

Application by Cottam Solar Project Ltd for an Order Granting Development Consent for Cottam Solar Project

The Examining Authority's second written questions and requests for information (ExQ2)

Issued on 16 January 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 Annex D to the Rule 6 letter of 10 July 2023. The questions have arisen from the ExA's consideration of the application documents and representations. The answers to them will help the ExA to consider the application against relevant legislation and policy.

Column 2 of the table indicates who each question is directed to. Please could each party answer all questions directed to them, providing a substantive response, or indicating why a question is not relevant to them. This does not prevent an answer to any question being provided by any party if it is 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: <http://infrastructure.planninginspectorate.gov.uk/document/EN010133-000507>.

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

All references to the Draft Development Consent Order are to Revision E submitted at Deadline 3 [[REP3-004](#)].

Responses are due by Deadline 4, Tuesday 30 January 2024

Abbreviations used

BESS	<i>Battery Energy Storage System</i>	IPs	<i>Interested Parties</i>
BNG	<i>Biodiversity Net Gain</i>	ISH	<i>Issue Specific Hearing</i>
BoR	<i>Book of Reference</i>	LCC	<i>Lincolnshire County Council</i>
CA	<i>Compulsory Acquisition</i>	LIR	<i>Local Impact Report</i>
DCO	<i>Development Consent Order</i>	LVIA	<i>Landscape and Visual Impact Assessment</i>
dDCO	<i>Draft Development Consent Order</i>	MMO	<i>Marine Management Organisation</i>
DML	<i>Deemed Marine Licence</i>	NPPF	<i>National Planning Policy Statement</i>
EA	<i>Environment Agency</i>	NPS	<i>National Policy Statement</i>
EMF	<i>Electromagnetic Fields</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
ES	<i>Environmental Statement</i>	oCEMP	<i>Outline Construction Environmental Management Plan</i>
ExA	<i>Examining Authority</i>	oSSCEP	<i>Outline Skills Supply Chain and Employment Plan</i>
ExQ1	<i>Examining Authority's First Written Questions</i>	PA 2008	<i>Planning Act 2008</i>
FRA	<i>Flood Risk Assessment</i>	PPs	<i>Protective Provisions</i>
IAQM	<i>Institute of Air Quality Management</i>	RR	<i>Relevant Representation</i>
IEMA	<i>Institute of Environmental Management and Assessment</i>	SM	<i>Scheduled Monument</i>



The Planning Inspectorate

SoCG	<i>Statement of Common Ground</i>
SoS	<i>Secretary of State</i>
SPD	<i>Supplementary Planning Document</i>
UKHSA	<i>UK Health Security Agency</i>
WLDC	<i>West Lindsey District Council</i>
WR	<i>Written Representation</i>
WSI	<i>Written Scheme of (archaeological) Investigation</i>

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ExQ.	Respondent:	Question:
1. The Draft Development Consent Order and other consents		
2.1.1	Environment Agency (EA)/Applicant	Article 6 (Application and modification of statutory provisions) Please provide an update on discussions regarding the disapplication of the Environmental Permitting (England and Wales) Regulations and the drafting of the Protective Provisions (PPs) for the benefit of the EA (and identify any outstanding matters).
2.1.2	Applicant/Lincolnshire County Council (LCC)	Article 9 (Power to alter layout etc., of streets) Please provide an update on discussions on LCC's concerns regarding the level of detail provided for highway works and the works set out in Schedule 5. Where alternative drafting is proposed by LCC, please provide details.
2.1.3	Applicant/LCC	Article 15 (Traffic regulation measures) Please provide an update on discussions in relation to this Article. Where alternative drafting is proposed by LCC, please provide details.
2.1.4	Applicant/LCC	Article 38 (Felling or lopping of trees and removal of hedgerows) Please provide an update on discussions regarding this article. Where alternative drafting is proposed by LCC, please provide details.
2.1.5	Crown Estate Commissioners/Applicant	Article 49 (Crown Land) Please provide an update on discussions in relation to section 135 of the PA 2008 and the request for consent including potential outcomes and whether agreement is likely to be reached before the close of the Examination.
2.1.6	WDLC	Schedule 2 – General

ExQ.	Respondent:	Question:
		Please explain why WLDC considers a phasing requirement is necessary and provide any proposed wording.
2.1.7	Applicant	<p>Schedule 2 – General</p> <p>Please comment on WLDC’s suggestion for a phasing requirement to be included in the dDCO (see WLDC’s Written Summary of Oral Submissions at ISH5 [REP3-057]).</p>
2.1.8	WLDC	<p>Schedule 2 – General</p> <p>Please identify other made DCO’s which contain similar retention clauses to those proposed by WLDC and include any suggested wording.</p>
2.1.9	Applicant	<p>Requirement 9 (Biodiversity Net Gain)</p> <p>The ExA notes the Applicant’s comments at ISH5 that different approaches are being taken in other NSIP examinations (referencing the Mallard Pass and Gate Burton projects) in relation to Biodiversity Net Gain (BNG). Please can the Applicant confirm that the approach taken for the Proposed Development is similar to those recently closed examinations or whether a different approach is being taken here.</p>
2.1.10	Applicant	<p>Requirement 9 (BNG)</p> <p>At ISH5, the Applicant explained that the specific percentages of BNG identified in the ES were not secured in the dDCO and should not be relied on by the SoS in the planning balance.</p> <p>However, at action point 6 of ISH2, the Applicant draws attention to section 4.6 of its Planning Statement which sets out the benefits of the scheme the Applicant considers should be attributed significant weight in the planning balance, including ‘a significant net gain for biodiversity, with 96.09% gains provided in habitat, 20.22% gains in hedgerow and 10.69% gains in river units’. Please explain why the Applicant considers significant weight should be attributed to BNG where these levels (or any minimum amounts) are not secured in the dDCO.</p>

ExQ.	Respondent:	Question:
2.1.11	Applicant	<p>Requirement 12 (Archaeology)</p> <p>Please comment on LCC's proposed amendments to Requirement 12 as set out in its Written Summary of Oral Submissions made at the ISH5 [REP3-050] (see paragraph 31).</p>
2.1.12	LCC	<p>Requirement 21 (Decommissioning and Restoration)</p> <p>The Applicant amended requirement 21 at Deadline 3 to provide greater clarity on the timing for submission of the decommissioning plan in response to matters raised by LCC at ISH5. Please confirm whether or not this addresses the concerns raised by LCC at ISH5 on this point.</p>
2.1.13	WLDC	<p>Requirement 21 (Decommissioning and Restoration)</p> <p>Please explain why WLDC considers Requirement 21 should include a trigger mechanism for decommissioning in the event that the Proposed Development ceases to generate electricity for a period of 12 months. Please provide any suggested wording.</p>
2.1.14	Applicant	<p>Requirement 21 (Decommissioning and Restoration)</p> <p>Please comment on WLDC's suggested trigger mechanisms (as set out in its Written Summary of Oral Submissions at ISH5 [REP3-057]).</p>
2.1.15	Marine Management Organisation (MMO)	<p>Schedule 9 (Deemed Marine Licence)</p> <p>The MMO's attention is drawn to the Applicant's update on the Deemed Marine Licence (DML) at ISH5 (See [REP3-038]) where it was explained that the inclusion of the DML was to safeguard against the risk of an existing exemption falling away. The ExA notes that it is the MMO's intention to provide a full response at Deadline 3A. notwithstanding the MMO's position that a DML may not be required, please include comments on the DML (including any comments on conditions) on a without prejudice basis.</p>
2.1.16	All parties with protective provisions for their benefit included in Schedule	<p>Schedule 16 – (PPs)</p> <p>Please provide an update on discussions regarding PPs, identifying any outstanding areas of disagreement/proposed alternative wording.</p>

ExQ.	Respondent:	Question:
	16 (Protective Provisions) of the dDCO.	
2.1.17	Applicant	<p>Schedule 17 (Procedure for discharge of requirements)</p> <p>The ExA notes WLDC's objection to the deemed consent provisions set out in Schedule 17 (See WLDC's Written Summary of Oral Submissions for ISH5 [REP3-057]). The Applicant is asked to respond to WLDC's proposed timescales.</p>
2.1.18	Applicant	<p>Schedule 17 (Procedure for discharge of requirements)</p> <p>Please comment on LCC's suggested wording for Schedule 17(5) (as set out in paragraph 34 of its Written Summary of Oral Submissions made at the ISH5 [REP3-050]).</p>
2.1.19	Host Authorities	Please provide full details of any outstanding drafting points previously raised which are still a matter of dispute between the Applicant and the respective Host Authorities. Where alternative wording is proposed by the Host Authorities this should be provided.
2.1.20	All parties	The ExA notes that a number of amendments were made to the dDCO at Deadline 3 to address drafting points raised by interested parties at previous deadlines or hearings. All interested parties are invited to submit details of any drafting points previously raised that they consider have not been addressed by the Applicant to date.
2. General and cross topic matters		
2.2.1	Applicant/Host Authorities	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 4 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.
2.2.2	All Parties	The Revised National Planning Policy Framework (NPPF) was published in December 2023. Comments are invited from all parties on its implications for the consideration of the Proposed Development.

ExQ.	Respondent:	Question:
2.2.3	West Lindsey District Council (WLDC) /Applicant	WDLC in its response to ExQ1.2.3 [REP2-076] has referred to a ‘health’ Supplementary Planning Document (SPD). Please provide a copy of this SPD and identify relevant passages. The Applicant’s comments are also sought on this.
2.2.4	Nottinghamshire County Council (NCC)/Applicant	NCC, in its response to ExQ1.2.5 [REP2-075] , has referred to Policy WCS2, which does not appear to have been identified at paragraph 2.68 in its Local Impact Report [REP-086] . Please provide a copy of the policy wording. The Applicant’s comments are also sought on Policy WCS2.
2.2.5	Applicant	Please explain whether, and if so how, the Applicant has taken into account the Local Industrial Strategy 2021 (as referred to by 7000 acres in its response to ExQ1.2.9 [REP2-094]) (and signpost where this information can be found in the application documents)).
2.2.6	Applicant	Please explain whether the continuing use of solar panels and batteries after their average lifespan of 40 years is likely to result in an increased failure rate. If so, please explain how this has been taken into account in the assessments presented in the ES.
2.2.7	7000 Acres	Why does 7000 Acres consider that the Proposed Development would undermine the Local Industrial Strategy (2021) as is set out in its response to ExQ1.2.9 [REP2-094] ?
2.2.8	Applicant	Does the Applicant intend the Review of Likely Significant Effects at 60 Years [REP2-058] to be a certified document – as it is unclear whether or not it forms part of the ES.
2.2.9	Applicant	In response to ExQ1.2.22 [REP2-034] , the Applicant explains that significant effects are those considered after mitigation measures have been implemented. Whilst the ExA understands this, the Applicant is asked to explain the reasons <i>why</i> mitigation measures were not considered for these significant adverse effects.
2.2.10	Applicant	The ExA notes that the Concept Design Parameters and Principles document [REP3-020] was updated at Deadline 3. Please provide further explanation on the amendments made in relation to the scale of the Battery Energy Storage System (BESS).
3. The needs case, electricity generated and climate change		
2.3.1	All interested parties	On 22 November 2023, the Department for Energy Security and Net Zero published an updated version of the draft National Policy Statements (NPS) for Energy (EN-1 to EN-5) which contain some changes to elements regarding the decision-making process for low carbon generation applications in general including solar generating stations and related connections. These revised draft Statements have also

ExQ.	Respondent:	Question:
		<p>been laid before Parliament but are not yet designated for the purposes of s104 of the Planning Act 2008.</p> <p>Do any parties 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 National Policy Statements?</p>
2.3.2	Applicant	<p>Action Point 2 of the Written Summary of the Applicant's Oral Submissions and Responses at ISH5 [REP3-038] states that a panel failure rate of 0.4% has been applied "<i>in line with industry standards</i>" to the climate change assessment of operational impacts from panel failure/replacement. Table 1.1 of the 'Review of Likely Significant Effects at 60 Years: Environmental Statement Review' [REP2-058] states that over a 60-year operational lifespan 24% of the panels would be replaced. However, the Applicant states [REP2-048] that solar panels have an "average lifespan of 40 years" suggesting a 100% replacement rate at 40 years. Can the Applicant explain this discrepancy?</p>
4. Other projects/cumulative effects		
2.4.1	Applicant	<p>The ExA notes the Applicant's post hearing note at ISH4 [REP3-035] in respect of the scoping report for the Stow Park solar project. Please provide an update including whether this new information affects the Applicant's conclusions on the assessment of cumulative effects.</p>
2.4.2	Applicant	<p>At ISH4, the Applicant stated that it did not intend to update changes to cumulative impacts in individual aspect chapters, instead preferring to update the Joint Report on Interrelationships with other NSIPs [REP3-027]. Please confirm whether it is the Applicant's intention that the Joint Report will be a certified document?</p> <p>Notwithstanding the above, the ExA considers that where there are changes to the conclusions reached in the individual aspect chapters of the ES, it is the ES that should be updated and not the Joint Report. The Applicant should ensure that, where necessary, all chapters of the ES contain full and up-to-date information on cumulative effects and where information is contained in other documents that informs the assessment, this should be appropriately cross referenced in the Chapter.</p>



ExQ.	Respondent:	Question:
2.4.3	Applicant	<p>Chapter 9: Ecology and Biodiversity of the ES [APP-044] identifies at paragraph 9.9.9 that a minor cumulative adverse effect operating at a Local or District scale may be caused to harvest mouse. Chapter 9 does not set out 'significant' effects but rather depends on an alternative methodology from CIEEM guidance based on Important Ecological Features, which above negligible includes effects at a Local and District Scale.</p> <p>In its response to ExQ1.6.12, the Applicant confirmed that an addendum to ES Chapter 9 will be produced to include the significance of the cumulative ecological effects in line with those set out in the Joint Report on Interrelationships with other NSIPs [REP3-027]. Please can the Applicant provide this for Deadline 4 or provide details of when it expects to submit this document into the Examination. Please can the applicant also explain why the effect on harvest mouse not included in the Joint Report on Interrelationships, Appendix E [REP3-027] and how the methodology that the Joint Report on Interrelationships with other NSIPs [REP3-027] uses to identify significant effects relates to that in Chapter 9.</p>
2.4.4	Applicant	<p>The ExA notes the additional information provided in Appendix E of the Joint Report on Interrelationships with other NSIPs [REP3-027] in respect of the professional judgements made on the cumulative effect on climate change. Please explain why the Applicant considers it is possible to assess cumulative effects on Climate Change given the national rather than local scale of the impact.</p>
5. Landscape and visual, glint and glare, good design		
2.5.1	Applicant/LCC	<p>Please provide an update on the outcome of the meeting between the Applicant's landscape consultants and LCC which was due to take place in early January 2024.</p>
2.5.2	Applicant	<p>NPS EN-5 is concerned with the long-distance transmission system (400kV and 275kV lines) and the lower voltage distribution system (132kV to 230v lines from transmission substations to the end-user); and associated infrastructure, for example substations and converter stations that facilitate the conversion between direct and alternating current. Please explain the relevance of NPS EN-5 in so far as it relates to the Applicant's conclusion of beneficial landscape effects as highlighted in paragraphs 2.8.3 and 2.8.11 in Appendix 1 of [REP3-033]. For example, is the Applicant suggesting that there is a reconfiguration or rationalising of existing electricity infrastructure?</p>

ExQ.	Respondent:	Question:
2.5.3	Applicant	Given the scale of the Proposed Development, please explain (with reasons) whether the Applicant considers the introduction of a significant number of solar panels and other associated infrastructure would become a defining feature of the landscape once operational (eg at year 1 and year 15).
2.5.4	Applicant	The ExA notes that the Applicant has concluded the visual effect on residential receptor R63A (North Farm) would be significant during construction and at year 1 of operation, reducing to minor/moderate (not significant) at year 15 of operation. Can the Applicant provide details of when it considers the mitigation will become effective (ie for how long does the Applicant consider the receptor would experience significant effects).
6. Biodiversity and the Habitats Regulations Assessment		
2.6.1	Natural England	Natural England's views are sought on the Revised Information to Support a Habitat Regulations Assessment document [REP3-024] , which has been updated to include the Humber Estuary Ramsar site.
2.6.2	Applicant	Further to the Applicant's response to ExQ1.6.10 [REP2-034] in relation to why the significance of effects for decommissioning are not listed, how would decommissioning effects then be considered and assessed considering the ES should assess the worst case scenario for all stages of the Proposed Development.
2.6.3	Applicant:	The Joint Report on Interrelationships with other NSIPs, Appendix E [REP3-027] indicates there would be a moderate cumulative adverse effect during construction and operation on skylark, yellow wagtail, grey partridge and quail at a District (rather than to Local to District) level. Please clarify if this adverse effect is over and above that identified in Chapter 9: Ecology and Biodiversity of the ES [APP-044] and, if so, is further mitigation proposed?
2.6.4	Applicant/Natural England	Further to the Applicant's response to ExQ1.6.13 [REP2-034] , should the ExA therefore consider BNG to be at least 10% (110+%), rather than other figures that are cited in the application because these other figures also include mitigation and compensation to address impacts. Notwithstanding the agreed SoCG [REP3-047] , Natural England's view is also sought on this matter, as the Applicant has referred to DEFRA's 2022 BNG consultation in this regard.

ExQ.	Respondent:	Question:
7. The water environment		
2.7.1	Applicant	With regard to the Applicant's response to ExQ1.7.3 [REP2-034] , does the classification of people and property considered to be "More Vulnerable" have regard to those who may reside in basement dwellings, caravans, mobile homes and park homes intended for permanent residential use. Interested Parties in Deadline 2 submissions have drawn the ExA's attention to gypsy and traveller sites found in the vicinity of the Order limits. Does this have a bearing in relation to the significance of effects reported?
2.7.2	Applicant	Further to the Applicant's response to ExQ1.7.7 [REP2-034] , the ExA is unclear whether flood storage areas are in fact proposed. Please confirm.
2.7.3	Applicant	Please provide an update on the intended SoCG with the Scunthorpe and Gainsborough Internal Drainage Board.
2.7.4	Water Management Consortium	In light of the Water Management Consortium's WR [REP-102] and the distance between the Order limits and Toft Dyke near Clayworth and Cuckstool Dyke east of Ossington, Sutton-on-Trent, please provide further explanation for the need to investigate these watercourses.
2.7.5	Environment Agency/Water Management Consortium	Please confirm whether your organisation is now content with the Applicant's approach to the buffer from watercourses.
2.7.6	Applicant	Is it the Applicant's intention to register a flood risk activity exemption (FRA3 for any service crossing below the bed of a main river not involving an open cut technique), as has been advised by the EA [REP2-080] at 1.7.1. If not, please explain how the EA's point would be addressed.
2.7.7	Applicant	The Review of Likely Significant Effects at 60 Years document [REP2-058] involves a time period that would exceed that set out in the Flood Risk Assessment (FRA) documents. However, the FRA should assess a worst case scenario and so this would not be addressed by undertaking subsequent modelling and making any consequential alterations sometime in the future, as the document [REP2-058] suggests.

ExQ.	Respondent:	Question:
		Please therefore provide an updated FRA with updated flood modelling and where relevant, any updated mitigation. Any other relevant Chapters should be updated to reflect any changes eg flood risk and climate change.
2.7.8	Applicant:	Further to the Applicant's response to ExQ1.7.19 [REP2-034] , if the Applicant is relying on the site owner(s) to bear responsibility for the robust maintenance of drainage, how will this be secured and have the owners been made aware of these responsibilities?
2.7.9	Applicant	Paragraph 6.10.40 of the revised Planning Statement [REP2-028] states in relation to drainage that vehicles should be fitted with low pressure tyres to further reduce the impact on the underlying soil. How would this be secured and in relation to what type of vehicles?
2.7.10	Applicant	Please provide an update in relation to water quality matters, which is understood will be the subject of a SoCG with the Environment Agency, concerning a Water Management Plan.
2.7.11	Applicant	<p>In response to ExQ1.7.11 [REP2-034] the Applicant states that "<i>there is no difference in requirements for either flood zone for this type of scheme</i>". However, where essential infrastructure is located in Flood Zone 3b (functional floodplain) there are additional considerations for the Exception Test, namely that development should be designed and constructed to:</p> <ul style="list-style-type: none"> • remain operational and safe for users in times of flood; • result in no net loss of floodplain storage; and • not impede water flows and not increase flood risk elsewhere. <p>In line with the above, the Applicant is asked to clarify whether the Proposed Development site is located within Flood Zone 3b and, if so, whether the above considerations of the Exception Test have been met. Whilst the ExA recognises that EA mapping does not differentiate between Flood Zones 3a and 3b, the Applicant should liaise with the Lead Local Flood Authority to determinate the location of the Proposed Development in relation to the functional floodplain.</p>

ExQ.	Respondent:	Question:
8. Soils and agriculture		
2.8.1	Applicant	Has the cable route corridor been surveyed since the response to ExQ1 and when will this information be before the examination, as regards the depth where the cables would be found, and in relation to soil management and field drainage?
2.8.2	Applicant	How would damage to the field drainage be avoided?
2.8.3	Applicant	Can the Applicant provide some details of the farming circumstances along the cable route corridor?
2.8.4	Applicant	<p>The ExA notes the Applicant's explanation as to why the IEMA threshold of 20 hectares has not been applied.</p> <p>Please explain whether, and if so how, the application of the 20 hectares threshold would alter the conclusions of ES Chapter 19: Agriculture and Soils [REP-010] in so far as it relates to the loss of agricultural land resource.</p>
2.8.5	Applicant	The Review of Likely Significant Effects at 60 Years document [REP2-058] sets out that soil resources will benefit from the longer fallow period. Please explain how this extended time period would affect agricultural productivity given that the Applicant is not relying on the land remaining in agricultural use during the operational period?
2.8.6	Natural England	The Applicant has submitted a further version of the Outline Soil Management Plan [REP3-010] at Deadline 3. The ExA seeks Natural England's views, in light of comments made on previous version(s) of this document.
2.8.7	Applicant	Please explain why cumulative effects on soils and agriculture is in not included in Appendix E of the Joint Report on Interrelationships with other NSIPs [REP3-027] . The ExA also notes that paragraphs 19.11.3 and 4 of the revised ES Chapter 19: Soils and Agriculture [REP-010] still sets out there is an absence of such assessment results in the public domain and no meaningful data is available to appraise farming circumstances for these six cumulative sites, even though a number of these schemes have now progressed.
2.8.8	All Parties	The NPPF (December 2023) has been updated to include the following: " <i>The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework,</i>

ExQ.	Respondent:	Question:
		<i>when deciding what sites are most appropriate for development”</i> (footnote 62). IPs are invited to comment.
9. The historic environment		
2.9.1	Applicant	<p>The Applicant’s response to ExQ1.9.3 [REP2-034] is noted, but the ExA is still unclear where information on the significance of non-designated heritage assets (buildings) can be found in the Applicant’s submissions in order to inform the assessment in ES Chapter 13: Cultural Heritage [APP-048]. It is for the Applicant to provide such information – see paragraph 200 of the NPPF.</p> <p>If the Applicant is relying on a third-party source which details the significance for each asset, this should be provided.</p>
2.9.2	Historic England	<p>With regard to the Thorpe Medieval Settlement Scheduled Monument (SM), can Historic England please explain:</p> <ul style="list-style-type: none"> i) how the former historic east-west boundary relates to the significance of the SM; ii) what the setting of the asset to be in that direction; and iii) how the solar arrays would relate to the former historic east-west boundary and whether the proposed boundary treatment has a bearing in this regard as mitigation. <p>These were matters that were raised by the ExA at ISH2 where it concerned the historic environment.</p>
2.9.3	Applicant/Historic England	Please provide an update on the position with the Thorpe Medieval Settlement SM, as it was understood from ISH2 that discussions were still ongoing and an agreed SoCG is outstanding.
2.9.4	Historic England	Further to Historic England’s response to ExQ1.9.8 [REP2-084] on Fillingham Castle, if the likely level of impact would be not worse than moderate would this equate to a potentially harmful impact? If so, please indicate whether Historic England considers it would be substantial or less than substantial.
2.9.5	Historic England	<p>Please comment on the revised outline Traffic Management Plan and in particular the provisions [REP3-008] on movement management in relation to the boundary wall of the Site of a college and Benedictine Abbey, St Marys Church, Stow Scheduled Monument, at 6.14.</p> <p>Does Historic England consider that it would provide adequate protection against damage to this asset?</p>

ExQ.	Respondent:	Question:
2.9.6	Bassetlaw District Council	The ExA notes the Council's concerns in its Local Impact Report (LIR) [REP-080] in relation to the potential impact on the setting of heritage assets within the District. Please identify any specific heritage assets that the Council considers would be impacted in this way by the Proposed Development.
2.9.7	LCC, NCC	LCC and NCC have both referred to percentages of how much of the Order limits should be the subject of trial trenching at this stage (2%,3-5%), including at ISH2. Please provide details of where these percentages are taken from, as regards guidance.
2.9.8	LCC NCC	LCC and NCC raised concerns at ISH2 around the ability of the Applicant's trial trenching to pick up discrete, earlier features and shallow burials. Please explain why.
2.9.9	Applicant, LCC, NCC	At ISH2, references were made to the percentages of trial trenching which had been sought on other developments in the area. The Applicant subsequently submitted a Comparison of Archaeological Evaluation Investigations on Solar Schemes document [REP3-041] which includes schemes in Lincolnshire and Nottinghamshire. To what extent do these sites (or some of these sites) share archaeological similarities with the Order limits and how does this translate to the 'need for a flexible approach to evaluation', as is set out in paragraph 1.1.8 of the Comparison of Archaeological Evaluation Investigations on Solar Schemes document [REP3-041] ?
2.9.10	Applicant	Please explain how concrete feet can be deployed in areas that have not been trial trenched without the potential for damage.
2.9.11	Applicant	The Applicant considered at ISH2 that it was appropriate to apply guidance from other parts of the country in relation to the use of concrete feet. How would this approach specifically relate to the archaeology which is found in this part of Lincolnshire and Nottinghamshire, as opposed to elsewhere such as the Cornwall example cited at ISH2.
2.9.12	Historic England, LCC, NCC	Please comment on the Archaeological Trial Trenching Evaluation Fieldwork Report for the Shared Cable Corridor document submitted by the Applicant at Deadline 3 [REP3-049] .
2.9.13	Applicant	Paragraphs 13.7.16–7 of ES Chapter:13 Cultural Heritage [APP-048] indicates where there are significant effects. Why does this not include AR24, as the effect is indicated as significant in the Cultural Heritage Impact Assessment Tables [APP-132] and ES Chapter 23: Summary of Significant Effects [REP2-010] .

ExQ.	Respondent:	Question:
2.9.14	Applicant, LCC, NCC	<p>The ExA notes that the Statements of Common Ground are being updated with LCC (and presumably NCC) to show where there is agreement and disagreement over the Archaeological Mitigation WSI [APP-131] to reflect ongoing discussions.</p> <p>The final versions to be submitted at Deadline 5 need to set out clearly where the areas of agreement and disagreement are at the close of the Examination (and please avoid the use of comment boxes in the final versions).</p>
2.9.15	Applicant	<p>Further to the Applicant's response to ExQ1.9.24 [REP2-034], the Applicant is to set out a definitive list of where there would be harm to heritage assets (to be identified individually), In the case of each designated asset, the level of harm (whether less than substantial, or substantial) is to be set out (individually). Cumulative effects are also to be included.</p>
2.9.16	Applicant	<p>Further to the submission of the revised Joint Report on Interrelationships [REP3-027], it appears the assessment on the cumulative effect on Scampton Villa has now changed from moderate to slight. Please confirm if this is correct.</p> <p>The revised Joint Report on Interrelationships [REP3-027] though still states that "<i>No significant cumulative impacts identified for other heritage assets</i>". So is this suggesting there still would be a significant cumulative impact on Scampton Villa. Please clarify, given the language used.</p>
2.9.17	Applicant	<p>The ExA notes that the updated NTS [REP2-022] provided at Deadline 2 refers (at paragraph 6.8.8) to a number of assets where the effects have been assessed as beneficial. However, this appears at odds with what is stated at paragraph 6.8.9 and the findings of ES Chapter 9. Please can the Applicant carry out a further review of the information presented in the NTS and update accordingly (if necessary for all topic areas)</p>
10. Transport and access		
2.10.1	Applicant	<p>The Applicant's Response to ExQ1.10.7 [REP2-034] sets out measures to enable abnormal load deliveries. Can the Applicant therefore confirm that, apart from at specified access points, hedgerow removal is not proposed to accommodate such deliveries, eg alongside country lanes that will be utilised for access.</p>



ExQ.	Respondent:	Question:
2.10.2	Applicant	To what standard will employee parking and visitor parking be provided, along with turning space (to enable entering/exiting in first gear) and HGV waiting bays. The Outline Construction Traffic Management Plan [REP3-008] makes limited reference to such considerations.
2.10.3	Applicant	<p>The Outline Construction Traffic Management Plan [REP3-008] now refers to a Joint Construction Traffic Management Plan at 7.2 (xxvi). However, it states that such a document “could” be produced. Why cannot it be more definitive given the number of proposed schemes in this area and to ensure that such a document is produced?</p> <p>Why also does it not mention Tillbridge/other schemes which may be consented in the event that construction schedules overlap?</p>
2.10.4	Applicant	With regard to the submissions made by WLDC and 7000 Acres at ISH4, and the Joint Report on Interrelationships between NSIPs [REP3-027] , 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, in particular due to the cumulative effects (irrespective of whether the roads in highway terms are capable of accommodating this traffic).
2.10.5	Applicant	<p>It is still unclear to the ExA 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-049]. Please point to what figures have been utilised to come to this view.</p> <p>The Joint Report on Interrelationships between NSIPs [REP3-027] does not appear to provide further substantive evidence in this regard, beyond stating there would be no changes from the ES.</p>
11. Noise, vibration, air quality and nuisance		
2.11.1	Applicant	ES Chapter 2: EIA Process and Methodology [APP-037] states "2.4.18: <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> "

ExQ.	Respondent:	Question:
		<p>Please confirm what professional judgment you have applied in not considering moderate as a significant effect and why you have defined the moderate magnitude as the Significant Observed Adverse Effect Level, as is set out in Applicant to ExQ1.11.1 [REP2-034].</p> <p>If the ExA and the Secretary of State decided that moderate effects are significant, how would this alter the findings of ES Chapter 15: Noise and Vibration [APP-050]? Please explain your answer.</p>
2.11.2	WDLC	The Applicant responded to the Council's comments in its LIR on the noise methodology, surveys, sources and assumptions in its Response to LIRs [REP2-047] . Has this addressed the Council's concerns?
2.11.3	Applicant	Further to the Applicant's response to ExQ1.11.9 [REP2-034] , do solar panels emit low frequency noise and has this been considered in the noise assessment?
2.11.4	Applicant	Does the Applicant's response to ExQ1.11.10 [REP2-034] account for acoustic reflection from the panels and that some of the bunds around the Blyton Park Driving Centre circuit, which are said to act as noise mitigation from the use of the circuit, would seem to be removed under the Proposed Development by virtue of them lying in the proposed areas of solar arrays?
2.11.5	UKHSA	<p>A number of documents concerning fire risk and battery storage have been revised by the Applicant since the application and an agreed SoCG was submitted. These include the Air Quality Impact Assessment of a Solar Fire Incident [REP-078], Air Quality Impact Assessment of BESS Fire [REP-079] and Revised Outline Battery Storage Safety Management Plan [REP3-018].</p> <p>Please clarify whether the revisions of these documents affect/alter the views of UKHSA as set out in its RR [RR-044].</p>
12. Socio-economic, tourism and recreation		
2.12.1	Applicant	Further to the Applicant's response to ExQ1 at 1.12.8 [REP2-034] over why the Automotive Research and Development Centre at Blyton Park was not included in the peak cumulative development year of

ExQ.	Respondent:	Question:
		2026, would its inclusion alter the conclusions reached on economic impacts? Please explain your answer.
2.12.2	Applicant	Paragraph 193 of the NPPF raises matters related to the 'agent of change' principle in that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Would this arise in this case in light of the concerns that LNT have set out in its Deadline 2 submission [REP2-085] and during the December hearings?
2.12.3	Applicant	<p>The outline Construction Traffic Management Plan [REP3-008] at 3.11 sets out that specific management of the access during race days and other events will be put in place in consultation with the operators of Blyton Park Driving Centre, to ensure their operations are not significantly affected by the construction vehicle movements.</p> <p>It is understood that Blyton Park Driving Centre is used most days of the year (300 days plus) and the access is used as a paddock and for parking. Please provide examples of the management measures proposed and how they will ensure any resultant restrictions or impacts on the Driving Centre would be reasonable</p>
2.12.4	LNT	<p>The ExA requests details of the following:</p> <p>(i) Available details on the contribution of Blyton Park Driving Centre to the local economy, including employment and skills, economic activity and supply chains; and</p> <p>(ii) Whether the consented Automotive Research and Development Centre would involve land in or close to the Order limits and the predicted employment and contribution to the local economy, as well as an update on the timescales for the implementation of the project.</p>
2.12.5	EDF	The Applicant has raised a number of matters in its response to ExQ1.12.11 on the Priority Regeneration Area at the Cottam Power Station, centred on that the proposed cable route would not prejudice it. Does EDF have comments it wishes to make in this regard?
2.12.6	Bassetlaw District Council	Noting the Council's comments in its LIR [REP-080], does it consider that the proposal would comply with draft Policy ST6 of the Bassetlaw Local Plan 2020-2038?
2.12.7	Applicant	The Applicant stated during the December hearings that it was going to look at the health impact matters that had been raised. Please provide an update at Deadline 4.

ExQ.	Respondent:	Question:
2.12.8	Applicant	<p>7000 Acres in its response to ExQ1.12.18 [REP2-094] referred to two Gypsy and Traveller sites in the vicinity of the Order limits in relation to the potential for increased flood risk on those communities.</p> <p>The Applicant's submissions in ES Chapter 18 Socio Economics, Tourism and Recreation [APP-053], Planning Statement [REP2-028] and the Equality Impact Assessment [APP-351] do not appear to have identified or considered these communities, nor potential effects on them.</p> <p>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>
2.12.9	Applicant	<p>The Applicant's response to ExQ1.12.19 [REP2-034] limits its response to 7000 Acres' concern over Article 8 of the Human Rights Act (1998) to matters related to compulsory acquisition.</p> <p>As Article 8 concerns the right to respect for their private and family life, their home and their correspondence, how would the Proposed Development fare in relation to the broader impact on local communities in the area under the Article?</p>
2.12.10	Applicant	<p>The Applicant's comments are sought on the details of the claimed paths that LCC has provided in its responses to ExQ1 at 1.12.26 [REP2-073], [REP2-074]. Would this have a bearing on the implementation of the Proposed Development and opportunities for enhancement? Please explain your answer</p>
2.12.11	Applicant	<p>During ISH3, the Applicant made a number of comments about updating the outline Skills Supply Chain and Employment Plan (oSSCEP) [APP-349], including its relationship with the Organisational Framework, monitoring and consultation with the host authorities. Please provide an updated oSSCEP at Deadline 4.</p>
13. Other planning matters		
Waste:		
2.13.1	Applicant	<p>The ExA notes that ES Chapter 20 [APP-055] indicates that the waste baseline only covers the period up to 2038. As the expected lifetime of the Proposed Development is intended to be considerably longer than that, how accurate is the assessment of waste effects?</p>
2.13.2	Applicant	<p>Further to the Applicant's response to ExQ1.13.2 [REP2-034], under what process would substantive changes be assessed beyond 2038, considering the ES should assess the worst-case scenario.</p>

ExQ.	Respondent:	Question:
		The ExA also understands from the Applicant's submission at ISH1 and ISH5 that a greater level of environmental effect in any event would be a deemed refusal.
2.13.3	LCC/Applicant	<p>The ExA notes that LCC has set out in its response to ExQ1.13.2 [REP2-073] that paragraph 1.13.2 of the Waste ES Chapter [APP-055] does not seem to match with the Council's Waste Needs Assessment. Can you explain please.</p> <p>The Applicant's response is also sought on this matter.</p>
2.13.4	Applicant	Can the Applicant provide further details of how the recycling of solar array infrastructure would take place over the operational period of the Proposed Development in light of that it is recognised that there are no facilities that specifically handle waste solar infrastructure in the host authority areas/local impact area?
2.13.5	Applicant	The Applicant has set out in its response to ExQ1.13.8 [REP2-034] how it intends to deal with the deficit of landfill waste handling in Nottinghamshire from 2029. Would this mitigation also be impacted by the baseline covering up to 2038 only, in terms of what might be needed after that date? How would mitigation be addressed after 2038 if it is not known what the baseline and therefore the level of effect would be?
2.13.6	Applicant	With regard to the Review of Likely Significant Effects at 60 Years document [REP2-058] , please explain how effects on waste would not be impacted by a 60-year operational period, given the deficit in waste handling in Nottinghamshire from 2029. How can it be assured that the measures in the Operational Environmental Management Plan [REP3-022] would still be effective over that longer period, including with regard to waste handling capacity
2.13.7	Applicant	In light of the deficit of landfill waste handling in Nottinghamshire coupled with the baseline covering up to 2038 only, what, if any, joint arrangements would be put in place with other nearby NSIP solar projects and how would this be addressed through the DCO?
2.13.8	LCCIApplicant	The ExA notes that LCC has responded [REP2-073] to waste questions that were directed at the Applicant through ExQ1. The questions largely relate to the application documentation, which LCC would have had sight of previously. Given the stage of the Examination, LCC and the Applicant are asked to utilise the SoCG to set out the matters of agreement and disagreement on waste in relation to these matters.

ExQ.	Respondent:	Question:
2.13.9	LCC	Further to LCC's response to ExQ1.13.14 [REP2-073] , the Outline Decommissioning Statement [REP3-014] has now been revised for provision for a waste management plan to be submitted. Does this address LCC's concerns?
Electromagnetic Fields:		
2.13.11	Applicant/Environment Agency	<p>The Environment Agency's views are sought on the submitted 'Risk Assessment on EMF Impacts on Fish' document which is appended to the Applicant's Written Summary of the Applicant's Oral Submission and responses at Issue Specific Hearing 3 and Responses to Action Points [REP3-034].</p> <p>The Applicant is also asked to confirm whether this has the potential to have a bearing on the revised Information to Support a Habitats Regulations Assessment document [REP3-024] submitted at Deadline 3, as regards the sea and river lamprey.</p>
2.13.12	Applicant	Has the effect of electromagnetic fields from the Proposed Development on the motor vehicle activity at Blyton Driving Centre and the proposed Research and Development facility been considered, a matter which is raised in LNT Group's submission at Deadline 2 [REP2-085] ? Please explain your answer.
Telecommunications, Utilities and TV:		
2.13.13	Uniper	Please provide further explanation over Uniper's reservations and concerns [REP-101] in respect of the Proposed Development and its assets at Cottam Power station.
Major Accidents and Disasters:		
2.13.14	Applicant	Will the BESS containers be stacked? If so, please explain how the risk to fire loading, potential fire spread and restrictions on access would be satisfactorily addressed?
14. Compulsory acquisition and related matters		
2.14.1	Applicant/LNT Aviation (Blyton Park Driving Centre).	Please provide an update on discussions in relation to CA matters.
2.14.2	Applicant	The Schedule of Negotiations [REP3 -031] and the Schedule of Progress regarding Protective Provisions and Statutory Undertakers [REP3-032] identify a number of plots for which the owners object to the CA of their land. The Applicant has indicated that it is hopeful that agreement will be reached



ExQ.	Respondent:	Question:
		soon. Where such agreement is reached, does the Applicant anticipate the formal withdrawal of the objection?
2.14.3	Applicant	Please provide an update on discussions with the owners of plots 17-361, 10-221, 10-222 and 10-223.
2.14.4	Applicant	Please confirm that Bonsdale Solar Farm Limited have been made aware of its addition to the BoR in respect of plot number 02-044.
2.14.5	Applicant	Please identify any key potential risks inherent in securing the necessary funds to construct the project.
2.14.6	Applicant	Annex C of the Guidance related to procedures for the compulsory acquisition of land indicates (at para 4) that where it is necessary for the Land Plan to have more than one sheet, appropriate references must be made to each of them in the text of the draft order so that there is no doubt that they are all related to the order. Please include appropriate references in Schedule 14 of the dDCO.

END