



**Application by West Burton Solar Project Limited for West Burton Solar Project
The Examining Authority's written questions and requests for information (ExQ2)
Issued on 19 March 2024**

The following table sets out the Examining Authority's (ExA's) second set of written questions and requests for information – ExQ2. Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe D to the Rule 6 letter of 10 August 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

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

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library, which provides a link to each document. The Examination Library can be found here: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010132/documents>.

When you are answering a question, please start your answer by quoting the question reference number.

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

All references to the Draft Development Consent Order are to Revision E submitted at Deadline 4 [\[REP4-24\]](#).

Responses are due by Deadline 5: Friday 11 April 2024.



Abbreviations used:

AP	Affected Person	ES	Environmental Statement
Art	Article	EqIA	Equality Impact Assessment
ALA 1981	Acquisition of Land Act 1981	ExA	Examining authority
ALC	Agricultural Land Classification	ha	Hectare
BDC	Bassetlaw District Council	HSE	Health and Safety Executive
BMV	Best and Most Versatile land	HDD	Horizontal Directional Drilling
BoR	Book of Reference	IAQM	Institute of Air Quality Management
BESS	Battery Energy Storage System	IDB	Internal Drainage Board
CA	Compulsory Acquisition	IEMA	Institute of Environmental Management Association
CCG	Clinical Commissioning Group	IP	Interested Party
CDMP	Construction Dust Management Plan	LA	Local authority
CEMP	Construction Environmental Management Plan	LIA	Local Impact Area
CTMP	Construction Traffic Management Plan	LVIA	Landscape and Visual Impact Assessment
CLLP	Central Lincolnshire Local Plan	LCC	Lincolnshire County Council
CPO	Compulsory purchase order	LIR	Local Impact Report
DAS	Design and Access Statement	MP	Model Provision (in the MP Order)
dDCO	Draft DCO	MP Order	The Infrastructure Planning (Model Provisions) Order 2009
dNPS	Draft National Policy Statement	MWh	MegaWatt Hour
dML	Deemed Marine Licence	NE	Natural England
EM	Explanatory Memorandum	NPPF	National Planning Policy Framework
EMF	Electro Magnetic Field	NCC	Nottinghamshire County Council
ERP	Emergency Response Plan	NPS	National Policy Statement



NSIP	Nationally Significant Infrastructure Project	SI	Statutory Instrument
OBSSMP	Outline Battery Storage Safety Management Plan	SoR	Statement of Reasons
OCEMP	Outline Construction Environmental Management Plan	SoS	Secretary of State
OEMP	Operational Environmental Management Plan	STEP	Spherical Tokamak for Energy Production fusion project
OLEMP	Outline Landscape and Ecological Management Plan	TP	Temporary Possession
OSMP	Outline Soil Management Plan	UKAEA	The UK Atomic Energy Authority
OPROWMP	Outline Public Right of Way Management Plan	USI	Unaccompanied Site Inspection
PA2008	The Planning Act 2008	UKHSA	United Kingdom Health Security Agency
PEIR	Preliminary Environmental Impact Report	WLDC	West Lindsey District Council
PPG	Planning Practice Guidance	WR	Written Representation
PROW	Public Right of Way	WSI	Written Scheme of Investigation
RR	Relevant Representation	ZTV	Zone of Theoretical Visibility



Index

1. General and Cross-topic Questions	5
2. Agriculture and Soils	6
3. Biodiversity and Ecology	9
4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	12
5. Draft Development Consent Order (DCO)	16
6. Health and Wellbeing	22
7. Historic Environment	26
8. Landscape and Visual	29
9. Need, the electricity generated and climate change	31
10. Noise, Vibration and Air Quality	32
11. Other Planning Matters	35
12. Safety and Major Incidents	35
13. Socio-Economic Matters	36
14. Transport and access, highways and public rights of way (PRoW)	37
15. Water Environment including Flooding	39

ExQ2	Question to:	Question:
1. General and Cross-topic Questions		
2.1.1	All parties	<p>Revised National Planning Policy Framework</p> <p>The Revised National Planning Policy Framework (NPPF) was published in December 2023. All parties are invited to comment on the implications of any changes made the consideration of the proposed development.</p>
2.1.2	All parties	<p>Cumulative Assessments</p> <p>Concerns have been raised about the adequacy of the cumulative assessments before the Examination (for example, by West Lindsey District Council (WLDC) in its Written Representation [REP1A-004]). Specifically, WLDC set out that in order for the decision maker to have adequate information before them to make a sound decision, a cumulative assessment that addresses various combinations of solar NSIP are required. The information before us in the Joint Report sets out the cumulative impacts of 4 NSIPs, with additional information relating to 3 others set out in the Technical Note on Cumulative Effects.</p> <p>The EIA Regulations Schedule 3 paragraph 1(b) refers to the consideration of the cumulation with other projects. Also the provisions set out in NPS EN-1 paragraph 4.2.5 are that ‘when considering cumulative effects, the ES should provide information on how the effects of the applicant’s proposal would combine and interact with the effects of other development (including projects for which consent has been sought or granted, as well as those already in existence). With these provisions in mind:</p> <ol style="list-style-type: none"> a. The Applicant is asked to comment on the extent to which this additional information can and should be provided to the Examination; and, b. Other parties are asked to set out what further information should be required.
2.1.3	Applicant and host authorities	<p>Statements of Common Ground (SoCG)</p> <p>The ExA notes that the SoCGs with the Host Authorities indicate a number of matters are still under discussion. These include a number of factual matters eg site description. The ExA considers that it should be possible for many of these matters to be agreed at this point in the Examination. Please provide updated SoCGs at Deadline 5 which clearly identifies the outstanding matters in dispute between the Applicant and each Host Authority and provides details of each party’s position in respect of them.</p>

ExQ2	Question to:	Question:
2.1.4	Applicant	<p>Implications of the increase in the life of the Proposed Development from 40 to 60 years</p> <p>WLDC sets out that, with reference to the implications of the increase from 40 to 60 year life, ‘the impacts of this change have not been re-assessed so that all parties can understand how this significant increase in the lifetime (to become effectively a permanent development) has been considered.’ [REP4-083].</p> <p>More specifically, WLDC suggest that the replacement of BESS/panels associated with the increase in lifespan is likely to give rise to significant environmental effects (especially as the frequency and extent of the replacement is unknown), particularly in relation to traffic, noise, air quality and waste, noting also there could be cumulative effects associated with the other solar projects currently in the system. Furthermore, in the event that significant additional environmental effects were to occur, there is no formal mechanism in place to address this.</p> <p>The Applicant is invited to comment on these concerns, particularly in terms of:</p> <ol style="list-style-type: none"> a. how additional impacts have been accounted for, b. the accessibility of this information, c. the suggestion that the development would, in effect, be permanent. d. The suggestion that, should the 24% replacement figure be exceeded, there is no mechanism for requiring the Applicant to demonstrate that no significant environmental impacts would occur.
2.1.5	Applicant	<p>Concept design parameters</p> <p>In their Cover letter for Deadline 4 submissions [REP4-072], the Applicant refers to the work of their technical adviser in relation to the design of the cable route, and specifically the reduction in the separation of the cables connecting Work No 3c (the WB3 substation) with Work No 4 (the National Grid Substation). The Applicant is asked to please explain the implications of this for the scheme design and land requirements?</p>
2. Agriculture and Soils		
2.2.1	Applicant	<p>Future Agricultural Use - Grazing</p> <p>The Applicant states that the land is ‘available’ for agricultural purposes, however there is no firm commitment to making the land available for such purposes. ES Chapter 19 Soils and Agriculture [APP-057] (para. 19.9.18) states that during operation “<i>grass below and between the solar panels will need to be managed. This management can include grazing by livestock where appropriate</i>” Furthermore, para.</p>

ExQ2	Question to:	Question:
		<p>19.10.8 states that, during operation, <i>“opportunities for farm enterprises to utilise the land within the sites will be limited to periods of grazing small livestock”</i>.</p> <p>There is no guarantee that the land will be used for grazing, that there is no decision made on whether it is appropriate to do so. If it is utilised, that use may be limited. This impact is concluded as being a ‘significant beneficial’ effect despite the scope and availability of land for the production of food being reduced.</p> <p>Please can the Applicant explain how, at WBSP and cumulatively across other projects, it has concluded the significant benefit effect? With regard to cumulative impact on agriculture, of multiple solar projects within the county, will there come a point at which the impact is not assessed as beneficial?</p>
2.2.2	Applicant	<p>Agriculture – Long-term Impact</p> <p>Environmental Statement (ES) Chapter 18 – Socio-economics, Tourism and Recreation [APP-056] concludes in paragraph 18.1.4 that socio-economic impacts during operation on the agricultural industry will be limited to impacts on the agricultural industry through taking the land out of production for the lifetime of the Scheme. Para 18.7.15 quantifies the impact, concluding that:</p> <p><i>“The Scheme is projected to impact on up to 769 hectares of agricultural land for the operational lifetime of the Scheme, this will therefore cause approximately 13 FTE agricultural sector jobs to be lost ...This impacts approximately 0.3% of the agricultural sector employment, and as such is a low magnitude impact. Due to its low sensitivity this results in a long-term minor adverse effect to the Local Impact Area. In the Regional Impact Area, this is a 0.03% reduction in agricultural employment, representing a negligible change to a receptor of low sensitivity. Therefore, the effect is long-term negligible adverse”</i>.</p> <p>This is based on the assumption that sheep farming would continue agricultural use of the site underneath the panels. However, LCC has stated that the type of agriculture change to grazing is not like-for-like replacement.</p> <p>Please can the Applicant confirm the proportions of land locally and regionally which may be removed from agricultural use, and provide comments on how the potential 60 year removal equates to a ‘long-term negligible adverse’ effect. Other IPs may optionally comment.</p>
2.2.3	All Parties	Farming Methods

ExQ2	Question to:	Question:
		<p>IPs familiar with local agricultural methods have stated that much of the crop growing land around the Order area is almost never ploughed, just harrowed. Please can IPs and the Applicant provide further information on this, and if or how it may affect the assumptions, reasoning and conclusions of relevant parts of the ES.</p>
2.2.4	Applicant	<p>Isopropyl Alcohol – Impact on Soil At ISH3, and in its submission at DL4 (Written Summary of the Applicant’s Oral Submissions at Issue Specific Hearing 3 and Responses to Action Points) [REP4-070] the Applicant confirmed that only water is used for cleaning and that “<i>The panels require minimal cleaning as they have a self-cleaning coating</i>”.</p> <p>Can the Applicant confirm that this is de-ionised water? Further, that if or where soiling remains on the panels after rinsing, what is the procedure? IPs suggest that cleaning with de-ionised water is repeated. Where any soiling continues to prove stubborn, IPA (Isopropyl Alcohol) with a concentration of less than 10% may be used.</p> <p>If this is the case then can the applicant confirm that the use of IPA will have no effect on the soil health?</p>
2.2.5	Applicant	<p>Cutting and Mowing Management The OLEMP [REP4-044] states, at paragraph 4.8.11 that cutting or mowing can be carried out relatively quickly, and at 4.8.9 “<i>cutting will be carried out using a cut-and-collect system so as to minimise nutrient build up in the soil which stifles species diversity... there may be an opportunity to use the cuttings within local composting sites such as anaerobic digesters or open air windrows</i>”.</p> <p>Can the Applicant please explain this apparent contradiction between these measures and the continued use for sheep grazing. How is the balance between cutting and maintenance for long-term management assessed in the ES conclusions?.</p>
2.2.6	Lincolnshire County Council, Nottinghamshire County Council, West Lindsey	<p>Best and Most Versatile land Do the amendments to the Outline Soil Management Plan: Revision A [REP3-016] provide additional confidence for Natural England and the Host Authorities to ensure the correct Agricultural Land Classification (ALC) will be identified and the soil managed to ensure that any disturbed land will be restored to a similar ALC grade. If not please explain why not.</p>

ExQ2	Question to:	Question:
	District Council, Natural England	
2.2.7	The Applicant, Lincolnshire County Council, Nottinghamshire County Council, West Lindsey District Council, Natural England	<p>Written Ministerial Statement 25 March 2015</p> <p>Please can IPs comment on the extent to which the Written Ministerial Statement of 25 March 2015 in relation to BMV, if they have not already done so. Please comment how it is relevant and important to the consideration of the effects of the development on BMV in this case.</p>
2.2.8	All Parties	<p>Permanent or Temporary Nature of Loss of Agricultural Land</p> <p>The ExA notes that LCC does not consider that the removal of agricultural land for a period of 60 years can be classed as temporary and this should be assessed as a permanent loss of agricultural land. REP3-042 states that “A 60 year lifespan is all but equivalent to an entire life time and, on a human scale, is hardly “temporary” in the common use of this word. The effects of this longevity should be assessed as essentially permanent effects as that is how they are experienced in reality”.</p> <p>IPs are invited to comment on the temporary nature and provide any evidence as to how they consider the relative degree of permanence V temporary loss.</p>
2.2.9	Applicant and Natural England	<p>Soil Health</p> <p>Through NE’s work with the applicant on the SoCG, it has been agreed that a programme of soil health monitoring will be undertaken throughout the operation of the proposed development to better understand the impact of solar development on soil health. Please can both parties provide an update on the soil health monitoring programme and confirm the extent to which matters are resolved.</p>

3. Biodiversity and Ecology

ExQ2	Question to:	Question:
2.3.1	Applicant	<p>Cumulative Impact on Harvest Mice</p> <p>Please can the Applicant explain why the effect on harvest mice is not included in the Joint Report on Interrelationships between NSIPS Revision C [REP4-059].</p> <p>Chapter 9: Ecology and Biodiversity APP-047 identifies a potential cumulative impact on harvest mice, depending on the degree of habitat retention and suitable grassland creation within the three nearby schemes: “<i>a minor cumulative adverse effect operating at a Local or District scale may be caused by the combination of all three projects with the Scheme</i>”. Please explain the apparent inconsistency as it applies to harvest mice, and if there are other species to which the response applies.</p>
2.3.2	All Parties	<p>Biodiversity Net Gain</p> <p>The ExA notes that Requirement 9 now provides that the BNG Strategy must include details of how the strategy will secure a minimum of 69.4% biodiversity net gain in habitat units, a minimum of 43.7% biodiversity net gain in hedgerow units and a minimum of 26.6% biodiversity net gain in river units for all of the authorised development during the operation of the authorised development, and the metric that has been used to calculate that those percentages will be reached.</p> <p>The units quoted differ from those set out in e.g. the Planning Statement, in order to act as a ‘buffer’ in the event that circumstances change over time. Please can the Applicant provide a comment on the BNG Units secured within the dDCO and rationale as to the specific level of buffer selected. Please can IPs comment on the same.</p> <p><i>Note Question 2.5.12 addresses the BNG Requirement 9 dDCO approach to wording.</i></p>
2.3.3	Applicant	<p>HGV and AIL Access – Impact on Hedgerow</p> <p>The Applicant’s Response to ExA First Written Question 1.14.7 [REP3-038] sets out measures to enable abnormal load deliveries. It states that “<i>all necessary preparations for ordinary HGV deliveries and the Abnormal Indivisible Load (AIL) deliveries will occur before the deliveries take place</i>” and that this forms part of the final Construction Traffic Management Plan, secured by Requirement 15 of the draft Development Consent Order.</p>

ExQ2	Question to:	Question:
		Can the Applicant confirm that, apart from at specified access points, hedgerow removal is not proposed to accommodate such deliveries, e.g. alongside country lanes that will be used for access.
2.3.4	Applicant/ Environment Agency	<p>EMF Risk Assessment</p> <p>The Environment Agency's views are sought on the submitted 'Risk Assessment on EMF Impacts on Fish' document which is appended to Appendix 1 of the Applicant's Response to Written Representations at Deadline 1 Part 1 [REP3-034]. Both the Environment Agency and the Applicant are requested to provide a progress update and progress through an updated SoCG at Deadline 5.</p>
2.3.5	Applicant, Natural England, Environment Agency, Canal & River Trust	<p>Cable Depth</p> <p>The Applicant concludes that burying the cables to a minimum depth of 0.9m and given the limited span of the corridor this would provide sufficient mitigation to prevent adverse effects on aquatic life and in particular protected species. The Outline Design Principles provide a minimum buried depth below the bed of the river Trent of 5m. Please can IPs comment on the potential impact on aquatic life from cable depth of 5m.</p>
2.3.6	Applicant	<p>Decommissioning – Significance of Effects</p> <p>The significance of effects for decommissioning are not listed in the ES. Can the Applicant explain how decommissioning effects have therefore been considered and assessed as the ES should assess the worst-case scenario for all stages of the Proposed Development.</p> <p>If it considers that a reasonable worst-case is that the effects at decommissioning would be the same as during the construction phase, please explain how it has accounted for future changes beyond the construction phase. Also, please set out whether or not the potential for significance of effects may increase over time, and how this has been included in the assessment.</p>
2.3.7	Applicant and Local Authorities	<p>Waste</p> <p>Table 3.13 of the oOEMP (Rev C) [REP4-054] has been updated to refer to the waste management strategy which <i>"will be provided as a standalone document requiring approval from the Waste Management Authority</i></p>

ExQ2	Question to:	Question:
		<p><i>as set out under Requirement 14 of the DCO [EX4/WB3.1_E] to ensure operational waste is managed suitably, and that waste arisings are sent for handling at facilities within the waste local authorities that have capacity to do so without adversely impacting upon their capacity to handle waste arisings for all other waste streams in the authority area”</i> Further amendments set out topics to be included.</p> <p>LCC has previously requested additional assurances relating to future waste arising from the project. Please can the Applicant and LCC comment on progress, and set out LCC as waste authority concerns regarding impact of waste both from WBSP and also cumulatively.</p>
2.3.8	Applicant	<p>Opportunity Cost of Renewable Energy Sources</p> <p>How has the loss of arable crops which are used for production of renewable energy been taken into account in the assessment of effects on climate change in the Environmental Statement Chapter 7: Climate Change Revision A [REP1-012].</p>
4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
2.4.1	Affected persons	<p>Affected persons positions</p> <p>Affected persons are asked to please respond if they have any further comments to raise regarding:</p> <ol style="list-style-type: none"> a. The legitimacy, proportionality and necessity of the Compulsory Purchase (CA) or Temporary Possession (TP) powers sought by the Applicant that would affect the land that they own or have an interest in; b. Any inaccuracies in the Book of Reference [REP4-032], Statement of Reasons [REP4-028] or Land Plans [REP4-006]. If there are, please set out what these are and provide the correct details.
2.4.2	Applicant	<p>Progress with agreement to CA/TP</p> <p>The Schedule of Negotiations [REP4-064], the Schedule of Progress Regarding Protective Provisions and Statutory Undertakers [REP4-065] and the Schedule of Progress regarding objections and agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights and blight [REP4-063] identify a number of plots for which the owners have not agreed to the CA of their land. The Applicant has indicated that it is hopeful that agreement will be reached soon. Where such agreement is reached, does the Applicant anticipate the formal withdrawal of the objections?</p>

ExQ2	Question to:	Question:
2.4.3	Applicant	<p>Land Plans</p> <p>The Statement of Reasons [REP4-028] at paragraph 1.4.3 does not indicate how the powers sought under Article 25 of the dDCO relating to the acquisition of all interests in land, including freehold in respect of subsoil only, is shown on the land plans.</p> <p>The Applicant is asked to provide clarification on this point, and to give consideration to whether land to which this provision applies should be specifically identified on the land plan.</p>
2.4.4	Parochial Church Council of the Parish of Stow-with Sturton	<p>Chancel Repair Liability</p> <p>The Applicant has responded to the concerns raised by the Parochial Church Council of the Parish of Stow-with Sturton (the PCC) in relation to the suggested possible implications of the Proposed Development for the Parish Council's right to Chancel Repair Liability. This is set in the Applicant's Response to Relevant Representation [REP1-050] and in response to the ExA First Written Questions at 1.4.16 [REP3-038]. The PCC is asked to please consider and respond to the question of whether these responses address their concerns.</p>
2.4.5	Applicant	<p>Funding Statement</p> <p>The Applicant's position in relation to project funding is set out in the Funding Statement [AS-045], with further detail provided in response in relation to WQ 1.4.14 [REP3-038] in relation to the availability of funding. In terms of the availability and adequacy of funding, the Applicant is asked to further comment on key risks associated with securing funding, including the implications of external matters, including recent global events, supply chain issues and fluctuations in prices and interest rates for the ability to fund the Proposed Development. Further, the Applicant is asked to comment on the measures on place to prevent the exercise of compulsory acquisition powers until the Secretary of State has approved a form of security from the Applicant.</p>
2.4.6	Applicant	<p>Castle Farm, High Ingleby</p> <p>Noting the additional submission made by the AP to which this property relates [AS-063], the Applicant is asked to provide a response to the specific matters raised.</p>

ExQ2	Question to:	Question:
2.4.7	Applicant	<p>Unknown Interests</p> <p>Noting the Applicants response to first written questions 1.4.3 and 1.4.8 [REP3-038]; and also the additions to the Book of Reference in Revision D [AS-047] and Revision E [REP4-032], has any further progress been made with the identification of unknown persons? What further steps will be taken to identify these owners prior to the exercise of CA powers?</p>
2.4.8	Applicant and SNSE Ltd/SNSED Ltd	<p>SNSE Ltd/SNSED Ltd</p> <p>Comments made in the Schedule of Progress regarding objections and agreements in relation in Compulsory Acquisition, Temporary Possession, other land rights and blight, Revision B [REP4-063] refer to further negotiation with SNSE Ltd/SNSED Ltd over their land interests. Specifically, this refers to discussions having been held with 'RES' regarding their Steeple DCO solar development proposed on part of this landowner's land, where it was agreed to work together to minimise impacts upon each renewable energy scheme. The Applicant and SNSE Ltd/SNSED Ltd are asked to please clarify the nature of these discussions and any implications for the current Application at this stage, if known.</p>
2.4.9	Applicant and Canal and River Trust.	<p>Canal and River Trust</p> <p>Comments at DL4 relating to the implications of the Land South of Marton Grid Connection Options Report [REP2-009] with the suggestion that if 'Option 2' were taken forward this would include land in the southeast corner of the eastern dredging tip. Noting that the Canal and River Trust have already approached the Applicant on this matter, the parties are asked to please clarify their respective positions on this matter.</p> <p>Noting that the parties continue to negotiate the agreement for the rights required for the project in respect of the cable route beneath the Trust's dredging tip (parcel 07-121), the parties are asked to provide an update on discussions.</p>
2.4.10	Applicant and Marine Management	<p>Marine Management Organisation</p> <p>The MMO's attention is drawn to the Applicant's update on the Deemed Marine Licence (DML) at ISH2 (see [REP4-067]) where it was explained that the inclusion of the DML was to safeguard against the risk of an existing exemption falling away. The Applicant has also sought to address the issues raised by the MMO in</p>

ExQ2	Question to:	Question:
	Organisation (MMO)	<p>their letter of 9 January 2024 [REP3-047] by providing a Technical Note on Horizontal Directional Drilling and Cabling under the River Trent [REP4-074]. This sets out where the construction activities associated with Horizontal Directional Drilling (HDD) and cabling under the River Trent have been assessed within the ES and the proposed mitigation measures as they relate to the except and potentially licensable activities.</p> <p>Noting the MMO's position that a DML may not be required, the MMO is asked to provide comments on the following in a without prejudice basis:</p> <ol style="list-style-type: none"> a. The updated DML (including any comments on conditions) as set out in the dDCO Revision E [REP4-024]. b. Whether the information contained in [REP4-074] provides, as the Applicant suggests, a suitably comprehensive and proportionate assessment of the licensable activities associated with the Scheme.
2.4.11	Applicant	<p>Marine Management Organisation</p> <p>The Applicant is asked to please comment on the suggestion made by the MMO in their letter of 9 January 2024 [REP3-047] in terms of the nature of the activities licensed, that the Applicant seeking to make provision for situations in which they are unable to undertake activities as anticipated, enabling different activities to be undertaken to achieve the same end, but not falling within exempted activity.</p>
2.4.12	Applicant and Network Rail Infrastructure Ltd	<p>Network Rail</p> <p>The ExA requests that the parties please provide a further update on the voluntary property agreement with Network Rail being sought by the Applicant, noting the submission from Network Rail Infrastructure Ltd in response to first written questions [REP3-051], and the Applicant's update provided at CAH1 [REP4-069], which included reference to the importance of such agreements being in place before any limitations on compulsory acquisition powers in protective provisions are agreed to.</p>
2.4.13	Applicant and EDF Energy (Thermal Generation) Ltd	<p>EDF Energy (Thermal Generation) Ltd</p> <p>The ExA requests a further update on the voluntary property agreement with EDF Energy being sought by the Applicant, noting the comments provided by EDF Energy in response to first written questions [REP3-052], and the update provided by the Applicant at CAH1 [REP4-069], including reference to the importance of such agreements being in place before any limitations on compulsory acquisition powers in protective provisions are agreed to.</p>

ExQ2	Question to:	Question:
2.4.14	Crown Estate Commissioners Applicant	<p>Crown Land</p> <p>Noting the Applicants response to 1.4.10 [REP3-038], and comments made at CAH1 [REP4-069], the Applicant is asked to report on progress. Further, the Schedule of Negotiations Revision B [REP4-064] refers to the fact that the Crown are 'seeking a yearly payment for the easement which is being reviewed along with other commercial points'.</p> <p>The Applicant and Crown Commissioners are asked to please:</p> <ol style="list-style-type: none"> Explain the current position and provide an update regarding ongoing discussions, an indicated of the potential outcome, including whether this will be concluded by DL7 (8 May 2024, the close of the Examination); <p>Could the Applicant:</p> <ol style="list-style-type: none"> Provide an explanation of the action to be taken by the ExA in the event that Crown consent is not received by the close of the Examination.
2.4.15	Applicant	<p>Land interests</p> <p>Please confirm that the additional interests included in the Book of Reference at Revision D [AS-047] and Revision E [REP4-030] have been made aware of their inclusion.</p>
5. Draft Development Consent Order (DCO)		
2.5.1	Applicant	<p>Article 2 (Interpretation)</p> <p>With reference to the "Order Land", set out in Article 2 [REP4-24], whilst recognising that this definition has been amended to in response to Section 51 advice, the Applicant is asked to please give further consideration to whether the current definition is sufficiently precise in its reference to the land plans.</p>
2.5.2	Applicant	<p>Article 2 (Interpretation)</p> <p>With reference to the definition of "Maintain" set out in Article 2 [REP4-24], as noted in first written question 1.5.3 [REP3-038], and discussed in ISH2, is wide ranging in being able to 'alter, remove, refurbish, reconstruct, replace and improve any part' of the authorised development to the extent it would not be</p>

ExQ2	Question to:	Question:
		<p>possible to 'remove, reconstruct or replace the whole of, the authorised development'. This definition does not rule out the possibility that all, or the large majority, of the development, including the panels, may be replaced during the operation period of the Proposed Development. Noting particularly the anticipated 60 year operational life of the Proposed Development, the Applicant is asked to clarify:</p> <ol style="list-style-type: none"> a. Why it is necessary for there to be flexibility within the draft DCO such that most of the panels could be replaced over the operation period, albeit such works would not be all carried out at the same time? b. Based on available evidence, what percentage of panels on existing solar farms are replaced for maintenance during their operation (on an annual basis and overall across their operational period to date)? c. Noting Article 5 (Power to maintain authorised development), does the Applicant foresee the possibility that the large-scale replacement of panels (for example 25%, 50%, 75% or 90% of solar panels within the Order Limits) would be likely to give rise to any materially new or materially different effects that have not been assessed in the environmental statement?
2.5.3	Applicant and LCC	<p>Article 11/15 (Temporary prohibition or restriction of use of streets and public rights of way/ Traffic regulation measures)</p> <p>With reference to Articles 11/15 [REP4-24], noting the comments made at ISH2 and the ongoing discussion between the Applicant and LCC in relation to the mechanisms for obtaining approval, and update is requested on the discussions seeking to gain agreement which ensures consistency between the DCO and the Outline Construction Management Plan. If agreement has not been reached then the parties are asked to please clearly set out their respective positions. If necessary, LCC is asked to please provide alternative wording.</p>
2.5.4	Applicant	<p>Article 29 (Temporary use of land for constructing the authorised development)</p> <p>With reference to Article 29(1)(a)(ii) [REP4-24] which has the effect of extending the temporary possession powers to allow temporary possession of any Order land, and noting the Applicants response to 1.5.19 [REP3-038], the Applicant is asked to explain the steps that have been taken to alert all landowners/occupiers of land within the Order limits of this possibility.</p>

ExQ2: 19 March 2024**Responses due by Deadline 5: Thursday 11 April 2024**

ExQ2	Question to:	Question:
		Further, noting that under Article 29(3) not less than 14 days notice would be given before taking temporary possession is taken, and in relation to Article 30(3) not less than 28 days notice would be given before taking temporary possession, the Applicant is asked to further consider the justification for this, noting that Chapter 1 of Part 2 of the Neighbourhood Planning Act 2017 provides for three months notice.
2.5.5	Applicant	Article 39 (Trees Subject to tree preservation orders) With reference to Article 39 [REP4-24] , noting the provisions of Advice Note 15, Section 22, and the suggestion that it is not appropriate to include this power on a precautionary basis, the Applicant is asked to please provide a Schedule and plans specifically identifying the affected trees.
2.5.6	Applicant	Schedule 1 (Authorised Development) With reference to Schedule 1 [REP4-24] , noting that, in additional to the wide-ranging list of works set out, there is additionally reference to and the end of this Schedule 'further associated development comprising such works or operations as may be necessary or expedient', the Applicant is asked to please provide justification for the inclusion of this provision.
2.5.7	West Lindsey District Council (WLDC) and the Applicant	Schedule 2 (Requirements) With reference to Schedule 2, Requirement 2 [REP4-24] , the Applicant is asked to explain the rationale for the inclusion of a written scheme setting out the phase or phases of construction. Noting the comments made previously relating to the need for a phasing requirement, WLDC is asked to comment on the suitability of this provision.
2.5.8	Applicant	Schedule 2 (Requirements) With reference to Schedule 2, [REP4-24] and the suggestion by WLDC that retention and/or maintenance clauses should be included in relation to requirement 6 (Battery Safety Management), requirement 8 (Ecological protection and mitigation strategy), requirement (9 (Biodiversity net gain), requirement 16 (Operational noise) and requirement 20 (Skills, supply chain and employment), the Applicant is asked to please clarify why the inclusion of such clauses in not considered necessary, noting the precedents for this.

ExQ2	Question to:	Question:
2.5.9	Applicant	<p>Schedule 2 (Requirements)</p> <p>With reference to Schedule 2, Requirement 5 (Detailed Design Approval) [REP4-24], noting the Applicants response to first written question 1.5.21 [REP3-038] relating to this, the Applicant is asked to clarify how the design details relating to Work No 6, such as the ‘provision of security and monitoring measures such as CCTV columns, lighting columns and lighting, cameras, weather stations, communication infrastructure’ and ‘signage and information boards’ would be controlled.</p>
2.5.10	Applicant and Lincolnshire County Council (LCC)	<p>Schedule 2 (Requirements)</p> <p>With reference to Schedule 2, Requirement 12 (Archaeology) [REP4-24] LCC have provided suggested alternative wording for this requirement [REP4-079].</p> <ul style="list-style-type: none"> a. LCC are asked to please clarify the rationale for this in terms of how it would address their concerns; and, b. the Applicant is asked to please provide comment on this alternative wording in terms of whether it required for the Proposed Development to comply with relevant policy and guidance.
2.5.11	Applicant and the Environment Agency	<p>Schedule 2 (Requirements)</p> <p>Noting the insertion of the Requirement 22 into dDCO Revision E [REP4-024] relating to Long Term Flood Risk mitigation, and the comments made in the Statement of Commonality [REP4-061], the parties are asked to provide further justification for this Requirement, noting that on this basis information regarding long term flood risk effects would be provided after the Secretary of State has made their decision.</p>
2.5.12	Applicant	<p>Schedule 2 (Requirements)</p> <p>With reference to the Question relating to inclusion of the BNG% increase in Requirement 9, and the noted ‘buffer’ (cross reference Question 2.3.2), are there other appropriate mechanisms and drafting options available to address future changes in the biodiversity metric? What alternatives to the buffer have been considered?</p>
2.5.13	Applicant and National Grid Energy	<p>Schedule 16 – Protective Provisions, Part 3</p>

ExQ2	Question to:	Question:
	Transmission PLC (NGET)	<p>With reference to Schedule 16, Part 3 [REP4-24], the Applicant's Deadline 4 Update on Schedule of Progress regarding Protective Provisions (PP) and Statutory Undertakers [REP4-063] noted that, whilst PP have been included in the draft DCO, discussions are ongoing.</p> <p>The Applicant and NGET are requested to submit a single, jointly prepared set of PP, identifying any areas where agreement cannot be reached and providing details of each party's position on areas of disagreement, together with any alternative wording proposed.</p>
2.5.14	Applicant and National Grid Electricity Distribution PLC (NGED)	<p>Schedule 19 – Protective Provisions, Part 4</p> <p>With reference to Schedule 16, Part 4 [REP4-24], the Applicant's Deadline 4 Update on Schedule of Progress regarding Protective Provisions (PP) and Statutory Undertakers [REP4-063] noted that, whilst PP have been included in the draft DCO, discussions are ongoing.</p> <p>The Applicant and NGED are requested to submit a single, jointly prepared set of PP, identifying any areas where agreement cannot be reached and providing details of each party's position on areas of disagreement, together with any alternative wording proposed.</p>
2.5.15	Applicant and Northern Powergrid	<p>Schedule 19 – Protective Provisions, Part 5</p> <p>With reference to Schedule 16, Part 5 [REP4-24], the Applicant's Deadline 4 Update on Schedule of Progress regarding Protective Provisions (PP) and Statutory Undertakers [REP4-063] noted that, whilst PP have been included in the draft DCO, discussions are ongoing.</p> <p>The Applicant and Northern Powergrid are requested to submit a single, jointly prepared set of PP, identifying any areas where agreement cannot be reached and providing details of each party's position on areas of disagreement, together with any alternative wording proposed.</p>
2.5.16	Applicant and Cadent Gas Ltd	<p>Schedule 19 – Protective Provisions, Part 6</p> <p>With reference to Schedule 16, Part 6 [REP4-24], the Applicant's Deadline 4 Update on Schedule of Progress regarding Protective Provisions (PP) and Statutory Undertakers [REP4-063] noted that, whilst PP have been included in the draft DCO, discussions are ongoing.</p>

ExQ2	Question to:	Question:
		The Applicant and Cadent Gas Ltd are requested to submit a single, jointly prepared set of PP, identifying any areas where agreement cannot be reached and providing details of each party's position on areas of disagreement, together with any alternative wording proposed.
2.5.17	Applicant and the Environment Agency (EA)	<p>Schedule 19 – Protective Provisions, Part 9</p> <p>With reference to Schedule 16, Part 9 [REP4-24], the Applicant's Deadline 4 Update on Schedule of Progress regarding Protective Provisions (PP) and Statutory Undertakers [REP4-063] noted that, whilst PP have been included in the draft DCO, discussions are ongoing.</p> <p>The Applicant and the EA are requested to submit a single, jointly prepared set of PP, identifying any areas where agreement cannot be reached and providing details of each party's position on areas of disagreement, together with any alternative wording proposed.</p>
2.5.18	Applicant and Network Rail Infrastructure Ltd	<p>Schedule 16 – Protective Provisions, Part 10</p> <p>With reference to Schedule 16, Part 10 [REP4-24], the Applicant's Deadline 4 Update on Schedule of Progress regarding Protective Provisions (PP) and Statutory Undertakers [REP4-063] noted that, whilst draft PP have been included in the draft DCO, discussions are ongoing.</p> <p>Noting the comments made by Network Rail in response to first written question 1.4.6 [REP3-051], the Applicant and Network Rail are requested to submit a single, jointly prepared set of PP, identifying any areas where agreement cannot be reached and providing details of each party's position on areas of disagreement, together with any alternative wording proposed.</p>
2.5.19	Applicant and Uniper UK Ltd	<p>Schedule 16 – Protective Provisions, Part 13</p> <p>With reference to Schedule 16, Part 13 [REP4-24], the Applicant's Deadline 4 Update on Schedule of Progress regarding Protective Provisions (PP) and Statutory Undertakers [REP4-063] noted that, whilst draft PP have been included in the draft DCO, discussions are ongoing.</p> <p>Noting the comments from Uniper at Deadline 1A [REP1A-032], the Applicant and Uniper are requested to submit a single, jointly prepared set of PP, identifying any areas where agreement cannot be reached and providing details of each party's position on areas of disagreement, together with any alternative wording proposed.</p>

ExQ2	Question to:	Question:
2.5.20	Applicant and Exolum Pipeline System Ltd	<p>Schedule 16 – Protective Provisions, Part 15</p> <p>With reference to Schedule 16, Part 15 [REP4-24], the Applicant's Deadline 4 Update on Schedule of Progress regarding Protective Provisions (PP) and Statutory Undertakers [REP4-063] noted that, whilst draft PP have been included in the draft DCO, discussions are ongoing.</p> <p>The Applicant and Exolum are requested to submit a single, jointly prepared set of PP, identifying any areas where agreement cannot be reached and providing details of each party's position on areas of disagreement, together with any alternative wording proposed.</p>
2.5.21	Applicant and Tillbridge Solar Project Ltd	<p>Schedule 16 – Protective Provisions, Part 17</p> <p>With reference to Schedule 16, Part 17 [REP4-24], the Applicant's Deadline 4 Update on Schedule of Progress regarding Protective Provisions (PP) and Statutory Undertakers [REP4-063] noted that, whilst draft PP have been included in the draft DCO, discussions are ongoing.</p> <p>The Applicant and Tillbridge Solar are requested to submit a single, jointly prepared set of PP, identifying any areas where agreement cannot be reached and providing details of each party's position on areas of disagreement, together with any alternative wording proposed.</p>
2.5.22	Applicant and EDF Energy (Thermal Generation) Ltd	<p>Schedule 16 – Protective Provisions, Part 18</p> <p>With reference to Schedule 16, Part 18 [REP4-24], the Applicant's Deadline 4 Update on Schedule of Progress regarding Protective Provisions (PP) and Statutory Undertakers [REP4-063] noted that, whilst draft PP have been included in the draft DCO, discussions are ongoing.</p> <p>Noting the comments made by EDF Energy on response to first written question 1.4.7 [REP3-052], the Applicant and EDF Energy are requested to submit a single, jointly prepared set of PP, identifying any areas where agreement cannot be reached and providing details of each party's position on areas of disagreement, together with any alternative wording proposed.</p>
6. Health and Wellbeing		
2.6.1	All Parties	Involvement of Health Authorities

ExQ2: 19 March 2024

Responses due by Deadline 5: Thursday 11 April 2024

ExQ2	Question to:	Question:
		<p>Given the number of schemes in the vicinity of WBSP, and the population living within these schemes, mostly rural, some urban, the cumulative impact is such that a number of Interested Parties assert that a Health Impact Assessment should be carried out with involvement of the local health bodies. IPs are invited to provide any justification for this, and summarise what further evidence this may reveal. The Applicant and all IPs are invited to make further comments.</p>
2.6.2	WLDC and Applicant	<p>WLDC Policy WLDC refers to its adopted Health SPD in various answers to first written questions [REP3-044]. Please can WLDC provide a copy of, or a hyperlink to the SPD, and identify relevant parts. The Applicant is invited to provide specific comments.</p>
2.6.3	7000 Acres	<p>Health Assessment 7000 Acres is concerned that the various Health reports have not been prepared by “<i>an expert in health</i>”. Please can 7000 Acres provide a reference to a requirement for such evidence to be prepared by a health expert, and identify specifically what it considers to be lacking from the various reports.</p>
2.6.4	Applicant	<p>Health Assessment 7000 Acres is concerned that the various Health reports have not been prepared by “<i>an expert in health</i>”. Is the Applicant able to provide a reference to a requirement for such evidence to be prepared by a health expert?</p>
2.6.5	The Applicant, and other IPs (optional).	<p>Health Impact Assessment Paragraph 4.3.18 of Environmental Statement Addendum 21.1: Human Health and Wellbeing Effects February 2024 [REP4-077] explains that the Applicant’s view is that Policy S54 requirement for a HIA is for TCPA planning applications, and the HIA scoping process is therefore determined by the local planning authority, whereas HIA scoping for NSIPs is determined by the Planning Inspectorate. A separate HIA had not been scoped in, and therefore was not required to be undertaken for this Scheme.</p>

ExQ2	Question to:	Question:
		<p>Elsewhere, other 'local' policy requirements in adopted plans where a local planning authority determines TCPA planning applications are readily addressed, with compliance being demonstrated. Examples include the OLEMP para 4.8.4 reference to the Lincolnshire BAP priority, and references to the Central Lincolnshire Local Plan (2017) and Draft Bassetlaw District Local Plan (2021) at Paragraph 14.3.2 of Chapter 14: Transport and Access. In the latter's case, it states that "The proposals have also been considered in the context of the following documents".</p> <p>Please can the Applicant (and other IPs, optionally) comment further on why various local policies provide relatively greater context for consideration of the proposals.</p>
2.6.6	Applicant	<p>Health Inequality - Travellers</p> <p>7000 Acres, in its response to First Written Questions 1.6.2 [REP3-049] refers to a Gypsy and Traveller site in the vicinity of the Order limits in relation to the potential for increased flood risk on those communities. These concerns were also raised in previous written representations. The concern is that there may be a health inequality. To date the Applicant's submissions in ES chapters do not appear to have identified or considered these communities, nor potential effects on them. Accordingly, the Applicant's views are sought in this regard, as well as on the application of the Human Rights Act (1998) and the Equality Act (2010), and the duties they contain.</p>
2.6.7	All Parties	<p>Electromagnetic field (EMF) - Effects on Human Health</p> <p>The Applicant has provided further information in response to questions and comments by members of the public, including those living near or adjacent to the Grid Connection Cable to show that even those closest to the cable route would not experience long-term health impacts as exposure rates would be significantly below ICNIRP monitoring levels.</p> <p>Environmental Statement Addendum 21.1: Human Health and Wellbeing Effects February 2024 [REP4-077] paragraph 4.3.3 discusses various references to EMF and Human Health throughout other documents. It has provided technical information which sets out the peak EMF likely to be generated by the Scheme and in the Shared Cable Route Corridor and has explained why there are no adverse associated health impacts.</p>

ExQ2	Question to:	Question:
		Please can IPs and other relevant health bodies confirm whether the explanation provide by the Applicant satisfactorily addresses concerns, and if not explain why not.
2.6.8	Applicant and WLDC	<p>500 Metre Buffer</p> <p>WLDC states that the 500m buffer area fails to capture the wider community that will experience the impacts of the project during construction, operation and decommissioning. It identifies that the role of a stand-alone (non-EIA) HIA would be to capture all impacts and demonstrate policy compliance in the context of the planning balance. It states that the reliance on an EIA to remove the requirement of a HIA is flawed, unless it can be demonstrated that a precautionary approach has been taken and that all impacts have been identified, assessed and mitigated [REP4-082]. Following receipt of the Deadline 4 Submission [REP4-077] please comment on the extent to which a stand-alone HIA could capture impacts on the wider community.</p>
2.6.9	Applicant	<p>Long-term Health Impacts</p> <p>WLDC does not believe the Applicant’s assessment adequately considers the construction and long-term impacts of the cumulative schemes on local residents’ health and wellbeing who use these roads for recreational purposes.</p> <p>Please can the Applicant set out how the ES has taken into account the local amenity impact of the cumulative construction traffic associated with the proposed solar schemes, as well as access to local health services, and the impact on the mental health that traffic could have on the community.</p>
2.6.10	Applicant	<p>Local Agricultural Character – Community Health and Identity</p> <p>The local community has a strong connection with agricultural culture of the area, which is reflected in its landscape, land use and the way in which people live. Changes for the [proposed operational life of the scheme will alter the character and culture of the West Lindsey and the connection communities have with it.</p> <p>Please can the Applicant respond to this issue, highlighting where and how it has assessed, and if relevant mitigated, these impacts.</p>

ExQ2	Question to:	Question:
7. Historic Environment		
2.7.1	Applicant and Lincolnshire County Council (LCC)/ Nottinghamshire County Council (NCC)	<p>Conclusions against Archaeological Policy and Guidance</p> <p>The Applicant and LCC/NCC are asked to set clearly set out, ideally in tabular form, their positions on the Applicant's approach to archaeological management and mitigation in terms of how this either complies with, or does not comply with, the provisions of relevant legislation, policy and guidance. This should include consideration of the implications of the Applicants 'without prejudice' Written Scheme of Investigation [REP4-075]. Where references are made to current professional guidance, clear references and links to these provisions should be given.</p> <p>In addition, where it is suggested that the Applicants approach does not comply with relevant provisions, LCC/NCC are asked to clearly identify what further field evaluation and mitigation work would be required in order to address any suggested inadequacies.</p>
2.7.2	Applicant and LCC/ NCC	<p>Archaeological management and mitigation</p> <p>Paragraph 2.10.110 of the National Policy Statement (NPS) EN-3 sets out that archaeological deposits may be protected by a solar PV farm if the site is removed from regular ploughing and shoes or low-level piling is stipulated. The Design Parameters [REP3-020] states that the maximum depth of the Mounting Structure piles will be 3.5m below ground. Table 3-3 of the outline Construction Environmental Management Plan [REP3-018] states that areas where concrete feet are required will be laid out by a surveyor in line with the requirements of the Written Scheme of Investigation (WSI). Further detail of this is set out in paragraphs 3.14 to 3.18 of the outline WSI [APP-122]. Noting the concerns expressed by LCC/NCC about the use of this means of mitigation (for example in LCC Local Impact Report, para 12.18 [REP1A-022]), comments are invited on the implications of Para 2.10.110 of EN-3 for the scheme as proposed.</p>
2.7.3	LCC/NCC	<p>Archaeological field evaluation</p> <p>In their response to WQ 1.7.2 [REP3-042], LCC have suggested that other NSIPs in Lincolnshire have undertaken full coverage of the redline boundary and as a result have identified significant archaeological sites during the trenching phase which are then dealt with as part of an informed effective mitigation strategy. Similarly, NCC have suggested that the Applicant has not adequately or systematically identified the nature of the archaeological deposits [REP3-043].</p>

ExQ2	Question to:	Question:
		<p>The Applicant's further report '<i>Comparison of Archaeological Evaluation Investigations on Solar Schemes</i>' [REP4-001] concludes that there is a lack of a standard approach to archaeological evaluation works. LCC/NCC are asked to comment on the implications of this report for the field evaluation undertaken by the Applicant for the Proposed Development.</p>
2.7.4	LCC/NCC	<p>Field Evaluation</p> <p>Noting that the comments made jointly by LCC/NCC [REP4-080] refer to the offer to facilitate 'an appropriate scheme of trenching evaluation before the determination to allow the results to inform a reasonable and robust site specific mitigation strategy'. LCC/NCC are asked to please clarify exactly what is envisaged in terms of the additional percentage required and where this would be targeted, and also when this would need to take place.</p>
2.7.5	Applicant	<p>Evaluation trenching</p> <p>There is a reference at 3.30.2 of the WSI [APP-122] to the West Burton Cable Shared Cable Route Corridor which refers specifically to the Evaluation Trenching. Elsewhere the 'Cable Route Corridor' and 'Shared Cable Corridor' are referred to as two separate elements.</p> <p>The Applicant is asked to please clarify whether the reference in para 3.30.2 is to the shared part of the cable corridor, leading to the Cottam Power Station, or to the whole route of the cable corridor for the Scheme to WB Power Station?</p>
2.7.6	Applicant	<p>Mitigation measures</p> <p>The WSI [APP-122] paragraph 7.2.3 sets out that sub-surface directional drilling will be employed beneath mitigation area WBCR/16 of the Cable Route Corridor (see Figure 4), where the cable route crosses the western boundary of Stow Park Medieval Deer Park (MLI50418).</p> <p>The Applicant is asked to please clarify how was it determined that this was an appropriate mitigation?</p>
2.7.7	Applicant	<p>Cumulative Impacts</p>

ExQ2	Question to:	Question:
		The Joint Report on Interrelationships [REP4-059] refers to shared archaeological mitigation measures at Section 5.3. Presumably this refers largely to the shared grid connection corridor. The Applicant is asked to please clarify whether or not it includes anything else?
2.7.8	Applicant	<p>Stow Park Medieval Bishops Place and Deer Park</p> <p>The Applicant is asked to please clarify how the presence of the Scheduled Monument has influenced scheme layout and design.</p>
2.7.9	Applicant and Historic England	<p>Stow Park Medieval Bishops Place and Deer Park</p> <p>Following on from the discussion at ISH5 in relation to the nature of the harm to the Scheduled Monument, that parties are asked to clearly set out their respective positions in relation whether and how policy provisions differentiate between physical harm to designated heritage assets and harm to their setting.</p>
2.7.10	Applicant and Historic England	<p>Stow Park Medieval Bishops Place and Deer Park</p> <p>Historic England concludes that the Proposed Development would cause substantial harm to the significance of the Scheduled Ancient Monument (SAM) through the loss of its character as a bounded architectural space. Should the Secretary of State agree with that conclusion, the parties are asked to set out the implications for the determination of the Proposed Development, with reference to relevant policy provisions, including reference in NPS EN-1 2011 and NSP EN-1 2023 setting out that ‘substantial harm to or loss of designated assets of the highest significance, including Scheduled Monuments.....should be wholly exceptional’.</p> <p>Additionally, noting the Applicants conclusions that there would be less than substantial harm at the upper end of the spectrum, should the Secretary of State accept this position, the Applicant is asked clearly set out how the suggested public benefits would outweigh that harm.</p>
2.7.11	Applicant	<p>Historic landscape character</p> <p>The response to first written question 1.7.13 [REP3-038] sets out that the in-combination beneficial effects on historic landscape character would be 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</p>

ExQ2	Question to:	Question:
		<p>character of the wider rural setting within which the designated heritage assets are experienced. This would be achieved primarily by strengthening the existing and historical field pattern and creating a multi-layered landscape.</p> <p>Looking in Appendix 13.8 [APP123], Cultural Heritage Impact Assessment Tables, Table 13.8-10 'Operational Phase Impact Assessment – Non-Designated Historic Landscape'. Here, the significance of effects on various landscape elements ranges from moderate adverse to neutral at best. The Applicant is asked to please clarify how this then result in the suggested beneficial effect in the operational phase (as set out in para 13.9.5 of Chapter 13 'Cultural Heritage' [APP-051]).</p>
8. Landscape and Visual		
2.8.1	Applicant	<p>Management Prescriptions</p> <p>The Outline Landscape and Ecological Management Plan [REP4-044] sets out at 4.12 that, following the Landscape and Visual Impact Assessment, there would be an intention to review the management prescriptions associated with the operation of the Scheme at Year 15, with the Supplementary Visual Tables [REP1-059], setting out that this will enable an understanding of where tertiary mitigation can be applied. The Applicant is asked to please set out how this would be secured and how the outcome of such a review would be taken forward.</p>
2.8.2	Applicant	<p>Supplementary Visual and Landscape effects tables</p> <p>The Applicant has produced Supplementary Visual and Landscape effects tables ([REP1-058] and [REP1-059]0. The Applicant is asked to please provide clarification of the difference between the assessments set out in Table 1 and Table 2 of these documents. It would be helpful to provide further clarification of this point in the introduction to each document. This should assist with understanding why, for example, terms of landscape effects, different conclusions have been drawn in each table in relation to the effect on LCA Unwooded Vales.</p>
2.8.3	Applicant	<p>Glint and Glare Assessment</p> <p>Looking at the assessment of effects on local road users, the Applicant has suggested, in response to concerns raised in the Local Impact Reports REP3-037 that "traffic density of local roads is low and the</p>

ExQ2	Question to:	Question:
		<p>speed at which traffic will be travelling is low. Therefore, a low magnitude of effects is predicted and detailed modelling is not required' .</p> <p>The Applicant is asked to please respond to the question of whether it is reasonable to exclude possible effects on the basis of low traffic volumes?</p>
2.8.4	Applicant	<p>Visual effects: Sub-station at WB3</p> <p>The Applicants response to first written question 1.8.15 [REP3-038] referred to the visual effects of the sub-station at WB3. It set out that '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'.</p> <p>The Applicant is asked to please explain in more detail how the landform informed the siting of the sub-station, with reference to submitted documentation.</p>
2.8.5	Applicant	<p>Landscape effects</p> <p>The ES Chapter 18 (Socio Economics Tourism and Recreation) [APP-056] para 18.7.116 refers to the fact that development of the Scheme will have a 'long-term impact on the landscape character of some tourism and recreation receptors that are reliant on the landscape context for their value, such as viewpoints, landmarks, and cultural heritage assets'.</p> <p>Whilst the Applicants assessment of landscape effects [APP-073] indicates that there would only be beneficial effects on landscape character, this reference suggests a recognition that there would be adverse effects on landscape character. The applicant is asked to please provide clarification on this point.</p>
2.8.6	Applicant	<p>Management of mitigation/enhancement measures post-consent</p> <p>The Outline Landscape and Ecological Mitigation Plan (OLEMPO [REP4-044]), sets out Management Prescriptions, the Applicant including work to keep hedgerows, hedgerow trees and woodland copse and shelter belts weed free for 3 years; and also 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 is asked to review the adequacy of these provisions. Specifically, the ExA notes that landscape (and ecological) mitigation is of great importance in managing the effects of the scheme. In particular there is a reliance on landscape effects being mitigated after 15 years of the operational period. Whilst Section 4.11 of the</p>

ExQ2	Question to:	Question:
		OLEMP sets out the ecological monitoring strategy, it is not clear that this would address the point about the need for regular maintenance and management beyond the 3/5 year periods. In this context, is there a need for a longer term maintenance/management prescription?
2.8.7	Applicant	<p>Cumulative landscape and visual effects</p> <p>In response to first written questions 1.8.19 [REP3-038] with reference to how cumulative landscape and visual effects have been identified, the Applicant sites Draft NPS EN-3 para 2.51.2, quoting from this that solar project are '<i>likely to be in low-lying areas of good enclosure</i>'. The ExA notes equivalent reference in the NPS EN-3 para 2.10.94 is to low-lying area with good <u>exposure</u>. The suggestion in the text following is that the Applicant has adjusted their assessment to make allowances for these factors in reaching conclusions on the sensitivity and the capacity of the landscape.</p> <p>The Applicant is asked to please address the inference that, on the basis of the NPS references, this type of landscape is less susceptible to the change proposed and that the Proposed Development is well placed.</p>
2.8.8	Applicant	<p>Cumulative landscape and visual effects</p> <p>The Applicant is asked to provide clarification on the following points:</p> <ol style="list-style-type: none"> How the differences in professional opinions relating to the assessment of landscape and visual impacts (as set out in the Joint Report on Interrelationships [REP4-059]), have been interpreted and addressed when reaching conclusions on cumulative impacts. The Joint Report on Interrelationships also notes there has been limited assessment of the cumulative landscape and visual impacts with the Tillbridge scheme, though there is the potential for significant cumulative effects on landscape character at a local level or potentially at a wider (National Character Area) level during the construction and Operation, based on the Preliminary Environmental Information Report. The Applicant is asked to please indicate whether any further information on cumulative landscape effects is now available.
9. Need, the electricity generated and climate change		
2.9.1	Applicant	<p>Cumulative climate change effects</p> <p>Appendix E of the Joint Report on Interrelationships with other NSIPs [REP4-059] refers to the professional judgements made on the cumulative effect on climate change. The Applicant is asked to please explain why</p>

ExQ2	Question to:	Question:
		it is possible to assess cumulative effects on Climate Change given the national rather than local scale of the impact.
2.9.2	Applicant	<p>Electricity Generation</p> <p>Interested parties have challenged the rationale for the use of the grid connection at the West Burton 400kV substation for this solar project in terms of its electricity generating capacity (see, for example REP4-116), with the suggestion that such valuable high-capacity Grid connections need to be used effectively. The Applicant is asked to please respond to this point with reference to relevant policy provisions.</p>
2.9.3	All parties	<p>Panel Replacement</p> <p>Concerns are expressed by a number of parties relating to the Applicants reference to an assumed replacement rate of 0.4% of panels per year, as set out in ES Chapter 7 Climate Change [APP-045]. Paragraph 7.8.52 sets out that this figure is based on ‘supplier input’ and has been applied to the estimated 40 year life of the development. With reference to this information:</p> <ol style="list-style-type: none"> a. The Applicant is invited to set out further details of the assumptions on which this figure is based; b. Set evidence to justify the application of the 0.4% replacement rate as a linear rate over 60 years; c. Other parties are invited to provide alternative evidence to suggest that this approach is not credible.
2.9.4	Applicant	<p>Proportionate Contribution to Energy of Bishop’s Palace and Deer Park Scheduled Ancient Monument</p> <p>During ISH 5 discussion [EV-063] around the heritage impacts of the Proposed Development on the Bishop’s Palace and Deer Park it was noted that the area relating to the Deer Park would be responsible for approx. 128MW of the total energy generated by the Proposed Development (more than one quarter of the total). Please can the Applicant confirm the figures and provide an explanation as to how the area can be responsible for a disproportionately greater generation in relation to its size.</p>
10. Noise, Vibration and Air Quality		
2.10.1	Applicant	Cumulative Effect of Noise and Vibration

ExQ2	Question to:	Question:
		<p>Cumulative effects of noise and vibration to a number of residential receptors is set out in 15.9 of ES Ch15 : Noise and Vibration APP-053 . The likely Significance of Effect is: Major Adverse and Significant for TRANSIENT PERIOD ONLY.</p> <p>This is repeated elsewhere, e.g. Para 15.7.20 states: <i>“Given that construction activities for the Cable Route Corridor are transient, it is considered unlikely that a major impact would be experienced for any prolonged duration due to the temporary nature of construction operations.”</i></p> <p>The Outline Construction Environmental Management Plan Revision C Feb 2024 [REP4-042] and other documents state that the cumulative environmental effects of the simultaneous or sequential construction of these cables routes has been assessed in the Environmental Statement. A five-year construction duration has been adopted for this, and assessed in the Environmental Statement, in order to accommodate the potential sequential installation of all three projects’ ducts and cables. This will be over the period Q4 2024 to Q4 2029. This period has been chosen given that the grid connection date for West Burton is 2028, Cottam 2029 and Gate Burton Energy Park 2028 and it allows for these works to take place within that period. This 5 year period introduces uncertainty and raises questions that the cable corridor construction should be considered as transient.</p> <p>Please can the Applicant set out:</p> <ol style="list-style-type: none"> a) How has uncertainty been assessed, including cumulative uncertainty spanning 5 years? b) In the event that the cable corridor were to be constructed sequentially over a 5 year period, how might the programme of works be structured. Please indicate how this has been assessed as a worst-case scenario.
2.10.2	7000 Acres	<p>Noise and Other Limits</p> <p>7000 Acres suggest that the ExA should consider placing limits on Noise and other emissions, but give no indication as to what the figures for these limits should be. Please set out the limits that you would suggest would be appropriate and the reasoning to justify the figures you have provided.</p>
2.10.3	Applicant	<p>Process and Methodology</p> <p>ES Chapter 2: EIA Process and Methodology [APP-040] states, at Paragraph 2.4.18:</p>

ExQ2	Question to:	Question:
		<p><i>"Following the classification of an effect, clear statements will be made within the topic chapters as to whether that effect is significant or not significant. As a rule, major and moderate effects are generally considered to be significant, whilst minor and negligible effects are considered to be not significant. However, professional judgement will be applied, including taking account of whether the effect is permanent or temporary, its duration / frequency, whether it is reversible, and / or its likelihood of occurrence."</i></p> <p>Please confirm what professional judgment is applied in not considering moderate as a significant effect and why the moderate magnitude has been defined as the Significant Observed Adverse Effect Level.</p> <p>If the ExA and the Secretary of State decided that moderate effects are significant, how would this alter the findings of ES Ch15 : Noise and Vibration APP-053 ? Please explain your answer.</p>
2.10.4	WLDC and Applicant	<p>WLDC Methodological Concerns</p> <p>The Applicant has responded to the WLDC's comments in its LIR on the noise methodology, surveys, sources and assumptions. WLDC's concerns on the noise assessment methodology are set out in section 14 of its LIR [REP1A-006]. This was discussed at ISH4 [EV-029].</p> <p>The Applicant's Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 4 and Responses to Action Points [REP4-071] confirms that details have been requested from WLDC of any additional wording they would like to be included in the management plans relating to noise issues.</p> <p>Please provide an update on progress. Has this addressed the Council's concerns?</p>
2.10.5	Applicant	<p>Panel Hum and Noise from Associated Equipment</p> <p>Further to the Applicant's Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 4 and Responses to Action Points [REP4-071] regarding noise from associated equipment, it is noted that inverters are the most noise intensive items of equipment to be installed. This is in addition to motors, transformers etc. These were discussed at ISH4 [EV-029]. Please can the Applicant provide reference to example equipment, and a comparison of noise levels from such equipment.</p>

ExQ2	Question to:	Question:
2.10.6	UKHSA	<p>Updated Receipt of Health Related Information</p> <p>A number of documents concerning fire risk and battery storage have been revised by the Applicant since the UKHSA Relevant Representation was received (June 2023). UKHSA Relevant Representation [RR-342] stated that:</p> <p><i>“Following our review of the submitted documentation we are satisfied that the proposed development should not result in any significant adverse impact on public health. On that basis, we have no additional comments to make at this stage...”</i> New documents include:</p> <ul style="list-style-type: none"> • Air Quality Impact Assessment of BESS Fire Jan 2024 and REP3-040 • Revised Outline Battery Storage Safety Management Plan Jan 2024 [REP3-032]. <p>Please clarify whether the revisions of these documents affect/alter the views of UKHSA as set out in its RR [RR-342].</p>
11. Other Planning Matters		
2.11.1	Applicant	<p>Waste (Cross Reference Question 2.1.4)</p> <p>LCC’s response to First Written Questions states that it is reasonable to ask the applicant to clarify how much waste they anticipate at what points in the scheme and how they propose to manage it. It suggests that <i>“provision needs to be made sooner rather than later to ensure we do not end up with a situation of a ‘solar panel mountain’ as was the case with the ‘fridge mountain’ some 15 years ago”</i>.</p> <p>Noting that Question 2.1.4 relates to the extension of time from 40 to 60 years and the cumulative impacts from this, Please can the Applicant and other IPs respond, and update on, progress specifically on waste management matters and the management of this.</p>
12. Safety and Major Incidents		
2.12.1	Applicant	<p>Stacking of BESS</p> <p>Please can the Applicant confirm whether or not BESS containers will be stacked? If so, please explain how the risk to fire loading, potential fire spread and restrictions on access would be satisfactorily addressed?</p>

ExQ2	Question to:	Question:
2.12.2	Applicant	<p>Battery Energy Storage System - Guidance</p> <p>Please provide comments on changes to the National Planning Policy Guidance - Renewable and Low Carbon Energy - Battery Energy Storage Systems. Paragraph 33 encourages applicants to consider the guidance produced by the National Fire Chiefs Council. Please provide confirmation on: the role of this guidance, whether and where this has any implications for the scheme, if it has been taken into account, and the weight that should be given to the advice.</p>
2.12.3	LCC and, optionally Applicant	<p>Accidents, Disasters and Health Impacts of BESS</p> <p>LCC refers in its LIR [REP1A-002] to the impacts associated with matters relating to accidents and disasters, and health to be neutral. LCC confirmed that this is on the assumption that a financial contribution will be secured through an appropriate mechanism (PP) to enable the necessary inspection of the BESS to confirm the required safety measures and means for dealing with a thermal outbreak are in place and in working order which would minimise the risk of a thermal outbreak within the BESS to an acceptable level. Please provide an update on the assumption and whether or not measures to secure the necessary mitigation appear to be satisfactory.</p>
13. Socio-Economic Matters		
2.13.1	All Parties	<p>Skills Supply Chain and Employment Plan</p> <p>During ISH4 [EV-029], the Applicant made a number of comments about updating the outline Skills Supply Chain and Employment Plan (oSSECP). This was originally referenced as [APP-319]. At Deadline 4 a revised (Revision A) version was submitted [REP4-050]. Please can IPs comment on the revision, particularly regarding the relationship with the Organisational Framework, monitoring, consultation and involvement of host authorities.</p>
2.13.2	All Parties	<p>Supply Chain, Procurement and Networking</p> <p>The ExA notes that within the Outline Skills, Supply Chain and Employment Plan Revision A [REP4-050] and elsewhere, a number of changes have been proposed within the document from 'could' to 'will', e.g. <i>"the Applicant could will reach out to potential suppliers and organise 'meet the buyer' events."</i></p>

ExQ2	Question to:	Question:
		Please can the Applicant/ IPs comment on this. Please advise on what these changes effect when at a scaled up extent i.e. what this may mean cumulatively, resulting from what appears to be a strengthening of wording regarding potential mitigation.
2.13.3	All Parties	<p>Local Economic Impacts - LIS</p> <p>During ISH4 [EV-029], the Applicant and WLDC made references to the Local Industrial Strategy (LIS). Various IPs have raised concerns that the LIS is not considered at all in the Planning Statement, and felt that extensive large-scale solar would undermine regional objectives for the agrifood and visitor sectors. The ExA notes that Revision B (Appendix D) of the Planning Statement does cross refer the Greater Lincolnshire LIS [REP4-048].</p> <p>IPs are invited to provide an update on the alignment of the project with the LIS.</p>
2.13.4	All Parties	<p>Community Benefits</p> <p>LCC response to First Written questions 1.13.6 [REP3-042] refers to a variety of projects and community benefits. It notes that provision of community benefits is not a material consideration in determining renewable energy planning applications. WLDC [REP3-044] also states that the use of a community to ‘compensate’ affected persons is also not an appropriate mechanism to address such matters.</p> <p>IPs are invited to comment further on such measures and provide any relevant updates on this aspect.</p>
14. Transport and access, highways and public rights of way (PRoW)		
2.14.1	Applicant	<p>Travel Plan</p> <p>LCC’s response [REP3-042] to 1st Written Questions 1.14.4 states that the Travel Plan’s assumption that 50% of workers will arrive by shuttle bus is achievable “<i>if it is considered in the recruitment and procuring of workers</i>”. Please can the Applicant confirm how recruitment and procuring of workers has been considered with the 50% shuttle bus target in mind.</p>

ExQ2: 19 March 2024

Responses due by Deadline 5: Thursday 11 April 2024

ExQ2	Question to:	Question:
2.14.2	LCC, Applicant	<p>Collision Data</p> <p>In response to WQ1.14.9 (Collision Data), LCC states that “<i>the dDCO still seems to give too much power to applicant</i>” [REP3-042]. Please can LCC provide more specific details, and the Applicant may also wish to comment.</p>
2.14.3	Applicant	<p>On-site Parking</p> <p>Please can the Applicant confirm to what standards will employee parking and visitor parking be provided?</p> <p>The Outline Construction Traffic Management Plan [REP4-038] makes reference to turning areas and allowance for vehicles to egress the site in a forward gear (see e.g. Para 2.14). Please can the applicant set out the standards and whether or not additional area for vehicle parking becomes needed as a result of this.</p>
2.14.4	Applicant and IPs	<p>Joint Construction Traffic Management Plan</p> <p>The Outline Construction Traffic Management Plan [REP4-038] refers to a Joint Construction Traffic Management Plan at 7.2 (xxv) that such a document “could” be produced. This was discussed during ISH4 [EV-029]. The Applicant and Local Authorities should be progressing this element, including providing a form of wording to give confidence that congestion can be avoided at critical points where projects are being accessed or constructed simultaneously.</p> <p>IPs are requested to provide an update, including on views to the changes to the dDCO [REP4-024] in Requirement 2.</p>
2.14.5	Applicant	<p>Cumulative Effect of Construction Traffic</p> <p>The Applicant’s views are sought on whether there would be the potential for broader adverse amenity impacts due to the prolonged period that there would be additional construction traffic on the local highway network. Please respond, and provide specific reference to the cumulative effects (irrespective of whether the roads in highway terms are capable of accommodating this traffic).</p>
2.14.6	Applicant	<p>Cumulative Effects on Highway Network</p>

ExQ2	Question to:	Question:
		Following ISH5 [EV-060] it remains unclear where the conclusions on cumulative effects on the highway network are drawn from as set out at paragraph 14.9.5 of ES Chapter 14: Transport and Access [APP-052] . Please reference the figures used to come to this view. The Joint Report on Interrelationships between NSIPs [REP4-059] does not appear to provide further substantive evidence in this regard, beyond stating there would be no changes from the ES.
2.14.7	Applicant	<p>Compulsory Acquisition of Highway Land</p> <p>The ExA notes that LCC does not agree with Temporary Possession of Highway Land for use under the DCO and maintains that any works in Highway Land that need to be undertaken should follow existing Street works and permitting procedures and S278 Agreements. Please can the Applicant confirm the extent or otherwise of Highway Land compulsory acquisition and measures to address LCC's concerns regarding street works.</p>
2.14.8	Applicant	<p>S278 procedure and Deemed Discharge Provision</p> <p>LCC is concerned that detailed highways works which affect safety e.g. access details are left to requirement discharge with a deemed discharge provision rather than via s.278 procedure. This includes Highway Authority consent which it states must apply to all works in the public highway. LCC's view is that any works in the highway must have LCC approval (S278 works, and Streetworks and Permitting). The Applicant is invited to respond to the concerns here.</p>
15. Water Environment including Flooding		
2.15.1	Canal and River Trust, and Applicant	<p>Dredging Tip (Cross Reference Q2.4.9)</p> <p>Comments at DL4 relating to the implications of the Land South of Marton Grid Connection Options Report [REP2-009] with the suggestion that if 'Option 2' were taken forward this would include land in the southeast corner of the eastern dredging tip.</p> <p>The Canal and River Trust have already approached the Applicant on this matter. Parties are asked to please clarify their respective positions on this matter and to provide an update on discussions, together with any implications for the water environment and flooding in the local area.</p>

ExQ2	Question to:	Question:
2.15.2	Applicant	<p>Layout of PV Panels: allowance for drainage gaps</p> <p>The ExA understands that the solar panels will not form a solid impervious unit. The design allows small gaps between panels contributing to water drainage. However, it appears that gaps are not secured within design parameters. Without suitable gaps it could be that a reasonable worst case assumption is that in the future solar panels may form a be single impenetrable unit, increasing the risk of flooding. Please can the Applicant confirm the understanding and how these are secured in the application.</p>
2.15.3	All Parties	<p>The impact of solar photovoltaic (PV) sites on agricultural soils and land</p> <p>7000Acres has requested the ExA takes account of recent research by the Welsh Government and others that installing large solar arrays on farmland results in deep soil compaction, increased water runoff and runoff from panels can lead to rivulets, which can lead to soil loss by erosion.</p> <p>The ExA invites the Applicant and others to additionally comment.</p>
2.15.4	Applicant	<p>Backfilling Excavated Soil</p> <p>With reference to West Burton Cable Corridor, paragraph 4.5.47 of Environmental Statement Chapter 4: Scheme Description [APP-042] states that the “<i>base of the jointing bays will be lined with a concrete floor and sandbags will be stacked above this to support the cables where required. Excavated soil will then be backfilled on top of the installed cables</i>”. It would be helpful if the applicant clarified this point by specifying that backfilling with the excavated soil is subject to confirmation that any contamination of the soil prohibits this.</p>