL) that impedes drainage. It is therefore not Wetness Class III or limited to

ExQ	Respondent	Question	Applicant's Response
		Please can the Applicant comment on perceived inconsistencies within the data, and missing data contained in Appendix 19.1 [APP-137], for example: • Samples 450 and 451 are ALC Grade 2. Numerous other samples from similar sites are graded as 3b. • Similarly, sample 335 is Grade 2, whilst 224, 597, 605 and 613 are 3b. • Some data is missing completely. 7000 Acres' Written Representation [REP1A-011] highlights further inconsistencies noting that "216 records …require further investigation and adjustment out of a total of 829 samples i.e. 26% errors." a) The Applicant is asked to please provide comment on these observations. b) Please explain the impact of the errors within the dataset, and how it may affect the confidence with the conclusions drawn or	Grade 3b as the numerous other superficially similar soil sample points are. Sample point 335 does not have a gley subsoil horizon recorded, whereas soils at 597, 605 and 613 all record gley subsoil. Gley is a colour mottling of soil showing zones of Fe 2 and Fe 3 salts that indicate periods of prolonged waterlogged and anaerobic conditions – a diagnostic of a surface water wetness limitation when found in conjunction with an SPL. The Applicant confirms that no inconsistencies have been identified by 7000 acres. Regarding the allegedly missing data, if a feature is not present in a soil horizon, such as a SPL, the relevant cell in that data table is left blank. A blank cell does not indicate missing data. The Applicant therefore confirms that 7000 Acres have not found 26% errors in the survey data. The claim appears to stem from a lack of understanding of and familiarity with the data that 7000 Acres are commenting upon. In support of this, the Applicant refers to the review of its ALC assessment by Natural England's experienced ALC surveyors. As noted in its Deadline 1A submission [REP1A-008] *"Natural England are satisfied that the detailed ALC survey undertaken across the order limits is appropriate."*

ExQ	Respondent	Question	Applicant's Response
		mitigation measures to account for any errors. c) Please also set out whether or not this level of missing data/quality of data is normal for similar surveys.	
1.2.16	Applicant	**Management of Land** While the scheme is operational, Paragraph 19.9.18 of Chapter 19: Soils and Agriculture [APP-057] sets out that grass management below and between the solar panels will need to be managed, including by livestock grazing. Can the Applicant please: a) provide further details of how this would be managed? Please cross refer to the dDCO if relevant. b) explain the rationale for the approach and transition from arable use which has historically occurred (see for example Para 19.8.14 of [APP-057]).	a) When using sheep to manage vegetation in a solar farm, a grazier will monitor the available fodder and turn out sheep to graze areas in pulses. Their grazing area is normally controlled using temporary electric fences with a portable bowser drinking trough. Increasingly livestock farmers are adopting GPS collars for virtual fencing, the collar giving a tens machine stimulus as the animal approaches the virtual fence rather than the electric shock from contact with a typical electric fence. Virtual fencing also enables greater monitoring of livestock location and movement within a stie, aiding livestock welfare. However, the use of sheep grazing for grass management is not a requirement that is secured in the DCO as other methods of grass management, such as cutting, may be employed. The conclusions in the Environmental Statement are not reliant on the use of sheep grazing throughout the operation of the Scheme. Please also refer to the Applicant's response to 1.13.2. b) Currently the majority of the land is in arable production of cereals and break crops as there are few alternative agricultural land uses that are economically viable. Farm Businesses A and B both grow a wider variety of crops on other land they occupy away from the Sites, this land being more versatile than that held within the Sites.

ExQ	Respondent	Question	Applicant's Response
			Farm Business D was until recently a dairy unit with considerable investment in robot milking for the dairy herd. The dairy enterprise was terminated as it was considered by the farmer that a herd of this size in this region was not financially robust enough to attract a successor to take over the business on their retirement. The current cereal cropping of Farm Business D is therefore a recent development.
1.2.17	Applicant (Other IPs optionally)	**Temporary Loss of Agricultural Land** The application will result in temporary loss of agricultural land over the intended timespan for the Proposed Development. Chapter 19 Soils and Agriculture Paragraph 19.9.28 of [APP-057] confirms that "There is no obligation for land to return to arable production…". Please can the Applicant set out how it is considered that farming skills and knowledge will be retained for future reversion to agricultural practices? The ExA also seeks views on this from other Interested Parties.	Farming skills are not tied to specific parcels of land. The farming sector in the UK is increasingly professionalised with farmers going through vocational tertiary education, employing agronomist services and applying complex decision support systems to optimise both financial return and environmental performance from land. Accordingly, no loss of farming skills or knowledge is anticipated as a result of the Scheme.
1.2.18	Applicant	**Return of land to arable use after decommissioning** Table 18.29 of Chapter 18 Socio Economic and Land Use [APP-056] of	At the completion of decommissioning of the Scheme, it is anticipated that the land will be returned to the landowners as the Applicant has Option Agreements to lease the land. The permitted use of the land (from a planning perspective) following the decommissioning of the Scheme will be agricultural use and the land will have been restored to enable

ExQ	Respondent	Question	Applicant's Response
		the ES refers to an *"increase in agriculture-based employment as a result of completion of decommissioning"* a) How is the land for agricultural use secured in the DCO? b) Who will it be returned to? c) On what terms? d) How can it be guaranteed it will return to arable agricultural use? e) If not returned to arable agricultural use what effect would this have for the conclusions in respect of significance of effect?	agricultural activities to recommence. The restoration of the land to enable agricultural activities is secured through the measures in **6.3.19.2 Environmental Statement - Appendix 19.2 Outline Soil Management Plan Revision A [EN010132/EX3/WB6.3.19.2_A]** and **7.2_A Outline Decommissioning Statement [EN010132/EX3/WB7.2_A]**, secured by Requirements 19 and 21 respectively of Schedule 2 to **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C].** The Applicant is not able to guarantee the active cultivation of the land post decommissioning of the Scheme as the Applicant will not have control of the land. However, this is no different from the current status as there is no obligation on the landowner to maintain arable management at present. Notwithstanding that the return to active cultivation cannot be guaranteed, this is anticipated to be likely given the nature and location of the land. The Applicant is also mindful that any further change of use, such as to develop the land for energy, industry or housing, would require a new planning consent. The Applicant is therefore confident in the conclusions in the Environmental Statement.
1.2.19	Applicant	**Farming Circumstances – Operational and Decommissioning Effects** Given the quantity of agricultural land that would be temporarily lost, please can the Applicant: a) explain how there would be a significant beneficial effect to farming	A) There is a significant beneficial effect from the Scheme on farming circumstances because the farm will get a greater and more reliable return from the Scheme than from combinable crops. This money can be used to invest in the farming business. Please refer to the Applicant's response to 1.2.6, above. B) Once the Scheme is decommissioned the land can resume its current arable land management. The effect is considered to be minor beneficial because it will reverse the minor adverse effect

ExQ	Respondent	Question	Applicant's Response
		circumstances - see ES Chapter 19 Soils and Agriculture paragraph 19.9.20 [APP-057]. b) Additionally, with reference to ES Chapter 19 paragraph 19.9.29, please explain why it considers there would be a beneficial effect when the land returns to agricultural use following decommissioning.	that resulted from the suspension of arable land management at the Construction Phase. Please also refer to the Applicant's response to 1.2.18, above.
1.2.20	Applicant	**Minimisation of the impact on BMV Agricultural Land** Paragraph 6.7.16 of the Planning Statement [APP-313] refers to discussions with landowners to focus the scheme on land least agriculturally productive and most difficult to farm effectively. This is based on *"decades of experience"*. Various Relevant Representations (RR) appear to dispute that this has been achieved. Please can the Applicant provide the ExA with more detail, for example the nature of discussions, and how land may have been discounted, and the conclusions drawn/ lessons learned.	The Scheme consists predominantly of land from 4 farm businesses. **ES Appendix 19.1 Agricultural Land Quality, Soil Resources & Farming Circumstances [APP-137]** provides detail as to the nature of each farm business, the use of the land that has been included within the Order limits, and the concerns of the relevant farmers as to how they could effectively manage the land. Each farm business identified benefits to the remainder of their land from diversification with the Scheme. The Applicant has designed the Scheme to take account of the desires of each farm business to retain the land that they are best able to use for farming effectively. Accordingly, whilst all farm businesses would have a reduction in the area managed for combinable crops, the Applicant is confident that it has sought to locate the Scheme on the least agriculturally productive land, taking into account the requirements of each farm business. For example, at West Burton 2 the eastern section of the site is not very productive for agriculture owing to the ground conditions and it being an identified flood storage area and hence it has been included in the Scheme as ecological mitigation.

ExQ	Respondent	Question	Applicant's Response
			The site selection process that identified these farm sites is set out in response to question 1.1.20, which further confirms the approach taken in identifying the land for the Scheme. Accordingly, whilst the Applicant acknowledges there is a view amongst a number of Interested Parties that the Applicant has not sought to focus the Scheme on the least productive land, it notes that these representations have not been made by the owners of the four Farm Businesses that constitute the majority of the land required for the Scheme. The simple use of agricultural land does not, in and of itself, mean that that land is capable of effective farming as compared to land retained by the Farm Businesses.
1.2.21	Applicant	**Current Yield and Likely Changes** a) Has the Applicant quantified the current yields in terms of arable, pasture and livestock and what is the estimated loss in yield due to the Proposed Development? Can this be provided? b) Please can the Applicant a commentary on what grade these yields have been, or estimated loss will be. c) If possible, please assess what proportion of UK production this is	The Applicant has not provided or sought any information on yield for the Sites as yield figures do not inform the ALC assessment. Yield is sensitive to many factors and a higher yield may not generate higher profit if the additional inputs required are disproportionately high. For example, a yield of feed barley will typically be significantly higher than one for malting barley. This is because for malting barley the farmer must keep protein content low by restricting Nitrogen fertiliser application, which also cuts yield. Premiums for malting barley are higher however, overcoming the penalty of reduced yield. Approximately 769ha of land is required for the Scheme. This represents a negligible percentage of the approximately 17.0 million hectares of agricultural land in the UK. **6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056]** assesses the impact on the agricultural economy and concludes that the residual effects are long-

ExQ	Respondent	Question	Applicant's Response
		and provide a commentary on the replacement of these.	term minor beneficial locally and long-term negligible adverse regionally during operation of the Scheme. The Applicant notes that there is no requirement in NPS EN-1 (2011 or November 2023) or NPS EN-3 (November 2023) for an applicant to provide yield information. Please also refer to the Applicant's responses to 1.2.4 and 1.2.11, above.
1.2.22	Applicant	**Displacement of Food Production** Has the Applicant considered the effects of displacement of food production that would be caused by the proposal? Please can the Applicant provide a more detailed explanation of how the Proposed Development would support the farming enterprises whose land would be used.	Please refer to the Applicant's responses to 1.2.9 and 1.2.21 above. Displacement of food production is not a policy consideration in either NPS EN-1 (2011 or November 2023) or EN-3 (November 2023) and, as set out in 1.2.9, Defra identifies climate change and soil degradation as the key threats to UK food security. The Scheme has beneficial impacts in respect of both of these factors. All four occupying farm businesses are owners of the land. Therefore all will benefit from the income received via the lease of that land for the Scheme. This money can be reinvested in the farm business. Please also refer to the Applicant's response to 1.2.6, above.
1.2.23	Applicant	**Cable Decommissioning** The ES at Chapter 19, paragraph 19.3.10 [APP-057] states that for the grid connection cable route corridor the 132kV and 400kV may be left in-situ rather than being removed.	A) The cables located within the Sites, connecting the solar PV panels and other elements inside the solar array areas, will be removed at decommissioning. The cables forming part of the grid connection may be left in the ground if that is the most appropriate method of decommissioning at the time. The Applicant is required to restore the land within the solar PV sites to agricultural use. Low voltage cabling within the solar PV sites

ExQ	Respondent	Question	Applicant's Response
		However, paragraph 19.9.21 states that "all piles and surface 'feet' securing solar panels will be removed along with buried cables within the Sites". The magnitude of impacts to agricultural land are deemed negligible on this basis. Can the Applicant please confirm: a) where cables will be removed at decommissioning, and b) whether this alters any ES conclusions.	may be buried more shallowly and therefore be required to be removed as part of restoring the land to be returned to arable use. Where cables are made safe and left in situ such cables will have been buried sufficiently deep that they do not impede the use of the land for cultivation or crop growth. B) The ES assessment has been carried out on the basis of cable removal as set out in A). Accordingly, this does not alter any ES conclusions.

4 Biodiversity and Ecology

ExQ	Respondent	Question	Applicant's Response
1.3.1	Applicant	**Study Area** Paragraph 9.5.8 of ES Chapter 9 Ecology and Biodiversity [APP-047] states that the study radii areas of 10km, 5km and 2km for international, national and local designated sites are "standard distances" beyond which impacts are not anticipated to occur. However, it is unclear from where these standard distances have derived.	The determination of the ecological zone of influence of the Scheme when scoping designated sites as potential Important Ecological Features was made using professional judgment informed through guidance within the Chartered Institute of Ecology and Environmental Management's 2018 Guidelines for Ecological Impact Assessment. Section 2 of this document sets out how the zone of influence of a project may vary according to the baseline conditions within a site, the various construction and operation activities proposed, the presence of functional ecological linkages between the Site and designated sites, and the exact ecological features for which the sites are designated.

ExQ	Respondent	Question	Applicant's Response
		Can the Applicant explain where these study areas derive from and why they are confident these distances are sufficient to capture the zone of influence of the Proposed Development?	The Applicant has taken a precautionary approach to setting the zone of influence. Distances of 10km, 5km and 2km are not prescribed by guidance but have been regularly adopted in ecological impact assessments for similar schemes and, owing to the scale of the proposed Scheme, are greater than those which might be adopted for assessing the impact of smaller housing, renewable energy or light industrial schemes (e.g. 5km, 2km and 1km, for international, national and local designated sites, respectively). A distance of 30km has also been used in respect of the potential for influence on migratory birds or bats, where a greater radius is needed to reflect the size of area that these species may be found. The records of designated sites are identified from the desk study data search, and the individual sites can each then be assessed as being within or beyond the zone of influence of the Scheme according to the criteria and functional interrelationships outlined above. Following this exercise, nothing was identified that would indicate any likelihood that the zones of influence, or the search radii themselves, were inadequate. The EIA Scoping Opinion document **[APP-068]**, confirms that these distances were considered acceptable by PINS, with the extension of the search distance for International designated sites (where qualifying features include migratory birds and bats) to 30km. Similarly, no objection to the use of these chosen distances was raised within EIA scoping or consultation correspondence with bodies including Natural England and the Local Planning Authorities.
1.3.2	Applicant	**Effect on Bats**	The quoted conclusion in paragraph 9.7.93 of **ES Chapter 9 Ecology and Biodiversity [APP-047]** that impacts would be neutral relates to the potential collision of with solar panels by bats should they mistake the

ExQ	Respondent	Question	Applicant's Response
		Paragraph 9.7.93 of ES Chapter 9 [APP-047] states that the effects of the installation of solar panels on bat activity and the activity of their prey is largely unknown. Can the Applicant please provide commentary to explain how confident it is that it is "probable that these impacts on bats will be largely neutral".	panel for water and attempt to drink from it. Two research studies are referenced at this point. Russo, *et. al*. (2012) observes that initial drinking attempts from experimental smooth surfaces are followed by a reduced likelihood of a repeated attempt, suggesting that bats learn that such smooth surfaces are not water and no longer investigate them. In Greif and Siemers (2010), it was observed that smooth horizontal surfaces were mistaken for water, resulting in drinking attempts, while surfaces with a texture in the form of shallow ridges were not. As the arrangement of solar panels on their supports inherently requires the use of frames, screws and clamps where arrays are divided into individual panels, it is considered that the smooth surface of the glass-covered panels is substantially broken up by a pattern and texture which would reduce its acoustic appearance as an extended smooth surface and enable bats to avoid mistaking the panels for water. Another study looked at the risk of failed drinking attempts or collisions between bats and horizontal and vertical smooth surfaces, respectively.[1] This found that bats did not attempt to drink from vertical surfaces and did not collide with horizontal surfaces. Given the angles at which solar panels will be mounted, it is therefore considered unlikely that bats will attempt to drink from the installed structures. Similarly, it is considered that collision risk would moderated by the angle of incidence of echolocation while flying close to tilted panels, compared to a perfectly vertical surface which would appear as an 'acoustic mirror'. Consequently, on the basis of the evidence

[1] Greif, S., Zsebők, S., Schmieder, D., & Siemers, B. M. (2017). Acoustic mirrors as sensory traps for bats. *Science (New York, N.Y.)*, *357*(6355), 1045–1047. https://doi.org/10.1126/science.aam7817

ExQ	Respondent	Question	Applicant's Response
			available, the Applicant is confident that the effect of this potential impact is neutral. However, little research has been conducted into the effects of solar farms generally on bat activity. This uncertainty was a major driver for the Applicant to adopt a precautionary system of large ecological buffer zones, with likely bat activity being a driver for increasing the buffer width. This way, undeveloped corridors of up to 12m either side of hedgerows and other boundary features (increasing to 20m from woodland) are preserved and will host habitat creation specifically for bats (and other wildlife). These corridors significantly enhance the existing hedgerow network in terms of connectivity, extent and ability to support prey species. When compared to the large arable fields, these boundary habitats are the most important habitats for bats within the Scheme alongside ponds, woodland and watercourses. In addition, invertebrate abundance is reasonably likely to increase as a result of the reversion of arable fields to permanent grassland which will be managed to achieve a diverse grassland sward. Considering the scale of habitat enhancement and creation, therefore, even in the absence of conclusive research, it is reasonable to conclude with moderate certainty that a residual beneficial effect (potentially significant at a district scale) would result from the Scheme.
1.3.3	Applicant	**Otter and Water Vole Survey Culverts** Otter and Water Vole Surveys have been undertaken. As it is not clear	Otter and Water Vole surveys were carried out prior to the locations of culverts being determined. The locations of culverts are currently indicative and may change following potential changes to the design and layout.

ExQ	Respondent	Question	Applicant's Response
		where culverting may be proposed, can the Applicant confirm those areas that may be culverted, and that these have been surveyed, following best practise?	The need for flexibility in design, layout and technology is recognised in NPS EN-1 (2011 and November 2023) as elements of a development may not be finalised. To accommodate flexibility, a 'Rochdale Envelope' approach is used, as described in the Planning Inspectorate Advice Note 9. This involves assessing the maximum (and where relevant, the minimum) parameters for the Scheme where flexibility needs to be retained. while ensuring all potentially significant effects (positive or adverse) are considered. The principles and justification for this approach are set out in **6.2.2 ES Chapter 2EIA Process and Methodology [APP-040]**. The **7.17 Outline Ecological Protection and Mitigation Strategy [APP-326]** sets out the requirement for the detailed survey of any habitat suitable for otter or water voles that will be potentially impacted by the works. Particular attention will be paid to any habitat removal works affecting or within 30m of a watercourse for the potential presence of otters and water voles. All applicable habitat removal works will be preceded by an inspection of habitat at least 50m upstream and 50m downstream of the clearance extent to look for signs of these species and their sheltering sites. The inspection will be carried out one month in advance of works commencing by a suitably qualified ecologist. In the event that burrows, holts or likely sheltering sites are found, the Ecological Clerk of Works (ECoW) will discuss this with the Site Manager(s) and efforts to alter the location of the clearance to avoid direct impacts will be made in the first instance. Should impacts upon holts, burrows or sheltering sites be unavoidable, it will be necessary to delay commencement until a licence from Natural England is obtained.

ExQ	Respondent	Question	Applicant's Response
			Licences will be contingent on seasonal timing restrictions, sensitive working methods and habitat compensation. The provisions of **7.17 Outline Ecological Protection and Mitigation Strategy [APP-326]** are secured by Requirement 8 of Schedule 2 to the **draft Development Consent Order [EN010132/EX3/WB3.1_C]**.
1.3.4	Applicant	**Ground Nesting Bird Species and Hunting Raptors** Paragraph 9.5.30 of ES Chapter 9 [APP-047] notes that arable fields have "value to a relatively small number of ground-nesting bird species and arable specialists including hunting raptors (several of which are notable species of conservation concern)". Paragraph 9.5.32 concludes that arable fields are considered to be of 'Site Importance' only. Can the Applicant please explain the reasoning behind this conclusion.	In order to avoid pseudoreplication of assessment for breeding birds (and, potentially, other ecological features), habitats were assessed in their own right for their own intrinsic ecological importance. In the case of terrestrial habitats such as arable fields, this importance is largely driven by their botanical interest. Consequently, arable fields were assessed as being of Site Importance, while the breeding bird assemblage which is, in part, associated with this habitat was assessed (separately) as being of greater importance. This assessment methodology is in accordance with Chapter 4 of the Chartered Institute of Ecology and Environmental Management's 2018 Guidelines for Ecological Impact Assessment in that the low rarity, naturalness and species diversity of the arable fields should be adequately reflected in its evaluation, whereas other ecological features should be assessed separately, as appropriate. The assessment relating to breeding birds is found in **6.2.9 ES Chapter 9 Ecology and Biodiversity [APP-047]**, in particular from paragraphs 9.5.122 and 9.7.145.
1.3.5	Applicant and Local Authorities	**Woodland Creation** In its WR [REP1A-020], 7000 Acres sets out that from Sept 2023 Lincolnshire	a) Question not for the Applicant. b) The habitat mitigation for the Scheme includes the planting of 7.1km of native hedgerow and 13.7ha of native woodland which

ExQ	Respondent	Question	Applicant's Response
		County Council is *"embarking on an ambitious woodland creation programme and will be planting 750,000 trees over coming years across the County".* It states that the proposed scheme *"will directly and indirectly impinge on this programme of tree planting in the County".* a) Please can LCC (and other Local Authorities where appropriate) provide further information on the 750,000 tree woodland creation programme. b) Please can Local Authorities and the Applicant explain what might be the impact of the proposed development on woodland creation of this scale?	will contribute to and not impinge on LCC's programme of tree planting. Based on the planting densities set out in **7.3_B Outline Landscape and Ecological Management Plan Revision B [EN010132/EX3/WB7.3_B]** the proposed hedgerow planting can be expected to contribute approximately 42,600 trees and the native woodland can be expected to contribute approximately 137,000 trees. This level of planting could be expected to contribute approximately 18% of LCC's target of 750,000 newly planted trees.
1.3.6	Applicant	**Decommissioning Effects** Section 9.8 of ES Chapter 9 [APP-047] sets out Decommissioning Effects. The section does not report on significance of effects. Can the Applicant confirm if this is an omission, and explain why these are not reported, or update to include decommissioning effects.	While ecological effects which may potentially arise during the decommissioning phase are described, and are predicted to be largely the same as those raised during the construction phase, their significance is not listed. As set out in paragraph 9.6.6 of **6.2.9 ES Chapter 9 Ecology and Biodiversity [APP-047]**, this approach is driven by the difficulties in predicting such significance owing to potential changes in prevailing biodiversity policy and legislation when taking into consideration an up to 60 year lifespan of the Scheme. Additionally, while a future baseline in terms of the extent and 'maturity' of the various ecological features can be predicted to a degree, predicting changes in the relative rarity or

ExQ	Respondent	Question	Applicant's Response
			importance of these in a local, regional or national context over this timespan is more difficult and hampers an assessment of significance.
1.3.7	Applicant	**Biodiversity Net Gain – Enhancement and Mitigation C** Can the Applicant please confirm: a) If the approach to Biodiversity Net Gain (BNG) considers solely enhancement, over and above the identified mitigation in ES Chapter 9: [APP-047]? b) If it also incorporates the identified mitigation in ES Chapter 9, please provide figures which exclude this to provide a net figure.	The **6.3.9.12 Biodiversity Net Gain Report [APP-088]** incorporates the embedded mitigation (see Section 9.6.9 of **6.2.9 ES Chapter 9 Ecology and Biodiversity [APP-047]**), additional mitigation (such as specific habitat creation measures for mitigation of impacts on breeding birds) and all enhancement measures. This is in line with clarification contained within Defra's 2022 BNG Consultation (p72) which states that mitigation and compensation for protected species and protected sites can be counted within a development's BNG calculation. The consultation document states that, "at least 10% of the gain should be delivered through separate activities which are not required to mitigate or compensate for protected species impacts". This means that at least 10% of the total (86+%) post-development biodiversity score should be from measures which are not undertaken to address impacts on protected species or protected sites. This is the case for the Scheme.
1.3.9	Applicant	**Securing BNG** The Biodiversity Net Gain Report [APP-088] indicates that the proposed development would result in net gain of: • 86.80% of habitat units, • 54.71% gains in hedgerow, and • 33.25% in river units.	Requirement 9 of Schedule 2 to the draft DCO **[EN010132/EX3/WB3.1_C]** (provided at Deadline 3) requires a BNG strategy to be submitted for approval before construction may start on any part of the Scheme. The BNG strategy must be in accordance with **7.3_B Outline Landscape and Ecological Management Plan Revision B [EN010132/EX3/WB7.3_B]** , including the delivery of the habitat creation and management prescriptions contained therein. The draft DCO does not secure a specific percentage of BNG for each type of unit as there remains significant uncertainty about how BNG will be implemented in relation to NSIP schemes. The detailed design of the Scheme will be undertaken post-consent and there may be changes to

ExQ	Respondent	Question	Applicant's Response
		These figures are repeated elsewhere throughout the application. The ExA notes that NE [REP1A-007] recommends a requirement for a minimum of 10% Net Gains in habitat, hedgerow and river units to be delivered (see Question 5.23). a) Please can the Applicant confirm whether, and if so how, the above levels of BNG are secured in the dDCO [REP1-007]. b) If the minimum level of 10% BNG is not secured in the DCO, please can the Applicant explain what it considers should be taken into account when considering potential benefits.	the metric used to calculate BNG. In view of this uncertainty, the Applicant does not consider it appropriate to commit to any set percentage of gain within the DCO. However, the commitment to provide BNG and deliver the measures set out in the Outline LEMP, is secured by Requirement 9 and Requirement 7. The Applicant considers that the benefits of the measures set out in the Outline LEMP should therefore be taken into account when considering the potential benefits of the Scheme.
1.3.10	Applicant, Local Authorities and IPs	**Mitigation Planting** In its WR, [REP1A-020] 7000 Acres states that the "beneficial landscape effects promoted by the Applicant are mainly based on the mitigation planting" (Para 8.8). It goes on to state that the *"establishment of planting will be impacted by grazing deer, brown hare and rabbit populations... the loss of newly*	The **7.3_B Outline Landscape and Ecological Management Plan Revision B [EN010132/EX3/WB7.3_B]** sets out measures to protect new planting and a schedule of monitoring of newly created habitats. Replacement planting is proposed for where habitat fails to become established. In the experience of the Applicant's consultant, gained by monitoring over 100 active solar arrays, new hedgerow planting is able to successfully establish within solar arrays. Grazing animals such as deer, brown hare or rabbits do not significantly impact new planting.

ExQ	Respondent	Question	Applicant's Response
		planted vegetation will be significant". The WR argues that this will have a detrimental impact on any landscape mitigation measures compounding the loss of existing vegetation necessary for the scheme to proceed. The ExA would like to invite comment from the Applicant on the above. Optionally, Local Authorities or IPs may also provide any evidence on the above impact.	
1.3.11	Applicant and Natural England	**Protected Species** A number of protected species licences may be required where avoidance is not possible during construction. In its RR [RR-233] NE requested clarification of the need for protected species licences. It recognised that Protected Species Licences may be required in due course but had not been engaged in Letters of No Impediment or draft Protected Species Licences. This has subsequently progressed through engagement between NE and the Applicant NE's WR [REP1A-007] notes that "given the absence of any identified need for a	As set out in **8.3.7 Statement of Common Ground with Natural England [REP1-067]**, it is agreed with Natural England that sufficient precautionary methods and contingency measures are set out in **7.17 Outline Ecological Protection and Mitigation Strategy [APP-326]** (which is secured by Requirement 8 of the **draft Development Consent Order [EN010132/EX3/WB3.1_C]** provided at Deadline 3) to ensure that, in the unlikely event of protected species being found in advance of or during construction works (e.g. by the Ecological Clerk of Works (ECoW)), any necessary licences can be applied for and/or work programmes altered to proceed in a lawful manner. At Section 6.3.2 of the **Outline Ecological Protection and Mitigation Strategy (oEPMS)[APP-326]** it states that where bat roosts are discovered a licence will be required from Natural England. Section 6.6.4 of **[APP-326]**, the oEPMS notes that a licence from Natural England will be required where impacts to Otter and Water Vole Holts, Burrows and Sheltering Sites are unavoidable. Section 9.4.2 of **[APP-326]** the oEPMS

ExQ	Respondent	Question	Applicant's Response
		licence at this stage, Natural England consider the applicant has taken the necessary steps to reduce the likelihood of Protected Species Licencing becoming an impediment to the implementation of the DCO". The ExA notes the progress, as reported in the Draft SOCG [REP1-067] and that sufficient precautionary methods and contingency measures are set out and will be secured by Requirement 8. At the time of submission, NE stated that the wording of section ECO-09 was not yet complete. Notwithstanding this common ground: a) Can the Applicant please identify the likely protected species that may be affected and detail how engagement with NE will be taken forward. b) Can both the Applicant and NE confirm the agreement of wording within the Draft SOCG?	also notes that in the event that an active badger sett is to be unavoidably impacted by construction activities, a licence from Natural England would likely be necessary. At the time of writing, the SoCG with Natural England is awaiting signing by Natural England.
1.3.12	Applicant	**Comparability of Other Monitored Solar Farm Installations**	a) Clarkson and Woods have not monitored an active solar array as large as the Scheme. However, the Scheme comprises three

ExQ	Respondent	Question	Applicant's Response
		Paragraph 9.7.149 of ES Chapter 9 [APP-047] states: *"Skylark and yellow wagtail regularly forage tens or hundreds of metres away from nesting sites and both have been recorded foraging on active solar arrays".* It cross refers to a footnote referencing Clarkson and Woods' own monitoring of 100+ active solar farm installations. The ExA presumes that these installations cover a wide range of installations varying in size. Please the Applicant: a) Provide some confirmation that there is direct comparability from those monitored to a scheme the size of West Burton. b) How does the comparison relate to cumulative assessment of multiple schemes? Have Skylark and yellow wagtail been recorded foraging on active solar arrays of comparable scale?	separate parcels that are individually comparable in size to active solar arrays that have been monitored by Clarkson and Woods. b) Paragraph 9.7.149 of **6.2.9 ES Chapter 9 Ecology and Biodiversity[APP-047]** refers to habitat within the edges of solar arrays being suitable for foraging skylark and yellow wagtail provided they are within close proximity to adjacent suitable nesting habitat, such as arable fields. The quantity of this 'edge-based' foraging habitat is considered key and larger schemes can be expected to provide more of this than smaller schemes, despite a larger potential overall displacement effect. In addition to the benefits from being a larger scheme, as the Scheme is split over three separate solar array sites, the Scheme contains a significantly larger available proportion of such edge habitats than if it was arranged in a single block. As such, a larger area within the Scheme will be available to foraging skylark and yellow wagtail. Consequently, the cumulative assessment with other schemes is affected by the configuration of development parcels within other schemes, as more contiguous sites would be expected to have an increased displacement effect owing to the reduction in accessible 'edge-based' foraging habitat than a more atomised cumulative layout. This factor has been taken into account within the cumulative assessment.

ExQ	Respondent	Question	Applicant's Response
1.3.13	Applicant	**Catchment Fertiliser Input Rates** The draft SOCG with the EA [REP1-065] confirms that enhancement of ditches and watercourses are being investigated. Various matters are under discussion. Please can the Applicant respond to the Environment Agency expectation set out in its WR [REP1A-007] paragraph 3.5 that it would expect to see evidence that the applicants have looked at the catchment in terms of farming and likely fertiliser input rates into the system.	The Applicant notes this comment. It has collected information on the current fertiliser input rates from the existing land users and this will be provided to the Environment Agency. The Applicant anticipates that this will be confirmed in an update to the Statement of Common Ground with the Environment Agency in due course.

5 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

ExQ	Respondent	Question	Applicant's Response
1.4.2	Applicant	**Land Interests** The Statement of Reasons (SoR) Appendix B [APP-019] sets out a Summary of Negotiations in relation to freehold acquisition, new rights and temporary possession. It appears that this does not include all of the owners or reputed owners referred to in the Book of Reference (BoR) [APP-021]. For example, plot numbers 07-102 and 08-132.	The Applicant has reviewed Appendix B of the **Statement of Reasons (SoR) [APP-019]** as updated by **8.1.13 Schedule of Negotiations [REP2-013]**. For the avoidance of doubt, each version of the Schedule of Negotiations constitutes an update to Appendix B of the SoR and should be read as a substitute to that Appendix. In respect of plot number 07-102, at the time the Application was submitted, the plot had been sold by

ExQ	Respondent	Question	Applicant's Response
		The Applicant is asked please to amend the Summary of Negotiations so that it accurately reflects those with an interest in the land.	Correen Tindale to Emma and Nicholas Hill however the Land Registry had not been updated to reflect this sale, therefore all three parties were included in the Book of Reference submitted with the DCO Application **[APP-021]**. The Applicant can confirm that the Land Registry has now been updated to reflect this sale and **WB4.3_C Book of Reference Revision C [EN010132/EX3/4.3_C]** now lists Emma and Nicholas Hill as the owners of this plot. The Schedule of Negotiations will be updated in line with the Book of Reference at Deadline 4. In respect of plot number 08-132, this consists of the public highway. If a public highway is unregistered, the owners of the subsoil listed in the **WB4.3_C Book of Reference Revision C [EN010132/EX3/4.3_C]** for such plots are each presumed, due to owning land abutting the public highway, to have ownership of the subsoil of the highway to the midpoint (as per the ad medium filum presumption). However, the Applicant is not seeking to enter into any voluntary land agreements with persons who solely have a presumed right of ownership to the subsoil of a public highway. The works to be carried out to the public highways within the Order limits are authorised by the highway powers contained within the **draft Development Consent Order [EN010132/EX3/3.1_C]** (see Part 3 – Streets). Where a person is the landowner of other land within the Order limits and a voluntary agreement is being negotiated,

ExQ	Respondent	Question	Applicant's Response
			the Schedule of Negotiations has listed all of the plots that landowner has an interest in for completeness.
1.4.3	Applicant	**Unknown Persons** There are a number of parcels identified in the BoR [APP-021] for which the owner are not known. The Applicant is asked to please provide an update on efforts to establish these owners/interests and details of what further steps will be undertaken to identify these owners.	The Applicant can confirm that there are no plots where they have not been able to identify any reputed legal or beneficial interest in the land. There are a number of unregistered plots where the Applicant has identified the owner(s) or the reputed owner(s) through diligent inquiry. The Applicant conducted diligent inquiry as described in the **WB4.1 Statement of Reasons [APP-019]**. However, for unregistered land, the Applicant has also included an "unknown" entry in the Book of Reference as a conservative approach, and for these plots during Section 42 Consultation and at the Section 56 Notification stage, site notices were erected and maintained. The Applicant will continue to undertake enquiries, including through contact with adjoining owners and their agents, and will continue to maintain the **WB4.3_C Book of Reference [EN010132/EX3/4.3_C]** throughout Examination should any new parties make themselves known.
1.4.4.	Applicant	**Statutory Undertakers interests** The BoR [APP-021] includes a number of Statutory Undertakers with interests in land, with an update provided in the Schedule of Progress regarding Protective Provisions and Statutory Undertakers at Deadline 1 [REP1-046]. In addition to this, please:	The Applicant confirms that it will continue to update the **Schedule of Progress regarding Protective Provisions and Statutory Undertakers [REP2-015]** throughout the Examination. a) The Applicant confirms that it is confident that it will be able to reach an agreement with each statutory undertaker

ExQ	Respondent	Question	Applicant's Response
		a) Provide a progress report on negations with each of the Statutory Undertakers listed in the BoR, with an estimated timescale for securing agreement with them; b) Provide an indication of whether any impediments to securing agreements are envisaged; and c) Provide a list of any additional Statutory Undertakers identified since the submission of the BoR. For each additional Statutory Undertaker identified provide answers to questions a. and b. In addition, the Applicant is asked to please review RR and WR made by statutory undertakers alongside the land and rights information systems and prepare, and update at each successive deadline, a table identifying and responding to any representations made by statutory undertakers with land or rights to which s127 of the PA 2008 applies.	that has requested bespoke protective provisions and/or an agreement before the end of the Examination. For the avoidance of doubt, where a statutory undertaker has not submitted any relevant representation, nor responded to the Applicant's communications requesting an agreement or bespoke protective provisions, it is considered that the relevant statutory undertaker is satisfied with the general protective provisions contained within the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]**. The Applicant notes that s127 of the Planning Act 2008 is only triggered when a statutory undertaker has an outstanding objection. b) The Applicant confirms that it is not aware of and does not envisage any impediments that would prevent the Applicant from securing agreements with each statutory undertaker listed in the **Schedule of Progress regarding Protective Provisions and Statutory Undertakers [REP2-015]**. c) The Applicant confirms that no new statutory undertakers have been identified since the submission of the **Book of Reference** within the DCO Application **[APP-022]**. The full list of statutory undertakers affected by the Scheme, including the latest update as to the ongoing negotiations, is found in **8.1.13 Schedule of Negotiations [REP2-015]**. Finally, in response to the Examining Authority's request, the Applicant has appended to this document at Appendix A a

ExQ	Respondent	Question	Applicant's Response
			table signposting to the submissions made by those statutory undertakers who have land or rights that are subject to the powers of compulsory acquisition contained within the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]**, and to whom the tests in section 127 of the Planning Act 2008 apply. The table also provides the location of the Applicant's response to each submission. This table should be read in conjunction with the **Schedule of Progress regarding Protective Provisions and Statutory Undertakers [REP2-015]**, which identifies the plot numbers relevant to each statutory undertaker and provides an update as to the status of negotiations. The Applicant confirms that this table will be appended to future revisions of the Schedule of Progress regarding Protective Provisions and Statutory Undertakers, being relevant and supplementary to the information contained in that document.
1.4.5	Applicant	**Network Rail Land and interests** The Schedule of Progress regarding Protective Provisions and Statutory Undertakers [REP1-046], the draft Statement of Common Ground [REP1-066] and the WR submitted by Network Rail [REP1A-030] indicate that there is some distance between the parties in terms of the use of CA and TP, and the protective provisions in the dDCO [REP1-007]. The Applicant is asked to please provide an update on negotiations with Network Rail and to identify any	On 3 January 2024, the Applicant notified the Examining Authority of its intention to submit a Change Application. Change 3 of the forthcoming Change Application will include additional land within Order limits between the eastern and western parts of West Burton 3. The proposed Change 3 is being made in response to discussions with Network Rail since the submission of the DCO Application. As set out in the **Schedule of Progress regarding Protective Provisions and Statutory Undertakers [REP2-015]**, the Applicant remains engaged in discussions with

ExQ	Respondent	Question	Applicant's Response
		likely obstacles to reaching an agreement before the close of the Examination.	Network Rail, and the Heads of Terms for the property documents are almost agreed. Solicitors have been instructed to prepare the property documents. Technical clearance has been issued by Network Rail for the Scheme meaning that there are no technical impediments. Business clearance will be issued as soon as the Heads of Terms have been agreed. The Applicant is confident that agreement will be reached before the end of Examination, and is not aware of any obstacle or impediment that would mean agreement is not possible.
1.4.8	Applicant	**Category 3 persons** Part 2 of the BoR [APP-021] lists 'Category 3' persons. The Applicant is asked to please: a) Provide further detail/justification of how you have identified Category 3 persons for the purposes of the BoR; b) Provide details of the efforts made to identify unknown parties; c) Clarify if there are any persons who might be entitled to make a relevant claim if the DCO were to be made and fully implemented, and who therefore should be added to the BoR as a Category 3 person. This could include, but is not	The persons listed in each Part of the **WB4.3_C Book of Reference Revision C [EN010132/EX3/4.3_C]** are prescribed by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. In respect of Category 3 persons, Regulation 7(b) provides that Part 2 of the Book of Reference must contain *"the names and addresses for service for each person within Category 3 as set out in section 57 [of the Planning Act 2008 (PA08)]"*. a) Section 57(4) of PA08 provides that a person is within Category 3 if the Applicant thinks that, if the draft DCO were to be made, the person would or might be entitled to make a 'relevant claim'. Paragraph (5) provides that persons only fall within Category 3 if they are known to the Applicant after making diligent inquiry.

ExQ	Respondent	Question	Applicant's Response
		limited to, those who have provided representations on, or have interests in: • Noise, vibration, smell, fumes, smoke or artificial lighting; • The effect of the construction or operation of the Proposed Development on property values or rental incomes; • Concerns about subsidence or settlement; • Claims that someone may need to be temporarily or permanently relocated; • Impacts on a business; • Loss of rights e.g. to a parking place or access to a private property; • Concerns about project financing; • Claims there may be viable alternatives; or • Blight	Paragraph (6) defines a 'relevant claim' as: (a) a claim under section 10 of the Compulsory Purchase Act 1965 (relating to injurious affection); (b) a claim under Part 1 of the Land Compensation Act 1973 (the 1973 Act) (for depreciation of land value); (c) a claim under section 152(3) of the PA08 (relating to compensation for injurious affection in lieu of a claim in nuisance). In respect of (b), Section 1(1) of the 1973 Act provides that land value must be depreciated by 'physical factors caused by the use of public works'. Paragraph (2) confirms that the physical factors are "noise, vibration, smell, fumes, smoke and artificial lighting and the discharge on to the land in respect of which the claim is made of any solid or liquid substance". The Environmental Statement has reviewed the potential for the Scheme to cause adverse effects in relation to noise and vibration, lighting, air quality and flooding (discharge). The Applicant has considered the findings of the Environmental Statement when identifying persons listed within Part 2 of the **Book of Reference [EN010132/EX3/4.3_C]** in order to identify any land that is likely to experience any relevant 'physical factors' during the operation of the Scheme (Part 1 of the 1973 Act only applies from the date of first use following completion of the Scheme). The Applicant is confident that all persons who would or might be eligible to make a 'relevant claim' have been

ExQ	Respondent	Question	Applicant's Response
			included within Part 2 of the **Book of Reference EN010132/EX3/4.3_C]**. From reviewing the submissions made by Interested Parties, the Applicant recognises that submissions have been made in respect of the matters listed by the Examining Authority; however, these submissions do not provide specific details showing how the legal tests may be met for a 'relevant claim' to arise in relation to any identifiable areas of land. As such, the Applicant remains confident that all potential Category 3 persons have been included within the **Book of Reference [EN010132/EX3/4.3_C]**. b) In respect of 'unknown' persons, the Applicant has carried out diligent inquiries to try and identify all affected landowners, as set out in sections 8.1 and 8.2 of the **Statement of Reasons [APP-019]**, and on an ongoing basis as set out in response to question 1.4.3 above. c) For the reasons given above in response to part a), the Applicant is satisfied that all potential Category 3 interests have been listed within the **Book of Reference EN010132/EX3/4.3_C]**. However, the Applicant notes that the eligibility of a person to make a relevant claim is not dependent on whether the person was listed in the book of reference.
1.4.10	Applicant	**Crown Land consent** 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	The Applicant has identified three plots of land within the Order limits that constitute Crown land at the River Trent which is part of the Shared Cable Corridor. These plots are listed in Part 4 of the Book of Reference.

ExQ	Respondent	Question	Applicant's Response
		reference to the latest available 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. Written evidence of consent(s) obtained is required as soon as possible and in any event by the close of the Examination.	The Applicant confirms that consent is required pursuant to s135 of the Planning Act 2008 from the Crown Estate on behalf of the King's Most Excellent Majesty in order for it to acquire rights in these plots of land. Discussions are ongoing between the Applicant and the Crown Estate. The Crown Estate requires an agreement to be entered into as a condition of providing the necessary s135 consent. The Applicant's solicitors are currently waiting to receive a copy of the draft agreement from the Crown Estate's solicitors. The Applicant is confident that an agreement will be reached before the end of Examination and notes that consent has been issued by the Crown Estate for the Gate Burton Energy Park.
1.4.11	Applicant	**Book of Reference** Any person entitled to enjoy easements or other private rights over land which the Applicant proposes to extinguish, suspend or interfere with identified in Part 3 of the BoR [APP-021] should also be recorded in Part 1 as a person within categories 1 or 2 as set out in section 57 of the Planning Act 2008. The Applicant is asked to please confirm the BoR has been drafted accordingly?	The Applicant confirms that all persons listed in Part 3 of the Book of Reference are also listed as Category 2 persons in Part 1 of the **Book of Reference [EN010132/EX3/4.3_C]**. Category 1 persons are owners, lessees, tenants or occupiers of land and therefore do not fall within the definition of persons entitled to enjoy easements or other private rights over land which the Applicant proposes to extinguish, suspend or interfere with (Part 3). The Applicant confirms that the Book of Reference has been drafted in accordance with the requirements set out in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).
1.4.12	Applicant	**Reasonable alternatives to CA**	The **Land Plan [AS-006]** shows the plots of land over which compulsory acquisition powers and temporary use powers are being sought. Compulsory acquisition powers are

ExQ	Respondent	Question	Applicant's Response
		In the light of the relevant guidance *"Planning Act 2008: procedures for the compulsory acquisition of land"* (September 2013) and in particular paragraph 8, the Applicant is asked to please explain how the ExA can be assured that all reasonable alternatives to CA (including modifications to the scheme) have been explored? Please set out in summary form, with document references where appropriate, what assessment/comparison has been made of the alternatives to the proposed acquisition of land or interest in each case.	sought within the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** to ensure that there is no impediment to the implementation of the Scheme following the grant of development consent. Section 7.5 and 7.6 of the **Statement of Reasons [APP-019]** sets out the approach to the consideration of alternatives. The primary reasonable alternative to compulsory acquisition is for the Applicant and relevant landowner to enter into a voluntary agreement for the purchase of land or rights over land. The Applicant has sought to negotiate voluntary agreements with relevant landowners, so as to avoid the need to exercise the powers of compulsory acquisition included within the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]**. **8.1.13 Schedule of Negotiations [REP2-015]** sets out the status of negotiations with landowners. The Applicant notes that agreement has been reached with each of the landowners for the solar arrays (West Burton 1, 2 and 3). **6.2.5 Environmental Statement - Chapter 5_Alternatives and Design Evolution [APP-043]** and the **Site Selection Assessment Revision A [AS-004]** (and the Applicant's response to question 1.1.20, above) set out the Applicant's approach to site selection and the consideration of alternatives. The Order limits, and the powers of compulsory acquisition included within the draft DCO, represent the minimum amount of land necessary to deliver

ExQ	Respondent	Question	Applicant's Response
			the Scheme having considered reasonable alternatives in terms of location and technology. Notwithstanding this, following negotiations with landowners and statutory undertakers, on 3 January 2024, the Applicant has notified the Examining Authority of its intention to submit a Change Application. These modifications include a number of changes made at the request of landowners or affected statutory undertakers. These amendments reflect the Applicant's ongoing engagement with landowners to reach agreement. The Applicant has also considered how the Scheme will be constructed and operated and has included the minimum land powers necessary to ensure that it is able to construct, operate and maintain, and decommission the Scheme. The extent of the land powers being sought in the DCO are shown on the **Land Plan [AS-006]**. Wherever practicable, compulsory acquisition of rights has been preferred to compulsory acquisition of the freehold. Similarly, where temporary possession powers are sufficient, these have been sought instead of compulsory acquisition where practicable. The **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** further provides, at article 29(1)(a)(ii), that the undertaker may take temporary possession of any land within the Order limits for the purpose of constructing the Scheme. Please refer to the Applicant's response to question 1.4.13, below, for an explanation of the operation of this provision. The inclusion

ExQ	Respondent	Question	Applicant's Response
			of this provision ensures that the Applicant will be exercise compulsory acquisition powers over the minimum amount of land necessary. The Applicant further confirms that, whilst it is seeking to enter into voluntary agreements for the land and rights it requires, it remains necessary to include compulsory acquisition powers over this land even where a property agreement has been reached. This is to ensure the Scheme is deliverable without impediment. For example, in circumstances where the agreement falls away, such as the death or bankruptcy of a landowner, or if new interests come to light. As set out in section 7 of the **Statement of Reasons [APP-019]**, the Applicant considers there is a strong justification for the inclusion of powers of compulsory acquisition of land and rights over land within the draft DCO, and that there is a compelling case in the public interest for these compulsory acquisition powers to be granted.
1.4.13	Applicant	**Cable Route Corridor** Paragraph 5.4.2 of the Sor [APP-019] sets out that the exact location of the cable circuits within the cable route corridor cannot yet be confirmed and, as a result, CA powers are being sought over the whole of the Cable Route Corridor. The Applicant is asked to please explain how this approach accords with the need for the Secretary of State to be satisfied that the	The Applicant has sought the power to acquire rights over the whole Cable Route Corridor. The corridor itself is wide enough to allow for the micro sitting of the cable to be determined as part of detailed design, to allow for ground conditions, technical and environmental constraints etc. This approach is typical for high voltage underground cables for nationally significant infrastructure projects. In order to ensure that the Applicant does not exercise compulsory acquisition powers over more land than is necessary, the Applicant will use the power under article

ExQ	Respondent	Question	Applicant's Response
		Applicant is seeking no more land than is reasonably required for the purposes of the development.	29(1)(a)(ii) of the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** to take temporary possession of the land required to install the cable, and then seek to compulsory acquire permanent rights for the cable over a smaller area of land, being that required for the cable and relevant protection zones. In this way, the power in article 29(1)(a)(ii) reduces the exercise of compulsory acquisition powers and is of benefit to landowners.
1.4.14	Applicant	**Funding Statement** The Funding Statement [APP-020] identifies the current cost estimate for the scheme to be approximately £500 million, which includes construction costs, preparation costs, supervision costs, land acquisition costs (including compensation payable in respect of any compulsory acquisition), equipment purchase, installation, commissioning, and power export. Paragraph 17 of the guidance *"Planning Act 2008: procedures for the compulsory acquisition of land"* (September 2013) states the Funding Statement should provide as much information as possible about the resource implications of both acquiring the land and implementing the project for which the land is required. The Applicant is therefore asked to please provide the following additional information:	a) The property advisors to the Applicant, Dalcour Maclaren, calculated a property cost estimate which valued the compensation payable at £28.162m. The property cost estimate assessed the following claim items: • Acquisition of freehold land and land rights (and imposition of restrictions) • Compensation arising from survey works and temporary works • Injurious Affection and Severance • Blight • Loss of Development • Claims arising under Section 10 of the Compulsory Purchase Act 1965 • Claims arising under Part 1 of the Land Compensation Act 1973

ExQ	Respondent	Question	Applicant's Response
		a) Identification of the CA costs separately from the project costs with an explanation of how a figure for CA costs was arrived at. b) Noting that at paragraph 2.3.3 of the Funding Statement the Applicant states that should development consent be granted they would seek further funding with the support of its legal and financial advisors, what further information/evidence can be provided to demonstrate that adequate funding is likely to be available? c) What financial arrangements would be put in place to secure the decommissioning of the Proposed Development at the end of its operational lifetime?	• Claims arising under Section 152(3) of the Planning Act 2008 • Business Loss Claims • Third party Professional Fees The relevant legislation covering the claim items listed above was also considered in this assessment including Compulsory Purchase Act 1965, Land Compensation Act 1961 and 1973 and the Planning Act 2008. b) As detailed in paragraphs 2.1.2 to 2.1.4 of **4.2 Funding Statement [APP-020]** the undertaker, West Burton Solar Project Limited, is owned by the holding company Foresight Island GP Solar Portfolio Limited (FIGP). The ownership of FIGP is split between two shareholders, Island Green Power (IGP) and Foresight UK Solar Development Holdco. The undertaker and IGP are able to meet the estimated compulsory acquisition compensation, through capital provided by its investors Macquarie, or project financing, or a combination of both. The cost of capital and debt financing at the time of taking Final Investment Decision (FID) on the project, will influence the choice of funding available and deployed. The undertaker already has access to sufficient capital to meet the estimated liability and sees no impediment to procuring additional funds, should that be desirable, in due course. Article 47 of the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** requires a guarantee or other form of security approved by

ExQ	Respondent	Question	Applicant's Response
			the Secretary of State to be in place prior to the exercise of the compulsory acquisition powers. c) The requirement to decommission, in accordance with an approved decommissioning plan, is secured in requirement 21 of the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]**. A breach of a requirement of a DCO is a criminal offence pursuant to section 161 of the Planning Act 2008. Therefore, if the Applicant were to decommission the Scheme without preparing, submitting and having the decommissioning plan approved or implementing the decommissioning plan in accordance with Requirement 21, this would amount to an offence, which is considered to be a sufficient deterrent to ensure compliance.
1.4.15	Applicant	**Land Plans** The Applicant is asked to please explain meanings of the references to 'temporary use of land' in relation to both pink and blue land shown in the key to the Land Plans. Similar reference are made in paragraph 2.1.5 of the BoR [APP-021].	Please refer to the Applicant's response to 1.4.13 above and 1.5.19 below. Articles 29 and 30 of the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** apply to the whole Order Limits and ensure that the Applicant can limit the exercise of compulsory acquisition powers to only what is required for the operation and maintenance of the Scheme.
1.4.16	Applicant	**Sturton by Stow RR** The Applicant is asked to consider and respond to the RR [RR-245] made by the Parochial Church Council of the Parish of Stow-with Sturton in relation to the suggested possible implications of the Proposed	The Applicant refers to references PCC-05 and PCC-06 in **8.1.2 Responses to Relevant Representations [REP1-050]**. The Applicant does not consider that its powers within article 23 of **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** would operate to extinguish any chancel repair liability tied to the land that would be due to the Parochial Church Council. This

ExQ	Respondent	Question	Applicant's Response
		Development for the Parish Council's right to Chancel Repair Liability.	is because the right to chancel repair contribution is not inconsistent with the exercise of rights granted by the DCO. There are therefore no implications to the right to Chancel Repair Liability as a result of the Scheme. In the unlikely event that this right was extinguished then compensation would be payable.

6 Draft Development Consent Order (DCO)

ExQ	Respondent	Question	Applicant's Response
1.5.1	Applicant	**Part 1 (Preliminary)** **Article 2 (Interpretation)** **"Apparatus"** - This definition in the dDCO [REP1-006] has been expanded from the meaning set out in the 1991 Act to included specifically named apparatus, such as pipelines and aerial markers. Whilst the Explanatory Memorandum (EM) [APP-018] refers to the fact that this has precedent in the Riverside Energy Park Order 2020, the ExA requests further information on why this is necessary for the Proposed Development.	Apparatus is defined in the New Roads and Street Works Act 1991 as: *"References in this Part to apparatus include a sewer, drain or tunnel"* (section 89(3)), and *"apparatus" includes any structure for the lodging therein of apparatus or for gaining access to apparatus"* (section 105(1)). This is confirmed by the Index of Defined Expressions at s106 of that Act. The definition is therefore potentially imprecise. As such, the Applicant considers it preferable for the definition of "apparatus" in the draft DCO to be clearly defined to ensure the undertaker can appropriately construct and operate the Scheme whilst also clearly managing interactions with the range of third-party assets it may encounter. For example, the definition used in the draft DCO ensures that the term covers pipelines and electricity cables, which the undertaker is aware are located within the Order limits. The definition is precedented in the Riverside Energy Park Order 2020, the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 and most recently in the Longfield Solar Farm Order 2023. It is also included in the other solar DCO applications currently in the planning process, including the draft DCOs for Sunnica Energy Solar Farm, Mallard Pass Solar Project and Cottam Solar Project.

ExQ	Respondent	Question	Applicant's Response
1.5.2	Applicant	**"Authorised development"** – this definition in the dDCO [REP1-006] includes 'any other development within the meaning of Section 32 (meaning of "development") of the 2008 Act authorised by this Order'. The Applicant is asked to please provide justification as to why this wording is required in addition to the development described in Schedule 1. Specifically, the Applicant is asked to provide justification as to why this does not align with the approach adopted in other made solar DCOs.	The Applicant has amended the definition of *"authorised development"* in the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** to match the definition used in the Longfield Solar Farm Order 2023 and the draft DCOs for Mallard Pass Solar Project and Cottam Solar Project.
1.5.3	Applicant	**"Maintain"** - the provisions of this definition in the dDCO [REP1-006] are wide ranging. For example, to 'alter, remove, refurbish, reconstruct, replace and improve any part' of the authorised development. The EM [APP-018] sets out that this definition would not permit the whole of the authorised development to be removed, replaced or reconstructed, rather it would be intended to enable the Proposal Development to keep up with changing standards and controls and advances in technology. Noting the	The Applicant considers the definition of "*maintain*" to be proportionate and consistent with the assessment undertaken in the Environmental Statement. The definition used in the draft DCO is consistent with the definition used in the Longfield Solar Farm Order 2023. It is not necessary to repeat the wording in Article 5 in the definition of "*maintain*" as this would be unnecessary duplication and contrary to the principles of statutory drafting.

ExQ	Respondent	Question	Applicant's Response
		potential for works of a significant to be encompassed by this provision, please explain why it is necessary for this to apply to "the whole of the authorised development". Schedule 5 refers to the 'Power to maintain the authorised development and sets out that this does not include 'any works which are likely to give rise to any materially new or different effects that have not been assessed in the environmental statement'. The Applicant is asked to please consider whether the definition of maintain should also include this wording.	
1.5.4	Applicant	**Part 2 (Principal Powers)** **Article 3(2) (Development Consent etc. granted by this Order)** The EM [APP-018] sets out that the purpose of Article 3(2) of the dDCO [REP1-006] is to provide the undertaker with a necessary, but proportionate, degree of flexibility when constructing the authorised development, with particular reference being made to variances in	Article 3(2) requires each Work Number set out in Schedule 1 to be situated within the corresponding numbered area on the **Works Plan [REP1-004]**. This ensures that each Work Number is carried out in the locations indicated on the Works Plans. It restricts the power in Article 3(1) which provides development consent for the authorised development to be carried out within the Order limits. The Applicant considers that the drafting contained in Article 3(2) to be standard drafting for energy DCOs and has been included in the Longfield Solar Farm Order 2023, the Little Crow Solar Park Order 2022 and the Cleve Hill Solar Park Order 2020.

ExQ	Respondent	Question	Applicant's Response
		ground conditions and choice of appropriate equipment and technology. Can the Applicant please explain why it considers the degree of flexibility sought is necessary and proportionate for this Proposed Development.	It should be noted that in constructing each Work Number the Applicant must also comply with the **Concept Design Parameters and Principles [EN0101032/EX3/WB7.13_B]** pursuant to Requirement 5 in Schedule 2 to the **draft DCO (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** which further restricts the flexibility of the Applicant in respect of each Work Number. The Applicant considers the flexibility to locate each Work Number anywhere within the corresponding numbered area on the Works Plans to be necessary and proportionate. For example, Work No. 5A relates to the Grid Connection and the Applicant has allowed for the Grid Connection cables to be micro-sited anywhere within the solar array sites to ensure that they can be installed in the most appropriate location once the detailed design of the solar arrays has been determined.
1.5.5	Applicant	**Article 4 (Operation of generating station)** Noting that a definition of a generating station is not provided in Schedule 2 of the dDCO [REP1-006], the Applicant is asked to please either provide such a definition, or to explain why this is not necessary.	Section 235 of the Planning Act 2008 already contains a definition of "*generating station*" by reference to the Electricity Act 1989 (the 1989 Act). The Applicant considers that there is no basis to include a separate definition of "*generating station*" within the draft DCO as the Applicant does not seek to distinguish the authorised development from the definition given in the 1989 Act. Including a new definition would, instead, reduce the level of clarity as to what is within the definition of "*generating station*" as the definition would no longer benefit from the caselaw associated with the 1989 Act definition, both currently and in the future. Accordingly, the Applicant does not consider it necessary to include a definition of "*generating station*" within the draft DCO.

ExQ	Respondent	Question	Applicant's Response
			The 1989 Act definition is incorporated into the draft DCO as a term defined (by reference to the 1989 Act) in the Planning Act 2008, the 'parent' legislation under which the DCO will be made. The definition of "*generating station*" has been considered by the Courts in two relevant cases: *R. (on the application of Redcar and Cleveland BC) v Secretary of State for Business Enterprise and Regulatory Reform [2008] EWHC 1847 (Admin)* ("Redcar"); and *Durham CC v Secretary of State for Levelling Up, Housing and Communities [2023] EWHC 1394 (Admin)* ("Durham"). The Redcar case considered whether an offshore wind farm was a generating station for the purpose of section 36 of the 1989 Act (consent for the construction etc. of generating stations). The judgment confirms that section 56(1) of the 1989 Act contains a '*non-exhaustive definition of "generating station"*'. A clear distinction was found between the "*generation of electricity (in a generating station) and its transmission (by high voltage lines and electrical plant) and eventual distribution (by low voltage lines and plant) to domestic, commercial and industrial premises".* The fact that the application for the wind farm included both the offshore wind farm elements of the project, and the onshore transmission elements, did not mean that the wind farm could not properly be described as a generating station. The Redcar case concludes that "*as a matter of ordinary language, and on any reasonable interpretation of the provisions of the 1989 Act as amended by the [Energy Act 2004], the "generating station" is the place,*

ExQ	Respondent	Question	Applicant's Response
			in the present case the wind farm offshore, where the electricity is generated" (Redcar judgment paragraph 27). The Durham case specifically considers the definition of "*generating station"* within the Planning Act 2008 in relation to solar farms. This judgment found that "*generating station"* is not defined *'save where it is "wholly or mainly driven by water"',* where the structures for holding or channelling water will form part of the generating station. This special definition for water-based generating stations suggests that, without that definition, the structures for holding or channelling water would not fall within the ordinary meaning of a "*generating station".* Were an analogy to be drawn to solar (which the judgment suggests is not a suitable approach, given the plain English meaning of '*generating station*'), the 'structures' would represent the physical means by which the raw materials are channelled so as to create electricity, that is: the solar PV panels. The Durham case also confirmed the distinction between the generating station itself, and the transmission infrastructure used to distribute the energy generated at the generating station. Accordingly, the solar arrays fall within the definition of "*generating station"* within the plain English meaning confirmed by the Redcar case. Even on a more prescriptive interpretation by analogy to the non-exhaustive example in section 56(1) of the 1989 Act, the solar arrays constitute a generating station for the reasons set out in the Durham case.

ExQ	Respondent	Question	Applicant's Response
1.5.6	Applicant	**Article 5 (Power to maintain the authorised development)** Article 5(3) of the dDCO [REP1-006] does not authorise maintenance activities if they will give rise to any materially new or different environmental effects to those identified in the Environmental Statement. Noting the wide-ranging nature of the definition of 'maintain', the Applicant is asked to please explain how maintenance activities would be managed so as to ensure that they would not give rise to materially new or different environmental effects. References should be made to specific requirements and procedures.	Maintenance activities are managed in the **Outline Landscape and Ecological Mitigation Plan [EN0101032/EX3/WB7.3_B]** and the **Outline Operational Environmental Management Plan [EN0101032/EX3/WB7.14_B]** as secured by Requirements 7 and 14 of Schedule 2 of the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]**. When approving the final versions of these plans, the Applicant will need to demonstrate that the plans will not give rise to any materially new or different environmental effects to those identified in the Environmental Statement. Paragraph 2(4) of Schedule 17 to the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** requires the Applicant to include a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the Environmental Statement. The Requirements specify that the approved plans must be implemented. Failure to comply with an approved plan is an offence under the Planning Act 2008.
1.5.7	Applicant	**Article 6 (Application and modification of statutory provisions)** The EM [APP-018] sets out that Article 6 of the dDCO [REP1-006] seeks to disapply a number of statutory provisions listed at 6(1) on the basis that they address matters whose merits and acceptability	Article 6 provides (pursuant to section 120(5)(a) of the Planning Act 2008 (2008 Act)) for the disapplication in relation to the authorised development of certain requirements which would otherwise apply under general legislation. Section 120(5)(a) provides that an order granting development consent may apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order.

ExQ	Respondent	Question	Applicant's Response
		can, and will, already have been sufficiently considered and resolved if the Order is made. Noting the guidance set out in Advice Note 15, section 25, the Applicant is requested to please redraft EM paragraphs 4.2.11-4.2.16 to provide clear justification for the inclusion of each of these provisions, including reference to the outcomes of engagement with any relevant authority or government department which would have responsibility for the provisions that would be modified. With reference to Article 6(3), the Applicant is asked to please justify this provision by explaining why it is necessary for this Proposed Development. With reference to the WR made by the Environment Agency, [REP1A-006] the Applicant is asked to respond specifically to the points raised about the disapplication of requirement for licences under sections 24 and 25 of the Water Resources Act 1991.	This article provides for the disapplication of various consents which would otherwise be required from the Environment Agency, internal drainage boards or a Lead Local Flood Authority, under the Environmental Permitting (England and Wales) Regulations 2016, the Water Resources Act 1991 or the Land Drainage Act 1991. The following provisions are disapplied: • Section 23 of the Land Drainage Act 1991 prohibits the placing of obstructions in waterways which are not main rivers. Section 32 of the Land Drainage Act 1991 relates to the variation of awards. Consent under section 150 of the 2008 Act is required for section 23 of the Land Drainage Act 1991 (but not section 32). Consent is being obtain from the drainage authorities and protective provisions have been included in Part 8 of Schedule 16 to the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]**. The disapplication of these sections of the Land Drainage Act 1991 is required as cabling associated with the Scheme will need to be constructed across waterways and the Applicant requires certainty that the Scheme can be delivered. Any byelaws that may have been made under section 66 of the Land Drainage Act 1991 are also disapplied for the same reason. • Sections 24 and 25 of the Water Resources Act 1991 place restrictions on abstraction and impounding of water. These provisions are disapplied as the Scheme includes construction on, over and around existing waterways. A consent under section 150 of the 2008 Act is required and discussions are ongoing with the Environment Agency as the appropriate agency (as defined in the

ExQ	Respondent	Question	Applicant's Response
			Water Resources Act 1991). Protective Provisions for the benefit of the Environment Agency have been included in Part 9 of Schedule 16 to the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]**. • Byelaws made or deemed to have been made under the Water Resources Act 1991 are also to be disapplied as Scheme includes construction on, over and around existing waterways. Consent under section 150 of the 2008 Act is required and discussions are ongoing with the Environment Agency as the appropriate agency. • Section 118 of the Water Industry Act 1991 is disapplied to ensure that the Scheme may connect into the existing sewer network. Although it is not anticipated that any mains foul water connection is likely to be necessary at any stage of the Scheme, (see Section 5.5 of the **6.3.10.1 Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report [APP-090]),** it has been included to ensure deliverability of the Scheme in case it later proves to be necessary. Consent under section 150 of the 2008 Act is required and the Applicant and Anglian Water have signed a Statement of Common Ground confirm that the provisions in the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** are agreed (submitted at Deadline 3). • The requirement for an environmental permit for the carrying on of a flood risk activity has been disapplied. Consent under section 150 of the 2008 Act is required and discussions are ongoing with the

ExQ	Respondent	Question	Applicant's Response
			Environment Agency. This disapplication is required as the Scheme includes construction on, over and around existing waterways. The disapplication in respect of the temporary possession provisions of the Neighbourhood Planning Act 2017 is required as the relevant sections of the Neighbourhood Planning Act 2017 have not been brought into force, subsidiary regulations to that Act have not yet been made, and there is therefore no certainty as to the requirements of the new temporary possession regime in respect of nationally significant infrastructure projects (NSIPs). As such, this disapplication enables the temporary possession regime set out in Articles 29 and 30 of the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** to apply. This approach has been accepted by the Secretary of State in DCOs following the enactment of the Neighbourhood Planning Act 2017, such as the A19/A184 Testo's Junction Alteration Development Consent Order 2018 (article 2(7)) and more recently the A47 Wansford to Sutton Development Consent Order 2023 (article 3(1)), the Boston Alternative Energy Facility Order 2023 (article 40(2)), and the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (article 8(1). Article 6(3) disapplies the Community Infrastructure Regulations 2010 by making clear that any building comprised in the authorised development is to be deemed to be of a type that does not trigger liability for payment of the Community Infrastructure Levy (for recent precedents for the drafting, see article 6(3) of the Longfield Solar Farm Order 2023, article 40(4) of the Boston Alternative Energy

ExQ	Respondent	Question	Applicant's Response
			Facility Order 2023, and article 3(2) of the Lake Lothing (Lowestoft) Third Crossing Order 2020). This is necessary to ensure clarity as to the non-applicability of the Community Infrastructure Levy. The Applicant notes that the relevant planning authorities are entitled to enter into s106 agreements, if required, which are a more appropriate mechanism for funding relevant improvements to local infrastructure given the broad ranging impacts and cross-boundary scope of NSIP projects such as the Scheme.
1.5.8	Applicant	**Article 7 (Defence to proceedings in respect of statutory nuisance)** With reference to Article 7 of the dDCO [REP1-006], the Applicant is asked to please expand on the explanation set out in paragraph 4.2.18 of the EM [APP-018] by setting out why the broad defence in Section 158 of the Planning Act 2008 is not sufficient, such that this additional provision is required.	Section 82(1) of the Environmental Protection Act 1990 creates offences related to statutory nuisance, whereby a party can bring proceedings to Court for an Order preventing works being carried out or abatement measures. Section 82(9) provides that it is a defence to any such proceedings *"to prove that the best practicable means were used to prevent, or to counteract the effects of, the nuisance"*. The purpose of article 7 of the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]**, is to provide further specificity to the available defence, to ensure that the undertaker can defend any statutory nuisance claim relating to noise, if it is a consequence of the construction, maintenance or use of the authorised development and it either (i) cannot reasonably be avoided; or (ii) it is in accordance with a notice provided by the local planning authority or a consent to works under the Control of Pollution Act 1974. Section 158 of the Planning Act 2008 confers statutory authority for providing a defence to nuisance claims but does not clearly align

ExQ	Respondent	Question	Applicant's Response
			with the defence relating to best practicable means in s82(9) of the Environmental Protection Act 1990. The Applicant understands that it is for this reason that article 7 was included in the model provisions for development consent orders, to ensure that nationally significant infrastructure projects, such as the Scheme, can proceed without delay. So far as the Applicant is aware, the provision has been included in all energy DCOs to date.
1.5.9	Applicant	**Part 3 (Streets) Article 8 (Street works)** With reference to Article 8 of the dDCO [REP1-006], this allows the undertaker to carry out certain works to a street for the purposes of the authorised development. The EM paragraph 4.3.1 sets out that it has been modified to bring in sections 54 to 106 of the 1991 Act. Further explanation of the relevance of the 1991 Act in this regard is requested.	Reference to sections 54 to 106 of the 1991 Act have been inserted to give clarity that the requirements under those parts would apply to the Applicant. These parts impose obligations, including in respect of notice and reinstatement, on the Applicant when carrying out street works.
1.5.10	Applicant, Lincolnshire County Council, Nottinghamshire County Council	**Article 9 (Power to alter layout, etc., of streets)** With reference to Article 9 of the dDCO [REP1-006] paragraph (2) confers a general power enabling the undertaker to alter the layout of any street, subject to the consent of the street authority. A) The Applicant is asked to please explain why	Paragraph 4.3.2 of the **Explanatory Memorandum [APP-018]** sets out: *This Article* (9) *is necessary because, in order to construct, operate, maintain and decommission the authorised development, the undertaker will need to alter street layouts and establish suitable accesses to ensure that the authorised development can be accessed effectively while ensuring there is minimal disruption to the local highway network. The powers conferred by paragraph (2) (which is a*

ExQ	Respondent	Question	Applicant's Response
		such a wide power is required. B) The Highway Authorities are asked to please comment on the breadth of the power and whether it raises any issues for them.	*general power enabling the undertaker to alter the layout of any street) require the consent of the street authority before they can be exercised. Article 9 has precedent and appears in the Drax Power (Generating Stations) Order 2019 and the South Humber Bank Energy Centre order 2021.* It is noted that this power needs to be read in conjunction with the Requirements in Schedule 2 to the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]**. In particular, Requirement 15 which requires a construction traffic management plan to be submitted for approval. The final construction traffic management plan will contain details of all proposed alterations to the layout of any streets.
1.5.11	Applicant, Lincolnshire County Council, Nottinghamshire County Council	**Article 11 (Temporary prohibition or restriction of use of streets and public rights of way)** With reference to Article 11 of the dDCO [REP1-006], the inclusion of both streets and public rights of way within this Article has the potential to cause confusion. a) The Applicant is asked to please explain the rationale for this. b) The Highway Authorities are asked to please comment on these provisions, particularly in terms of the consenting procedures.	Article 11 provides a single unified regime to be followed by the undertaker in respect of the temporary stopping up of streets and public rights of way. This regime replaces that found in the Road Traffic Regulation Act 1984, which provides the power widely used by local authorities to temporarily stop up and divert streets and public rights of way, these both being forms of highway, during temporary works. The provisions of article 11 extend beyond highways in order to encompass the broader definition of 'street' (which includes private roads). It is not considered necessary or preferable to treat streets and public rights of way separately. This would result in the duplication of the regime, despite the inherent similarity between highways (including PRoW) and streets for the purpose of this article.

ExQ	Respondent	Question	Applicant's Response
1.5.12	Applicant	**Article 12 (Use of Private Roads)** With reference to Article 12 of the dDCO [REP1-006], the Applicant is asked to please explain why this provision is required. In doing so the Applicant should justify why it may be necessary to take require the use of private roads for construction and maintenance periods. Why, for example, has temporary possession not been considered as an alternative?	The drafting in article 12(1) that enables the use of private roads during both construction and maintenance has precedent in: • Boston Alternative Energy Facility Order 2023 (article 16); • Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (article 17) • M25 Junction 28 Development Consent Order 2022 (article 14); and • Southampton to London Pipeline Development Consent Order 2020, (article 14). The voluntary agreements being negotiated with landowners require the Applicant to repair any damage caused to private roads as a result of the Scheme and restore any private roads to their pre-construction condition once the access licence has terminated. The powers under Article 12 will only be exercised where a voluntary agreement has not been possible and the Applicant therefore considers that compensation is an appropriate remedy between the landowner and the Applicant in that scenario. The Applicant considers that this power is less onerous on the landowner than taking possession of the private road under the temporary possession powers. The **Outline Construction Traffic Management Plan [EN0101032/EX3/WB6.3.14.2_B]** includes a requirement to undertake a pre-construction condition survey and repair any damage caused to private roads during the construction of the Scheme.
1.5.13	Applicant	**Article 13 (Access to works)**	Article 13 provides a specific power to the Applicant to create (a) new or improved permanent means of access; (b) temporary means

ExQ	Respondent	Question	Applicant's Response
		With reference to Article 13 of the dDCO [REP1-006], whilst 13(b) refers the power to form and layout temporary means of access, the Applicant is asked to please considered whether it should include provision to restore any access that has temporarily been created.	of access; and (c) such other accesses or improvements to existing accesses that are agreed with the relevant planning authority. The requirement to restore any access that has been temporarily created has been added to the **Outline Construction Traffic Management Plan [EN0101032/EX3/WB6.3.14.2_B]**.
1.5.14	Applicant	**Local Highway Authority Comments** The Local Highway Authorities have set out the importance of ensuring that the DCO provides a mechanism for the Highway Authority to review and provide the necessary specification for works that would normally be captured via a Section 278 Agreement. More specifically, paragraph 8.6 of NCC's LIR [REP1A-067] is the suggestion that provisions in articles 8, 9, 10, and 11 should be subject to the street authority having first issued a licence or entered into an agreement in accordance with article 14. It is also suggested that Local Highway Authority would wish to have the opportunity to approve the design and specification of any works within the streets listed in Schedule 4 to 8 and any other streets no matter how those works arise, the	Article 14 of **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** allows agreements to be entered into covering topics typically contained in a section 278 agreement, for instance, relating to payment and timings of works. The definition of "street authority" in the draft DCO is taken from Part 3 of the New Roads and Street Works Act 1991 and therefore includes the relevant highways authority for a public highway. Requirement 5 of the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** provides that no part of Work Nos. 1, 2 or 3 (being the solar arrays, battery storage and substations) may commence until the detailed design has been approved by the relevant planning authority. The Requirement specifically requires the details of vehicular and pedestrian accesses to be provided. The details must also accord with the **Concept Design Parameters and Principles [EN0101032/EX3/7.13_B]** which includes the design specification for accesses (Work No. 8) which will form part of the details provided to the relevant planning authority in relation to Work Nos. 1, 2 and 3. In this way, the relevant planning authority has appropriate oversight

ExQ	Respondent	Question	Applicant's Response
		opportunity to inspect those works, and to recover associated costs. The Applicant is asked to please comment on whether and how these requests can be accommodated.	over the design specification that would otherwise be covered by a section 278 agreement. In respect of the opportunity to inspect works, the **Outline Construction Traffic Management Plan (CTMP) [EN0101032/EX3/6.3.14.2_B]** provides at paragraph 7.2 for a pre-construction road condition survey (the extent of which will be agreed with the relevant highway authority) to be carried out two weeks before construction commences. Once construction is complete, a post-construction survey will be undertaken to identify defects attributable to the Scheme and these will be corrected to the satisfaction of the local highway authority. The CTMP is secured by Requirement 13 of the **draft Development Consent Order [EN0101032/EX3/3.1_C]**, and the relevant planning authority must consult with the relevant highway authority before approving the final CTMP. In this way, the relevant highway authority will have proper oversight of the condition of its highway network, including ensuring that any damage caused is reinstated. This is consistent with the section 278 regime. A requirement to additionally enter into an agreement under section 278 would duplicate the processes secured by the Requirements and potentially delay the delivery of the Scheme.
1.5.15	Applicant	**Part 4 (Supplemental Powers) Article 18 (Protective works to buildings)** With reference to Article 16 of the dDCO - [REP1-006], paragraph 4.4.4 of the EM [APP-018] explains that this Article is	The Applicant is not aware of any existing buildings within, or in close proximity to, the Order land that might require protective works. However, the Applicant notes that there is an extant planning permission for agricultural barns along the Grid Connection Route

ExQ	Respondent	Question	Applicant's Response
		required because there are buildings within, and in close proximity to, the Order Land that might feasibly require surveys and protective works as a result of the authorised development. The Applicant is asked to please identify these buildings and explain the nature of protective works likely to be required. An update to the EM is also requested in this regard	(plot number 07-095). The Applicant therefore considers it appropriate to include this power to ensure there is no impediment to the delivery of the Scheme.
1.5.16	Applicant	**Article 19 (Authority to survey and investigate the land)** With reference to Article 19 of the dDCO [REP1-006] there appears to be some overlap between these provisions of this Article and those relating to 'permitted preliminary works' set out in Article 2. The Applicant is asked to please explain why both a required. The Applicant is also asked to explain why 19 (2) is required, noting that this would provide an enforcement mechanism, (by way of a warrant).	Article 2 defines the 'permitted preliminary works' to include, at (a), various surveys. The role of the definition of permitted preliminary works is to provide clarity over what works will constitute the commencement of the Scheme for the purposes of the Requirements in Schedule 2 to the **draft Development Consent Order [EN0101032/EX3/3.1_C]**. Article 19 provides the Applicant with the power to enter land to carry out surveys, such surveys falling within the definition of the types of works that constitute permitted preliminary works. Article 19(6) provides that section 13 of the Compulsory Purchase Act 1965 applies. This section enables the Applicant to obtain a warrant to deliver entry to the land to the acquiring authority where access for surveys is refused. In the case of the draft DCO, this represents a backstop position where a landowner may refuse access to their land for the purpose of surveying it, despite the Applicant having the proper power and authority to do so. In the absence of paragraph (6), the undertaker would not be able to

ExQ	Respondent	Question	Applicant's Response
			compel access, and the power could be rendered ineffective by a landowner. This power is required to ensure the Scheme can be delivered without impediment. This provision has been included in the majority of recently made DCOs including the Longfield Solar Farm Order 2023, the Cleve Hill Solar Park Order 2020, the Hornsea Four Offshore Wind Farm Order 2023 and the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022.
1.5.17	Applicant	**Part 5 (Powers of acquisition) Article 20 (Compulsory acquisition of rights)** With reference to Article 20 of the dDCO [REP1-006], this has been broadly drafted to enable the CA of new rights over all of the Order land, including at 20.(1)(b) the use of any land so acquired for the purpose authorised by the Order 'or for any other purposes in connection with or ancillary to the authorised development'. Schedule 10 limits the CA power in defined plots to the defined rights listed in that Schedule. However, it appears that the CA of rights is not limited to the plots listed in Schedule 10. If this is approach sought (that is, allowing undefined rights in land not listed in Schedule 10) it is not presently clearly identified. The need for it is not explained and justified in the EM	Article 20(1) enables the compulsory acquisition of all Order land as is required for the authorised development, or to facilitate or is incidental to it. Article 20(2) operates as a control on this broad power, to specify that the power is subject to the provisions of Article 22 and Article 29. The result is that the undertaker is only authorised to acquire the freehold of those parts of the Order land shown coloured pink on the **Land Plan [AS-006]**. Article 22(1) provides that the undertaker may compulsorily acquire rights over any of the Order land which is a broad power. Article 22(1) allows a right to be taken instead of acquiring the freehold in its entirety where this is more appropriate and proportionate. For example, where the whole of the pink land is not required, the rights for cabling could be taken up to the boundary of the freehold, rather than needing to acquire the freehold when only rights are required. This right is not undefined as it must still meet the tests set out in Article 20 (i.e. it must be required for the authorised development or required to facilitate or is incidental to the authorised development).

ExQ	Respondent	Question	Applicant's Response
		[APP-018] or Statement of Reasons [APP-019]. If the rights sought are not limit to those listed in Schedule 10, then evidence is required to show that those persons with an interest in Order land (and not just those with plots listed in Schedule 20) were aware that undefined new rights are being sought over all of the Order land, and that they were consulted on that basis. The EM and Statement of Reasons should also be updated. However, if the Applicant intends the CA of rights to be limited to those listed in Schedule 10, then the dDCO should be amended to provide for this. The Applicant is asked to please provide a response to these comments, with amendments to Application documents as appropriate.	However, as the ability to acquire a right is a less onerous power than acquiring the freehold it is considered to be proportionate. The Applicant notes that it has entered into voluntary agreements with landowners covering all of the land identified in pink on the Land Plan **[AS-006]**. The compulsory acquisition powers over this land are being sought to deal with unknown third-party interests and to ensure the deliverability of the NSIP should the voluntary agreements fall away. However, any rights that may be required over this land are set out in the voluntary agreements. Article 22(1) is, however, subject to article 22(2) which, with reference to Schedule 10, identifies the land in respect of which only permanent rights and restrictions are sought and the nature of those rights (shown coloured blue on the **Land Plan [AS-006]**). The power is also subject to article 29, which specifies, with reference to Schedule 12, land in respect of which only temporary possession must be taken (shown coloured yellow on the **Land Plan [AS-006]**). This form of drafting originates from article 18 of the model provisions, which grants broad powers of acquisition which are then subject to subsequent articles to limit that broad power. It is standard and well precedented drafting including in the Cleve Hill Solar Farm Order 2020, the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, the Longfield Solar Farm Order 2023 and the Hornsea Four Offshore Wind Farm Order 2023.
1.5.18	Applicant	**Article 26 (Power to override easements and other rights)**	Article 23(1) provides for the automatic extinguishment of private rights and restrictive covenants on land which is subject to

ExQ	Respondent	Question	Applicant's Response
		With reference to Article 26 of the dDCO [REP1-006] the distinction between Article 23 (dealing with private rights) and Article 26 is not clear and is not fully explained in the EM [APP-018]. The Applicant is asked to please provide further explanation and justification for its inclusion.	compulsory acquisition (i.e. the land coloured pink on the **Land Plan [AS-006]**) unless paragraph (6) applies. Article 23(2) manages the interaction of existing rights and restrictive covenants on land where the Applicant has the power only to acquire new or existing rights (i.e. the land coloured blue on the **Land Plan [AS-006]**). In this case, the existing rights and covenants are not extinguished, but are effective only insofar as they would not be inconsistent with the rights created compulsorily by the Applicant. Article 23(3) applies where the Applicant takes temporary possession of the land and suspends the right or restrictive covenant for as long as the Applicant remains in possession if their continuance would be inconsistent with the purpose for which possession is taken. In all circumstances, the owner of the right that is extinguished or rendered ineffective in whole or in part is entitled to compensation for the loss suffered. Article 26 applies to the whole of the Order land. It manages the practical circumstance where the activity of the Applicant interferes with a land right. This provision ensures that the Applicant is able to interfere with rights as is needed for the purpose of construction, operation and maintenance, and decommissioning, with liability being subject to the 1965 Act, rather than any other mechanism. The rights being interfered with are not altered in any way, unlike under article 23. Article 26 is therefore a process for managing the practical

ExQ	Respondent	Question	Applicant's Response
			breach of existing land rights and compensation for the same, whilst the right itself remains in force in full.
1.5.19	Applicant	**Article 29 (Temporary use of land for constructing the authorised development) and Article 30 (Temporary use of land for maintaining the authorised development)** Whilst Schedule 12 of the dDCO [REP1-006] indicates land for which temporary possession may be taken, Article 29(1)(a)(ii) has the effect of extending this power to allow temporary possession of any Order land. Whilst the EM [APP-018] refers to this allowing a more proportionate approach to the extent of land acquisition, the Applicant is asked to please further justify the inclusion of this broad power and to explain the steps that have been taken to alert all landowners/occupiers of land within the Order limits of this possibility. a) The Applicant is asked to please justify the inclusion of 'buildings' in Article 29(1)(b). b) With reference to the 14 day notice of intended entry referred to in Article 29(3), the Applicant is asked to please justify this short length of time.	The Applicant is keen to ensure that it compulsorily acquires only the minimum amount of land which is required to construct and operate the Scheme. The extension of the power to take temporary possession over any Order land is included in order to minimise the land or rights that must be acquired compulsorily. By way of example, the Applicant has the power to acquire rights over the whole of the Grid Connection Corridor. The corridor itself is wide enough to allow for the micro-siting of the cable to be determined as part of detailed design, to allow for ground conditions etc. If required, the Applicant will use the power under article 29(1)(a)(ii) to take temporary possession of the land required to install the cable, and then seek to compulsory acquire permanent rights for the cable over a smaller area of land, being that required for the cable and relevant protection zones. In this way, the power in article 29(1)(a)(ii) operates to reduce the exercise of compulsory acquisition powers and is of benefit to landowners. The Applicant's approach to the use of temporary possession powers is set out in more detail in section 5.5 of the **Statement of Reasons [APP-019]**. This is similar to the approach proposed in the voluntary agreements being negotiated with landowners where the Applicant is seeking an Option with the grant of a licence to undertake the construction works and then a permanent easement being granted once the as-laid location of the cables has been determined.

ExQ	Respondent	Question	Applicant's Response
			Article 29(1)(b) provides the Applicant with the power to remove buildings, agricultural plant and apparatus, drainage, fences, debris and vegetation from land that it takes possession of for the purpose of constructing the Scheme. This power, including the removal of buildings (such as agricultural buildings), is required to ensure that there is no physical impediment to the construction of the Scheme. The power to remove buildings is heavily qualified, however, by paragraph (2). Paragraph (2) limits the power to take temporary possession so the Applicant cannot enter any building that is occupied. Whilst the Applicant does not anticipate that any buildings will need to be demolished to facilitate the Scheme, this power is required in case any new buildings are erected within the Order land prior to construction of the authorised development. There are a number of precedents where 14 days' notice is provided for temporary possession, including Boston Alternative Energy Facility Order 2023 (article 33(2)), the A47 Wansford to Sutton Development Consent Order 2023 (article 34(2)), the Manston Airport Development Consent Order 2022 (article 29(2)) and the Cleve Hill Solar Park Order 2020. The Applicant also recognises there are a number of precedents where 28 days' notice is provided, including the Hornsea Four Offshore Wind Farm Order 2023 (article 28(2)), the Longfield Solar Farm Order 2023 (article 27(3)), and the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (article (2)). The Applicant notes that the majority of the Order land is agricultural land and there are no residential properties. The

ExQ	Respondent	Question	Applicant's Response
			Applicant notes that this is the minimum amount of notice required and typically the Applicant will give more notice. Compensation is payable for any damage caused (such as the removal of crops). A 14 day notice period is considered to be appropriate for the Scheme
1.5.20	Applicant	**Schedule 1 (Authorised Development)** With reference to Schedule 1 of the dDCO [REP1-006], Works 4 and 7 do not set out parameters, for example, the maximum extents of temporary construction laydown areas, and these are not included in the Concept Design Parameters. Can the Applicant please explain what the maximum parameters are for these works and how they are secured?	The extent of Work No. 4 and 7 is secured by Article 3(2) which only permits the Work No to be carried out within the corresponding numbered area on the works plan. The details of the relevant aspects of these Work Nos are also secured via other management plans such as the **Construction Traffic Management Plan [APP-135]** and **Construction Environmental Management Plan [APP-337]**.
1.5.21	Applicant	**Schedule 2 (Requirements)** **Requirement 5 (Detailed Design Approval)** With reference to Schedule 2 Requirement 5 of the dDCO [REP1-006], the requirement states that no parts of Works Nos.1 to 3 may commence until detailed design approval has been received and approved by the relevant planning authority. The EM [APP-018] at paragraph 5.2.10 also refers to these provisions relating to Work No 4, however this is not	The Applicant notes that Requirement 5 was updated at Deadline 1 (see **[REP1-007]**) to include an obligation for Work No. 5 to be carried out in accordance with the **Concept Design Parameters and Principles [EN0101032/EX3/WB7.13_B]**. The Applicant does not consider that there is a planning reason for the other Work Nos. to be covered by Requirement 5. The detailed design requirement in the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** is limited to the "above ground" elements of the authorised development (i.e. the Work Nos. associated with the PV panels, the BESS and the onsite substations).

ExQ	Respondent	Question	Applicant's Response
		included in the dDCO. The Applicant is requested to please comment on this Requirement and explain how details of design approval are proposed in relation to the other Works Nos.	The reference in the Explanatory Memorandum to Work No. 4 is a typo; this has been corrected in Revision A of the **Explanatory Memorandum [REP2-008]**. Work No. 4 is not included as this relates to works to the National Grid substation within their operational boundary. It is unusual for such works to be subject to a detailed design requirement. The details of the relevant aspects of the other Work Nos. are secured via other management plans such as the **Outline Construction Traffic Management Plan [EN0101032/EX3/WB6.3.14.2_B]** and **Outline Construction Environmental Management Plan [EN010132/EX1/WB7.1_A]**, the fencing plans under Requirement 10, and the landscaping under Requirement 7.
1.5.22	Applicant	**Requirement 6 (Battery safety management)** With reference to Requirement 6 of the dDCO [REP1-006], the Applicant is asked to please explain how the consultees listed in sub-paragraph (3) have been determined and explain the statutory responsibilities of these bodies in this regard.	The relevant consultees have been determined by considering their role in decision making that is relevant to battery storage. West Lindsey District Council and Lincolnshire County Council have requested that Lincolnshire County Council should be the relevant planning authority for the purposes of approving the battery storage safety management plan. West Lindsey District Council has requested that it is consulted on the battery storage safety management plan. The Applicant has agreed to this request. Lincolnshire and Nottinghamshire Fire and Rescue services are the two local fire services who might be called upon in the event of an incident at the Scheme.

ExQ	Respondent	Question	Applicant's Response
			Finally, the Environment Agency (EA) has requested that it is consulted on the battery storage safety management plan having regard to the wider environmental concerns associated.
1.5.23	Applicant	**Requirement 9 (Biodiversity net gain)** With reference to Requirement 9 of the dDCO [REP1-006], noting that Natural England's WR [REP1A-007] recommends that Requirement 9 could make it a necessity for a minimum of 10% Biodiversity Net Gain in habitat, hedgerow and river units to be delivered, the Applicant is asked to please consider and respond to this request.	Please see the Applicant's response to question 1.3.9 above.
1.5.24	Applicant	**Requirement 11 (Surface and foul water drainage)** With reference to Requirement 11 of the Ddco [REP1-006], the Applicant is asked to please clarify whether or not the reference to 'outline drainage strategy' in sub-paragraph (3) relates to the Flood Risk and Drainage Strategy Report documents referred to in ES Chapter 10 [APP-048], Appendix 10.1-10.5.	The Applicant confirms that the outline drainage strategy as per Schedule 14 of the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]** is a reference to the Flood Risk and Drainage Strategy Report documents referred to in **ES Chapter 10 Hydrology Flood Risk and Drainage [APP-048]**, Appendix 10.1-10.5.
1.5.25	Applicant	**Requirement 21 (Decommissioning and restoration)**	a) Requirement 21(3) provides that the Applicant must provide the relevant planning authority with a decommissioning plan for approval. That decommissioning plan must, under sub-

ExQ	Respondent	Question	Applicant's Response
		With reference to Requirement 21 of the dDCO [REP1-006], the Applicants amendment to the requirement that Decommissioning would take place no later than 60 years following the date of final commissioning is welcomed in terms of providing clarity. The Applicant is asked to please respond to the following: a) The Outline Decommissioning Statement [APP-310], paragraph 1.2.1 sets out that the approval and implementation of the Decommissioning Environmental Management Plan and Decommissioning Traffic Management Plan will be secured through a Requirement of the DCO. How would this be secured in Schedule 2. b) With reference to sub-paragraph (1), the final word should be amended from 'decommissioning' to 'commissioning'. c) Explain how this Requirement would ensure the site would be restored to	paragraph (5), be substantially in accordance with the outline decommissioning statement. The **7.2_A Outline Decommissioning Statement [EN010132/EX3/WB7.2_A]** includes the requirement for environmental management and traffic management to form part of the decommissioning plan. As the Applicant must comply with Requirement 21, and create a decommissioning plan that is substantially in accordance with the outline decommissioning statement, the Secretary of State can be confident that this will include environmental management and traffic management aspects. Separate plans are not provided as the method of decommissioning will need to comply with the guidance, regulations and requirements that govern the way the decommissioning is carried out at that point in time. b) This is noted and the draft DCO was updated accordingly at Deadline 2 **[REP2-006]**. c) The decommissioning plan must be substantially in accordance with the **Outline Decommissioning Statement [EN010132/EX3/WB7.2_A]** which includes provisions for how the land must be restored to its original use/pre-construction condition at Section 2.1.

ExQ	Respondent	Question	Applicant's Response
		its former condition following decommissioning.	
1.5.26	Applicant	**Schedule 3 - Legislation to the disapplied** With reference to Schedule 3of the dDCO [REP1-006] the Applicant is asked to please explain why it is necessary to disapply the entirety of the pieces of legislations listed in Schedule 3. The Applicant is also asked to explain the effects of the disapplication of this legislation within the Order limits.	The Applicant notes that Article 6(1)(i) states that the legislation listed in Schedule 3 is only disapplied so far as the provisions are still in force and would be incompatible with the powers contained in the Order. Each item of local legislation listed in Schedule 3 has been identified as having a potential conflict with the Order that may make it harder, or impossible, to implement the Scheme. However, the legislation listed in Schedule 3 is historic and it is difficult to ascertain with certainty which powers are no longer relevant given the changes in statutory functions and bodies since the legislation was enacted. The statutory undertakers who typically have inherited the powers granted by these local Acts are then provided with Protective Provisions (in Schedule 16 to the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]**) which ensure that their rights and powers remain in force and protected. In each case, the legislation listed in Schedule 3 confers powers in respect of land that is, or appears to be, within the Order limits. The disapplication of these Acts ensures consistency with the terms of the Order, to the extent that any future exercise of powers conferred by the Act were inconsistent with a provision of, or power conferred by, the Order. The majority of the local Acts being disapplied in Schedule 3 authorise railways and the Applicant understands that the position of Network Rail is that its standard protective provisions provide appropriate protection so that it may continue its statutory duties,

ExQ	Respondent	Question	Applicant's Response
			irrespective of the status of these Acts. The effect of disapplication of the various Railway Acts is to ensure that there is no impediment to the exercise of the Order rights and powers in the vicinity of the railway. The remaining Acts being disapplied relate to waterways. In respect of the Trent (Burton on Trent and Humber) Navigation Act 1887, this provides the Canal & River Trust with its power to dredge the River Trent in the vicinity of the Scheme. This power continues to have effect in accordance with article 6(1)(i). The Act is being disapplied in all other respects to ensure that there is no impediment to the exercise of the Order rights and powers in the vicinity of the relevant waterways. Finally, the Anglian Water Authority Act 1977 is disapplied, with protective provisions for Anglian Water provided at Part 7 of Schedule 16. In all cases, the disapplication provides greater certainty that the Order can be implemented as drafted, without conflicting with existing Acts of Parliament.
1.5.27	Applicant and Anglican Water Services Ltd	**Schedule 16 – Protective Provisions, Part 7** With reference to Schedule 16 of the dDCO [REP1-006]noting the update provided in the Schedule of Progress regarding Protective Provisions and Statutory Undertakers at Deadline 1	The Protective Provisions included in Part 7 of Schedule 16 of the **draft DCO** submitted at Deadline 2 **[REP2-015]** have been agreed with Anglian Water Services Limited.

ExQ	Respondent	Question	Applicant's Response
		[REP1-048] a further update on the status of these negotiations is requested.	
1.5.28	Applicant and Environment Agency	**Schedule 16 – Protective Provisions, Part 9** With reference to Schedule 16 of the dDCO [REP1-006], noting the update provided in the Schedule of Progress regarding Protective Provisions and Statutory Undertakers at Deadline 1 [REP1-048] and the draft Statement of Common Ground [REP1-065] and the made by the Environment Agency [REP1A-006] a further update on the status of these negotiations is requested.	The **Schedule of Progress regarding Protective Provisions and Statutory Undertakers [REP2-015]** submitted at Deadline 2 provides an update on the status of negotiations with the Environment Agency. The Applicant is confident that negotiations with the Environment Agency will conclude soon.
1.5.29	Applicant and Canal and River Trust	**Schedule 16 – Protective Provisions, Part 13** With reference to Schedule 16 of the dDCO REP1-006**,** noting the update provided in the Schedule of Progress regarding Protective Provisions and Statutory Undertakers at Deadline 1 REP1-048**,** a further update on the status of these negotiations is requested please.	The protective provisions with the Canal and River Trust included in Part 13 of Schedule 16 of the draft DCO submitted at Deadline 3 (**3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]**) are in an agreed form. .
1.5.30	Applicant and the Marine	**Article 44 and Schedule 9**	The Applicant's position is that a deemed marine licence is required. In the Gate Burton Energy Park examination, the MMO have conceded that, whilst exemptions do apply at present, they could be

ExQ	Respondent	Question	Applicant's Response
	Management Organisation	Article 44 of the dDCO [REP1-006] provides for a deemed marine licence as set out in Schedule 9. The Explanatory Memorandum sets out at 5.9.1 [APP-018] that discussions are ongoing with the Marine Management Organisation (MMO) regarding the extent and nature of the deemed marine licence. However, the MMO have also set out in their WR [REP1A-034] that deemed Marine License (dML) is not required and could not be included as part of the dDCO due to the fact that the proposed works relating to a bored tunnel is an exempted activity and therefore not marine licensable. The Applicant is asked to please: a) Provide an update on their discussion on this matter with the MMO on this matter. b) If the Applicant maintains that this provision is required, provide further justification for the inclusion of the dML, including identifying other DCO's where an exemption has applied and a dML has been included in a made DCO. Furthermore, justify each of the suggested conditions in the dML and the basis on which such conclusions are reached.	removed in the future. At the request of the Examining Authority in that Examination, the MMO provided its comments on the deemed marine licence on a without prejudice basis. The Applicant has reviewed that submission and made a number of the requested amendments to Schedule 9 to the draft DCO submitted at Deadline 3 (**3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]).**

ExQ	Respondent	Question	Applicant's Response
1.5.31	Applicant	**Article 46 and Schedule 17** Noting the comments made and concerns raised by WLDC relating to deemed consent provisions in their WR [REP1A-004]. This relates to both the principle of deemed consent and approval timescales. The Applicant is asked to please response to the concerns raised.	The Applicant notes that WLDC objects to the inclusion of a deemed consent provision. If WLDC has concerns about an application for approval submitted under Schedule 17 to the **draft Development Consent Order (Revision C provided at Deadline 3) [EN010132/EX3/3.1_C]**, then it can either refuse the application or request further information. The deemed approval process is designed to prevent the Scheme being delayed where WLDC fails to take any action. A deemed approval in such circumstances is considered proportionate and necessary for a nationally significant infrastructure project with a fixed grid connection date. It is noted that a deemed refusal applies under paragraph 2(5) of Schedule 17 where the application is likely to give rise to any materially new or different environmental effects. Approval timescales have been extended to address concerns raised by WLDC. These have been extended to 10 weeks as per the other solar projects in this area and this is considered to be proportionate to balance the competing needs WLDC and the Scheme.
1.5.32	Applicant	**Alignment with other solar DCO** With reference to the alterations made to the dDCO as a consequence of the alignment with other solar DCOs, the Applicant is asked to provide a summary note of these alternations and the reasons for them.	The Applicant refers to the Schedule of Changes (submitted for each Deadline) which sets out the extent of each change to the draft DCO and the reason for it.

7 Health and Wellbeing

ExQ	Respondent	Question	Applicant's Response
1.6.1	Applicant	**Indicative timescales for construction and operation** Paragraph 18.4.6 of the Socio Economic Chapter 18 : Socio-Economics and Tourism and Recreation [APP-056] states that "The information modelled provides a reasonable worst-case scenario with regard to the quantum of work required for the construction of the Scheme within the projected 24 months construction period, and a reasonable worst-case employment requirement for the Scheme's operation and maintenance". The model has been used to determine secondary impacts on socio-economic receptors. The ExA notes that impacts on tourism and recreation receptors have been determined through professional judgement and have been assessed in consideration of the anticipated impacts in associated ES chapters, such as transport, landscape, and heritage. Please can the Applicant comment on the following:	Part a): The Applicant is confident that the application of a reasonable worst-case model of construction employment requirements for assessing direct and indirect socio-economic environmental effects is an industry standard approach and is consistent with the (limited) available guidance for socio-economic assessment in EIA. With regard to tourism and recreation receptors, a mixed approach has been used due to the crossover between impacts affecting socio-economic receptors, and health and wellbeing receptors. As such, efforts have been made to ensure good practice measures both in relation to socio-economics, and to health and wellbeing in EIA have been considered. The Applicant is not aware of any industry consensus on approach to these types of receptors, particularly when assessing solar PV schemes, and so has relied on professional judgement to apply the most relevant good practice measures. Consideration of impacts assessed in other ES chapters has therefore been included to ensure these judgements are evidenced and justified. Part b): Whilst a prolonged construction programme may lead to more uncertainty or inconvenience to members of the public, and thus

ExQ	Respondent	Question	Applicant's Response
		a) Is this approach usual? Does it apply, or follow any good practice measures? b) Would a more prolonged timescale mean more uncertainty and inconvenience? For example, if traffic disruption is over longer periods in some areas, resulting in a prolonged affect on livelihoods, will the wellbeing and mental health of those affected over longer periods be greater, compared to those over a shorter timescale?	resultant indirect wellbeing impacts may occur over a greater time period, this is likely to be offset by the magnitude of these impacts being reduced. As such, it is unlikely that the resultant significance of effect on wellbeing would be substantially different, unless the timescale for those impacts were to change substantially. The Applicant is not aware of any reason why the construction timescale would be substantially different to that assessed. Therefore, the Applicant is confident that the approach taken in determining reasonable worst-case effects from the Scheme is sufficient.
1.6.2	Applicant/Interested Parties	**Human Health and Wellbeing** Section 21.5 of Chapter 21 of the ES Other Environmental Matters [APP-059] provides an impact assessment in relation to human health and wellbeing. Table 21.5.1 signposts supporting information on Human Health elsewhere in the ES. a) Amongst others, the UK Health Security Agency (UKHSA) and NHS Lincolnshire Clinical Commissioning Group (CCG), provided comments at the scoping stage (summarised in Table 21.5.2). The ExA notes that UKHSA RR [RR-341] is "satisfied that the proposed development should not result in any significant adverse impact	Comments from relevant health organisations have been received at the Scoping stage, and during Section 42 statutory consultation. These are set out in Tables 18.1 and 18.2 in **6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056]**. These have been responded to through the inclusion of their recommendations in the ES chapter. No comments other than those received by the UKHSA RR **[RR-341]** have been submitted to the Examination, nor directed to the Applicant by relevant health organisations. No requests for Statements of Common Ground with the UKHSA, NHS CCGs, or any other health organisation have been received. The Applicant confirms that no other correspondence has been received directly from health bodies.

ExQ	Respondent	Question	Applicant's Response
		on public health". On that basis, it had no additional comments to make at the RR stage and confirmed that it has "chosen NOT to register an interest with the Planning Inspectorate on this occasion". Please can the Applicant provide an update on the input into the health impact from various health organisations where applicable. b) To what extent do IPs consider that the relevant parts of the application have systematically addressed the health impacts of the development, and what further information would assist with understanding health impacts.	
1.6.3	Local Authorities; Applicant	**Health and safety related consents** The Consents and Agreements Position Statement [APP-312] refers to consents under Section 61 of the Control of Pollution Act 1974, relevant to noise construction on sites. West Lindsey District Council (WLDC) and Bassetlaw District Council (BDC) will receive applications from the contractor before construction commences. Can the Applicant, and relevant authorities (WLDC, BDC) explain	Section 61 of the Control of Pollution Act 1974 provides that a person who intends to carry out works that may create noise impacts may apply to the local authority for a consent. A consent under this section is not mandatory however, if granted, it provides the Applicant with confirmation that the local authority will not serve a notice imposing requirements on the way work is carried out in respect of the Scheme. In the absence of a consent, the Applicant may continue to construct the Scheme, however in doing so it risks the local authority issuing a notice under section 60(2) and imposing

ExQ	Respondent	Question	Applicant's Response
		what the position is if an application is not successful?	requirements on the machinery to be used, hours of working, and noise levels. Accordingly, the local authority remains able to impose requirements in relation to noise produced during construction in the absence of a consent. However, the Applicant is seeking to ensure that the Scheme is constructed in a manner and subject to such requirements as are acceptable to the relevant local authorities and is therefore proactively seeking a consent under section 61 so that suitable requirements may be discussed and agreed in advance.
1.6.4	Local Authorities; Applicant	**Health and safety related consents** Table 1 of the Consents and Agreements Position Statement [APP-312] refers to health and safety related consents. a) Do such consents apply in respect of both the workforce and Members of the public? b) How long before construction commences are such consents to be applied for? What measures are in place to ensure these will be sought? c) Rather than "as appropriate" does the Applicant mean that such consents are to be made "as required" to comply with relevant legislation?	Part a): Consents applied for under the Health and Safety at Work etc. Act 1974 pertain to both the health and safety of the workforce and members of the public. Part b): Consents pertaining to construction activities will be applied for in tandem with the submission of a detailed construction environmental management plan, as required by Requirement 13 of Schedule 2 to **3.1_CB Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]**. As set out in the **7.1_B Outline Construction Environmental Management Plan Revision B [EN010132/EX3/WB7.1_B]**, the Applicant is required to comply with all current legal and regulatory requirements and processes at the time the Scheme is to be constructed. The

ExQ	Respondent	Question	Applicant's Response
			applications for consents will be made sufficiently in advance of the date that the Applicant intends to commence the construction works to ensure that both the detailed CEMP and any consents required under it are agreed, and Requirement 13 has been discharged before the intended start date. In the event the Requirement is not discharged, this would delay the start of construction, so it is in the Applicant's interests to ensure that all necessary consents are applied for in good time. The Applicant is confident that the DCO contains suitable controls to ensure that these consents are sought. Part c): The Applicant agrees that "as required" is more accurate than "as appropriate". As such, the wording in Table 1 of **7.4 Consents and Agreements Position Statement [APP-312]** will be amended accordingly for Deadline 4.
1.6.6	Applicant. The named bodies (LCC, NHS Lincs CCG) may also comment.	**Engagement with LCC Public Health, NHS Lincs and UKHSA** Can the Applicant please summarise engagement with LCC Public Health, NHS Lincs CCG and UKHSA to understand the Health and Wellbeing impacts this scheme will have on the surrounding areas including Gainsborough over the lifetime of the proposed development.	Engagement with LCC Public Health has been undertaken through general engagement with Lincolnshire County Council. This has therefore included pre-application engagement, EIA Scoping **[APP-068]**, Section 42 consultation (Table 5.13.1 **[APP-034]**), and engagement to seek agreement through a Statement of Common Ground **[REP1-061]**. Comments have also been received to the examination as Relevant Representations **[RR-188]**, Written Representations **[REP1A-001]**, and through LCC's Local Impact Report **[REP1A-002]**.

ExQ	Respondent	Question	Applicant's Response
			Engagement with NHS Lincolnshire CCG and UKHSA has been limited to EIA Scoping **[APP-068]**, Section 42 consultation (Table 5.13.1 and 5.13.2 **[APP-034]**), and the UKHSA's RR **[RR-341]**. No additional engagement has been undertaken. The Applicant is confident that recommendations on the scope of assessment, and assessment methodology for health and wellbeing impacts during the lifetime of the development have been suitably included in the Environmental Statement.
1.6.7	Applicant	**Health & Social Care Act 2022** Please can the Applicant a) comment on the extent to which the Health and Social Care Act 2022 has been considered within its Health Assessment, and within the Equality Impact Assessment (EqIA) [APP-321]. b) Does it consider the Act relevant?	Part a): The Applicant seeks clarification as to whether the Examining Authority is referring to the Health and Social Care Act 2012 (2012, c.7) or the Health and Care Act 2022 (2022, c.31). The Applicant confirms that neither the Health and Social Care Act 2012 (2012, c.7), nor the Health and Care Act 2022 (2022, c.31) have been considered within the health and wellbeing assessment in the ES, nor in the Equality Impact Assessment. Part b): The Health and Social Care Act 2012 is not considered to be directly relevant as it primarily is concerned with the provision of health and social care services, and the operation of health organisations rather than assessment of impacts upon these services.

ExQ	Respondent	Question	Applicant's Response
			Similarly, the Health and Care Act 2022 is not considered to be directly relevant as it primarily is concerned with the provision of health and social care services, and the operation of health organisations rather than assessment of impacts upon these services.
1.6.8	Applicant	**Health Impacts – Urban and Rural Differences** WRs and RRs have commented that the methodology used by the Applicant to assess the scheme impact on health and wellbeing appears to be more applicable to urban communities. a) Can the Applicant please comment on its approach, and b) Comment on whether or not it considers there to be a difference between urban and rural settings for assessment of health impacts.	Part a): The Applicant's approach to assessing health and wellbeing impacts has been derived by the Local Impact Area or Zone of Influence for each topic area in the ES to which health and wellbeing is applicable. The Applicant has been cognisant of the rural nature of the immediate area the Scheme is located within and has thus ensured that this is accounted for in taking regard to health and wellbeing issues. Part b): The Applicant acknowledges there are some differences in how urban versus rural settings for assessment of health should be addressed. The Applicant is however confident that this has been done. This includes, but is not limited to: • Understanding the need to travel to healthcare providers; • The desirability, use of, and access to recreational facilities in the countryside such as long-distance routes, public rights of way, and waterways; and

ExQ	Respondent	Question	Applicant's Response
			• Accessibility to recreational sports or play facilities in villages and small service centres.
1.6.9	Applicant	**Electro Magnetic Field (EMF)** Cables over 132kV are part of the Proposed Development. According to DECC Power Line: Demonstrating compliance with EMG public exposure guidelines, A Voluntary Code of Practice 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. a) Can the Applicant explain where it has assessed the impact of EMF on receptors. b) what it considers would be the effects from EMF, and c) how any associated mitigation would be secured in the dDCO.	Part a): Full assessment of impacts from EMF on receptors was scoped out of the ES in Section 3.12 of **6.3.2.2 Environmental Statement - Appendix 2.2 EIA Scoping Opinion [APP-068]**. The Applicant does however acknowledge that changes to the Scheme design has meant that the 400kV grid connection cable is a greater length than predicted at scoping. This has been discussed in Section 21.2 of **6.2.21 Environmental Statement - Chapter 21 Other Environmental Matters [APP-059]**. Even with this change, no adverse impacts on human health are predicted. Part b): As set out in Section 21.2 of **6.2.21 Environmental Statement - Chapter 21_Other Environmental Matters [APP-059]** the maximum peak magnetic field strength of 103.3μT may be experienced along the Shared Cable Corridor within 0.4m of the 400kV cable circuit, and as such only in transient spaces, as the cables will be located more than 25m from any business or residential property. No adverse impacts on human health are therefore predicted as the public are not exposed to long-term, low EMFs or acute high EMFs. No additional mitigation is therefore required.

ExQ	Respondent	Question	Applicant's Response
			Part c): As above, no adverse impacts have been identified in relation to EMF and no mitigation is required.
1.6.10	Environment Agency /Applicant	**EMF – Environment Agency Concerns** The ExA notes that the Environment Agency is holding ongoing discussions about the impact of EMFs on marine life in connection with another solar farm proposal [REP1A-007] para 3.1. Please can the Applicant and Environment Agency provide an update in so far as relevant to West Burton Application. This can be by way of update on progress within the SoCG [current draft version reference REP1-065]	Discussions are ongoing between the Applicant and the EA on this point. The Applicant confirms that this will be included in the next iteration of the SoCG with the Environment Agency. Furthermore, a Risk Assessment of the potential impacts of EMF on fish associated with the cable route crossing of the River Trent has been undertaken, and has been submitted at Deadline 3. Please see Appendix 1 to the **Applicant's Responses to Written Representations Part 1 [EX3/WB8.1.18]**.
1.6.12	Applicant	**Effect on Mental Health and Wellbeing** Numerous concerns have been raised by local residents in RRs to the potential effects of the Proposed Development on mental health and wellbeing. The assessments are set out in the ES Chapter 21 Other Environmental Matters [APP-059]. Paragraph 21.5.44 concludes that "the Scheme is likely to generate only a small number of significant effects with regards to human health". In isolation,	The Applicant respectfully disagrees with this conclusion, as much like the term "health", the Applicant understands population "wellbeing" as a broad category under which individual constituent receptors have both physical and mental health components. Deprivation as a result of reduced access to education and skills attainment, and reduced access to employment are both likely to manifest poor mental health, including anxiety and depression, as much as manifesting poor physical health conditions. A reduction in access to recreational facilities in the countryside is as much about physical exercise as

ExQ	Respondent	Question	Applicant's Response
		these effects are reported as moderate beneficial effect with regard to access to employment and access to education as measured indices of multiple deprivation during the Scheme's construction. The human health moderate adverse effect reported is as a result of in-combination and cumulative impacts on the use and desirability of long-distance recreation routes during the Scheme's construction phase. These are physical health attributes. The Applicant is asked to please indicate 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. Please also include any proposed mitigation.	it is about improving mental wellbeing from having access to outdoor spaces away from urban environments. The Applicant has recognised the level of nuance in how the Scheme may affect mental health and wellbeing, and as such, has designated residential amenity, deprivation, and access to recreational facilities as determinants of wellbeing for the purpose of the assessment in the ES. Where adverse effects to health and wellbeing (including mental health) have been assessed in each of the relevant ES topic chapters, mitigation measures have been provided to reduce the level of significance of these effects. Residual and cumulative significant effects to health and wellbeing have been assessed and concluded at paragraph 21.5.44 of **Chapter 21: Other Environmental Matters [APP-059]**.
1.6.13	Applicant, Interested Parties	**Wider Determinants of Mental Health: Environmental Conditions** Environmental conditions are part of the accumulation of factors which determine health and mental health. Living and working conditions, including agriculture and food production, working	The Applicant has considered prevalence of mental disabilities and disorders in the population as part of the assessment of baseline conditions at 18.7.25 of **6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056]**. The data used here has been taken from OHID, which also provides data for Joint Strategic Needs Assessments. Whilst this has presented baseline conditions

ExQ	Respondent	Question	Applicant's Response
		environments, employment/ unemployment and social and community networks play an important role in determining good mental health in the countryside, and elsewhere. 7000 Acres highlight [REP1A-015 and REP1A-018] an increase in depression within local communities "particularly in rural farming where this has been well recognised…[the] impact of these schemes has the potential to worsen mental health because they take away the very fabric of what rural life is about". 7000 Acres also cite the Lincolnshire Joint Strategic Needs Assessment at page 6 of their WR [REP1A-018]. The ExA notes that there is predicted increase in depression in the 65+ and that depression rates in Lincolnshire are above average at 10%. a) The Applicant is asked to please provide a response to the above. b) Optionally, IPs may wish to comment on specific aspects of the fabric of rural life which they consider will be taken away, resulting in worsened mental health, as a result of the proposed scheme (or in combination with	across the population rather than specific age group, or in relation to a specific mental illness such as depression, the underlying differences in population mental health characteristics in the Local Impact Area versus the regional or national populations have been considered in the determination of the health and wellbeing of vulnerable members of the Local Impact Area's population being of a medium sensitivity to change (see para. 18.7.29 **[APP-056]**). In assessing the potential impacts of the Scheme on health and wellbeing outcomes, including mental health, the Applicant has assessed that the only significant effects are those presented in Table 21.5.4 of **6.2.21 Environmental Statement - Chapter 21_Other Environmental Matters [APP-059]** and that these are only applicable during the Scheme's construction. The Applicant does not consider that the Scheme will disproportionately impact upon the health and wellbeing of any specific age group or economic group of the population.

ExQ	Respondent	Question	Applicant's Response
		other proposals). Please cite any relevant evidence where possible.	
1.6.14	Applicant	**Social Care and Baseline Data** The ExA notes that the baseline assessment set out in Chapter 21: Other Environmental Matters [APP-059] uses data from 2011 and 2021 (Section 21.5). The Applicant is asked to consider the applicability of the 2011 data, and to provide clarity as to the reasons for its use, rather than a more up-to-date data set.	The Applicant confirms that baseline data in relation to health and wellbeing is derived from 2021 Census, IMD (2019), OHID (2020-2022), NHS (2022) and DWP (2022) data, as set out in paragraphs 18.5.14-18.5.25 of **6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056]** and summarised in Section 21.5 of **6.2.21 Environmental Statement – Chapter 21_Other Environmental Matters [APP-059]**. Reference to 2011 Census data at para. 21.5.17 of **[APP-059]** is legacy text from PEIR (July 2022) prior to the publication of detailed population data from the 2021 Census from which health and wellbeing baseline conditions could be analysed. The Applicant confirms that the 2021 Census data was used within the Environmental Statement.
1.6.16	Applicant	**Pre-existing Health Conditions** ES Chapter 21: Other Environmental Matters [APP-059] assesses human health under Section 21.5. Can the Applicant explain how this approach addresses the potential for effects on pre-existing health conditions. Please respond on whether the matter has been raised in relation to RRs received, and if this has a bearing on the EqIA [APP-321].	Section 21.5 defers to **6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056]** wherein the effects on pre-existing health conditions are identified in Section 18.7. No significant effects on pre-existing health conditions have been concluded in the assessment of physical and mental health conditions, and so these have not been included at Table 21.5.4 in **6.2.21 Environmental Statement - Chapter 21 Other Environmental Matters [APP-059]**. As no significant effects have been concluded, there is no further bearing on the **7.12 Equality Impact Assessment [APP-321]**.

ExQ	Respondent	Question	Applicant's Response
			Matters raised in Relevant Representations concerning pre-existing physical and mental health conditions have been addressed as required in **8.1.2 The Applicant's Responses to Relevant Representations [REP1-050]** wherein comments and relevant responses fall under the remit of Socio-Economics, Tourism and Recreation, or Other Environmental Matters.
1.6.17	Applicant	**Residual Effects** Table 21.5.4 of ES Chapter 21: Other Environmental Matters [APP-059], sets out three likely significant effects for matters within Socio-Economics and Tourism and Recreation [APP-056]. Can the Applicant please explain the rationale for referencing these three matters?	The significant effects identified in Table 21.5.4 of **6.2.21 Environmental Statement - Chapter 21 Other Environmental Matters [APP-059]**, correspond to the significant residual effects assessed in **6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056]** that directly relate to health and wellbeing. Significant effects related solely to employment and economic performance are not included. Cumulative effects relating to health and wellbeing matters have been identified and described in summary in para. 21.5.37-43 **[APP-059]**.

8 Historic Environment

ExQ	Respondent	Question	Applicant's Response
1.7.1	Applicant/ Historic England/Local Authorities	**Study Area Selection** Can the Applicant please explain with greater clarity the approach to and justification for the selection of study areas set out in the ES Chapter 13 Cultural	The study areas were agreed with Historic England and Lincolnshire Historic Places Team, who act as the archaeological advisors for the West Lindsey district of Lincolnshire and Bassetlaw district of Nottinghamshire.

ExQ	Respondent	Question	Applicant's Response
		Heritage [APP-051] , noting that 2km has been used for non-designated heritage assets and 5km for designated heritage assets. Have these study areas been agreed with Historic England and the Local Authorities?	The 5km study area that was adopted for designated heritage assets 'of the highest significance' was in line with the study area set out for the **ES Chapter 8 Landscape and Visual Impact Assessment [APP-046]**, in accordance with the EIA Scoping Opinion adopted by the Planning Inspectorate on behalf of the Secretary of State [**APP-068**]. Paragraphs 3.1.4-3.1.6 of Part 1 of the **Heritage Statement [APP-117]** explain the reasoning for adopting a smaller 2km study area for the less significant Grade II listed buildings, which was informed by Historic England's advice as set out in *The setting of Heritage Assets* (p.9) which seeks to '*minimise the need for detailed analysis of very large numbers of heritage assets*'. This smaller study area for Grade II listed buildings was proposed as part of the Preliminary Environmental Information Report (PEIR) and no objection to this proposal was raised by the statutory consultees in their responses. For non-designated archaeological remains, a 1km study area was adopted for the archaeological desk-based assessments (DBAs), which is in accordance with standard professional practice for the production of archaeological DBAs in areas outside of dense urban contexts in England. For non-designated historic buildings, there is currently no Local List for Lincolnshire (though Heritage Lincolnshire is leading the Local Heritage List Campaign in partnership with Lincolnshire County Council). Consequently, an assessment was made of those non-designated historic buildings identified on the Historic Environment Record A 250m study area was adopted for the assessment of these buildings for the

ExQ	Respondent	Question	Applicant's Response
			reasons discussed in paragraph 13.5.18 of **ES Chapter: 13 Cultural Heritage [APP-051].** As the non-designated historic buildings were ascribed either a 'Low' or 'Negligible' value (as no statutory protection is afforded to the settings of these buildings), 'significant' effects would only be possible where a 'Major' magnitude of change was likely to occur (for description of 'Major' changes see Table 13.2 in **ES Chapter: 13 Cultural Heritage [APP-051]**), and it was considered that a 250m study area was sufficient to ensure that any such impacts to the settings of these buildings would be identified. To adopt a 5km study area for the settings of Grade II Listed Buildings and non-designated heritage assets was considered to be disproportionate to the significance of these assets and the negligible likelihood of significant impact.
1.7.3	Applicant	**Archaeological investigations** a) Noting that the Applicant referred to an estimated overall 0.36% trial trenching within the Order Limits and an estimated 0.65% trial trenching along the Shared Cable Route Corridor, the Applicant is asked to please clarify how these percentages have been calculated and where this is set out in the evidence. b) The Applicant is also asked to comment on the concerns raised by NCC at paragraph 9.7 of their LIR [REP1A-003] that, in relation to the Written Scheme of	Details of the extent and results of the evaluation trenching can be found in **6.3.13.6 Environmental Statement - Appendix 13.6 Archaeological Evaluation Trenching Reports [APP-120** to **APP-121]**. The DCO order limits for the Scheme totals c.886ha (excluding the Shared Cable Corridor). The evaluation trenching undertaken within the solar sites comprised 358 trenches measuring 50m by 1.8m. this is calculated by the Applicant to equate to an overall sample of 0.36%. For the Shared Cable Route Corridor, which is proposed to be used for the Scheme, Cottam Solar Project, Gate Burton Energy Park and Tillbridge Solar Project, the section of the route

ExQ	Respondent	Question	Applicant's Response
		Investigation (WSI) [APP-122], even where there has been evaluation trial trenching, it has not adequately or systematically identified the nature of the archaeological deposits, leaving the development at high risk of causing significant damage to and unrecorded loss of the archaeological resource. On this basis it is also suggested that mitigation proposals are inadequate.	proposed for the West Burton Scheme runs between West Burton 3 and a field to the west of the River Trent, and totals c.31.5ha. Twenty-four trenches were investigated: 21 measuring 1.8m by 50m and three measuring 30m by 1.8m. Based on these numbers the Applicant has calculated the total sample of trenching for the Shared Cable Route Corridor to be 0.65%. LHPT, the archaeological advisors for West Lindsey District Council in Lincolnshire and Bassetlaw District Council in Nottinghamshire, agreed in meetings in January and March 2023 that the extent of evaluation for the Shared Cable Route was sufficient to identify the potential for archaeological remains, and inform an appropriate mitigation strategy. In response to paragraph 9.7 of NCC's LIR **[REP1A-003]**, the Applicant respectfully disagrees that *"where there has been evaluation trial trenching, it has not adequately or systematically identified the nature of the archaeological deposits, leaving the development at high risk of causing significant damage to and unrecorded loss of the archaeological resource."* The Applicant highlights the extensive archaeological baseline assessment and non-intrusive evaluation that have been undertaken, comprising: **6.3.13.1 Environmental Statement - Appendix 13.1 Archaeological Desk-Based Assessments [APP-105** to **APP-108]**, **6.3.13.2 Environmental Statement - Appendix 13.2 Archaeological Geophysical Survey Reports [APP-109** to **APP-114]**, **6.3.13.3 Environmental Statement - Appendix 13.3 Geoarchaeological DBA** (Desk-Based Assessment) **[APP-115]** and **6.3.13.4 Environmental Statement - Appendix 13.4 AP** (Air Photo) **and LiDAR Reports [APP-116].** The information provided

ExQ	Respondent	Question	Applicant's Response
			from these assessments, has enabled the successful identification of the absence, presence and extent of archaeological sites within the Order limits of the Scheme. An informed programme of evaluation trenching **6.3.13.6 Environmental Statement - Appendix 13.6 Archaeological Evaluation Trenching Reports [APP-120** to **APP-121]** both verified the results of the non-intrusive assessments and, where archaeological features had been identified, provided further information regarding their nature, extent, preservation and significance. Therefore, this combined programme of non-intrusive and intrusive evaluation is considered by the Applicant to have met the Standard for Archaeological Field Evaluation as set out by CIfA (December 2023) and so is sufficient to inform the DCO Application. The Applicant considers that they have taken a reasonable, proportionate and consistent approach, informed by national and local guidance, that has enabled the collection of high-quality reliable data. This has provided an adequate understanding of the archaeological potential and developmental impacts as set out in **6.2.13 Environmental Statement - Chapter 13_Cultural Heritage [APP-051]** and has been used to formulate an appropriate mitigation strategy as set out in **6.3.13.7 Environmental Statement - Appendix 13.7 Archaeological Mitigation WSI [APP-122].** This mitigation strategy is secured by Requirement 12 of Schedule 2 to the **draft Development Consent Order [EN010132/EX3/WB3.1_C]** (provided at Deadline 3), and ensures that any archaeological remains that are found during the construction of the Scheme are appropriately recorded and managed.

ExQ	Respondent	Question	Applicant's Response
1.7.5	Applicant/ Historic England	**Stow Park medieval bishops place and deer park** The ExA notes that the assessment of the effects of the Proposed Development on the significance of the designated heritage asset is a matter of under discussion between the Applicant and Historic England, as set out in the [REP1-063]. Historic England's concerns are set out, with particular reference to the effect of the Proposed Development on the monument's legibility. The Applicant is asked to please set out the nature of ongoing discussions with Historic England, including whether suggested mitigation measures are being discussed.	Discussions were undertaken with Historic England during the pre-examination phase to identify any mitigation measures that could reduce potential impacts to the medieval bishop's palace and deer park, Stow Park (1019229). No mitigation measures have been identified by Historic England, who believe "*the impact of the proposed installation within the former deer park represents substantial harm (in NPS/SPPF terms) to the significance of the monument through loss of its character as a bounded architectural space. This represents a significant environmental impact (major harmful) in EIA terms*" (Historic England LIR ***[RR-123]***). The Applicant respectfully disagrees that the impact of the proposed installation within the former deer park represents substantial harm. **6.3.13.5 Environmental Statement - Appendix 13.5 Heritage Statement [APP-117 to APP-119]** concludes that with consideration to the reversable nature of the Scheme that the overall harm to the medieval bishop's palace and deer park, Stow Park (1019229) will be less than substantial (paragraph 13.7.42) **6.2.13 Environmental Statement - Chapter 13_Cultural Heritage [APP-051]**. The **7.5 Planning Statement [EX3/WB7.5_A]** discusses how any harm to the setting of the Scheduled Monument is outweighed by the public benefits of the Scheme. As identified in Paragraph 3.3.35 of the **6.3.13.5 Environmental Statement - Appendix 13.5 Heritage Statement [APP-117 to APP-119],** the Applicant believes that the relationship between the three surviving components of the deer park has already been adversely compromised. While intervisibility exists between the

ExQ	Respondent	Question	Applicant's Response
			Bishop's Palace and the east park pale, their historical relationship can only be experienced through the fossilisation of the parkland boundary by later mature trees and hedgerow. Land within the deer park has been transformed from a compartmentalised parkland containing areas of managed woodland and grassland to a landscape characterised by enclosed fields used for agricultural purposes. The character and appearance of the land within the historical boundaries of the deer park is indistinguishable from the agricultural land outside of its boundaries. Consequently, the Applicant believes that surviving vestiges of the deer park are not experienced collectively within the modern landscape, and it is difficult to reconstruct and get a sense of an imparked high status medieval space, without the aid of aerial imagery or historical documentation. Taken together, the Applicant is confident in its finding that, whilst there will be large adverse effects, these will be of less than substantial harm to the setting of this designated asset. Full details of both positions are provided in the Statement of Common Ground **[REP1-063]** and remain under discussion with Historic England.
1.7.6	Applicant	**Stow Park medieval bishops place and deer park** The Heritage Statement at ES Appendix 13.5 [APP-117] sets out at 3.3.41 that a conclusion of less than substantial harm	Since the assessment was undertaken **6.3.13.5 Environmental Statement - Appendix 13.5 Heritage Statement [APP-117 to APP-119]** the Applicant acknowledges that the intended height for fixed panels has been changed to 3.5m, as referenced elsewhere in the ES chapter, not the 2m quoted in paragraph 13.7.39 **6.2.13**

ExQ	Respondent	Question	Applicant's Response
		(at the upper end) is based on the use of shorter fixed panels and the reversibility to the current baseline (in 40 years). The ES Ch 13 [APP-051] para 13.7.39 refers to such panels being c.2m in height (noting that fixed panels of 3.5m in height are referred to elsewhere in the ES). Can the Applicant please provide greater clarity on the implications of this mitigation measure for the wider scheme. Is this a realistic prospect? Have any other mitigations measures been considered?	**Environmental Statement - Chapter 13_Cultural Heritage [APP-051]**. The Applicant has considered the impact of the Scheme on the basis that fixed panels would be 3.5m high, rather than 2m. The Applicant has concluded that the difference in height between 3.5m fixed panels or tracker panels (4.5m) would not significantly affect the impact to the setting of the medieval bishop's palace and deer park, Stow Park (1019229), nor allow for materially greater opportunity for intervisibility across the landscape, having regard to the considerations set out below. This consideration was referenced in paragraph 3.3.38 of the **Heritage Statement [APP-117 to APP-119]**, as a potential benefit to the use of the 2m high fixed panels. The Applicant emphasises the temporary (and thus, reversible) nature of the Scheme, and that existing landscape features will remain in situ. Following decommissioning, any impact to the setting (or to the ability to appreciate the setting) on the Scheduled Monument caused by the Scheme will be reversed, as the land will revert back to its current land-use and field pattern, with no residual impact on the legibility or setting of the former deer park as it now survives. As summarised in the Statement of Common Ground with Historic England **[REP-063]**, the Applicant considers that the significance of the Scheduled Monument is vested in its historical and archaeological interest, and not in the intervisibility of the setting. While there is an historical spatial relationship between the three sections of the Scheduled Monuments, post-medieval and modern changes to the landscape have adversely compromised the setting of the Scheduled Monument. The surviving vestiges of

ExQ	Respondent	Question	Applicant's Response
			the deer park are not experienced collectively within the modern landscape, and it is difficult to reconstruct the former deer park without the aid of aerial imagery or historical documentation. The significance of this Scheduled Monument and its setting is set out in detail from paragraph 3.2.21 of the **Heritage Statement [APP-117]**. Paragraph 3.2.49 notes that the NHLE for the Scheduled Monument confirms that it consists of "buried structural and artefactual remains", whilst paragraph 3.2.56 to 3.2.58 set out the difficulty in perceiving the Scheduled Monument, requiring the viewer to move through the landscape due to only limited intervisibility. With consideration to these factors, in particular the existing poor intervisibility that limits the ability to experience the setting of the Scheduled Monument, and the inherently temporary nature of the Scheme, the Applicant considers that the overall harm to the Scheduled Monument will continue to be *less than substantial harm* (at the upper end) with the use of 3.5m high panels. Therefore the Applicant does not consider that further mitigation is necessary and that the mScheme, in respect of the medieval bishop's palace and deer park, Stow Park (1019229), meets the tests set in NPS EN-1 (November 2023) at paragraph 5.9.32: *Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate Securing its optimum viable use".* This wording is mirrored in the National Planning Policy Framework (December 2023) at paragraph 208.

ExQ	Respondent	Question	Applicant's Response
1.7.7	Applicant	**Stow Park medieval bishops place and deer park** Can the Applicant please clarify where a Zone of Theoretical Visibility (ZTV) analysis is undertaken of the Proposed Development in relation to the Stow Park medieval bishops place and deer park.	The Zone of Theoretical Visibility (ZTV) analysis undertaken as part of the LVIA in relation to the medieval bishop's palace and deer park, Stow Park (1019229) can be found in: 6.4.8.11.3 Environmental Statement - Figure 8.11.3 - Bare Earth ZTV - West Burton 3 **[APP-187]** 6.4.8.12.3 Environmental Statement - Figure 8.12.3 - Augmented ZTV - West Burton 3 **[APP-192]** Please also refer to the response to 1.7.7 above for analysis of the visibility of the panels and the impacts on the setting of this Scheduled Monument.
1.7.8	Applicant	**AR68** With reference to the Cultural Heritage Impact Assessment [APP-123] the Applicant is asked to please clarify the implications of the proposal in terms of the effect on the non-designated remains at AR68 (currently noted as slight to large adverse, potentially significant), including whether consideration has been given to mitigation measures.	As detailed in table 13.14 of **6.2.13 Environmental Statement - Chapter 13_Cultural Heritage [APP-051]**, geophysical survey identified a series of linear and curvilinear magnetic anomalies that are likely to be indicative of settlement activity of probable Iron Age/Romano-British to medieval date. If archaeological remains are present, they are considered likely to have a negligible to medium archaeological value. Any impact of the cable route to archaeological heritage assets is considered to represent a major change. Therefore, based on Table 13.7 of **6.2.13 Environmental Statement - Chapter 13_Cultural Heritage [APP-051]**, this would equate to slight to large adverse significance of effect. In mitigation, it is proposed to undertake a 'strip, map and sample' excavation of this feature. Details of which are provided in **6.3.13.7 Environmental Statement - Appendix**

ExQ	Respondent	Question	Applicant's Response
			13.7 Archaeological Mitigation WSI [APP-122]. Whilst it is recognised that this does not reduce the magnitude or significance of the impact, this is largely related to the range of potential magnitude of change associated with the unknown nature of this receptor. The Applicant is confident that the mitigation provided by the WSI will ensure that the impacts to archaeological remains from the Scheme are reduced as far as practicable, and where this is unavoidable buried deposits will be adequately recorded prior to impact from the cable route.
1.7.9	Applicant	**Conservation Areas** The ES Chapter 13 [APP-051] identifies 4 conservation areas and their value in Table 13.16. However, the analysis of the effects of the Proposed Development on these designated heritage assets does not appear to have been presented. If the conservation areas have not been assessed the Applicant is asked to please explain why this is the case; alternatively please provide details of where this information is provided and, if necessary, update the ES.	Impacts to Conservation Areas are assessed in general terms within **6.3.13.5 Environmental Statement - Appendix 13.5 Heritage Statement [APP-117 to APP-119]** alongside the Listed Buildings within them, and with reference to aerial images that illustrate the enclosed nature of these designated areas. Each Conservation Area was visited as part of the assessment and no significant effects were identified. A summary of each Conservation Area is provided below, along with cross-referencing to relevant sections of the Heritage Statement where appropriate. **Burton Conservation Area** is located c.5km to the south-east of the nearest proposed solar panels at West Burton 2, and it is considered that at this distance, even if elements of the Scheme were visible, they would have a negligible visual impact upon the setting of the Conservation Area. **Brattleby Conservation Area** is located c.3.2km to the north-east of West Burton 1. It is considered that at this distance, even if elements of the Scheme were visible, they would have a negligible

ExQ	Respondent	Question	Applicant's Response
			visual impact upon the setting of the Conservation Area. Photograph 23 in the Heritage Statement **[APP-117 to APP-119]** provides an aerial view of the Conservation Area and illustrates the level of screening provided by the surrounding built environment and vegetation which would prevent any visibility of the Scheme proposals from within the Conservation Area. **South Carlton Conservation Area** is located c.3.2km to the south-east of the nearest proposed solar panels at West Burton 1, and it is considered that at this distance, even if elements of the Scheme were visible, they would have a negligible visual impact upon the setting of the Conservation Area. Paragraphs 3.1.96 - 3.1.120 of the Heritage Statement which explains how the enclosed and wooded nature of the Conservation Area would prevent views out towards the Scheme proposals from within it. Photograph 49 of the Heritage Statement **[APP-117 to APP-119]** illustrates the view to the north-west from Church of St John the Baptist and Monson Mausoleum at the northern edge of the Conservation Area showing how the layering effect of intervening hedge lines screen views in the direction of West Burton 1. **Saxilby, Bridge Street Conservation Area** is located c.1.1km to the south of the nearest proposed solar panels at West Burton 2. The Conservation Area lies to the south of modern development associated with Saxilby. As stated in Paragraph 3.1.113 of the Heritage Statement **[APP-117 to APP-119]** *"there is no intervisibility with the surrounding landscape from any of these Listed Buildings or Conservation Area and there would be no visual impact from the proposed scheme".*

ExQ	Respondent	Question	Applicant's Response
1.7.10	Applicant	**Listed Building: No 21 and Attached Barn to Rear, Marton** The ES Chapter 13 [APP-051] paragraph 13.8.5 refers to potential direct physical impacts during construction to No 21 and Attached Barn to Rear, a Grade II Listed Building (NHLE1146594) located on the corner of Stow Park Road and High Street in Marton. This is due to the fact that HGVs delivering abnormal loads will need to mount the pavement adjacent to the Listed Building. Reference is made to the fact that transport of abnormal loads will be a closely managed process travelling at crawl speed and monitored by the police. On this basis it is suggested that the likelihood of this impact occurring is negligible. With reference to how this matter would be addressed, the Planning Statement [APP-313] at paragraph 6.6.10 directs us to the report at Appendix F of the Transport Assessment [APP-126]. However, this report does not appear to make reference to the junction in question. The Applicant is asked to please provide clarification the nature of the harm and	As detailed in **6.3.14.1 Environmental Statement - Appendix 14.1 Transport Assessment [REP1-015]** the preferred route for the cable drum to access points 109, 110 and 111 would be from the south from the A46/A57, and HGVs delivering abnormal loads would therefore not pass the junction of Stow Park Road (A1500) and The High Street (A156) in Marton. Please refer to the abnormal indivisible load (AIL) Access Summary Report in respect of West Burton 3, within the Transport Assessment, which provides further details and a map of the anticipated route to be taken by AILs delivered to West Burton 3. It is not anticipated that AILs will need to use the junction of Stow Park Road and High Street. Accordingly, there is no potential impact to No 21 and Attached Barn to Rear, a Grade II Listed Building (NHLE1146594) during the construction phase. Notwithstanding this, the potential impact were this junction to be used has been assessed, in case of difficulty using the planned route for AILs, confirming that a route utilising this junction is available without causing significant effects. As detailed in **6.3.14.1 Environmental Statement – Appendix 14.1 Transport Assessment [REP1-015],** traffic management will be in place for all abnormal load movements and a Construction Traffic Management Plan (CTMP) will be implemented during the construction phase of the Scheme. This is secured by Requirement 15 of the **draft Development Consent Order [EN010132/EX3/WB3.1_C]**, provided at Deadline 3.

ExQ	Respondent	Question	Applicant's Response
		how it is suggested that this could be mitigated.	
1.7.11	Applicant and Historic England	**Roman Villa at Scampton : Cumulative impacts** The Potential for up to moderate adverse cumulative impacts with Cottam at Roman Villa west of Scampton (NHLE 1005041) are referred to in the Joint Report in Interrelationships [REP1-057], depending upon the effectiveness of the landscape mitigation. The Heritage Statement [APP-117] at 3.2.14 notes the 'sweeping view west across the Trent Valley' from this location, also the Cumulative Developments Augmented ZTV [APP-272] illustrates that all four solar developments would be visible from this location. The Heritage Statement notes a slight adverse effect on significance at 3.3.15, presumably based on the effect of the West Burton Proposed Development alone. However, at 3.3.16 reference is made to fact that as the development would prevent any further developments from occurring within the Order Limits (e.g., for residential development) during the operational period, there is the potential for the	While ZTVs demonstrate that the Scheme, Gate Burton Energy Park, Tillbridge Solar and Cottam Solar Project are theoretically visible from the location of the Scheduled Roman Villa west of Scampton (NHLE 1005041), direct visibility from the asset is filtered by existing hedgerows to the west and other features within the landscape, which also help provide screening. As a consequence, cumulative impacts to the Roman Villa west of Scampton (NHLE 1005041) have only been identified between the Scheme and Cottam Solar Project; any additional cumulative impacts with the Gate Burton Energy Park and Tillbridge Solar would be likely to be negligible. Following a site visit, during the winter period, when foliage coverage is at its lowest, and with consideration to the design proposals of the Scheme and Cottam Solar Project, including landscape mitigation, it is considered that there would be a Slight Adverse cumulative impact at the Roman Villa west of Scampton (NHLE 1005041). Paragraph 31.316 of **6.3.13.5 Environmental Statement - Appendix 13.5 Heritage Statement [APP-117 to APP-119]** highlights the reversable nature of the Scheme and in-combination beneficial effects with the landscape topic, whereby the reinforcement of existing woodland/scrub and hedgerows and the addition of new hedgerow trees would help to reinforce the historic landscape character of the wider rural setting within which the designated heritage assets are experienced.

ExQ	Respondent	Question	Applicant's Response
		Scheme in the longer term to have a beneficial effect on the settings of heritage assets. The Applicant is therefore asked to please explain the implications of these differential assessments. Historic England is invited to comment on both the assessments undertaken and their outcomes.	
1.7.13	Applicant	Historic Landscape Character The ES Chapter 13 [APP-051] paragraph 13.9.5 dealing with in-combination effects states that mitigation by new planting and reinforcement of existing vegetation would have an overall beneficial effect for historic landscape character by reinforcing the historic landscape character. The Applicant is asked to please explain this conclusion, noting the various adverse effects on the historic landscape are identified at 13.7.49-13.7.53.	Notwithstanding the adverse effects identified within **ES Chapter 13 Cultural Heritage [APP-051]**, the in-combination effects with the landscape topic (please see **ES Chapter 8 Landscape and Visual Impact Assessment [APP-046]**) provide an overall beneficial effect. This is due to the reinforcement of existing woodland/scrub and hedgerows and the addition of new hedgerow trees, which will help to reinforce the historic landscape character of the wider rural setting within which the designated heritage assets are experienced. This is achieved primarily by strengthening the existing and historical field pattern, and creating a multi-layered landscape.
1.7.14	Applicant	**Conclusions against policy and Legislation** The requirements of legislation regarding heritage assets are set out in Section 13.3 of ES Chapter 13 [APP-051]. The requirements of The Infrastructure	Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010 provides that, when deciding an application that affects (1) a listed building or its setting; (2) a conservation area; or (3) a scheduled monument or its setting, the decision maker must have regard to the desirability of preserving the relevant features.

ExQ	Respondent	Question	Applicant's Response
		Planning (Decisions) Regulations 2010 at Part 3 should also be noted. However, conclusions against these provisions have not been provided in the ES or the Planning Statement. The Applicant is asked to please update the Planning Statement to address this.	This approach is reflected in the NPSs for Energy, referred to in detail within section 13.3 of **ES Chapter: 13 Cultural Heritage [APP-051]**. This details the national and local guidance, policy and legislative frameworks that the assessment has been prepared in adherence to or guided by in ES Chapter: 13 Cultural Heritage [**APP-051**] and the various supporting appendices. The **Planning Statement [EX3/WB7.5_A]** confirms that the site selection and design of the Scheme have been carried out so as to remove or reduce the impacts on residents, designated heritage assets, and ecological factors. At paragraph 5.3.4, the Planning Statement **[EX3/WB7.5_A]** confirms that Regulation 3 is of relevance to the Scheme, with paragraph 5.3.5 confirming that the consideration of the impacts is carried out in **ES Chapter 13 Cultural Heritage [APP-051],** and Section 6.6 of the Planning Statement takes account of the desirability of the preservation of heritage assets. The Applicant considers that Section 6.6, being a detailed review of the Scheme against the harm policy test (of which Regulation 3 forms part) constitutes the relevant conclusions in respect of the desirability of preserving heritage assets, i.e. avoiding harm.
1.7.15	Applicant	**Conclusions against policy and Legislation** Paragraph 6.6.6 of the Planning Statement [APP-313] refers to paragraph 199 of the National Planning	There is no mention of different grades of listing within section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which means the legislation applies equally to all grades of listed building.

ExQ	Respondent	Question	Applicant's Response
		Policy Framework (NPPF) and the fact that 'great weight' should be given to conservation of designated heritage assets, noting 'that the more important the asset, the greater the weight'. On this basis it is suggested that the greatest weight is to be given to Grade I and Grade II listed building, with 'lesser weight' given to Grade II listed buildings. The Applicant is asked to please explain this in the light of the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF paragraph 200.	Paragraph 199 of NPPF (paragraph 205 of the December update to NPPF) and 5.9.27 of National Policy Statement EN-1 (November 2023) state that "*when considering the impact of a proposed development on significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)*". Paragraph 206 of the NPPF (December 2023) and paragraphs 5.9.26 to 5.9.28 of NPS EN-1 state that "*any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:* *a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;* b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*" These paragraphs enshrine the concept that different 'weight' should be applied depending upon the asset's importance from a planning policy perspective.

9 Landscape and Visual

ExQ	Respondent	Question	Applicant's Response
1.8.1	Applicant	**Design Principles** Section 4.6 of NPS EN-1 emphasises the importance of ensuring good design in the development of Nationally Significant Infrastructure Projects, referring also to the 'Design Principles for National Infrastructure developed by the National Infrastructure Commission. The National Planning Policy Framework (NPPF) also advocates good design. The Applicant is asked to set out the approach taken to good design, and how this element of the Proposed Development has evolved in relation to the following key elements. This should include reference how each element has responded, in terms of form and siting, to functional and aesthetic requirements, including sensitivity to existing landscape character and nature inclusivity. Reference should be made to how emerging technology can or could be accommodated. Please include: - Solar panels and associated equipment - On-site substations and associated equipment and structures	The parameters and design principles for the Scheme are set out **in 6.2.4 Environmental Statement - Chapter 4_Scheme Description [REP-042],** which is secured through Requirement 5 in Schedule 2 to the DCO **[EN010132/EX3/WB3.1_C**]. The Landscape Design Parameters which are incorporated into the Scheme's design are set out in Table 8.49 of the **LVIA [APP-046]** which also as set out in Section 8.3 of Chapter 8 consider the relevant NPS documents**.** **Solar Panels and Associated Equipment:** With regard to the solar panels and associated equipment, the LVIA process has been iterative and as a result, the design of the Scheme has changed to respond to the findings of the assessment, meaning that landscape mitigation is fully considered and taken into account as part of the process of design development. This has involved setting out the key elements of constraint within the Landscape and Ecology Mitigation and Enhancement Plans [Rep1-026, Rep1-028, Rep1-03] and the **Outline Landscape and Ecological Management Plan - Revision BA [EN0101032/EX3/WB7.3_BREP1-042]** as secured by Requirement 7 of Schedule 2 of Draft Development Consent Order **[EN0101032/EX32/WB3.1_CB]** and adopting the mitigation hierarchy in accordance with GLVIA3. **On Site Substations and Associated Equipment and Structures:** The discrete areas of land in the Scheme are placed so far apart that the Scheme, including the site substations and associated

ExQ	Respondent	Question	Applicant's Response
		- Battery Energy Storage - Boundary Treatment - Hard and soft landscaping	equipment and structures will not be perceived in their entirety, The substation is located 'in and amongst' the surrounding landscape features to assimilate this structure into the landscape. The provision of a substation within a discrete area of land can therefore offer a more favourable approach compared to having a single large site, as it allows for a distributed and less obtrusive deployment of the associated equipment and the solar panels. **Battery Energy Storage:** The presence of the intervening landscape also provides scope for areas of mitigation for the battery energy storage and the ability to build upon the connectivity of green infrastructure and ecology and nature conservation and retain the existing landscape pattern. Section 6.4 of the 7.5_B Planning Statement Revision B **[EN010132/EX3/WB7.5_B]** shows that the Scheme has been subject to a detailed and sensitive iterative design process. This has taken account of the context and features of the land within the Order limits, nearby sensitive receptors and assets, information emerging from environmental surveys, feedback from stakeholders, and opportunities and constraints in order to develop a good design that balances the need to maximise the battery storage and energy generation capacity of the Scheme, with the avoidance and mitigation of impacts, and provision of environmental and other enhancements, where practicable. **Boundary Treatment:** Although the Scheme comprises a series of independent areas of land or Sites, they are set within an extensive agricultural landscape. With large areas of land between each of the Sites,

ExQ	Respondent	Question	Applicant's Response
			each is set apart by their associated features such as robust hedgerows, woodland and tree cover, intervening settlements and the road and rail infrastructure. These independent areas of land provide more scope for the Scheme to be offset from the boundaries and all key receptors such as settlement edges, individual residential properties, PRoW and transport routes which further assist with its integration and dispersion across the landscape than if the Site were one composite whole. **Hard and Soft Landscaping:** The LVIA process has been iterative and as a result, the design of the Scheme has changed in response to the findings of the assessment, meaning that landscape mitigation (hard and soft landscape) has been fully considered and taken into account as part of the process of design development. This has involved setting out the key elements of constraint within the Landscape and Ecology Mitigation and Enhancement Plans [Rep1-026, Rep1-028, Rep1-03] and the **Outline Landscape and Ecological Management Plan - Revision B [EN0101032/EX3/WB7.3_B]** as secured by Requirement 7 of Schedule 2 of Draft Development Consent Order **[EN0101032/EX3/WB3.1_C]** and adopting the mitigation hierarchy in accordance with GLVIA3. **6.2.5 Environmental Statement - Chapter 5_Alternatives and Design Evolution [APP-043]** details further how the 'network of sites' approach demonstrates good design by allowing for a fine-tuning approach to the Scheme design to reduce impacts with regard to use of BMV land, heritage assets and archaeology, areas at risk of flooding, suitable access arrangements, and providing

ExQ	Respondent	Question	Applicant's Response
			ample opportunity to utilise existing, access points to accommodate internal access between fields, land areas, solar panel areas, substation sites and battery storage areas, and provide enhanced landscaping and vegetation. This demonstrates how the Scheme has been designed so as to be sensitive and responsive to place.
1.8.2	Applicant	**Concept Design Parameters and Principles document** The Concept Design Parameters and Principles document (CDPP) [REP1-036] sets out the design parameters and principles for work numbers except No 4. And No.7. The Applicant is asked to please indicate why are design parameters and principles for these elements are not provided?	Please see the response to question 1.5.21 above.
1.8.3	Applicant	**Design and Access Statement** Section 2 of the Design and Access Statement (DAS) [APP-314] sets out the policy context relevant to the design of major infrastructure. Additionally, the Applicant is asked to please set out whether, and in what way, consideration has been given to:	Part a): The National Model Design Code has not been considered as it is primarily focussed on the design of development in urban settings. Indeed, the Design Code makes no reference to energy infrastructure provisions, or to any development set in the countryside. Part b):

ExQ	Respondent	Question	Applicant's Response
		a) The National Model Design Code b) Use of a design approach statement, design champion and/or design review panel	The Applicant has taken the Government's aim to achieve well designed infrastructure, as set out in the National Infrastructure Strategy, seriously in developing the Scheme. The Applicant considers it important that a person lead the design process through all stages of the Scheme. The team has had a design champion who led the multi-disciplinary approach to the design of the Scheme from the initial stages. This person led the development of plans showing key constraints to development and the site layout. They organised and led multi-disciplinary workshops to review site layouts and drove forward the design, taking into account the views of planning professionals, the technical design team, the Applicant, transport professionals, consultation, the land referencing team and all other technical disciplines that contributed to the ES. They led development of **6.2.4 Environmental Statement - Chapter 4 Scheme Description [APP-042]** and reviewed the design sections of the **7.6 Design and Access Statement [APP-314** and **APP-315]**. They also led development of the **7.13 Concept Design Parameters and Principles [EN010132/EX3/WB7.13_B]**, in collaboration with the Applicant, to ensure firm commitments were made to key principles of design. The design champion was considered a key member of the team and became the 'go to person' when queries were raised around scheme changes, design iterations and layout. They had sufficient influence to ensure multi-disciplinary approaches were taken and the ability to listen to all perspectives and recommend a way forward. The design process was iterative and continuous. The

ExQ	Respondent	Question	Applicant's Response
			design champion was a member of the core team, not remote from it, enabling dynamic decision making where opportunities were identified to enhance design, deliver additional benefits, reduce or avoid environmental impacts or respond to requests for changes to the design from landowners, residents, local authorities and consultees. They were supported by a collaborative team working towards the best possible outcomes. Please also refer to the response to question 1.8.1, which sets out the Applicant's response to how good design has been achieved in the design and layout of the Scheme and its associated infrastructure.
1.8.5	Applicant	**Solar PV Panels** Noting that the size of PV panels is not fixed in the application, the Applicant is asked to please indicate how the implications of each of the different options available have been fully considered in terms of landscape and visual effects.	Section 4.3 of **WB6.2.4 ES Chapter 4 Scheme Description Revision [APP-042]** sets out the Rochdale Envelope for the Scheme, which is a well established method for defining the maximum (4.5m panel height) (and where relevant, the minimum) parameters for the Scheme where flexibility needs to be retained. By ensuring that the worst-case scenario is assessed within the Environmental Statement, the decision maker can be sure that the detailed design of the Scheme will be acceptable in environmental terms. The impacts identified within the Environmental Statement have been avoided and reduced (where possible) through the implementation of embedded mitigation (factors that apply to how the Scheme is designed in detail) which are secured within the **Concept Design Parameters and Principles [EN0101032/EX3/WB7.13_B]**. A series of management plans provide further controls (secondary mitigation) to minimise the impacts of the Scheme, including the **Construction**

ExQ	Respondent	Question	Applicant's Response
			Environmental Management Plan [EN010132/EX1/WB7.1_A], the **Operational Environmental Management Plan [EN010132/EX1/WB7.14_A]** and the **Outline Landscape and Ecological Mitigation Plan [EN0101032/EX3/WB7.3_B]**. The assessment informs the extent of powers the Applicant is applying for in **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/C3.1_C]**. The Requirements set out in Schedule 2 to the dDCO require that the final management plans must be approved by the relevant planning authority (or authorities) before the relevant work or activity may take place. **Appendix D** of the Written Summary of the Applicant's Oral Submissions & Responses at Issue Specific Hearing 1 and Responses to Action Points **[REP1-052],** includes a comparative assessment of landscape and visual effects of tracker panels and fixed panels. **Appendix E** of the Written Summary of the Applicant's Oral Submissions & Responses at Issue Specific Hearing 1 and Responses to Action Points **[REP1-052]**, includes Augmented Zones of Theoretical (ZTV) Mapping to support the comparative assessment of effects of types of panels.
1.8.6	Applicant	**Battery Energy Storage System (BESS)** The Concept Design Parameters document [REP1-036] provides the parameters for each battery storage unit but it is unclear whether these will be stacked and if so, what the maximum height would be. Can the Applicant please explain where the	The Applicant confirms the BESS enclosures will not be stacked, as this arrangement has not been assessed as part of the Environmental Statement **[APP-039]** to **[APP-308]**. The maximum height of the BESS enclosure is based upon the footprint of a 53-foot ISO container designer which is the largest permitted BESS enclosure size under NFPA 855 (2023) guidelines.

ExQ	Respondent	Question	Applicant's Response
		maximum height of the Battery Energy Storage System is secured in the application documents?	The maximum height for the BESS enclosure is set out within the **Concept Design Parameters and Principles – Revision B [EX3/WB7.13_B]**, specifically Table 2.2: Work No.2 Concept Design Parameters and Principles, which is secured through Requirement 5 in Schedule 2 to the **draft Development Consent Order (Version C provided at Deadline 3) [EN010132/EX3/WB3.1_C]**.
1.8.7	Applicant	**Scheme Parameters** The Landscape and Visual Impact Assessment (LVIA) [APP-046] is based on illustrative layouts. The Applicant is asked to please comment on how the parameters for the larger elements of the Proposed Development such as the substations and the BESS are to be fixed, as well as the extent of solar arrays.	The parameters and design principles for the Scheme are set out in 6.2.4 Environmental Statement - Chapter 4_Scheme Description **[REP-042]** and the Concept Design Parameters and Principles – Revision A **[REP1-036]**, the latter of which is secured through Requirement 5 in Schedule 2 to the DCO **[EN010132/EX3/WB3.1_C]**. The Landscape Design Parameters which are incorporated into the Scheme's design are set out in table 8.49 of the **LVIA [APP-046].** The max parameters for the substations, BESS and solar arrays are set out within the Concept Design Parameters and Principles – Revision B **[EN010132/EX3/WB7.13_B]**, specifically Tables 2.1, 2.2 & 2.3: Work Nos.1, 2 & 3 Concept Design Parameters and Principles, which are secured through Requirement 5 in Schedule 2 to the DCO **[EN010132/EX3/WB3.1_C]**. This has involved setting out the key elements of constraint within the Landscape and Ecology Mitigation and Enhancement Plans [Rep1-026, Rep1-028, Rep1-03] and the **Outline Landscape and Ecological Management Plan - Revision B [EN0101032/EX3/WB7.3_B]** (the 'LEMP') as secured by Requirement 7 of Schedule 2 of Draft Development Consent Order **[EN0101032/EX3/WB3.1_C]** and adopting the mitigation hierarchy in accordance with GLVIA3.

ExQ	Respondent	Question	Applicant's Response
			The relevant planning authorities will need to approve the final details of the LEMP before construction can commence.
1.8.8	Applicant	**Scheme Parameters** With reference to both the revised CDPP [REP1-036] and the ES Chapter 4 [APP-042], the Applicant is asked to ensure that the scale parameters are consistently referenced. For example, the Scheme description sets out that in the Cable Route Corridor, where multiple circuits are directional drilled along parallel paths, the minimum separation distances between drilled cable circuits is 3.0m, whereas the Concept Design Parameters and Principles document refers to the minimum separation distance as 5.0m.	The Applicant has provided, at Deadline 3, an updated **7.13_B Concept Design Parameters and Principles Revision B [EN010132/EX3/WB7.13_B]** and revised **6.2.4_A Environmental Statement - Chapter 4 Scheme Description Revision A [EN010132/EX3/WB6.2.4_A]** to address any inconsistencies in between the two documents as a result of typographical errors. These documents have also been updated for Deadline 3 to record the amendments required as a result of responses to comment raised at earlier stages of the Examination. Regarding the point raised on directional drilled cable circuit separation distances, figures of 3.0m and 5.0m are both referred to in **7.13_B Concept Design Parameters and Principles Revision B [EN010132/EX3/WB7.13_B]**.The 3.0m separation distance describes multiple circuits at 132kV and their recommended separation distance (found in the parameters describing Work No.5 (High voltage electrical cables connecting Work Nos. 3A and, 3B to Work No.3C), and the 5.0m separation distance applies to those circuits described as High voltage electrical cables connecting Work No.3C to Work No.4
1.8.9	Applicant	**Hedgerow and tree removal** The Applicant has described how at this stage it is appropriate that the powers	a. The Scheme utilised a photography and visualisation team comprised of leading photography and visualisation specialists

ExQ	Respondent	Question	Applicant's Response
		sought in the DCO should be flexible on the basis of the detailed design for the Proposed Development not yet being known. Indicative areas for potential hedgerow removal are provided as part of the Outline Landscape and Ecological Management Plan (OLEMP) [REP1-042]. The ExA assumes that this corresponds with the references to approximately 20 new temporary hedgerow gaps associated with the cable route (c.82m-142m of temporary removal) and 7 new hedgerow gaps and 9 ditch crossings associated with the arrays (c.24-52m of hedgerow anticipated to be removed) referred to in Issue Specific Hearing No 1 [REP1-051]. The ExA notes the powers sought in Article 38 of the dDCO [REP1-006] and the extent of potential hedgerow removal referred to in Schedule 13, Part 1-3 in column 2. This appears to be at odds with the fact that the LVIA [APP-046], including visualisations, rely heavily on vegetation being retained. The Appellant is asked to please:	from across the UK. Co-ordinated by Lanpro and led by Mike Spence of MSE, who was a key technical author of the Landscape Institute's TGN 06/19 on visualisation of development proposals.. The photomontage work undertaken for the Scheme has followed recognised best practice 'Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) by the Landscape Institute and Institute of Environmental Management & Assessment and the Landscape Institute's guidance 'Visual Representation of Development Proposals Technical Guidance Note 06/19 (TGN 06/19)'. The photomontages produced comprise of a series of overlapping single frame 50mm photographs taken from a surveyed position using global navigation satellite system (GNSS) equipment to achieve a locational accuracy down to 1cm in eastings, northings and height. These overlapping images were cylindrically re-projected to ensure consistent geometry was achieved. The camera equipment used and technical methodology followed is set out in detail within **ES Appendix 8.1.5 [APP-147]** to **[APP-149]**. The survey verified photography was then matched with a geo-referenced accurate 3D Model built from layout data, OS MasterMap, and Environmental Agency LIDAR DTM (2m) data, with 3D point data used for checking horizontal and vertical alignment. Visualisations are presented as either Accurate Visual Representations (AVR) 0, 1, 2 or 3. The differences between each AVR are explained in the Landscape Institute's Technical Guidance Note 06/19. The resultant visualisations are highly accurate and therefore, the photomontages are considered to fairly demonstrate the correct positioning, scale and massing of the

ExQ	Respondent	Question	Applicant's Response
		a) Comment on the observation regarding the LVIA the accuracy of LVIA visualisations. b) Consider whether the extent of power/flexibility sought in this regard could be further refined.	development in its local and wider context including the temporary construction and operational hedgerow removals. b. In response to comments from the ExA and from other Interested Parties, the Applicant amended Article 38 of the **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]** to make it clear that the powers must be exercised in accordance with the Landscape and Environmental Management Plan approved pursuant to Requirement 7 in Schedule 2 to the DCO. In addition, Schedule 13 has been amended to make it clear that the power in Article 38 relates only to "part of" the specified hedgerows (and not the whole of each hedgerow). The Applicant has also produced Hedgerow Removal Plans providing indicative details of the hedgerows that are currently proposed to be removed temporarily to facilitate the construction of the Scheme and those that are currently proposed to be removed for the operational life of the Scheme. These plans are appended to the **Outline Landscape and Ecological Management Plan [EN0101032/EX3/WB7.3_B]**. The final Landscape and Ecological Management Plan, that is secured through Requirement 7 of Schedule 2 to the DCO, will need to set out the final details for hedgerow removal and will be approved by the relevant planning authority (or authorities).
1.8.10	Applicant	**Access and highways effects** The Applicant is asked to address the suggestion in RR and WR that the access and highways implications of the Proposed	The majority of the existing vegetation on the Sites will be retained, as is shown in ES Figures 8.18.1 **[APP-281]** to 8.18.3 **[APP-283]** that illustrate the existing vegetation and key areas of mitigation within the Scheme. The Applicant and its LVIA consultants at Lanpro have worked closely with the ecology

ExQ	Respondent	Question	Applicant's Response
		Development have not been fully considered beyond the increased levels of traffic during construction and decommissioning phases. For example, LCC set out in their LIR [REP1A-002] at Appendix B (paragraph 4.20) that the vegetations loss at access points does not appear to have been addressed.	consultant throughout the application process to inform the LVIA and associated mitigation plans. Vegetation loss to accommodate the Scheme although minimal has been taken into consideration within the LVIA where appropriate. Please see response to 1.8.9 above for detail on the Schemes intention for hedgerow retention. From a highways perspective, information on access points is set out in Section 4 of the 6.3.14.1 ES Appendix 14.1 Transport Assessment [APP-126] and Section 3 of the 6.3.14.2 ES Appendix 14.2 Construction Traffic Management Plan [APP-127] [EN010133/EX32/C6.3.14.2_B]. The most appropriate access point to each parcel of land has been identified, utilising existing field accesses where possible. Management of construction vehicle movement at the access points is set out in Section 3 and Section 7 of the 6.3.14.2 ES Appendix 14.2 Construction Traffic Management Plan [APP-127] [EN010133/EX32/C6.3.14.2_B].
1.8.11	Applicant	**Lighting** Draft NPS EN-3 sets out that lighting should be designed and installed to minimise impacts. Can the Applicant identify whether and how design parameters have sought to address. Whilst lighting is referred to in the CDPP [REP1-036], there is limited information relating to how this would be controlled, including whether lighting would be activated manually or by movement. The Applicant	During construction, lighting will be limited to that required for safe construction work during hours of darkness. Control measures to minimise impacts on people and ecological receptors are set out in Section 2.6 and Tables 3.5 of **7.1_B Outline Construction Environmental Management Plan Revision B [EN010132/EX3/WB7.1_B]**, which is secured by requirement 13 of Schedule 2 to the draft DCO **[EN0101032/EX3/WB3.1_C].** Due to the nature of the works required for the Scheme, this will likely be manually controlled or set to a pre-agreed schedule. This will be determined at the detailed design stage.

ExQ	Respondent	Question	Applicant's Response
		is asked to please provide further detail on this point.	During operation, lighting will only be required within the substation areas and within the Energy Storage site, and only required for maintenance and security purposes (as set out in paragraph 4.5.61 of **6.2.4_A Environmental Statement - Chapter 4 Scheme Description Revision A [EN010132/EX3/WB6.2.4_A]**). This will also be either manually controlled or by motion detection security lighting. This will be determined at the detailed design stage, During construction and operation, security lighting for CCTV around key infrastructure and at the site perimeters will utilise infrared light, and as such will not cause impacts to neighbouring residential or ecological receptors. Finally, details of lighting must be approved post consent by the relevant planning authorit(ies), and be in accordance with the **7.13_B Concept Design Parameters and Principles Revision B [EN0101032/EX3/WB7.13_B]** as secured by Requirement 5(1)(g) and 5(2) in Schedule 2 to **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]**.
1.8.12	Applicant	**Mitigation Measures** The ES Chapters 8 [APP-046] and 16 [APP-054] refer to embedded mitigation in the form of vegetation, including where instant screening is required. Also, if required, additional interim mitigation in the form of opaque fencing, would significantly reduce visibility. Backtracking is also a mitigation	Vegetational screening will mitigate any potential views of the reflecting panel areas – as set out in Sections 9.4 and 9.5 of **6.3.16.1 ES Appendix 16.1 Solar Photovoltaic Glint and Glare Study [APP-132]**. Interim mitigation can be implemented, if necessary, to mitigate any residual effects whilst the embedded mitigation is maturing. a) If required, the deployment of any opaque fencing will be controlled via the final Operational Environmental

ExQ	Respondent	Question	Applicant's Response
		option for tracker panels (instead of vegetation or opaque fencing). The Applicant is asked please to explain: a) the relative merits of these measures b) how would their deployment would be determined.	Management Plan (secured via Requirement 14 of the draft DCO).
1.8.13	Applicant	**Monitoring of mitigation measures** The outline Operational Environmental Management Plan [REP1-039] at table 3.5 refers to the potential impact in terms of loss of existing landscape features and the visibility of operational activities, with mitigation/enhancement measures used 'if required'. Reference is made to monitoring through the OLEMP, however, it is not clear how this would be managed. The Applicant is asked please to provide greater clarity on this matter	The Outline Landscape and Ecological Management Plan **[EN0101032/EX3/WB7.3_B]** (the 'O-LEMP') includes an outline ecological monitoring strategy at section 4.11, and will be secured under DCO Requirement 7. The principle of however, the final details for essential regular monitoring of the developing habitats will be set out within the final LEMP, based on a standardised approach. The Outline Operational Environmental Management Plan (Rev A) **[REP1-039]** sets out that monitoring and reporting will be undertaken for the duration of the operational phase in order to demonstrate the effectiveness of the measures set out in the OEMP(s) and related construction controls and allow for corrective action to be taken where necessary. The O-LEMP's intention is to address management prescriptions in order to future proof the custody of the landscape and to reflect the drivers for change that are identified in the various published character assessments. This review is secured in the O-LEMP to ensure the management of the landscape reflects the pressure for change. This is set out at paragraph 4.12.1 of the LEMP stating that

ExQ	Respondent	Question	Applicant's Response
			"The Landscape and Visual Impact Assessment (the 'LVIA') [APP-046] sets out in paragraph 8.8.2 an intention to undertake a review at Year 15 of the management prescriptions associated with the operation of the Scheme. These management prescriptions relate to the landscape mitigation and enhancement measures and the review will consider the ability of each habitat type for habitat creation and any associated management measures. This review is to address the existing management prescriptions, to consider whether any prescriptions need to be amended, changed or removed."
1.8.14	Applicant and Local Authorities	**Landscape and Ecology Management Plan** Appendix B to the OLEMP [REP1-042] refers to the operational management 'prescriptions'. These elements include work to keep hedgerows, hedgerow trees and woodland copse and shelter belts weed free for 3 years. It also refers to the replacement of dead plants in relation to hedgerows, hedgerow trees and woodland copse and shelter belts weed free ending after 5 year. The Applicant and local authorities are asked to please comment on the adequacy of these provisions.	The Management Prescription Timetable (Appendix B to the OLEMP) **[EX3/WB7.3_B]** has been prepared by the project Ecologists Clarkson & Woods. The Outline Landscape and Ecological Management Plan (OLEMP) [**EN0101032/EX3/WB7.3_B]** follows industry best practice and sets out a framework for the planting, management and monitoring of landscaping and ecological mitigation and enhancement habitats for the Scheme. Post consent it will be updated to include all final detail necessary to produce the final LEMP version. The purpose of the final LEMP document is to set out planting, management and monitoring prescriptions to be followed by, or on behalf of the undertaker, and will be approved by the relevant planning authority pursuant to the Requirement 7. The Management Prescription Timetable is considered sound and robust in relation to the Scheme.

ExQ	Respondent	Question	Applicant's Response
1.8.15	Applicant	**Viewpoints** The ES Chapter 8 [APP-046] paragraph 8.4.24 sets out that a series of representative and specific viewpoints have been used to represent the experience of different types of visual receptor, including users of Public Rights of Way (PRoW), residential properties, transport routes, heritage, and recreational sites, popular vantage points, landscape character or likely cumulative effects of the Proposed Development. a) Noting the proximity of residential receptors R055, R56 and R099 to the largest substation at West Burton 3, the Applicant is asked to please review whether the visual effects for these receptor have been fully considered. b) Noting the comments made by IPs (for example, in the WR made by 7000 Acres [REP1A-020] relating to the fact that, due to the area covered by the Proposed Development, it would be visible from sensitive receptors such as the Ridge Area of Greater Landscape Value and the	A.) As requested, the Applicant has reviewed the findings of the **LVIA [APP-046]** and for the reasons set out below confirms that the visual effects for these receptors have been fully considered. Detailed assessment sheets are contained within LVIA Appendix 8.3 Potential Visual Effects [**APP-074**] **R055** This viewpoint is representative of the detached and semi-detached 2-storey properties along the railway line and the A1500. A number of the properties face directly onto the railway line and they are all set just off the main road and the majority have hard standing adjacent to or in front of the property for vehicle parking. Wider views north from the properties encompasses a large arable field with a hedgerow along its southern boundary. Immediate views are of the railway line, glimpses of neighbouring properties and other infrastructure on individual parcels of land. There is tree cover throughout the parcels of land comprising the West Burton 3 Site and a tree belt along the western side of the railway line to the south of the main road. This existing tree cover encloses the properties and obscures much of the wider landscape. Hedgerows along the Site's northern and eastern boundary also screen views directly into the Site. Properties are located c.53m from the boundary with the West Burton 3 Site, and approximately 750m north east of the proposed substation location. The location of the substation was identified to allow it to sit within some of the lower lying landform of the West Burton 3 Site, be suitably offset from visual receptors

ExQ	Respondent	Question	Applicant's Response
		historic and internationally important Lincoln Cathedral and Castle, the Applicant is asked to please consider whether the areas of concern raised are appropriately reflected in representative/specific viewpoints.	and benefit from some immediate softening provided by the existing field boundary vegetation. The landscape proposals seek to enhance this existing vegetation with new native shelter belts and woodland to provide further screening. The substation has also been located alongside existing transmission lines that cross the West Burton 3 Site to provide some synergy with the existing energy infrastructure locally. Overall, views into Site are considered to be unlikely due to existing vegetation (particularly that along Stow Park Road) and the aspect of properties. Construction: Adverse – Short Term, Negligible (Not Significant) Operation (Year 1): Adverse – Long Term, Negligible (Not Significant) Operation (Year 15): Adverse – Long Term, Negligible (Not Significant) Decommissioning: Adverse – Short Term, Negligible (Not Significant) **R056** This viewpoint is representative of detached properties on the northern side of Stow Park Road at the north-eastern corner of the Site, both with south facing front aspects. Dwellings are located approximately 37m from the boundary of the West Burton 3 Site, and approximately 700m from the location of the proposed substation. In recognition of the proximity of this dwelling to the array site, a minimum of 50m offset has been provided from the curtilage of this property to the nearest panels. To the south of the existing

ExQ	Respondent	Question	Applicant's Response
			roadside hedgerow, a new native woodland shelter belt will be planted. As part of the mitigation for the West Burton 3 Site, vegetation and tree cover are to be reinforced within the proposed solar array, with existing hedgerows retained and reinforced with native trees. Over time, as the mitigation planting establishes, views of the solar array would become screened by the new native woodland shelter belt along the southern side of the A1500. The location of the substation was identified to allow it to sit within some of the lower lying landform of the West Burton 3 Site, be suitably offset from visual receptors and benefit from some immediate softening provided by the existing field boundary vegetation. The landscape proposals seek to enhance this existing vegetation with new native shelter belts and woodland to provide further screening. The substation has also been located alongside existing transmission lines that cross the Site, to provide some synergy with the existing energy infrastructure locally. Construction: Adverse – Short Term, Moderate – Major (**Significant**) Operation (Year 1): Adverse – Long Term, Moderate – Major (**Significant**) Operation (Year 15): Adverse – Long Term, Minor – Moderate (Not Significant) Decommissioning: Adverse – Short Term, Minor – Moderate (Not Significant) **R099** This viewpoint is representative of the detached properties set to the east and west of the railway line that runs on a south-

ExQ	Respondent	Question	Applicant's Response
			east/north-west axis through the West Burton 3 Site. The properties have adjacent farm buildings. Arable fields and pastoral fields provide an offset between the properties and the Site, with vegetated field boundaries providing screening. The dwellings are located approximately 116m from the nearest boundary to the West Burton 3 Site, and approximately 500m from the proposed location of the new substation. Marton Moor Farm has scattered tree cover along all of its boundaries, offering a degree of screening to the wider landscape. A pastoral field separates Home Farm from the Site and is heavily vegetated on its western and southern boundary, screening views of the Site. There is no tree cover adjacent to the property. A local road runs to the west of Home Farm as well as the vegetated railway line bank. Overall views of the Site are possible but existing vegetation screens much of the direct views. Views of the solar array in the West Burton 3 Site are possible from these properties, however, this will have little effect to the overall composition of the landscape due to the Site occupying a small portion of the views. Construction: Adverse – Short Term, Minor – Moderate (not significant) Operation (Year 1): Adverse – Long Term, Minor – Moderate (not significant) Operation (Year 15): Adverse – Long Term, Negligible (not significant) Decommissioning: Adverse- Short Term, Negligible (not significant) B.)

ExQ	Respondent	Question	Applicant's Response
			The location of representative viewpoints and the Accurate Visual Representations (AVR) type of each individual photomontage prepared were agreed with LCC at a series of workshops as set out in **6.3.8.4 Environmental Statement - Appendix 8.4 Consultation [APP-075].** These viewpoint locations were agreed to be appropriate to provide sufficient context to and understanding of any potential visual effects associated with the development. The effects on the Ridge AGLV when viewed across the low-lying Till Vale associated with the sub-stations, panels and associated infrastructure such as fencing and cameras, and substation and battery storage have been taken into consideration in the assessment of both landscape and visual effects. The LVIA includes a suite of viewpoints that cover long range views across the Till Vale encompassing the big expansive skies, for example viewpoints VP12, VP15, VP16 and VP35. There are also additional viewpoints that were added into the assessment at the request of Lincolnshire County Council that were agreed at the LVIA Workshops held prior to submission that also include these long-range views, for example LCC-A from the ridgeline to the east and LCC-J from the wider Trent valley to the west. The visual effects for the long-range views are set out in 6.3.8.3 ES Appendix 8.3 Assessment of Potential Visual Effects **[APP-074].** Response 7A-20 of the Applicants Responses to Relevant Representations **[Rep1-050]** sets out how the LVIA has taken account of intervisibility between the Scheme and Lincoln Castle and Lincoln Cathedral.

ExQ	Respondent	Question	Applicant's Response
1.8.16	Applicant	**Viewpoint 26** The Applicant is asked to please review and if necessary correct Figure 8.13.26 [APP-219] relating to Viewpoint 26 relating to Winter AVR3 (Year 15), noting that this does not appear to be a winter view.	The Applicant has reviewed Viewpoint 26 (Figure 8.13.26a) **[APP-219]** and can confirm that photography was undertaken between 15th to the 19th November 2021 following leaf drop on both trees and hedgerows and is therefore considered representative of a Winter View. There is however a typo on figures 8.13.26e which incorrectly states Winter, and should read Summer. Figure 8.13.26b **[APP-219]** depict Summer Views for viewpoint 26, with Leaves clearly visible on trees and hedgerows.
1.8.17	Applicant	**Viewpoint LCC-C-M (Viewpoint 70)** This viewpoint [APP-265] is positioned to the east of Work Package 3c (400kV substation with height parameter up to 13.2m, control building, monitoring equipment etc). The Applicant is asked to please review the infrastructure model view to the west, and the associated AVR (Accurate Visual Representations). Are these fully representative of this view? The Applicant is also asked to please give consideration to how the scale of the substation could be better represented within its context.	The Scheme utilised a photography and visualisation team comprised of leading photography and visualisation specialists from across the UK. Co-ordinated by Lanpro and led by Mike Spence of MSE who was a key technical author of the Landscape Institute's TGN 06/19 on visualisation of development proposals. The photomontage work undertaken for the project has followed recognised best practice 'Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) by the Landscape Institute and Institute of Environmental Management & Assessment and the Landscape Institute's guidance 'Visual Representation of Development Proposals Technical Guidance Note 06/19 (TGN 06/19)'. The photomontages produced comprise of a series of overlapping single frame 50mm photographs taken from a surveyed position using Global Navigation Satellite System (GNSS) equipment to achieve a locational accuracy down to 1cm in eastings, northings and height. These overlapping images were cylindrically re-projected to ensure consistent geometry was achieved. The camera equipment used and technical methodology followed is set out within ES Appendix 8.1.5 **[APP-147 - APP-149]** in detail. The survey verified photography was then matched with a geo-

ExQ	Respondent	Question	Applicant's Response
			referenced accurate 3D Model built from layout data, OS MasterMap, and Environmental Agency LIDAR DTM (2m) data, with 3D point data used for checking horizontal and vertical alignment. Visualisations are presented as either Accurate Visual Representations (AVR) 0, 1, 2 or 3. The differences between each AVR are explained in the Landscape Institute's Technical Guidance Note 06/19. The resultant visualisations are highly accurate and therefore, the photomontages are considered to fairly demonstrate the correct positioning, scale and massing of the development in its local and wider context. Please refer to the Technical Methodology accompanying the Viewpoint Photomontages for further information **[APP-147 - APP-149]**. The location of Viewpoint 70 (LCC-C-M) [APP-263] was requested through consultation with LCC **[APP/C6.3.8.4]**. and has been produced following the LI TGN 06-19 Guidance to AVR Level 3 standards. This is a fully rendered photomontage, usually photo-realistic with texture, shading and reflections as appropriate and as such is considered fully representative of views from this location and an accurate representation of the substation (including its scale, materiality, shading etc) within its context.
1.8.18	Applicant	**Glint and Glare Assessment** The ES Chapter 16 [APP-054] sets out at paragraph 16.7.3 the view that panel's frame and structure can also be a source of glare it is unlikely that will be visible.	The frame compared to the face of panel is a significantly smaller area. The Applicant's glint and glare consultants, Pager Power, are not aware of any glint and glare effects resulting from solar panel frames. This conclusion has been reached through the exercise of professional judgement, which includes completing over 1,200

ExQ	Respondent	Question	Applicant's Response
		Furthermore, their total potentially reflective surface is much smaller when compared to the total panel area their area. Therefore, no assessment is required. The Applicant is asked to please provide further justification of this position, noting the reference to the fact that the potential for solar PV panels, frames and supports to have a combined reflective quality may need to be assessed in dNPS EN-3 at paragraph 2.10.106.	studies of glint and glare effects, and extensive experience of NSIP projects. The Applicant is therefore of the view that the glint and glare assessment has been undertaken in accordance with paragraph 2.10.106 of NPS EN-3 (November 2023), and notes that this paragraph does state that "*the glint and glare of the frames and supports is likely to be significantly less than the panels*."
1.8.19	Applicant	**Cumulative Assessment: landscape** The ExA notes that in relation to the West Burton Solar Project, no significant cumulative landscape effects have been identified at any phases of the development for the national, regional or local landscape character areas identified in the baseline. However, the Joint Report on Interrelationships [REP1-057] refers to cumulative moderate adverse effect between the Gate Burton Solar Project and the West Burton Solar Project during operation. Can the Applicant please explain the nature of the adverse effect identified and also why adverse effects	The assessments reported in the Environmental Statements for West Burton and Gate Burton have been undertaken independently. Appendix E of the updated 8.1.9_B Joint Report on Interrelationships between Nationally Significant Infrastructure Projects Revision B **[REP2-010]** summarises the respective findings of the two assessments. The Environmental Impact Assessments for each of the Schemes have been undertaken independently, and different impact assessments can reach different conclusions. The difference in the conclusions on cumulative effects is covered in the WB8.1.9_B Joint Report on the Interrelationships with other National Infrastructure Projects (Revision B) [REP2-010] and includes a review of cumulative impacts at Appendix E, based on expert specific methodologies which reach conclusions that are unique to each

ExQ	Respondent	Question	Applicant's Response
		have not been identified for both Proposed Developments.	topic. In relation to the comment regarding the cumulative landscape assessments for the Scheme and Gate Burton Energy Park Project, please also see the Applicant's response to First Written Questions 1.8.19 in the Applicant's Response to the First Written Questions [EN010132/EX3/WB8.1.21]. The difference in opinion also rests on five key areas relating to the starting points for both sites as follows: 1. **Landscape Value:** Gate Burton is host to the Area of Greater Landscape Value (AGLV). West Burton is not host to an AGLV and is also a series of disparate sites that are separated with tracts of land and with landscape features between that assist with integration. 2. **National Policy Statements:** Both assessments are based on published landscape character assessments (dated 1999 and 2010). These assessments take account of forces for change that are likely to have a bearing on the value, susceptibility and sensitivity of the landscape but do not take full account of the current position on climate change and the delivery of energy projects and also the capacity of the receiving landscape to integrate these projects. Please refer to Draft NPS (EN-3) on the approach to assessing overall cumulative impacts at paragraph 2.51.2 that sets out how solar projects are likely to be in low-lying areas of good enclosure. In the context of West Burton, this would refer to landscape character types such as 4a Unwooded Vales. Please also refer draft NPS (EN-5) which places emphasis on sub-stations and other above

ExQ	Respondent	Question	Applicant's Response
			ground installations to draw out the implications of their footprint in the context of landscape and visual effects. The Applicant has adjusted their assessment to make allowances for these factors in reaching conclusions on the sensitivity and the capacity of the landscape to adapt to climate change and how this is strongly dependent of mitigation to bring forward beneficial effects and help improve the capacity of the receiving landscape to absorb the Scheme (based on professional experience). 3. **GLVIA3:** The measures to avoid or reduce the adverse effects at Gate Burton are shown to be not possible or are not able to promote beneficial effects by the author of the LVIA. The Applicant has reached a difference of opinion and consider this is a result of their baseline scenario which differs from West Burton due to point 1 above. The Applicant's difference of opinion is also set in the context of green infrastructure benefits that are derived in the context of Bio-diversity Opportunity Mapping (BOM). 4. **Professional Opinion:** The author of the West Burton assessment has extensive experience in the design of large-scale infrastructure projects and associated mitigation required to bring these forward through the planning system. The mitigation for West Burton is also practicable and deliverable, that it can be secured through Requirement 7 of the DCO and that mitigation measures will also be updated at Year 15 to take account of changes to the landscape. The author of the West Burton

ExQ	Respondent	Question	Applicant's Response
			assessment also has extensive experience in the landscape planning sector. 5. **Published Landscape Character Assessment and other guidance:** The Applicant has incorporated material within the baseline to take account of green infrastructure planning and biodiversity net gain in the context of climate change. This also takes account of the Trent Vale Landscape Partnership Landscape Character Assessment that sets out for example: "TVP Three: Industrial Restored Vale: '*mineral extraction fundamentally changes the nature of the landscape in which it operates, whereas power production, with the exception of the footprint of the buildings and the cooling towers, is 'overlaid' on the landscape."* Cumulative landscape and visual effects relating to the Cumulative Developments have been considered at section 8.10 of the LVIA **[APP-046]**. The cumulative assessment has been i undertaken in accordance with **6.3.8.1 Environmental Statement - Appendix 8.1 LVIA Methodology [APP-072]** that was agreed with LCC at the series of workshops as set out in **6.3.8.4 Environmental Statement - Appendix 8.4 Consultation [APP-075].** The cumulative assessment is based on the additional changes caused by the Scheme in combination with other similar developments. This includes schemes with planning consent and schemes that are subject of a validated planning application that has not yet been determined. As set out within the Cumulative Assessment

ExQ	Respondent	Question	Applicant's Response
			Methodology this includes three other solar projects; Cottam Solar Project; Gate Burton Energy Park and Tillbridge Solar. The Cumulative Assessment identifies there to be an Adverse impact on the following landscape receptors: • RLCT 3a Floodplain Valleys (Construction: Negligible Adverse – Not Significant). • BLCA LCT Trent Washlands (individual Policy Zones TWPZ21, TWPZ22, TWPZ23, TWPZ24 and TWPZ48) (Construction: Negligible Adverse – Not Significant). • Land Use (Construction: Minor Adverse – Not Significant). • Nationally and Locally Designated Landscape (construction, operation (year 1 and year 15) and decommissioning: Negligible Adverse – Not Significant). More detail is provided within **6.3.8.2 Environmental Statement - Appendix 8.2 Assessment of Potential Landscape Effects [APP-073], 6.3.8.3 Environmental Statement - Appendix 8.3 Assessment of Potential Visual Effects [APP-074] and within the Supplementary Landscape Effect Tables [REP1-058] and the Supplementary Visual Effects Tables [REP1-059]**.
1.8.20	Applicant	**Cumulative Assessment: Visual** The ExA notes that no significant cumulative effects with other developments were identified at any phases of the development for visual	Cumulative visual effects relating to the Cumulative Developments have been considered at section 8.10 of the LVIA **[APP-046]**. Cumulative Developments considered within the assessment of Cumulative Effects are set out in Para 8.10.8 of the LVIA. The cumulative assessment has been undertaken in accordance with **6.3.8.1 Environmental Statement - Appendix 8.1 LVIA Methodology [APP-072]** that was agreed with LCC at the series of workshops as set out in **6.3.8.4 Environmental Statement -**

ExQ	Respondent	Question	Applicant's Response
		receptors. With reference to sequential effects, the Applicant is asked to please: a) set out where the effects of travelling through local routes, including for example rail travel between Lincoln and Gainsborough, have been considered? b) If they have not been considered, why not?	**Appendix 8.4 Consultation [APP-075].** The cumulative assessment is based on the additional changes caused by the Scheme in combination with other similar developments. This includes schemes with planning consent and schemes that are subject of a validated planning application that has not yet been determined. As set out within the Cumulative Assessment Methodology this includes three other solar projects; Cottam Solar Project; Gate Burton Energy Park and Tillbridge Solar. The effects of travelling through local routes are considered throughout the visual assessment within the cumulative effects assessment in section 8.10 of Chapter 8 of the ES **[APP-046]**. This has considered both the in combination and sequential visibility of the Cumulative Developments. This included users of the Northern Railway traveling between Saxilby and Gainsborough, see Transport Receptor T058 **[APP-074]**. The cumulative effects assessment identifies there to be an Aadverse impact on the following visual receptors: • Viewpoint LCC-A - Middle Street (construction, operation (year 1 and year 15) and decommissioning: Negligible Adverse (Not Significant)). • Viewpoint VP15 – Till Bridge Lane and Middle Street(construction, operation (year 1 and year 15) and decommissioning: Negligible Adverse (Not Significant)). • Transport Receptor – T005 / Lincoln Lane - between Tillbridge Lane & Church Lane (construction, operation (year 1): Negligible Adverse (Not Significant)). • Transport Receptor – T058 / Northern Railway - Saxilby to Gainsborough (construction, operation (year 1 and year

ExQ	Respondent	Question	Applicant's Response
			15) and decommissioning: Minor Adverse (Not Significant)). More detail is provided within **6.3.8.2 Environmental Statement - Appendix 8.2 Assessment of Potential Landscape Effects [APP-073], 6.3.8.3 Environmental Statement - Appendix 8.3 Assessment of Potential Visual Effects [APP-074] and within the Supplementary Landscape Effect Tables [REP1-058] and the Supplementary Visual Effects Tables [REP1-059]**.
1.8.21	Applicant	**Cumulative Assessment: Non-Visual** The Applicant is asked to please comment on: a) whether or not the cumulative assessment looked at non-visual impacts on the residential or other receptors, such as those from noise or dust, and b) If not, why this is not considered to be necessary.	Landscape and Visual Impact Assessment (LVIA) is a tool used to identify and assess the significance of and the effects of change resulting from development on both the landscape as an environmental resource in its own right and on people's views and visual amenity. Consideration of matters beyond this would be outside of a Landscape Architects professional remit, and so it would be wrong for a Landscape Architect to comment on such matters. As such, cumulative effects related to non-visual impacts on residential or other receptors are included as relevant in each of the **ES Chapters 7-21 [APP-046** to **APP-061, REP1-012]**.

10 Need, the electricity generated and climate change

ExQ	Respondent	Question	Applicant's Response
1.9.1	Applicant and Interested Parties	**Recent Government publications and consultations** Can the Applicant and IPs comment on the implications for their cases of the most recent Government publications including: • 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 Skidmore Review, Review of Net Zero, published in January 2023. Please specify what weight should be given to these documents.	The Applicant considers that both of these documents are likely to be important and relevant matters under s.105(2)(c) Planning Act 2008 as they set out the importance of solar energy in securing UK government policy goals. **Mission Zero (the Independent Review of Net Zero by Rt Hon Chris Skidmore MP)** Mission Zero was published in January 2023 by the Net Zero Review Chair . The report was commissioned to ask how the UK can deliver on its net zero targets in a manner that was more affordable, more efficient, and in a pro-business and pro-enterprise way. Mission Zero recognises the importance of taking action on net zero. It also recognises the fact that the energy transition is a new economic reality, particularly amid the energy security crisis and rising gas and fossil fuel prices in 2022. Mission Zero reconfirms the global importance of the UK's commitment to achieve net zero and makes recommendations which should be taken forwards now, alongside other wider recommendations. It states that the UK should be proud of the steps it has taken so far to achieve net zero, and that climate change and the economy are intertwined. The UK must however move quickly, not only to protect and secure delivery of our national climate commitments but also deliver the economic benefits of moving away from a carbon economy.

ExQ	Respondent	Question	Applicant's Response
			The review finds that *"The benefits of net zero will outweigh the costs"* and believes that *"This is too important to get wrong"* [p8]. Mission Zero makes the following recommendations which are relevant to the growing need for large-scale ground mount solar to be deployed in the UK: Priority Mission no. 2: *"Full-scale deployment of solar including a rooftop revolution to harness one of the cheapest forms of energy, increase our energy independence and deliver up to 70GW of British solar generation by 2035"*, the Applicant notes that the inclusion of a rooftop revolution does not preclude other locations for deployment of solar panels from contributing to the capacity ambition, as confirmed in Powering Up Britain Security Plan (see following) Priority Mission no. 8: *"Working towards gas free homes by 2035* [or earlier]" and Recommendation 1 is to set a legislative target for gas-free homes and appliances Recommendation 15 is the swift delivery of Zero Emissions Vehicles and the ZEV mandate to apply from 2024. Priority Mission 8 and Recommendations 1 and 15 add weight to the argument for rollout of solar and other renewable generation to meet the growing demand which will arise from their delivery. Priority Mission no. 9 is to *"Embed nature and habitat restoration … maximising co-benefits for climate and nature wherever possible."* Ground mount solar can deliver on this Priority Mission through delivering biodiversity net gain as a result of development.

ExQ	Respondent	Question	Applicant's Response
			Recommendation 11 is to *"Set up taskforce and deployment roadmaps in 2023 for solar to reach up to 70GW by 2035."* This Recommendation recognises that the current pipeline for solar projects in the UK, and the most ambitious industry projections for solar deployment, are not yet of sufficient scale to meet the Government's ambition without undue levels of risk associated with the deployment of other technologies. Mission Zero recognises the importance of local action and local plans to the achievement of net zero. People and places must be empowered to deliver net zero through a full alignment on a local level with a net zero future through the introduction of a 'net zero test'. All local authorities will be required to play their part in achieving carbon neutrality in the future. Ground-mounted solar (at both Nationally Significant infrastructure and local planning authority scale) is a leading deliverable low-carbon generation technology which will enable local authorities to deliver against plans to decarbonize on a local level. **Powering Up Britain** The UK Government's Powering Up Britain Strategy, Powering Up Britain: Energy Security Plan and Powering Up Britain: Net Zero Growth Plan sets out how the UK will achieve energy security, promote green growth and meet its net zero targets. Powering Up Britain was published in March 2023 to present the most up to date information on the Government's energy strategy, explaining "how the Government will enhance our country's energy

ExQ	Respondent	Question	Applicant's Response
			security, seize the economic opportunities of the transition [to renewables], and deliver on our net zero commitments" [p6], and observes that *"The [Mission Zero] Review was unequivocal in its assessment that the plan set out in the Net Zero Strategy was the right one, whilst providing recommendations to strengthen delivery."* [p16] Powering Up Britain reaches the conclusion that *"We need investment at scale … to rapidly rollout existing technologies … at pace to meet our ambitions for decarbonising power and [lower] wholesale UK electricity prices."* [p9] and observes that *"a significant proportion of technologies we will need for 2050 are currently at the demonstration or prototype phase"* [p9]. This implies that while we should continue to strive for innovation, waiting for novel technologies to deliver comes with risk (as some technologies may not deliver) and therefore the Government's strategy to deliver a rapid rollout of existing technologies while continuing to invest in new technologies is of critical importance in the fight against climate change. The Applicant considers this point to be of utmost significance to the examination of the Scheme. Powering Up Britain recognises the huge potential solar generation can have in decarbonisation. Large-scale ground-mounted solar is a mature technology which is capable of delivering a reliable and rapid rollout once projects are consented, and is one of the cheapest forms of electricity generation is readily deployable at scale. Powering Up Britain emphasises the need to maximise the deployment of ground-mounted solar. The strategy (pages 37-38) states that the *"Government seeks large scale solar deployment across*

ExQ	Respondent	Question	Applicant's Response
			the UK, looking for development mainly on brownfield, industrial and low/medium grade agricultural land. The Government will therefore not be making changes to categories of agricultural land in ways that might constrain solar deployment". The clarification makes it clear that there is no intention to change the definitions of BMV land and also states that it expects solar developments to take place on low/medium grade agricultural land. Powering Up Britain therefore includes an acceleration in the deployment of renewables as an action which is critical to the delivery of Government's plans. Powering Up Britain's Energy Security Plan provides clarity on how the Government anticipates its ambition of 70GW of solar by 2035 will be met. P37 of the plan is clear that *"The UK has huge deployment potential for solar power, and we are aiming for 70 gigawatts of ground and rooftop capacity together by 2035"*. While rooftop solar "remains a key priority for the Government", it is also recognised that *"Ground-mounted solar is one of the cheapest forms of electricity generation and is readily deployable at scale. The Government seeks large scale ground-mount solar deployment across the UK*". Both of these documents are consistent with the Applicant's position that both rooftop and ground-mount solar are required to be deployed with urgency and are not considered as substitutes for each other. The Applicant therefore proposes that these documents should be given weight.

ExQ	Respondent	Question	Applicant's Response
			However, the Applicant notes that the latest Government policy on renewable energy, including large scale solar, is set out in NPS EN-1 and EN-3 (November 2023) and considers that these documents should be given greater weight.
1.9.2	Applicant	**Climate Change Assessment** Paragraph 7.8.28 of ES Chapter 7: Climate Change [APP-045] states that it is assumed the half of the construction materials would come from China and half would come from Europe. However, paragraph 7.5.4 states that the PV panels are expected to be sourced from China (or a country of similar distance to the UK). a) Can the Applicant please comment on what basis the above 50:50 China: Europe split assumption is made? b) Would PV Panels account for more than 50% of construction materials?	a) The assumption of the 50:50 split is based on a reasonable assumption of the production of all materials to be used on site. While it is expected that the solar panels to be used will be manufactured in China, more local materials will be used wherever possible including for example the mounting materials. This has resulted in the assumption used for the purpose of completing the Greenhouse Gas calculations and is considered reasonable. b) Within the GHG calculations, estimated weights of materials have been used to help inform the associated emissions and embodied carbon. The PV panels and associated mounting account have been calculated to be a total of 47,860 tonnes. As a percentage of the total of the other assessed construction materials (e.g. batteries, cables, packaging etc.) this accounts for 71% of the materials to be used on site. Note that this does not include for any water usage or earth movements.
1.9.3	Applicant	**Embodied Carbon** The ES Chapter 7 : Climate Change [APP-045] states that manufacture and transport of products will likely be the largest sources of greenhouse gas (GHG) emissions from the Scheme (paragraph 7.5.4). Later, there is a reference to the	a) The assumption has been that the same amount of emissions will be generated during decommissioning as during construction phase with regards to road transport. There has been no assessment of emissions for the returning of land to agricultural use given the uncertainty of GHG assessment so far into the future. b) During the operational phase, the assessment within **ES Chapter 7 - Climate Change [APP-045]** considers the offset of generating

ExQ	Respondent	Question	Applicant's Response
		manufacture and supply of PV panels and Batteries will be the largest source of GHG emissions during construction phase (paragraph 7.8.41). It is suggested that overall the scheme would provide major beneficial impacts and a net reduction in GHG (paragraph 7.12.2) The Applicant is asked to please set out: a) whether and how amount of embodied carbon in all phases of the Proposed Development, including decommissioning and returning the land to agricultural use, has been considered. b) what weight is given to embodied carbon at the various stages of the scheme?	electricity by renewable sources from the development compared with the GHG emissions from embodied carbon which has been associated with the construction phase. This assessment shows that the embodied carbon emissions generated will be offset within 4 years of the development being operational.
1.9.4	Applicant and IPs	**Statement of Need** The ExA notes that since the Applicant prepared its Statement of Need [APP-320], the Government published its response to the consultation comments on the dNPS, updated the dNPS documents and published its blueprint for the future of energy in the UK 'Powering Up Britain'.	The Applicant refers to its response to FWQ1.1 in relation to the NPS EN-1 and EN-3 (November 2023) and refers to its response to FWQ 1.9.1 in relation to Powering Up Britain.

ExQ	Respondent	Question	Applicant's Response
		The Applicant and all IPs are invited to comment on the implications of these documents on the Applicant's needs case.	
1.9.5	/Applicant	**Details of the BESS** The ES Chapter 4 [APP-042] paragraph 4.5.27 sets out that in terms of battery storage, the precise number of individual battery storage containers will depend upon the level of power capacity and duration of energy storage that the Scheme will require. As far as is possible at this stage, the Applicant is asked to please provide further details of: a) The total power of the BESS (rated in megawatts); b) The storage capacity and duration of storage (rated in megawatt hours); c) How the PV cells will be connected to the BESS; and, d) The energy balancing role of the BESS.	For parts a) and b) The Applicant refers to its answer to FWQ1.1.6 (d), specifically that the size of the import and export connection to the National Grid, which is invariant in relation to the capacity of solar generation installed 'behind' the connection, is a key factor in determining the power capacity of the BESS to be installed at the Scheme. The energy capacity of the Scheme will be limited by the physical characteristics which define the Rochdale envelope within which the Scheme is being assessed. Paragraph 11.5.1 of **7.11 Statement of Need [APP-320]** clarifies that the size of the MW import connection at the Scheme is 20MW, therefore the power capacity of the Scheme is likely to be 20MW and no greater. The Applicant also refers to its answer to 1.1.12, specifically its view that the consent process should not impart any conflicting or arbitrary caps on either energy or power capacity of an installed storage facility, those parameters being constrained by other characteristics which limit the size of the scheme for environmental rather than functional reasons. c) The PV cells can charge the battery via on-site cabling. The electricity generated by the PV cells and battery storage will need to pass via West Burton 3 substation in order to transform the voltage up to 400kV before being exported to the NETS, as stated in paragraph 3.1.1 of **7.7 Grid Connection Statement [APP-316].** A 20MW element of the Solar PV system will connect at the same electrical position as the 20MW BESS. This combined scheme would

ExQ	Respondent	Question	Applicant's Response
			be arranged to provide a more consistent level of generation over a 24hr period by scheduling BESS export (generation) during periods when the solar output is low or unavailable. The generation elements of both cannot export (generate) at the same time due to rating constraints. This would be catered for and controlled by the Energy Management System (EMS) contained within the conversion units, as described in paragraph 4.5.26 of **6.2.4 ES Chapter 4 Scheme Description [APP-042].** d) The Applicant refers to its response to FWQ 1.1.12 in relation to the energy balancing role of the proposed BESS.
1.9.6	Applicant	**Co-Location of BESS and Grid Connection** Please can the Applicant a) confirm whether or not all BESS could be co-located with the grid connection point (at West Burton Power Station). b) If it is possible to co-locate BESS at the grid connection point, why has the Applicant not opted to site BESS elsewhere?	a) and b) Installing BESS at West Burton Power Station as opposed to on one of the same sites as the solar panels would be electrically possible but would require an agreement with the landowners at West Burton Power Station to use an area of land within their ownership. This was not sought as the Power Station site is relatively constrained, with the landowners having their own future plans for redevelopment. An alternative could have been to site the BESS within land close to the Power Station. This option was investigated, and the Scheme design consulted upon at Phase 2 (statutory consultation) included a potential BESS and substation area sited on agricultural land a short distance to the west of West Burton Power Station. The reason for this site's existence was to enable electricity from West Burton 1, 2 and 3 sites to join up with electricity from West Burton 4 to make one single power circuit, once all was transformed to the 400kV voltage required to connect to National Grid. Once the West Burton 4 site was removed from the Scheme, there was subsequently no requirement for a

ExQ	Respondent	Question	Applicant's Response
			separate substation site to combine electricity coming from separate geographical locations. The Scheme was instead then redesigned to co-locate the 400kV substation and BESS within one of the solar sites, at West Burton 3. Co-locating the BESS with the solar panels has the advantage that the same transformer capacity can be used for the two different sources of generation due to the mutually exclusive nature of solar and BESS generation. The system is arranged such that the mix of solar and BESS generation (and how they operate together) cannot exceed the ratings of the installed transformer capacity. Connecting the largest generation sources closest to the 400KV point of connection at West Burton 3 (and then through to National Grid) is the most efficient design minimising losses and allowing for best utilisation of costly transmission plant, switchgear and transformers.
1.9.8	Applicant	**Policy case for further development of large-scale ground mounted solar** Various RRs including 7000 Acres [RR-001] state that there is no policy case for further development of large scale ground mounted solar. Please can the Applicant respond to this in light of paragraph 3.3.58 of dNPS EN-1.	Paragraph 3.3.60 of NPS EN-1 (November 2023) includes solar as a known generation technology that is included within the scope of the NPS (and would be classed as an NSIP if above 50MW capacity), and Paragraph 3.3.61 of NPS EN-1 (November 2023) states that *"The need for all these types of infrastructure [meaning those listed in 3.3.60] is established by this NPS and a combination of many or all of them is urgently required for both energy security and Net Zero, as set out above."* **7.11 Statement of Need [APP-320]** describes why solar was excluded from the (current) 2011 NPSs and describes that due to continued technological development and cost reduction, solar is

ExQ	Respondent	Question	Applicant's Response
			now technically and economically feasible at the NSIP scale. The Government's Energy White Paper (2020) describes that the future electricity generation system is likely to comprise mainly wind and solar assets. The British Energy Security Strategy (2022) states an ambition for 70GW of operational solar capacity by 2035, and Powering Up Britain's Energy Security Plan (2023) provides clarity on how the Government anticipates its ambition of 70GW of solar by 2035 will be met. Page 37 of that plan is clear that *"The UK has huge deployment potential for solar power, and we are aiming for 70 gigawatts of ground and rooftop capacity together by 2035". While rooftop solar "remains a key priority for the Government"*, it is also recognised that *"Ground-mounted solar is one of the cheapest forms of electricity generation and is readily deployable at scale. The Government seeks large scale ground-mount solar deployment across the UK".* **7.11 Statement of Need** concludes, at Paragraph 12.1.3 (summarised below) that: • Large-scale solar generation is essential to support the urgent decarbonisation of the GB electricity sector. Large-scale solar is important not only to reduce power-related carbon emissions, but also to provide a timely next step contribution to a future generation portfolio which is capable of supporting the electrification and therefore decarbonisation of transport, heat and industrial demand. • As part of a diverse generation mix, solar generation contributes to improve the stability of capacity utilisations among renewable generators. When developed alongside

ExQ	Respondent	Question	Applicant's Response
			other renewable technologies, large-scale solar will smooth out seasonal variations in total GB renewable generation, more closely matching anticipated seasonal levels of demand. • Other conventional low-carbon generation (e.g. tidal, nuclear or conventional carbon with CCUS) remain important contributors to achieving the 2050 Net Zero obligation, but their contributions in the important 2020s will be very low. • By being connected at the transmission system level, large-scale solar generation can and will play an important role in the resilience of the GB electricity system from an adequacy and system operation perspective. • Large-scale solar generation also supports security of supply by helping reduce the national dependency on imported hydrocarbon source fuels, e.g. coal and gas. • The cost of solar generation is already super-competitive against the cost of other forms of conventional and low-carbon generation, both in GB and more widely. • Internationally, and importantly for GB in this regard, is the ongoing trend of solar generation assets becoming larger and more affordable, each subsequent project providing a real-life demonstration that solar schemes of similar size and scale as the Scheme can be developed in GB. The

ExQ	Respondent	Question	Applicant's Response
			development of such schemes will provide decarbonisation and commercial benefits to consumers. • Single large-scale solar schemes deliver more quickly and at a lower unit cost than multiple independent schemes which make up the same total capacity, bringing forward carbon reductions and more affordable electricity, in line with government policy. The need case for large-scale solar is clear and the policy support accorded to large-scale solar reflects that need.
1.9.9	Applicant and IPs	**Productivity/ Efficiency of PV Panels** There appears to be disagreement as to the increase in productivity/efficiency of PV Panels which track sun movement, and those which are fixed. Please can the Applicant confirm the likely increased productivity of tracked PV Panels compared to fixed PV Panels, citing any appropriate evidence. IPs may, optionally, provide comment or evidence as to the level of productivity enhancement between fixed and tracked.	The efficiency of a solar panel is a measure of how much of the energy contained in the sunlight incident on a panel is converted into electrical energy. The annual output of a Scheme is dependent on the choice of panel, how many panels the Scheme comprises, how they are mounted (fixed vs. tracker), where the Scheme is located and the weather, and other factors. If a PV Panel was mounted on a fixed table its efficiency would be the same as it would be if it was mounted on a tracker mechanism. However, because tracker mechanisms rotate so that they are facing the sun through daylight hours, a panel mounted on a tracker mechanism will generate more electricity per year than would a fixed panel. Satellite data (e.g. sourced from the European free-source PVGIS system) shows that tracker panels generate approximately 15% more energy per year than the same panel on a fixed mounting in the same location. In 'load factor' terms, a fixed panel will achieve 11.5% while tracker panels will achieve over 13%. However tracker

ExQ	Respondent	Question	Applicant's Response
			panels take approximately 10% more land than fixed panels to allow for movement, therefore tracker panels generate approximately 5% more energy per year per acre than fixed panels in the same location. Because tracker panels track the sun, they also generate more power in the early mornings and late evenings than fixed panels.
1.9.10	Applicant	**Replacement of PV Panels** Paragraph 7.8.52 of Chapter 7: Climate Change [APP-045] assumes that 0.04% of panels will need replacing every year based on supplier input. Please can the Applicant confirm supplier input on expected life of each PV Panel, including effective life and at what point a panel may become uneconomical. Please also respond to the following queries: a) Is the 0.04% p.a. replacement rate a reasonable worst-case scenario? b) Is it based on a 40-year lifespan? If so, what may be a replacement rate over 60 years? c) Should the GHG emissions be based on a higher replacement rate?	The Applicant acknowledges that the quoted 0.04% per annum failure rate paragraph 7.8.52 of ES Chapter 7: Climate Change **[APP-045]** is a typographical error. This error was corrected at Deadline 1 to 0.4% (see para. 7.8.52 of ES Chapter 7: Climate Change Revision A **[REP1-012]**). The Applicant clarifies that this is solely a typographical error, and that the correct figure of a 0.4% per annum solar panel failure/replacement rate has been used to calculate the predicted GHG emissions and predicted waste arisings in all versions of ES Chapter 7: Climate Change **[APP-045]** and **[REP1-012]**, and ES Chapter 20: Waste **[APP-058]**. Discussions with panel manufacturers have confirmed that they typically provide warranties on the linear power output of the panels for 30 years. This does not mean that the panels would not be effective after 30 years, only that the power output would no longer be under warranty from the manufacturer. The effective life of a solar panel is not certain owing to the first solar developments not yet having reached the end of their expected life, but it is expected to be at least 40 years. The Scheme is expected to be economical for at least that time period, and potentially beyond, and it is for this reason that Requirement 21 of the **draft Development Consent Order Revision C**

ExQ	Respondent	Question	Applicant's Response
			[EN010132/EX3/WB3.1_C] allows for up to a 60 year lifespan for the Scheme. Part a) A 0.4% per annum failure/replacement rate has been used in the ES and was provided to the Applicant by an accredited EPC contractor. As such, the Applicant deems this to be a reasonable worst-case scenario. Part b) A 0.4% per annum failure/replacement rate is anticipated to be broadly consistent over a 40-year or 60-year operational lifetime for the Scheme. Therefore, the difference between a 40-year and 60-year operational lifetime does not impact on the methodology for calculating annual GHG emissions or waste arisings. Part c) GHG emissions for replacement solar panels have been calculated on the basis of a 0.4% per annum failure/replacement rate, being a reasonable worst-case scenario.
1.9.11	Applicant	Energy generation Chapter 7 [APP-045] paragraph 7.8.61 sets out a total energy generation figure of around 21,956,988 MWh over the estimated 40-year assessed lifetime. The Applicant is asked to update this figure in	The same calculation for a 60 year timeframe compared to 40 years would be 31,425,614 MWh.

ExQ	Respondent	Question	Applicant's Response
		the light of the updated 60-year decommissioning date.	

11 Noise, Vibration and Air Quality

ExQ	Respondent	Question	Applicant's Response
1.10.1	Applicant	**Planning Practice Guidance** The **Planning Practice Guidance: Noise** states that "The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected" (paragraph 006). Various IPs have noted that rural communities on the whole have little exposure to noise. The site of the proposed development is mainly countryside, which may have a bearing on the existing sound environment, and how new noise sources may be perceived by local communities. Can the Applicant please explain how this more qualitative aspect of noise reflected in the noise assessment work that has taken place?	A change in noise level assessment has been undertaken and presented in section **15.7 of 6.2.15 Environmental Statement Chapter 15: Noise and Vibration [APP–053]** which indicates that changes in proposed noise levels are likely to be negligible (<3 dB) when added to the existing ambient noise climate at all sensitive receptors. As such, at many receptors, noise from the site will be indistinguishable. Futhermore, it is anticipated that no tonal noise will be perceptible at nearby sensitive receptors. In terms of outdoor amenity, predicted noise levels are considerably below the guidance with BS 8233 and WHO guidelines.
1.10.3	Applicant	**Distinctive Tonal, Impulsive or Low Frequency Characteristics of Noise** Paragraph 5.11.4 of the National Policy Statement (NPS) EN-1 (and paragraph 5.12.6 of NPS for Renewable Energy Infrastructure (EN-3), March 2023) requires that the Applicant's assessment includes	It is not anticipated that impulsive characteristics will be present during operation. Noise levels are expected to change gradually in relation to the level of sunlight or changes in demand from the National Grid. Although generally, it is found that tonal characteristics are usually masked when the various noise sources are added

ExQ	Respondent	Question	Applicant's Response
		the identification of any distinctive tonal, impulsive or low frequency characteristics of noise. The Applicant is asked to please: a) provide a summary of how these characteristics have been identified. This may include examples of equivalent sound sources to provide a guide to all Interested Parties. b) Given the design flexibility sought for particular elements of the proposal, indicate what likelihood there is that such characteristics might change once the final design has been determined?	together, and therefore considered not perceptible at the nearest receptors, a tonal correction has been applied for the uncertainty in the tonality. This leads on to point (b), should equipment be selected that is slightly more tonal than the candidate equipment that has been assessed, the tonal correction applied will provide comfort that the tonal characteristic has been considered.
1.10.4	Applicant	**Tonal Correction** The Applicant is asked to please confirm if the tonal correction set out at paragraph 15.7.63 of ES Chapter 15: Noise and Vibration [APP-053] has been applied to all plant, or solely the battery storage.	The tonal correction has been applied to all items of plant.
1.10.5	Applicant	**Methodology** The ExA notes 7000 Acres' methodological concern by reference to the use of BS 4142:2014 as guidance [REP1A-022]. 7000 Acres' concern is that when the background noise and rating levels are low, the use of	The clause in BS 4142:2014 states that: *"Where background sound levels and rating levels are low, absolute levels might be as, or more, relevant than the margin by which the rating level exceeds the background. This is especially true at night."*

ExQ	Respondent	Question	Applicant's Response
		absolute levels might result in differing conclusions. The Applicant is asked to please comment on: a) The applicability of the guidance in a rural environment. b) Whether the approach is more suited to an urban environment where background noise may be greater?	Applying the principle above, during the night-time period, people will generally be in their bedrooms sleeping and therefore it is the absolute level internally at night which is most relevant to consider rather than the change in external noise level. Therefore, the assessment refers to guidance within BS 8233:2014 and from the WHO, regarding desirable internal ambient noise levels at night-time based on potential sleep disturbance. In addition to the above assessments, a change in ambient noise level assessment has been presented and results show that the change in ambient noise levels due to the contribution from the Scheme fall within the negligible effect level.
1.10.6	Applicant and WLDC	**Methodology – WLDC Concerns** WLDC sets out a range of concerns (NV1 to NV13) in its LIR [REP1A-006]. The ExA notes that in the draft SoCG [REP1-062] noise and vibration matters under discussion relate only to cumulative effects within APP-053 and that there are no matters not agreed with WLDC. a) The Applicant is asked to please comment on the WLDC LIR [REP1A-006] in respect of methodology, surveys, sources and assumptions (pp78-79).	The Applicant acknowledges these comments and refers the ExA to responses WLDC 14.1.1 in the **WB8.1.20 The Applicant's Response to Local Impact Reports [EN010132/EX3/WB8.1.20].**

ExQ	Respondent	Question	Applicant's Response
		b) The draft SoCG [REP1-062] states that key effects of noise from the construction and operational phases of the Scheme have been assessed robustly in accordance with relevant policy and guidance on noise and vibration assessments and do not result in any significant impacts and are therefore acceptable. Please can WLDC confirm its view on noise and vibration.	
1.10.7	Applicant	**Horizontal Directional Drilling – Noise and Vibration** Paragraph 15.4.12 of ES Chapter 15: Noise and Vibration [APP-053] refers to horizontal directional drilling (HDD). Paragraph 15.4.13 goes on to discount HDD impact on noise and vibration during construction. Please can the Applicant a) Provide further justification for discounting noise from HDD. b) Provide comment on HDD noise and vibration, if used in construction. What effect it will have, and would it alter the Noise Assessment?	The noise associated with the breaking and excavating of ground was included in the assessment as the noise levels associated with the plant required for trenching and cable duct installation are higher than that of horizontal directional drilling. Horizontal directional drilling would only occur below the ground level and therefore be further screened.
1.10.8	Applicant	**Multiple Effects on Receptor**	A cumulative assessment of construction noise and construction traffic noise has not been undertaken. The

ExQ	Respondent	Question	Applicant's Response
		Please can the Applicant confirm and clarify whether ES Chapter 15: Noise and Vibration [APP-053] has considered multiple effects at the same receptor. For example, where a receptor experiences **both** noise from site construction and construction traffic noise.	specific noise levels associated with construction traffic at receptors nearby to the proposed Scheme, would be considerably below the threshold of 65 dB (the threshold of significance in accordance with BS 5228) and therefore any contribution to the overall construction noise experienced, would be negligible.
1.10.9	Applicant	**Noise Outside Normal Working Hours** Please can the Applicant confirm that the assessment of key effects under ES Chapter 15: Noise and Vibration [APP-053] addresses where noise may arise from construction activities outside of normal working hours.	Paragraph 15.6.4 of Chapter 15: Noise and Vibration [APP–053] states that "*Working hours onsite are likely to be carried out Monday to Friday 07:00 – 18:00 and between 08:00 and 13:30 on Saturdays. However, some activities may be required outside of these times (such as the delivery of abnormal loads, night-time working for cable construction works in public highways or horizontal directional drilling activities). No noisy operations will take place during mobilisation/shut down, 1 hour before and after working hours."* If night-time working does occur, the number of operational plant and, its duration of use will be reduced to minimise any potential impacts. Best Practicable Means (BPM) will be implemented to reduce construction noise levels. This is secured in table 3.6 of the **7.1_B Outline Construction Environmental Management Plan Revision B [EN010132/EX3/WB7.1_B]**, which is secured by Requirement 13 in Schedule 2 to the **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]**.
1.10.10	Applicant	**Noise from Tracker PV Panels and other Associated Infrastructure** a) Can the Applicant confirm whether or not tracked PV panels generate noise? Please	a) Tracker motors have been considered in the assessment as stated in paragraph 15.7.65 of **ES Chapter 15: Noise and Vibration [APP–053]**. The solar panels themselves do not emit any significant levels of noise.

ExQ	Respondent	Question	Applicant's Response
		confirm if and where the potential noise (mechanisms, switches, movement, hum etc) has been included as a noise emission within the assessment? b) Further, as paragraph of 15.7.55 ES Chapter 15: Noise and Vibration [APP-053] confirms that transformer and inverter noise manufacturer's data does not contain octave-band data (i.e., frequency sound data), how has it been fully assessed?	b) Typical frequency spectra for those items of plant have been applied and adjusted to equal the broadband value supplied by the manufacturers.
1.10.11	Applicant	**Differential Demand Activity – Noise Impact** As electricity demand varies, is there a change in the system to accommodate this, and does this affect noise? For example, at times of greater demand, or at daily sunrise when the PV Panels and infrastructure 'power up'. At such times is additional noise through impulsive/intermittent generated? Please can the Applicant clarify, and if necessary set out how these changes are assessed.	Noise assessments have been based on all plant operating at 100% capacity at all times and therefore represent the worst-case in terms of operational noise. It is anticipated that noise levels will be lower than those predicted most of the time.
1.10.12	Applicant	**Noise and Vibration – Navigational Safety** ,	The potential for noise impacts on users of the river are not considered within **ES Chapter 15: Noise and Vibration [APP–053]**, due to short exposure time to noise and vibration. However, precautionary working methods will be

ExQ	Respondent	Question	Applicant's Response
		The Applicant is asked to please provide details of how the effect on the navigational safety and land stability of the River Trent has been considered as regards noise and vibration?	implemented to minimise potential adverse effects associated with construction. These measures are outlined in the **7.1_B Outline Construction Environmental Management Plan Revision B [EN010132/EX3/WB7.1_B]** , which is secured by Requirement 13 in Schedule 2 to the **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]**. Protective provisions for the benefit of the Canal and River Trust have been agreed and are included in Part 13 of Schedule 16 in the **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]**..
1.10.13	Applicant	**CEMP – Hours of Construction** The revised outline Construction Environmental Management Plan (CEMP) Revision A [REP1-034] sets out the days and times for construction activities. The Applicant is asked to please clarify if such activities are to be excluded from bank and public holidays.	The revised **7.1_B Outline Construction Environmental Management Plan Revision B [EN010132/EX3/WB7.1_B]** has been submitted at Deadline 3 to confirm that there will be no construction activities on bank and public holidays. The Outline Plan is secured by Requirement 13 in Schedule 2 to the **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]**.
1.10.14	Applicant	**Acoustic Barrier – West Burton 3** Paragraph 15.6.12 of ES Chapter 15: Noise and Vibration [APP-053] refers to the use of acoustic barriers of close boarded construction. The Applicant is asked to please clarify how the acoustic barriers,	The barrier height and specification is stated in paragraph 15.6.12 of **6.2.15 ES Chapter 15: Noise and Vibration [APP–053]** with locations indicated in Figure 15.28. Dimensions and design principles for the acoustic barriers are contained within Work No.6 of the **Concept Design Parameters and Principles – Revision B [EN010132/EX3/WB7.13_B]** which is secured through Requirement 5 in Schedule 2 to the **3.1_C**

ExQ	Respondent	Question	Applicant's Response
		including their detailed design, will be secured through the application?	**Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]**.
1.10.15	Applicant	**Improvements to Health and Quality of life** Paragraph 5.11.9 of NPS EN-1 (and paragraph 5.12.17 of the dNPS EN-1) requires that proposals, where possible, contribute to improvements to health and quality of the life through the effective management and control of noise. The Applicant is asked to please explain: a) How the Proposed Development does this, cross referencing where necessary to existing documents. b) If it has not been possible for the Proposed Development to achieve this, then please explain why not. Where necessary provide cross reference to answers to relevant questions within Section 6 Health and Wellbeing.	The Applicant has not considered or assessed specific improvements to health and quality of the life through the effective management and control of noise. This is due in part to the existing baseline low or very low background noise levels experienced by receptors surrounding the Order Limits (as set out in Section 15.5 of **6.2.15 Environmental Statement - Chapter 15 Noise and Vibration [APP-053]**. As such, there is no practical mechanism for the Scheme's operation to provide an improvement to health and quality of the life through the effective management and control of noise. Nevertheless, the Applicant is confident that the Scheme meets the other tests as set out in Paragraph 5.11.9 of NPS EN-1 (2011) (and paragraph 5.12.17 of the NPS EN-1 (November 2023)) in that the Scheme "avoid[s] significant adverse impacts on health and quality of life from noise" and suitably "mitigate[s] and minimise[s] other adverse impacts on health and quality of life from noise". This is summarised in the assessment that there will be no residual significant adverse effects from noise and vibration in Section 15.11 of **6.2.15 Environmental Statement - Chapter 15 Noise and Vibration [APP-053] 6.2.15 Environmental Statement - Chapter 15 Noise and Vibration [APP-053]**.

ExQ	Respondent	Question	Applicant's Response
1.10.16	Applicant/Environment Agency	**Soil Excavation** Section 4.5.47 of the ES Chapter 4 [APP-042] states that, "excavated soil will then be backfilled on top of the installed cables." The Environment Agency [RR-90] stated that the CEMP should include information about adhering to waste management legislation if the excavated material is contaminated. Excavated materials that are recovered via a treatment operation can be reused on-site under the CL:AIRE The Applicant states [REP1-065] that it makes no explicit reference to waste management legislation at this stage, but that this can be secured as required through the final CEMP, which itself is secured by Requirement 13. a) Can the Applicant to please clarify whether the CL:AIRE Definition of Waste: Code of Practice will apply. b) Is the EA satisfied that this can be addressed through the CEMP, but that it is not explicitly referred?	The CL:AIRE Definition of Waste: Code of Practice is a voluntary framework for determining if excavated materials can be classified as waste, and where treated, can be declassified and used in site specific circumstances. As such, it is likely that the CL:AIRE DoW:CoP will apply to the Scheme, but as stated at **[REP1-065]**, this will be determined upon drafting and agreement of the final CEMP, subject to Requirement 13 of Schedule 2 of the dDCO **[EN010132/EX3/WB3.1_C]**. The Applicant provides the following to illustrate the likely excavation works and likelihood of contamination on the Scheme: For agricultural land that has not been subject to significant disturbance (for instance a site of a former modern era building that has been demolished and ploughed over) the presence contaminated subsoil is not anticipated. Any significant surface contamination of topsoil, such as a spill of lubricant, should be apparent from the post consent detailed soil survey. The Outline Construction Environmental Management Plan (Table 3.11 [REP1-034]) includes a Discovery Strategy protocol for the identification, assessment and of any soil contamination present in the cable route corridor excavation. As per paragraph 4.5.44 of Chapter 4 Scheme Description [APP-042] cables in agricultural land will be installed at a depth of up to 1.5m (where not crossing other buried

ExQ	Respondent	Question	Applicant's Response
			services) with trench width of between 0.6 and 1.1m dependant on the number and voltage of cables. Paragraph 4.5.46 notes that cables (or ducting where used) will be laid directly into the trench. The volume of soil material displaced by the cable or duct at this depth will be negligible and all excavated soil material can be returned when backfilling the trench. Jointing Bays and Fiber Communication Chambers will be placed at 500 to 2000m intervals. These may generate a small volume of subsoil for which a beneficial reuse will be sought, for instance in bunding for storage within the Sites (Table 3.11 [REP1-034]). Soil material arising from the site will therefore be of modest volume with beneficial reuse available within the Sites. The volume of subsoil material arising is anticipated to be less than that generated by routine management of agricultural land including drainage ditch clearance.
1.10.17	Applicant	**Construction Dust Management Plan (CDMP)** The Construction Dust Management Plan ES Chapter 21 Other Environmental Matters [APP-059], discusses the effect on Human Health. Appendices 17.1, 17.2 and 17.3 provide Quantitative Dust Assessments and CDMPs for West Burton 1, 2 and 3 respectively.	Site specific dust mitigation measures are to be implemented on site where appropriate and available as outlined within the **6.2.17 Environmental Statement - Chapter 17 Air Quality [APP-055]** and the technical appendices **6.3.17.1-6.3.17.3 QDA and CDMPs [APP-133** to **APP-135]**. Table 3.10 of **7.1_B Outline Construction Environmental Management Plan Revision B [EN010132/EX3/7.1_B]** contains the site-specific mitigation measures from the IAQM guidance, as outlined within the outlined within the QDA and

ExQ	Respondent	Question	Applicant's Response
		Can the Applicant please confirm how compliance with these documents would be secured.	CDMPs for each of the Scheme sites. As such, this is secured by way of Requirement 13 of Schedule 2 to **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C].**
1.10.18	Applicant	**On-site Construction Activities** Paragraph 17.4.5 of Chapter 17: Air Quality [APP-055] states that appropriate site-specific mitigation for "on-site construction activities …in accordance with the IAQM document.." will mitigate any potential adverse effects associated with the construction phase. The Institute of Air Quality Management (IAQM) guidance is **Guidance on the assessment of dust from demolition and construction, January 2014** Please can the Applicant explain: a) whether site specific mitigation includes for mitigation for abnormal load movements. b) which relevant criteria taken from IAQM document cited have led to construction traffic and appropriate mitigation resulting in 'negligible' impact?	Appropriate site-specific mitigation measures associated with the determined level of risk have been identified in accordance with '*Section 8.2*' of the 'IAQM Guidance on the Assessment of Dust from Demolition and Construction'. The mitigation measures have been divided into general measures applicable to all sites and measures applicable specifically to demolition, earthworks, construction and trackout. They are categorised into 'highly recommended' and 'desirable' measures. And those identified mitigation measures are applied to all construction vehicles, including the abnormal load movement. For abnormal load movements, there will be temporary effects lasting a matter of hours per movement. The sensitivity of the surrounding area to each construction process has been determined in accordance with *'Step 2B'* of the IAQM guidance. The identified dust emission magnitude has been combined with the identified sensitivity of the area to determine the risk of impacts prior to the implementation of appropriate mitigation measures. The potential impact significance of dust emissions associated with the development range low to medium without mitigation. However, appropriate mitigation

ExQ	Respondent	Question	Applicant's Response
			measures are detailed and presented in Section 5 under 'site-specific construction dust mitigation'. Following the adoption of these measures, the subsequent impact significance of the construction phase is not predicted to be significant.
1.10.19	Applicant	**Fire Smoke Exposure** Paragraph 17.4.19 of ES Chapter 17: Air Quality [APP-055] uses fire smoke exposure guidance that relates to wildland fires. It states that these "are considered to be the most relevant". Paragraph 17.4.16 identifies potential impacts on local residents from a fire accident, including particulate matter exposure as the "key principle public health threat from short-term smoke exposure…" Can the Applicant please explain the applicability of the Wildfire Guidance given the potential differences between fire types.	There is limited information publicly available on real world solar panel fires, BESS fires and sub-station fires and the associated pollutant emissions data. Furthermore, a standardised set of emission factors for solar panel/BESS /substation are not currently available from the Environment Agency and, therefore, equivalent fire development and thermal runaway, smoke and heat release pollutant emissions data must be sourced from the research literature and fire test results which is available. Both solar panel fire and BESS fire impacts have been assessed against the UK air quality standard. In addition, the solar panel fire has been assessed against the fire smoke exposure guidance. The BESS fire risk assessment has been revised in December 2023 (1) following the UKHSA approved fire modelling assessment approaches and methodologies and (2) based on the latest LFP BESS fire test data and information (made available in October 2023) and the assessment report titled "'Air quality impact assessment of battery energy storage systems (BESS) fire'", dated 8th December 2023, submitted at Deadline 3 – report reference of "**ES Addendum: Air Quality Impact Assessment of Battery Energy Storage Systems (BESS) Fire**" **[EN010132/EX3/WB8.4.17.1]**. The BESS fire assessment

ExQ	Respondent	Question	Applicant's Response
			methodologies, including pollutants considered, and the air quality standards and guidelines for the protection of human health, workers and first responders utilised in the assessment, are the same ones used for the Cottam Solar Project [EN010133] that have been approved by the UKHSA The substation fire risk assessment has been undertaken and presented in the revised BESS fire risk assessment report titled "'Air quality impact assessment of battery energy storage systems (BESS) fire'", dated 8th December 2023, submitted at Deadline 3 – report reference of "**ES Addendum: Air Quality Impact Assessment of Battery Energy Storage Systems (BESS) Fire" [EN010132/EX3/WB8.4.17.1]**. 3). Good practice safety measures and National Grid's safety procedures have been identified and will be implemented in the case of a substation fire.
1.10.20	Applicant	**Air Quality Category Zones** Please can the Applicant provide further explanation/justification for the four air quality category zones have been identified under paragraph 17.7.16 of ES Chapter 17: Air Quality [APP-055].	The air quality category zones have been identified based on the particulate matter levels (Equivalent Approximately $PM_{2.5}$ 1-3-hour average in $\mu g/m^3$), which range from $0\mu g/m^3$ to a maximum over 500 $\mu g/m^3$: Good (more than 200m away from a fire): 0-40 $\mu g/m^3$ Moderate/Unhealthy for Sensitive Groups (21 to 200m away from a fire): 41-175 $\mu g/m^3$ Unhealthy (11 to 20m away from a fire): 176-300 $\mu g/m^3$ Hazardous (within 10m of a fire): over 500 $\mu g/m^3$

ExQ	Respondent	Question	Applicant's Response
1.10.21	Applicant	**Fire Impact Assessment of BESS** The Applicant is asked to respond to the following: a) Is the determination of effects as 'negligible' with regard to the fire impact assessment of battery energy storage systems dependant on the actions of local residents, with regard to paragraphs 17.7.17 to19 of Chapter 17: Air Quality [APP-055]. ? b) Please also explain the process of residents being informed and moved, as is proposed.	The fire impact assessment of BESS has been revised based on the latest LFP BESS fire test data and information (made available in October 2023) and the assessment report titled 'Air quality impact assessment of battery energy storage systems (BESS) fire', dated 8th December 2023, submitted at Deadline 3 (**report reference "ES Addendum: Air Quality Impact Assessment of Battery Energy Storage Systems (BESS) Fire" [EN010132/EX3/WB8.4.17.1]).** The BESS fire assessment methodologies, including pollutants considered, and the air quality standards and guidelines for the protection of human health, workers and first responders utilised in the assessment, are the same ones used for the Cottam Solar Project [EN010133] that have been approved by the UKHSA. The short-term predicted environmental concentrations of Nitrogen Dioxide (NO_2) and Carbon Monoxide (CO) at the residential receptor locations from a BESS fire incident are all below the relevant air quality objectives for the protection of human health. All receptors will have a 'low' air pollution level on the DAQI based on the short-term NO_2 pollution index. The predicted ground level 8-Hour mean and 15-min mean of Hydrogen Fluoride (HF) concentrations at the residential receptor locations are all below the relevant British occupational exposure limits. The short-term HF impact of a BESS fire at the receptors is sufficiently 'small'. As such, the effect of a BESS fire on the receptors is insignificant.

ExQ	Respondent	Question	Applicant's Response
			The predicted maximum short-term HF concentrations are below the AEGL-1 (Acute Exposure Guideline Level 1). In addition, the sensitivity study assessment results of HF impact under a windy condition demonstrate that the predicted HF concentrations are all below the AEGL-1 (Acute Exposure Guideline Level 1) with the exception of the HF concentrations being above the AEGL-1 at 2 metres above ground level and close to fire, for example, 5 metres away from the fire location. Whilst there is a low risk of adverse effects at the closest sensitive receptor location as a result of a potential BESS fire, the emergency response plan (ERP) produced at the detailed design stage (the template for which is outlined in section 5.4.13 of the OBSSMP [EN010132/EX3/WB7.9_A]) will incorporate all necessary emergency response procedures and actions based upon thermal runaway test data supplied by the BESS system provider.The Outline Plan is secured by Requirement 6 of Schedule 2 in the **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]** submitted at Deadline 3.

12 Other Planning Matters

ExQ	Respondent	Question	Applicant's Response
1.11.1	Applicant	**Waste: effects relating to decommissioning** The ES anticipates that at decommissioning the scheme will have a medium-term temporary moderate to major magnitude impact. It is suggested that this would have a slight or moderate adverse effect on hazardous waste handling in Lincolnshire (which is not considered significant in EIA terms); and a slight adverse effect on hazardous waste handling in Nottinghamshire (which is not considered significant in EIA terms). Can the Applicant please explain how these effects have been identified.	The Applicant has presented the methodology for determining receptor sensitivity at Table 20.2, magnitude of impacts at Table 20.3, and the matrix to determine resultant significance of effects at Table 20.4 of **6.2.20 Environmental Statement - Chapter 20 Waste [APP-058]**. The sensitivity of hazardous waste handling facilities as receptors for hazardous (including WEEE) waste is defined at para. 20.5.7 for Lincolnshire as being low sensitivity, and para. 20.5.12 for Nottinghamshire as negligible sensitivity. In Lincolnshire, hazardous waste handling capacity is estimated at 67,000 tonnes per annum (para. 4.7 of Lincolnshire Waste Needs Assessment (WNA) 2021 – Report 4). In the plan period 2020-2045 estimated annual hazardous waste arisings are anticipated to peak at 51,500 tonnes per annum (para. 6.1 of Lincs WNA 2021). This demonstrates self-sufficiency in hazardous waste handling in Lincolnshire, which would imply a negligible sensitivity to change. Professional judgement has been applied and raised the sensitivity to low on the basis the WNA 2021 Report 4 identifies a need for safeguarding of sites (para. 6.2 of Lincs WNA 2021 – Report 4). In Nottinghamshire, hazardous waste handling capacity is estimated at 146,000 tonnes per annum (para. 7.3 of Nottingham City and Nottinghamshire County Waste Needs Assessment 2021). In the plan period 2018-2038 estimated annual hazardous waste arisings are anticipated to be 42,900

ExQ	Respondent	Question	Applicant's Response
			tonnes per annum (para. 7.3 of Notts WNA 2021). This demonstrates self-sufficiency in hazardous waste handling in Nottinghamshire, with no requirement to identify a need for additional waste management capacity for hazardous waste (para. 7.4 of Notts WNA 2021), which therefore constitutes a negligible sensitivity to change. Applying a major magnitude impact (a 12.8% rise in hazardous waste arisings as a worst case) gives a "slight to moderate" effect in Lincolnshire, and a "slight" effect in Nottinghamshire, as set out in para. 20.7.35 **[APP-058]**.
1.11.2	Applicant	**LCC Minerals & Waste Planning Policy – Processing of Decommissioned Panels** LCC has raised an objection to the scheme due to the inability to comply with Policy W1 of its M&WLP. LCC states that there will need to be additional facilities to ensure these products are sustainably disposed of. Please can the Applicant respond to this concern.	The Applicant is aware of the lack of dedicated facilities at present in Lincolnshire, hence the categorisation of the solar and battery infrastructure as Waste Electrical and Electronic Equipment (WEEE) for the purpose of assessment and identification of existing and future processing capability in the county in **6.2.20 Environmental Statement - Chapter 20 Waste [APP-058]**. For decommissioning, the quantum of WEEE from the Scheme has been assessed at para. 20.7.35 and cumulatively with other NSIPs at 20.10.17. In both instances, there is anticipated to be no significant effects to WEEE handling in Lincolnshire or Nottinghamshire. Nevertheless, the Applicant is committed to ensuring WEEE is handled in keeping with "Best Available Treatment Recovery and Recycling Techniques" The Applicant is further committed to a Decommissioning Resource Management Plan as set out in Table 3.1 of the **Outline Decommissioning Statement [EN010132/EX3/WB7.2_A]**, which is secured by Requirement

ExQ	Respondent	Question	Applicant's Response
			21 of Schedule 2 to **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]**. The Applicant furthermore considers that as Policy W1 of the Lincolnshire M&WLP 2016 is concerned with forecasting and monitoring waste facility requirements, and identifying where new facilities may be required, this is not a policy which can reasonably be used to object to any proposed development, including this Scheme.

13 Safety and Major Incidents

ExQ	Respondent	Question	Applicant's Response
1.12.1	Applicant	**Policy and Guidance** The Applicant is asked to please address the question of whether the application has been, or will be updated in the light of the recent addition to the **Planning Practice Guidance: Renewable Energy and Low Carbon Energy** regarding battery energy storage systems, dated 14 August 2023.	The Applicant considers that the Scheme is already following the specific guidance for battery energy storage systems. The local fire services have been consulted with in the pre-application stages to determine suitable location, access, and firewater provision for fire services to be able to use in the event of a fire. The Applicant is continuing engagement with the local fire services via the respective county councils, with whom the Applicant is negotiating through Statements of Common Ground **[REP1-061** and **REP1-068]** including matters relating to fire and safety. The requirement for the relevant planning authority to consult with West Lindsey District Council, Lincolnshire Fire and Rescue, Nottinghamshire Fire and Rescue Service and the Environment Agency before determining an application for approval of the Battery Storage Safety Management Plan is secured by Requirement 6 to Schedule 2 of the **draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]** submitted at Deadline 3. Further, the agreed Protective Provisions for the protection of Lincolnshire Fire & Rescue Service are included at Part 16 to Schedule 16 of the **draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]** submitted at Deadline 3.
1.12.2	Applicant	**Major Accident Hazard Sites** The ES Chapter 21 Other Environmental Matters [APP-059] makes reference to the	Offsets for major accident pipelines have been embedded in the Scheme design through the exclusion of easement strips, as agreed with the pipeline operators, from the areas

ExQ	Respondent	Question	Applicant's Response
		Health and Safety Executive (HSE) notification during EIA scoping that the DCO boundary is within multiple consultation zones of major accident hazard sites and major accident hazard pipelines (see Table 21.6.2, p.29). The Applicant notes that these have been identified and preliminary offsets as required by easements and operator safety distances have been embedded in the Scheme design. The Applicant is asked to please provide further explanation of how these considerations have been accommodated.	permitted for the siting of permanent above-ground infrastructure. These can be visually identified by the "Potential Development Area" boundaries on **ES Figures 4.1-4.4 Illustrative Site Layout Plans [REP1-022, REP1-024** and **APP-144]**, and by the exclusion of these areas from Work Nos. 1A/B/C (i, ii, iii), 2, 3A/B/C, 5A(vii), and 7A/B/C from **2.3_B Works Plans Revision B [REP1-004]**. These measures are therefore secured through the dDCO by way of Requirement 5 at Schedule 2 (Detailed Design Approval **[EN010132/EX3/WB3.1_B]** and by way of the Works Plan being listed as a Plan to be Certified under Part 1 of Schedule 14 of the **draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]** submitted at Deadline 3**.**
1.12.3	Applicant	**Significant Effects** Embedded mitigation is discussed in ES Chapter 21 Other Environmental Matters [APP-059] Section 21.6. The Applicant is asked to please clarify whether the identification and evaluation of likely significant effects for major accidents and disasters has been undertaken on the basis of both embedded mitigation indicated in 21.6.36-38 as well as the mitigation measures indicated in 21.6.58-59? Or is it the embedded mitigation only.	The Applicant confirms that the identification and evaluation of likely significant effects for major accidents and disasters at para. 21.6.39-57 of **6.2.21 Environmental Statement - Chapter 21 Other Environmental Matters [APP-059]** is assessed solely on the basis of the embedded mitigation set out at para. 21.6.36-38. Residual effects accounting for further mitigation (as set out at para. 21.6.58-59) are concluded at para. 21.6.62. These identify no further level of significance to the effects assessed based solely on embedded mitigation.

ExQ	Respondent	Question	Applicant's Response
1.12.4	Applicant	**Water Storage Capacity** The Outline Battery Storage Safety Management Plan (OBSSMP) [APP-318] sets out at paragraph 2.3.2 that the main potential hazard is thermal runaway and ultimately, if not controlled, a fire. Interested Parties raise concerns regarding there being sufficient water available on site to fight a thermal runaway, with this water should being stored on site. Specifically, in their WR 7000 Acres [REP1A-012] have suggested that on-site storage identified by the Applicant is insufficient for a major incident. The Applicant is asked to please: a) Indicate that maximum storage capacity for the water storage related to the fire suppression system and explain where this is secured in the application? b) Comment on the information presented by 7000 Acres, and recommendations made, [REP1A-012] in relation to the adequacy with which the OBSSMP addresses the hazards associated with thermal runaways, and the relevance of both the thermal runaway examples presented and the safety regulations referred to.	a) The Applicant has revised the **Outline Battery Storage Safety Management Plan (OBSSMP) [EN010132/EX3/WB7.9_A]** for submission at Deadline 3 , which clearly states that if a dedicated automatic water-based system is provided within each BESS enclosure this will be designed to control or fully suppress a fire, without the direct intervention of Lincolnshire Fire and Rescue Service (LFR). In order to determine the volume storage of external water supplies for firefighting, National Fire Chiefs Council guidance will be used which states provisional firefighting supplies "should be capable of delivering no less than 1,900 litres per minute for at least 2 hours." LFR will be able to view the selected BESS system fire test data and an independent Fire Protection Engineer will validate the final water supply requirements. A BESS design which may require direct LFRS firefighting engagement tactics will not be selected for this facility. Site and BESS design principles and ERP content will ensure that the LFR are expected to employ a defensive strategy i.e., only boundary cooling should be employed for cooling of adjacent BESS or associated supporting equipment. b) The Applicant has submitted a revised **Outline Battery Storage System Management Plan (OBSSMP) [EN010132/EX3/WB7.9_A]** for Deadline 3. The OBSSMP

ExQ	Respondent	Question	Applicant's Response
			conveys how the indicative site design and BESS system requirements will mitigate all thermal runaway risks (fire and explosion, and toxicity).
1.12.5	Applicant	**Battery System** Paragraph 1.1.7 of the OBSSMP [APP-318] states that the LeBlock modular battery system by LeClanché has been used for assessment. The Applicant is asked to please provide further information for this battery type including: . a) Detailed Specification, Testing and Certification; b) Metal content in the batteries, type of insulation and testing conditions, manufacturers warranties, specific failure rates; c) The lifecycle of battery, how often it would need to be changed and what the associated procedure for this is; d) 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 assessment in terms of safety; and,	The Applicant has revised the **Outline Battery Storage Safety Management Plan (OBSSMP) [EN010132/EX3/WB7.9_A]** for submission at Deadline 3 which should be read alongside **ES Appendix 17.4 BESS Fire Technical note [APP-136]**. The LeClanché LeBlock BESS system is no longer referenced, a generic LFP BESS 750KWh cabinet design is used for assessment.d) The primary toxic gas emission from lithium-ion battery (LIB) chemistries is Hydrogen Fluoride (HF). This is referenced in both the **OBSSMP [EN010132/EX3/WB7.9_A]** and **ES Addendum Air Quality Impact Assessment of BESS Fire [EN010132/EX3/WB8.4.17.1]**. Lithium ferro phosphate (LFP) chemistry was selected as the worst-case example for explosion risk and toxic gas emissions due to the higher level of hydrogen produced by LFP cells compared to other LIB chemistries. e) BESS safety is a systems risk analysis approach and not dictated specifically by battery chemistry, the Applicant has submitted a revised **OBSSMP [EN010132/EX3/WB7.9_A]** for Deadline 3. The OBSSMP conveys how the indicative site design and BESS system requirements will mitigate all thermal runaway risks (fire and explosion, and toxicity)

ExQ	Respondent	Question	Applicant's Response
		e) Explain whether, and if so how, the approach to battery safety would differ if a different lithium-ion battery technology was used.	irrespective of lithium-ion battery chemistry selected at the detailed design stage. The OBSSMP is secured by Requirement 6 in Schedule 2 of the **draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C] submitted at Deadline 3.**
1.12.6	Applicant	**Lithium-Ion Battery Storage (Fire Safety and Environmental Permits) Bill** The OBSSMP [APP-318] at the final bullet point of 1.1.12 states "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)". This is a Private Members' Bill under the Ten Minute Rule. The ExA notes that the First Reading was 7 September 2022. There has been no second reading. Can the Applicant please update this reference with the latest position and indicate any implications this may have for the ERP?	The Applicant has submitted a revised **Outline Battery Storage System Management Plan (OBSSMP) [EN010132/EX3/WB7.9_A]** for Deadline 3, Dame Maria Miller's Bill is no longer referenced and will have no impact on Emergency Response Planning for the Scheme.Section 5.4 in the revised OBSSMP stipulates Emergency Planning minimum requirements ensuring that a robust and validated emergency plan is developed in consultation with Lincolnshire Fire and Rescue (LFR). ERP content will follow UK National Fire Chiefs Council (NFCC) and NFPA 855 guidelines. The OBSSMP is secured by Requirement 6 in Schedule 2 of the **draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C] submitted at Deadline 3.**
1.12.8	Applicant	**Implementation of the Battery Safety and Storage Management Plan** The Applicant is asked to please set out:	a) The Applicant will work closely with Lincolnshire Fire and Rescue Service (LFR) to provide all necessary information regarding the installation of the Scheme, including site design features, to facilitate hazard and risk analysis studies. The

ExQ	Respondent	Question	Applicant's Response
		a) How is it proposing to engage with the Fire and Rescue services during construction, operation and decommissioning phases in relation the detailed Battery Safety and Storage Management Plan? b) How would this be secured in the DCO?	Applicant will also assist in developing comprehensive Risk Management and Emergency Response Plans. Preliminary site designs will be shared with the LFR for feedback during consultation. Any recommendations will be considered and incorporated into the proposed scheme's concept design, which will be submitted for planning consent. Throughout the submission, post-consent and detailed design stages, consultation with LFR will continue to ensure all key stakeholders are satisfied with agreed mitigation and safety requirements prior to construction. During the detailed design stage, information about the BESS will be provided as early as possible to LFR. This will allow for an initial assessment of the BESS, along with appropriate evidence to support any claims made on its performance, and with the necessary installation standards cited. LFR will be provided with this information. Such information should also be made available to FRSs for inclusion in their Site-Specific Risk Information (SSRI) records (in most cases there is a lead designated FRS station for incident response). UK legislation sets the requirement for site specific assessment. Collating and disseminating SSRI involves several FRS tasks: 1. Selecting premises to be inspected. 2. Assessing the nature and magnitude of the

ExQ	Respondent	Question	Applicant's Response
			risk. 3. Considering a proportionate response. 4. Recording significant findings. 5. Making sure information is available in a usable form. 6. A site-specific assessment takes account of current legislation on inspection information and includes information on pre planning firefighting tactics The Applicant will work with LFR throughout the post-consenting detailed designed stage. b) The Applicant has engaged with LFR as set out within Section 3 of the **Outline Battery Storage Safety Management Plan.** The battery storage safety management plan must be substantially in accordance with the **Outline Battery Storage Safety Management Plan [EN010132/EX3/WB7.9_A]**. The requirement for the relevant planning authority to consult with LFR as well as Nottinghamshire Fire and Rescue Service before determining an application for approval of the Battery Storage Safety Management Plan is secured by Requirement 6(2) and (3) to Schedule 2 of the **draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C] submitted at Deadline 3.**
1.12.9	Applicant and LCC	**Health and Fire Safety Provisions of the Local Impact Report**	The agreed Protective Provisions for the protection of Lincolnshire Fire & Rescue Service (LFR) are included at Part 16 to Schedule 16 of the **draft Development Consent Order**

ExQ	Respondent	Question	Applicant's Response
		a) LCC's Local Impact Report [REP1A-002] paragraph 14.9 refers to the need for the Applicant to enter into a Protective Provisions arrangement with Lincolnshire Fire and Rescue within the DCO. This is to ensure the Fire Service has adequate resources to regularly inspect the BESS to ensure all the appropriate mitigation measures are in place and effective for the duration of the development. The Applicant and LCC are asked to please provide comment on the need for such provisions to update their SoCG accordingly. b) LCC refers in its LIR [REP1A-002] at paragraph 14.11 to the impacts associated with matters relating to accidents and disasters, and health to be neutral. Please can LCC confirm whether or not this is subject to the provision of the Section 106 agreement referred to in paragraph 14.6 and protective provisions within paragraph 14.9? c) Further, can LCC confirm if its conclusion is predicated on a financial contribution secured through a Section 106 Agreement, and how would the Section 106 agreement be secured?	**Revision C [EN010132/EX3/WB3.1_C]** submitted at Deadline 3. The agreed Protective Provisions include provisions as to costs in connection with a site familiarisation exercise and annual reviews of the Site, which aim to address concerns raised regarding resourcing. For completeness, please also refer to LCC 14.9 in **WB8.1.20 The Applicant's Response to Local Impact Reports [EN010132/EX3/WB8.1.20]** submitted at Deadline 3 where the Applicant has responded directly to Lincolnshire County Council on this matter.

ExQ	Respondent	Question	Applicant's Response
1.12.11	Applicant/Environment Agency	**Environmental Permits** The Applicant /EA are asked to indicate their views on whether an Environmental Permit be required for any part of the Battery Storage System?	The Applicant does not consider that the Battery Storage System can be classified as a "regulated facility" for the purposes of the Environmental Permitting (England and Wales) Regulations 2016. As such, the Applicant considers at present there is no requirement for an Environmental Permit (Industrial Installation Permit) for the BESS.
1.12.12	Applicant	**Cumulative effects** In considering cumulative effects of major accidents and disasters, ES Chapter 21 Other Environmental Matters [APP-059] at 21.6.61 sets out that the schemes listed in Appendix 2.3 [APP-069] have been considered in determining whether there would be significant effects. Appendix 2.3 sets out a long list of sites for potential consideration. Can the Applicant please clarify which schemes were ultimately considered?	Consideration of cumulative effects in Section 21.6 of **6.2.21 Environmental Statement - Chapter 21_Other Environmental Matters [APP-059]** is based on the ES chapters defined in Table 21.6.1 **[APP-059]**. Therefore, the cumulative sites from ES Appendix 2.3 **[APP-069] 6.3.2.3 Environmental Statement - Appendix 2.3 Cumulative** **Assessment Sites** considered are: • Cottam Solar Project [PINS: EN010133]; • Gate Burton Energy Park [PINS: EN010131]; • Tillbridge Solar [PINS: EN010142]; • Saxilby Heights [WLDC: 131174, 137071, 141615] for transport effects only; and • Land off Sturton Road, Saxilby [WLDC: 132286, 138472, 138574, 139469, 140143, 140813, 142022, 142107] for transport effects only. No other sites in ES Appendix 2.3 **[APP-069]** were thereafter judged to be within the Zone of Influence for major accidents

ExQ	Respondent	Question	Applicant's Response
			and disasters shortlisted for assessment in Table 21.6.4 **[APP-059]**.

14 Socio-Economic Matters

ExQ	Respondent	Question	Applicant's Response
1.13.1	Applicant	**Access to Education ES** Chapter 23 Summary of Significant Effects [APP-061] reports a significant moderate beneficial effect for access to education during construction. This does not, however, align with the effects reported in ES Chapter 18 : Socio Economics [APP-056] where only a moderate-minor positive effect is reported (Para 18.7.39). Can the Applicant please clarify which effect should be reported, and align the relevant sections.	Paragraph 18.7.39 of **6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056]** reports a moderate-minor beneficial effect to access to education during construction based only on embedded design measures. Additional enhancement measures as set out in **7.10 Outline Skills Supply Chain and Employment Plan [APP-319]** are anticipated to uplift this to a significant moderate beneficial effect, as set out in para. 18.8.13 **[APP-056]**. As such, the residual significant effect (post mitigation and enhancement measures) has been included in Table 18.29 **[APP-056]** and in **6.2.23_A Summary of Significant Effects Revision A [REP1-010]**.
1.13.2	Applicant	**Sheep Grazing for Agricultural Use Under Solar Panels** Paragraph 18.8.11 of Chapter 18 Socio Economic and Tourism and Recreation [APP-056] of the ES refers to "diversified agricultural practices (such as sheep rearing and grazing) that can be continued alongside the operation of the Scheme will help to mitigate the impacts on agriculture sector employment and the sector economy." The ExA notes concerns from Interested Parties, including LCC around sheep grazing. In LCC's LIR [REP1A-002] it sets out that while it "is perfectly possible to graze the areas under and between the panels, it is unlikely to	Part d): The Applicant has identified sheep grazing as an example of an agricultural practice that could be undertaken alongside the siting of the solar panels, so that the land can remain in active agricultural use. Sheep grazing may be used as a form of grass management as set out in paragraph 4.8.8 of the **Outline Landscape and Ecological Mitigation Plan [EN0101032/EX3/WB7.3_B]**.. Part e): The UK's Building Research Establishment has published Agricultural Good Practice Guidance for Solar Farms (2014), which gives guidance and examples for management of small livestock (including sheep) on solar sites in the UK.

ExQ	Respondent	Question	Applicant's Response
		be very cost effective for a grazier….The economics of moving sheep to and from the site will be marginal". Can the Applicant please: d) Signpost to details of how or where sheep farming could be undertaken? e) Provide details of how sheep farming could be undertaken as an agricultural enterprise? f) Indicate who would 'farm' the sheep, how would this be secured through the DCO? g) Provide any evidence that this has been successfully undertaken on other solar farms.	Whilst the examples therein predominantly refer to smaller-scale solar installations, it does not preclude sheep grazing at a larger scale, or on rotation within parts of the Scheme's sites that are best suited for grazing. Part f): The agricultural use of the Sites for grazing (where it does not interfere with the operation of the Scheme) could be undertaken by the landowner, the Scheme operator, tenant farmers or under licence. Please see the response to 1.2.16 above. Part g): Outside the UK, the American Solar Grazing Association, as documented by Bloomberg in June 2023, estimates about 5,000 sheep are currently maintaining US solar sites. Sheep have successfully been grazed on many UK solar farms, including Outwood in Essex, Shuttleworth in Lancashire and Mill Farm in Lincolnshire which are IGP projects.. Additionally a solar development that has been operational for over 10 years at the Euston Estate in Suffolk grazes sheep and lambs in solar panel fields. Land at Euston Estate is quite free draining and therefore the shading from the panels actually improved the grass growth as the land didn't dry out as much. The Applicant understands that Euston Estate had to double the number

ExQ	Respondent	Question	Applicant's Response
			of sheep they had grazing due to the improvement in grass growth around the panels.
1.13.3	Applicant/Local Authorities	**Tourism** a) Can the Applicant explain why, in Paragraph 18.7.17 of ES Chapter 18 Socio Economic and Tourism and Recreation [APP-056], increasing accommodation occupancy rates lead to an increase in Full Time Equivalent employees? b) As the construction phase appears to be displacing visitors, please can the Applicant also explain why the level of the respective beneficial or adverse effects would not be the same. Local Authorities are invited to comment, should they wish to do so.	Part a): The assumption underlying the assessment at para. 18.7.17 **[APP-056]** is that the baseline occupation rates sustain the baseline quantum of accommodation industry employment. When the demand for services increases, a larger workforce is required to maintain the quality of service, meet guest expectations and manage the operational needs of the accommodation. Therefore, a substantive uplift in occupancy as a result of the use of temporary accommodation by construction workers would require an uplift in employment to meet the uplifted level of need to manage and operate these accommodation services. Part b): With regard to visitor displacement, the Applicant seeks to clarify that the neutral effect in para. 18.7.18 **[APP-056]** refers to the impact on the accommodation sector itself. This neutral effect is due to the loss of visitor occupancy being replaced by construction worker occupancy during the construction period. The impact of visitors being displaced, and the resultant loss of visitor spending to the tourism economy is assessed in para. 18.7.19-21 **[APP-056]** as having a negligible adverse effect. Furthermore, the respective beneficial versus adverse effects are not the

ExQ	Respondent	Question	Applicant's Response
			same, as a result of the baseline unfilled capacity being occupied by construction workers before the point at which visitors would be displaced from accessing accommodation.
1.13.4	Applicant	**Skilled Roles within Local Impact Areas** Chapter 18: Socio-Economics and Tourism and Recreation [APP-056] paragraphs 18.5.26 to 28 discusses the qualification attainment rate within the Local Impact Area. It notes (Para 18.5.28) that the Local Impact Area has a significantly lower rate of attainment of NVQ Level 4 and higher qualifications compared to East Midlands and UK. The Applicant is asked to a) please explain what types/numbers of employment would come from the Local Impact Area (LIA) in terms of skilled roles. b) Would these roles be filled from within the LIA?	The assessment of employment uplift has assumed 64.2% of the Scheme's employment will be generated by residents in the Local Impact Area. This is based on commuting patterns from the 2011 Census (in absence of any more up-to-date comparable information in the Local Impact Area). No specific assumption has been attributed to the proportion of skilled roles that are anticipated to be filled from within the Local Impact Area. Overall, it is estimated that 35.8% of the construction workforce will come from outside the LIA (para. 18.7.6 of **6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056]**). Noting the assumptions on skills and qualification rates in the LIA made in the ES chapter at paragraphs 18.5.26-28 and 18.7.39, it is suitable to suggest that without mitigation or enhancement measures, a greater proportion than 35.8% of the skilled workers required for construction (as identified by skills requirements in Table 3.1 of **7.10 Outline Skills Supply Chain and Employment Plan [APP-319]**) will come from outside the LIA. The Applicant considers this sufficient detail at this stage, prior to the grant of consent for the Scheme. More detail on skills and supply chains will be acquired prior to construction, and will be published for host local authority approval in the final Skills, Supply Chain and

ExQ	Respondent	Question	Applicant's Response
			Employment Plan. This must be substantially in accordance with **7.10 Outline Skills Supply Chain and Employment Plan [APP-319]** which is secured through Requirement 20 of Schedule 2 to **3.1_B Draft Development Consent Order Revision B [EN010132/EX3/WB3.1_C]** provided at Deadline 3.
1.13.5	Applicant	**Supply Chain Effects** Paragraph 18.7.48 of ES Chapter 18: Socio Economics and Tourism and Recreation [APP-056] discusses the economic effect on the agricultural sector. Based on an estimate of displacing approximately 13 agricultural sector jobs in the Local Impact Area (LIA), it states that the economic impact is estimated as £600,000 which will reduce the value of the local agricultural economy (£265 million) by approximately 0.2% Based on the above this is reported as a long-term minor adverse effect locally, and a long-term negligible adverse effect regionally. Please can the Applicant confirm: a) Whether or not this includes the effect on the supply chain? b) Whether the estimated 13 displaced agricultural sector jobs includes supply chain displacement?	Part a/b): The assessed loss of 13 FTE agricultural jobs, as set out in para. 18.7.15 **[APP-056]** and resultant loss of £600,000 per annum to the agricultural economy **[APP-056]** is a worst-case impact based on the loss of all direct agricultural employment on the Scheme sites. Onward impacts on agricultural supply chains were not scoped into the assessment in Sections 3.16 and 3.15 of **6.3.2.2 Environmental Statement - Appendix 2.2 EIA Scoping Opinion [APP-068]**, and resultantly were not assessed in the chapter. Part c): The potential for continuation of non-arable agricultural practices on the Scheme and the ongoing continuation of arable agricultural practices in the surrounding areas demonstrate that it is unlikely that there will be any more than a low level of impact on agricultural supply chains (<1.0% loss of employment or economic impact in the agricultural industry). Therefore, there is not anticipated to

ExQ	Respondent	Question	Applicant's Response
		c) If the upward supply chain is not included, would the reported effects be likely to alter with its inclusion?	be any increase the significance of any adverse effects if the upward supply chain were included.
1.13.6	Interested Parties; (Applicant-optional)	**Community Benefits** Various RRs stated that there has been no consultation from solar companies with parishes regarding the setting up of a community fund which would run for the entirety of the project to award sums for compensation for detrimental loss. The implication is that this would go some way to offering community benefit. a) IPs are invited to explain further what is meant by compensation, what a fund would be used for, and how such funds may be secured. b) Optionally, the Applicant may wish to also comment.	The Applicant has committed to the provision of a Community Benefit Fund, as stated at Section 4.8 of **7.5 Planning Statement [APP-313]**. However, this falls outside the remit of the DCO Application as it is not required to mitigate the impacts of the Scheme. The Applicant does not think it appropriate for details of this fund to be agreed prior to the DCO being consented. It also cannot be secured by the DCO as it is not necessary for the Scheme to be acceptable in planning terms. Accordingly, as set out in paragraph 4.8.1 of the **Planning Statement [EN010132/EX3/WB7.5_A]**, the Community Benefit Fund must not be given any weight or taken into account by the Secretary of State when balancing the positives or negatives of the Scheme. The Applicant welcomes suggestions from relevant stakeholders as to projects that could be supported by the Community Benefit Fund, but confirms that no decisions will be made about projects that will receive grants until the Scheme has been granted development consent.
1.13.7	Applicant	**Demographic-specific Benefits** Various RRs raised concerns about the lack of benefits which the proposed development brings for younger people. The Applicant is invited to respond to these	The Applicant has responded to RRs on the subject of socio-economic benefits in its responses to reference STR-06, STR-07, STR-08 of **8.1.2 The Applicants Responses to Relevant Representations [REP1-050].** Whilst these have not explicitly referred to benefits to younger people, it is anticipated that younger people will benefit from access to

ExQ	Respondent	Question	Applicant's Response
		concerns (or to direct the ExA and IPs to their relevant response if provided elsewhere).	employment, education, and skills attainment uplift as a result of the Scheme and supporting enhancement measures in **7.10 Outline Skills Supply Chain and Employment Plan [APP-319]**. Whilst the assessed significant beneficial effects to access to employment and education as measured indices of deprivation are only anticipated during construction, it is anticipated that beneficial effects at a lower level of significance will continue throughout the operational lifetime of the Scheme (see paragraphs 18.8.17-19 of **6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056]**).
1.13.8	Applicant	**Landscape and Recreation** Paragraph 18.7.59 of ES Chapter 18: Socio-Economics and Tourism and Recreation [APP-056] concludes that the effect on local tourism attractions in the Local Impact Area is minor adverse. At Paragraph 18.7.70, the importance of landscape to the recreational use of land is recognised. Given this importance, how is the impact on tourism concluded as minor?	The conclusion reached in para. 18.7.59 of **6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056]** is based on the overall impact on desirability to landscape and heritage tourism receptors in the Local Impact Area. The previous paragraphs 18.7.57-58 have identified targeted peak impacts, but the overall conclusion is formed by professional judgement based on the overall outcomes of **6.2.8 Environmental Statement - Chapter 8 Landscape and Visual Impact Assessment [APP-046]**, and **6.2.13 Environmental Statement - Chapter 13 Cultural Heritage [APP-051]**. The importance of the landscape context to the recreational use of the land, as is acknowledged in paragraph 18.5.69 (rather than 18.7.70) of **[APP-056]** has helped to define the sensitivity of recreation

ExQ	Respondent	Question	Applicant's Response
			receptors such as public rights of way, waterways, and recreational facilities, as set out in para. 18.7.60-69 **[APP-056]**. For the avoidance of doubt, the impacts of the Scheme on the recreational use of land is assessed separately from the impacts of the Scheme on tourism, albeit landscape features may contribute to the desirability of the area for both tourism and recreational purposes. As such, the recognition of the importance of the landscape for recreational use does not affect the separate assessment of the importance of the landscape for tourism in the area.
1.13.9	Applicant and 7000 Acres (or other Interested Parties)	**Socio-Economic Analysis of Gainsborough** Interested Parties have queried the geographical range considered within the Socio-Economic analysis of Chapter 18 [APP-056]. The ExA notes concern that the "baseline conditions has been chosen very widely, across Bassetlaw and West Lindsey", and the assertion that the areas avoid "the specific socio-economic difficulties of Gainsborough". [REP1A-024] a) Please can the Applicant provide further justification for the area used within its Socio-Economic analysis in the context of this assertion. If answered elsewhere, please cross-refer. (). b) 7000 Acres, or other IPs, may wish to highlight specific alternative data sets on which to base the analysis. Please also explain, by reference to the specific	The Local Impact Area, covering both Bassetlaw and West Lindsey districts, has been selected due to the likely scale the Scheme will influence socio-economic conditions. Whilst the baseline conditions for socio-economic receptors is presented at this level as a whole, the Applicant strongly refutes the assertion that conditions in specific areas within the Local Impact Area have been avoided or not considered. Data at a settlement-level grain, for instance, has been used to determine the sensitivity of receptors including indices of deprivation and access to primary healthcare. Although not identified explicitly, Gainsborough is an area within the Local Impact Area with very high rates of deprivation with regard to suitable income, access to employment, and education and skills attainment. This has therefore contributed to the determination that the latter two receptors are high sensitivity receptors to change (as

ExQ	Respondent	Question	Applicant's Response
		socio-economic difficulties of Gainsborough, how these relate to the proposed development.	referred to at paragraphs 18.7.38-39 of **6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056]**).

15 Transport and access, highways and public rights of way (ProW)

ExQ	Respondent	Question	Applicant's Response
1.14.2	LCC, NCC and Applicant	**Timing of Surveys** The ExA notes, as set out in ES Chapter 14 Transport and Access [APP-052] para 14.4.33 and para 2.13 of the TA that the pandemic and associated restrictions disrupted normal traffic flows. However, surveys were undertaken outside of lockdown periods. ES para 14.5.24 notes that "data from the DfT has been obtained for 2019, prior to the Covid-19 pandemic". Paragraph 14.4.34 states that "notwithstanding the limitations and assumptions referenced, it is considered that the methodology and conclusions to this chapter are robust". The baseline survey assessment was undertaken in November 2021. Please can the Applicant a) Explain why that particular time period in November was chosen. b) Please can the Local Authorities (Highways Authorities and LPAs) confirm if this survey period is considered to be sufficient and or whether or not they agree with the statement in ES para 14.4.34.	(a) As set out in Paragraph 2.13 of the **6.3.14.1 ES Appendix 14.1 Transport Assessment [REP1-015],** traffic surveys were undertaken between 2nd November 2021 and 8th November 2021. At the time, there were no Covid-19 restrictions in place. Covid-19 restrictions ended in July 2021. November is seen as a neutral month for traffic surveys as there are typically no school holidays. Data for the A15 and A57 was taken from the Department for Transport's (DfT) Road Traffic Statistics Database. At the time of writing the ES Chapter, the most recent year for data from the DfT's database was 2020. Therefore, flows from 2019 were utilised. To get to a base year of 2025, which is considered a reasonable start time for construction, TEMPro growth factors, which have been adjusted in line with the National Traffic Model (NTM), have been applied to the observed traffic flows. This is an industry standard process adopted by the DfT. The TEMPro software considers the changes in traffic flows associated with the Covid-19 restrictions. Accordingly, the Applicant is confident that the traffic flows used in the Environmental Statement are robust. (b) [Question not for the Applicant]
1.14.4	Applicant, LCC and NCC	**Travel Plan**	(b) It is anticipated a significant proportion of the workforce will be 'non-local' and will be put up in hotels within the

ExQ	Respondent	Question	Applicant's Response
		Chapter 14 Transport and Access [APP-052] of the ES sets out the travel plan arrangements to be provided for the construction and operational phases. It includes a measure for the provision of shuttle buses to transport construction workers to and from the Sites. This is particularly important for non-local workers, who will stay in local accommodation and be transported to the Sites. It is expected that a shuttle bus will be able to accommodate 20 workers. In addition, workers who drive will be encouraged to car share where possible. With this in mind, it is assumed that 50% of workers will arrive by shuttle bus. a) Are NCC and LCC satisfied with this conclusion? If not, please identify where issues arise and the reasons? b) Can the Applicant justify the split and uptake of shuttle bus patronage to 50%. c) Can the Applicant please confirm whether the assumptions used (e.g. para 4.6 of the Construction Traffic Management Plan) for the shuttle bus capture the worst case scenario? (The ExA notes that worst case scenario has been applied for the cable route corridor)	local area. It is expected that all 'non-local' construction workers will then get a shuttlebus to the Site. Through the Construction Worker Travel Plan (Appendix D to the **Construction Traffic Management Plan [REP1-017]**), additional shuttle buses will be put on to other local centres, to pick up the local workforce. At this stage, the information on the exact location of hotels, and local workforce, which will dictate the shuttlebus routes, is not known. Full information on the shuttle bus service will be provided to the local planning and highway authority as part of the final construction traffic management plans, secured through Requirement 15 of the DCO. Shuttle buses will be free for construction workers, which will encourage uptake. (c) It is expected that more than 50% of the workforce will arrive by shuttlebus. However, to provide a worst case assessment, and to provide consistency with other solar DCO applications, a 50% uptake was assumed for the assessment. As a comparison, and as set out at Paragraph 5.12 of the **6.3.14.1 ES Appendix 14.1 Transport Assessment [REP1-015],** Longfield Solar Farm (PINS reference EN010118; this DCO was granted in 2023) assumed that 55% of the workforce would arrive by shuttle bus, as did Gate Burton Energy Park (PINS reference EN010131; Examination closes 4 January 2024).

ExQ	Respondent	Question	Applicant's Response
1.14.5	Applicant	**Construction Vehicle Assumptions** Chapter 14 Transport and Access [APP-052] of the ES sets out assumptions for construction vehicle movements to the solar and energy storage park. Please can the Applicant explain and justify the basis for the percentage splits, vehicle occupancy etc.	Section 6 of the **6.3.14.1 ES Appendix 14.1 Transport Assessment [REP1-015]** provides additional information on the splits of vehicle movements to the different areas of the Scheme. Construction vehicle movements (HGV) were calculated based on the required equipment for each area of the scheme. Vehicle occupancy of car and shuttle buses reflects the worst case assumptions for construction worker transport of 50% of workers using shuttle buses. Please refer to the response to 1.14.4 for confirmation that this figure is robust. Section 4 of **6.3.14.1 ES Appendix 14.1 Transport Assessment [REP1-015]** provides a detailed breakdown of how the number of HGVs, LGVs, cars and shuttle buses have been calculated across the Scheme.
1.14.6	Applicant (and LCC)	**Unclassified Road South of the A1500** The ExA notes LCC's concern regarding the access route proposed for West Burton 1 as set out in its LIR [REP1A-002]. The ExA is familiar with the road having visited during previous Unaccompanied Site Inspections (USI) and experienced passing, layout and proximity to nearby ditches. The ExA notes LCC's recommendation at paragraph 8.9 of it's LIR [REP1A-002] for construction traffic: "the applicant needs to identify where passing bays will be located on this route" and that there should be "at least one bay on each straight section of the	The Applicant responded to LCC on Tuesday 24 October 2023, providing additional information on where passing locations could be provided, and swept path analysis for AIL vehicles. LCC responded on 15 November 2023 to state: *"Thank you for this note which shows that passing places could be provided to mitigate the impact on Access 1. With the abnormal loads, the Note suggests can be mitigated by temporary or permanent widenings, we would require a before and after Condition Survey with LCC Officers to ensure the road is returned to its original (or better) condition".* The Applicant accepts the requirement for a before and after Condition Survey, and this requirement can be found at item

ExQ	Respondent	Question	Applicant's Response
		route, making around three bays over the 1.2km section". Further, that for the proposed access points (Access 1 and 2) layout of access junctions need preparing with swept paths for HGVs to show that two-way movements can occur and the extent of the junction improvements necessary. The Applicant (and, optionally LCC) is asked to please update on its progress on discussions with LCC.	(xx) of the measures set out in paragraph 7.2 of **Appendix 14.2 Outline Construction Traffic Management Plan Revision B [EN010132/EX3/WB6.3.14.2_B]**, which is secured through Requirement 15 of the **draft Development Consent Order [EN010132/EX3/WB3.1_C]**. Additional information is set out at Paragraph 8.8 and within Appendix G of **Appendix 14.1 Transport Assessment [REP1-015]**.
1.14.7	Applicant	**HGV Access at West Burton 1** TA Table 5.1, ES para 14.74 [APP-052] indicates that the HGV vehicle max length is 16.5m. The ExA notes that Abnormal Indivisible Load (AIL) movements are considered separately to HGV. A 16.5m length articulated vehicle is 2.55m wide. The unclassified road South of the A1500 is 3m wide in places which is the width of the AIL trailer axels. Widening may be required to ensure that the integrity of the road surface is maintained. There are ditches approx.1.5m to the side of the unclassified road. Please can the Applicant: a) Confirm if the road preparation for the AILs will occur before the HGV deliveries.	The Applicant confirms that all necessary preparations for ordinary HGV deliveries and the Abnormal Indivisible Load (AIL) deliveries will occur before the deliveries take place. This will form part of the final Construction Traffic Management Plan, secured by Requirement 15 of the **draft Development Consent Order [EN010132/EX3/WB3.1_C]**. For ordinary HGV deliveries, as set out in **6.3.14.2 ES Appendix 14.2 Outline Construction Traffic Management Plan [EN010132/EX3/WB6.3.14.2]**, a booking system will be set up (paragraph 3.6) to avoid HGVs needing to pass each other on the local roads surrounding the Scheme, and banksmen will be deployed at each access to ensure the save access and egress of HGVs (paragraph 3.7). The Applicant does not anticipate that significant road widening will be required (see paragraph 4.23 of **[REP1-015]**), other than to ensure that existing accesses are suitably wide and

ExQ	Respondent	Question	Applicant's Response
		b) If not, does Appendix D of the TA need to be updated to include other elements of the unclassified road in addition to the accesses?	formalised (paragraph 7.2 (iii)), and to create temporary pass-by bays on narrower sections of highway (paragraph 7.2 (iii)). The management of abnormal loads is set out in Section 6 of **6.3.14.2 ES Appendix 14.2 Outline Construction Traffic Management Plan [EN010132/EX3/WB6.3.14.2]**. All abnormal loads will travel from Immingham Docks to the site using the A160, A180 and M180 to reach the A15. From here, the routes are: • West Burton 1: A15 --> A1500 Till Bridge Lane --> West Burton 1 Access Road; • West Burton 2: A15 --> A46 --> A57 --> B1241; • West Burton 3: A15 --> A1500 Till Bridge Lane. As set out in paragraph 6.12 and 6.13 of **6.3.14.2 ES Appendix 14.2 Outline Construction Traffic Management Plan [EN010132/EX3/WB6.3.14.2]**, should any issue arise in respect of structure, the Applicant's specialist abnormal load contractor Wynns will explore alternative trailer arrangements to spread the load; temporary or permanent relieving measures; and, where appropriate, the laying of steel plates or timbers in order to protect verges and kerbs. All abnormal load movements and traffic management will be agreed with the local highway authority and police before the movement takes place.

ExQ	Respondent	Question	Applicant's Response
			Accordingly, all road preparation works to ensure the integrity of the road, including relevant traffic management measures, will be completed prior to each abnormal load. In addition to these measures taken in advance of construction works, a pre-construction road condition survey will be carried out two weeks prior to construction commencing (the extent of which will be agreed with the local highway authority). Following completion of construction, a post-construction condition survey will be undertaken to identify any additional defects that were caused by construction. These defects will be corrected to the satisfaction of the local highway authority. Please see paragraph 7.1 (xx) of **6.3.14.2 ES Appendix 14.2 Outline Construction Traffic Management Plan [EN010132/EX3/WB6.3.14.2]**. The Applicant is confident that all necessary measures to ensure the integrity of the highways used for the construction of the Scheme, including the unclassified referred to by the Examining Authority, will be identified and implemented prior to construction commencing in accordance with Requirement 15 of the **draft Development Consent Order [EN010132/EX3/WB3.1_C]**. The Applicant and its AIL specialist Wynns have not identified a requirement for any road widening to take place. In the event damage is caused to the highway, this will be identified and repaired by the Applicant with the full oversight of the local highway authority.

ExQ	Respondent	Question	Applicant's Response
1.14.8	LCC and Applicant	**LCC Review and Specify Highway Works** The ExA notes that LCC's LIR [REP1A-002] at paragraph 8.11 seeks a mechanism to ensure that the Highway Authority can review and provide the specification for works would normally be captured via a Section 278 Agreement. At that time of submission such mechanism was still under discussion in the drafting of the DCO. Please can LCC and the Applicant update on progress of this fundamental component of the project.	The **draft Development Consent Order Revision A [REP1-007]** added the wording "such consent to be in a form reasonably required by the street authority" to article 9(4). This wording is taken from the Mallard Pass Solar Project, Gate Burton Energy Park and Cottam Solar Project draft DCOs. During Issue Specific Hearing 5 on the Cottam Solar Project [PINS Reference EN010133], LCC confirmed that this additional wording is accepted. The Applicant confirms that the final Construction Traffic Management Plan (CTMP) (based on **6.3.14.2 ES Appendix 14.2 Outline Construction Traffic Management Plan [EN010132/EX3/WB6.3.14.2]**), secured by Requirement 15 of the **draft Development Consent Order (Version C provided at Deadline 3) [EN010132/EX3/WB3.1]** will include the level of detail that is usually contained in and required for a section 278 agreement. If the information was considered to be sub-standard, LCC is entitled under Requirement 15 to refuse to approve the final CTMP or to request further information. The **Outline CTMP** has been updated at Deadline 3 **[EN010132/EX3/WB6.3.14.2]** to confirm the level of detail that would need to be submitted to the relevant highway authority (LCC).
1.14.9	Applicant (LCC and NCC)	**Collision Data**	A) For Transport Assessments, it is standard practice to review personal injury collision data over the most recent

ExQ	Respondent	Question	Applicant's Response
		Chapter 14 Transport and Access [APP-052] analyses Personal Injury Collision Data provided over the "most recent" five-year period (Para 14.5.26). a) 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 Covid19 pandemic during this period? b) Please also confirm whether there are any assessment assumptions and/or limitations in relation to Covid-19 within the LCC road network data. c) Please can the Applicant confirm if Table 14.8 of ES Chapter 14: Transport and Access [APP-052] is up to date in relation to accident data, given that it does not include accidents from 2022 or 2023. Local Authorities may also like to comment on the above.	five-year period. At the time of writing, this included the years up to and including 2021. Road safety audits are only required to review a three-year period. Whilst the Covid-19 pandemic would have affected traffic flows for parts of 2020 and 2021, there is still sufficient data within the remaining years to form robust conclusions (2016 to March 2020, and the second half of 2021 were 'non-lockdown' conditions). B) As per the response to Point A, the Applicant does not consider that there are any limitations in the data due to the impacts of Covid-19 given the 5 year range of the data analysed. C) At the time of writing, data for 2022 and 2023 was not available. Data for 2023 is unlikely to be available until 2024. Data for the most recent five-year period was obtained and analysed. This covered the period from 2016 to 2021.
1.14.10	Applicant	**Construction Traffic Routes and Hedgerows** Please can the Applicant confirm whether other than at access points, any of the construction routes result in hedgerow removal?	Small sections of hedgerow may be affected by the requirement for passing locations on the route to the West Burton 1 Site. All passing locations are deliverable within the highway boundary but will use the verge in places. Some areas of hedgerow will be affected. These sections have been reviewed by landscape architects and ecologists and it is understood that they are species poor and not subject to

ExQ	Respondent	Question	Applicant's Response
			specific ecological constraints. Any impact will be temporary as trimmed hedgerows will be allowed to grow back, and any removed hedgerows will be replanted. The detailed measures relating to minor hedgerow removal and pruning are set out in section 1.2 of the **Outline Landscape and Ecological Management Plan [EN010132/EX3/WB6.3.14.2]**.
1.14.11	Applicant	**Mitigation of Construction Phase Vehicles** Paragraph 14.6.4 of ES Chapter 14: Transport and Access [APP-052] refers to "Works to enable abnormal load deliveries" (final bullet point). Please can the Applicant clarify what these works would entail.	Further details on Abnormal Indivisible Loads movements are set out in Section 7 on the **WB6.3.14.1 ES Appendix 14.1 Transport Assessment [REP1-015]** and Section 6 of the **WB6.3.14.2_A ES Appendix 14.2 Outline Construction Traffic Management Plan [EN010132/EX3/WB6.3.14.2]**. The abnormal indivisible loads summary report is included at Appendix F of the Transport Assessment. Works include: • Minor carriageway widening in places (paragraph 4.23 of **[REP1-015]**; • Tree pruning in various locations depending on growth at time of movement (see Abnormal Loads Report at Appendix F of the **3.14.1 ES Appendix 14.1 Transport Assessment [REP1-015]** ; see also the Applicant's response to question 1.14.10 above regarding hedgerows); • Obtaining movement permits and agreeing traffic management with the local highway authority and police, including street furniture removal, if necessary (paragraphs 7.14 to 7.18 of **[REP1-015]**; paragraphs

ExQ	Respondent	Question	Applicant's Response
			6.10 to 6.14 and 7.2 (iv) and (x) of **[EN010132/EX3/WB6.3.14.2]**.
1.14.12	Applicant	**Cumulative Effects** Section 14.9 of ES Chapter 14:Transport and Access [APP-052] provides a discussion on cumulative effects with a number of schemes in the local area. The Applicant is asked to provide a summary update as to the accuracy of these data, and whether or not changes are required.	Within the **6.2.14 ES Chapter 14_Transport and Access [APP-052]** traffic flows for the cumulative schemes were based on the available data at the time of writing. For Cottam Solar Project and Gate Burton Energy Park, this was the associated Preliminary Environmental Impact Report (PEIR) documents. These both now have full ES chapters and technical appendices. The Applicant has reviewed the full ES chapters and appendices on these schemes in order to identify if any changes to the findings of cumulative effects is required. The full documents only result in minor changes to traffic flows compared to what was presented at the PEIR stage of the schemes and will not result in any changes to the conclusions of **ES Chapter 14 [APP-052]**. The assessment and conclusions within **ES Chapter 14 [APP-052]** remain unchanged. In the event that the construction schedules associated with this Scheme and other schemes in the area overlap being the Cottam Solar Project and the Gate Burton Solar Project, a joint Construction Traffic Management Plan Joint CTMP could be produced. This would set out construction traffic management and control measures relevant to those areas where the construction vehicle routes for the schemes would overlap, to reduce and manage any potential cumulative effects. This is particularly relevant to the Shared Cable Route Corridor with the Cottam and Gate Burton projects. The Joint CTMP would be agreed with the relevant authorities prior to commencement of

ExQ	Respondent	Question	Applicant's Response
			construction. Details are provided within the **Joint Report on Interrelationships between Nationally Significant Infrastructure Projects [REP2-010.** The **Outline CTMP** has also been updated at Deadline 3 **[EN010132/EX3/WB6.3.14.2]** to reference the potential for a Joint CTMP.
1.14.14	Applicant	**Effect on Pedestrians and Cyclists – Amenity** Paragraph 14.7.44 to 14.7.46 14.7 of ES Chapter 14: Transport and Access [APP-052] considers the likely effects on pedestrian amenity. The effects are not considered to be significant. Given the nature of the minor roads and PROWs which provide access to and cross the site, please can the Applicant set out how cyclists' and pedestrians' amenity be affected by HGVs and abnormal loads, in addition to increased car use?	Conclusions for the **6.3.14.1 ES Appendix 14.1 Transport Assessment [REP1-015]** were based on likely pedestrian and cyclist flows, and construction traffic movements associated with the Scheme. The Applicant confirms that the impacts of all construction traffic associated with the Scheme, including HGVs, abnormal loads and car use, has been included in the assessment. Many of the minor roads that will be used by construction traffic have no walking or cycling infrastructure. They do not provide routes to key destinations that would be used by pedestrians and cyclists. Therefore, pedestrian and cyclist flows will be low on these roads. No public rights of way (PRoW) will be affected by the construction of the solar element of the Scheme. It is acknowledged that some PRoWs will be affected during the construction of the cable route corridor. Information on how PRoW will be managed during the construction of the cable route is set out from paragraph 3.4 of the **6.3.14.3 ES Appendix 14.3 Outline Public Rights of Way Management Plan (PROWMP) [EN010132/EX3/WB6.3.14.3_B]**.

ExQ	Respondent	Question	Applicant's Response
			Management measures will be in place to ensure the safety of public rights of way users at all times. As set out in paragraph 3.8 of the PROWMP, "when the cable is installed, there will be there will be some instances where the PRoW needs to be closed to users for a short period. This will not occur at all PRoWs, as directional drilling will be used in some places. Where there is a requirement to temporarily close the PRoW, works will be undertaken over-night so far as is practicable to do so, when there are unlikely to be any PRoW users. It is anticipated that the installation of cables over short sections where the PRoW is located can be undertaken in a single overnight period. The PRoW will remain open, and managed, during the daytime period so far as is practicable to do so". The PROWMP is secured by Requirement 18 of the **draft Development Consent Order (Version C provided at Deadline 3) [EN010132/EX3/WB3.1_C]**. As set out in Section 6 of the **6.3.14.1 ES Appendix 14.1 Transport Assessment [REP1-015]** HGV and construction vehicle flows on individual roads will be relatively low on a day-to-day basis. Tables 6.1 to 6.4 of **[REP1-015]** shows the construction vehicle movements by route. For each cable route corridor access construction vehicle route set out in paragraph 6.16 of **[REP1-015]**, the peak will be only four HGV arrivals and four HGV departures per day, for a period of approximately 90 days per access point. Therefore, the conclusion that the effects on pedestrians and cyclists will be minor is based on low pedestrian and cyclist

ExQ	Respondent	Question	Applicant's Response
			numbers and low construction numbers over the course of a daily period. All effects will be temporary in nature. It is further noted that the Gate Burton Energy Park ES Chapter 13 Transport and Access reached similar conclusions for pedestrian delay and pedestrian amenity, stating that effects will either be minor or negligible.
1.14.15	Applicant	**Effect on Pedestrians and Cyclists – Hazardous Loads** Paragraph 14.7.47 to 14.7.49 14.7 of ES Chapter 14: Transport and Access [APP-052] consider the likely effects of hazardous loads. The effects are not considered to be significant. Given the nature of the minor roads and Public Rights of Way which provide access to and cross the site, please can the Applicant set out how cyclists' and pedestrians' safety will be affected by HGVs and abnormal loads, in addition to increased car use?	As set out in paragraph 14.7.47 of the **6.2.14 ES Chapter 14_Transport and Access [APP-052]** *"Some deliveries to the Site during the construction phase will be regarded as 'hazardous loads'. These include the deliveries of lithium-ion batteries and transformer oil. All regulations for the movement of hazardous loads will be followed, and the appropriate documentation will be obtained"* In addition, at paragraph 14.7.48 of **[APP-052]**, *"There will be some abnormal loads to transport the transformers for the 132kV and 400kV substations. These movements will be managed so that the potential effects are mitigated appropriately"*. Due to the infrequent nature of these deliveries, and the heavy management that will be in place, as secured through the Construction Traffic Management Plan (CTMP) **[EN010132/EX3/WB6.3.14.2_B]** at Requirement 15 of the DCO [**EN010132/EX3/WB3.1_C]**, the effects on pedestrian

ExQ	Respondent	Question	Applicant's Response
			and cyclist safety will be minor and temporary. Paragraph 1.8 of the **outline Construction Traffic Management Plan [EN010132/EX3/WB6.3.14.2_B]**confirms that the undertaker is responsible for ensuring that the appointed contractor complies with all statutory regulations and guidelines; this will include those that deal with the movement of hazardous loads. Please refer to the Applicant's response to question 1.14.11 above in respect of the relevant measures that will apply to abnormal load deliveries.
1.14.16	Applicant	**Effect on pedestrians and cyclists – Public Rights of Way (PRoW)** ES Chapter 14: Transport and Access [APP-052] Paragraph 14.6.5 confirms that no diversions or closures of PROWs are required during the Operational phase. Paragraph 14.7.42 states the intention is for PROWs "to remain open that during the construction phase", but that any temporary stopping up and diversion will be "appropriately managed". Para 3.12 of the oPROW MP [REP1-018] cross references the PROW Plan [APP-009] which identifies potential diversions (e.g. Sheets 1, 6 and 7). Where a temporary stopping up/diversion of a PRoW is required, prior notices to the PRoW officers at the local highway authority will be provided "so far as possible". LCC has commented (Para 9.4 of LIR [REP1A-002]) that there needs to be a clear procedure for	a) No public rights of way (PRoW) will be affected by the construction of the solar element of the Scheme. As set out in paragraph 3.8 of the **6.3.14.3 ES Appendix 14.3 Outline Public Rights of Way Management Plan (PROWMP) [EN010132/EX3/W]** , *"when the cable is installed, there will be there will be some instances where the PRoW needs to be closed to users for a short period. This will not occur at all PRoWs, as directional drilling will be used in some places. Where there is a requirement to temporarily close the PRoW, works will be undertaken over-night so far as is practicable to do so, when there are unlikely to be any PRoW users. It is anticipated that the installation of cables over short sections where the PRoW is located can be undertaken in a single overnight period. The PRoW will remain open, and managed, during the daytime period so far as is practicable to do so"*. Therefore, effects will be minor and temporary.

ExQ	Respondent	Question	Applicant's Response
		temporary closing or diverting rights of way with clear details about reinstatements of any paths and surface of any diverted routes. Can the Applicant please explain: a) How ES Chapter 14: Transport and Access [APP-052] considers the potential effect of diversions during the construction phase, as indicated on the PRoW Plan. b) The likely effect on pedestrians and cyclists. c) Please also comment on progress for clearer procedures for temporary stopping up, so that prior notices are provided whenever required with trigger points and descriptions provided appropriately?	b) As per point a), the majority of PRoW will not be affected by the Scheme. Where a PRoW is affected by the Scheme, the effects will be minor and temporary. c) As set out in paragraph 3.9 of the **6.3.14.3 ES Appendix 14.3 Outline Public Rights of Way Management Plan (PROWMP) [EN010132/EX3/WB6.3.14.3_B]** *"Where a temporary stopping up/diversion of a PRoW is required, prior notices to the PRoW officers at the local highway authority will be provided so far as possible."* Paragraph 3.12 of **[EN010132/EX3/WB6.3.14.3_B]** confirms that, in addition to notice being provided to the local highway authority, details of the diversion will be advertised along the PRoW for the local community to review. Where PRoW must be temporarily closed, paragraph 3.13 of **[EN010132/EX3/WB6.3.14.3_B]** confirms that this work "will be undertaken overnight so far as is practicable to do so when there is unlikely to be any users". Further measures for the management of PRoWs are included within the outline Construction Traffic Management Plan **[EN010132/EX3/WB6.3.14.2_B]** at paragraph 7.2 (i), including that appropriate signage will be installed along the PRoW to make users aware of construction activity, including information on construction times and contact details for a public liaison officer.

ExQ	Respondent	Question	Applicant's Response
			The final detailed PROWMP and CTMP will be approved by the relevant planning authority (in consultation with the relevant highway authority) in accordance with Requirements 15 and 18 of the **draft Development Consent Order (Version C provided at Deadline 3) [EN010132/EX3/WB3.1]**, and the relevant planning authority may request further information under paragraph 3 of Schedule 17 (procedure for the discharge of requirements) if it considers that further detail as to trigger points and descriptions is needed within the final versions of these documents.
1.14.17	Applicant	**PROW Reinstatement** Para 3.7 of the oPROW MP [REP1-018] states that damage to the surface of the footpath will be repaired as soon as practical. a) Please can the Applicant expand on this point, and confirm how the Local Authorities will be involved? b) Where this results in a change to the oPROW MP please confirm through updated version of the relevant documents.	a) Public rights of way (PRoW) are managed within the **6.3.14.3 ES Appendix 14.3 Outline Public Rights of Way Management Plan (PROWMP) [EN010132/EX3/WB6.3.14.3_B]** and **6.3.14.2 ES Appendix 14.2 Outline Construction Traffic Management Plan (oCTMP) [EN010132/EX3/WB6.3.14.2_B]**. The oCTMP provides at paragraph 7.2 (i) at the final bullet point that *"any damage to the surface of the footpath/bridleway will be repaired as soon as practicable. The surface will be returned to its original condition following completion of construction"*. Requirement 15 of the **draft Development Consent Order (Version C provided at Deadline 3) [EN010132/EX3/WB3.1]** secures the final CTMP and that this must be substantially in accordance with the oCTMP. The final CTMP must be

ExQ	Respondent	Question	Applicant's Response
			approved by the relevant planning authority before construction of the Scheme can commence. The detail of the restoration of damage to the surface of PRoWs will be contained within the CTMP (or PROWMP; see below) and approved by the local planning authority. The relevant planning authority may request further information under paragraph 3 of Schedule 17 (procedure for the discharge of requirements) to the draft DCO if it considers that further detail is needed as to the restoration of PRoW within the final versions of these documents. The PROWMP also provides at paragraph 3.7 that damage to the surface of a footpath or bridleway will be repaired as soon as practicable. As with the oCTMP, the final version of the PROWMP must be substantially in accordance with the outline version **[EN010132/EX3/WB6.3.14.3]**, and must be approved by the relevant planning authority. The final PROWMP applies to PRoW that will be temporarily closed, shown on **2.4 Public Rights of Way Plan [EN010132/EX3/WB2.4_A]** and listed in Parts 2 and 3 of Schedule 6 (streets and public rights of way) to the draft DCO. This Requirement provides that the final PROWMP must be substantially in accordance with the outline PROWMP **[EN010132/EX3/WB6.3.14.3]**. The relevant planning authority has the same ability to request further information, or to refuse to approve the final Plan, as it has for the CTMP detailed above.

ExQ	Respondent	Question	Applicant's Response
			b) The Applicant welcomes any specific comments from LCC or NCC on the drafting of **6.3.14.3 ES Appendix 14.3 Outline Public Rights of Way Management Plan (PROWMP) [EN010132/EX3/WB6.3.14.3_B]**.
1.14.18	Applicant	**Improvements to Footpaths** LCC's LIR [REP1A-002] (Section, Paragraphs 9.11-9.16) sets out a number of improvements to footpaths which could be achieved which the ExA has visited on Unaccompanied Site Inspections (USI). For example, the case of the termination of PF68 at a busy A Road at Tillbridge Lane/Stow Park Road with no ongoing right of way is given in the LIR (Para 9.14). LCC comments that "A permanent diversion of the path alongside the field edge would reposition the termination point of the path to the 30mph speed restricted part of the road and create a short circular route for residents in Marton and make the path much more attractive and useful. This would also avoid the need for temporary diversion or closure of the path. Some consideration as to the surface of the diverted section of the path would be required, however, this would be less substantial than anything needed for a temporary diversion". Other suggestions for a range of PROWs are provided.	The Applicant has responded to each of the suggestions made by LCC at 9.12 to 9.17 of **8.1.20 Applicant's Response to Local Impact Reports [EN0101032/EX3/8.1.20].**

ExQ	Respondent	Question	Applicant's Response
		Please can the Applicant provide a comment on these suggested improvements, and whether and how it is engaging with the relevant Local Authority to address the points.	
1.14.19	Applicant	**Horse Riders** Can the Applicant explain how ES Chapter 14: Transport and Access [APP-052] has accounted for horse riders in relation to effects?	The **6.2.14 ES Chapter 14_Transport and Access [APP-052]** and supporting technical appendices was updated at Deadline 1 to considered horse riders in more detail. Please see **8.4.14.1 ES Addendum – Chapter 14 – Transport and Access [REP1-074]**.
1.14.20	Applicant	**Effects of Construction Traffic** Please can the Applicant clarify why the ES Chapter 14: Transport and Access [APP-052] does not consider the effects from construction traffic on rail, given the presence of rail lines through the Order Limits?	Construction traffic associated with the Scheme will not significantly affect rail movement. Where construction traffic crosses the railway line via level crossings, rail traffic has priority.
1.14.21	Applicant	**Effects of Construction Traffic** The Applicant is asked to explain why ES Chapter 14: Transport and Access [APP-052] does not consider the effects in particular from construction traffic on water borne traffic?	Construction traffic associated with the Scheme will not significantly affect water borne movement. There may be a limited number of construction vehicle movements over the River Trent associated with the cable route corridor near to Cottam Power Station, which will not affect water borne traffic as the movements will be undertaken by road vehicles utilising the highway network.
1.14.22	Applicant	**Construction Vehicle Movements** Paragraphs 14.6.3 and 14.64 of ES Chapter 14: Transport and Access [APP-052] cross refer to the	The **6.3.14.2_ES Appendix 14.2 Outline Construction Traffic Management Plan (CTMP) [EN010132/EX3/WB6.3.14.2]** and its measures, including routing and a Construction Worker Travel Plan, is secured

ExQ	Respondent	Question	Applicant's Response
		revised CTMP [REP1-016] as the framework for management of construction vehicle movements. These movements involve public roads and vehicles/drivers who may not be under direct control of the Applicant. Please explain how the framework management will be effectively adhered to.	through Requirement 15 of Schedule 2 to the **draft Development Consent Order (Version C provided at Deadline 3) [EN010132/EX3/WB3.1_C]**. The routing of vehicles will be part of the agreements/contracts set up between the contractor and suppliers. Compliance with measures in the CTMP by the Applicant's contractors (and their employees) will be monitored throughout construction, and if necessary issues will be discussed with the local highway authority so they can be resolved. This is set out in the Outline CTMP at paragraph 7.2 (xxiv).
1.14.23	Applicant	**Construction Worker Travel Plan** With regard to paragraph 14.7.12 of ES Chapter 14:Transport and Access [APP-052] and the Construction Worker Travel Plan [REP1-016] Appendix D, please can the Applicant provide more information on how the shuttle bus will operate, including origins and destinations, and how workers will be incentivised to use the shuttle bus and car sharing.	As per the response to 1.14.4, it is anticipated a significant proportion of the workforce will be 'non-local' and will be put up in hotels within the local area. It is expected that all 'non-local' construction workers will then get a shuttlebus to the Site. Through the Travel Plan, additional shuttle buses will be put on to other local centres, to pick up the local workforce. At this stage, the information on the exact location of hotels, and local workforce, which will dictate the shuttlebus routes is not known. Full information on the shuttle bus service will be provided to the local planning and highway authority as part of the final construction traffic management plans, secured through Requirement 15 of the **draft Development Consent Order (Version C provided at Deadline 3) [EN010132/EX3/WB3.1_C]**.

ExQ	Respondent	Question	Applicant's Response
			Shuttle buses will be free for construction workers, which will encourage uptake. The benefits of car sharing, for example reduced fuel cost, will also be promoted to construction workers.
1.14.24	Applicant	**Mitigation During Construction** Paragraph 14.7.70 of ES Chapter 14: Transport and Access [APP-052] refers to additional measures to be implemented. It refers to a Stage 1 Road Safety Audit at all access junctions and additional safety measures. Please can the Applicant confirm whether or not such an audit has been carried out?	At this stage, Stage 1 Road Safety Audits have not been undertaken. Stage 1 and 2 Road Safety Audits will be undertaken as part of the detailed design process.

16 Water Environment including Flooding

ExQ	Respondent	Question	Applicant's Response
1.15.1	Applicant	**Horizontal Directional Drilling and Emergency Spill Management** The ExA notes that Horizontal Directional Drilling (HDD) is likely to be required – see for example Chapter 4 paragraph 4.5.44 [APP-042]. The Outline Construction Environmental Management Plan Revision A [REP1-034] does not include an emergency spill management plan. Rather, it refers to an action plan that will be produced. Can the Applicant explain how accidental pollution spills from HDD will be managed during construction and where such management is secured through the dDCO?	The **outline Construction Environmental Management Plan (CEMP) [EN010132/EX3/WB7.1_B]** provides at Table 3.4 that pollution plans to deal with accidental pollution will be included within the detailed CEMP, with necessary equipment held on site and appropriate training on their use provided for all site personnel. Further detail is provided under Spillage Risk in the same table. Any spills that occur will be treated using spill kits and oil absorbent material. This is secured by Requirement 13 of Schedule 2 to the **draft Development Consent Order (Version C provided at Deadline 3) [EN010132/EX3/WB3.1_C]**. This ensures that construction (which includes HDD) cannot commence until the final CEMP has been approved by the relevant planning authority. The relevant planning authority must consult with the Environment Agency before approving the final CEMP, and the final CEMP must be substantially in accordance with the outline CEMP. The detail of how the risks of spillage associated with HDD will be included in the final CEMP and will meet the requirements of the Environment Agency as a result of the requirement that they are consulted. Sub-paragraph (3) requires that all construction works associated with the Scheme must be carried out in accordance with the approved CEMP.
1.15.2	Applicant	**Disapplication of Ss 24 and 25 Water Resources Act 1991 and Environmental**	The Applicant included the requested additional wording "in respect of a flood risk activity only" at article 6(1)(h) in

ExQ	Respondent	Question	Applicant's Response
		Permitting (England and Wales) Regulations 2016 (EPR) The EA in its RR [RR-090], and confirmed in its WR [REP1A-007] states that it does not agree to disapply the requirement for licences under sections 24 and 25 of the Water Resources Act 1991 (water abstraction and impounding). Further, it does not agree to disapply the requirement for a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 until protective provisions are agreed. The EA requested that Article 6(1)(h) is amended. The ExA notes EA comments that variations are not expected to be substantial. Can the Applicant confirm its position in this regard and address the EA's comments?	**Revision A of the draft Development Consent Order [REP1-007]**. The Applicant is continuing its negotiations with the Environment Agency (EA) over the protective provisions to be included within the draft Development Consent Order. It is confident that an agreement will be reached with the EA before the end of the Examination.
1.15.3	Applicant	**Water Quality of On-Site Ditches** The Applicant is asked to please: a) Explain how off-site impacts that may alter the water quality of on-site ditches, for example, the use of fertilisers or maintenance requirements, have been considered.	a) Diffuse pollution from fertiliser usage occurs when the fertiliser used to improve agricultural yields is mobilised overground or within the soil, migrating to local watercourses through natural overland and subsurface flow. The proposed scheme will change the existing use on the vast majority of the proposed area from active arable farm land to solar development which is improved with grassland planting. Point 3 of paragraph 10.8.1 within **WB6.2.10 ES Chapter 10_Hydrology, Flood Risk and Drainage [APP-**

ExQ	Respondent	Question	Applicant's Response
		b) Explain how these risks have been assessed cumulatively from the construction, operational and decommissioning phases. c) Explain whether chemicals such as weed killers will be used during the operation, and if so, what will be done to prevent run-off into nearby ditches? d) Respond to the EA RR [RR-090] and para 3.5 of its WR [REP1A-007] comment that "water quality in field boundary ditches is expected to significantly increase as a result of the change of use from agriculture use to placement of solar panels and the resultant removal of fertilisers/herbicides from the fields". Please update or update through SoCG.	**048]** includes provision for suitable planting (such as a wildflower or grass mix) to ensure that the underlying ground cover is strengthened. Diffuse water pollution from agriculture and rural land use has been directly attributed to 28% of failures to meet the WFD standards in England (https://post.parliament.uk/research-briefings/post-pn-478/) . The change of use will result in the removal of fertiliser usage throughout the scheme and help contribute towards achieving WFD targets. b) Please refer to the response to a) above. In addition to the change of use, the benefits of a fallow period in improving soil health may improve rainfall infiltration and topsoil aggregate stability, reducing soil detachment and overland flow transporting sediment. As nutrients (particularly phosphate) pesticide and faecal indicator organisms are caried to surface waters with sediment, the diffuse pollution benefits from the fallow period will not be reversed immediately upon any resumption of arable management. Please see the response to question 1.2.7 above and in paragraphs 19.9.13 to 19.9.15 of **ES Chapter 19 Soils and Agriculture [APP-057]** which explain how the proposed development will protect and improve soil quality. c) The **outline Operational Environmental Management Plan [EN010132/EX3/WB7.14_B]** recognises in Table 3.4 that the potential impact on watercourses will be from the reduction in chemical loading tied to nitrate, pesticide, herbicide and insecticide applications on agricultural land.

ExQ	Respondent	Question	Applicant's Response
			This provides a beneficial impact. Vegetation management within the solar PV array sites may utilise sheep grazing or alternative methods such as mowing. The **outline Landscape and Ecological Management Plan [EN010132/EX3/WB7.3_B]** sets out at section 4.8 how the habitat beneath the PV panels will be managed. This includes creation of diverse grassland (paragraph 4.8.3) with the cessation of fertilisation and herbicide spraying. Herbicide application may be necessary in the first year should there be an abundance of injurious weeds, so as to ensure the proper establishment of the habitat (paragraph 4.8.8). Following this, management would be by way of a 'haycut' carried out between late July and September or sheep grazing. Weed killers may be utilised within the first year of operation, and the risk of run-off into nearby ditches and watercourses will be managed in accordance with the Pollution Controls in Table 3.4 of the **oOEMP [EN010132/EX3/WB7.14_B]**. Even in the event herbicide use is required in the first year of operation, the impacts will be lower than that currently experienced through the agricultural use of the land. d) See response to part a) above. The Applicant confirms that the Scheme is expected to have beneficial impacts on boundary ditches as a result of fertilisers and herbicides not being used to manage the land.

ExQ	Respondent	Question	Applicant's Response
1.15.4	Applicant	**Isolation and Operationality in Flooding Event** Paragraph 2.2.9 of ES Chapter 10 Appendix 10.5 [APP-093] sets out that the Proposed Development has been designed so that in the event of a 0.1% Annual Exceedance Probability (AEP) + 20% Climate Change flood event it would be possible to electrically isolate damaged infrastructure and replace it without affecting the operation of the rest of the scheme. Can the Applicant please comment on the acceptability of this is in line with the development's classification as essential infrastructure and the NPS's requirement that new energy infrastructure "should also be designed and constructed to remain operational in times of flood" (EN-1 paragraph 5.8.5).	Paragraph 2.2.9 of **ES FRA DS West Burton 3 Appendix 10.5 [APP-093]** sets out that in the unlikely scenario that the 0.1% AEP + 20% CC (1 in 1000 year) flooding event occurs then 79% of the Site will remain operational. During this 1 in 1000 year event, the Scheme has been designed to allow the affected part of the Site to be electrically isolated and any damaged infrastructure to be replaced with no impact on the operation of the rest of the Site. The Scheme has been designed for a 1 in 100 year flooding event which allows for the Scheme to remain fully operational during that flood event. The Scheme includes embedded mitigation which is set out in Section 2.7 of **ES FRA DS West Burton 3 Appendix 10.5 [APP-093]** and **7.13B Concept Design Parameters and Principles Revision [EN010132/EX3/WB7.13]**_which is secured through Requirement 5 of Schedule 2 of **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]** . The Applicant would like to clarify that the paragraph quoted by the ExA is 5.8.7 as opposed to 5.8.5 in NPS EN-1 published November 2023. In respect of the compliance of the Scheme with the referenced EN-1 paragraph, the Applicant considers that the Scheme is compliant as the likelihood of a 1 in 1000 year flood event is an unlikely scenario and in any event if it did take place the loss of power generation from the affected part of the Scheme during the flood event compared to the overall generation of the Scheme is considered to be

ExQ	Respondent	Question	Applicant's Response
			negligible. The Scheme has been designed to include mitigation which results in it being resilient to a 1 in 100 year plus climate change flood event which allows the Scheme to remain fully operational.
1.15.5	Applicant	**Survey of River Till** A specialist Modular River Physical survey (MoRPh) of the River Till has not been carried out. The EA believes that it would be worthwhile exploring improvements on the Till and its tributaries as the site boundary for West Burton 2 runs perpendicular to the river. It welcomes consideration for smaller scale habitat improvements to tributaries of the River Till within the scheme boundary (see para 3.6 of [RR-090]) Please can the Applicant comment on such improvements, their scope and how the scheme may deliver these or other improvements.	In the latest comments by the Applicant on the Statement of Common Ground with the Environment Agency, it was noted that: "No physical enhancements are proposed beyond periodic ditch management to include the removal of choking vegetation. Targeted and period ditch management is part of **7.3 Outline Landscape and Ecological Management Plan [APP-311]**, (see para. 4.9.9). The Applicant considers that any commitment to physical modifications to the River Till or its tributaries is beyond the remit of the Application. It has been proposed to create a linear cluster of scrapes close to the River Till, with a feeder ditch connecting these scrapes and supplying a source of water, in order to provide habitat for breeding and overwintering birds. The scrapes may be connected on a ditch line to ensure they remain wet into June. Where necessary, this may be connected into the River Till, which will be discussed with the Environment Agency and other experts. The scrapes and other wetland and pond creation is set out within the OLEMP **[APP-311]**."

ExQ	Respondent	Question	Applicant's Response
			The EA then responded to this comment stating that they will not comment further this and the matter can be considered as agreed.
1.15.6	Applicant/Environment Agency	**Filamentous Algae** The EA had requested in RR [RR-090] more information on the remedial actions suggested for filamentous algae in ditches to be able to comment. It states that it wishes to see the actions that would be undertaken at year 4 should it fail to reach moderate status. The SoCG [REP1-065] provides an update and the matter remains under discussion. The Applicant is asked to please provide a further update on progress, and, if necessary to share the data used to make the ditch assessment.	The **7.3 Outline Landscape and Ecological Management Plan [EN0101032/EX3/WB7.3_B]** has been updated at Deadline 3 to include remedial actions for filamentous algae in ditches. Where coverage is frequent, abundant or dominant remedial measures will be carried out to reduce filamentous algae coverage and will follow guidance set out in The Drainage Channel Biodiversity Manual.
1.15.7	Applicant	**River Crossing Methodology** Please can the Applicant confirm its methodology for proposed river crossings.	Paragraph 4.5.51 of **6.2.4 ES Chapter 4 Scheme Description [APP-042]** states that the two main rivers of Rivers Trent and Till will be crossed via Horizontal Directional Drilling (HDD) techniques.
1.15.8	Applicant	**Horizontal Directional Drilling Depth** Please can the Applicant confirm whether full surveys of the River Trent have been completed in order to inform the depth of horizontal direction drilling.	Full surveys of the River Trent have not yet been completed in order to inform the depth of the Horizontal Directional Drilling (HDD). Ground investigations will be completed as part of the detailed design at the pre-construction stage. This approach has been agreed with the Environment Agency,

ExQ	Respondent	Question	Applicant's Response
			Lead Local Flood Authorities, Internal Drainage Board's and Canal and River Trust. The design parameters and principles for Work No. 5 in connection with electrical cabling contained in **7.13 B Concept Design Parameters and Principles Revision B [EN0101032/EX3/WB7.13_B]** have been updated to state, 'Minimum drilling, boring depth under the River Trent to be 5 metres'. Requirement 5 of Schedule 2 of **3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C]** states that Work No. 5 must be carried out in accordance with the **7.13_B Concept Design Parameters and Principles Revision B [EN0101032/EX3/WB7.13_B]**.
1.15.9	Applicant and Interested Parties	**Flooding in 2019/ 2023** The Applicant and, optionally IPs, are asked to comment on previous flooding events, for example in 2019 and 2023. This includes recent flooding following Storm Babet (Oct 2023). 7000 Acres, in its WR for Deadline 1A "Flooding Concerns**"** [REP1A-015] notes that the surface water runoff under storm conditions from impervious areas due to PV panels will be significant. Additionally, they note that most of the soil on the proposed development areas has a high clay content which becomes saturated during prolonged periods of heavy rain, resulting in excess	The flood risk at the scheme is assessed within **WB6.2.10 ES Chapter 10_Hydrology, Flood Risk and Drainage [APP-048]** and **WB6.3.10.1 ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report [APP-089]**. **ES Addendum Chapter 10: Hydrology, Flood Risk and Drainage [REP1-073]** provides further detail including showing the River Till Flood Storage Areas in relation to West Burton 1 and West Burton 2; this addendum did not result in any changes to the effects or mitigation identified within the ES. The proposed solar schemes will not contribute to an exacerbation of flooding in the area. Further commentary on this is provided in response to question 1.15.11 below.

ExQ	Respondent	Question	Applicant's Response
		water to shed off directly over the surface into the dykes. Please can the Applicant respond to these comments and provide any evidence of soil type in this area which may render the land more, or less, flood prone. IPs may, optionally, provide further information and cite relevant evidence sources.	The **Flood Risk Assessment and Drainage Strategy Report [APP-089]** includes an assessment of local geological conditions for each site within the scheme within Section 1 of the relevant annexes **6.3.10.2 Environmental Statement - Appendix 10.2 FRA DS Cable Route [APP-090], 6.3.10.3 Environmental Statement - Appendix 10.3 FRA DS West Burton 1 [APP-091], 6.3.10.4 Environmental Statement - Appendix 10.4 FRA DS West Burton 2 [APP-092]** and **6.3.10.5 Environmental Statement - Appendix 10.5 FRA DS West Burton 3 [APP-093].** The local geological conditions are also considered through the Flood Estimation Handbook (FEH) 'Catchment Descriptors' which form the basis of the hydrology used within the EA's surface water (pluvial) and fluvial flood models. Therefore, the local geological conditions are fundamental to flood risk and have been considered throughout our works. The Applicant disagrees with the suggestion by 7000 Acres that surface water runoff under storm conditions from impervious areas due to PV panels will be significant. Please refer to the response to question 1.15.11, below.
1.15.11	Applicant	**Effect of PV Panels and Stormwater Run-off** Concerns have been raised by IPs that the proposed panels will not allow rainfall/runoff to infiltrate the permeable area beneath them which will alter the state of the land, and how it responds to rainfall.	[See Response to REP1A-016, of **Responses to Written Representations Part 2 [EN010132/EX3/WB8.1.18]**] The proposed solar schemes will not contribute to an exacerbation of flooding in the area. With regards to point a) the nature of the Proposed Development means that precipitation would be intercepted

ExQ	Respondent	Question	Applicant's Response
		a) Please can the Applicant comment on the impact of panels and how water will find its way to drain from the land. Please comment, with any evidence available, on the impact of panels and rainwater falling on the panels accumulating to the lowest corner of each panel, and whether this then falls to the ground to form rivulets and channels flowing, without using the whole area for infiltration. How has the phenomenon, if it exists, been accounted for in the flood analysis? b) The ExA notes LCC's comments on flooding as Lead Local Flood Risk Authority [REP1A-002]. Following its response to question (a) above, please can the Applicant also give a view on the application of CLLP policy S12 'Water Efficiency and Sustainable Water Management'. In addition to the wider flood and water related policy requirements contained in Policy S21, this local policy requires that "all …. development comprising new buildings with outside hard surfacing, must ensure such surfacing is permeable unless technical considerations dictate otherwise".	by between 25% to 40% of the surface of the Site that is typically developed with solar panels. A known concern is the risk of water "sheeting" off a solar array façade, running off at speed onto the same ground, pooling, and over time creating erosion and runoff channels alter existing surface water flows. This misconception can arise due to simplified drawings typically submitted with planning applications. These show what looks to be a solid façade when, in actuality, a typical solar array has gaps between each panel on the array which allows surface water to fall off in many locations on to fully vegetated ground beneath. A typical solar array is constructed of smaller panels with gaps between them. The approximate 20º pitch means water is less likely to run down with velocity that would allow it to "jump" the gaps. Rather, water runs off at a reduced speed due to the pitch, and drips down through the gaps. There is no risk of water sheeting down in one area at the lower edge of the arrays. As a result of the construction of the solar panels, some rainfall will be intercepted by the surface of the arrays before reaching ground level. Intercepted rainfall will either run down the face of the panels and drip onto the ground below or will be lost due to evaporation from the face of the panels. Without mitigation there is a risk of erosion of the ground on which rainwater drips. This could then result in the formation of rivulets which could increase the speed at which runoff discharges from the site. However, the potential for erosion

ExQ	Respondent	Question	Applicant's Response
			to occur as a result of the 'drip effect' is appropriately mitigated by features of the solar arrays themselves, as described above. In addition to the above, appropriate seeded vegetation will be provide below and between rows of the solar panels to act as a level spreader/energy dissipater to promote low erosivity sheet flow during operation of the solar farm. Please see the response to question 1.15.3 above in respect of the vegetation underneath the panels. The grassland will not only grow between array gaps, but it includes all ground under the arrays as well. Point 3 of paragraph 10.8.1 within **WB6.2.10 ES Chapter 10_Hydrology, Flood Risk and Drainage [APP-048]** includes provision for suitable planting (such as a wildflower or grass mix) to ensure that the underlying ground cover is strengthened and is therefore unlikely to generate surface water runoff rates beyond the baseline scenario. Therefore, the gaps between the arrays essentially act as natural filter strips, a form of Sustainable Drainage System (SuDS) feature. The embedded mitigation detailed in section 10.7 of **WB6.2.10 ES Chapter 10_Hydrology, Flood Risk and Drainage [APP-048]** will ensure there is no loss of flood storage as a result of the development and that the existing surface water run-off regime will be mimicked. The mitigation is set out in Table 3.4 of the **outline Construction**

ExQ	Respondent	Question	Applicant's Response
			Environmental Management Plan (CEMP) [EN010132/EX3/WB7.1_B], which is secured by Requirement 13 of the **draft Development Consent Order (Version C provided at Deadline 3) [EN010132/EX3/WB3.1_C]**. There is no UK environmental managing guidance with regards to runoff from solar panel installations. However, research undertaken in the United States (US) by Cook and McCuen considers the points raised in this comment and states within their conclusions that: 'The addition of solar panels over a grassy field does not have much of an effect on the volume of runoff, the peak discharge, nor the time to peak. With each analysis, the runoff volume increased slightly but not enough to require storm-water management facilities'. Cook and McCuen continue to recommend that the vegetation cover beneath the panels is well maintained or that a buffer strip be placed after the most down gradient row of panels. With regards to point b) the proposed drainage strategy is detailed within Section 5.0 of **WB6.3.10.1 ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report [APP-089]**. Section 5.0 'Drainage Strategy' of **WB6.3.10.1 ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report [APP-089]** assesses that the panelled areas will not alter the existing surface water run-off regime and will therefore not be formally drained. Areas of increased hardstanding such as

ExQ	Respondent	Question	Applicant's Response
			smaller areas of hardstanding formed as footings for electrical infrastructure will utilise SuDS principles and attempt to mimic the existing surface water run-off regime as existing. The discharge and disposal of site runoff will be managed in accordance with the provisions under Discharge/Disposal of Site Runoff in Table 3.4 of the **outline Construction Environmental Management Plan (CEMP) [EN010132/EX3/WB7.1_B]**. The substation and BESS area within the Scheme is considered within an area specific drainage strategy included within Section 3.0 of **WB6.3.10.5 Environmental Statement - Appendix 10.5 FRA DS West Burton 3 [APP-093].** The drainage strategy and detailed drainage design will be developed during the detailed design process. As secured by Requirement 11 in Schedule 2 to the **draft Development Consent Order (Version C provided at Deadline 3) [EN010132/EX3/WB3.1_C]** which states that "No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system for that part have been submitted to and approved by the relevant planning authority." As set out in **WB6.2.10 ES Chapter 10_Hydrology, Flood Risk and Drainage [APP-048]**, at paragraph 10.8.1, the increase in permanent impermeable area on the Site will be negligible, The proposed solar schemes will not contribute to an exacerbation of flooding in the area. This is also the case for

ExQ	Respondent	Question	Applicant's Response
			the other stated schemes in the area and therefore, there will not be a cumulative impact.
1.15.12	Applicant	**Emergency Services** IPs have concerns about the restriction of access for emergency services to remote communities due to the increased flood risk. Can the Applicant provide details of discussions with emergency services concerning access to sites in event of flooding?	Please refer to the commentary provided in responses to ExQ 1.15.11 above. The proposed solar schemes will not contribute to an exacerbation of flooding in the area and therefore there will be no detrimental impact on the emergency services ability to access remote communities. Furthermore, No emergency service access to the sites would be required in the event of flooding as the infrastructure can be remotely controlled.
1.15.13	Applicant & Environment Agency	**Flood Risk Activity Permit** The Applicant and EA are asked to please provide an update on the position as regards the Flood Risk Activity Permit. Please also clarify whether an Environmental Permit will be required for flood risk and/or land drainage.	As set out in response to 1.15.2, the Applicant included the requested additional wording "in respect of a flood risk activity only" at article 6(1)(h) in **Revision A of the draft Development Consent Order [REP1-007]**. The Applicant is seeking to disapply the requirement for a flood risk activity permit for works within 8m of non-tidal main rivers and 16m of tidal rivers subject to agreement on the wording of protective provisions for the Environment Agency. The Applicant will still have to apply for any other relevant environmental permits.
1.15.14	Applicant	**Construction Mitigation Guidance** Paragraph 10.8.27 of ES Chapter 10: Hydrology, Flood Risk and Drainage [APP-048]	The Scheme will be constructed in accordance with the **Outline Construction Environmental Management Plan (CEMP) [EN010132/EX3/WB7.1_B]**. This is secured by

ExQ	Respondent	Question	Applicant's Response
		states that "Construction mitigation guidance should be adhered to….". Some examples are provided. Please can the Applicant provide additional information relating to the guidance, and how it will be adhered to.	Requirement 13 of the **draft Development Consent Order (Version C provided at Deadline 3) [EN010132/EX3/WB3.1_C]**. The methods set out in oCEMP are based on good practice, including measures agreed with the Environment Agency (EA) for several constructed solar farms and the following guidance: CIRIA 'Environmental Good Practice On Site (C741)' (2015); CIRIA, 'Control of Water Pollution from Construction Sites (C532)' (2001); and the SuDS Manual (2015). Requirement 13 requires all construction works associated with the Scheme to be carried out in accordance with the approved CEMP.
1.15.15	Applicant	**Temporary Drainage** Please can the Applicant clarify where temporary drainage features during construction would be placed and the location of attenuation ponds.	Paragraph 5.3.10 of the **6.3.10.1 Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report [APP-089]** includes provision for temporary drainage measures within temporary lay down areas. It is anticipated that these will be minor in scale and unlikely to require attenuation ponds. The location of the proposed laydown areas is not yet fixed and therefore more detailed drainage works are not yet feasible. The drainage strategy and detailed drainage design will be developed during the detailed design process. As secured by Requirement 11 in Schedule 2 to the **draft Development Consent Order (Version C provided at Deadline 3) [EN010132/EX3/WB3.1_C]** which states that "No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water

ExQ	Respondent	Question	Applicant's Response
			drainage system for that part have been submitted to and approved by the relevant planning authority."
1.15.16	Applicant	**Table 10.7 - Mitigation** With regard to Table 10.7 of ES Chapter 10: Hydrology, Flood Risk and Drainage [APP-048], please can the Applicant explain how the following will be secured by design rather than a DCO requirement: "Maintaining the existing surface water run-off regime by utilising permeable surfacing for the Site access, linear infiltration trenches around any proposed infrastructure (substations and batteries) and wildflower planting at the leeward edge of solar panels"	The drainage strategy and detailed drainage design will be developed during the detailed design process. As secured by Requirement 11 in Schedule 2 of **the C3.1 A Draft Development Consent Order Revision C [EN010132/ EX1/WB3.1_A]** which states that "No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system for that part have been submitted to and approved by the relevant planning authority." The surface water drainage scheme must be substantially in accordance with the outline Drainage Strategy (being section 5 of **6.3.10.1 Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report [APP-089]**). The Drainage Strategy provides at section 5.3 the outline measures to manage surface water discharge. The Scheme must be designed to as to provide planted wildflower and grassland below the solar panels (paragraph 5.3.4), access tracks will be permeable (paragraph 5.3.6), infrastructure sited on concrete pads will be surrounded by gravel filled filter trenches to limit the flow of water away and replace the loss of natural infiltration caused by the concrete bases (paragraph 5.3.7). Further mitigation measures are included within the **outline Construction Environmental Management Plan (CEMP) [EN010132/EX3/WB7.1_B]** within Table 3.4. This is secured by Requirement 13 of the **draft Development Consent Order**

ExQ	Respondent	Question	Applicant's Response
			(Version C provided at Deadline 3) [EN010132/EX3/WB3.1_C].
1.15.17	Environment Agency and Applicant	**Water Framework Directive** Please provide, or signpost to, commentary on the revised Water Framework Directive Assessment [REP1- 040]	The following text was added as paragraph 9.1.5 within 7.19 A Water Framework Directive Assessment - Revision A [REP1-041] to address the Environment Agency's request to assess the potential impacts of the development on the hydromorphology of watercourses. *'No modification to the watercourse is proposed and the existing surface water discharge regime is proposed to be retained as existing. The proposed panelled area will also remove the existing agricultural activities. It is therefore considered there is negligible risk of physical impacts to rivers and their hydromorphological quality will be retained.'* The Assessment was also updated to provide more complete cross-referencing to where management plans are secured within the draft Development Consent Order. Other minor formatting changes were added throughout the report.

Appendix A - Submissions from statutory undertakers and other apparatus owners and the Applicant's responses

The Examining Authority has requested a table setting out, in respect of statutory undertakers where the tests in section 127 of the Planning Act 2008 applies, the location of the submissions of those statutory undertakers and the locations of the Applicant's responses.

The following table sets out each statutory undertaker whose land, rights or apparatus has been identified as being affected by the powers of compulsory acquisition included within the DCO. The Examination Library reference for each submission made by that statutory undertaker is provided, with the response from the Applicant provided in the same row of the third column.

For completeness, the Applicant has also included in the table other apparatus owners that the Applicant is negotiating protective provisions with that have submitted representations even if they are not statutory undertakers for the purposes of section 127 of the Planning Act 2008.

The Applicant has included the UK Atomic Energy Authority in this table but confirms that this statutory undertaker **does not** have any land, rights or other formal interest that would be affected by the compulsory acquisition powers included in the draft DCO. However, the Applicant is mindful of the UK AEA's interest in the West Burton power station and has therefore included the UK AEA in order that its submissions may be easily referred to.

Statutory Undertaker/Apparatus Owner	Application of S127	Submissions	Applicant Responses
Anglian Water Services Limited	Yes	RR-018	Table 2.3.2 of REP1-050
Cadent Gas Limited	Yes	RR-032 REP1A-028	Table 2.3.3 of REP1-050 [To be provided at Deadline 3]
Canal & River Trust	Yes	RR-033 REP2-021 REP2-022	Table 2.3.4 of REP1-050 [To be provided at Deadline 3]
EDF Energy (Thermal Generation) Limited	Yes	RR-077	Table 2.3.6 of REP1-050
Environment Agency	Yes	RR-090 REP1A-007	Table 2.2.3 of REP1-050 [To be provided at Deadline 3]
E.ON UK Limited	Yes	None	N/A
Exolum Pipeline System Limited	No	None	N/A
National Grid Electricity Distribution (East Midlands) plc	Yes	RR-230	Table 2.3.8 of REP1-050
National Grid Electricity Transmission plc	Yes	RR-231 REP1A-029	Table 2.3.9 of REP1-050 [To be provided at Deadline 3]

Network Rail Infrastructure Limited	Yes	RR-236 REP1A-030	Table 2.2.4 of REP1-050 [To be provided at Deadline 3]
Northern Powergrid (Yorkshire) Plc	Yes	RR-347	Table 2.3.18 of REP1-050
Openreach Limited	No (s138 applies)	None	N/A
Severn Trent Water Limited	Yes	None	N/A
Uniper UK Limited	Yes	REP1A-032	[To be provided at Deadline 3]
United Kingdom Atomic Energy Authority *(No present land interest; included due to mutual interest in the West Burton power station)*	No	RR-342	Table 2.3.17 of REP1-050
Virgin Media Limited	No (s138 applies)	None	N/A
Vodafone Limited	No (s138 applies)	None	N/A