

Cottam Solar Project

Applicant's Responses to Deadline 3A and Deadline 4 Submissions

Prepared by: Lanpro Services Ltd.

February 2024

PINS reference: EN010133

Document reference: EX5/C8.1.32

Rule 8(1)(b)



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Issue Sheet

Report Prepared for: Cottam Solar Project Ltd.
Examination Deadline 5

Applicant's Responses to Deadline 4 Submissions

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1. Introduction

- 1.1.1 This report provides the Applicant's responses to matters raised in submissions made at Deadline 3A on 28 January 2024 and at Deadline 4 on 30 January 2024.
- 1.1.2 Section 2 of this report provides the Applicant's comments on responses to the Examining Authority's (ExA) second written questions, issued on 16 January 2024 [PD-015]. The structure of the written question is maintained, with comments grouped within the following topics:
- The draft Development Consent Order and other consents
 - General and cross-topic matters
 - The need case, electricity generated and climate change
 - Other projects and cumulative effects
 - Landscape and visual, glint and glare, good design
 - Biodiversity and the Habitats Regulations Assessment
 - The water environment
 - Soils and agriculture
 - The historic environment
 - Transport and access, highways and public rights of way
 - Noise, vibration, air quality, and nuisance
 - Socio-economics, tourism, and recreation
 - Other planning matters
 - Compulsory Acquisition and related matters
- 1.1.3 Section 3 provides comments from the Applicant on submissions made at Deadline 3A.
- 1.1.4 Section 4 provides comments from the Applicant on other submissions made at Deadline 4.

1. Applicant's Comments on Responses to the ExA's Second Written Questions

ExQ	Respondent	Question	Response	Applicant's Comment
1. The draft Development Consent Order and other consents				
2.1.1	Environment Agency (EA) [REP4-077]	<p>Article 6 (Application and modification of statutory provisions)</p> <p>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).</p>	<p>Protective Provisions</p> <p>We agree the wording of the protective provisions for the protection of the Environment Agency included in the Revision C, Deadline 3 version of the dDCO. We compared this wording with that agreed in the Gate Burton DCO and although we did note some very minor changes, (the most notable being the replacement of the wording "land held by the undertaker for the purposes of or in connection with the specified works" with the defined term "Order land" at paragraph 108(1)), these changes are acceptable.</p> <p>The protective provisions are in lieu of the requirement for a flood risk activity permit under Regulation 12 of the Environmental Permitting Regulations 2016 and the provisions of byelaws made under (or as though made under) paras 5, 6 or 6A of the WRA 1991. On this basis, we agree the disapplication provisions</p>	<p>The Applicant notes this comment. The Applicant confirms that sections 24 and 25 of the Water Resources Act 1991 have been removed from Article 6 of the draft Development Consent Order (Revision E) [REP4-014].</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>listed in Articles 6(1)(f) and (h) of the dDCO, subject to the inclusion of the Revision C protective provisions appearing in the made DCO.</p> <p>Disapplication of the requirement for abstraction and impoundment licences</p> <p>We have advised the applicant's solicitor that we do not agree to the disapplication of the requirement for an abstraction or an impoundment licence under Sections 24 and 25 Water Resources Act 1991 and we insisted that Article 6 of the dDCO is amended to delete these disapplication provisions. Under Section 150 of the Planning Act 2008, the applicant requires our consent to the inclusion of a provision in the DCO that disapplies the requirement for these licences and we do not give that consent.</p> <p>They have responded by saying they will remove the references to Sections 24 and 25 of the WRA 1991 in Article 6 of the Deadline 4 version of the draft DCO (being submitted on Tuesday 30th January 2024).</p>	

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			<p>On this basis, we are happy that this point has been resolved.</p> <p>Overall, we have agreed the protective provisions with the applicant on the basis that they have agreed to remove references to Sections 24 and 25 of the Water Resources Act 1991 from Article 6 of the Deadline 4 version of the draft DCO.</p>	
2.1.2 (not 2.1.1)	Lincolnshire County Council (LCC) [REP4-070]	<p>Article 9 (Power to alter layout etc., of streets)</p> <p>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.</p> <p>Where alternative drafting is proposed by LCC, please provide details.</p>	<p>LCC welcomes the Applicant's movements towards accommodating LCC's requests for appropriate controls and authorisation of (1) works in the highway (Article 9) and (2) traffic regulation and signage (Articles 11 and 15). However, there remains a difference between the parties on this point.</p> <p>It appears from discussions between the parties that the Applicant acknowledges the need for LCC to have oversight of both (1) and (2) and, moreover, to have approval of both. This is not currently reflected in the DCO.</p> <p>Instead, the Applicant has sought to provide for this by way of paragraphs 3.5 and 3.6 of the Outline CTMP. This is unsatisfactory as it creates tension</p>	<p>Article 9 of draft Development Consent Order [EN010133/EX5/C3.1_G] authorises the Applicant to alter the layout of the streets listed in Schedule 5 without requiring the consent of the street authority. For any other street, consent must be obtained for any works. In all cases, the restoration of the street must be to the satisfaction of the street authority.</p> <p>Paragraph 3.5 of the Outline Construction Traffic Management Plan (CTMP) [EN010133/EX5/C6.3.14.2_F] requires the design of works to be carried out under Article 9 to be approved by the street authority. The Applicant does not agree that there is tension between the CTMP and the dDCO. Article 9 provides the general authorisation to carry out works to</p>

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			<p>between the wording of the dDCO itself which in relation to works in Article 11 only requires consultation of the HA and in relation to Article 15 requires notification. Article 9 as this currently lacks any need for consultation/consent in relation to those works listed in Schedule 5. This also sits oddly with the proposal to bring the need for consent within the DCO via the CTMP.</p> <p>This leads to conflict and confusion to the reader of the DCO together with its approved documents. If the Applicant agrees with the need for HA approval, the DCO should reflect this.</p> <p>Or, more appropriately, the existing procedures for obtaining HA consent or a permit as the case may be should remain.</p> <p>Nevertheless, the Applicant and LCC are due to continue discussions to see if this matter can at the very least be narrowed, LCC will naturally keep the ExA informed of any progress.</p>	<p>the highway, whilst the CTMP provides for the detailed design and practical management of the works authorised by the dDCO.</p> <p>This approach is used through the dDCO and is well precedented, with the Articles providing authorisation that is then subject to further detailed control through the Requirements in Schedule 2 and approved management plans.</p> <p>Article 15 authorises the Applicant to place signage on the public highway specified in Schedule 8, and provides that this will be deemed to have been permitted by the traffic authority for the purposes of section 65 of the Road Traffic Regulations Act 1984. This places signage authorised by article 15 on the same legal footing as if it had been authorised by a Traffic Regulation Order.</p> <p>The notice requirements in paragraph (5) ensure that the police and traffic authority are given 4 weeks' notice before the signs are placed, and that changes are duly publicised.</p>

ExQ	Respondent	Question	Response	Applicant's Comment
				<p>The Applicant does not consider that there is any tension between these notice requirements and paragraph 3.6 of the CTMP requiring the traffic authority to approve the form and location of the signs and signals, but considers these to be complementary provisions. It would be open to the Applicant and traffic authority to agree the form and location of the signs and signals at an early stage, with the Applicant providing notice under article 15(5) once construction has progressed such that the signage is required.</p> <p>Discussions are ongoing between the Applicant and LCC regarding the fee payable for the review and approval of the technical details of any works to the highways. The Applicant has amended Outline Construction Traffic Management Plan (CTMP) [EN010133/EX5/C6.3.14.2_F] to reflect these discussions.</p>
2.1.3 (not 2.1.2)	Lincolnshire County Council (LCC) [REP4-070]	<p>Article 15 (Traffic regulation measures)</p> <p>Please provide an update on discussions in relation to this Article. Where alternative</p>	Please see above response.	Please refer to the Applicant's comment on LCC's response to question 2.1.2 above.

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		drafting is proposed by LCC, please provide details.		
2.1.4 (not 2.1.3)	Lincolnshire County Council (LCC) [REP4-070]	<p>Article 38 (Felling or lopping of trees and removal of hedgerows)</p> <p>Please provide an update on discussions regarding this article.</p> <p>Where alternative drafting is proposed by LCC, please provide details.</p>	LCC is content with the provisions.	The Applicant notes this comment.
2.1.6	West Lindsey District Council (WLDC) [REP4-072]	<p>Schedule 2 – General</p> <p>Please explain why WLDC considers a phasing requirement is necessary and provide any proposed wording.</p>	<p>WLDC believe that phasing requirement would enable each element of the scheme to be brought forward in a controlled but flexible manner, allowing WLDC to have an understanding of when information is likely to be submitted for approval.</p> <p>A phasing requirement would not only allow the relevant discharging authority to understand the construction phases of the Scheme, but it would also allow the applicant to bring forward components of the authorised development in stages so</p>	Please refer to response WLDC-13 in the Applicant's Responses to Deadline 3 Submissions [REP4-057]. A phasing requirement was included in draft Development Consent Order submitted at Deadline 4 (Revision E) [REP4-014].

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			<p>that the other requirements do not have discharged for the whole.</p> <p>The proposed wording below has been taken from the Mallard Pass Solar Project which ended examination on 16th November 2023:</p> <p><i>"3.—(1) No part of the authorised development may commence until a written scheme setting out the phase or phases of construction of the authorised development has been submitted to and approved by the relevant planning authorities.</i></p> <p><i>(2) The scheme submitted pursuant to sub paragraph (1) must include a timetable for the construction of the phase or phases of the authorised development and a plan identifying the phasing areas.</i></p> <p><i>(3) The scheme submitted and approved pursuant to sub-paragraph (1) must be implemented as approved.</i></p> <p><i>(4) Notice of the date of final commissioning with respect to each phase of Work No. 1 to complete commissioning must be given to the relevant planning authorities within 15 working days of the date of final commissioning for that phase."</i></p>	

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2.1.8	West Lindsey District Council (WLDC) [REP4-072]	<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>	<p>Example DCOs where retention clauses have been incorporated into the drafting of 'requirements' include:</p> <p>Gate Burton (most recent dDCO)</p> <ul style="list-style-type: none"> • Requirement 6 – battery safety management: (5) The battery safety management plan must be implemented as approved and maintained throughout the construction, operation and decommissioning of the authorised development. • Requirement 7 – LEMP - (3) The landscape and ecological management plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates. • Requirement 8 – BNG - (2) The biodiversity net gain strategy must be substantially in accordance with the outline landscape and ecological management plan and must be implemented as approved and maintained throughout the operation of 	<p>Please refer to response WLDC-13 in the Applicant's Responses to Deadline 3 Submissions [REP4-057].</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>the relevant part of the authorised development to which the plan relates.</p> <ul style="list-style-type: none"> • Requirement 10 – surface and foul water drainage: (2) Any approved scheme must be implemented as approved and maintained throughout the construction and operation of the authorised development. • Requirement 15 – operational noise: (2) The design as described in the operational noise assessment must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates. • Requirement 18 - Skills, supply chain and employment: (4) The skills, supply chain and employment plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates. <p>Mallard Pass (Most recent dDCO)</p> <ul style="list-style-type: none"> • Requirement 8 – fencing and other means of enclosure: (8) Any permanent fencing, walls or other means of 	

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			<p>enclosure must be properly maintained for the operational lifetime of the part of the authorised development.</p> <ul style="list-style-type: none"> • Requirement 9 – LEMP: (4) Each landscape and ecology management plan approved under sub paragraph sub-paragraph (1) must be implemented as approved and maintained throughout the operation of the relevant phases of the authorised development to which each plan relates. • Requirement 12 – Operational environmental management plan: (2) The operation of any phase of the authorised development must be carried out and maintained in accordance with the approved operational environmental management plan for that phase. • Requirement 16 – Operational noise: (2) The mitigation measures described in the operational noise assessment must be implemented and maintained as approved throughout the operation of that phase of the authorised development. <p>Little Crow DCO (As Made)</p>	

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			<ul style="list-style-type: none"> • Requirement 8 – CEMP: Any CEMP submitted for approval must be in accordance with the outline CEMP and any approved CEMP must be adhered to for the duration of the works in the phase of the authorised development to which the CEMP relates. • Requirement 15 – Operational noise: (2) The authorised development must be implemented and operated for its duration in accordance with the approved operational noise assessment. <p>Sunnica dDCO (Rev 5)</p> <ul style="list-style-type: none"> • Requirement 7 – fire safety management: (5) The BFSMP must be implemented as approved and maintained throughout the construction and operation of the authorised development. • Requirement 8 – LEMP: (3) The landscape and ecology management plan must be implemented as approved and maintained throughout the construction and operation of the authorised development. 	

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			<ul style="list-style-type: none"> • Requirement 11 – Fencing and other means of enclosure: (6) Prior to the date of final commissioning of any phase, any permanent fencing, walls or other means of enclosure for that phase approved pursuant to sub-paragraph (2) must be completed and properly maintained for the operational lifetime of the part of the authorised development enclosed by the permanent fencing, walls or other means of enclosure. • Requirement 12 – Surface and foul water drainage: (3) Any strategy approved pursuant to sub paragraph (1) must be implemented as approved and maintained throughout the construction and operation of the authorised development. • Requirement 17 – operational noise: (2) The design as described in the operational noise assessment must be implemented as approved throughout construction and maintained during the operation of the authorised development. • Requirement 19 – water management plan: (2) The water management plan 	

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			<p>must be implemented as approved and maintained throughout the construction of the authorised development.</p> <ul style="list-style-type: none"> • Requirement 20 – skills, supply chain and employment: (3) The skills, supply chain and employment plan must be implemented as approved and maintained throughout the construction and operation of the authorised development and during the carrying out of decommissioning works. • Requirement 21 – permissive paths: (3) The permissive paths must be provided and maintained by the undertaker in accordance with the permissive path details and retained until the part of the authorised development in which the permissive path is located is decommissioned pursuant to requirement 22. 	
2.1.10	7000 Acres [REP4-087]	Requirement 9 (BNG) 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	<p>This is a typical example of where the Applicant makes claims for the benefits of the scheme without providing any supporting evidence.</p> <p>Credit should only be given for items secured in the dDCO, or other documents</p>	Please refer to the Applicant's response to question 2.1.9 in its Responses to ExA Second Written Questions [REP4-058]. The Applicant has now considered the specific minimum % that will be required for habitat, hedgerow and river units to allow for sufficient flexibility for any future

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		<p>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>	<p>that will allow the Applicant to be held to account.</p>	<p>changes to the biodiversity metric and the detailed design of the Scheme, and has included these percentages in requirement 9 in the draft DCO submitted at Deadline 5 [EX5/C3.1_G]. The Applicant has also committed to delivering all of the measures set out in the Outline LEMP [REP4-035].</p>
2.1.11	P Mitchell [REP4-096]	<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</p>	<p>The 'Digging for Britain' programme shown in early January 2024 which filmed several archaeological areas on the outskirts of Lincoln and across to the Lincolnshire Wolds confirmed the</p>	<p>The Applicant highlights the low impact that the Scheme is likely to cause to buried archaeological remains and that agricultural activity is causing a high level of destruction to buried archaeological</p>

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		Submissions made at the ISH5 [REP3-050] (see paragraph 31).	artefacts found were re-writing history. Archaeology is supremely important to understanding Britain during these times (Roman, Medieval and 'The Dark Ages' in Lincolnshire) and I continue to have significant concerns over the probability of the Cottam solar project causing considerable harm to the historic environment and the county's heritage assets below ground throughout the entire construction period which will be irrevocable.	features, as witnessed during the trial trench evaluation [APP-129 to APP-130]. Temporarily removing these sites from agricultural use provides an opportunity to conserve archaeological remains in situ and prevent further damage being caused by current land use.
2.1.12 (not 2.1.4)	Lincolnshire County Council (LCC) [REP4-070]	Requirement 21 (Decommissioning and Restoration) 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.	LCC is grateful for the Applicant's update to Requirement 21 which was needed to bring clarity to the need to submit a decommissioning plan within good time prior to any decommissioning works.	The Applicant notes this comment.

ExQ	Respondent	Question	Response	Applicant's Comment
2.1.13	West Lindsey District Council (WLDC) [REP4-072]	<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>	<p>The inclusion of a trigger mechanism will ensure that, in the event that the benefits of the project by the generation of electricity by renewable sources cease to occur, the residual adverse impacts of the dormant infrastructure are removed (i.e. the adverse impacts are only made acceptable through the generation of electricity. Should that generation cease, then there is no justification for the retention of the dormant infrastructure that would continue to cause 'harm'.)</p> <p>Decommissioning and site restoration</p> <p>4.—(1) Not less than 12 months before 40 years from the final date of commissioning, a decommissioning and site restoration scheme must be submitted to the local planning authority for its approval. The decommissioning and site restoration scheme(s) must be in accordance with the outline decommissioning strategy.</p> <p>(2) The decommissioning and site restoration scheme(s) must include provision for—</p> <p>(a) removal of all above-ground elements of the relevant part of the authorised</p>	<p>Please refer to the Applicant's response to question 2.1.14 in its Responses to ExA Second Written Questions [REP4-058].</p>

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			<p>development, with the exception of the access tracks (Work No.5) where the landowner has confirmed to the undertaker that it requires their retention and the substation (Work No. 4) where the substation operator has confirmed to the undertaker that its retention is required;</p> <p>(b) removal of any cabling; and</p> <p>(c) restoration of the areas disturbed by the relevant part of the authorised development.</p> <p>(3) The decommissioning of the authorised development and the restoration of the land affected by the authorised development must be undertaken within the time period set out in accordance with the approved decommissioning and restoration plan.</p> <p>4) No decommissioning works may be carried out until the relevant planning authority has approved the decommissioning plan submitted in relation to those works, in consultation with the Environment Agency.</p>	

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			<p>(5) The decommissioning plan must be implemented as approved.</p> <p>(6) This requirement is without prejudice to any other consents or permissions that may be required to decommission any part of the authorised development.</p> <p>Failure to generate electricity</p> <p>Should the authorised development fail to provide electricity to the grid for a continuous period of at least 12 months the undertaker must—</p> <p>(a) notify the relevant planning authority within one month of the expiry of that 12 month period;</p> <p>(b) if so instructed by the relevant planning authority, submit to the relevant planning authority within 2 months of that instruction a detailed scheme setting out how the authorised development and its associated ancillary equipment, including electricity converter stations, BESS and cabling is to be removed from the Order limits and how the disturbed areas will be restored, and</p> <p>(c) implement the approved scheme no later than 6 months from its approval</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>unless a longer period is agreed in writing by the relevant planning authority.</p> <p>(2) The agreement of the relevant planning authority in paragraph (1)(c) may only be given in relation to immaterial changes where the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</p>	
2.1.13	7000 Acres [REP4-087]	<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>	<p>Due to improvements in technology, it is highly probable that ground mounted solar panels will be rendered obsolescent in a few years, and certainly well before the 40/60 years sought by the dDCO.</p> <p>Unless there was a trigger mechanism, the solar generation scheme could cease to operate and fall into disrepair but the Applicant/Operator would not be obliged to decommission the scheme until the 40/60 year period expired.</p>	Please refer to the Applicant's response to question 2.1.14 in its Responses to ExA Second Written Questions [REP4-058].

ExQ	Respondent	Question	Response	Applicant's Comment
2.1.13	Roy Clegg [REP4-092]	Requirement 21 (Decommissioning and Restoration) 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.	See response in my Written Representation on: Decommissioning the Cottam Solar Project: Regulations /Precedents/Conditions, Precedent Reference 2.	Please refer to the Applicant's response at reference RC-01 below.
2.1.14	Roy Clegg [REP4-092]	Requirement 21 (Decommissioning and Restoration) Please comment on WLDC's suggested trigger mechanisms (as set out in its Written Summary of Oral Submissions at ISH5 [REP3-057]).	See response in my Written Representation on: Decommissioning the Cottam Solar Project: Regulations /Precedents/Conditions, Precedent Reference 2.	Please refer to the Applicant's response at reference RC-01 below.
2.1.14	P Mitchell [REP4-096]	Requirement 21 (Decommissioning and Restoration)	I agree with the statements contained in ISH5 (REP3-057) made by WLDC on the length of timescale of the operation of	Please refer to the Applicant's response to question 2.1.14 in its Responses to ExA Second Written Questions [REP4-058].

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		<p>Please comment on WLDC's suggested trigger mechanisms (as set out in its Written Summary of Oral Submissions at ISH5 [REP3-057]).</p>	<p>the development. At the Consultation phase in 2021/2022 it was made clear to attendees by the Applicant that the Cottam and West Burton schemes would be operational for a maximum of 40 years and even that was considered too long by the communities present in light of much smaller scale operational solar projects across the UK of 50 – 200 acres having been granted for a period of 20/25 years. A 60-year timescale was never raised as an option by the Applicant. If a 40 year operational period is considered temporary then seeking to increase this by a further third to 60 years cannot be considered temporary.</p> <p>I judge LCC / WLDC should seek a Bond equal to the full cost of site restoration and safe disposal of all the solar panels (without landfill) and infrastructure to ensure the land is restored once it is decommissioned. Such Bond should be mandatory for these NSIPs despite no such Bond having been required on any made solar DCO to date but no solar project on this/these gargantuan scales has been constructed before in the UK</p>	<p>Decommissioning must be undertaken in accordance with a decommissioning plan that is substantially in accordance with the Decommissioning Statement [REP3-014], and approved by the relevant planning authority. This is secured by Requirement 21 in Schedule 2 to the draft Development Consent Order [EX5/C3.1]. Failing to comply with a Requirement is an offence, providing confidence that decommissioning will be carried out appropriately.</p>

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			with all the associated risks and the nature of the scheme(s) is not temporary.	
2.1.16	Network Rail Infrastructure Limited [REP4-084]	Schedule 16 – (PPs) Please provide an update on discussions regarding PPs, identifying any outstanding areas of disagreement/proposed alternative wording.	The Protective Provisions that are required by NR to be included in the draft Order have been sent to the Applicant's solicitors, but NR has not received a response on the Protective Provisions of at the time of writing. We hereby enclose with this letter the standard Protective Provisions for the protection of railway interests which NR requests to be included in the draft Order. <i>Please refer to the protective provisions proposed in submission [REP4-084].</i>	Protective provisions for the benefit of Network Rail have been included in Part 10 of Schedule 16 to the draft DCO [EN010133/EX5/C3.1_G]. The Applicant has sent comments back to Network Rail on the protective provisions and Framework Agreement. Please refer to the Schedule of progress regarding Protective Provisions and Statutory Undertakers [EX5/C8.1.13_D] for further details.
2.1.16	Cadent Gas Limited [REP4-073]	Schedule 16 – (PPs) Please provide an update on discussions regarding PPs, identifying any outstanding areas of disagreement/proposed alternative wording.	Following Cadent's response to the ExA's First Written Questions [REP2-081] and further negotiations with the Applicant a number of matters have now been agreed with the Applicant. the Protective Provisions within Schedule 16 Part 6. In terms of the specific amendments requested by Cadent and which do not yet appear in the Protective Provisions within Schedule 16 Part 6 dDCO [REP3-004] (or a completed side agreement with	The Applicant has now agreed the form of Protective Provisions with Cadent, and these have been included within the draft DCO provided at Deadline 5 [EX5/C3.1].

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			<p>the Applicant) these consist of the following:</p> <p>Definition of Commence</p> <p>Cadent require this definition to include more than archaeological works and request that this be updated as follows:</p> <p><i>“commence” and “commencement” has the same meaning as in article 2 of this Order save that commence and commencement shall be construed for the purposes of this Part 6 to include any below ground surveys, monitoring, work operations, remedial work in respect of any contamination or other adverse ground condition, the receipt and erection of construction plant and equipment, and non-intrusive investigations for the purpose of assessing ground conditions;</i></p> <p>Inclusion of definitions related to acceptable insurance and security in paragraph 62 and text to be included in paragraph 71</p> <p>Provision needs to be included within the dDCO that the works in the vicinity of Cadent's apparatus are not commenced unless: (1) there is third party liability</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>insurance effected and maintained for the construction period of the relevant works; and (2) the person or body undertaking the works (acknowledging the ability to transfer the benefit of the DCO) has the appropriate net worth at the time of commencing works to enable it to meet any liability arising from damage to Cadent's apparatus or that there is appropriate security in place through a bond or guarantee.</p> <p>Cadent derives no benefit from the Project and needs to ensure that it is not be exposed to any costs or losses as a result of the Project. Money spent and costs incurred by Cadent is ultimately passed on to consumers in their energy bills. This is not appropriate in respect of losses caused by a third party and Cadent requires, therefore, the comfort that works near its apparatus are the subject of appropriate insurance and security.</p> <p>The corresponding drafting is as follows: New definitions: <i>Please refer to the submission [REP4-073] for the full text of the definitions.</i></p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>Retained Apparatus (paragraph 69)</p> <p>Sub-paragraph (4) and (8) seek to impose deadlines on Cadent's response. Cadent's approvals are not to be unreasonably withheld or delayed. Cadent cannot agree to curtail the time for responses due to Cadent's statutory functions and the legislation governing pipelines.</p> <p>1. Major Accident Hazard pipelines are regulated by the Pipeline Safety Regulations 1996. Under Regulation 15, it is an offence to cause damage to a pipeline as may give rise to a danger to persons and could result in enforcement action by the HSE.</p> <p>2. The Pipeline Safety Regulations 1996 requires that pipelines are operated so that the risks are as low as is reasonably practicable. In judging compliance with the Regulations, the HSE expects duty holders to apply relevant good practice as a minimum.</p> <p>3. Well established national standards and protocols for major accident hazard pipelines assist the HSE in ascertaining whether the risks incurred in working</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>with such pipelines have been mitigated as much as reasonably practicable.</p> <p>4. These industry standards have the intention of protecting: a. integrity of the pipelines, Cadent's network and distribution of gas; b. safety of the local area surrounding gas pipelines; and c. safety of personnel involved in working near to gas pipelines.</p> <p>Cadent therefore needs to ensure that the industry regulatory standards are being complied with and that there are no health and safety risks which could have potentially serious consequences for individuals or property located in proximity to the pipeline/s.</p> <p>Cadent has the benefit of a gas transporter licence (the Licence) under section 7 of the Gas Act 1986 (the Act). Cadent has a statutory duty under its Licence to ensure that these Regulations and protocols are complied with.</p> <p>For all of the above reasons, it is for Cadent, as an experienced gas undertaker under statutory and Licence obligations, to determine what measures are reasonable for the protection and</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>integrity of its network and not a third party and it cannot be rushed into those decisions.</p> <p>Indemnity (paragraph 72)</p> <p>Cadent needs to ensure that it is not be exposed to any costs or losses as a result of the Project and therefore all expenses, costs etc need to be covered. For clarity, the indemnity only applies in respect of third party claims as follows: "any other expenses, loss, demands, proceedings, damages, claims, penalty or costs properly incurred by or recovered from Cadent, by reason or in consequence of any such damage or interruption or Cadent becoming liable to any third party as aforesaid other than arising from any default of Cadent". The indemnity also provides that Cadent must give the Applicant reasonable notice of any such third party claim or demand and that "no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, is to be made without first consulting the undertaker and considering their representations". Therefore, before the Applicant could be</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>liable to Cadent for a third parties' costs under the indemnity, three things would need to occur:</p> <ol style="list-style-type: none"> 1. First, the Applicant must have caused damage or in any interruption in any service provided, or in the supply of any goods, that have caused loss to the third party; 2. Second, that third parties' costs must have been properly incurred by or recovered from Cadent; and 3. Third, Cadent must have either settled that claim having consulted and considered the Applicant's representations or have been obliged to make the payment in under a statutory compensation scheme. This procedure ensures that the indemnity only applies to properly incurred or recovered costs, and provides the Applicant with the opportunity to make representations on any such claim. This is sufficient protection for the Applicant. <p>The additional wording at sub-paragraph (5) enables a dispute to be created and a risk that Cadent is unable to recover all costs or losses and should be deleted. On</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>this point, money spent and costs incurred by Cadent is ultimately passed on to consumers in their energy bills. This is not appropriate in respect of losses caused by a third party.</p> <p>Arbitration (paragraph 75)</p> <p>Paragraph 75 of the Protective Provisions needs to regulate the matters that are subject to arbitration, and those that are not subject to arbitration. As drafted all disputes are referable to arbitration. Cadent seek to carve out of the scope of arbitration certain paragraphs from arbitration for the same reasons noted above in terms of retained apparatus and limiting Cadent's proper consideration. Cadent cannot agree to certain matters being determined by arbitration due to Cadent's statutory functions and the legislation governing pipelines. It is for Cadent, as an experienced gas undertaker under statutory and Licence obligations, to determine what measures are reasonable for the protection and integrity of its network and not a third party.</p> <p>This paragraph needs to start:</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>Save for differences or disputes arising under sub-paragraphs 67(2), 67(4), 68(1), 71(5) (new paragraph above) and paragraph 69</p> <p>With the exception of the above the protective provisions can otherwise be agreed.</p>	
2.1.16	National Grid Electricity Transmission plc (NGET) [REP4-082]	<p>Schedule 16 – (PPs)</p> <p>Please provide an update on discussions regarding PPs, identifying any outstanding areas of disagreement/proposed alternative wording.</p>	<p>a. As noted in NGET's Deadline 1 Submissions, NGET will require protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. An associated side agreement may also be required.</p> <p>b. NGET sent its proposed form of protective provisions to the Applicant on 20 March 2023 together with a draft side agreement. To date, NGET are yet to receive any substantive comments on the draft protective provisions or the side agreement despite several requests for said comments.</p> <p>c. We note that a form of protective provisions for the benefit of NGET has been included in the draft DCO at Part 3 of Schedule 16; however, these differ</p>	<p>The Applicant has provided comments on the protective provisions and these are with NGET's solicitor's for consideration. Please refer to the Schedule of progress regarding Protective Provisions and Statutory Undertakers [EX5/C8.1.13_D] for further details.</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>from NGET's preferred protective provisions.</p> <p>d. NGET had originally understood the delay in engagement to be as a result of the planned change request application which the Promoter wished to advance ahead of discussions; however, a response has not been forthcoming since the change request was accepted.</p> <p>e. NGET is concerned by the lack of engagement from the Applicant and is keen to further progress the protective provisions and side agreement to ensure that adequate protection is provided for its assets and interests.</p> <p>f. In the event of further non-engagement from the Applicant, NGET will submit its preferred form of protective provisions to the Examining Authority for consideration.</p>	
2.1.19	Lincolnshire County Council (LCC) [REP4-070]	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.	Requirement 12 remains unsatisfactory given the substantive shortcomings of the current WSI. Additional proposed wording was proposed within LCC's post hearing submissions at DL3 as follows:	<p>Please refer to the Applicant's response LCC-12 in its Responses to Deadline 3 Submissions [REP4-057].</p> <p>In line with the request made during ISH2 a without prejudice archaeological Written Scheme of Investigation (WSI) has been</p>

ExQ	Respondent	Question	Response	Applicant's Comment
		<p>Where alternative wording is proposed by the Host Authorities this should be provided.</p>	<p><i>“(1) No development may commence until an overarching Archaeological Mitigation Scheme has been submitted and approved by the relevant Planning Authorities, such approval to be in consultation with Historic England;</i></p> <p><i>(2) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase may start, until a supporting Written Scheme of Investigation for that phase has been submitted to and approved in writing by the relevant Planning Authorities, such approval to be in consultation with Historic England.</i></p> <p><i>(3) The approved scheme must— (a) identify areas where archaeological work is required; and (b) the measures to be taken to protect, record or preserve any significant archaeological remains that may be found (i.e. preservation in situ, preservation by record or mix of these elements).</i></p> <p><i>(4) Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive ground works may take place only in</i></p>	<p>prepared that includes a requirement to undertake further trenching post-determination of the application, in advance of construction of the Scheme [EN010133/EX5/C8.2.14]. The WSI is aimed at fulfilling Lincolnshire and Nottinghamshire County Council's request for further trenching to confirm the absence/presence of archaeological remains as established by archaeological evaluation undertaken for the Scheme. The without prejudice version of the WSI was issued to Lincolnshire and Nottinghamshire County Councils, and comments were received on the 23rd February 2024. The Applicant will review these comments and provide an update as required at Deadline 6.</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p><i>accordance with the approved Written Scheme of Investigation and any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to the relevant planning authority"</i></p> <p>It remains the case that such wording is necessary, appropriate and proportionate.</p>	
2.1.9	West Lindsey District Council (WLDC) [REP4-072]	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.	<p>WLDCs outstanding drafting points in relation to the DCO are set out below.</p> <p>Trigger mechanism for decommissioning:</p> <p>This matters is explained and suggested drafting included in the response to question 2.1.13 above.</p> <p>Phasing requirement:</p> <p>Suggested drafting is included in the response to question 2.1.6.</p> <p>Retention clauses:</p> <p>This matter, including examples from other Development Consent orders, is included in the response to question 2.1.8 above.</p> <p>Requirement 9 – Biodiversity net gain</p>	Please refer to responses WLDC-13 and WLDC-15 in the Applicant's Responses to Deadline 3 Submissions [REP4-057], and to the responses to questions 2.1.9 and 2.1.14 in the Applicant's Responses to ExA Second Written Questions [REP4-058].

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>WLDC maintain a position that the minimum percentage of Biodiversity Net Gain (BNG) should be secured through Requirement 9, reflecting what is asserted in the oLEMP.</p> <p>With regard to requirement 9 being able to respond to any changes in the biodiversity metric, WLDC considers that the approach taken in Requirement 9 of the Longfield DCO addresses these concerns (and also includes the securing of a commitment to deliver the minimum BNG). For completeness, the drafting is as follows:</p> <p>(2) The landscape and ecological management plan must include details of:</p> <p>(a) how the plan will secure a minimum of 87% biodiversity net gain during the operation of the authorised development, calculated using The Biodiversity Metric 4.0, published by Natural England on 20 April 2023 (or the current version of the metric if this has been superseded when the plan is submitted for approval);</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>(b) how the landscaping and ecological measures will be managed and maintained during the operational life of the solar farm works and grid connection works to the date on which the decommissioning environmental management plan is implemented pursuant to requirement 20 (decommissioning and restoration); and</p> <p>(c) how any approaches and measures in the biodiversity design strategy have been incorporated into the design of the solar farm works and grid connection works.</p> <p>Requirement 21 – Decommissioning and restoration</p> <p>WLDC position remains that Requirement 21 should reflect the temporal period of 40 years assessed in the ES (not the 60 years as drafted). There is no environmental assessment of the project impacts beyond the assessed period and no evidence base upon which to justify a 60 years consent lifespan.</p> <p>Schedule 17 – Procedure for discharge of requirements.</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>WLDC maintains objections to:</p> <p>a) The inclusion of a deemed consent provision (subject to amendments to the decision making period set out below).</p> <p>b) The timescale for approval. The timescales suggested by WLDC remain:</p> <p>i) Should there be no deemed consent provision, WLDC request that the following timescales be specified:</p> <p>Requirement 5 = 13 weeks</p> <p>Other Requirements = 10 weeks</p> <p>ii) Should a deemed consent provision be retained, WLDC request that the following timescales be specified:</p> <p>Requirement 5 = 16 weeks</p> <p>Other Requirements 13 weeks</p> <p>c) Fees payable for the discharge of requirements. WLDCs suggested drafting remains:</p> <p>1) Where an application is made to the relevant planning authority for written consent, agreement or approval in respect of a requirement discharge, a fee is to apply and must be paid to the</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>relevant planning authority for each application.</p> <p>(2) The fee payable for each application under sub paragraph (1) is as follows—</p> <p>(a) a fee of £2,535 for the first application for the discharge of each of the requirements 5, 6, 7, 8, 9, 11, 13, 14,15, 18 , 19 and 21;</p> <p>(b) a fee of £578 for each subsequent application for the discharge of each of the requirements listed in paragraph (a) and</p> <p>(c) a fee of £145 for any application for the discharge of—</p> <p>(i) any other requirements not listed in paragraph (a); and</p> <p>(iii) any approval required by a document referred to by any requirement or a document approved pursuant to any requirement.</p>	
2.1.20	West Lindsey District Council (WLDC) [REP4-072]	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	WLDC's suggested drafting points are set out in its response to question 2.1.19 above.	The Applicant notes this comment.

ExQ	Respondent	Question	Response	Applicant's Comment
		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.		
2.1.20	Roy Clegg [REP4-092]	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.	<p>COMAH</p> <p>There are growing concerns about the use of Lithium-ion batteries in large scale applications, especially as Battery Energy Storage Systems (BESS) linked to renewable energy projects and grid energy storage.</p> <p>These concerns arise from the simple consideration that large quantities of energy are being stored, which if released uncontrollably in fault situations could cause major damage to health, life, property and the environment.</p> <p>BESS are not currently regarded by HSE as regulated under the COMAH.</p> <p>The reason the COMAH regulations should apply is the scale of evolution of toxic or inflammable gases that will arise in BESS "fires".</p>	Please refer to the Applicant's response to comment 7A-022 within The Applicant's Responses to Written Representations and Other Submissions at Deadline 1: Part 2 [REP2-050] .

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>Applicability of the COMAH (Control of Major Accident Hazard) Regulations 2015</p> <p>The governing criteria for application of the COMAH Regulations [17] are:</p> <ol style="list-style-type: none"> 1. The presence of hazardous materials, or their generation, "if control of the process is lost." 2. The quantity of such hazardous materials present or that could be potentially generated. <p>The COMAH regulations (2015): COMAH regulates establishments with quantities of dangerous substances (categorised as toxic, flammable or environmentally damaging) that are present above defined thresholds. The substances do not need to be present in normal operation. If dangerous substances could be generated "if control of the process is lost", the likely quantity generated thereby must be considered. If the mass of dangerous substances that could be generated in loss of control exceeds the COMAH thresholds, the Regulations apply.</p> <p>There is no doubt that hazardous substances such Hydrogen Fluoride (an</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>Acute Toxic controlled by COMAH) would be generated in a BESS accident (i.e., in "battery fires"). Similarly highly Inflammable Gases (also controlled by COMAH) would be evolved even if the atmosphere remained oxygen-free. Depending on the size of the "establishment" these could be produced in sufficient quantities to be in the scope of COMAH.</p> <p>Application to grid-scale BESS:</p> <p>The Regulations refer to "a dangerous substance which it is reasonable to foresee may be generated during loss of control of the processes". Both Flammable Gases (P2) and Acute Toxics (H1 and H2) are certainly "reasonable to foresee" in thermal runaway incidents which are now well-documented.</p> <p>The evolution of regulated, named and categorised hazardous substances from Li-ion battery cells in thermal runaway is also well-documented. A "worst credible accident" would have to consider that the entire inventory of Li-ion cells would be destroyed in a single BESS cabin at least.</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>Cabin-to-cabin propagation should also be considered.</p> <p>The Regulations apply to the entire "establishment", controlled by a single operator. Whilst the individual BESS compounds at Sunnica might be regarded as separate establishments, it is less reasonable that individual BESS cabins should be regarded as separate "establishments".</p> <p>They are separate "installations" but "establishment" means the entire area under control of an "operator". Only if the most stringent safeguards were in place to ensure that the disastrous consequences of cabin-to-cabin propagation of "battery fires" could not conceivably occur, could it be argued that dangerous substances, exceeding the COMAH thresholds in quantity, were not "reasonable to foresee being generated during loss of control of the process".</p> <p>It is believed the COMAH regulations apply to BESS and that the approach of HSE is wrong. Will the ExA recognise the importance of the need for a responses from the HSE.</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
2.1.20	Roy Clegg [REP4-092]	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.	1, Will the ExA respond please? To my Written Response to Questions on Cottam Solar Project ExA Questions 2.1.20 COMAH, Cottam Solar Project. 2. Will the ExA ensure that there will be NO financial burden on the public and the local community in the event that the solar project fails and that the financial risk must be dealt with by the incumbent landowner and the asset owner? See my WR on decommissioning.	1. This comment is addressed to the ExA. The Applicant's comments on COMAH are found in response 7A-022 within The Applicant's Responses to Written Representations and Other Submissions at Deadline 1: Part 2 [REP2-050] . 2. Please refer to response 1.14.7 in the Applicant's Responses to the ExA First Written Questions [REP2-034] and response 2.14.5 in the Applicant's Responses to the ExA Second Written Questions [REP4-058] for the Applicant's comments around the funding of the Scheme.
2. General and cross-topic matters				
2.2.2 (not 2.2.1)	Lincolnshire County Council (LCC) [REP4-070]	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.	The revised National Planning Policy Framework (NPPF) was published on 19 December 2023 and, like the previous version, does not contain specific policies for nationally significant infrastructure projects as these are instead set out in National Policy Statements. However, the NPPF is still relevant and so should still be taken into account when making decisions on NSIP projects.	The recent revision to the NPPF does introduce food production in footnote 62 of paragraph 181. As LCC note the footnote states that "The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development." (our emphasis)

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>The vast majority of the revisions and additions to the December 2023 version of the NPPF relate to housing delivery, land supply and local plans however a key and notable change which is relevant is the wording contained within paragraph 181 and in particular footnote 62 which states: "Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development".</p> <p>In our view the inclusion and now specific reference to the need to recognise and consider the value of agricultural land for food production is a material planning consideration and reinforces the need to ensure that should the DCO be granted then it is necessary that measures are secured to ensure sheep grazing is undertaken on the land during the 60 year operational period (albeit this is not like for like replacement in terms of</p>	<p>The Scheme will occupy only a very small proportion of agricultural land within the UK. Agricultural land within a solar farm also remains available for grazing sheep on the pasture below and between solar panels (which is a form of food production). A measure to secure grazing through the DCO would not be appropriate given that under 'business as usual', no farmer is required to use farmland for food production or to produce any crop to a minimum intensity.</p> <p>It is important to note that in respect of the Scheme, the policies within NPPF need to be read in the context of the newly designated NPS EN-3. NPS EN-3 (November 2023) is likely to be considered with a greater weight, as it contains the most up to date Government policies for NSIP solar projects. Under the heading of Agricultural Land Classification and Land Type paragraph 2.10.29 notes that land type should not be a predominating factor in determining the suitability of the site location. NPS EN-3 amakes no reference to food security but recognises that <i>"solar and farming can be complementary, supporting each other financially, environmentally and</i></p>

ExQ	Respondent	Question	Response	Applicant's Comment
			potential yield or value in terms of food production). It also reaffirms the need to ensure provision is made for early decommissioning and reinstatement of the land occur in the event the development ceases operating before the 60 year period sought.	<i>through shared use of land and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement"</i> (paragraph 2.10.11).
2.2.2	West Lindsey District Council (WLDC) [REP4-072]	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.	<p>WLDC does not consider that the updated version of the National Planning Policy Framework (NPPF) introduces new material implications for the examination of the Cottam Solar Project application, and nor does it materially affect the case put forward.</p> <p>The key updates to the NPPF relate to the implementation of paragraph 155, which states that to help increase the use and supply of renewable and low carbon energy, (development) plans should:</p> <p>"provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)"</p>	<p>The Applicant agrees that the NPPF published in December 2023 does not have material implications on the Scheme apart from those already discussed in the Applicant's Responses to the ExA's Second Written Questions [REP4-058], specifically question 2.2.2.</p> <p>The Applicant notes that the paragraphs referred to by WLDC do not reference the December 2023 NPPF. The relevant paragraphs are 160 and 229.</p> <p>The Applicant has no further additional comments to add regarding the National Planning Policy Framework (NPPF) December 2023 beyond what has already been stated in section 5.5 of the Planning Statement [REP4-039]. The Applicant considers that the Scheme remains in compliance with the updated NPPF, as</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<ul style="list-style-type: none"> • “consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and” • “identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co locating potential heat customers and suppliers” <p>New paragraph 222 in the NPPF (Annex 1: Implementation) states that for the purpose of paragraph 155, such policies only apply to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage, or that reach this stage within three months, of the publication of this version of the NPPF.</p> <p>The current development plan relevant to the application is the Central Lincolnshire Local Plan, which was recently adopted in April 2023. As a consequence there is an up to date development plan and the new paragraph 222 in the NPPF does not have material effect.</p>	<p>assessed in the Planning Statement [REP4-039].</p>

ExQ	Respondent	Question	Response	Applicant's Comment
2.2.2	7000 Acres [REP4-087]	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.	<p>National Planning Policy Framework</p> <p>The National Planning Policy Framework was updated in December 2023. It is relevant to this Application as it addresses sustainable development in a holistic manner. It states three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.</p> <p>1. "An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure."</p> <p>The key element is the "land of the right types", so that solar is installed on rooftops and brownfield sites, whilst productive farmland can be used for food production, carbon sequestration and the production of biofuels. This scheme, and the five other solar NSIPs in the area will remove 15,000 acres of productive farmland for up to 60 years.</p>	<p>The Applicant respectfully disagrees that the Scheme does not contribute to the sustainability objectives of the NPPF (2023).</p> <p>The Scheme is anticipated to deliver significantly towards the economic prosperity of the Local Impact Area without significant impacts upon existing economic sectors (agriculture or tourism).</p> <p>Regarding "land of the right type", farmland within a solar farm can continue to be in food production, fattening lambs. Carbon sequestration is improved when arable land reverts to grassland, with arable cultivation having been responsible for a decline in soil organic matter content down towards a low equilibrium. Biofuel cropping needs in excess of an order of magnitude more land area per MWh of generation per year than solar. Biofuel therefore has a significantly greater effect on any displacement of arable food crops than solar generation.</p> <p>The Applicant also refers to its Response to the ExA's Second Written Questions [REP4-058] on the use of agricultural land, specifically question 2.2.2. The Scheme is likely to significantly benefit the local social</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>2. "A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;"</p> <p>As demonstrated in the submissions by the County and District Councils, as well as numerous Interested Parties, the Cottam Solar industrial complex will have a devastating impact on the local population's wellbeing. The outcome of this scheme will have an exponential impact on health and well-being when the cumulative influence of the other five solar industrial schemes is fully considered.</p> <p>3. "An environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and</p>	<p>environment through improving deprivation through access to employment and education and skills attainment during the construction phase of the Scheme, with the potential for these benefits (albeit at a lower magnitude) to continue throughout the Scheme's operational lifetime. The Scheme is also not anticipated to significantly adversely effect upon local communities or on local community health and wellbeing, with the exception of temporary impacts to long-distance recreational routes as a result of the cumulative construction phases of NSIPs in the Local Impact Area.</p> <p>Regarding the environmental objective, the Applicant refers to the Planning Statement [REP4-039] which summarises the environmental impacts of the Scheme. Specifically, the Scheme is anticipated to significantly beneficially contribute to <i>"minimising ... pollution, and mitigating and adapting to climate change, including moving to a low carbon economy"</i> at a national level as stated in paragraph 8 of the NPPF, for the reasons set out in the Planning Statement.</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."</p> <p>This requires "effective use of land...and using natural resources prudently". Covering thousands of acres of productive farmland in solar panels and batteries is not productive use of land. The Cottam Solar application does not meet any of these 3 objectives stipulated in the NPPF.</p>	
2.2.3	West Lindsey District Council (WLDC) [REP4-072]	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.	<p>The SPD "Health Impact Assessment for Planning Applications" has been included at Appendix A of this response document. The document defines health as "a state of complete physical, mental and social wellbeing. As well as access to good quality healthcare services and lifestyle choices, there are many factors that affect health and wellbeing".</p> <p>The purpose of the document is to provide advice and guidance on undertaking Health Impact Assessment (HIA) for development proposals within Central Lincolnshire, supporting the implementation of policy S54 Health and</p>	The Applicant refers to its response made in respect of Question 2.2.3 in C8.1.30 Applicant's Responses to ExA Second Written Questions [REP4-058] .

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>Wellbeing in the adopted Central Lincolnshire Local Plan.</p> <p>The SPD does not introduce new policy but provides advice to support the implementation of policy S54 Health and Wellbeing, which sets out a requirement for developers to submit a HIA for development proposals of 5ha or more.</p>	
2.2.4	Nottinghamshire County Council (NCC) [REP4-071]	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.	<p>The relevant policy from adopted Waste Core Strategy 2013 reads as follows:</p> <p>Policy WCS2 Waste awareness, prevention and re-use</p> <p>Nottinghamshire County and Nottingham City Councils will lead by example and work together with district and borough councils, the waste industry, local businesses, communities and voluntary groups to improve waste awareness and encourage measures aimed at waste prevention and re-use. All new development should be designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting,</p>	The Applicant refers to its response made in respect of Question 2.2.4 of C8.1.30 Applicant's Responses to ExA Second Written Questions [REP4-058] .

ExQ	Respondent	Question	Response	Applicant's Comment
			recycling and recovery of waste arising from the development	
2.2.6	7000 Acres [REP4-087]	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.	<p>Solar Panels: The Applicant has claimed a solar panel failure rate of 0.4% per annum.</p> <p>There is no evidence presented that supports this linear failure rate. Typically, the failure rate will follow a "bath tub" trajectory, with an initial failure rate being relatively high due to manufacturing faults, damage during transit and installation faults. The failure rate will then decrease for a number of years. Finally, the failure rate will increase at an accelerating rate as the solar panels wear out. Common failure modes are junction box failure, glass breakage, defective cell interconnect, loose frame, and delamination. Applying the Applicant's linear failure rate, 60% of the solar panels are predicted to last for 100 years!</p> <p>Solar panels typically suffer a 0.5% reduction in generating capacity per annum, so the scheme could expect to produce 30% less energy after 60 years. This leads to the economic life of the panels being shorter than the physical life</p>	<p>The Applicant refers to its response made in respect of Question 2.2.6 of C8.1.30 Applicant's Responses to ExA Second Written Questions [REP4-058].</p> <p>The Applicant seeks to clarify that the 0.4% per annum failure rate refers to panels that become unusable because of faults, breakages, or any other reason that would require the panel to be immediately repaired or replaced. The lifetime reduction in generating efficiency, i.e. the performance of the panels is considered separately, and would not directly require panels to be replaced unless they were economically unviable.</p> <p>Paragraph 7.8.65 of ES Chapter 7: Climate Change [REP-014] explains in calculation of the electricity likely to be produced by the Scheme, and the calculation therefore of the offsetting of GHG has considered a 0.4% reduction in generating capacity per annum, with a 1.0% reduction in Year 1. As such, the reduction in the Scheme's ability to generate electricity over its operational lifetime has been assessed.</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>of the panels. Recent research (Economic Lifetimes of Solar Panels Manbir Sodhia*, Lennart Banaszeka, Chris Mageeb, Mercedes Rivero-Hudecc 2Gth CIRP Life Cycle Engineering Conference 2022) identifies that the economic life of solar panels is frequently less than 20 years, with legacy panels being replaced by newer technology.</p> <p>The Applicant has not made a reasonable worse case assessment (Advice Notice Nine) and assumed that some panels will be replaced before the 60 year period on economic grounds. Therefore, the green house gas emissions savings stated by the Applicant are an overestimation. Furthermore, the early replacement of panels could lead to tsunami of solar panel waste before a suitable recycling system is developed in Lincolnshire.</p> <p>7000Acres considers:</p> <ul style="list-style-type: none"> • the Applicant should apply an evidence based failure rate, rather than a linear rate; • secondly, the Applicant must state if panels will only be replaced at the end of their physical life or if they will replace 	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>panels for economic reasons. If the former, it should be secured in the dDCO under Principal Power 5 Power to maintain the authorised development. If the latter, the Applicant should update their GHG emission calculations to take account of more frequent solar panel replacement.</p> <p>Batteries</p> <p>The Applicant's ES Chapter 7 assumed a BESS battery life of 20 years. This is less than evidence shows, with a typical BESS battery life of circa 10 years (Life Evaluation of Battery Energy System for Frequency Regulation Using Wear Density Function Park et al, Energies 2022).</p> <p>Once again, the Applicant has not applied a reasonable worse case assessment (Advice Notice Nine) and made a claim of battery life without any supporting evidence. This leads to a gross overestimation of environmental benefits of the scheme.</p>	
2.2.7	7000 Acres [REP4-087]	Why does 7000 Acres consider that the Proposed Development would undermine the Local Industrial	The Local Industrial Strategy (LIS) (2021) includes 6 main dimensions, Agrifood, Energy, Ports and Logistics, Defence, Health and Care, as well as Visitor	The Applicant refers to its response made in respect of Question 2.2.5 of C8.1.30

ExQ	Respondent	Question	Response	Applicant's Comment
		Strategy (2021) as is set out in its response to ExQ1.2.9 [REP2-094]?	<p>Economy. Large scale ground mounted solar development has the potential to impact the Agrifood, Energy and Visitor dimensions in particular.</p> <p>In terms of Agrifood, the ambition is to "become the UK's Food Valley and contribute to the UK's reliance on food imports." The sector contributes 18% of Lincolnshire's GVA (in comparison with 3% nationally), therefore this is an important sector that the region can ill afford to neglect.</p> <p>With regard to Energy, the focus of the region is on supporting the development of offshore wind as well as carbon capture and storage to support decarbonisation of gas infrastructure. Solar is considered briefly in terms of localised generation along with anaerobic digestion. Solar development at the scale of CSP or any other NSIP scheme is not envisaged.</p> <p>Regarding the Visitor Economy, the aspiration is to "develop the tourism sector levelling up and supporting some of the more deprived parts of the region by providing higher-quality and more</p>	<p>Applicant's Responses to ExA Second Written Questions [REP4-058].</p> <p>The Applicant is confident that the Local Industrial Strategies and other economic objectives as set out by LEPs and in national and local policy have each been attributed a proportionate level of consideration in both the ES Chapter 18: Socio-Economics, Tourism and Recreation [APP-053] and supporting Outline Skills Supply Chain and Employment Plan [REP4-041] where those objectives are applicable to the Scheme. The Scheme therefore beneficially contributes towards the LIS (2021) ambitions for Energy, and does not significantly adversely effect or undermine the LIS (2021) ambitions for Agrifood and Tourism.</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>reliable employment for workers". Within the ES, the Applicant acknowledges the contribution West Lindsey made to the visitor economy, acknowledging the area already has limited attractions, with the "main attraction being focussed on heritage, aviation, environment and landscape". Considering this, the ES states "The potential changes to landscape views, both temporarily from construction equipment and longer-term from the installation of the Scheme infrastructure, and the impacts from construction traffic impacting the desirability and accessibility of tourism and recreation routes and centres, both could negatively impact the prosperity of the local tourism economy." It is clear that the large- scale development of ground mounted solar will only erode the attractiveness of environment and landscape.</p> <p>Considering these three together, it would be logical to conclude that the industrialisation of an area (or multiple areas) of Lincolnshire through extensive deployment of large-scale ground mounted solar would serve to undermine</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			the Agrifood ambitions of the LIS as well as the appeal for visitors and the ambition to improve areas of deprivation through the stimulation of the Visitor Economy.	
3. The need case, electricity generated and climate change				
2.3.1	Lincolnshire County Council (LCC) [REP4-070]	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 been laid before Parliament but are not yet designated for the purposes of s104 of the Planning Act 2008.	The November 2023 versions of the EN-3 and EN-1 have been updated and include provisions which support the urgent need for new low carbon infrastructure by stating that all onshore and offshore electricity generation subject of the NPSs that do not involve fossil fuel combustion are now considered to be Critical National Priority (CNP) Infrastructure. This revision means that large scale solar projects such as the proposal at Cottam fall within the definition of CNP and that 'the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy'.	The Applicant refers to its response to the ExA's SWQ 2.3.1 on this topic, found in Applicant's Responses to ExA Second Written Questions [REP4-058] and the Applicant notes these comments.

ExQ	Respondent	Question	Response	Applicant's Comment
		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?	The transitional provisions at paragraph 1.6.2 of the latest draft of EN-1 reaffirms that "any application accepted for examination before designation of the 2023 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS". Therefore as a starting point we would highlight that the 2011 version of the NPSs remain in force until they are replaced. Whilst the November 2023 NPSs represent the Government's latest energy-related policy, with technology specific policies relevant to solar PV in the NPS for renewable energy infrastructure (EN-3) (November 2023), they nevertheless remain undesignated and so like the previous versions, whilst they are important and should be given relevant considerations and weight based on their status.	
2.3.1	West Lindsey District Council (WLDC) [REP4-072]	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	WLDC acknowledges the updated versions of the draft National Policy Statements (NPS); notably draft NPS' EN-1 and EN-3. WLDC considers the updated NPS's to be important and relevant consideration for the purpose of the determination of the	The Applicant refers to its response to the ExA's SWQ 2.3.1 on this topic, found in Applicant's Responses to ExA Second Written Questions [REP4-058] and the Applicant notes these comments.

ExQ	Respondent	Question	Response	Applicant's Comment
		<p>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 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>	Cottam Solar Project application under section 105 of the PA2008.	
2.3.1	7000 Acres [REP4-087]	On 22 November 2023, the Department for Energy Security and Net Zero published an updated version	REP3-064 covers this answer in more detail, (7000 Acres Supplement to Comments on Applicant's Response ExA's	The Applicant refers to its response to the ExA's SWQ 2.3.1 on this topic, found in Applicant's Responses to ExA Second

ExQ	Respondent	Question	Response	Applicant's Comment
		<p>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 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>	<p>Q1, regarding updates to National Policy Statements).</p> <p>In summary:</p> <p>While the 2024 NPS suite is important and relevant, the existing NPS suite applies to the proposed Cottam solar development.</p> <ul style="list-style-type: none"> • There are urgent requirements to overhaul even the 2024 NPS, called for by the Electricity Networks Commissioner, to improve the coordination and planning of electricity infrastructure projects. • The 2011 suite of NPS documents apply to the Cottam examination, as clarified in the 2024 NPS EN-1. • Solar does not feature in the 2011 suite of NPS documents. • The 2011 NPS considers land use, as well as the context of agricultural practices and how they contribute to the character of the environment and local economy. • The 2024 NPS acknowledges the risk of "unnecessary capacity" being built 	<p>Written Questions [REP4-058] and the Applicant notes these comments.</p> <p>The Applicant refers to Section 3.1 of C7.11 Statement of Need [APP-350] which explains how the scheme should be assessed under S.105 of PA2008.</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>and the need for overall co-ordination in the approach.</p> <ul style="list-style-type: none"> <li data-bbox="1014 395 1514 643">• A definition of "Critical National Priority" has evolved through the development of the 2024 NPS, and a "watering down" of this definition has rendered it to be effectively meaningless in differentiating priorities. <li data-bbox="1014 667 1514 1098">• Consistent principles of "good design" remain, in terms of efficient use of natural resources, including land use, sensitivity to the landscape infrastructure sits within, as well as the functionality of the development. The Cottam project uses a significant area of land, is not sensitive to the landscape and can only provide limited benefits in terms of energy and decarbonisation – as has been set out in 7000Acres WR REP-117. <li data-bbox="1014 1121 1514 1329">• The NPS also continues to require alternatives to be considered in terms of whether there is a realistic prospect of an alternative delivering the same capacity, within the same timescale. 	

ExQ	Respondent	Question	Response	Applicant's Comment
			<ul style="list-style-type: none"> In fact, there are other ways of deploying such capacity of solar power, without having such impacts through using large-scale ground mounted solar, e.g. through rooftops. The 2024 NPS suite calls for efficient "use of natural resources, including land-use", and provides a clear hierarchy for the types of land to be used, and that the need to use agricultural must be demonstrated, before considering Agricultural Land Classification. The Applicant has focused solely on ALC. The 2024 NPS EN-3 considers a "typical" solar farm, being 50MW, and between 125 and 200 acres. The scale of the Cottam scheme is 10x this size, or even greater, through overplanting 	
2.3.2	Lincolnshire County Council (LCC) [REP4-070]	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 "in	As stated in LCC's Local Impact Report (REP-085, page 23), our concern is that: 'there are currently no waste facilities to process discarded solar infrastructure as it is replaced during the lifetime of the development and at the	The cumulative assessment of operational waste per annum arising from operation and maintenance is assessed in Table 20.10 of ES Chapter 20: Waste [APP-055] . Based on the estimated replacement PV module rate of 0.4% per annum across the

ExQ	Respondent	Question	Response	Applicant's Comment
		line with industry standards" 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?	decommissioning stage', particularly 'when combined with the other DCO solar projects in the County that may be granted consent in the next 12 months' Can the applicant confirm how many panels 0.4% equates to? If this is multiplied across all the potential DCO projects that may get consent plus the more modest scale Town and Country Planning Act developments the numbers of panels being discarded on a annual basis will not be insignificant so that justification for ensuring a facility for dealing with the end of life panels should be brought forward now so we do not end up with a 'panel mountain' as was the case with fridges a few years ago.	Scheme, Gate Burton Energy Park [EN010131], West Burton Solar Project [EN010132] and Tillbridge Solar [EN010142], the estimated number of waste panels per annum from the Till Valley area is approximately 18,300 units, or 611 tonnes. These Schemes have been considered for cumulative development due to their similar location near the Lincolnshire/ Nottinghamshire border. A wider scale assessment of panels from TCPA developments, or other NSIPs in the southern half of Lincolnshire have not been assessed either due to their scale, or their proposed waste handling areas covering other or unassessed waste authority areas.
2.3.2	7000 Acres [REP4-087]	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 "in line with industry standards" to the climate change	Please see our answer to Question 2.2.6. The Applicant has not provided any evidence for a failure rate of 0.4% per annum, which assumes 60% of the panels will last for 100 years. 7000Acres considers a linear failure rate is not appropriate, and an evidence	The Applicant refers to its response made in respect of Question 2.2.6 of C8.1.30 Applicant's Responses to ExA Second Written Questions [REP4-058] and to the response made to 7000 Acres response to 2.2.6 above.

ExQ	Respondent	Question	Response	Applicant's Comment
		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?	based failure rate should be supplied by the Applicant.	
4. Other projects and cumulative effects				
2.4.1	7000 Acres [REP4-087]	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	It is noted that the Stow Park solar farm has deployed sensitive design and good practice that has not been a feature of the proposed Cottam scheme, in particular: <ul style="list-style-type: none"> Panel height selected at 2-2.5m is around half the height of those proposed by the Applicant for the 	In relation to the comments made regarding the consenting regime and decision making process, the Applicant refers to response "GEN-12" in C8.1.2 The Applicant's Responses to Relevant Representations [REP-049] . The Technical Note on Cumulative Effects [REP4-059] considers the

ExQ	Respondent	Question	Response	Applicant's Comment
		conclusions on the assessment of cumulative effects.	<p>Cottam Solar Project. This serves to reduce the visual and landscape impacts of the scheme.</p> <ul style="list-style-type: none"> Stow Park has chosen to connect directly to a transmission tower that carries a connection through the development, thereby eliminating the need for additional transmission infrastructure. The scale of Stow Park is large by current UK standards, at 35MW, but remains at a scale that is far more in keeping with the scale of local communities in the region, unlike the Cottam scheme. Stow Park would not, therefore, become the dominant characteristic of the region. <p>At this capacity, Stow Park could be decided upon by Local Authority planning, and therefore the decision would be made locally, and not imposed on the region, which is in line with the suggested approach in the Skidmore Review.</p>	cumulative effects of Stow Park Solar Farm and the Scheme, based on presently available information about the Stow Park project.
2.4.2	7000 Acres [REP4-087]	At ISH4, the Applicant stated that it did not intend to update	7000 Acres accepts that it is reasonable for the Applicant to adopt a Rochdale	Please refer to the Applicant's response to question 2.4.2 in its Responses to ExA

ExQ	Respondent	Question	Response	Applicant's Comment
		<p>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</p>	<p>Envelope. However, the Applicant repeatedly fails to comply with Advice Notice Nine, in this case with paragraph 1.4, which requires:</p> <p><i>"that there is consistency across the application documents including any other relevant environmental assessments (e.g Habitats Regulations Assessment (HRA) or Water Framework Directive (WFD) assessment)."</i></p>	<p>Second Written Questions [REP4-058]. The Applicant respectfully disagrees with this comment.</p>

ExQ	Respondent	Question	Response	Applicant's Comment
		cross referenced in the Chapter.		
5. Landscape and visual, glint and glare, good design				
2.5.1	Lincolnshire County Council (LCC) [REP4-070]	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>Two meetings were held on Thursday 5th January 2024 and Monday 15th January 2024 between LCC and the Applicant to discuss Beneficial Landscape Effects associated with the scheme. Following these meetings a Joint Statement on Beneficial Landscape Effects was produced by the Applicant with input from LCC. This sets out:</p> <ul style="list-style-type: none"> • Where matters and conclusions of significant beneficial effects are agreed; • Where there are differences in agreement over the significant beneficial effect conclusions; and • The reasons for the differences in agreement over opinion regarding the findings of significant beneficial landscape effects. <p>The Joint Statement on Beneficial Landscape Effects is intended to be issued by the applicant at deadline 4, and</p>	<p>The meetings referred to by LCC (minutes were issued) discussed the Joint Statement on Beneficial Landscape Effects (JSBLE) as issued by the Applicant at Deadline 4 ([REP4-050], now [EX5/C8.1.8_D]). The JSBLE sets out the Applicant and LCC's position on the three main matters below, which are now agreed between the parties. Remaining matters relating to the conclusions of the LVIA [REP2-008] were subsequently discussed at a further meeting on Wednesday 7 February 2024. LCC and the Applicant are progressing these remaining LVIA matters within the SoCG [EX5/C8.3.2_D]:</p> <ol style="list-style-type: none"> 1. As set out within Chapter 8.9 of the LVIA Rev A [REP2-008], (specifically para 8.9.4) there are no likely significant beneficial in-combination landscape effects for the construction, operation (Year 1 and Year 15) and decommissioning stages of the Scheme on

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>the statement summarises LCCs position in regards to landscape effects.</p>	<p>Landscape Character. In regard to the Individual Contributors to Landscape Character Chapter 8.9 of the LVIA Rev A [REP2-008], (specifically para 8.9.5) sets out that there are no likely significant in-combination landscape effects for the individual contributors to landscape character.</p> <p>2. Given the findings set out above, there are no differences in agreement between LCC and the Applicant over the findings in regard to there being no significant beneficial landscape effect through the development of a large-scale solar scheme. There is however disagreement between LCC and the Applicant in regards to non-significant effects, which are clearly identified within the Statement of Common Ground (SoCG) [EX5/C8.3.2_D].</p> <p>3. The LVIA Rev A [REP2-008] does not identify any In-Combination significant beneficial landscape effects arising from the Scheme. There are significant beneficial effects identified in summary</p>

ExQ	Respondent	Question	Response	Applicant's Comment
				<p>tables (individual sites) but not in combination. However, a number of non-significant (Negligible) beneficial effects were identified to both Landscape Character and to the Individual Contributors to Landscape Character. The Applicant considers these negligible benefits are derived from the delivery of significant areas of new planting in the context the Scheme, which is a dispersed energy project that is essentially 'overlaid' on the landscape for a limited period of time and the effects are reversible. This position is in contrast to other large-scale infrastructure such as minerals, landfill and transport projects that are 'laid within' the landscape and they can fundamentally and physically change the nature of the land in which they operate. This paragraph sets out the Applicant's position over the conclusions of the In-Combination Landscape Effects within Chapter 8.9 of the LVIA Rev A [REP2-008] and LCC are</p>

ExQ	Respondent	Question	Response	Applicant's Comment
				in agreement with these conclusions.
2.5.2	7000 Acres [REP4-087]	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	<p>Much of the focus of EN-5 is specifically related to delivering the infrastructure to deliver offshore wind, and the details of offshore/onshore networks. EN-5 makes explicit reference to the need for infrastructure to deliver offshore wind throughout the document, e.g. in sections 1.1.2, 1.1.3, 2.2.3. 2.7.5.</p> <p>Aside from offshore wind, other generation technologies are bundled together and not highlighted, and are understood to fall within the watered-down definition of "Critical National Priority". This definition originally applied to offshore wind (2023 dNPS), but was fatally weakened down in the final draft to refer to any low- carbon generation and therefore renders any effective prioritisation utterly meaningless. 7000Acres WR REP3-064, Section 3.</p> <p>Nevertheless, in practice the prioritisation is clear; despite the focus of EN-5 being Electricity Networks, wind is</p>	<p>Please refer to the Applicant's response to question 2.5.2 in its Responses to ExA Second Written Questions [REP4-058].</p> <p>The site selection process undertaken for the Scheme is set out in ES Appendix 5.1: Site Selection Assessment [APP-067].</p>

ExQ	Respondent	Question	Response	Applicant's Comment
		rationalising of existing electricity infrastructure?	<p>mentioned 34 times within 47 pages of the document. Solar is not mentioned once in EN-5.</p> <p>In addition, clear priorities to decarbonise are understood and made explicit through reports from BEIS Committee, National Audit Office, Climate Change Committee and Skidmore, i.e. the need for delivery of Offshore wind and associated infrastructure, managing energy flexibility and overall strategic co-ordination of energy system planning. See also REF 7000Acres REP2-0G0</p> <p>The Applicant has selected land areas >2km from substation to deploy solar panels, and because of the distance, a high voltage transmission line is required, and the Applicant may therefore attempt to argue that technically, their associated network infrastructure should in some way be considered to be in line with EN-5. However, the Applicant has effectively "created their own need" through their preference and selection of scheme design, which is not the same as a genuine "need". This should not therefore, carry the same weight as electricity network requirements</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>essential to deliver offshore wind, which are the primary focus of EN-5.</p> <p>Fundamentally, the requirement to deploy solar at an HV substation is unnecessary, as described in 7000Acres WR REP-116 Section 4. Notably, the premise of low-voltages for panels and their capacity for connection at low / domestic voltages has not been challenged by the Applicant. Connection of solar at the point of use avoids transmission and distribution losses of typically c. 8%¹. It is clear therefore, that much of the yield increase the Applicant seeks by deploying large 4.5m high tracking solar panels will simply offset the loss incurred by having selected a 400KV transmission substation as the point of connection.</p> <p>In terms of the specific comment made by the Applicant in REP3- 033, highlighting the NPS EN-5 (2011 version) comment regarding the potential for landscape benefits to arise through rationalisation of the existing electricity network, it is clear that the Applicant is offering no such rationalisation, only an unnecessary extension of HV</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>transmission lines, at a time when there are separate, additional and extensive requirements for such transmission lines elsewhere to connect offshore wind.</p> <p>Of importance when considering EN-5 is the Electricity Networks Commissioner Report (2023), which makes several recommended improvements, notably around creating a Strategic Spatial Energy Plan, i.e. mapping where specific energy provisions will be deployed. The report seeks that the "Energy NPS should be updated again urgently after the current round of changes". Again, by way of illustration, in the Commissioner's 12-page covering letter, "wind" is mentioned on 7 occasions. Solar is not mentioned. In the accompanying report, within 15 pages, wind is referred to on 13 occasions, and solar is mentioned once.</p> <p>EN-5 highlights the requirement for "Good Design", as laid out in EN-1, Section 4.7. See also 7000Acres WR REP3-064, Section 3.</p> <p>"Good design" includes how infrastructure "relates to the landscape it sits within" and that "applying good</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>design to energy projects should produce sustainable infrastructure sensitive to place, including... efficient in the use of natural resources, including land-use". The scale of the Cottam project and height of panels, in comparison to the local landscape and villages, demonstrates a design that lacks sensitivity to place.</p> <p>Allied to land use, is the subject of the use of agricultural land. The NPS states "Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality" (this principle of a "hierarchy" of preferred land use is further expanded in emerging NPS EN-3). In the case of Cottam, the Applicant has focused entirely on the quality of agricultural land, not demonstrated necessity to use agricultural land.</p> <p>Also, within "Good Design", the NPS notes the importance of "the functionality of an object – including fitness for purpose and sustainability". Section 2 of 7000Acres WR REP2-080 ("The role of Solar in Energy Provision and Decarbonisation") describes the constraints around the</p>	

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			functional contribution solar can make to energy and decarbonisation, which are limited to the point where the benefits do not outweigh the harms arising from ground mounted solar installation at such a large scale.	
2.5.3	7000 Acres [REP4-087]	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).	<p>At year 1 the defining feature of the landscape would be the 4.5m high solar panels, associated fencing, lighting and transmission equipment. These solar industrial structures will not be screened and so will directly replace the current agricultural landscape.</p> <p>The Applicant's only mitigation for year 15 is landscape vegetation. To purely rely on landscape planting to obscure views of solar structures and industry means that the landscape and views become enclosed and narrow and planting becomes a defining detrimental characteristic. Conversely, if any of this planting is unsuccessful any claimed benefits will not be achieved. It is therefore apparent that such a proposed development cannot be readily assimilated into the landscape as demonstrated by the Applicants own</p>	<p>It is the Applicant's view that the Scheme would not become a defining feature of the landscape at year 1. Please refer to the response given for question 2.5.3 of the ExA Second Written Questions [REP4-058] for further detail.</p> <p>The Scheme will look to preserve the open character of the landscape where it is important to preserve this quality. The Scheme is designed to enhance and retain the existing landscape pattern and it is recognised that some features such as open character in contrast to enclosed areas is an important and defining feature.</p> <p>The Applicant submitted succinct information summarising the Landscape and Visual Impact Assessment within the tables submitted at Deadline 2. Please refer to the Supplementary Landscape Effects</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>convoluted reasoning and mitigation approach.</p> <p>We also wish to make the following points on the Applicant's byzantine documentation, lack of logic and inconsistencies:</p> <p>AHH Planning Consultants appointed by Lincolnshire County Council, to review the LVIA, state that, 'the LVIA and associated appendices, which while very detailed and extensive, makes the identification and clear understanding of key landscape and visual findings, as well as providing succinct review comments, difficult' and that the document is 'inaccessible to most readers and difficult to follow'. This illustrates the barriers to understanding that residents are experiencing. This failing of the Application material is prejudicial to our members and members of the public in the region.</p> <p>The Applicant has stated that the proposed development will have a negligible or beneficial cumulative impact on the landscape. However, within the Applicant's own documentation they</p>	<p>Tables [REP-060] and Supplementary Visual Effects Tables Revision A [REP2-052].</p> <p>Please refer to the Explanatory Note on Landscape and Visual Impact Submissions [REP-054] submitted at Deadline 2, which responded to the comments made by AHH Planning Consultants about the Landscape and Visual Impact Assessment (LVIA) [REP2-008].</p> <p>With regard to tourism, please refer to ES Chapter 8 LVIA [REP2-008] which considers both the landscape and visual effects of the Scheme on the local environment and any recognised tourist attractions/receptors. This takes account of views across the low-lying Till Vale and the 'Big Skies' as the baseline situation. The LVIA (paragraphs 8.5.152, 8.5.14, 8.5.21, 8.5.31 and 8.5.152 [REP2-008]) recognises the importance of these big expansive skies playing a part in the views across the Study Area along with other vertical elements such as water towers, power stations and wind turbines. The LVIA therefore considers that these features are the key characteristics of the landscape in the context of visitor</p>

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			<p>argue the opposite. Paragraph 18.7.112 of the Socio-economic chapters (Doc. Ref. EN010133/APP/C6.2.18) states that 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'. This statement from the Applicant undermines their LVIA findings and conversely the LVIA findings undermine the Socio-economic statements as cited.</p> <p>7000Acres agrees with the conclusions made in the AHH Planning Consultant's report:</p> <p>"the industrial development of the landscape will (paragraph 4.11, AHH) bring about an extensive change on land use...and subsequently the openness and perception of solar development: creating what may be perceived as an 'energy landscape' as opposed to rural or agricultural one at present, which is a complete change of character."</p> <p>This contrasts with the Applicant's consultants who have used "professional</p>	<p>enjoyment and that the effects on these receptors will be not significant.</p> <p>It is the Applicant's view that the Scheme would not lead to a complete change of character to the landscape. Please refer to response given for comment LCC-23 in C8.1.2 The Applicant's Responses to Relevant Representations [REP-049].</p> <p>The Applicant disagrees with the comments suggesting a Rochdale Envelope approach has not been adopted in the ES. Please refer to response given for comment 7A-23 in C8.1.29 Applicant's Responses to Deadline 3 Submissions [REP4-057].</p> <p>In response to the comments made relating to removal of hedgerows and trees subject to TPOs, please refer to the Applicant's response to the ExA's Second Written Question 2.1.4 [REP4-058].</p>

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			<p>judgement" to dismiss any adverse impact in their LVIA, even claiming that 4.5m high solar panels will "enhance" the landscape!</p> <p>The Applicant's 5km Study Area is based on the visibility of the Scheme. Due to the existence of multiple sites across a large geographical area in the West Lindsey District, the visibility of the Scheme as whole covers an expanse of land that means multiples of 5km Study Areas are conjoined. The justification for the 5km limit is given in relation to the existence and retention of a 'strong framework of hedgerows and tree cover' (8.4.11) amongst other things. If the Rochdale Envelope is adopted and the Draft DCO approved, then the 'worst-case' scenario of the removal of all trees and hedgerows (including TPO'd trees) in the vicinity of and extending beyond the Order Limits, will mean that the parameter of the 5km Study Area radius is fundamentally flawed and that visibility will extend beyond this distance and in turn significantly affect many sensitive receptors across the District. These sensitive receptors include Landscape</p>	

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			Character Areas, such as the Ridge Area of Greater Landscape Value (AGLV) and Gainsborough AGLV and the historic and internationally important Lincoln Cathedral and Castle.	
2.5.4	Simon Skelton [REP4-100]	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).	<p>After speaking at the CAH1 and afterwards having a brief chat to Eve Browning from IGP, I made the following comment on my CAH1 submission.</p> <p>"I am extremely grateful for Ms. Browning's understanding and compassion when my wife and I had a brief discussion afterwards. I would appreciate confirmation of the Applicant's commitment to accommodate. After many months of despair, it would be a real weight off our minds to know that at least we now have a sensible buffer around our home."</p> <p>Unfortunately after reading the Applicants response to my CAH1 submission it appears that they are not prepared to accommodate us at all, We ask for the panels to be moved northwards to provide an fair and acceptable break between the apparatus and our property and to use the</p>	Please refer to response to submission [REP4-105] reference SKS-01 within this document.

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			<p>topography of the land to provide immediate impact relief and even suggested the moving of scheme's non solar array fields to help accommodate this.</p> <p>The Applicant's response to part of my Deadline 2 submission shows the lack of understanding over visual impact, both locally and personally. See below.</p> <p>"With regard to views to the north, there are views from the secondary elevation at ground floor across a small lawned rear garden towards a small paddock bordered by a hedgerow, then with an area of deciduous woodland beyond. The woodland forms an 'L' shape and is a very strong feature in closing down visibility to the north and east of the property."</p> <p>As you know, this area of woodland is our own property and is an important and much used part of our home. It should not be treated as mitigation for a large scale solar scheme. There would be no mitigating effect offered by the Applicant's planting for many years, thus ruining the enjoyment of this amenity.</p>	

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			<p>This is why the solar infrastructure must be moved northwards as discussed.</p> <p>Our outbuildings are also mentioned as providing a screening effect, again these are part of our property and vital for our intended B&B accommodation plans. Overlooking a large solar plant would hardly attract custom.</p> <p>The Applicant is failing to act responsibly by not addressing the concerns of affected residents and is treating this application as if it does not need to. This is not a done deal, surely?</p> <p>Below is my email from the 1st of January 2024 to Eve Browning and the cottamsolarproject@planninginspectorate.gov.uk</p> <p>"Dear Eve, Having seen the notes attached to REP3-036, It appears that you are not willing to improve mitigation on our property as indicated at the CAH1. I hope this is not the case and these notes are just a summary of a previous position. As stated in my own submissions and during our chat, moving the panels back behind our trees the same as the adjacent field would make a</p>	

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			<p>significant difference to the visual blight on our home and our wellbeing. This would be a more acceptable buffer distance and would bring parity with other isolated properties. A small compromise that would be much appreciated. Please let us know your intentions."</p> <p>I have not yet had a reply.</p> <p>I do not consider 15 years for mitigation to be acceptable. As mentioned in previous submissions I have firsthand experience of native hedge planting here, and 15 years is not enough time to mitigate industrial structures of 4.5m in height, even if the planting is a success. The potential need for the replanting of failures and losses means that the mitigation clock could be reset to year 1 many times over. The proposed solar panel height and configuration means that significant visual impact and associated loss of landscape would continue indefinitely to the north and south of my property.</p> <p>The priority for us, Sir, is that the panels are at least moved back behind our trees</p>	

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			<p>so that we do not need to wait the rest of our lives for the impact to lessen and as stated before this is what was initially agreed. I would like definitive feedback on this please?</p> <p>EN-3 states that: Proximity of a site to dwellings 2.10.27 "Utility-scale solar farms are large sites that may have a significant zone of visual influence. The two main impact issues that determine distances to sensitive receptors are therefore likely to be visual amenity and glint and glare."</p> <p>We are the worst affected private property with arrays sited N, S, E&W. We require protection. The Applicant's idea of acceptability is far removed from the majority's view, with visual aids such as Photomontages being seriously flawed.</p> <p>Please understand the life-changing impact this proposal is having on us.</p> <p>Lastly, what consideration has been given to Statutory Blight in the event that a DCO is granted, and we need to sell?</p> <p>We have valuations from when we marketed last year. A considerable drop in interest and value would occur from</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			this scale of industrialisation and the visual impact on our home.	
6. Biodiversity and the Habitats Regulations Assessment				
2.6.1	Natural England [REP4-083]	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.	<p>Section 3.5 of the updated iHRA includes Natural England's comments upon the omission of consideration of the Ramsar designation. The applicant has engaged with Natural England regarding this; our comments are included at section 3.5 of the updated iHRA.</p> <p>Natural England concur with the updated rationale and conclusion within the iHRA, that likely significant effects upon the Ramsar Designation at the Humber Estuary can be ruled out. This is for the reasons as stated at paragraph 5.1.4 of the updated iHRA: 'large distances and presence of intervening land, infrastructure and settlements, together with the inherently low capacity for, and likelihood of, pollution events resulting from the solar energy generation and storage schemes'.</p>	The iHRA was updated to include assessment of the Humber Estuary Ramsar Site (see [REP3-024]). Engagement on the issue has been sought with Natural England throughout. Consequently, the Applicant and Natural England are in agreement on this matter, as represented in the signed Statement of Common Ground [REP3-047].
2.6.1	Roy Clegg [REP4-092]	Natural England's views are sought on the Revised Information to Support a	There appears to have been no consideration of the impact of EMF on Flora and Fauna or Biodiversity and Habitats as not in my previous Written	In reference to general effects of EMF on flora and fauna, please refer to the Applicant's response given to question

ExQ	Respondent	Question	Response	Applicant's Comment
		Habitat Regulations Assessment document [REP3-024], which has been updated to include the Humber Estuary Ramsar site.	Representations. Will the ExA respond please?	1.13.32 of the ExA's first written questions contained in document [REP2-034]. In relation to the Humber Estuary SPA/SAC/Ramsar site, presence of sensitive aquatic receptors and the crossing beneath the River Trent by power export cables, please refer to the response given to question 2.13.11 of the ExA's second written questions contained in document [REP4-058].
2.6.4	Natural England [REP4-083]	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	The Applicant's response to Question 1.6.13 about mitigation and compensation for impacts to protected species and protected sites is correct. These measures can be counted towards a Biodiversity 'No Net Loss', as long as a 10% gain is provided via other means. It is compensation for impact to Irreplaceable Habitats (i.e. ancient woodland) which cannot be counted towards Biodiversity Net Gain. However, no such compensation is required for this scheme. Natural England would always recommend that 10% BNG is provided and would welcome a commitment to a minimum of 10% BNG within the DCO, as	Please refer to the Applicant's response to question 2.1.9 in its Responses to ExA Second Written Questions [REP4-058]. The Applicant has now considered the specific minimum % that will be required for habitat, hedgerow and river units to allow for sufficient flexibility for any future changes to the biodiversity metric and the detailed design of the Scheme, and has included these percentages in requirement 9 in the draft DCO submitted at Deadline 5 [EX5/C3.1_G]. The Applicant has also committed to delivering all of the measures set out in the Outline LEMP [REP4-035].

ExQ	Respondent	Question	Response	Applicant's Comment
		DEFRA's 2022 BNG consultation in this regard.	it is intended that this will become mandatory for NSIPs in November 2025. However, as this is not yet mandatory, we raise no additional concerns on this matter.	
7. The water environment				
2.7.5	Environment Agency (EA) [REP4-077]	Please confirm whether your organisation is now content with the Applicant's approach to the buffer from watercourses.	<p>We note the distances shown in Part 9 of the Draft Development Consent Order Revision E dated 19 December 2023.</p> <p>These distances seem pretty standard and it appears the wording has been lifted from the Environmental Permitting Regulations 2016 so we have no issues with them.</p> <p>We are, however, aware that page 11 of the Outline Operational Management Plan (Revision B dated December 2023) makes reference to buffers from watercourses, but it does not specifically mention main rivers. It is considered this should be amended to read:</p> <p>Stand-off distances from waterbodies are:</p> <ul style="list-style-type: none"> • EA Main Rivers, Ordinary Watercourses and Ditches – 8m 	The Applicant notes this comment and has amended the Outline Operational Environmental Management Plan [EN010133/EX5/C7.16_D] , which is secured by Requirement 14 of the draft DCO [EX5/C3.1_G] , submitted at Deadline 5 accordingly.

ExQ	Respondent	Question	Response	Applicant's Comment
			<ul style="list-style-type: none"> • IDB watercourses – 9m • Other water bodies – 25m <p>Please can the applicant address this point.</p>	
8. Soils and agriculture				
2.8.1	Lincolnshire County Council (LCC) [REP4-070]	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?	<p>Prior to work commencing this Cable Route Corridor should be subject to a survey to record soil physical characteristics such as horizon depth and texture. A detailed ALC survey, as undertaken for the Sites, would not be appropriate as the 100m spacing of sample points would be widely spaced around the narrow trench excavation. Instead a specific sampling of soil within the proposed Cable Route Corridor should be undertaken as part of the final SMP. This will enable effective segregation of topsoil and subsoil horizons during excavation and infilling of the cable trench.</p> <p>8.4.1 Cable trenches should be restored to their current ALC grades, as informed by the proposed detailed ALC survey of the cable corridor.</p>	Please refer to the Applicant's response to question 2.8.1 in Applicant's Responses to ExA Second Written Questions [REP4-058] . A soil survey of the Cable Route Corridor (including ALC assessment) will be undertaken post consent and prior to the commencement of construction.

ExQ	Respondent	Question	Response	Applicant's Comment
2.8.2	Lincolnshire County Council (LCC) [REP4-070]	How would damage to the field drainage be avoided?	Damage may not be avoidable, but detailed records of condition of the cable corridor should be made pre entry. Regular inspections of the route during cable laying to identify drains and areas of damage should occur so that remedy can be made post construction	Where any field drains are encountered by the Cable Route Corridor trench, these will be cut to enable the cable to be laid below their depth, then reconnected with a new section of drain before the trench is backfilled over the drain. Farmers will be questioned regarding the presence and orientation of drains, and the specification of the drain itself so that appropriate field drain pipe section will be on hand.
2.8.5	Lincolnshire County Council (LCC) [REP4-070]	Can the Applicant provide some details of the farming circumstances along the cable route corridor?	The land will be taken out of mostly arable production and this represents a loss of crops and bi-products such as straw for the life of the project. Some sheep or small animal grazing may occur at the site but this represents largely a maintenance or 'keeping tidy' exercise rather than substantial agricultural production. Whilst nationally the loss of production may be seen as small, nevertheless the impact on local farms will be significant and it could have knock on effects to the local agricultural supply merchants such as tractor/machinery suppliers and inputs such as ag-chemicals and fertilisers. The loss of total yields of combinable crops over a 60+ year timeframe is also quite substantial. The	As noted at paragraph 19.3.7 of the ES Chapter 19 Soils and Agriculture Revision A [REP-010] , the cable route corridor has not yet been subject to soil surveys or farming circumstances assessment as the narrow cable trench will need a specific survey along its actual path to inform soil management planning of the trenching works. Detailed ALC survey of fields places sample points at 100m intervals, too widely spaced to monitor soil variation within the soil to be excavated for the trench. Farming circumstances information for the Cable Route Corridor will be obtained post consent. This will include greater detail on current land use, for instance the actual cropping of land at the time of the cable

ExQ	Respondent	Question	Response	Applicant's Comment
			soil management plan recognises that "There is little evidence available regarding any impact on soil health specific to solar panels over a 40-60 year timescale, however in comparison to the effect of reverting arable land to grass, any detectable effect of solar panels is anticipated to be marginal."	trenching work rather than a typical arable rotation across a farm's arable land. This will enable an assessment of particularly sensitive periods of time for trenching work to seek to avoid, for instance target harvest dates. Compensation will be paid to landowners for any loss or damage, for example crop damage, if it is not practicable to avoid sensitive periods of time.
2.8.6	Lincolnshire County Council (LCC) [REP4-070]	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.	<p>Prepare a plan of topsoil units within the Sites and the Cable Route Corridor</p> <p>Avoid handling of soils to be carried out during periods of prolonged, heavy rainfall; or when soils are simply too wet to handle, as defined by The Plastic Limit.</p> <p>Additional soil surveys should be undertaken on the route of the grid connection works,</p> <p>Cable Route Corridor should be subject to a survey to record soil physical characteristics such as horizon depth and texture.</p> <p>Prior to beginning work of the solar panel deployment and development of the associated infrastructure, a dense</p>	<p>As per the Natural England response below [REP4-083] Natural England are satisfied with the updated outline Soil Management Plan that has addressed issues raised by NE.</p> <p>As noted at paragraph 4.1.1 of C6.3.19.2 ES Appendix 19.2 Outline Soil Management Plan Revision B [REP3-010], which is secured by Requirement 19 of the draft Development Consent Order [EX5/C3.1_G], before construction work commences, additional soil surveys should be undertaken on the route of the grid connection works.</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			vegetated cover should be established to eliminate areas of bare soil.	
2.8.6	Natural England [REP4-083]	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.	<p>Natural England are satisfied with the updated outline Soil Management Plan.</p> <p>The update has specifically addressed the below three issues raised by NE in relation to the oSMP:</p> <ul style="list-style-type: none"> - Commitment to restore the agricultural land within the order limits to the same ALC grade following decommissioning. - Commitment to restore cable trenches to the same ALC grade following construction. - Commitment to monitor soil health for the lifetime of the development to inform remediation and the wider understanding of the impact of solar projects on soil health. 	The Applicant notes this comment.
2.8.7	Lincolnshire County Council (LCC) [REP4-070]	Please explain why cumulative effects on soils and agriculture is 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	The report concentrates on the soil resource impact and suggests that it will be minimal, but the loss of agricultural production is not well addressed due to lack of data. The impact on individual holdings is unclear again due to lack of data.	There is no baseline of agricultural production to assess any effect of the development against. This is as annual agricultural production is sensitive to many factors including markets, farm support payments and weather.

ExQ	Respondent	Question	Response	Applicant's Comment
		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.		<p>The Environmental Statement Chapter 19 Soils and Agriculture Revision A [REP-010] concentrates on land resource and the presence of best and most versatile land as this is the direction given by national planning guidance.</p> <p>ES Chapter 19 [REP-010] Soils and Agriculture Revision A addresses the potential effects on individual farm businesses occupying land within the Sites.</p>
2.8.8	Lincolnshire County Council (LCC) [REP4-070]	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, when deciding what sites are most appropriate for development"</i> (footnote 62). IPs are invited to comment.	In our view the inclusion and now specific reference to the need to recognise and consider the value of agricultural land for food production is a material planning consideration and reinforces the need to ensure that should the DCO be granted then it is necessary that measures are secured to ensure sheep grazing is undertaken on the land during the 60 year operational period (albeit this is not like for like replacement in terms of potential yield or value in terms of food production). It also reaffirms the need to ensure provision is made for early decommissioning and reinstatement of	<p>The recent revision to the NPPF does introduce food production in footnote 62 of paragraph 181. As LCC note the footnote states that <i>"The <u>availability</u> of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development."</i> (our emphasis).</p> <p>Agricultural land within a solar farm is available for food production, grazing sheep on the pasture below and between solar panels. A measure to secure grazing through the DCO would not be appropriate given that under business as usual, no</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			the land occur in the event the development ceases operating before the 60 year period sought.	<p>farmer is required to use farmland for food production or to produce any crop to a minimum intensity.</p> <p>It is important to note that the NPPF must be read in the context of NPS EN-3 (November 2023) Under the heading of Agricultural Land Classification and Land Type paragraph 2.10.29 notes that land type should not be a predominating factor in determining the suitability of the site location. NPS EN-3 also makes no reference to food security but recognises that <i>"solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement"</i> (paragraph 2.10.11)..</p>
2.8.8	7000 Acres [REP4-087]	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, when</i>	<p>The revised NPPF is consistent with longstanding Government policy.</p> <p>The Secretary of State for Communities and Local Government stated on 25 March 2015:</p>	See the response to LCC's comments on ExA Question 2.8.8 above. NPS EN-3 (November 2023) was designated on 17 January 2024. This document gives guidance for NSIP projects on how applications for energy infrastructure will be assessed.

ExQ	Respondent	Question	Response	Applicant's Comment
		<p><i>deciding what sites are most appropriate for development"</i> (footnote 62). IPs are invited to comment.</p>	<p><i>"Last year, the Coalition Government published a comprehensive solar photovoltaic strategy setting out our ambitions for the technology as an important part of the United Kingdom's energy mix. In doing so, the strategy underlines the importance of focusing growth on domestic and commercial roof space and previously developed land."</i></p> <p>This statement is consistent with the 2023 Skidmore Review (Skidmore Review paragraph 266²) that calls for a <i>"rooftop revolution"</i>. So in citing the use of domestic and rooftop solar the Government is presenting a long standing and consistent policy.</p> <p>The Secretary of State's Statement then said:</p> <p><i>"Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high-quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular</i></p>	<p>Regarding food production and applicable policy, please refer to the Applicant's response to 2.2.2 in the Applicant's Responses to Deadline 4 Submissions [REP4-058].</p> <p>With regard to biofuels, the most productive biofuel crops need over an order of magnitude greater area of land to generate the equivalent MWh of power per year as a unit area of solar, but without the additional benefit of livestock grazing and recovery of soil health. Solar has therefore significant advantages over all biofuel crops.</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p><i>factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality".</i></p> <p><i>These principles are consistent with the updated National Planning Policy Framework.</i></p> <p><i>7000Acres believes that the loss of agricultural land is a major concern, especially when the cumulative effects of the other five solar NSIPs in the local area are taken into consideration. These will result in the loss of circa 15,000 acres of food producing agricultural land for up to 60 years. The Applicant has not taken any account of the loss of food production, and consequent need to import food, resulting in increased greenhouse emissions. Therefore, the</i></p> <p><i>Applicant has not taken account of a reasonable worse case, as required under a Rochdale Envelope.</i></p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p><i>The House of Commons Environmental Audit Committee Report – Environmental change and food security – dated 26 November 2023, strongly supports the need for locally produced food. In particular:</i></p> <p><i>“We expect the Government to publish its Land Use Framework no later than the last sitting day in December 2023, and recommend that it must fully integrate food security as a central principle. It must evidence how the Government’s goal of improving productivity within existing uses can be achieved without negative environmental impacts; and provide its methodologies for calculating how the objectives of enhancing food security and meeting the Government’s targets on net zero and biodiversity will be met.</i></p> <p><i>We recommend that the Government should set a target for half of public money spent on food to be produced within the local area or to higher environmental standards; publish national guidance on sustainable diets; and include within the school curriculum science-based education about the environmental impacts of food production. We recommend that the Government designate food security as a</i></p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p><i>public good and incorporate food security and environmental goals more explicitly in the design of Environmental Land Management schemes.</i></p> <p><i>We recommend that the Government publish its priorities for agricultural innovation research and development—referring to the list we compiled from the extensive evidence we received—to provide clarity for researchers, industry, and investors.</i></p> <p>Paragraph 31 (page 20) of the Report is quite telling:</p> <p><i>“Every hectare of arable land that we convert to housing or something and then offshore the food production must be replaced by on average</i></p> <p><i>2.5 hectares of land overseas, which will often be in tropical countries that will, therefore, have a much higher biodiversity impact, sometimes three to four times higher than in the UK”.</i></p> <p>The Cottam NSIP is planned to cover 1,150 hectares of farming land, which would require replacement by 3,335 hectares of farming land overseas. The</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>Applicant's Chapter 7 has not taken account of the displacement of agricultural land overseas and the consequent biodiversity impact – "typically three or four times higher than the UK."</p> <p>Finally, the Applicant has not taken account of the biofuels already grown in the region. Consequently, the Applicant's Chapter 7 should address the loss of biofuels in their baseline assessment.</p>	
9. Cultural Heritage				
2.9.2	Historic England [REP4-079]	<p>With regard to the Thorpe Medieval Settlement Scheduled Monument (SM), can Historic England please explain:</p> <p>i) how the former historic east-west boundary relates to the significance of the SM;</p> <p>ii) what the setting of the asset to be in that direction; and</p> <p>iii) how the solar arrays would relate to the former historic east-west boundary and whether the proposed</p>	<p>i)</p> <p>This former boundary has a direct historic landscape relationship to the shrunken settlement remains to its south and the rising round upon which Thorpe le Fallows sits. The irregular line of this east-west boundary as shown on the 1st edition OS 1:2500 mapping suggests it sat in an organic relationship to the pattern of open-field cultivation strips and associated land tenure, in contrast to the straighter more regular subdivision of strips characteristic of more structured enclosure.</p>	<p>The Applicant considers that embedded mitigation, as stated in paragraph 13.8.10 of ES Chapter: 13 Cultural Heritage [APP-048], of setting back the proposed solar panels 50m from the northern edge of the Scheduled Area to be sufficient mitigation to reduce the impacts on the setting of the Scheduled Monument.</p> <p>The Applicant considers that the former east-west field boundary belongs to a post-medieval landscape, and as such setting the panels back to this location would not contribute further to the significance of the scheduled medieval settlement. Neither does the Applicant consider that Historic</p>

ExQ	Respondent	Question	Response	Applicant's Comment
		<p>boundary treatment has a bearing in this regard as mitigation.</p> <p>These were matters that were raised by the ExA at ISH2 where it concerned the historic environment.</p>	<p>As explored in the schedule entry "The monument includes the earthwork remains of the medieval village of Thorpe, a small settlement established before the late 11th century. Documentary evidence for a church at Thorpe first occurs in the mid-12th century. Throughout the medieval period the parish was divided into four different holdings, some part of monastic estates; during this time the population of the village remained fairly static at about 10-15 households. Following the Dissolution of the monasteries in the 16th century, the parish came under the single ownership of the dean and chapter of Lincoln, and in the 17th and 18th centuries the village gradually became depopulated. The church was demolished early in the 17th century, and in the early 18th century the parish was enclosed. Two farms in the village continued working into the 20th century. While the medieval ridge and furrow cultivation remains which formerly surrounded the village have been levelled by modern ploughing, most of the area of the</p>	<p>England's proposed set back would enhance the experience of the heritage asset or reduce the impact compared with what has already been achieved by the mitigation set out in paragraph 13.8.10 of ES Chapter 13 Cultural Heritage [APP-048].</p> <p>The Applicant acknowledges that an element of the Thorpe in the Fallows Shrunken Medieval Village (SMV) significance is derived from the visual relationship with the extant field boundaries to the north, which have fossilised likely contemporaneous medieval field systems, as well as the historical relationship to an open agricultural field that would have formed an element of the agricultural land cultivated by the residents of Thorpe in the Fallows. The Heritage Statement [APP-125 to APP-128] has established in section 3.3 that the scheme will obscure views of the fossilised field boundaries and have an industrialising effect on the character of the field. The proposed mitigation of a 50m set back is intended to provide a buffer zone that illustrates the distinction between the SMV and the Scheme as well</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>medieval village is still visible as a series of earthworks.”</p> <p>The former field boundary to the north of the monument is part of the story of a small settlement with an Anglo Scandinavian name indicative of a secondary settlement perhaps not on the best of land, it never grew particularly large and seems to have made it through the deprivations of the Black Death in the 14th century and subsequent economic pressures to fade away relatively late. The former boundary that we suggest is reinstated is part of that story and would set the new development in a structured historic landscape with the monument thereby addressing rather than wholly imposing upon its significance.</p> <p>The significance of the monument is not set in a singular medieval moment of fully open fields and peak population that can be juxtaposed to an equally static post-medieval landscape of depopulation and enclosure. Central to the understanding and appreciation of shrunken or deserted medieval villages is that the archaeological remains we encounter relate to complex and extended</p>	<p>as providing a strip of land that illustrates the agricultural character of the field. The proposed set back will not totally avoid adverse effects on the SAM, as it will not avoid the fossilised field boundaries being partially obscured or the change of character of operations within the field. However, the Applicant considers that the current proposed set back will achieve the intended aim, to provide a buffer that demonstrates a distinct separation between the solar panels and the SMV through the presence of a strip of land that demonstrates the historical agricultural character of the field to the north.</p> <p>It is the Applicant's view that the increased set back suggested by HE will also provide a buffer and illustrate the historical agricultural nature of the field. However, the Applicant considers that HE's proposals will not reduce the harm to the to any greater extent than the Applicant's proposed 50m set back. The Applicant considers that the increased set back proposed by HE would still obscure views of the fossilised field boundaries from the SMV as well as having an industrialising effect on the character of the field. The</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>processes of social and economic change; sudden changes may occur but they do not define the limit of interest or understanding. Significance is therefore [diachronic] concerned with the history and evolution of the monument in this landscape rather than [synchronic] confined to certain particular points in time.</p> <p>ii)</p> <p>As set out in the NPPF Glossary (Dec 2023) "Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." The setting of Thorpe Medieval Settlement scheduled monument is the landscape in which it is experienced and understood. In this instance that includes both the extensive landscape context which give a feel for how the medieval village sat in relation to other settlements and natural features but also the more immediate</p>	<p>Applicant therefore considers that the larger set back suggested by HE would not be sufficient to reduce the effect to less than moderate adverse, and it would remain a significant effect.</p> <p>Full details are provided in the Statement of Common Ground [REP-065] and remain under discussion with Historic England.</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>context of the field which provided subsistence for this agrarian peasant community and surplus to support the church, lordship and taxation. Thorpe le Fallows / in the Fallows is quite literally a settlement set within its former fields which will have been turned to grazing as population fell (prior to modern re-cultivation). Whilst setting is not spatially fixed in this case the ability to see the settlement earthworks in the context of the fields which supported them is of great importance. A 50m offset taken to an arbitrary line would not in our view sustain the ability to experience the monument in context, taking the edge of the array back to the other side of an historic boundary line and reinstating that line as a hedge would allow the monument a coherent field as agrarian setting in direction.</p> <p>iii)</p> <p>We have set out a reasonable measure to conserve and better reveal the significance of the scheduled monument, and reframe it in the context of the harm resulting from development's transformation of its agrarian setting. The</p>	

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			<p>reinstatement of this former boundary as a limit to the solar array is both proportionate and necessary to a sustainable planning outcome. The irregular character of the boundary is important to the effectiveness of this mitigation, any functional straight-line security fencing would need therefore to sit north of the reinstated boundary. To be effective as mitigation the reinstated boundary would need to be a laid hedgerow and would benefit from the inclusion of some standard trees for instance crab apple, field maple etc.</p> <p>Historic England envisages that the historic boundary would be reinstated on or about its former line derived from the first edition ordnance survey 1:2500 scale mapping. The historic mapping does not indicate the physical form of the boundary but the slightly irregular line and character of extant boundaries in the area would suggest a hedge and bank. The reinstatement of the former boundary would put the array in a separate space from the immediate environs in which the monument is appreciated and understood, its</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			immediate context would be agrarian rather than solar. Whilst the array would likely still be visible from the monument the reinstated (hedge boundary) would provide some screening of the security fencing and the panels themselves. We assume the panels would start once they were clear of the shadow from the new hedge.	
2.9.3	Historic England [REP4-079]	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.	Historic England met with Lanpro heritage consultants to the applicant today (10/01/24) both Historic England and the Applicant's positions are unchanged which will be noted in the Draft SoCG. Historic England's position remains that the scheme should be revised to the former field boundary north of the scheduled monument (to mitigate setting impacts upon its significance), the applicants have thus far declined to make that amendment.	The Applicant met with Historic England on the 30/01/2024 and both parties' positions remained unchanged. Full details are provided in the Statement of Common Ground [REP-065] and remain under discussion with Historic England.
2.9.4	Historic England [REP4-079]	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	This would be a potentially harmful impact in NPS/NPPF terms at a level of less than substantial harm (in respect of the Grade I listed Castle in its Grade II registered park etc), the impact upon the significance of monument (that it derives from the character of its historic	The Applicant agrees with Historic England that the distance, scale and location of the arrays limit the impact on the significance the monument derives from the character of its historic landscape setting to the east. The residual effects on Fillingham Castle at both construction and operational phases

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		potentially harmful impact? If so, please indicate whether Historic England considers it would be substantial or less than substantial.	landscape setting to the east of the Castle) is limited by distance and scale and location of the arrays beyond the more immediate and structured designed landscape relationship to Fillingham village, lake etc.	was assessed to be Slight Adverse in ES Chapter 13 Cultural Heritage [APP-048].
2.9.5	Historic England [REP4-079]	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. Does Historic England consider that it would provide adequate protection against damage to this asset?	The measures set out at 6.14 in [REP3-008] appear appropriate to provide adequate protection against damage to this asset.	The Applicant notes this comment.
2.9.7	Lincolnshire County Council (LCC) [REP4-070]	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	We are guided by our professional Chartered Institute for Archaeology (CIfA) Guidance and Standards, their definition of a field evaluation is 'to determine the presence or absence of archaeology, to define their character, extent, quality and	The Applicant is not aware of any published local or national guidance that sets out the required percentage of evaluation trial trenching that is required to support a proposed development that has a low impact to buried archaeological

ExQ	Respondent	Question	Response	Applicant's Comment
		provide details of where these percentages are taken from, as regards guidance.	<p>preservation, and enable an assessment of their significance.'</p> <p>For archaeological consultants there is ClfA's Standard and guidance for commissioning work or providing consultancy advice on archaeology and the historic environment. Section 3.1.2a states that "Advisors should ensure that their advice regarding the scope of any assessment of archaeological or cultural heritage significance complies with the relevant ClfA Standard and guidance, and is sufficient to ensure as full an understanding as is reasonably possible of the potential impact of change on the asset's significance. This should include consideration of all aspects of the historic environment, be proportionate to both the significance of the asset(s) and the potential impact of the proposal on them, and be clearly explained and reasoned."</p> <p>The East Midlands Association of Local Government Archaeological Officers currently agree to 2-3% trenching across the region.</p>	<p>remains, such as a solar-based development.</p> <p>Please refer to the Comparison of Archaeological Evaluation Investigations on Solar Schemes [REP3-041] and the Applicant's response 2.9.9 in its Responses to Deadline 4 Submissions [REP4-058].</p>
2.9.7 and 2.9.8	Nottinghamshire County	[2.9.7] LCC and NCC have both referred to percentages of how	[2.9.7] A number of projects have investigated the success rate of different	The Applicant is not aware of any local or national guidance that sets out the

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	Council (NCC) [REP4-071]	<p>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.</p> <p>[2.9.8] 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.</p>	<p>levels of evaluation trenching. The most recent, from 2022, was funded by HE, and involved ClfA. This is its link: https://www.archaeologists.net/sites/default/files/projects/EVALS%201%20Final%20Report%20for%20publication.pdf.</p> <p>This quotes earlier work by Waller, 2008, from her PhD thesis (Waller, R., 2008. Archaeological evaluation, land use and development: an application of decision analysis to current practices within local government development control processes. Doctoral Thesis (Doctoral). Bournemouth University.) "Waller concluded that "an untested industry standard set around a 2%...is flawed and unsustainable...Trial Trenching has now been shown by this research to require at least a 6% sample to identify 66% of periods present on a site and a Sample Percentage size of 10% is even more preferable [to] allow Archaeological</p>	<p>required percentage of evaluation trial trenching that is required to support a proposed development which has a low impact to buried archaeological remains, such as a solar-based development.</p> <p>As detailed in Section 3.5 of Evaluation Strategies (EVALS1)¹, the report referenced by NCC as being undertaken on behalf of the Chartered Institute for Archaeologists and funded by Historic England, the study only examined developments that caused a high impact (such as residential, infrastructure, minerals development). Paragraph 4.4.4 of EVALS1 highlights that there is currently no agreed definition of what is considered proportionate, and that there has been a general lack of consideration to the level of impact caused by a low-impact scheme.</p> <p>Please refer to the Comparison of Archaeological Evaluation Investigations on Solar Schemes [REP3-041], the Applicant's response 2.9.9 in its Responses to Deadline</p>

¹ Powers, 2022, Evaluation Strategies (EVALS1) Understanding current practice and encouraging sector engagement. Accessed Online: <https://www.archaeologists.net/news/evaluation-strategies-evals1-understanding-current-practice-and-encouraging-sector-engagement>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>Curators to be confident that the results of Field Evaluation will provide enough information to accurately predict the Date and Type of any archaeological remains present on a potential development site." (Waller 2008, 209). It is worth noting Ruth Waller was a curatorial archaeologist with 16 years' experience at the time of her thesis.</p> <p>Both of these pieces of work build on the work of Hey and Lacey (Hey, G. and Lacey, M. 2001. Evaluation of Archaeological Decision-making Processes and Sampling Strategies. Oxford, Oxford Archaeological Unit). This work provides useful insights to the types of sites that will be missed by evaluation sampling at variable levels. As curators, we should not be working to % levels, but when significant applications come through with such low levels of intrusive evaluation, there is little alternative.</p> <p>Developing regional policy will recommend that a positive and professional approach to evaluation is adopted across the region, supported by an evaluation rate of the total proposed</p>	<p>4 Submissions [REP4-058] and agenda item 3a of the Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 2 and Responses to Action Points [REP3-033].</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>development area of between 3% and 5%.</p> <p>[2.9.8] The works quoted above each demonstrated that isolated features are frequently not identified at evaluation rates of less than 10%. Complex and highly significant sites can be totally missed by evaluation at low rates. Archaeological sites for which standard trenching evaluation techniques only work by serendipity include Palaeolithic, Mesolithic, most Neolithic, a fair bit of Bronze Age, and almost all Anglo-Saxon sites. That covers most of human history.</p>	
2.9.8	Lincolnshire County Council (LCC) [REP4-070]	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.	Trenching is the archaeological technique which locates these types of archaeological feature and burials, they do not for example come up in geophysical survey results or LiDAR. We are therefore concerned because only 17.5% of the redline boundary has had trenching evaluation, leaving the archaeological potential for over 80% undetermined. This means that effective mitigation of the impact of the development is not possible: trenching	The Applicant respectfully disagrees that the archaeological potential for over 80% of the Scheme is undetermined. The Applicant refers to its responses during Issue Specific Hearing 2 (ISH2) (see Written Summary of the Applicant's Oral Submissions & Responses at Issue Specific Hearing [REP3-061]). In particular as evidenced at ISH2, the Applicant considers the archaeological evaluation, which comprised geophysical survey [APP-110 to APP-122] , air photo and LiDAR [APP-124]

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>results provide site-specific information on the location, depth, extent and significance of surviving archaeology across the scheme, and provide the basis for effective deployment of reasonable proportionate mitigation techniques to preserve or record the archaeology which will be damaged or destroyed by the development works.</p>	<p>and targeted evaluation trial trenching [APP-129 to APP-130] to be sufficient to inform the DCO application and a robust mitigation strategy, and is in line with NPPF, NPS EN-1, NPS EN-3, the Central Lincolnshire Local Plan 2023 (Policy S57), as well as guidance produced by Historic England, the Chartered Institute for Archaeologists and the Lincolnshire County Council Archaeology Handbook.</p>
2.9.8	Lincolnshire County Council (LCC) [REP4-070]	<p>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.</p> <p>To what extent do these sites (or some of these sites) share archaeological similarities with</p>	<p>Some of these sites include areas which have been removed to allow archaeology to be preserved, Little Crow for example has a large central exclusion area for the Medieval Priory and much of the trenching evaluation was based on determining the extent of significant archaeology. Several of the proposed Lincolnshire NSIPs have removed areas from development following the trenching results, and this is exactly how archaeological evaluation should work, with evaluation informing effective mitigation measures to avoid developmental impact. Sufficient site-specific evaluation is the essential basis</p>	<p>As detailed in the WSI [REP4-025] several areas within the Scheme have been recommended for in situ preservation in the form of no solar development (i.e. exclusion zones) as a result of archaeological evaluation identifying a substantive concentration of buried archaeological remains.</p> <p>It should also be noted that there are also several areas that will be used for ecological mitigation within the Scheme, that will have resulted in 'no impact' areas.</p>

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		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]?	for effective mitigation and allows for reasonable and proportionate deployment of mitigation measures.	
2.9.9	Nottinghamshire County Council (NCC) [REP4-071]	<p>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.</p> <p>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</p>	<p>Most curatorial archaeologists would probably agree that we have in the past let far too many sites go for development without adequate evaluation, as this Comparison document shows. There are a range of reasons why this has happened. As an example we have been told that the actual development impact is minimal. Increasing experience of seeing such sites being constructed, plus seeing the early ones come forward for refurbishment schemes have allowed us to re-consider. Preceding cases which were not dealt with in an appropriate manner, for whatever reason, should not be used to justify continuing loss of the largely unknown archaeological resource without record.</p>	<p>The Applicant respectfully disagrees that recent experience of the development of solar schemes has demonstrated that they cause a high level of impact to buried archaeological remains, and justify a large quantity of trenching that is in line with housing or commercial schemes, which have the potential to caused up 100% ground disturbance. The Applicant considers that this assertion contradicts paragraph 2.10.109 of NPS EN-3 (January 2024).</p> <p>Please refer to the Comparison of Archaeological Evaluation Investigations on Solar Schemes [REP3-041], the Applicant's response 2.9.9 in its Responses to Deadline 4 Submissions [REP4-058] and agenda item</p>

ExQ	Respondent	Question	Response	Applicant's Comment
		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]?		3a of the Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 2 and Responses to Action Points [REP3-033].
2.9.12	Historic England [REP4-079]	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].	We defer to the expertise of the local authority archaeologists who will be best placed to comment on the Archaeological Trial Trenching Report having lead on this aspect of curation.	The Applicant notes this comment and agrees that the standard approach is for the local authority archaeologists to lead on the curation of archaeological assessment works that relate to non-designated heritage assets.
2.9.12	Lincolnshire County Council (LCC) [REP4-070]	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].	The report was well done, as was all of the evaluation work for the Gate Burton Solar Project Regarding the cable corridor itself there have been changes to the redline boundaries, a gap analysis has been undertaken and outstanding areas will be evaluated accordingly by another scheme.	<p>The Applicant is not aware of any gap analysis or commitment to undertaking outstanding evaluation works by another scheme.</p> <p>The evaluation trial trenching for the Shared Cable Route Corridor comprised a total of 130 trenches (125no 50m by 1.8m, 2no 40m by 1.8m and 3no 30 by 1.8m), which equates to a sample of 0.73%.</p> <p>As part of the Change Application, a programme of evaluation trenching was undertaken in October 2023, with the aim</p>

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				<p>of confirming the presence / absence of identified potential archaeological remains in fields directly to the south of the Cottam Power Station. Originally 11 trenches (c.1.65% sample of the additional shared cable corridor route) were agreed with LHPT, but due to access issues only five trenches could be excavated. This meant a total sample of 0.75% was undertaken and agreed to be sufficient to inform the DCO Application and mitigation strategy within the additional area of cable route.</p> <p>The five excavated trenches were located in the field to the north of Fleet Plantation Moated Site Scheduled Monument (NHLE 1008594) and had a high correlation with the non-intrusive evaluation results. The only feature recorded comprised an undated ditch of negligible significance) (see paragraph 7.1.1 of the Trial Trenching Report [EN010133/EX5/C8.4.13.2]). An updated WSI has been prepared incorporating the additional Change Application land [REP4-025].</p>
2.9.12	Nottinghamshire County	Please comment on the Archaeological Trial Trenching Evaluation Fieldwork Report for the Shared Cable Corridor	No specific response received from the Councils Archaeologist.	The Applicant notes this comment and considers the archaeological assessment works and proposed mitigation to have

ExQ	Respondent	Question	Response	Applicant's Comment
	Council (NCC) [REP4-071]	document submitted by the Applicant at Deadline 3 [REP3-049].		<p>been agreed with the archaeological advisor for Bassetlaw in Nottinghamshire.</p> <p>An updated WSI has been prepared incorporating the additional Change Application land [REP4-025].</p>
2.9.14	Lincolnshire County Council (LCC) [REP4-070]	<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>	The current version of the SoCG in respect of cultural heritage was updated by LCC on the 30th January 2024.	The Applicant notes this comment. An updated (and final) version of the Statement of Common Ground with LCC has been submitted at Deadline 5, which includes a 'Cultural Heritage Position Statement' as an appendix, setting out the position of LCC and the Applicant in respect of the cultural heritage assessment and proposed mitigation, so the areas of agreement and disagreement can clearly be seen [EX5/C8.3.2_D].
2.9.14	Nottinghamshire County	The ExA notes that the Statements of Common	This is noted and Nottinghamshire County Council will co-operate with other	The Applicant notes this comment. An updated (and final) version of the

ExQ	Respondent	Question	Response	Applicant's Comment
	Council (NCC) [REP4-071]	<p>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>	parties to ensure this requirement is met by Deadline 5.	Statement of Common Ground with NCC and Bassetlaw District Council has been submitted at Deadline 5 [EX5/C8.3.1]._ This confirms that the Cultural Heritage Position Statement, included as an appendix to the SoCG with Lincolnshire County Council [EN010133/EX5/C8.3.2_D] should be referred to for the position on heritage matters, which is shared by NCC and Bassetlaw District Council.:
11. Noise, vibration, air quality, and nuisance				
2.11.2	West Lindsey District Council (WLDC) [REP4-072]	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?	<p>Following consideration and review of the Applicant's responses to its LIR comments, WLDC's position on each point are as follows:</p> <p>1. WLDC welcomes confirmation that the magnitude of effect criteria for construction noise has been mapped incorrectly and the clarification that, notwithstanding this, the construction noise assessment has utilised the correct</p>	The Applicant refers to Sections 3.5 and 4.6 within the Statement of Common Ground with West Lindsey District Council [EN010133/EX5/C8.3.3_B] .

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>threshold value for significance (65dB). This clarification has addressed WLDCs concerns.</p> <p>2. The clarification of the approach adopted within the cable route corridor is helpful. This addresses WLDCs concerns with regard to the specific issue raised, but it is noted that exceedance of the 70dB threshold at three receptors remains an assessed impact.</p> <p>3. The response does not adequately address the matter raised by WLDC. The response cites that information on the noise assessment locations are 'summarised' in Chapter 15, para. 15.5.5 / 6, however these paragraphs do not provide a description of each location. The Applicant's response states that "full details of the noise monitoring surveys are presented in Appendix 15.1" however this Appendix simply identifies each location on a map and records the assessment results. There continues to be no information on the physical characteristics of each assessment location, which WLDC would expect to find within the ES.</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>4. The Applicant's response is noted, however, WLDC are seeking more detailed descriptions of locations to validate that appropriateness of the proxy locations to the receptors.</p> <p>5. The applicant's response has misunderstood the matter raised by WLDC. The adopted Scoping Opinion (March 2022) states (ID 3.10.2) that whilst the Inspectorate was content to 'scope out' vibration effects during operation, it also adds that "The ES should describe the potential sources of vibration arising from the operation of e.g. substation and battery storage infrastructure and any measures to control emissions". The applicant refers to ES Ch15 section 15.7, however this does not provide such a description. The ES is therefore wholly silent on any potential sources of operational vibration. The Applicant's response does not therefore address the matter raised and WLDC would welcome clarification on this matter.</p> <p>6. WLDC notes the response from the Applicant; however, it does not address the matter raised. The missing information that WLDC is seeking</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>includes assumptions used for noise and vibration predictions, contextual factors and relevant aspects of the project's proposals. This means that in many cases it is unclear what the results represent and if the stated impacts are valid. Additionally, the application of the EIA matrix presented in Table 15.12 of the ES chapter to establish significance can be confusing, resulting in "moderate" impact magnitudes being reported as not "significant". Clarification on these matters would be appreciated.</p> <p>7. WLDC's maintained concern is that, despite the potential for night-time working, the impacts have not been assessed. The ES relies upon the use of best most practicable means (as defined in Section 72 of the Control of Pollution Act 1974) to minimise noise and vibration effects outside of the assessed hours of work (night-time working). This results in there being no assessment of the likely significant effects that may occur and these impacts are not before the decision maker to take into the planning balance. Due to the potential cumulative situation, receptors may experience these effects</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>from multiple sources (projects and their respective activities) which could give rise to impacts on residential amenity that should be given due weight in the planning balance. The Applicant is acknowledging that noise and vibration impacts during the night-time are likely to occur and that they have not been assessed. Although the Applicant relies upon BS 5228-1:2009 as it is applied in Table 3.6 of the Outline Construction Environmental Management Plan (Rev C) (oCEMP), the 'Potential Impact' only relates to the practical activity and does not provide any assessed impact on receptors in terms of significance. It therefore remains that the impacts of acknowledged night-time working have not been assessed. The oCEMP provides some practical remedy, but is based upon un-assessed impacts and is imprecise as a controlling measure (mitigation).</p> <p>8. The Applicant's response does not address WLDC's concern. To provide more clarity, WLC would appreciate details relating to the following:</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<ul style="list-style-type: none"> • A plant list for a road resurfacing sub-activity linked to the cabling works, • The predicted activity noise levels for each construction activity (although sound power levels for each plant item are reported), • The predicted noise levels for each activity at each receptor, • Whether hard or soft intervening ground is assumed, • Presence of screening from existing structures or construction noise barriers that could reduce construction noise levels, • How the distances between the receptors and various construction activities were obtained (for example, whether they reflect the distance from the red line boundary or site plans with more detailed information), • How construction phasing has been considered, • Reasons for the receiver heights for the cabling being 1.5m only when 4m is also 	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>used for other activities (shown in Tables 15.17 and 15.19),</p> <ul style="list-style-type: none"> • Contextual information that explains what the predicted construction noise levels in Appendix 15.3 represent (e.g. the worst-case construction activity, all construction activities occurring simultaneously), and • Noise impacts at night at locations where night time working may occur. <p>9. WLDC notes the Applicant's response, however it does not address the matter raised. The information sought relates to the piling technique to adopted; that is whether percussive piling methods are assumed and whether these are in steady-state or start-up/run down conditions. The references provided by the Applicant do not clarify this matter.</p> <p>10. The matter raised by WLDC relates to information about sound sources considered in the operation phase. This is to enable confirmation of the scope of the assessment and the assumptions applied in the noise modelling. The Applicant's response is to refer to paras. 15.7.63-15.7.70 of ES Chapter 15,</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>however the information sought is not addressed in those paragraphs. To provide more clarity, WLDC seeks confirmation on the following:</p> <ul style="list-style-type: none"> • The number of conversion units, transformers and inverters proposed by the project, • Clarification on whether the values presented for transformers and inverters include the sound insulation of the conversion unit housing and louvre, • Supporting evidence that the 'typical' frequency spectra applied to the conversion units, transformers and inverters are appropriate in absence of manufacturers' data (paragraphs 15.7.55, 15.7.58, 15.7.60), • Clarification that the data presented in Tables 15.25, 15.26 and 15.27 represent the equipment at full capacity. • The operation phase results tables shown in Appendix 15.3.5 consistently show that the rating levels (specific sound level plus acoustic penalty) are higher at night than during the daytime (i.e. Table 15.3.11, Table 15.3.16, and Table 15.3.21). 	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>It is not clear from the Noise and Vibration chapter why the proposed development would emit more noise at night. The tabulated noise levels seem to contradict paragraph 15.7.68, which states that "the night-time noise levels are likely to be substantially lower in practice". Further clarification is required to confirm the level of impact.</p> <ul style="list-style-type: none"> • The rationale behind the selection of the background sound levels used in Appendix 15.3.5 remains unclear in this section of the ES and can affect the stated outcomes of the assessment. Paragraphs 15.7.74 and 15.7.78 in the ES chapter state that the rating levels are below 35dB for West Burton 2 and West Burton 3, whereas Appendix 15.3.5 shows rating levels above 35dB (Table 15.3.16, Table 15.3.21). Further clarification is required to confirm the level of impact. <p>11. WLDC note the Applicant's confirmation that no uncertainty has been included in the assessment. The justification provided is that this is due to 'robust baseline noise data, octave band frequency data utilised in the noise</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>model'. WLDC maintain, however, that there will always be a degree of uncertainty in any measurement of existing ambient of background sound levels due to, for example, environmental variation between days, weeks and throughout the year due to changes in source levels, conditions and meteorological effects on sound propagation. Such uncertainties are typically acknowledged withing noise assessments, including other solar farm NSIP projects.</p> <p>12. WLDC maintains its concerns regarding the lack of details provided with regard to the proposed acoustic louvres as a mitigation measure. Clarification is required to confirm whether the 10dB noise reduction refers to the overall performance of the product or specific frequencies. As Table 15.23 (ES Chapter 15) shows that noise emissions from conversion units are highest at 4000Hz, it is unclear whether there are proposals for this frequency to be targeted in the specification of the acoustic louvre.</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
12. Socio-economics, tourism, and recreation				
2.12.2	7000 Acres [REP4-087]	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?	<p>The Agent of Change principle is also relevant for many other local businesses. For example, leisure and tourism business will be impacted if the West Lindsay rural landscape is transformed into a solar industrial landscape.</p> <p>The NPPF paragraph 193 states: <i>"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."</i></p> <p>In addition to LNT, the Applicant is seeking to impose restriction on current</p>	<p>The Applicant refers to its response made in respect of Question 2.12.2 of C8.1.30 Applicant's Responses to ExA Second Written Questions [REP4-058] with regard to LNT Group.</p> <p>The Applicant is negotiating Protective Provisions with EDF and Uniper in relation to the Cottam Power Station site. The protective provisions will ensure that the Scheme would not impose "unreasonable restrictions" on their current operations, power station decommissioning activities, or future activities in relation to regeneration of the power station site. Please also refer to 3.1.4 (EDF) and 3.1.8 (Uniper) of the Applicant's Responses to ExA Third Written Questions [EX5/C8.1.33].</p> <p>The Schedule of Progress regarding Protective Provisions and Statutory Undertakers [EX5/C8.1.13_D] submitted at Deadline 5 provides an update on negotiations and Protective Provisions.</p> <p>With regard to other local businesses, the Scheme is not anticipated to lead to "unreasonable restrictions" being placed</p>

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>operators of the Cottam Power Station site (WR on behalf of EDF – Deadline 1-dated 17 Oct 23). The decommissioning of the site, National Grid and Uniper assets, as well as the Bassetlaw regeneration plan for the site are all placed at risk by the Applicant's proposal.</p> <p>The Agent of Change principle must be applied to any local business that will be impacted by the loss of amenity due to a change in the landscape characteristic. So far the Applicant has not offered mitigation to any local business.</p> <p>As an additional comment, the NSIP process is meant to be "front loaded", with the Applicant coming to examination with a coherent plan for their development. It is clear in this case that the Applicant has not engaged with stakeholders in advance, hoping to evade local scrutiny and opposition by use of the NSIP procedure and CA.</p>	<p>upon them. Although there may be some level of impact to some tourism-based business, the Scheme would not be impacting upon their ability to operate. These businesses furthermore were consulted with during non-statutory consultation in Nov-Dec 2021, statutory S.47 consultation in June-July 2022 (see C5.1 Consultation Report [APP-021]), and have had opportunity to make written representations to this examination. Where concerns have been raised, these have been directly addressed by the Applicant through written response, and where necessary, adaptation to Scheme works or mitigation to ensure that unreasonable restrictions are not applied.</p>
2.12.5	EDF Energy (Thermal Generation) Limited (EDF) [REP4-076]	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,	In response to ExQ2.12.5, and the Applicant's response to ExQ1.12.11, EDF's position remains as set out in its Deadline 1 Submission [REP-092]. EDF welcomes the Applicant's Change Request and is	Discussions are ongoing between the Applicant and EDF regarding the cable route corridor.

ExQ	Respondent	Question	Response	Applicant's Comment
		centred on that the proposed cable route would not prejudice it. Does EDF have comments it wishes to make in this regard?	broadly content with the proposed route corridor; however, the Applicant has not yet provided its final proposed route, and EDF is unable to conclusively state whether this route will, or will not, adversely effect its operations or the Priority Regeneration Area without that information. EDF and the Applicant are currently in discussion regarding the final form of protective provisions that adequately address EDF's concerns.	Please refer to the response to 2.12.2 above in this document.
13. Other planning matters				
2.13.3	Lincolnshire County Council (LCC) [REP4-070]	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. The Applicant's response is also sought on this matter.	Looking at each paragraph in their ES: <ul style="list-style-type: none"> • 20.5.5 –Question the target of 75%? This differs to the Council's WNA (C, D & E report Table 16). • 20.5.5 – The other figures don't themselves appear directly in the WNA but seem to be arise from that 75% assumption so further clarity is requested regarding the calculations performed. • 20.5.6 (landfill) –cannot see how the applicant's stated figures have been derived from our WNA and would appreciate clarification. This particularly applies to landfill capacity which the ES 	The Applicant refers to its response made in respect of LCC's previous representations made against ExQ1.13.2 in C8.1.27 Applicant's Responses to Deadline 2 submissions [REP3-039] . The Applicant seeks to clarify that where a "per annum" capacity has been derived, this is based on the total volume of capacity identified, divided by the number of years in the plan period. With regard to hazardous waste as set out in paragraph 20.5.7 [APP-055], the total hazardous waste figure has been used given that the "preferred value" for

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>refers to as 'per annum' whereas our WNA sees this as a finite resource which is used up over time.</p> <p>20.5.7 (hazardous) – Whilst the 67,000 tpa total comes from our WNA, it should be noted that much of the sites hazardous waste will be WEEE (solar panels etc.) for which the capacity is only a fraction of this total.</p>	<p>handling of WEEE is not given full detail in Table 9 in the WNA.</p> <p>That notwithstanding, the Applicant notes that Environcom Grantham, which already handles WEEE, accounts for more than 63% of the notional handling capacity for hazardous waste.</p>
2.13.4	Lincolnshire County Council (LCC) [REP4-070]	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?	As stated in LCC's Local Impact Report (REP-085, page 23), our concern is that: 'there are no waste facilities to process discarded solar infrastructure as it is replaced during the lifetime of the development and at the decommissioning stage', particularly 'when combined with the other solar projects in the County that may be granted DCOs in the next 12 months'.	The Applicant notes this comment and refers to its response made in respect of Question 2.13.4 of C8.1.30 Applicant's Responses to ExA Second Written Questions [REP4-058] .
2.13.5	Lincolnshire County Council (LCC) [REP4-070]	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	The applicants response to Q1.13.8 (and the text of the original ES paragraphs) seems to suggesting that Lincolnshire has	The Applicant notes this comment and refers to its response made in respect of Question 2.13.1 of C8.1.30 Applicant's

ExQ	Respondent	Question	Response	Applicant's Comment
		<p>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?</p>	<p>more landfill capacity so they'll use it. This is a concern to LCC given:</p> <ul style="list-style-type: none"> • The forecasted dwindling of landfill capacity in Lincolnshire (see below), and That our WNA only forecasts up to 2045 <p>Full details of the assumptions made and calculations used are given in the WNA Summary and material-specific reports (see Waste needs assessment – Lincolnshire County Council) but, as set out in the WNA Summary, this is based on:</p> <ul style="list-style-type: none"> • Non-Inert Landfill (density = 1 Te per m³ as per paragraph 2.13) <ul style="list-style-type: none"> o (Table 15) Permitted/Operational Capacity = (greater than) 9,144,539 m³ o (Table 23) Landfill Requirement = 5,967,243 Te = 5,967,243 m³ (at 1 Te per m³) cumulative to 2045. o Difference = 3.18 Mm³ (rounded) remaining capacity • Inert Landfill (density = 1.6 Te per m³ as per paragraph 2.13) 	<p>Responses to ExA Second Written Questions [REP4-058].</p> <p>The Applicant has through its Statement of Common Ground with Lincolnshire County Council [EN010133/EX5/C8.3.2_D], and as set out in its updated Outline Operational Environmental Management Plan [EN010133/EX5/C7.16_D] sought to provide assurances to Lincolnshire County Council as the host authority that a Waste Management Strategy is to be provided prior to commissioning of the Scheme. This will monitor emerging Waste Needs Assessments and set procedures for waste arisings from the Scheme to be suitably handled. The provision of this document is secured by way of Requirement 14 of Schedule 2 to the draft DCO [EN010133/EX5/C3.1_G].</p>

ExQ	Respondent	Question	Response	Applicant's Comment																								
			<p>o (Table 15) Permitted/Operational Capacity = (greater than) 3,145,832 m³</p> <p>o (Table 22) Inert Landfill Requirement = 7,221,352 Te = 4,513,345 m³ (at 1.6 Te per m³) cumulative to 2045.</p> <p>o Difference = minus 1.37 Mm³ (rounded) i.e. insufficient capacity available.</p> <ul style="list-style-type: none"> • Overall, the excess Inert material would have to go to Non Inert Landfill, and thus 2045 overall landfill capacity = 3.18 - 1.37 = 1.81 Mm³ remaining capacity in 2045 which is a significant decrease compared both to current total capacity (circa 12.3 Mm³) and with the preceding milestone year. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Table 25: Lincolnshire Void Assessment & Milestone Capacity Gap Analysis Forecast Milestone Years (Mm³)</p> <table border="1"> <thead> <tr> <th>Capacity Type</th> <th>2025</th> <th>2030</th> <th>2035</th> <th>2040</th> <th>2045</th> </tr> </thead> <tbody> <tr> <td>Non-Inert Landfill (Table 22)</td> <td>+7.08</td> <td>+5.59</td> <td>+4.46</td> <td>+3.69</td> <td>+3.1</td> </tr> <tr> <td>Inert Deposit to Land (Table 23)</td> <td>+1.67</td> <td>+0.82</td> <td>-0.023</td> <td>-0.87</td> <td>-1</td> </tr> <tr> <td>Grand Total Surplus (diff)</td> <td>+8.75</td> <td>+6.41</td> <td>+4.437</td> <td>+2.82</td> <td>+1.4</td> </tr> </tbody> </table> </div>	Capacity Type	2025	2030	2035	2040	2045	Non-Inert Landfill (Table 22)	+7.08	+5.59	+4.46	+3.69	+3.1	Inert Deposit to Land (Table 23)	+1.67	+0.82	-0.023	-0.87	-1	Grand Total Surplus (diff)	+8.75	+6.41	+4.437	+2.82	+1.4	
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2.13.7	Lincolnshire County Council (LCC) [REP4-070]	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	The Council as Waste Planning Authority agrees that it is important that cumulative waste impacts are assessed and planned for.	The Applicant notes this comment and refers to its response made in respect of Question 2.13.7 of C8.1.30 Applicant's Responses to ExA Second Written Questions [REP4-058] .																								

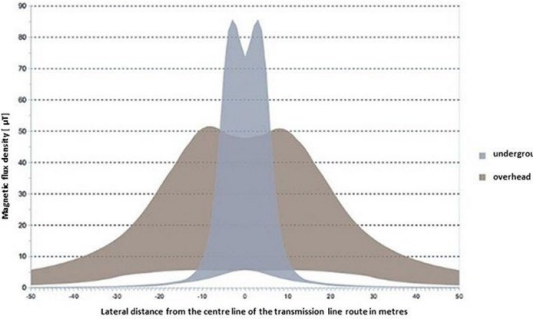
ExQ	Respondent	Question	Response	Applicant's Comment
		place with other nearby NSIP solar projects and how would this be addressed through the DCO?		
2.13.8	Lincolnshire County Council (LCC) [REP4-070]	The ExA notes that LCC has responded [REP2-073] to waste questions that were directed at the Applicant 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.	Confirm that this is being captured in the SOCG with Lincolnshire County Council.	The Applicant has through its Statement of Common Ground with Lincolnshire County Council [EN010133/EX5/C8.3.2_D], and as set out in its updated Outline Operational Environmental Management Plan [EN010133/EX5/C7.16_D] sought to provide assurances to Lincolnshire County Council as the host authority on these matters.
2.13.9	Lincolnshire County Council (LCC) [REP4-070]	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	The Council note the Decommissioning Statement states (page 12) that 'a Decommissioning Waste Management Strategy, will be provided as part of the Decommissioning Plan'. Which is a reasonable approach that the Council can	The Applicant notes this comment.

ExQ	Respondent	Question	Response	Applicant's Comment
		be submitted. Does this address LCC's concerns?	accept as addressing this particular concern.	
2.13.11	Environment Agency (EA) [REP4-077]	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>As a regulator, the Environment Agency uses the best available evidence to make informed decisions. The potential impacts of Electro Magnetic Fields (EMF) on fish are a new/emerging issue, and not well researched. We have contacted leading academic researchers in the field of EMF to help make an assessment of the application. Using the evidence submitted in the risk assessment, we believe the figures provided would prove a low risk to fish.</p> <p>However, as this is an area of very little research, we cannot say there will categorically be no risk to fish populations. Accordingly, we would like the Applicant to agree to undertake a scheme of monitoring to corroborate the predicted impacts of EMF on fish, as presented in the Environmental Statement. We would suggest that the monitoring is linked to (and will therefore add to) academic research currently on going within the Trent catchment to demonstrate presence/absence of any impact to key protected species such as</p>	The Applicant has discussed this issue at length with the Environment Agency and has reached an agreed position as evidenced in the agreed Statement of Common Ground [EN010133/EX5/C8.3.8_A]. It is agreed that a programme to monitor the impacts on fish arising from EMF associated with the power export cable buried beneath the River Trent will be developed and undertaken during the operation of the Scheme and will be secured in agreement with the Environment Agency via the Outline Operational Environmental Management Plan [REP4-046] .

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>Lamprey at this site. This may include provision of fish tagging, and receivers at the cable crossing points. Relaying the results of the monitoring to us at regular intervals is also requested.</p> <p>We therefore request the imposition of the following Requirement on the DCO:</p> <p>(1) No part of the electrical cables permitted under Work No. 6B shall become operational until a written electromagnetic field monitoring strategy for the River Trent has been submitted to and approved by the Environment Agency.</p> <p>(2) The electromagnetic field monitoring strategy must include, but not be limited to –</p> <p>(a) an appropriate mechanism for surveying any behavioural responses from migratory fish species passing through the area of the cable crossing under the River Trent;</p> <p>(b) a mechanism for relaying the results of the surveys to the Environment Agency on a regular basis; and (c) proposed periods and timings during which surveys</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>will be undertaken to coincide with the main migratory periods for species such as salmon and lamprey.</p> <p>(3) The monitoring strategy must be implemented as approved.</p>	
2.13.11	Roy Clegg [REP4-092]	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>I refer to my previous WR on the Impact of EMF on Marine Life, Flora and Fauna, and Biodiversity in the West Burton Solar Project and would further add the following representations.</p> <p>The developer has chosen to comment on human life and has not made any consideration of the significant impact of EMF on marine life, flora and fauna with wildlife, and biodiversity, where all the later are intrinsically linked to each other.</p> <p>A myriad of cable runs in the project resulting in connections carrying up to 400Kv to transport electricity from the solar panels to the National Grid using transformers, inverters etc., all of which transmit EMF's.</p> <p>The WR shows that the magnetic fields created on the development site will be significantly stronger, and the effect of</p>	In relation to the Humber Estuary SPA/SAC/Ramsar site, presence of sensitive aquatic receptors and the crossing beneath the River Trent by power export cables, please refer to the response given to question 2.13.11 of the ExA's second written questions contained in document [REP4-058]. Please also see the Applicant's comments on the EA's response to question 2.13.11 above.

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>EMF will be distanced further away by at least 7 metres.</p> <p>A magnetic field measuring 57.5 milligauss immediately beside a 230 kilovolt transmission line measures just 7.1 milligauss at 100 feet, and 1.8 milligauss at 200 feet, according to the World Health Organization in 2010.</p> <p>An Electromagnetic Field is a circular vector field that radiates out centrally from its stronger central core with a magnetic influence on moving electric charges, electric currents, and magnetic materials.</p> <p>The electromagnetic fields will not be mitigated or stopped by covering over or burying. In effect, the EMF will at its core, distanced 5.0 metres below the riverbed, have a magnetic flux density of 50 - 70 uT, with an effective band width across the River Trent calculated at 12 metres.</p> <p>The diagram below shows the effect of EMF field strength set against underground and overhead cables and lateral core and illustrates the maximum values expected at the examined route sections during maximum operating</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>conditions of a SINGLE typical 400kV power line.</p>  <p>The effect of EMF will be significantly impacted by any additional power line cable crossings of the River Trent and other watercourses.</p> <p>The Impact of EMF on Marine Life, Flora and Fauna and Biodiversity are well researched, documented and detailed in the WR's submitted previously.</p> <p>The Water Framework Directive, the IUCN Red List, the OSPAR, the European Eel Regulations (100/2007), the Eels(England and Wales) Regulations, the Canal Rivers Trust and the Notts Biological & Geological Records Centre list threatened, endangered and protected</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
			<p>marine species including the Allis Shad, Brook Lamprey, Bullhead, Common / European Sturgeon, Crucian Carp, Eel, River Lamprey, Sea Lamprey, Smelt, Spined Loach, Twaite Shad, White Clawed Crayfish, Brown Trout and the Atlantic Salmon all found in the Rivers Trent and Till.</p> <p>Many species of flora and fauna, because of unique physiologies and habitats, are sensitive to exogenous EMF in ways that surpass human reactivity, are highly variable, largely unseen, and a possible contributing factor in species extinctions.</p> <p>EMF has an adverse effect on orientation, migration, food finding, reproduction, mating, nest and den building, territorial maintenance, defence, vitality, longevity and survivorship itself. Wildlife loss is often unseen and undocumented until tipping points are reached.</p> <p>Is the Developer, Examiner and the Secretary of State satisfied that there is no risk to any protected species from the effect of EMF and its features because of this and other similar Project?</p>	

ExQ	Respondent	Question	Response	Applicant's Comment
2.13.14	P Mitchell [REP4-096]	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?	<p>Health and Safety : In the case of a BESS fire or solar panel fire will there be a site manager / fire safety representative on site (day shift and night shift) seven days a week ?</p> <p>If not how does the Applicant propose to monitor the site and take the appropriate safety action should a BESS or solar panel fire occur at any time, as such an occurrence would affect air quality and require immediate and urgent action and, a process in place for residents to be informed / moved ?</p>	<p>As stipulated in Section 4.3 of the Outline Battery System Safety Management Plan (OBSSMP) [REP3-018] the BESS will be monitored by on-site control systems as well as 24/7 monitoring by a remote facility.</p> <p>Section 5.4 of the OBSSMP [REP3-018] outlines the Applicant's approach and commitment to all aspects of Emergency Response Planning and Risk Management Planning.</p>

2. Applicant's Responses to Deadline 3A Submissions

7000 Acres [REP3A-004 and REP3A-005]

Reference	Theme	Summary of Issue Raised	Applicant's Response
7A-13	Large scale solar versus smaller schemes	<p>The proposed solar scheme falls short of such a high threshold for a number of reasons:</p> <p>At a fundamental level, for a project of NSIP-scale to fulfil its objective, such as a policy or task, a particular minimum scale is implied. The proposed solar scheme is infinitely divisible. The objective, in this case to provide decarbonized electricity, may be directly provided by any number of aggregated smaller schemes, with identical functionality to the proposed solar scheme, and often with far fewer disadvantages or harms (fewer transmission losses, less impact on landscape, less pressure on land use, less socioeconomic or potential health impacts).</p> <p>It is only the choice by the developer to aggregate so many panels to occupy a large grid connection that creates a proposed solution to the meet the objective, that creates a project with sufficient MW capacity to meet the threshold for NSIP. Because there is no fundamental need for the scheme to be delivered in such a large block – as this is purely the commercial preference of the Applicant, this undermines the strength of argument for there being there a</p>	<p>The Powering Up Britain Energy Security Plan (March 2023) describes, at page 37, that <i>"The UK has huge deployment potential for solar power, and we are aiming for 70 gigawatts of ground and rooftop capacity together by 2035. This amounts to a fivefold increase on current installed capacity. We need to maximise deployment of both types of solar to achieve our overall target."</i></p> <p>Sections 8.4 and 8.5 of Statement of Need [APP-350] provides information on the connection of generation assets to the transmission system and the distribution systems. These sections show that the disaggregation of a large capacity of generation connected to a transmission system into many smaller systems does not provide the same benefits. Indeed, as is stated in NPS EN-1 (2023), Para 3.3.12:</p> <p><i>"the government does not believe [decentralised and community energy systems] will replace the need for new large-scale electricity infrastructure to meet our energy objectives. This is because connection of large-scale, centralised electricity generating facilities via a high voltage transmission system enables the pooling of both generation and demand, which in turn offers a number of economic and other benefits, such as more efficient bulk transfer of power and enabling surplus generation</i></p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>compelling case in the public interest to justify compulsory purchase.</p> <p>While there is a relatively recent government policy ambition for 70GW of installed solar capacity (from 2022), up to now the government has been silent on how this may be achieved. Nevertheless, since the publication of the 70GW ambition, there have been a number of reports and reviews which consider the country's approach and path to decarbonization, which recognize the need for holistic solutions, improved coordination of actions and, specifically with regard so solar, "a rooftop revolution", and a clear deployment plan for solar, as well as an effective land use framework.</p> <p>Germany is a fantastic case study for what can be achieved. Germany has already delivered 80GW of solar, without a single large-scale ground mounted scheme of size being proposed at Cottam. Their largest scheme is less than 200MW, and over 70% of their capacity is installed on domestic and commercial rooftops.</p> <p>In addition, while the National Policy Statement landscape clearly facilitates large-scale solar, it does not mean there is any or even unlimited demand for such schemes – as might be inferred from the current rush of NSIP-scale solar applications. Despite this, for</p>	<p><i>capacity in one area to be used to cover shortfalls elsewhere."</i></p> <p>The Applicant proposes that the Scheme, which is a large-scale solar plus energy storage system, is consistent with all existing and emerging government policy.</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>the proposed solar scheme, the Applicant has exclusively favoured their own solution to the policy requirement, by pursuing ground-mounted solar of a scale that maximises the commercial return from their available grid connection opportunity.</p> <p>The proposed scheme therefore provides only one possible route that could help fulfil government policy objectives, and the fact that the Applicant has chosen to pursue its commercially expedient proposal for extensive ground mounted solar, despite the emerging weight of advice to emphasise rooftop solar and other deployment which maximises land use, should count against the Applicant when weighing the need for compulsory purchase.</p>	
7A-14	Change Application – Locations of the Changes	<p>The proposal for additional land suggested by the Applicant is land immediately south of Torksey Ferry Road, Rampton for works to construct and operate the 400kv cable and associated development (Change 1).</p> <p>Also, additional land is required to the east and west along Torksey Ferry Road and land north of Torksey Ferry Road to accommodate access during construction and during operation (Change 2).</p> <p>Further extensions to the Order Limits are required along the A156 High Street, Marton (Change 3) and to the east of Stone Pit Lane (Change 5) and at West Farm,</p>	<p>The Applicant notes that the ExA has exercised its discretion and has chosen to accept the Applicant's request for a Change Application, on the basis that the changes proposed to the Order Limits are material, but that they do not substantially alter the substance of the scheme applied for and that accepting them would not result in a materially different project. Please see the ExA's Rule 8(3) Response to the Applicant's Change Application [PD-014]. Further details of the Applicant's Change Application are contained in documents [AS-042] to [AS-071], notably the Supporting Environmental Information Report [AS-064].</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>Normanby by Stow (Change 4) a change to the cable route and Order Limits is requested.</p> <p>In the Applicants report; Cottam Solar Project Change Application and Consultation Report, Document ref: CR1/C9.2 (PINS ref: EN10133), the size of the additional land required is not evident in published documentation. The 7000 Acres Group requires that the Applicant provides the size of the land required in the additional areas. The understanding of the size of extra land required is important when considering the Applicants additional need for further Compulsory Acquisition of private and public land.</p> <p>The Byway Open to All Traffic (BOAT) that runs along Torksey Ferry Road (BOAT13) and BOAT 12 and Footpath 20 (which run north-south direction) to the south of Torksey Ferry Road will be affected by the proposed works. The BOAT 13 will be closed (in part) during construction. The true extent of disruption to Byways and Footpaths is not clear.</p> <p>The 7000 Acres Group requests that more clarity is provided for residents and our members to understand the impact on their daily lives and walks in the area</p>	<p>In respect of the comments raised relating to the part and temporary closure of BOAT 13 during construction of the Cable Route, please refer to the Applicant's responses to the ExA's Third Written Questions 3.8.1, 3.10.1 and 3.12.1 [EX5/C8.1.33].</p> <p>The Applicant also notes that Issue Specific Hearing 6, Compulsory Acquisition Hearing 2 and Open Floor Hearing 3 are being held on 28 February 2024, which will provide an opportunity for the ExA, Interested Parties and Affected Parties to scrutinise the Applicant's Change Application. Please see the agenda in document [EV-047].</p> <p>The areas of land added to or removed from the Order Limits for each change are as follows:</p> <ul style="list-style-type: none"> • Change 1: increase of 6.96 hectares; • Change 2: increase of 4.14 hectares; • Change 3: increase of 351 square metres; • Change 4: increase of 4.99 hectares; decrease of 3.09 hectares; and • Change 5: increase of 5.53 hectares.
7A-15	Change Application -	The Applicant has stated that it 'has been engaging with EDF, Uniper and NGET throughout the application	The Applicant is confident that it has complied with its legal duties under the Planning Act 2008 and

Reference	Theme	Summary of Issue Raised	Applicant's Response
	Engagement and Consultation	<p>process in coordination with the applicants for Gate Burton Energy Park and Tillbridge Solar Project' and continues to cite meetings held after August 2023. (Cottam Solar Project Change Application and Consultation Report, December 2023 Ref: CR1/C9.2, 4.3.1).</p> <p>The 7000 Acres group considers that this statement highlights that consultation has not been carried out, as if it were the case, the Change Application would not be necessary. It is an obvious element to this Nationally Significant Infrastructure Project that establishing the correct corridor route and connection point is a fundamental design element and therefore, should have been secured and scrutinised in the first instance.</p> <p>Likewise, the details of the draft Bassetlaw Local Plan, showing the Cottam Power Station site as a 'Priority Regeneration Area' would equally have been known about by the Applicant prior to the submission of the Application. Also, redevelopment of the site by EDF is common knowledge. The 7000 Acres Group contacted the Mr Powell, Head of Thermal Generation at EDF, August 2022 to establish whether any Company or Solar representatives thereof, had approached EDF to enquire about utilising the brownfield site for their solar proposals, he wrote that.</p>	<p>associated regulations to consult on and publicise the application for, and subsequent examination of, the Scheme. As such, the Applicant respectfully disagrees with the comments made by 7,000 Acres that suggest the Applicant's consultation and engagement has not been adequate.</p> <p>The Applicant notes that engagement with EDF, Uniper and NGET has taken place under the requirements set out in Sections 42 and 44 of the Planning Act 2008. EDF, Uniper and NGET were notified as part of the Applicant undertaking statutory consultation on the Scheme on:</p> <ul style="list-style-type: none"> • 15 June 2022 - Commencement of Statutory Consultation and the opportunity to provide feedback on consultation materials such as the Preliminary Environmental Information Report (PEIR). • 03 October 2022 – Project updates following statutory consultation and distribution of a Consultation Summary Report. • 16 February 2023- Notification under Section 56 of the Planning Act 2008 regarding the Scheme's acceptance for Examination by the ExA, and the opportunity to register as an interested party and submit a relevant representation about the Application.

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>'There is still no sale agreed at Cottam and we have had no approach for land by any solar companies.' (August 2022)</p> <p>This statement suggests that the Applicant has failed to fully engage with these parties, the result of which is the Change Application before the Examining Authority at present.</p> <p>It is apparent that the Applicant is carrying out a highly targeted consultation which is not open to the public. No consultation events with the local communities have been carried out. This omission in the consultation of residents has meant that locals are not fully aware of the implications of the proposed change to the Application and so are not informed to enable comments, feedback or submissions to be provided for the Examining Authority.</p> <p>With the proposed extra land falling outside the existing boundaries of the Order Limits, any representations made at the original consultation events by the Applicant are now not fully detailed. It is only reasonable to expect further adequate public consultation which informs residents of the new impacts along Torksey Ferry Road and the surrounding area.</p>	<ul style="list-style-type: none"> 19 December 2023- Notification of the acceptance of the Change Application which included a request for additional land within the DCO application for the Scheme and the opportunity to make representations. EDF, Uniper and NGET were contacted as statutory consultees pursuant to Regulation 7 of The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 and/or Regulation 20 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. <p>The Applicant acknowledges that EDF, Uniper, and NGET received notifications under Section 44 of the Planning Act on June 15, 2022. Document [APP-031] in the Examination library outlines the Party ID assigned to each consultee and the materials shared during the consultation process under the same section. Notably, NGET provided feedback related to this consultation, which is documented alongside the Applicant's response in [APP-034] of the Cottam Solar Project Examination Library.</p> <p>The Applicant notes that the Examining Authority's (ExA) decision to accept the Applicant's Proposed Provision for a Change Request was made on December 18 2023 [PD-014]. Consultation was then</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>Also, due to the existing Application being in Examination for the Cottam Solar Project, this additional element and extra Examination deadlines, adds to and compounds consultation fatigue and causes confusion which in turns impacts on the quality of submissions to the ExA by interested and affected parties.</p> <p>The 7000 Acres Group advocates that public consultation for the proposed change to the CSP be carried out as soon as possible. This will enable understanding of the new proposed elements to the CSP. Such public events and/or activities, would then equate to the fair and meaningful engagement with stakeholders for the Scheme.</p> <p>Notwithstanding, the 7000 Acres Group consider that the consultation for this Change Request to date to be wholly inadequate and not fit for purpose.</p> <p>Furthermore, as the NSIP Regime is one that is front loaded, (the Applicant refines and evolves the design of the scheme before submitting the Application to the Planning Inspectorate), the Change Application is not in accordance with this principle. It is also understood that the Examination is the means to refine the draft DCO and not to change the fundamentals of the Application, namely in this instance, the boundary</p>	<p>undertaken on the Change Application between 18 December 2023 and 28 January 2024.</p> <p>The Applicant notes that the date, time and location of hearings throughout the Examination process for the Cottam Solar Project are determined by the Examining Authority. The Applicant notes that it has complied with the Examination Timetable set by the Examining Authority throughout the Examination process.</p> <p>The Applicant notes that the Examining Authority's letter regarding a Notification Issue Specific Hearing 6, Compulsory Acquisition Hearing 2, Open Floor Hearing 3 (EV-046 of the Examination library), was uploaded to the project's webpage on the Planning Inspectorate's website on 02 February 2024, and details the Examining Authority's decision and reason to hold hearings regarding the Change Application as Virtual Events to be held on Wednesday 28 February 2024.</p> <p>The Applicant issued a Public Notice regarding the forthcoming hearings. This notice was disseminated through multiple channels: on-site, at local information points within affected communities, and on the project's dedicated website (Cottam Solar Project) on February 7, 2024. The Applicant acknowledges that this notice was also uploaded to the Cottam Solar Project webpage on the Planning Inspectorate's website on the same date. Additionally, it appeared in local newspapers on February 8, 2024.</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>limits of the scheme and connection point to the National Grid.</p> <p>The 7000 Acres Group argues that fair and reasonable participation will not be afforded if Hearings are held virtually. This approach to Hearings, means that the Examination process is being seen to be done but fair and reasonable engagement with interested parties is not being met. For this region and its residents, virtual hearings are exclusionary. As previously stated in Relevant and Written Representations, the socio-demographics and economics of the area preclude and prejudice participation by such means. Also, there is poor and intermittent internet connectivity in the rural area. These virtual events will not enable public participation and as such are not reasonable or fair and not in accordance with the principles of natural justice.</p>	
7A-16	Change Application - Planning Policy, Materiality & Compulsory Acquisition	<p>The 7000 Acres Group agrees with the Applicant 'that the proposed changes are material' (Cottam Solar Project Change Application and Consultation Report, December 2023 Ref: CR1/C9.2, 3.7.1). We also note that the Examining Authority also views the proposed changes to be material.</p> <p>The 7000 Acres Group considers that the Applicants Change Request is not in line with NPS EN1. At paragraph 4.5.2 of this NPS where, "good design is also</p>	<p>The Applicant notes that the ExA has exercised its discretion and has chosen to accept the Applicant's request for a Change Application, on the basis that the changes proposed to the Order Limits are material, but that they do not substantially alter the substance of the scheme applied for and that accepting them would not result in a materially different project. Please see the ExA's Rule 8(3) Response to the Applicant's Change Application [PD-014]. Further details of the Applicant's Change Application are contained in documents [AS-</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>a means by which policy objectives in the NPS can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies can help mitigate adverse impacts". The proposed changes introduce additional significant adverse effects as highlighted by the Applicant's Supporting Environmental Information Report: Change Application December 2023, sections 3.4, Landscape and Visual Effects & section 5, Conclusions.</p> <p>Therefore, to increase harmful effects is not a measure of good design.</p> <p>By proposing extensions to the Order Limits, the Applicant is maximising impacts on landscape and visual receptors and increasing the proposed amount of compulsory acquisition.</p> <p>The Examining Authority has stated that The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 - Regulations 4 to 9 apply. Under Regulations 7, 8, 9: there are provisions for the Applicant to notify and publicise the acceptance of the change request application, providing an opportunity for relevant representations to be made and for the Applicant to certify compliance with those obligations.</p> <p>The opportunity for residents to make relevant representations has been very limited in time and</p>	<p>042] to [AS-071], notably the Supporting Environmental Information Report [AS-064]. The changes set out in the Change Application are a direct result of ongoing engagement with landowners and other stakeholders.</p> <p>Please refer to response 7A-15 above for further details of the consultation and publicity undertaken in respect of the Change Application.</p> <p>The Applicant respectfully disagrees with the statement that the Change Application is not in line with NPS EN-1.</p> <p>The Supporting Environmental Information Report [AS-064] assesses the impact of the Change Application on landscape and visual receptors. Changes 1 and 2 will result in an increase in construction activity in the area south of Torksey Ferry Road (see paragraph 3.4.5), however, there are no new likely significant effects that result from Changes 1, 2, 3 and 4 at the construction, year 1, year 15 and decommissioning years of assessment. As a result of Change 5, there are new significant adverse effects for transport receptors T083 and T085 at the construction and year 1 years of assessment. This is set out at paragraph 3.4.21 of the Supporting Environmental Information Report [AS-064], which states that <i>"The hedgerow removal in itself confers less magnitude of change as the removal of sections of hedgerow is relatively minor in contrast to the length of the transport routes, it is the opening up of</i></p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>confused as IP's and AP's already believe they are registered and have made representations for the CSP. This confusion prevents and inhibits further relevant representations being made by affected residents. This confusion is also compounded by the Gate Burton Scheme also submitting a Change Application in this area.</p> <p>The Applicant has provided an updated Book of Reference; however, it is very difficult to ascertain all the affected plots as the additions to The Book of Reference have not been illustrated separately from the original for all IP's, AP's and the public to view.</p> <p>The 7000 Acres group requests that the Applicant clearly shows the additional plots of land independent of the original Book of Reference.</p> <p>Another relevant matter relates to the claimed benefits or need of large-scale ground mounted solar industrialised zones in the UK. We argue that the CSP and Changes thereto are not in the nations' best interests and as such the Applicant does not make a compelling case and so compulsory acquisition rights should not be afforded.</p> <p>This element of the 7000 Acres Group representations has previously been submitted to the Examining Authority and so will not be listed here; however,</p>	<p><i>broader views into the Scheme that temporarily increases the magnitude of change and as a result significance of effects". Paragraph 3.4.27 states that "This removal will be mitigated by the reinstatement of the hedgerow after the construction of the cable route is complete, and therefore no significant effects caused by Change 5 by assessment year operation (Year 15)."</i></p> <p>The C4.3_D Change Request Book of Reference [AS-060] clearly sets out additions in green and deletions in red.</p> <p>The Applicant notes that the UK's legal requirement is to achieve net zero by 2050, and 7.11 Statement of Need [APP-350] explains at Para 8.1.4 that government is aiming for a fully decarbonised electricity system by 2035.</p> <p>In the newly designated National Policy Statements for Energy, the government states that <i>"Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar"</i> (NPS EN-1 (November 2023), Para 3.3.20). It should be noted that government's analysis and conclusion was also cited in the September 2021 draft NPS EN-1 at Para 3.3.21.</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>comments can be submitted again if the Examining Authority so wishes</p>	<p>This Scheme goes towards making up that gap and is therefore a critical development on the pathway to achieving the UK's legal decarbonisation obligations.</p> <p>In November 2023, Ofgem and the government published the Connections Action Plan. Page 41 of that plan describes two ways of increasing network capacity (and therefore accommodating the required capacities of low-carbon generation needed to meet net zero). The first is increasing network build, which is <i>"an absolute priority for government and Ofgem."</i></p> <p><i>"The second, more immediate and typically lower cost method, is to maximise the use of the currently available and planned network capacity."</i></p> <p>Given the significant capacity of new renewable generation required to meet the Government's aims, it is clear that currently available capacity is used.</p> <p>The Scheme proposes to use 600MW of existing and otherwise unused grid connection capacity at a connection location which already exists and is connected to a robust part of the National Electricity Transmission System requiring no project-specific transmission system upgrades, and with a connection date in 2029.</p> <p>This Scheme therefore proposes to deliver a low-carbon generation technology which is consistent with</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
			<p>the government's policy; which is complementary to wind generation (and therefore contributes to the low-carbon electricity system of the future; which is capable of delivering in the 2020s; and which can connect to an existing and otherwise unused grid connection point at Cottam.</p> <p>The Applicant therefore considers that there is a compelling case in the public interest for the compulsory acquisition powers being sought.</p>
7A-17	Change Application – Landscape and Visual Impacts and Receptors	<p>The West Lindsey area is a rural district with a largely agricultural landscape.</p> <p>During a site visit to Torksey Ferry Road, these qualities were evident, with open wide views over arable fields, well established hedgerows and hedgerow trees and varied wildlife habitats. The Public Right of Way was in regular use by walkers, car drivers, dog walkers and horse riders (albeit on a damp Autumnal afternoon, 24/10/23) and the evidence of badger setts were clear along the ditch bank.</p> <p>We met a local resident riding along Torksey Ferry Road. The resident advised she is an owner of a livery stable in the area that they use the PRoW's on a constant basis to exercise horses from her yard. The resident also advised that she has regularly and clearly</p>	<p>For the effects specific to Torksey Ferry Road (Changes 1 and 2), please refer to responses 7A-14 and 7A-16 given above.</p> <p>In response to the comments made regarding the impacts resulting from the installation of the cable around Torksey Ferry Road, the Applicant confirms that the provisions in the Outline Construction Environmental Management Plan [EX4/C7.1_D] and the Outline Construction Traffic Management Plan [REP4-029] will be adhered to in order to avoid and minimise any adverse effects during the construction period, as secured through requirements 13 and 15 of Schedule 2 to the DCO respectively [EX5/C3.1_G].</p> <p>With regard to the potential need for temporary hedgerow removal for construction accesses, the environmental assessment of the changes to the Order</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>advised the Applicant's representatives not to place advertisements along the road as the Applicant's activities and the papers blowing in the wind and littering the PRow 'spook' the horses. The resident went onto say that this disturbance of the horses by the Applicant is a danger to the rider, the horse and anyone in the area around the horse.</p> <p>This testimony illustrates that the compulsory acquisition of Torksey Ferry Road by the Applicant will have significant impact and effect.</p> <p>The well-maintained ditch, verges and hedges are visible. These areas provide vital habitats for wildlife.</p> <p>It is noted that the Applicant has indicated they will upgrade the surface of the road. It is worth advising that any runoff into the ditch from a hard surface will have a detrimental effect on water quality and thus wildlife and amphibians and fish. The Applicant confirms this assertion at 3.6.17 of the Supporting Environmental Information Report: Change Application December 2023 where they add, 'Upgrades to Torksey Ferry Road, A156 High Street, Marton and / or Stone Pit Lane and the cable installation have the potential to cause water quality deterioration in Seymour Drain and other surrounding drains during construction given its close proximity to the works. This might include pollution relating to deposition or spillage of soils,</p>	<p>Limits presented in C9.3 Supporting Environmental Information [AS-094] was made on the basis of a worst case scenario. Any hedgerow removal will take place in accordance with C7.3 Outline Landscape and Ecological Management Plan [REP4-035].</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>sediment, oils, fuels, or other construction chemicals, or through uncontrolled site runoff, or break out of drilling fluids when crossing watercourses using non-intrusive techniques.'</p> <p>They go onto to state that these detrimental effects can be managed following best practice measures. However, IP's, AP's and our members have no guarantees that such best practice measures will be followed, implemented and monitored by the Applicant and their contractors and or agents.</p> <p>It is also noted that the Applicant has stated that 'temporary removal of existing vegetation comprising roadside hedgerows where present and localised changes to the landform to facilitate the cable installation' will be carried out (Supporting Environmental Information Report: Change Application December 2023, 3.4.5).</p> <p>This approach contrasts with the Gate Burton Change Application as they state that no hedgerows or hedgerow trees are to be removed in relation to the Change Request. Therefore, this marked difference in approach illustrates a lack of consultation with other developers and as such will undermine any coherent landscape strategy for the area. Sound maintenance and management of the vegetation and road surface</p>	

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>will have to be included in any updates to the Environmental Statement.</p> <p>The 7000 Acres Group, along with residents are concerned about the short- and long-term damage caused by the Applicant to the landscape and setting of this PRow.</p> <p>In the Supporting Environmental Information (SEI) Report, at 5.1.2 the Applicant states that 'no new residual significant impacts have been identified for all topics except Landscape and Visual Impact.' Therefore, it is evident that the landscape and enjoyment of it by residents will be harmed by the Change Application.</p> <p>Also, the impact of increased traffic and construction traffic on the rural lanes in the immediate area will cause further disruption and detrimental harm to landscape character, visual and heritage receptors and wildlife.</p> <p>It is considered by the 7000 Acres Group that the capacity for landscape character change in the area is minimal due to the agricultural and open nature of landscape. As such any material change in the landscape constitutes a notable change in the character</p>	
7A-18	Change Application -	There is a Scheduled Monument around the Change Application. The Monument Fleet Plantation Moated	The Applicant highlights that a full suite of archaeological assessment, survey and field evaluation

Reference	Theme	Summary of Issue Raised	Applicant's Response
	Heritage Receptors	<p>Site (NHLE 1008594) is located directly adjacent to the southeastern extent of the extended Order limits boundary. This Scheduled Monument is of local historic and national value. The Applicant states in the Supporting Environmental Information Report: Change Application December 2023 at 3.9.5 that 'the Scheduled Monument Fleet Plantation Moated Site (NHLE 1008594) is located directly adjacent to the south-eastern extent of the extended Order limits boundary and consequently its setting could be affected during groundworks in the Change 1 area.'</p> <p>Furthermore, there is a non-designated heritage asset recorded on the Historic Environment Record (HER) which is located within the extended Order limits and comprises a field boundary at Rampton (MNT6166) located south of Torksey Ferry Road.</p> <p>Also, the Applicant recognises at 3.9.4 of the above report that;</p> <p>'All of the hedgerows within the Change 1 area are deemed to be 'Historically Important' under the terms of the Hedgerow Regulations (1997), due to their being an integral part of a field system pre-dating the Enclosure Acts (meaning an Enclosure Act mentioned in the Short Titles Act; the earliest of these was made in 1845), as depicted on a map held at the County</p>	<p>has been undertaken for the scheme. The results of various assessments are detailed in appendices: C6.3.13.1 ES Appendix 13.1 Archaeological Desk-Based Assessments [APP-109]; C6.3.13.2 ES Appendix 13.2 Archaeological Geophysical Survey Reports [APP110 to APP-122]; C6.3.13.3 ES Appendix 13.3 Geoarchaeological Desk Based Assessment [APP-123]; C6.3.13.4 ES Appendix 13.4 Air Photo and LiDAR Report [APP-124]; C6.3.13.5 ES Appendix 13.5 Heritage Statement [APP-125 to APP-128]; and C6.3.13.6 ES Appendix 13.6 Archaeological Evaluation Trenching Reports [APP129 to APP-130]. The results of the assessments have been used to formulate a Mitigation Strategy aimed at safeguarding buried archaeological remains (C6.3.13.7 ES Appendix 13.7 Archaeological Mitigation Written Scheme of Investigation [APP-131]).</p> <p>As part of the Change Application a programme of evaluation trenching was undertaken in October 2023, with the aim of confirming the presence / absence of identified potential archaeological remains in fields directly to the south of the Cottam Power Station. As agreed with Historic England and LHPT, cultural heritage advisors for West Lindsey in Lincolnshire and Bassetlaw in Nottinghamshire, five trenches were excavated to the north of Fleet Plantation Moated Site Scheduled Monument (NHLE 1008594), and identified only one feature, which comprised an undated ditch of negligible significance (see Paragraph 7.1.1 of the Trial</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>Records Office (in this instance, the Rampton tithe map of 1839).'</p> <p>At Changes 2, 4 & 5, all hedgerows are also recognised as historically important.</p> <p>They add at 3.9.6; 'There is the potential for previously unrecorded archaeological remains to survive within the extended Order limits.'</p> <p>With the above findings in mind, it is apparent that the proposed Change Application will have significant adverse effects on landscape and historical features in the area and as such the overall negative impact of the Cottam Solar Project is increased by this Change Application.</p>	<p>Trenching Report [EN010133/EX5/C8.4.13.2]). Any impact to the setting of the monument would be temporary, only lasting during the construction phase while the cable is being installed, and so is not considered significant in EIA terms.</p> <p>The additional sections of Historically Important Hedgerows that would need to be temporarily removed as a result of Changes 1, 2, 4 and 5 areas are described in section 4.4.1 of the Supporting Environmental Information Report [AS-064] and are illustrated on the 'Hedgerow Removal Plans' contained in Appendix C of Outline Landscape and Ecological Management Plan [REP4-035]. Paragraph 1.2.3 of the same document [REP4-035] states that <i>'The length of individual instances of temporary hedgerow removal required for access and the Cable Route Corridor will range between 3 and 7.1m in order to accommodate a maximum arrangement of the cable trench, a haul route and a passing bay'</i>.</p> <p>For Change 1 and 2, the following impacts to Historically Important Hedgerows are identified:</p> <ul style="list-style-type: none"> • HR46 – A maximum length of 7.1m removed from H398. This hedgerow is c.780m in length, and therefore this represents a <1% temporary loss. • HR47 - A maximum length of 7.1m temporarily removed from H400. This hedgerow is c.450m

Reference	Theme	Summary of Issue Raised	Applicant's Response
			<p>in length, and therefore this represents a c.1.5% temporary loss.</p> <ul style="list-style-type: none"> • HR48 - A maximum length of 7.1m temporarily removed from H415. This hedgerow is c.350m in length, and therefore this represents a c.2% temporary loss. • HR49 - A maximum length of 7.1m temporarily removed from H417. This hedgerow is c.60m in length, and therefore this represents a c.12% temporary loss. • HR50 - A maximum length of 7.1m temporarily removed from H418. This hedgerow is c.75m in length, and therefore this represents a c.9.5% temporary loss. • HR51 - A maximum length of 7.1m temporarily removed from H419. This hedgerow is c.390m in length, and therefore this represents a c.1.8% temporary loss. • HR52 - A maximum length of 7.1m removed from H420. This hedgerow is c.200m in length, and therefore this represents a c.3.5% temporary loss. <p>In total, for Changes 1 and 2, a maximum length of 49.7m of hedgerow will potentially be removed temporarily.</p> <p>For Change 4, the following impacts to Historically Important Hedgerows totalling 14.2m, are identified:</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
			<ul style="list-style-type: none"> • HR44 - A maximum length of 7.1m temporarily removed from H331. This hedgerow is c.45m in length, and therefore this represents a c.1.5% temporary loss. • HR45 - A maximum length of 7.1m temporarily removed from H413. This hedgerow is c.450m in length, and therefore this represents a c.1.5% temporary loss. <p>For Change 5, the following impacts to Historically Important Hedgerows are identified:</p> <ul style="list-style-type: none"> • HR38 - A maximum length of 7.1m temporarily removed from H407 (W). This hedgerow is c.370m in length, and therefore this represents a c.1.5% temporary loss. • HR39 - A maximum length of 7.1m temporarily removed from H409. This hedgerow is c.325m in length, and therefore this represents a c.2.2% temporary loss. • HR40 - A maximum length of 7.1m temporarily removed from H407 (N). This hedgerow is c.120m in length, and therefore this represents a c.1.5% temporary loss. • HR41 - A maximum length of 7.1m temporarily removed from H406. This hedgerow is c.100m in length, and therefore this represents a c.1.5% temporary loss. • HR42 - A maximum length of 7.1m temporarily removed from H408. This hedgerow is c.92m in

Reference	Theme	Summary of Issue Raised	Applicant's Response
			<p>length, and therefore this represents a c.1.5% temporary loss.</p> <ul style="list-style-type: none"> HR43 - A maximum length of 7.1m temporarily removed from H330. This hedgerow is c.300m in length, and therefore this represents a c.1.5% temporary loss. <p>The construction access route within the Change 5 area will only require the temporary removal of 3 of these sections of hedgerow: either HR38, HR40 and HR41; or HR39, HR42 and HR43. The total maximum length of hedgerow to be potentially removed is therefore 21.3m.</p> <p>Overall, 12 Historically Important Hedgerows would be affected within the Change 1- 5 areas A maximum temporary removal of c.85.2m of Historically Important Hedgerow is proposed within the Change 1-5 areas. These losses would be temporary, and the hedgerows would be re-instated immediately following construction, and it is therefore considered that, overall, this would represent a <i>Negligible Adverse</i> magnitude of change. For heritage assets of <i>Low</i> value, this would result in effects of either <i>Neutral</i> or <i>Slight adverse</i> significance, which in EIA terms, would be considered to be 'Not significant'. All hedgerow removal works must be undertaken in accordance with the Outline Landscape and Ecological Management Plan [REP4-035], which includes Hedgerow Removal Plans at Appendix C. The final Landscape and Ecological</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
			Management Plan must be substantially in accordance with the outline plan and will need to be approved by the relevant planning authorities prior to construction of the Scheme commencing, as secured through requirement 7 of the draft DCO [EX5/C3.1_G].
7A-19	Change Application – Health & Wellbeing	<p>In regard to the Change Request of the Application for the Cottam Solar Project the LI's relevant statements to Government are that the: 'access to green spaces and nature is a demonstrably effective tool to manage and prevent poor mental health, as well as to promote physical health and wellbeing'; 'Green social prescribing is a welcome addition to the NHS approach, and there is scope to develop NHS estates to support the roll-out of programmes and activities'.</p> <p>These above statements highlight that access and enjoyment of green space, either active or passive have a positive effect on mental health and wellbeing. Green social prescribing is being promoted by DEFRA with the use of 'walking schemes, dementia walks, community gardens, conservation volunteering, green gyms, and high-quality outdoor play areas'. The LI go on to say that, 'creating spaces for recreation, connecting with others, and connecting with nature can play a significant role in supporting mental health. Making</p>	<p>The Applicant refers to responses it has made previously in regard to comments from 7000 Acres on health and wellbeing at Section 2.5 of C8.1.18 The Applicants Responses to Written Representations Part 2 [REP2-050], and pg.137 of C8.1.27 Applicant Response to Deadline 2 Submissions [REP3-039].</p> <p>The Changes as set out Section 3.14 of C9.3 Supporting Environmental Information [AS-064] demonstrate that the changes to the Scheme do not materially alter the outcomes of the assessment of access to recreational facilities. Only Rampton BOAT13 is affected by the changes, and in so, the level of effect is elevated from a minor adverse to moderate-minor adverse effect during construction (para. 3.14.4 [AS-064]). This is not significant.</p> <p>Access to the River Trent for fishing may also be interrupted by works on Rampton BOAT13, but this does not alter the assessment outcomes of impact on recreational use of waterways (para. 3.14.5 [AS-064]).</p> <p>For further information relating to the part and temporary closure of BOAT 13 during construction of</p>

Reference	Theme	Summary of Issue Raised	Applicant's Response
		<p>these spaces accessible and in close proximity to local communities.....is crucial'.</p> <p>The PRoW's around the area of the Change Request to the Application will be detrimentally impacted with the loss of use and enjoyment by Residents. The Applicant uses the term 'temporary' in terms of closure of the PRoW's. This phrase is open ended.</p> <p>This infringement on the health and social benefits people gain from the recreational value and use of PRoW's, means that people's mental and health and wellbeing will suffer.</p> <p>Some members of the 7000 Acres Group have shared with us that they already feel anxious and worried about the prospect of these proposed solar developments and that their mental health and wellbeing has been harmed as a consequence. If the proposed Change Request to the Application goes ahead, the likelihood is that these harms or negative effects will be worsened.</p>	<p>the Cable Route, please refer to the Applicant's responses to the ExA's Third Written Questions 3.8.1, 3.10.1 and 3.12.1 [EX5/C8.1.33].</p>

Environment Agency [REP3A-002]

Reference	Theme	Summary of Issue Raised	Applicant's Response
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EA-01	Change Application	<p>We have considered all these changes and do not wish to make any additional comments in relation to them beyond those previously made in connection with this proposal. Our previous comments will therefore still apply and will need to be concluded via the ongoing discussions in relation to this application.</p> <p>Related to this, one ongoing matter relates to the applicant requesting that the Environmental Permitting Regulations for Flood Risk Activity permits are disapplied. However, this is subject to the agreement of the wording of the Protective Provisions in the Development Consent Order and this has not yet been agreed.</p>	<p>The Applicant understands that these matters are now resolved and the Protective Provisions agreed, as set out in the Environment Agency's submission [REP4-077]. Agreed Protective Provisions for the protection of the Environment Agency are included in Part 9 of Schedule 16 to the draft DCO [EX5/C3.1_G].</p>
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Cllr Emma Bailey [REP3A-006]

Reference	Theme	Summary of Issue Raised	Applicant's Response
EB-01	Change Application	<p>This is an important access road to the river Trent used by many for recreational purposes and the area offers sanctuary to much wildlife. This is an important access road to the river Trent and is used for recreation such as walking and horse riding. This will be another part of the development that encroaches on wildlife. The area is great for bird and wildlife watching with hedgerows,</p>	<p>It is understood that the land being referred to is the section of Torksey Ferry Road affected by the Change Application (i.e. Changes 1 and 2). As set out in Section 3.5 of C9.3 Supporting Environmental Information [AS-064], this land has been subject to an ecological survey and desk study to examine the ecological importance of the habitats present and to identify the potential for adverse impacts. No new or notable ecological features</p>

		<p>woodland and badger setts. This further highlights the Developers unprofessional approach to the planning process and regard to rural communities.</p>	<p>were recorded and the habitats present consisted predominantly of species-poor hedgerows and arable cropland with associated drainage ditches and grass verges alongside the track. The SEI document therefore concluded in Paragraphs 3.5.10-3.5.12 that the proposed changes are unlikely to result in any new or increased ecological impacts beyond those already identified in Chapter 9 of the Environmental Statement [APP-064] and the ecological protection and mitigation measures already proposed (which are set out in the Outline Ecological Protection and Mitigation Strategy [APP-356], secured via requirement 8 of the draft DCO [EX5/C3.1_G]) are considered adequate to protect all retained and adjacent sensitive habitat and associated important species.</p>
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Anglian Water [REP3A-001]

Reference	Theme	Summary of Issue Raised	Applicant's Response
AW-01	Change application and utilities	<p>AWS recognises that the changes are merited in principle so that the works can be better aligned to the preferences of landowners, to ensure access arrangements meet necessary safety specifications and to minimise the risk to existing infrastructure.</p> <p>AWS land agent has reviewed our land holdings and above ground assets and advised that AWS has no above ground assets, land ownership or formal easements which are within the additional areas of</p>	<p>The Applicant confirms that the agreed Protective Provisions (PPs) apply in respect of the entire Scheme, including the additional land included within the Change Application. Where Anglian Water Services (AWS) has apparatus that is within the standoff distances specified in the PPs, the protections and procedures within the PPs will have effect.</p> <p>The Applicant has reviewed the PPs and confirms that the standoff distances are the same as those specified in AWS's submission, with the only difference being</p>

		<p>land. AWS's land agent notes that some assets are in close proximity. As summarised in the SoCG, AWS considers that our assets are appropriately protected by the Protective Provisions within the draft DCO Order. These are principally contained within Schedule 16, Part 7 and include stand-off distances to protected AWS apparatus including buried pipelines. AWS notes that the changes and works include locations where AWS buried assets will be crossed over or under including, for example, mains pipes in Stow Park Road in Marton parish (Change Request Land Plan Sheet 16 of 20). We therefore request that the applicant agree the following detailed steps to ensure that water and water recycling assets are not damaged as a result of the project works. AWS requires that for mobilisation, pre construction and construction works:</p> <ol style="list-style-type: none"> 1. Trial holes to be undertaken to confirm mains depth prior to works commencing 2. Safe dig techniques to be followed for the trial holes and main works (after 500mm depth hand dig is required until the AWS main has been located) 3. The use of excavators without teeth on the buckets 4. No more than 2m of the mains to be exposed 	<p>that where a pipe diameter exceeds 400mm, the PPs provide for the distance to be agreed on a case-by-case basis, prior to the submission of a plan setting out the works to be executed within the standoff distances.</p> <p>The Applicant welcomes the clarity in AWS's submission that it considers 7 metres to be the relevant distance for pipes exceeding 400mm in diameter, and has updated the outline Construction Environmental Management Plan (oCEMP) [EN010133/EX5/C7.1_D] (which manages the crossing of utilities) to require the Applicant to contact AWS to agree the standoff distance on a case-by-case basis, where it is likely that works will be undertaken within 7 metres of pipes in excess of 400mm diameter. This ensures that AWS's apparatus will be suitably protected, whilst retaining the ability to agree an alternative standoff distance if this is considered appropriate.</p> <p>The Applicant acknowledges the detailed steps set out in points 1 to 5, and notes that the PPs provide for information, such as this, to be included within a plan submitted to AWS under paragraph 85(1), or reasonably required by AWS under paragraph 85(3) of the PPs. In order that any plan provided to AWS should meet these known requirements, the Applicant has added a provision into the oCTMP that any plan submitted to AWS for works within the stand-off</p>
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		<p>5. If a joint is found, AWS network teams may need to call in additional engineering advice to attend to review the need for support</p> <p>6. Network Team representative to be onsite for the duration of the excavation works at crossing points or if works are proposed within standoff distances Our standard approach on standoff distances requires that these are as a minimum starting point: (a) 4 metres both sides of the pipe where the diameter of the pipe is less than 250 millimetres; (b) 5 metres both sides of the pipe where the diameter of the pipe is between 250 and 400 millimetres, and (c) where the diameter of the pipe exceeds 400 millimetres for the Cottam Project AWS proposes a 7 metres stand off distance both sides of the pipe</p>	distances in paragraph 85(7) should include these steps.
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Marine Management Organisation [REP3A-003]

Reference	Theme	Summary of Issue Raised	Applicant's Response
MMO-10	Change Application	The MMO will provide a full response for receipt of the ExA on Deadline 4, 30th January 2024. This will also include our response to the comments on submissions for Deadline 3A.	The Applicant notes this comment. Please refer to Appendix A, below, for the Applicant's response to the MMO's Deadline 4 submission [REP4-081].

Emma Kimberley [REP3A-007]

Reference	Theme	Summary of Issue Raised	Applicant's Response
EK-01	Change Application	<p>This is an important access road to the river Trent and is used for recreation such as walking and horse riding. This will be another part of the development that encroaches on wildlife. The area is great for bird and wildlife watching with hedgerows, woodland and badger setts. This further highlights the Developers unprofessional approach to the planning process and regard to rural communities.</p> <p>This entire thing seems to be bulldozing ahead with absolutely no regard to the people in this area nor the land owners. This area has flooded terribly in the past weeks, the roads are in a terrible state. The process is deliberately being made confusing, so many companies involved and queries here there and everywhere.</p> <p>The organisation has been atrocious, this in itself should be a big red flag to the planning inspectorate. If they can't get this basic process right then how will they do a good job? I want to state here that I'm against ALL of the submissions. Solar panels need to be put on houses not in green space</p>	<p>Please refer to the Applicant's responses to:</p> <ul style="list-style-type: none"> • EB-01 (in respect of ecology impacts); • 7A-12 (in respect of flood risk and hydrology); • 7A-15 (in respect of the Change Application process); and • 7A-19 (in respect of impacts to recreation), <p>all set out in this document.</p>

Helen Mitchell [REP3A-008]

Reference	Theme	Summary of Issue Raised	Applicant's Response
HM-01	Change Application	<p>Torksey Ferry Road is an important access road to the river Trent and is used for recreation such as walking and horse riding. This will be another part of the development that encroaches on wildlife. The area is great for bird and wildlife watching with hedgerows, woodland and badger setts. This further highlights the Developers unprofessional approach to the planning process and their disregard for local rural communities.</p> <p>Cottam Wetlands Site of Importance for Nature Conservation, made up of marshy grassland, swamp and mosaic of wetlands, and Cottam Ponds SINC are a significant part of this area and are important nature conservation designations. There is a habitat for great crested newts which are a protected species. They utilise both ponds and terrestrial habitats (short, amenity grassland) in this area. Map attached.</p> <p>This video posted on You Tube entitled 'Green Lanes In Nottinghamshire (Torksey Ferry Road, Rampton)' was taken while driving along Torksey Ferry Road and shows the landscape around this area. It is lined with well established trees and hedgerows which provide vital resources for wildlife. What will happen to the nesting birds, hibernating hedgehogs, dormice and other small mammals, as well as insects like beetles and butterflies? Many species use hedgerows for food</p>	<p>The Applicant refers to their response made in respect of recreational use of Torksey Ferry Road (Rampton BOAT13), and access to the nearby section of the River Trent for fishing at 7A-19 above. Additionally, in respect of the comments relating to impacts to local ecology, please see the response to EB-01, above.</p>

		<p>such as leaves, flowers, berries, insects or small mammals. Some species rely on hedgerows as shelter from predators or the elements whilst out foraging. Birds rely on berries in hedgerows for food in winter. Hedgerows criss-cross the country, enabling wildlife to move about the landscape. They consequently connect populations that would otherwise be isolated and vulnerable. There are also known badger setts along this route.</p> <p>A number of angling associations have access along this road. Ashfield Angling and Rampton mention it on their websites. Screenshots attached. The Bobrobertsonline.co.uk screenshot also shows the aforementioned and a number of other fishing clubs which use this stretch of the river Trent. Also mentioned is the Foss Dyke, shown on the right side of the image on the East bank, believed to be Britain's oldest canal, built by the Romans, connecting the River Trent to the River Witham in Lincoln.</p> <p>Other websites Getlostmountaineering.co.uk and komoot.co.uk, screenshots attached, both give detailed walking routes around Cottam, Rampton, Torksey, Laneham, which utilise Torksey Ferry Road and give views of Torksey Viaduct and Torksey Castle. This also leads to a public footpath which runs alongside the River Trent. The Nature and Mental Health Report produced by mental health charity Mind, states that spending</p>	
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		<p>time in nature can actually reduce anxiety and depression. Sitting on a bench to take in the views or to walk through fields or along a riverbank are a privilege and appreciated by many.</p> <p>This video posted on YouTube entitled 'Torksey Viaduct & Cottam Power Station Disused Railway Walk' shows a walking route around this area.</p> <p>Ramptonandwoodbeck-pc.gov.uk, screenshot attached, give a history of Rampton Wharf which is accessed by this road. Rampton Wharf is half an acre of private land beside the River Trent awarded to Parish of Rampton in 1845. The access road to Rampton Wharf is also Parish Council owned.</p>	
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P Mitchell [REP3A-009]

Reference	Theme	Summary of Issue Raised	Applicant's Response
PM-01	Change Application	I object to this significant change request.	The Applicant notes this comment.
PM-02	Public Rights of Way	Torksey Ferry Road is an important access road to the River Trent. It is a Green Lane, a Public Byway (open to all traffic) with several Public Footpaths (PRoWs) along its length, including Torksey Viaduct & Cottam Power Station Disused Railway Walk. It is an extensive length of lane used for recreation, walking / exploring the area and horse riding and comes to a dead end near	<p>The Applicant notes this comment.</p> <p>Any closure to Torksey Ferry Road will be for the shortest period possible up to a maximum of four weeks. The contractor will seek to keep the road open where possible. The impacts arising from the construction of the Scheme on local roads, including Torksey Ferry Road will be managed in accordance with</p>

		the River Trent, the last part of the lane being marked as a Public Footpath.	the Outline Construction Traffic Management Plan [EX5/C6.3.14.2_F]. Preparation, approval and implementation of a final version of this Plan is secured via requirement 15 in the draft DCO [EX5/C3.1_G].
PM-03	Public Rights of Way	A number of Angling Associations have fishing rights in the area and use this road to access the River Trent and the various fishing pools/ponds.	The Applicant refers to their response made in respect of recreational use of Torksey Ferry Road (Rampton BOAT13), and access to the nearby section of the River Trent for fishing at 7A-19 above.
PM-04	Public Rights of Way	This is an area for bird and wildlife watching and to take in the countryside. This lane also leads to Rampton Wharf Road and Rampton Wharf, a half an acre of private land, beside the River Trent owned by and awarded in 1845 to the Parish of Rampton. This land, again accessed via Torksey Ferry Road, is currently let to Ashfield Angling Club.	The Applicant refers to their response made in respect of recreational use of Torksey Ferry Road (Rampton BOAT13), and access to the nearby section of the River Trent for fishing at 7A-19 above.
PM-05	Ecology and biodiversity	Cottam Wetlands Site of Importance for Nature Conservation, made up of marshy grassland, swamp and mosaic of wetlands, and Cottam Ponds SINC are a significant part of this area and are important nature conservation designations. There is a habitat for great crested newts which are a protected species. They utilise both ponds and terrestrial habitats (short, amenity grassland) in this area.	As set out in the Supporting Environmental Information Report [AS-064] it is acknowledged that the extended Order Limits are situated closer to two non-statutory designated sites (Torksey Ferry Road LWS and Cottam Ponds LWS). However, as construction work would be limited to within and immediately to the south of the existing Torksey Ferry Road carriageway and verges (whereby any vegetation clearance in the latter would be minimised as much as is practicable and outside of these designated sites), this will not result in direct impacts to these LWSs. Mitigation will be

			<p>implemented to avoid indirect impacts such as pollution or changes in air quality. These measures are described in Method Statements 2, 3, 6, 8 and 11 of the Outline Ecological Protection and Mitigation Strategy [APP-356] which is secured by Requirement 8 of the Draft DCO [EX5/C3.1_G] and Tables 3.3 and 3.4 of the Outline Construction Environmental Management Plan [EX5/C7.1_D] which is secured by Requirement 13 of the Draft DCO [EX5/C3.1_G]. Examples of measures include the safe storage of chemicals / other hazardous materials (e.g. fuel) to prevent pollution of watercourses during construction. No significant effect on any designated site was reported in Chapter 9 of the ES [APP-044] during construction, and the construction phase of the Scheme within the extended Order Limits will not result in any new impacts to these sites.</p>
PM-06	Ecology and Biodiversity	<p>There are several badger setts in the area. This proposed significant Change request would have dire consequences for these much persecuted unique mammals, their setts and habitats, which has rare protection under the Protection of Badgers Act (1992) which strictly prohibits the disturbance, harm or destruction of a badger or its sett either with intent or through negligence.</p> <p>Additional legal protection is provided by the Wildlife and Countryside Act 1981, the Animal Welfare Act 2006 and the Hunting Act 2004. Badgers are also listed in</p>	<p>As stated within the Supporting Environmental Information document [AS-064] the ecological baseline of the areas added to the Order Limits was defined by a walkover survey that was undertaken on 10 October 2023, to identify ecological receptors.</p> <p>No badger setts were recorded within these locations, although it is acknowledged that badgers are known to be present locally and are present elsewhere within the Order Limits. Nevertheless, the SEI document concludes in Paragraph 3.5.11 that the mitigation and protective measures set out to avoid impacts on ecological features such as badgers within the Outline</p>

		<p>Appendix III of the Convention of the Conservation of European Wildlife and Natural Habitats.</p> <p>Their long history in Britain, 250,000 years, makes badgers a key part of our natural heritage. They live in large social groups of up to 30 individuals and have a wide range of social behaviours, living in an extensive tunnel network. Badgers follow the same foraging pathways across generations and are an essential part of the ecology of the countryside. We must protect nature. There is space for badgers and humans to live sustainably, side by side, as long as multi-million pound solar construction projects of this nature, leave badgers and humans to live their lives without disturbance and interruption.</p>	<p>Ecological Protection and Mitigation Strategy [APP-356] (as secured by Requirement 13 of the Draft DCO [EX5/C3.1_G]) remain applicable and appropriate within the extended Order Limits. Specifically, Method Statement 8 relates to the completion of a pre-commencement survey of suitable habitat for badgers and the implementation of protective measures should any be located where risks of harm or disturbance are likely.</p>
PM-07	Ecology and Biodiversity	<p>There is an expansive area of landscape and farmland rich in wildlife with established hedgerows, woodland, fauna and flora on either side of the lane and dykes. These and other hedgerows in the area provide vital resources for mammals, birds and other species. They act as wildlife corridors – allowing species to move between isolated habitats and can also harbour beneficial insects that predate crop pests, thereby supporting an integrated approach.</p>	<p>Please refer to the Applicant's response to issue EB-01 set out above.</p>
PM-08	Ecology and Biodiversity	<p>Hedges are crucial for tackling climate adaptation, storing carbon and make an incredible contribution to halting biodiversity decline. The Climate Change Committee identified hedgerows as a vital force</p>	<p>Please refer to the Applicant's response to issue EB-01 set out above.</p> <p>In response to the comments made relating to the removal of hedgerows, please refer to the Applicant's</p>

		<p>against climate change. On the one hand we have the Government seeking to improve hedgerow protection with a Consultation launched in June 2023 to help meet commitment to support farmers to create or restore 45,000 miles of hedgerows by 2050 and on the other these four NSIP solar schemes recklessly and irresponsibly removing them. Hedgerows are the very essence of our countryside, they are important boundary features, help to manage livestock, slow soil erosion and water run-off, and support crop pollinators for food production and add to the beauty of our Lincolnshire countryside.</p>	<p>response to the ExA's Second Written Question 2.1.4 [REP4-058].</p>
PM-09	Ecology and Biodiversity	<p>Wildlife conservation is crucial in the UK. Animals and plants are not only valuable for their own sake, but they are also part of a wider natural environment that provides food, shelter, water and other functions for other wildlife and people. Wildlife conservation helps to ensure that future generations can enjoy the beauty and diversity of nature. The Cottam Solar project will absolutely ravage wildlife conservation.</p>	<p>Please refer to the Applicant's response to issue EB-01 set out above.</p>
PM-10	Health and well being	<p>A growing body of research points to the beneficial effects that exposure to the natural world has on health, reducing stress and promoting healing. There is proven science behind wellness. Natural surroundings is better for our biology than synthetic materials and people with nature on their doorstep have the benefits of a deeper connection with nature, are more active,</p>	<p>The Applicant refers to their response made in respect of recreational use of Torksey Ferry Road (Rampton BOAT13), and access to the nearby section of the River Trent for fishing at 7A-19 above.</p> <p>Furthermore, the Applicant refers to previous responses to comments made on health and wellbeing, particularly in relation to recreation access</p>

		mentally resilient and have better all-round health. All aspects of the The Cottam Solar scheme will destroy these benefits.	to the countryside at OEM-03 and STR-20 of C8.1.19 The Applicants Responses to Written Representations Part 3 [REP2-051] .
PM-11	Ecology and Biodiversity Health and Wellbeing	This proposed significant Change application development will violate and encroach on wildlife in this area and the recreational aspects and rights for individual human beings. Add to this the further environmental impact of the four solar projects below and it highlights the Developers' unprofessional approach to the planning process and complete disregard for rural communities.	The Applicant refers to their response made in respect of recreational use of Torksey Ferry Road (Rampton BOAT13), and access to the nearby section of the River Trent for fishing at 7A-19 above. The change in impact to the use of the public right of way does not induce a significant adverse effect. Furthermore, the changes do not create any additional cumulative significant adverse effects to recreation, or to human health and wellbeing as a result (see paragraph 3.14.9 of C9.3 Supporting Environmental Information [AS-064]). In respect of the comments relating to impacts to ecology, the Applicant refers to the response provided for issue EB-01, above.
PM-12	Ecology and biodiversity	Yet again, the wanton destruction of natural habitat connected with this Change request, notwithstanding the annihilation of 10,000 acres of agricultural land for solar panels and associated paraphernalia and hardware, not only by Cottam Solar but also the three further projects West Burton Solar, Gate Burton Energy and Tillbridge Solar with their respective reciprocal protective provisions arrangements in place in sharing the same cable route.	The Applicant has assessed the cumulative impacts of the nearby NSIP solar schemes within each chapter of the Environmental Statement (ES) [APP-036 to APP-056, REP-010, REP-012, REP-014, REP2-008], with a summary provided in ES Chapter 23: Summary of Significant Effects [REP2-010] . The Applicant has also produced an ES Addendum: Cumulative Effects [EN010133/EX5/C8.4.23.1] , submitted at Deadline 5, which considers the potential cumulative effects of other local solar schemes that have come forward


			since the Environmental Statement for the Scheme was first prepared.
PM-13	Access and transport	The intention to increase the visibility splay of the construction access AC108 on the A156 on Marton High Street will create unwanted and far-reaching disruption and shows indifference again to the residents of Marton and all other road users travelling this very busy route by the Applicant.	The visibility splay will be kept clear to ensure the safe movement for vehicles in and out of the access. Banksmen will also be provided to assist manoeuvres. These mitigation measures are set out in the Outline Construction Traffic Management Plan [EX5/C6.3.14.2_F]. Preparation, approval and implementation of a final version of this Plan is secured via requirement 15 in the draft DCO [EX5/C3.1_G].
PM-14	General	Please listen to these affected communities heartfelt, intelligent, rational and honest judgements and refuse this/these amoral solar applications.	The Applicant notes this comment.

3. Applicant's Responses to Deadline 4 Submissions

Canal & River Trust [REP4-074]

Reference	Theme	Summary of Issue Raised	Applicant's Response
CRT-01	Draft DCO	<p>We have examined the Deadline 3 documents and wish to make the following comments:</p> <p>Draft Development Consent Order</p> <p>We welcome the inclusion of the protective provisions for the Trust in Part 13 of Schedule 16 and the amendment to article 6(1)(i) to ensure the disapplication of legislation listed in Schedule 3 does not impact on the operation or maintenance of the River Trent as a navigable river. These reflect the provisions included in the draft DCOs for Gate Burton and West Burton projects. This wording is agreed by the Trust subject to any changes to the draft DCO or changes to the project which would impact the Trust.</p>	The Applicant notes this comment.
CRT-02	Land South of Marton Grid Connection Options Report	<p>Land South of Marton Grid Connection Options Report</p> <p>The report considers the cable route options to the south of Marton village and east of the River Trent. In our Relevant Representation we advised that we own a dredging tip on the east side of the River Trent, which initially lay immediately north of the cable route corridor. The below extract is taken from the Environmental Constraints Plan Figure 3-1 and shows</p>	The Applicant notes this comment. The Land South of Marton Grid Connection Options Report [REP3-040] was undertaken to explore the route of the cable in this location in response to comments made by affected persons (Mr and Mrs Hill). The report concludes that the existing route within the Order limits is the preferred route. The Applicant is therefore not proposing to proceed with Option 2..

		<p>the current red line order limit excluding the eastern dredging tip. The dredging tip is not mentioned as a constraint on the Environmental Constraints Figure 1a.</p> <p>Option 2 (if the order limits are altered) does include land in the southeast corner of the eastern dredging tip. The inclusion of this land within order limits raises the potential need for Protective Provisions for the Trust and a Land Agreement if the route is altered. This is a similar situation to that proposed for the southwest corner of the western dredging tip as part of the West Burton Solar Project. The same would be the case for options 3, 4 and 5 which also appear to include land in the southeast corner of the eastern dredging tip, but do not appear to be the preferred options. We would wish to work with the applicant (and other NSIP applicants) to ensure this matter is discussed and included within future amendments.</p>	
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CRT-03	Concept Design Parameters & Principles	<p>Concept Design Parameters & Principles</p> <p>We welcome that the updated at Deadline 3 version of this document includes the wording The HDD depth will be a maximum of 25m below the bottom of the riverbed and a minimum of 5m below the lowest surveyed point of the River Trent riverbed in order to prevent risk of any scour exposing cable as previously agreed with the applicant.</p>	The Applicant notes this comment.
CRT-04	Joint Report on Interrelationships	<p>Joint Report on Interrelationships</p> <p>We note that on page 47 of the Joint Report on Interrelationships between Nationally Significant Infrastructure Projects the entry on the date 10/08/23 mentions Canal. We believe this may be a typing error discussions with the applicants and EDF regarding Cottam substation.</p>	This typographical error has been corrected in the version of the Joint Report on Interrelationships submitted at Deadline 4 [REP4-050].

The Coal Authority [REP4-075]

Reference	Theme	Summary of Issue Raised	Applicant's Response
CA-01	mining	<p>Thank you for your notification of 18 December 2023 seeking the views of the Coal Authority on the above.</p> <p>The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>The site to which this submission relates is not located within the defined coalfield. On this basis we have no specific comment to make.</p>	The Applicant notes this comment.

Health and Safety Executive [REP4-078]

Reference	Theme	Summary of Issue Raised	Applicant's Response
HSE-01	Request not to be consulted in relation to Battery Safety Management Plan (BSMP)	<p>Request for the removal of HSE to be consulted in relation to Battery Safety Management Plan (BSMP)</p> <p>Following on from HSE's previous correspondence sent to you dated 10 August 2023 in response to your letter of the 10 July 2023 with regard to the Rule 6 Examining Authority's letter containing the draft timetable, an invitation to the Preliminary Meeting and Notification of Hearings for the Cottam Solar Project.</p>	<p>The Applicant notes this comment.</p> <p>The reference to the HSE in Requirement 6 of Schedule 2 of the Draft Development Consent Order [REP4-013] was removed at Deadline 1 (see [REP-007]).</p>

		<p>HSE's letter of the 10 August 2023 gave an in-depth explanation that HSE does not provide comment on BSMPs, as it is not part of our planning functions and we do not have the technical capacity to undertake them.</p> <p>HSE had agreed with the Planning Inspectorate that Advice Note 11 Annex G will be amended to further clarify both HSE's role in planning and the position regarding BSMP.</p> <p>Furthermore, HSE requested that Schedule 2 Requirement 6 and any other references to HSE consultation/approval of the BSMP were to be removed from the Development Consent Order ahead of your meeting on the 5 September 2023.</p> <p>On checking the DCO, this request has not been actioned upon and it still remains that HSE should be consulted. So therefore, as already indicated in HSE's previous correspondence and reiterate again that there is no statutory requirement to consult HSE in relation to a Battery Safety Management Plan (BSMP) and HSE would not provide any comments on them.</p>	
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LNT Construction [REP4-080]

Reference	Theme	Summary of Issue Raised	Applicant's Response
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LNT-01	Socio-economic impacts	<p>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</p> <p>2.12.4 The Exa requests details of the following: -</p> <p><i>(i) Available details on the contribution of Blyton Park Driving Centre to the local economy, including employment and skills, economic activity, and supply chains.</i></p> <p>Blyton Park Driving Centre has existed on the old Airfield east of Blyton Village, in one form or another, since the late 1950's. As such, it is a well-established and recognised part of the local economy, in this part of West Lindsey and its contribution acknowledged and appreciated by the local area and local Authorities. Blyton Park currently employs 10-20 staff on-site depending on the activity taking place. Last year the Driving Centre received c. 30,000 visitors, people that would have otherwise had reason to visit this locality, the economy of which is otherwise based almost wholly on agriculture. Local hotels, public houses, other hospitality services and shops, benefit from these visitors and made more sustainable as a result.</p> <p>The Driving Centre offers a facility for some 30 + independent companies per annum that run events at the circuit and that independently employ people and</p>	<p>The Applicant welcomes these comments, which largely correspond to the Applicant's understanding of the economic value of the Blyton Park Driving Centre complex, and its benefit to the wider visitor economy in West Lindsey District.</p>
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		<p>encourage other visitors to the area. There are multiple local suppliers that provide services to Blyton Park including emergency service providers, road maintenance services, food and drink producers and many others. There are multiple other community benefits in terms of emergency services driver training and for example Lincoln's police, have recently been on-site reconstructing a fatal RTA that they can't do on the roads or elsewhere within the area.</p> <p>On a national basis, the Driving Centre offers services to several well-known motor racing teams, a wide range of drivers wanting to improve their driving skills, renowned car manufacturers for the testing of their vehicles, tyres, parts, and products. Blyton Park is only one of three 3 No. such facilities across the country that can offer this type of motor vehicle related services and activities, away from the major race circuits that themselves only operate on a time and noise restricted basis, and as such are not always available for many of the services that Blyton Park offers.</p>	
LNT-02	Socio-economic impacts	<i>(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.</i>	The Applicant understands the potential economic benefit of the proposed Automotive Research and Development Centre, and has included it as a cumulatively assessed development in Table 18.26 of ES Chapter 18: Socio-Economics, Tourism and Recreation [APP-053] . The Applicant has included protective provisions in the version of the draft DCO

		<p>Yes, the consented Automotive Research & Development Centre would involve land in or close to the Order limits. (See attached Site Location & Site Layout Plans). The proposed Site Layout Plan clearly conflicts with the current proposed Order limits. A varied planning permission was granted in relation to this development in July 2022 subject to a time limit condition for implementation extending up until 03 March 2025. While there are no current plans to implement this permission, due to circumstances outside LNT's control, given it took almost two years to obtain planning permission and discharge all relevant planning conditions, we cannot discount a possible commencement of development within the next 14 months.</p> <p>The contribution to the local economy of this proposed development, beyond the twelve new jobs that may be generated directly, was discussed in all communications with all the local Authorities at the time of the application. Given the number of visitors to the area that Blyton Park encourages that use and help to sustain local facilities/services such as hotels, public houses, shops etc the contribution of Blyton Park to the local economy is very recognised and supported locally. This is very much believed by LNT and accepted by Blyton Parish Council and West Lyndsey District Council, in all our dealings with them and as referred to in several places within the Planning Officers Report</p>	<p>submitted at Deadline 5 [EN010133/EX5/C3.1_G] to ensure that the Scheme does not interfere with LNT Group's ability to implement their planning permission and to ensure that the Scheme will not impact upon the current or potential future operations of the Blyton Park Driving Centre complex.</p>
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		to Committee (attached). It is also the case that as an existing, long-established business within this area, current adopted planning policies are designed to and were interpreted as being very supportive of Driving Centres presence and future development, which remains the case to this day.	
LNT-03	Socio-economic impacts	<p><i>2.14.1 Please provide an update on discussions in relation to CA matters.</i></p> <p>A further site meeting was accommodated with the applicants and their landscape and noise consultants on 19 December 2023, at which all were able to observe the circuit in operation and were able to see the implication of the current proposed solar panel arrays, in relation to existing operations.</p> <p>The issues of concern were: -</p> <ul style="list-style-type: none"> i) proximity of the solar panel development to the driving circuit and high-speed activities on it. ii) encroachment of the proposed solar panel development within the long-established and essential, safety run-off areas around the circuit. iii) disruption of line-of-sight from the central control facility of the whole circuit, particularly the southern portion of the circuit and its associated safety run-off areas. 	<p>An ES Addendum was submitted into the examination at Deadline 4 to address concerns raised by LNT Group. C8.4.21.2 ES Addendum 21.2 Blyton Park Driving Centre [REP4-069] provides information regarding, glint and glare and noise. The Applicant has included protective provisions in the version of the draft DCO submitted at Deadline 5 [EN010133/EX5/C3.1_G] to ensure that the Scheme does not interfere with LNT Group's ability to implement their planning permission and to ensure that the Scheme will not impact upon the current, or potential future operations of the Blyton Park Driving Centre complex.</p>

		<p>iv) potential glint & glare from the solar panels likely to affect drivers using the circuit.</p> <p>v) potential deflection of noise from the activities on the circuit that may prove detrimental to the operational conditions of the Driving Centre and surrounding noise climate and balance.</p> <p>In relation to each issue in turn: -</p>	
LNT-04	Socio-economic impacts	<p>i) & ii) Proximity of Solar Panels & Encroachment on Safety Run-off Areas</p> <p>Blyton/LNT have provided a plan, identifying minimum unrestricted run-off areas in respect of key parts of the driving circuit that it currently believes necessary to preserve existing operating conditions and driver safety. This plan has been provided following brief consultation with Motorsport UK (see attached Run-off Areas Plan). This plan still requires validation from Motorsport UK, the licensing Authority in relation to driving circuits, to ensure the operating conditions remain acceptable and the health & safety and operational conditions of the circuit, are preserved, both now and into the foreseeable future.</p> <p>It is also being suggested that that the circuit be made subject of analysis by one of two UK companies that can run simulation of how the track can operate and can offer advice on circuit layout, design, and safety. Blyton/LNT have never had call for the services of</p>	<p>Please see the response to comment LNT-03 regarding the inclusion of protective provisions within the draft DCO [EN010133/EX5/C3.1_G].</p>

		<p>either of these companies, given its historical appreciation of the how the circuit operates and the openness of its immediate surrounds. A TEAMS meeting between representatives of Motorsport UK; the Applicants; and Blyton/LNT is scheduled for tomorrow afternoon 31 January. It is hoped that this might agree a course of action to enable further progress to be made.</p> <p>It is noted that the applicants have not conceded to making any alteration/amendment to their currently proposed Site Layout Plan and Solar Panel arrays, which continue to be proposed in extreme proximity to the established driving circuit. The proposed layout, therefore, remains wholly unacceptable in health & safety terms, with driver safety of paramount concern. Also in these circumstances, the proposals remain wholly unacceptable in planning terms, given the potential impact that the current development proposals would have on Blyton Park and its long established business activity on the former Airfield.</p>	
LNT-05	Socio-economic impacts	<p>iii) Disruption of Line-of-Sight</p> <p>It is very apparent that if the current proposed solar panel proposals were to be implemented that the line-of-sight from the circuits central control facility will be interrupted and the southern section of the track and associated run-off areas will be obscured from view. The attached plan identifying the essential safety run-</p>	Please see the response to comment LNT-03 regarding the inclusion of protective provisions within the draft DCO [EN010133/EX5/C3.1_G].

		<p>off areas also identifies the necessary line of sight that must be preserved for driver safety/health & safety reasons. The current operational conditions in this respect must be preserved and the applicant's suggestion of installing a mechanical/electronic camera system in lieu of current line-of-sight has been rejected on grounds of unreliability, as an alternative to physical line-of-sight.</p>	
LNT-06	<p>Glint and Glare impacts</p>	<p>iv) Glint & Glare</p> <p>A summary report has been prepared by the applicant's consultants that was received by Blyton Park/LNT only on 23 January. This report confirms that 'glint and glare' will have an adverse impact in relation to the operation of the driving circuit and as such, on driver safety. It concluded, however, despite this initial assessment, that with "proposed screening predicted to remove visibility of potential solar reflection", the wide arrays of 4.5-metre-high panels would have "No Impact", without providing any actual details of the proposed screening.</p> <p>It has since been indicated that the "proposed screening" would take the form of some form of opaque fencing and planting but still without providing any detail of height, materials, design, or method of construction. Blyton Park/LNT are very concerned about the conclusion of this report have identified that there would be an adverse impact and the casual</p>	<p>Table 3.5 of the Outline Operational Environmental Management Plan [EN010133/EX5/C7.16_D] states:</p> <p><i>'Blyton Park Driving Centre Screening vegetation as detailed on Figure 8.16.10 A Landscape and Ecology Mitigation and Enhancement Plan – Cottam 3a [REP-025] will be provided. Interim measures, prior to establishment of screening vegetation, in the form of opaque fencing will be provided as set out in ES Addendum Appendix 16.1 Solar Photovoltaic Glint and Glare Study [REP-077]</i></p> <p><i>If required, the backtracking angle of the solar panel tracking system can be changed to mitigate solar glare.</i></p> <p><i>Where Glint and Glare cannot be mitigated through panel backtracking tilt (tracking panels) and would require instant screening, a temporary 3m wooden solid hoarding may be required until adjacent planting has matured.'</i></p>

		<p>nature in which the means of mitigation is being proposed. This is a matter of driver safety and potential fatality if gotten wrong. Additionally, not only will the solar panels have an adverse visual impact in terms of the setting of the driving circuit and experience but the means of mitigation appearing to be proposed, is also likely to significantly add to this detrimental impact.</p> <p>Further details in relation to the means of mitigation are expected, before any further comment can be made in relation to this report and are currently awaited.</p>	
LNT-07	Noise impacts	<p>v) Deflection of Noise</p> <p>Following the Site Meeting on 19 December, at which the Applicants Noise Consultant attended, a highly technical Noise Assessment Report was provided to Blyton Park/LNT by e-mail only on 25 January (5 days/3½ working days ago) As such it has not been possible to read and appreciate the content of this report and provide any meaningful response by today. Blyton Park/LNT need to have time to consult with their own noise consultant, to provide a reasonable critique and comment on what is an extremely important report, based on computer modelling techniques.</p> <p>All that can be said at this stage is that this report will be considered very carefully, and comment made in</p>	The Applicant notes this comment.

		<p>due course, given that this report was only first received last Thursday afternoon.</p> <p>Blyton Park/LNT, the operators of the Driving Centre proposed to be seriously impacted upon by the proposed Solar Project, while now receiving communication from the Applicants, remain far from comfortable or accepting of the current proposed development. The response received to date is unconvincing in terms of lessening the impact of the proposed development in relation to the Driving Centres operation and the safety of drivers using its facilities and services. Look forward to further co-operation on the part of the Applicants; commenting further on information provided and to be provided; and providing further input to the Examining Authority's consideration of this project.</p>	
LNT-08		<i>See plans and further documents within the full submission [REP4-073].</i>	The Applicant notes this comment.

Marine Management Organisation [REP4-081]

Reference	Theme	Summary of Issue Raised	Applicant's Response
MMO-01	General	<p>Deadline 4 Submission</p> <p>On 9 February 2023, notice was given that the Secretary of State has accepted an application by Cottam Solar Project Limited (company number</p>	The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.

		<p>12711231) of Unit 25.7 Coda Studios 189 Munster Road, London, England, SW6 6AW ("the Applicant") for a Development Consent Order ("DCO") under the Planning Act 2008.</p> <p>The Applicant seeks authorisation for the construction, operation, maintenance and decommissioning of a solar photovoltaic (PV) electricity generating facility and energy storage facility, based in Lincolnshire, with a total capacity exceeding 50 megawatts (MW) and export connection to the National Grid ("the Project").</p> <p>This document comprises the MMO's Deadline 4 response in respect to the above Application.</p> <p>This is without prejudice to any future representation the MMO may make about the Application throughout the examination process. This is also without prejudice to any decision the MMO may make on any associated application for consent, permission, approval, or any other type of authorisation submitted to the MMO, either for the works in the marine area or for any other authorisation relevant to the Project. The MMO reserves the right to modify its present advice or opinion in view of any additional matters or information that may come to our attention.</p>	
MMO-02	General	General Comments	The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.

		<p>The MMO has reviewed the DCO and Deemed Marine Licence ("DML") (REP1-006) on a without prejudice basis.</p> <p>The MMO reaffirms major concerns in relation to the inclusion of a DML in the DCO.</p> <p>However, has provided without prejudice comments on the wording within the DCO and DML, where this falls within the MMO's remit as the regulator under the Marine and Coastal Access Act 2009 ("2009 Act").</p> <p>References to Articles below are to articles in the DCO unless otherwise stated.</p>	
MMO-03	Draft DCO	<p>2. Exempt Activities</p> <p>2.1 Article 4(1) of the Marine Licensing (Exempted Activities) Order 2011 ("2011 Order") states that a marine licence is not needed for an activity that is an exempt activity.</p> <p>2.2 Article 35(1) of the 2011 Order states "Article 4 applies to a deposit or works activity carried on wholly under the seabed in connection with the construction or operation of a bored tunnel."</p> <p>2.3 The Applicant is proposing, under Work No.4 (as set out in Schedule 1 "Authorised Development") to carry out trenching for cabling by way of a bored tunnel. It has been asserted by the Applicant that in carrying out</p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>

		<p>Work No. 4 that the activities will not have a significant effect on the UK marine area.</p> <p>2.4 On the basis of the information provided to the MMO by the Applicant, the MMO does not consider that a deemed marine licence can be granted under the DCO for the purposes of the proposed Work No. 4. This is because no marine licence is required for these works.</p> <p>2.5 In addition, it would appear to the MMO that the Applicant is seeking to obtain a deemed marine licence for generalised activities relating to the Works No. 6B which may form drilling (or other forms of tunnelling) but which are not a 'bored tunnel' to which the exemption in the 2011 Order applies. The MMO notes that the Applicant has provided no detail as to what these activities would entail, nor any assessment of the environmental implications of these activities. A deemed marine licence cannot be granted on this basis.</p> <p>2.6 The Planning Act 2008 has the effect of altering the mechanism, for the purposes of a DCO, by which a marine licence can be granted. It does not however alter the process by which an application for a marine licence is determined under section 69 of the 2009 Act.</p> <p>2.7 The MMO is unclear how the Secretary of State can determine whether or not the deemed marine licence should be granted, as the MMO itself would be unable</p>	
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		<p>to make this determination on the inadequate information provided by the Applicant. As such, the MMO has significant concerns that any decision of the Secretary of State to grant a deemed marine licence in these circumstances could be open to successful challenge.</p> <p>2.8 Please see Section 5 of this document for further comments.</p>	
MMO-04	Draft DCO	<p>3. DCO – Part 6, Article 35 - Consent to transfer the benefit of the Order</p> <p>3.1 It is the MMO's stated position that any deemed marine licence granted under a DCO should be regulated by the provisions of the 2009 Act, and in respect of this issue, specifically by all provisions of section 72.</p> <p>3.2 Section 72(7)(a) of the 2009 Act permits a licence holder to make an application for a marine licence to be transferred, and where such an application is approved for the MMO to then vary the licence accordingly (section 72(7)(b)).</p> <p>PINS Guidance</p> <p>3.3 As set out in PINS Advice Note Eleven, Annex B1, where a developer chooses to have a marine licence deemed by a DCO, the MMO, "will seek to ensure wherever possible that any deemed licence is generally</p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>

		<p>consistent with those issued independently by the MMO.”</p> <p>3.4 As you are aware, developers can seek consent for a marine licence directly with the MMO. This underlines the fact that, in respect of marine licences, the DCO process is simply a mechanism for granting a marine licence. It is not a vehicle to amend established process and procedures, such as those for the transfer of a marine licence.</p> <p>3.5 As the guidance further sets out, the MMO is responsible for enforcing marine licences regardless of whether these are ‘deemed’ by a DCO or consented independently. It is therefore crucial that all marine licences are clear and enforceable. Consistency is a key element in achieving this.</p> <p>‘Decision’ to transfer or ‘application’ to transfer</p> <p>3.6 It is noted that Articles 35(1)(a) and 35(1)(b) no longer requires the licence holder (undertaker) to make an application for a licence to be transferred. Rather the process is simply described as the Applicant’s decision to make such a transfer. This is a clear departure from 2009 Act.</p> <p>3.7 Further the newly introduced process involves the Secretary of State providing consent to the transfer, rather than the MMO, as the regulatory authority for</p>	
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		<p>marine licences, considering the merits of any application for a transfer.</p> <p>3.8 It is also unclear who this novel process is intended to operate. If it is the Applicant's intention that a deemed marine licence to be transferred by them as the undertaker under the terms of the DCO (and outside of the established procedures under 2009 Act, which the MMO opposes) it is unclear to the MMO why it is considered necessary or appropriate for the Secretary of State to 'approve' the transfer of the DML (even with their obligation to consult the MMO, considered in more detail in 3.10 below). The proposed process operates as an unsatisfactory hybrid of the existing regime, and one which offers no rationale as to why the MMO should be removed as decision maker. It is the MMO's position that there is no basis to change the regime in this respect.</p> <p>3.9 It is also unclear what benefits this change would bring the Applicant. The proposed process has not been tested, however in the absence of any clear consultation period or process in place for the Secretary of State to deal with such requests, it is uncertain how the process would be more efficient or the timeframes expediated compared to transfers under section 72 of the 2009 Act.</p> <p>Duty to consult MMO</p>	
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		<p>3.10 Another flaw in the procedure proposed in Article 35 lies in the proposal that the Secretary of State “must consult” the MMO (Article 35(4)). However, the obligation goes no further than this. The Secretary of State is not obligated to take into account the views of the MMO in providing its consent and there is no obligation for the MMO to be informed of the decision of the Secretary of State.</p> <p>3.11 Not only therefore are the consulting obligations a weak safeguard, but it is highly unusual from a regulatory perspective for a decision to transfer a deemed marine licence to be made by a body other than the regulatory authority in that area. This is further indicative of the flaws in proposing a hybrid/alternative transfer regime to the one already established in the 2009 Act.</p> <p>Power to vary the licence following a transfer</p> <p>3.12 It is important to note that, even with the proposed changes to the process of transferring a DML, neither the licence holder (undertaker) nor the Secretary of State would have any power to actually vary any terms of a DML.</p> <p>3.13 Even in the event that these terms were to be included within the DML, in the event that the undertaker sought a transfer it would remain necessary for the MMO to take steps to vary the DML to reflect that it has been transferred to another entity.</p>	
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		<p>As such, the proposed mechanism for transfer of a deemed marine licence does not work, and in fact simply operates to complicate the process.</p> <p>3.14 There are additional practical concerns. Following the transfer, the marine licence transferred would still be in the name of the original licensee. The new licence holder/licensee would have no authorisation to carry out any acts until the variation had taken place. Furthermore, until the variation had been affected, the old licence holder would remain liable for any actions undertaken. The statutory procedure under section 72 of the 2009 Act avoids this issue. Transfer and lease of a marine licence</p> <p>3.15 Article 35(1)(b) specifies the transfer of the whole of a deemed marine licence and Article 35(1)(b) specifies a grant to a lessee for an agreed period. There is however no mechanism either in the DCO or indeed in the 2009 Act for a marine licence to be 'leased'. Specifically, there is no provision for a marine licence 'reverting' to the licence holder after the agreed lease period. In practice it would be necessary to vary the marine licence to change the details of the licence holder at the beginning of the agreed lease period and then again at the end of the agreed lease period. Article 35(1)(b) use of the term 'grant'</p> <p>3.16 The MMO seeks clarification on the use of the term 'grant' in Article 35(1)(b) and 35(2) in respect of</p>	
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		<p>granting the benefit of the licence to a lessee. Articles 35(1)(a) and 35(2) refer to the transfer of the licence (mirroring the language of section 72 of the 2009 Act). However, granting of licences falls under s.69 of the 2009 Act. The Applicant is therefore requested to provide further explanation of its intention in this regard and its use of the term.</p> <p>Enforcement</p> <p>3.17 It is essential as the regulatory authority in the marine environment that the MMO is fully aware of who has the benefit of marine licences. This ensures that the MMO can carry out its regulatory function and, where necessary, take enforcement action. The mechanism currently proposed by the Applicant for the transfer of a deemed marine licence departs from this established process without clear justification as to why such a departure is necessary or appropriate, given the potential consequences for clear enforcement. Conclusion</p> <p>3.18 It is therefore the MMO's position that the DML should be regulated in accordance with the provisions of the 2009 Act, in this context specifically all provisions of section 72 of the 2009 Act, and that there is no reasonable justification to seek to vary or supersede these. Therefore Article 35 should be updated to remove the DML from being transferred.</p>	
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MMO-05	Draft DCO	<p>4. DCO – Part 6, Article 42 – Arbitration</p> <p>4.1 As currently drafted, it is unclear whether the arbitration provisions set out in article 42 (DCO) are intended to form the applicable dispute resolution mechanism in respect of any deemed marine licence.</p> <p>4.2 It is the MMO's position that no arbitration provisions should apply to the DML. Appeals are already available to the Applicant in the form of an escalated internal procedure and judicial review. Including any additional appeal mechanism within the DCO is therefore unnecessary.</p> <p>4.3 The Marine Licensing (Licence Application Appeals) Regulations 2011 ("the 2011 Regulations") apply a statutory appeals process to the MMO's decisions whether to grant or refuse a licence (or conditions applied to a marine licence). However, there is no appeal process within the 2011 Regulations against any decisions made by the MMO in relation to applications to discharge conditions of a marine licence issued by the MMO.</p> <p>4.4 The arbitration provisions as drafted in the DCO effectively operate as an additional appeal process to that provided within the 2011 Regulations. Including the DML in the arbitration provisions are not, therefore consistent with the existing statutory processes and would operate to make a new and enhanced appeal process available to the Applicant above that available</p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>
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		<p>to other marine licence holders. This would operate to create an unlevel playing field across the regulated community.</p> <p>4.5 The private nature of the arbitration process also operates to undermine the MMO's statutory functions as set out by Parliament. Private arbitration does not align with the public functions and duties of the MMO. Transferring the MMO's decision-making function to a private arbitration process is inconsistent with the MMO's legal function, powers and responsibilities. This was never intended by Parliament in enacting the Planning Act 2008 or the 2009 Act.</p> <p>4.6 The MMO also considers that arbitration would be inconsistent with PINS Advice Note Eleven, Annex B (p.4), which states that "the MMO will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO". Inclusion of a different mechanism for determination of disputes in respect of deemed marine licences would mean these were not consistent with marine licences issued independently by the MMO.</p> <p>4.7 In addition, the MMO emphasises that it is an open and transparent organisation that actively engages, and maintains excellent working relationships with, industry and those it regulates. The MMO discharges its statutory functions and responsibilities in a manner</p>	
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		<p>which is both timely and robust in order to fulfil the public functions vested in it by Parliament. The scale and complexity of Nationally Significant Infrastructure Projects (NSIPs) creates no exception in this regard and indeed it follows that where decisions are required to be made, or approvals given, in relation to these developments of significant public interest, only those bodies appointed by Parliament should carry the weight of that responsibility. An alternative arbitration procedure is therefore additionally unwarranted.</p> <p>4.8 The MMO requested that it is made clear within Article 42 that the DML is not subject to Arbitration. This is a position taken on a number of NSIPs from 2018 onwards.</p>	
MMO-06	Draft DCO	<p>5. Licensable Activities and Procedure</p> <p>5.1 It is essential that all activities are properly detailed and full particularised in the DCO for the purposes of a deemed marine licence.</p> <p>5.2 As described in section 2, above, it is the MMO's understanding that the Applicant is primarily proposing to carry out an activity which falls within an exemption. However, the Applicant is seeking the DML as a mechanism to cover the hypothetical situation whereby the Applicant is unable to carry out the works as anticipated and it would become necessary to undertake different works to achieve the same end, but that those works may not fall within an exemption</p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>

		<p>under the 2011 Order. Deemed marine licences cannot be obtained on this basis.</p> <p>5.3 It is the MMO's position that the Applicant has two options:</p> <p>1) Progress the DCO without a deemed marine licence. Then, should such works become necessary which would require a marine licence, and application can be made directly to the MMO at that time; or;</p> <p>2) Provide the necessary information and detail within the DML so that the activities can be fully assessed, allowing the MMO to determine in accordance with section 69 of the 2009 Act in a manner robust to challenge.</p> <p>5.4 As set out above in Section 2, the NSIPs process only alters the mechanism by which a marine licence is granted, not the substantive process. Were the Applicant to make an application for a marine licence, the MMO would require the information as set out below in order to determine the application.</p> <ul style="list-style-type: none"> • Full details of any licensable activity in line with s.66 of the 2009 Act and at what stage construction, operation (maintenance) and decommissioning would take place; • Worst case scenario area and volume size of impacts for each activity; and 	
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		<ul style="list-style-type: none"> • Full assessment of the worst-case scenario as part of the Environmental Impact Assessment so a holistic assessment can be made on the whole project. <p>5.5 In relation to this DCO and the DML, details which the Applicant would need to provide , include but are not limited to:</p> <ul style="list-style-type: none"> • a clearly defined programme of works including all licensable marine activities not covered by an exemption. This should relate to the named activity, detail all methodologies, and include the maximum dimensions and equipment to be used. • An Environmental Impact Assessment, • A Habitats Regulations Assessment, • A Marine Plan Policy Assessment and, • A Water Framework Directive compliance assessment. 	
MMO-07	Draft DCO	<p>6. Deemed Marine Licence (conditions)</p> <p>6.1 For the reasons set out above, the MMO request the full DML is removed from the DCO.</p> <p>6.2 Given the inadequacies in the existing DML and the lack of detail on the proposed activity, it has not been possible to adequately assess the attached conditions within the DML.</p>	The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.

		<p>6.3 Conditions in a marine licence regulate the activities that are to be undertaken and set out the methods by which those activities are carried out, exerting the necessary controls in order to protect the environment, human health and to prevent interference with legitimate uses of the sea, along with any other matters as the MMO thinks relevant.</p> <p>6.4 In the absence of sufficient detail, or the appropriate assessments from the Applicant, the MMO is unable to determine whether the conditions proposed by the Applicant in the DML are appropriate in the circumstances.</p> <p>6.5 However, should the Secretary of State be minded to include the DML despite the MMO's strong advice against, without prejudice comments on the draft DML have been provided in Table 1 below. It is important to note that these comments are likely to require revision in the event that the necessary further information is provided.</p> <p>6.6 Furthermore, the MMO notes the lack of clarity between the conditions, the activities proposed and documents in the wider DCO such as the environmental statement.</p> <p>6.7 In drafting the proposed conditioned attached at Table 1, the MMO complies with paragraph 55 of the National Planning Policy Framework which makes clear</p>	
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		<p>that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:</p> <ul style="list-style-type: none"> • necessary; • relevant to planning; • relevant to the development to be permitted; • enforceable; and • precise. <p>6.8 The DML should be removed or as set out above further information provided on the activities with the required updates to the DML set out below.</p>	
MMO-08	Draft DCO	<p><i>See Table of Comments and proposed Conditions in Marine Management Organisation, Deadline 4 Submission [REP4-074]</i></p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>
MMO-09	Draft DCO	<p>7. MMO Response to The Examining Authority's written questions and requests for information (ExQ2) – Deadline 4</p> <p>In response to REP3-038 (2.1.15), the MMO makes the following comments:</p> <p>7.1 The Applicant has been asked to:</p> <p>a) Provide an update on their discussion on this matter with the MMO on this matter.</p> <p>7.2 Despite repeated requests for clarity and further information, the MMO has yet to be provided with any</p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>

		<p>information in the current methodology which describes any marine licensable activities which are not exempt from the need for a licence.</p> <p>7.3 The MMO has also received no specific details of any potential issues or problems arising during construction or operation. The MMO requests the inclusion of a risk assessment on a scenario of issues or problems arising during construction or operation and states that if such interventions are required, the MMO requests the DML is updated.</p> <p>b) The ExA for this project has asked why, given the risk of the exemption falling away, the provisions should not be included in the Order.</p> <p>7.4 As set out above, the total absence of assessment of any other activities makes such an inclusion in the DML hugely problematic. Therefore, MMO requests that the Examiner makes a recommendation to ask for more detailed information. Should the Secretary of State conclude that a DML should be granted, this will effectively permit activities to be included which have not been assessed and this does not align with our statutory processes under the 2009 Act.</p>	
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7000 Acres – Risk Management [REP4-085 and REP4-086]

Reference	Theme	Summary of Issue Raised	Applicant's Response
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7A-01	Risk Analysis	<p>This question has been resubmitted due to the Applicant failing to respond. Thank you.</p> <p>Can Island Green Power (IGP) confirm if they have carried out Quantitative and Qualitative Risk Analysis for the Cottam Solar Project (CSP)? If they have can they please share the procedure that they have applied and the resultant Risk Register that they have created, including proposed mitigations and expected results.</p> <p>It is necessary to be aware of the objectives of both internal and external stakeholders and to understand their concerns and perceptions of risk. Stakeholder analysis is a key input into the identification of risk. In terms of external stakeholder risk, was a demographic survey carried out, as you need to understand the population to assess their risks?</p>	<p>The Interested Party is referred to the response that Applicant provided to this document at Deadline 2, at Section 2.11, responses 7A-072 and 7A-073 within C8.1.18 The Applicant's Responses to Written Representations Part 2 [REP2-050].</p>
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7000 Acres – Comments on the Applicant's submissions made for Deadline 3 [REP4-088]

Reference	Theme	Summary of Issue Raised	Applicant's Response
7A-02	General	<p>Introduction</p> <p>7000Acres represents a large number of local residents concerned about the impact of the Cottam industrial solar NSIP and five other solar NSIPs in the locality.</p> <p>7000Acres notes that the Applicant has failed to provide any new information or clarity in their</p>	<p>The Applicant acknowledges this comment, and notes that a range of professionally qualified consultants have been appointed to undertake and compile the assessment work required in the preparation and submission of a DCO. C6.3.1.1 ES Appendix 1.1 Statement of Competence [APP-059] sets out the qualifications and experiences of the EIA technical leads and coordinators. This is</p>

		<p>responses to the ExA's first set of written questions, or address issues raised by 7000Acres.</p> <p>Typically, the Applicant has referenced their original documents and then repeated the flawed text in their original submissions.</p> <p>Throughout their documentation the Applicant has frequently failed to provide evidence that supports their development. Instead, they provide high level summaries of their assessments and make undue reliance on "professional judgement".</p> <p>This WR includes a commentary on General Issues as well as Comments on the Applicant's responses.</p>	<p>provided in order to comply with Paragraph 14(4)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>The Applicant also points the Interested Party to Cottam Solar Project's acceptance for examination. An application for an order granting development consent, such as is the case, can only be accepted for examination if the Secretary of State concludes "<i>that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory</i>" as per Section 55 (3)(f) of the Planning Act 2008.</p>
7A-03	Rochdale Envelope	<p>General Issues</p> <p>Rochdale Envelope</p> <p>7000Acres agrees that it is reasonable to adopt a Rochdale Envelope for a project of this type. However, Advice Notice Nine places a number of requirements on an Applicant applying a Rochdale Envelope. Firstly, the Applicant has repeatedly failed to apply a reasonable worst case assessment. In addition to Advice Notice Nine, the newly adopted EN-3 Section 3.6.2 repeats the requirement by stating:</p> <p>"Where flexibility is sought in the consent as a result, applicants should, to the best of their</p>	<p>The use by the Applicant of the Rochdale Envelope approach for carrying out the Environmental Impact Assessment is set out in Section 2.3 of ES Chapter 2: EIA Process and Methodology [APP-037] and Section 4.3 of ES Chapter 4: Scheme Description Revision A [REP-012].</p>

		<p>knowledge, assess the likely worst-case environmental, social and economic effects of the proposed development to ensure that the impacts of the project as it may be constructed have been properly assessed.”</p> <p>Furthermore, the Applicant has failed to provide consistent information in their documentation, which is contrary to Advice Notice Nine paragraph 1.4, 3rd bullet:</p> <p>“that there is consistency across the application documents including any other relevant environmental assessments (e.g Habitats Regulations Assessment (HRA) or Water Framework Directive (WFD) assessment).”</p> <p>For example, there is no consistency between the Applicant’s assessment of cumulative effect in their documentation and Joint Report on Interrelationships.</p>	
7A-04	Cumulative Assessment	<p>Cumulative Assessment</p> <p>Throughout their answers the Applicant has dismissed cumulative effects and merely referenced its original ES chapters. The Applicant has not complied with the requirements shown in NPPS Paragraph 160, EN-1 Section 5.10, EN-3 Section 2.10.94 and Advice Notice Seventeen in</p>	<p>In addition to the cumulative assessments provided within each chapter of the ES [APP-036 to APP-056, REP-010, REP-012, REP-014, REP2-008], which are summarised in ES Chapter 23: Summary of Significant Effects Revision A [REP2-010], the Applicant is submitting ES Addendum: Cumulative Effects [EN010133/EX5/C8.4.23.1] at Deadline 5.</p>

		assessing the true impact of this and the other schemes seeking consent in the local area.	
7A-05	NSIP Process	<p>NSIP Process</p> <p>The NSIP process is designed to be front-loaded, with the Applicant entering examination with a clear and coherent plan. The House of Commons Library Briefing Paper – Planning for Nationally Significant Infrastructure Projects, dated 17 July 2017, states:</p> <p>“Development Consent Orders (DCOs) The DCO process starts when an application is formally accepted by the National Infrastructure Planning Unit and lasts approximately 12-15 months. The process however, is front-loaded with a number of pre-application consultation requirements, which, depending on the complexity of the project, can take a number of years to carry out.”</p> <p>It is an obvious element to this Nationally Significant Infrastructure Project that establishing the correct cable corridor route and connection point is a fundamental design element and therefore, should have been secured and scrutinised in the first instance. Likewise, the details of the draft Bassetlaw Local Plan, showing the Cottam Power Station site as a ‘Priority Regeneration Area’ would equally have been known about by the Applicant prior to the submission of</p>	<p>The Applicant points the Interested Party to Cottam Solar Project's acceptance for examination. An application for an Order granting development consent, such as is the case, can only be accepted for examination if the Secretary of State concludes <i>“that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory”</i> as per Section 55 (3)(f) of the Planning Act 2008.</p> <p>Discussions are ongoing between the Applicant and EDF regarding the cable route corridor. For further details, please refer to the response to 2.12.2 below in this document.</p>

		<p>the Application. Also, redevelopment of the site by EDF is common knowledge. In fact the 7000 Acres Group contacted the Mr Powell, Head of Thermal Generation at EDF, August 2022 to establish whether any Company or Solar representatives thereof, had approached EDF to enquire about utilising the brownfield site for their solar proposals, he wrote that; 'There is still no sale agreed at Cottam and we have had no approach for land by any solar companies.' (August 2022) This statement suggests that the Applicant has failed in the requirement to "front-load" this project.</p>	
7A-06	Need	<p>Comments on the Applicant's Responses</p> <p>Need:</p> <p>7000Acres acknowledge the ambition of the UK Government to achieve 70GW of installed solar capacity. However, the Applicant has repeatedly failed to acknowledge or address the relatively limited contribution solar will make in the UK, even with 70GW to 90GW of installed capacity. This is in terms of energy volume and timing in comparison to demand, as described in Section 2 of 7000Acres WR REP-117 (7000 Acres Response to the Cottam Solar Project Ltd Application on the subject of: The role of Solar in Energy Provision and Decarbonisation).</p>	<p>The Applicant is bringing forwards a project which addresses all important aspects of existing and emerging government policy.</p> <p>The Applicant notes that these comments are comments on the government's policy and are not for the examination. For a detailed response on how the Scheme fits with the UK government policy on decarbonisation, please see the response to 7A-172 of The Applicant's Responses to Written Representations Part 2 [REP2-050].</p> <p>The Applicant has made clear in previous submissions the conclusions of its analysis which is that rooftop solar, whilst required and supported, will not be an effective substitute for large-scale solar and that both are needed to</p>

	<p>For instance, the Applicant chosen to quoted that the UK electricity system will be predominantly wind and solar, without expressing that the balance between wind and solar will be an order of magnitude different, in that while wind will contribute c. 70%, solar will contribute only c. 7% of the UK's power in 2050. This is particularly important when considering the potential benefits of the scheme against the impacts of development at the extensive scale proposed by the Applicant.</p> <p>In terms of alternatives, the Applicant has failed to acknowledge the potential contribution rooftop solar can make, which is a particularly important consideration, given the solution eliminates almost all of the adverse impacts associated with such a large-scale solar development. Neither has the Applicant practically reconsidered their proposed development considering calls for a "rooftop revolution" for solar. Instead, the Applicant for Cottam and their representatives consistently espouse support for rooftop solar as well as ground mounted solar, and yet choose to pursue a course that would render rooftop solar redundant. It is therefore an empty, expedient statement to agree with the sentiment for rooftop solar yet continue with such extensive ground mounted solar regardless.</p>	<p>achieve the government's aim for a zero-carbon electricity system by 2035. See 7A-13 above.</p> <p>Please see response SS-09 in C8.1.29 Applicant's Responses to Deadline 3 Submissions [REP4-057] for the Applicant's comments in relation to brownfield and rooftop sites.</p>
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		unnecessary to deliver the Government's ambition, yet the Applicant continues to assert that their scheme is necessary.	
7A-07	Grid Connection	<p>Grid Connection:</p> <p>In terms of grid connection, the Applicant does not deny the feasibility of solar connection at low voltages, as described in Section 4 of 7000Acres WR REP-117 (7000 Acres Response to the Cottam Solar Project Ltd Application on the subject of: The role of Solar in Energy Provision and Decarbonisation). Connection to a high-voltage substation is simply the choice of the Applicant, and therefore not essential to deploy solar. The Applicant states that the connections at Cottam are would not be used for offshore wind and would therefore not slow down priority tasks towards decarbonisation. The implication of this is that the Applicant has failed to understand the consequences of them contributing to the 130GW queue of unnecessary solar connections, which inevitably impacts National Grid's extraordinary challenge of "rewiring Britain" to connect offshore wind to UK demand centres.</p> <p>The scale of this challenge is staggering; the country will need "around four times as much new transmission network will be needed in the next seven years as was built since 1990", according to the Electricity Commissioner's Report. The UK</p>	Please refer to the Applicant's response to 7A-16 within this document.

		<p>simply cannot afford to act inefficiently by adding unnecessary scope to National Grid's challenge.</p> <p>In addition to this, by occupying high-voltage, high power connections, this will sterilise those connections for decades to come. Any other essential high-voltage, high-power connection requirements will therefore be unable to make use of these connections and add further burden to National Grid's challenge. For instance, in the Electricity Commissioner's report, which calls for a "Strategic Spatial Energy Plan", the specific example of locations for green hydrogen production is given (electrolysers). Such facilities are expected to play a major role in decarbonisation. Other high-power facilities, such as data centres, which will also be required to drive the economy will also require such high-power connections – therefore if all strategic connections are unnecessarily consumed, these will also require additional grid connection work. This shows the importance of considering the availability of grid connections as a nationally significant resource, rather than them being consumed on a first-come or opportunistic basis.</p>	
7A-08	Curtailment	<p>Curtailment:</p> <p>The Applicant introduces the topic of curtailment as being a phenomenon arising from network constraints, however within FES, National Grid</p>	<p>The Applicant notes these comments and has no other comments to make, further to those made in its DL3 submission on this topic.</p>

	<p>introduces the concept of curtailment as being “when supply is significantly higher than demand”, as increasing levels of renewable generation are deployed.</p> <p>The Applicant states that their scheme is unlikely to be curtailed owing to network constraints, but do acknowledge that “the possibility of curtailment for non-locational reasons remains”, because “more energy was being generated than that which could be consumed or stored at that time” – which is the point made by 7000Acres.</p> <p>The Applicant has not acknowledged the role of solar in providing a volume of “inflexible” generation, that is typically out of phase with varying demand.</p> <p>The Applicant makes the point that the volume of solar curtailment is anticipated by National Grid to be much lower than wind curtailment. Intuitively, one might expect there to be significantly more volume of wind curtailment than solar, as the volume of wind generation is itself around 10x greater than solar. What is less clear is the algorithm by which National Grid have allocated the curtailment, given that the peak of solar output is predictably out of phase with demand; it is possible therefore, that less solar is being curtailed at the expense of wind.</p>	<p>The inclusion of battery energy storage as part of the scheme, means that the Scheme will be able to provide flexibility to the grid and store energy when it is in abundance until it is needed.</p> <p>The Scheme will, if consented, generate a significant volume of low-carbon electricity which will support the UK in meeting its aims of operating the electricity system with zero carbon emissions in 2035, and for the UK to be a net zero society by 2050 at the latest.</p>
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7A-09	Land Use	<p>General Land Use:</p> <p>The Applicant has had several opportunities to address the question of land use, including by the ExA in Q1.3.3. The Applicant has not addressed the increasing importance of managing land use and how competing demands are strategically managed – in particular, given the requirements for land use for direct decarbonisation measures, such as planting trees and creation of peatlands. In terms of land use, the Applicant has referred repeatedly</p>	<p>Planning guidance in the NPPF, and NPS EN-1 and EN-3 specifically references the best and most versatile agricultural land. ALC grading of the site is therefore pertinent.</p> <p>There is no planning guidance that recommends an assessment of crop displacement by solar or any other land use. Any such assessment would be of no benefit as farmers are not obliged to farm land to a minimum intensity, and can receive subsidy payment for reduced intensity or suspension of arable management. There would</p>

		<p>to energy generated per hectare, or scrutinising grades of Agricultural Land Classification (ALC), rather than addressing the sheer volume of hectares the proposed their scheme and multiples thereof would imply in terms of additional pressure on land use, particularly with regard to the potential to impede decarbonisation efforts.</p> <p>The Applicant has also not addressed questions of displaced crops for their scheme, an issue which is significantly compounded by the number of such proposed schemes.</p>	<p>therefore be no reliable baseline to assess against. A baseline of agricultural production would also be highly sensitive to variations in weather as well as input costs and produce value between years.</p> <p>With regard to UK food security, the Defra 2021 UK Food Security report² notes that Soil Health is the single most important factor for future domestic food production (page 135). Climate change is also noted as a significant risk to production and food security. The report notes that we are largely self sufficient in grain production (page 96) and for meat, milk and eggs (page 99). It is clear therefore that we have no current food security problem, but have risks to future food security from soil degradation and climate change.</p> <p>The proposed solar farm is beneficial in addressing climate change and soil health, with no loss of agricultural land extent or quality.</p>
7A-10	Food Security	<p>Farming & Food:</p> <p>There is a clear requirement to take account of the loss of farmland, and consequent food and biofuel production, in the Applicant's assessment. To do otherwise would be a narrow and partisan</p>	<p>NPS EN-1 and EN-3 (November 2023) were designated on 17 January 2024. This is the most recent government planning guidance relevant to solar farms. These documents do endorse</p>

² Defra UK Food Security Report 2021 <https://www.gov.uk/government/statistics/united-kingdom-food-security-report-2021>

		<p>assessment, not consistent with the requirements of a true expert report. The Applicant has ignored more recent government documents, such as the Government Food Strategy published 13 June 2022. The Strategy supports UK farming:</p> <p>"The conflict in Ukraine has shown us that domestic food production is a vital contributor to national resilience and food security. Domestic food production can reduce the offshoring of food production to countries that do not meet our high environmental and animal welfare standards. It will also play a critical role in meeting government's carbon budgets and environmental targets, delivered through farmers and land managers."</p> <p>The more recent House of Commons Environmental Audit Committee Report – Environmental change and food security, second report of session 2023-24, published 29 November 2023, has some interesting points to make. Page 20 paragraph 31 makes the following point:</p> <p>"31. It is also the case that many of the countries from which the UK imports food are climate-stressed, potentially jeopardising supply in the future.⁸² Furthermore, because UK food production tends to be relatively intensive in nature, any production offshored could triple or</p>	<p>attempting to use the planning system to address UK food security.</p> <p>As noted in response to 7A-09 above, the UK is largely self sufficient in grain, meat, milk and egg production. The most significant future risks to UK food security are climate change and soil degradation, with soil health describes as "...perhaps the single most important factor for future domestic food production." The proposed solar farm does not result in any loss or degradation of agricultural land, and addresses both climate change and soil health. It does not therefore present a risk to UK food security.</p> <p>Calculations presented by 7000 Acres equating the proposed development to the need for 3335ha of replacement arable land from tropical countries is erroneous. Output of combinable crops attributable to the Sites can easily be accommodated by the UK arable sector, and the UK routinely simultaneously imports and exports grain in response to variable yield and market demand. Sources of imported grain (of those that can be grown domestically) for the UK are typically EU member states and Canada, not tropical countries.</p>
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		<p>quadruple the biodiversity impact, as explained by Dr Elizabeth Boakes:</p> <p>Every hectare of arable land that we convert to housing or something and then offshore the food production must be replaced by on average 2.5 hectares of land overseas,</p> <p>which will often be in tropical countries that will, therefore, have a much higher biodiversity impact, sometimes three to four times higher than in the UK."</p> <p>Based on the expert evidence presented before the committee, the 1,150 hectares of farming land removed from production by the Cottam NSIP will require circa 3,335 hectares of overseas farming land to produce an equivalent crop yield. The biodiversity impact will be three to four times higher than the UK!</p> <p>Clearly the global impact of the scheme must be addressed in the Applicant's ES and not merely ignored as being inconvenient to their case.</p> <p>In addition to the Cottam ES, the Joint Cumulative Impact Report must take account of the circa 6,000 hectares of farmland being taken out of production by the six solar NSIPs in the immediate vicinity. The combined displaced farmland is equivalent to 17,400 hectares of overseas farm land production.</p>	
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7A-11	Health and Wellbeing	<p>Human Health and Wellbeing</p> <p>The Applicant has failed to provide additional information on the concerns raised over human health and wellbeing. 7000Acres has requested an Issue Specific Hearing on this topic.</p>	<p>The Interested Party is referred to Environmental Statement Addendum 21.1: Human Health and Wellbeing Effects [REP4-068], which was submitted by the Applicant at Deadline 4.</p>
7A-12	Flooding	<p>Flooding</p> <p>The Applicant has not addressed concerns over flooding. It states, "the ground beneath the panels will remain entirely permeable, draining as existing". This is not correct as screening the ground with impermeable solar panels will lead to faster water runoff and the local drains and rivers filling faster. The six solar NSIPs in the area have the potential to remove 15,000 acres of permeable farmland from local flood mitigation.</p> <p>Flooding remains a major issue that has not been addressed.</p>	<p>Panelled areas within solar sites are not expected to increase surface water runoff as the grassland beneath them still exists and will be brought back to a more natural state than it is currently in.</p> <p>Soil and surface management is considered in section 4.0 and paragraph 5.3.4 of the 6.3.10.1 Environmental Statement - Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report [APP-089]. Section 6.2.5 of the Assessment notes: "This Flood Risk Assessment demonstrates that the Scheme will not increase flood risk elsewhere and the ground beneath the panels will remain entirely permeable, draining as existing. The development may reduce existing greenfield run-off rates by replacing intensive agricultural surfaces with a landcover comprising a mixture of wildflowers and grassland". The proposed drainage strategy is detailed within Section 5.0 [APP-089] and is secured by Requirement 11 in Schedule 2 of Draft Development Consent Order Revision G [EN010133/EX5/C3.1_G].</p> <p>The panelled areas will not alter the existing surface water run-off regime and will therefore</p>

			<p>not be formally drained. Areas of increased hardstanding such as smaller areas of hardstanding formed as footings for electrical infrastructure will utilise sustainable drainage (SuDS) principles and attempt to mimic the existing surface water run-off regime as existing.</p> <p>The proposed solar schemes will not contribute to an exacerbation of flooding in the area.</p> <p>The nature of the Proposed Development means that precipitation would be intercepted by between 25% to 40% of the surface of the Site that is typically developed with solar panels. A known concern is the risk of water "sheeting" off a solar array façade, running off at speed onto the same ground, pooling, and over time creating erosion and runoff channels alter existing surface water flows. This misconception can arise due to simplified drawings typically submitted with planning applications. These show what looks to be a solid façade when, in actuality, a typical solar array has gaps between each panel on the array which allows surface water to fall off in many locations on to fully vegetated ground beneath.</p> <p>A typical solar array is constructed of smaller panels with gaps between them. The approximate 20° pitch means water is less likely to run down with velocity that would allow it to "jump" the gaps. Rather, water runs off at a reduced speed</p>
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			<p>due to the pitch, and drips down through the gaps. There is no risk of water sheeting down in one area at the lower edge of the arrays.</p> <p>As a result of the construction of the solar panels, some rainfall will be intercepted by the surface of the arrays before reaching ground level. Intercepted rainfall will either run down the face of the panels and drip onto the ground below or will be lost due to evaporation from the face of the panels.</p> <p>Without mitigation there is a risk of erosion of the ground on which rainwater drips. This could then result in the formation of rivulets which could increase the speed at which runoff discharges from the site. However, the potential for erosion to occur as a result of the 'drip effect' is appropriately mitigated by features of the solar arrays themselves, as described above.</p> <p>In addition to the above, appropriate seeded vegetation will be provide below and between rows of the solar panels to act as a level spreader/energy dissipater to promote low erosivity sheet flow during operation of the solar farm.</p> <p>The grassland will not only grow between array gaps, but it includes all ground under the arrays as well. Point 3 of paragraph 10.8.1 within WB6.2.10 ES Chapter 10 Hydrology, Flood Risk</p>
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			<p>and Drainage [APP-048] includes provision for suitable planting (such as a wildflower or grass mix) to ensure that the underlying ground cover is strengthened and is therefore unlikely to generate surface water runoff rates beyond the baseline scenario.</p> <p>Therefore, the gaps between the arrays essentially act as natural filter strips, a form of Sustainable Drainage System (SuDS) feature.</p> <p>There is no UK environmental managing guidance with regards to runoff from solar panel installations. However, research undertaken in the United States (US) by Cook and McCuen considers the points raised in this comment and states within their conclusions that:</p> <p><i>The addition of solar panels over a grassy field does not have much of an effect on the volume of runoff, the peak discharge, nor the time to peak. With each analysis, the runoff volume increased slightly but not enough to require storm-water management facilities'. Cook and McCuen continue to recommend that the vegetation cover beneath the panels is well maintained or that a buffer strip be placed after the most down gradient row of panels.</i></p> <p>The discharge and disposal of site runoff will be managed in accordance with the provisions under Discharge/Disposal of Site Runoff in Table 3.4 of</p>
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			<p>the Outline Construction Environmental Management Plan [EN010133/EX5/C7.1_D], [REP3-018]. The Plan is secured by Requirement 13 to Schedule 2 of the Draft Development Consent Order [EN010133/EX5/C3.1_G].</p> <p>The substation and BESS area within the Scheme is considered within an area specific drainage strategy included within Section 3.0 of C6.3.10.4 ES Appendix 10.1 Annex D 10.1.3 Cottam 1 West [APP-093].</p> <p>The drainage strategy and detailed drainage design will be developed during the detailed design process. As secured by Requirement 11 in Schedule 2 to the Draft Development Consent Order [EN010133/EX5/C3.1_G] which states that <i>"No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system for that part have been submitted to and approved by the relevant planning authority."</i></p>
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Upper Witham Internal Drainage Board [REP4-089]

Reference	Theme	Summary of Issue Raised	Applicant's Response
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UW-01	Draft DCO	<p>I am writing on behalf of the Upper Witham Internal Drainage Board (IDB).</p> <p>Following the recent discussions that we have had with the Applicant; we are in agreement that we give consent under section 150 Planning Act 2008 in relation to the following legislation referred to in Article 6 of the draft Order:</p> <p>Section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991;</p> <p>The provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991; and</p> <p>The provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of authority) to the Water Resources Act 1991.</p> <p>This consent is provided on the basis of the matters set out in the Applicant's draft Development Consent Order, Document ref: EX2/C3.1_C.</p>	<p>The Applicant notes this comment, and refers to the agreed Statement of Common Ground between the parties, which appends Upper Witham Drainage Board's consent under section 150 Planning Act 2008 [REP4-062].</p>
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D Albone [REP4-090]

Reference	Theme	Summary of Issue Raised	Applicant's Response
DA-01	Ecology and Biodiversity	I am writing to the lack of thought by the developers to the damage to wildlife, Badgers, Foxes, Hares, etc	Please refer to document REP-049: The Applicant's Responses to Relevant Representations , issue

		<p>which will be severely damaged due to Fences being placed around the solar panels, this will render great damage to the environment. There is also the matter of loss of wildlife due to the removal of hedges, which should not be allowed, as well as loss of walking, horse riding which is able to continue at present. This is all due to the unprofessional attitude of the developers to our environment.</p>	<p>reference ECO-14/RR-197, as well as the Applicant's response to issue EB-01 set out above in this document on this matter.</p>
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Roy Clegg [REP4-091]

Reference	Theme	Summary of Issue Raised	Applicant's Response
RC-01	Decommissioning	<p><i>For the full submission on Decommissioning, please refer to document [REP4-091].</i></p> <p>Decommissioning</p> <p>The capital cost of decommissioning has little to no return on investment, so project efficiency, regulatory compliance and achieving cost certainty, decommissioning, is fundamental.</p> <p>In the UK, guidance on the regulations states that an asset owner is liable for their decommissioned assets.</p> <p>A significant effort across the UK in both Central and Local Governments, as well as industry is needed to ensure that processes are put in place to cover any</p>	<p>The Applicant confirms that a decommissioning plan is secured through Requirement 21 of Schedule 2 to C3.1_G Draft Development Consent Order Revision G [EN010133/EX5/C3.1_G]. Unless otherwise agreed with the relevant planning authority, no later than 12 months prior to the date the undertaker intends to decommission any part of the authorised development, the undertaker must notify the relevant planning authority of the intended date of decommissioning for that part of the authorised development. Unless otherwise agreed with the relevant planning authority, no later than ten weeks prior to the intended date of decommissioning of any part of the authorised development notified pursuant to sub-paragraph (2), the undertaker must submit to the relevant</p>

		<p>long-term potential risk to the environment, public health and including financial risk.</p> <p>Billions of pounds are pouring into the clean energy that is seen as crucial for the transition to net-zero emissions. But the financial sector is not taking sufficient account of what happens to such assets when they reach the end of their life. It may soon have to.</p> <p>Renewable energy investment is growing fast, but the similarly rapid build-up of non-recyclable waste is an environmentally and financially costly risk that cannot be ignored.</p> <p>With up to 78 million tonnes of panels forecast to be decommissioned by 2050, more sustainable solutions other than landfill need to be developed.</p> <p>Decommissioning of renewable energy assets has not been a focus of financing arrangements or corporate relationships, with the issue typically seen as someone else's problem.</p> <p>For any significant renewable energy development linked to green bonds, it would be expected to have to be qualitative disclosures on how the end of life is managed.</p>	<p>planning authority for that part a decommissioning plan for approval. No decommissioning works must be carried out until the decommissioning plan has been approved by the relevant planning authority.</p> <p>With specific regard to waste solar panels and batteries, the Applicant directs the party to WAS-02 in C8.1.2 The Applicant's Responses to Relevant Representations [REP-049], and to WAS-01 in C8.1.19 The Applicants Responses to Written Representations Part 3 [REP2-051].</p> <p>With regard to the part of the submission on the status of the developer company, Article 35 (consent to transfer the benefit of the Order) is a standard article included in numerous made DCOs that makes provision for the transfer of any or all of the benefit of the provision of the Order C3.1_G Draft Development Consent Order Revision G [EN010133/EX5/C3.1_G]. The consent of the Secretary of State is required to transfer or grant any or all of the benefit of the provisions of the Order and related statutory rights, except in the circumstances outlined in Article 35(3). The transfer or grant of any or all of the benefit of the Order is restricted by the provisions in the Order.</p> <p>For further responses to submissions raised regarding Article 35, please refer to 1.1.12 of The Applicant's Responses to ExA First Written Questions [REP2-034] as well as CGi-02 of Written</p>
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		<p>The UK requires owners of renewable assets to submit decommissioning plans in their financing bids, which are signed off by the Government?</p> <p>The EU predicted that, by 2030, the following would be recycled annually: 95% of 1.5 million tonnes of photovoltaics, up from just 5,000 tonnes in 2020; and 100% of 240,000 tonnes of lithium-ion batteries (40,000 tonnes last year).</p> <p>The precedents clearly identify there is no policy basis to require a solar farm owner to enter planning obligation and/or decommissioning bonds with a local planning authority and decommissioning is secured via requirement, the DCO equivalent of condition.</p> <p>It is likely that the solar farm operator will dispose of its asset at some time or cease to exist.</p> <p>Will they absolve any commitment they have through contract exchange, or will, for whatever reason, not able to continue supply and enter liquidation?</p> <p>This raises some complex and interesting questions. What happens if the operator ceases to exist by the time an environmental or safety issue occurs? Just how recoverable these costs will be, is a relative unknown with few past examples.</p> <p>Will the ExA ensure that there will be NO financial burden on the public and especially the local</p>	<p>Summary of the Applicant's Oral Submissions and Responses at OFH1 [REP-050].</p>
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		<p>community and the financial risk must be dealt with by the incumbent landowner and the asset owner?</p> <p>Decommissioning appears to be at a disproportionately higher financial risk than the other elements of a large-scale solar project. Will the Examiner agree that the costs of designing, approving, installing, and commissioning a large-scale solar project are significant and worthy of undertaking financial due diligence including decommissioning?</p> <p>The developers have not provided information about the contracts that exist with the landowners, and this may appear unimportant and not for examination, but they are the very essence of the application and information about these contracts should be available and transparent. Will the Examiner agree with this fundamental consideration?</p> <p>The applicants' submission clearly identifies decommissioning has not been considered a significant part of the submission which is disappointing and disturbing.</p> <p>There are no time frames for decommissioning. When will decommissioning start and end? How long will decommissioning take place? How will the time frames be determined and controlled?</p>	
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RC-02	Need	<p><i>For the full submission on Britain's Energy Challenges, please refer to document [REP4-091].</i></p> <p>Comments on Britain's Energy Challenges</p> <p>Will the ExA's consider and accept the above statements are significant in respect of the Schemes at Gate Burton Energy Park, Cottam Solar Park, West Burton Solar Project and others in the planning pipeline?</p>	<p>The Applicant notes the comments raised in [REP4-091] in relation to Prime Minister Rishi Sunak's 11th January address. A report related to the address has been published by UK Government here and is titled: <i>Biggest expansion of nuclear power for 70 years to create jobs, reduce bills and strengthen Britain's energy security</i>. The article talks solely about nuclear power and as such the fact that solar power (or any other low-carbon technologies for that matter) is not mentioned in this statement is not surprising and not significant to the examination of the Scheme.</p> <p>NPS EN-1 (November 2023), designated on 17 January 2024, states at Para 3.3.20 that government's "analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar" – a statement which has been present in the draft NPSs since their first issue in September 2021. Further, NPS EN-3 (November 2023) states at Para 2.10.10 that: "government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW)." Together these National Policy Statements confirm that the Scheme is aligned with government policy and strategy towards delivering the urgent need for decarbonisation.</p> <p>Chapter 5 of Statement of Need [APP-350] describes in detail the pipelines associated with nuclear power in the UK. It is the Applicant's</p>
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			<p>position that because of the long lead times associated with developing nuclear power (at both the GW and Small Modular Reactor scale) new nuclear additions are unlikely to make any contribution to decarbonisation in the 2020s and none other than Hinkley Point C are likely to make any contribution to decarbonisation prior to 2035. This is because:</p> <ul style="list-style-type: none"> • Developer EDF announced in January 2024 that construction at Hinkley Point C has fallen further behind schedule and the first unit (of two) is now likely to commission between 2029 and 2031 • A financial investment decision (FID) on Sizewell C has not yet been taken, but government has invested more public funds in the project and is now the major shareholder. If a FID is taken in 2024, Sizewell C would need to be commissioned in a decade to be able to contribute to delivering government's aim for zero-carbon operation of the electricity system by 2035. Hinkley Point, if it commissions in 2029, will have taken approximately 13 years, excluding pre-FID groundwork preparations. • Great British Nuclear announced the results of a competitive process they ran in summer 2023 to down-select six companies
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			<p>which were considered to “offer the greatest confidence in being able to make a final investment decision in 2029” and be “most able to deliver cutting-edge technology by [the] mid-2030s” (see UK Gov article here)</p> <p>It is relevant therefore to consider how government’s aims will be met, and how the UK will keep on the right path to a zero-carbon future, if new nuclear is unable to contribute in the period up to 2035.</p> <p>Such a consideration underlines the significant and fundamental need for the Scheme and many others like it.</p>
RC-03	Need	<p><i>For the full submission on the economics of utility scale solar generation with reference to Cottam Solar Project, please refer to document [REP4-091].</i></p> <p>The economics of utility scale solar generation with reference to Cottam Solar Project</p> <p>The conclusion is that the solar industry in the UK is little more than the product of an excessively generous set of subsidies. It has no firm foundation for operating on a large scale without subsidies or without a demand for greenwashing. Investors should be aware that they are doing little more than buying a stream of future subsidy payments. Once those subsidies cease, mostly around 2035, they will have assets that are effectively worthless.</p>	<p>The Applicant notes that commercial matters are not for planning consideration, however the Applicant has read the “Written Representation on the economics of utility scale solar generation with reference to Cottam Solar Project” [REP4-091] and has identified inaccuracies within it.</p> <p>Specifically, the scheme will not be eligible for Renewable Obligation Certificates (ROC) because the ROC scheme closed to new applicants in 2017. Since this time, solar has been deployed on an unsubsidised basis. Indeed, as NPS EN-3 (November 2023) states, at Para 2.10.13-14: “Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of</p>

		<p>The Energy Security Strategy specifies a goal to expand the total capacity of solar installations by “up to” five times the current level by 2035. Of course, “up to” could mean zero but let us take the document as expressing an intention to increase the capacity of solar installations in the UK by 56 GW in 14 years, giving a total of about 70 GW.</p> <p>That is a rate of construction of about 4 GW per year for the whole period, which is a 50% higher rate of construction than during the previous boom in the period from 2014 to 2016. Paying the difference between the breakeven price for solar power and the 2015-19 market prices over 15 years implies that the total subsidy for utility-scale solar plants will be about £3.5 billion per year.</p> <p>Since smaller solar installations are more expensive to build and usually have greater maintenance costs, the overall subsidy required is likely to be in the range from £8 to £10 billion per year. In very simple terms, this level of solar generation, even without allowing for the contribution of wind and nuclear power, will destabilize the grid. The main reasons why this is unavoidable is that when solar generation is at its highest, in June – August, almost all utility-scale solar plants will have to be switched off (since the System Operator doesn't control output from</p>	<p><i>electricity generation ... large-scale solar is now viable in some cases to deploy subsidy-free.”</i></p> <p>Solar generation is financially and economically rational in the UK on a merchant basis. 7.11 Statement of Need [APP-350] describes, at Chapter 10, that the levelized cost of electricity from large-scale solar has reduced year-on-year and solar is now among the lowest sources of generation in the UK, and the Applicant's projections agree with those set out by DESNZ in the latest version of their Cost of Electricity Generation report (2023), available here.</p> <p>The Applicant does however agree with observations made in the written representation which also align with government's analysis that large-scale solar plant are cheaper on a per-unit basis than smaller assets. The Government's Powering Up Britain Energy Security Plan, available on the government's website here, states the following (p37):</p> <p><i>“We are aiming for 70 gigawatts of ground and rooftop capacity together by 2035 ... We need to maximise deployment of both types of solar to achieve our overall target ... Deploying rooftop solar remains a key priority for the Government, and it continues to be one of the most popular and easily deployed renewable energy sources ... Ground-mounted solar is one of the cheapest forms of electricity generation and is readily deployable at scale ... The Government seeks</i></p>
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		<p>smaller solar installations) and will undermine the economics of solar investment.</p>	<p><i>large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land ... We consider that meeting energy security and climate change goals is urgent and of critical importance to the country."</i></p> <p>The Scheme is being proposed as a main solar development with an associated energy storage development which will help provide flexibility to the UK's electricity system by storing energy when it is in abundance and releasing it when it is needed. The need for such flexibility is established in NPS EN-1 (November 2023) at Para 3.3.5: <i>"We need the increased flexibility provided by new storage and interconnectors ... to reduce costs in support of an affordable supply."</i></p> <p>This Scheme addresses all important aspects of existing and emerging government electricity policy.</p>
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Roy Clegg – Comments on the Applicant's Submission on Issue Specific Hearing 3 [REP4-093]

Reference	Theme	Summary of Issue Raised	Applicant's Response
RC-04	Ecology and Biodiversity	<p>Biodiversity: impacts from Electro-Magnetic Fields</p> <p>The developer continues to use reference to human health standards when discussing EMF in the context identified in WR's put forward on the effect of EMF on Marine Life, Flora and Fauna, Wildlife and Biodiversity.</p>	<p>In reference to general effects of EMF on flora and fauna, please refer to the Applicant's response given to question 1.13.32 of the ExA's first written questions contained in document [REP2-034].</p>

RC-05	Ecology and Biodiversity	<p>Risk Assessment of EMF impacts on Fish</p> <p>Response to item 2.1.2</p> <p>There are WHO standards, noted in the WR's, in respect of high voltage cables connected to the National Grid. If there are standards (recommended or otherwise) which identifies no legal requirement for shielding EMF's from underground cables then please identify them and the relevant design standards that have been met for all cabling.</p>	<p>In relation to the Humber Estuary SPA/SAC/Ramsar site, presence of sensitive aquatic receptors and the crossing beneath the River Trent by power export cables, please refer to the response given to question 2.13.11 of the ExA's second written questions contained in document [REP4-058]. Please see the Applicant's comments on the EA's response to question 2.13.11 above.</p>
RC-06	Ecology and Biodiversity	<p>Response to item 2.1.3.</p> <p>How many other NSIP's are there, which will have a large accumulation of High Voltage Cables passing under a major river with a significant effect of EMF on especially Marine Life?</p>	<p>Please see the Applicant's response to RC-05 above.</p>
RC-07	Ecology and Biodiversity	<p>Response to item 2.1.4.</p> <p>EMF'S result from high voltage power line (400 Kv). As current moves through a power line, it creates a magnetic field called an electromagnetic field. The strength of the EMF is proportional to the amount of electrical current passing through the power line and at a low frequency wavelength. A high-tension power line creates a much higher energy electromagnetic field that is still low in frequency. Electric fields are produced from lower voltage, higher frequency low power lines. Hence, the electric fields referred to indicate they are lower voltage, low power lines which</p>	<p>Please see the Applicant's response to RC-05 above.</p>

		would not emit EMFs and would not need protection by cable sheathing and substrate.	
RC-08	Ecology and Biodiversity	Response to item 2.2.1. Has the developer now accepted that the effects of anthropogenic EMFs in the environment?	Please see the Applicant's response to RC-05 above.
RC-09	Ecology and Biodiversity	Response to item 2.2.2. The Literature review on the potential effects of electromagnetic fields and subsea noise from marine renewable energy developments on Atlantic salmon, sea trout and European eel. Scottish Natural Heritage (Year of publication: 2010) includes the following extracts: 1. The availability and quality of the information on which to base the review was found to be limited with respect to all aspects of the fish's migratory behaviour and activity, both before and after MRE development; this makes it difficult to establish cause and effect. 2. The main findings were <i>S. salar</i> and <i>A. anguilla</i> can use the earth's magnetic field for orientation and direction-finding during migrations. <i>S. trutta</i> juveniles, and close relatives of <i>S. trutta</i> , respond to both the earth's magnetic field and artificial magnetic fields. 3. Current knowledge suggests that EMFs from subsea cables and cabling orientation may interact with migrating eels (and possibly salmonids) if their	Please see the Applicant's response to RC-05 above.

		<p>migration or movement routes take them over the cables, particularly in shallow waters (<20m). The effect, if any, could be a relatively trivial temporary change in swimming direction, or potentially a more serious avoidance response or delay to migration.</p> <p>4. <i>S. salar</i>, <i>S. trutta</i> and <i>A. anguilla</i> are likely to encounter EMF from subsea cables either during the adult movement phases of life or their early life stages during migration within shallow, coastal waters adjacent to the natal rivers.</p> <p>5. A number of gaps in understanding exist, principally whether <i>S. salar</i>, <i>S. trutta</i> and <i>A. anguilla</i> respond to the EMF and/or the noise associated with marine renewable energy developments (MREDs) in Scottish waters.</p>	
RC-10	Ecology and Biodiversity	<p>Response to item 2.2.3</p> <p>EMF's are generated from high power 400v cables. The electric fields referred to are from the species themselves and, as identified, used for prey detection. The conclusion, by the developer, that the species are not understood to be receptive to EMF's due to the attenuation electrical fields by cable casing and soil is not correctly perceived or proven. EMF's will not be stopped or mitigated by cable casing and soil.</p>	Please see the Applicant's response to RC-05 above.
RC-11	Ecology and Biodiversity	<p>Response to item 2.2.4</p>	Please see the Applicant's response to RC-05 above.

		It is accepted that the Earth's natural magnetic fields are used for navigation. However, what must be considered is the effect of many high voltage cables, not just from this Scheme, but others using the same river crossing where the significant cumulative effect must be considered now!	
RC-12	Ecology and Biodiversity	Response to item 2.2.5. Whether the fish be adult or sub-adults, they would still be subject to the effect of EMF!	Please see the Applicant's response to RC-05 above.
RC-13	Ecology and Biodiversity	Response to item 2.2.6. This a very subjective response from the developer: "it is believed" ..."unlikely to be found"..... "considered unlikely". The effect of EMF will be across the whole of the riverbed above the cable crossing. The length of the riverbed does not enter into the discussion! Again, it does not matter whether the eels be adult or sub-adults, they would still be subject to the effect of EMF!	Please see the Applicant's response to RC-05 above.
RC-14	Ecology and Biodiversity	Response to item 2.2.7 The exposure to EMF will not be reduced through appropriate burial of the cable. The developer has again failed to identify how, through "appropriate" burial of the cable, this will be achieved? Will the ExA consider these additional responses along with previous WR's submitted please?	Please see the Applicant's response to RC-05 above.

Cheryl Felix [REP4-094]

Reference	Theme	Summary of Issue Raised	Applicant's Response
CF-01	Loss of agricultural land	<p>To add onto what I've said many times before, and for the comments to be noted by the deadline, I repeat –</p> <p>These projects are neither wanted nor needed here. The amount of electricity generated by these panels will not justify the loss of land involved. Up to 10,000 acres of our countryside will irretrievably disappear. Much of this will be the loss of valuable agricultural land, of whatever grade, and in a time of food insecurity, this is insane. We have already lost too much agricultural land under housing. The panels will also be unsightly and their placement will adversely affect the well being of the residents in the area. There is an abundance of brownfield sites where these things could be placed, and also many commercial rooftops on which they could be sited.</p> <p>The residents of the area are completely against all projects and you have no right to ride roughshod over us. You don't live in the area!</p>	Please refer to the Applicant's response to 7A-16 within this document.

Richard Gill [REP4-095]

Reference	Theme	Summary of Issue Raised	Applicant's Response
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<p>RG-01</p>	<p>Loss of agricultural land Atmospheric heating</p>	<p>I am writing to express significant concerns regarding the proposed large-scale solar panel development on thousands of acres of farmland. This initiative, while commendable in its aim to contribute to renewable energy generation, raises crucial questions about its environmental impact, particularly regarding atmospheric heating and its effect on local residents.</p> <p>Research published in Nature (https://www.nature.com/articles/srep35070) has shown that solar farms in desert regions can cause a 4-5 degrees Celsius increase in local air temperatures. This effect, termed the "solar farm heat island effect," is a critical environmental consideration. Moreover, it's plausible to believe that this heating effect could be more pronounced in areas where solar panels replace vegetation, which naturally cools the environment through processes like evapotranspiration.</p> <p>Given these findings, it is imperative that the developers provide comprehensive evidence to address the following concerns:</p> <p>Extent of Atmospheric Heating: What are the projected increases in local air temperatures due to the proposed solar farm, especially considering the replacement of vegetative land cover? Detailed climatic impact assessments should be conducted to understand the extent of this heating effect. Impact on Local Residents: How will this increase in temperature</p>	<p>The Applicant notes this comment.</p> <p>The article cited acknowledges there is conflicting scientific consensus as to whether the effects of panels result in localised heating or cooling.</p> <p>The studies undertaken are also not representative of UK climate conditions and are representative of more extreme environments (for example, the Nature study referred to in the submission was conducted in Arizona, USA). It is therefore not considered likely that there would be any significant localised heating effects as a result of the scheme.</p> <p>It is expected that any changes in air temperature will be very localised, typically to the air above the panels, and will not impact local residents.</p>
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		<p>affect the local residents and ecosystem? It is vital to evaluate the potential health and environmental implications of higher local temperatures, especially during the summer months.</p> <p>Balance of CO2 Reductions vs. Heating Effect: Does the expected reduction in CO2 emissions from the solar farm justify the potential increase in local air temperatures? It is essential to weigh the benefits of CO2 reduction against the possible adverse effects of atmospheric heating.</p> <p>In conclusion, while the transition to renewable energy is a critical component of our environmental strategy, it should not be pursued without a thorough understanding of the potential negative impacts. The proposed solar farm development warrants a comprehensive evaluation to ensure that its environmental benefits do not come at the expense of local ecosystems and communities</p>	
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Pauline Organ [REP4-097]

Reference	Theme	Summary of Issue Raised	Applicant's Response
PO-01	Food Security Health and Well-being	Apart from the threat to food security of the whole, huge proposal, the loss of land for health-giving outdoor exercise would be devastating. mental health	Please refer to the Applicant's response to issues PM-06 and EB-01 set out above, and to TO-01 below.

	Ecology and Biodiversity	<p>is greatly improved by closeness to nature, an effect not replicated by gm exercise.</p> <p>UK has some of the POOREST BIODIVERSITY in the world.</p> <p>This route must not be allowed to erode it any further, just for greed, when there are viable alternatives.</p> <p>Badgers are protected animals..a fact which would not make any difference to the ignorant, ruthless approach used by Cottam, who have shown blatant disregard in other areas (our farm), for the findings of the 'wildlife survey'. This assured us that our conservation efforts were so successful that they would not be spoilt...not honoured.</p>	
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Terence Organ [REP4-098]

Reference	Theme	Summary of Issue Raised	Applicant's Response
TO-01	Ecology and Biodiversity	<p>I wish to comment on the area where the cables are planned to come to the east of the River Trent. This is an area of beauty, beloved by those seeking relaxation and also for a diversity of wildlife. It is relevant to record also the subject of my email yesterday to the Lead Inspector. Cottam Solar have completely ignored the wildlife survey on our land, and without consultation, wish to deprive us of almost a quarter of our grassland, seriously damaging our business. We</p>	<p>Please refer to the Applicant's response to issue EB-01 set out above. Furthermore, the Applicant has separately communicated via email with Dr. Organ, and confirmed that it would not be using a quarter of the grassland owned by the Interested Party. The Applicant will only enter and lay the cable in land that forms part of the public highway.</p>

		have reached the conclusion that Cottam Solar care nothing for people, property or wildlife. With this is mind that will care nothing about damaging the amenity value and wildlife on this access road to the Trent. Only the Planning Inspectorate can stop them.	
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Terence Organ [REP4-099]

Reference	Theme	Summary of Issue Raised	Applicant's Response
TO-02	Boundary query	<p>East Farm is a small 60-acre farm of permanent pasture built up over 50 years in various locations in the parishes of Stow and Willingham. We produce high-quality grass-fed beef from our pedigree Aberdeen-Angus herd sold through our farm shop. We are not registered as Organic because the nearest abattoir accepting Organic animals is too far away, but we have followed Organic principles as far as possible since we came here in 1976. We can barely meet demand.</p> <p>We are Farm Assured under the Red Tractor regulations, and our cattle are blood tested annually to maintain their Elite Health Status.</p> <p>When the Cottam Project was first mooted, we were inspected by a group of ecologists. They were so impressed by our wildlife and biodiversity that they told us they would recommend that we be unaffected by the project. We have allowed hedges to grow,</p>	<p>The Applicant can confirm that consultation materials were sent to Mr Organ on the 14th June 2022.</p> <p>The Applicant has separately communicated via email with Dr. Organ regarding this submission. In an email of 5th February 2024 the Applicant confirmed that it would not be using the field indicated by Dr. Organ, nor is it the intention for the water supply line to be cut off.</p> <p>When reviewing the Book of Reference [EX5/C4.3_G] in detail it transpired that a small area of land within an agricultural field owned by Dr Organ (plot 10-220) overlapped with land that formed part of the public highway maintained by Lincolnshire County Council, meaning that a small area of Mr Organ's land adjacent to the track has been included in the Order Limits. The reason for this plot to be contained within the Order Limits for the Scheme was that the Scheme is</p>

	<p>planted more hedge and trees, dug two ponds, and created a small copse.</p> <p>We were shocked therefore, to learn from a friend that Cottam planned to put compulsory purchase orders on two parcels of our land. We have received no consultation about this.</p> <p>When I contacted Cottam Solar, they told us their references for these are 10-220 and 14 290. They sent a map which is very difficult to read but shows that 14-290 is our land in Coates Lane where 4 heifers are currently over-wintering. This field is divided into three by sheep netting and/or post and rail. There are 3 water lines running across the field, and 3 locked gates. One of the ponds is here within a small copse which provides refuge for 3 species of owl, there are Red Kite overhead, Snipe over the wet areas, skylarks nesting and much other wildlife. When we bought this field in 1997, we had to inoculate the clover seed with Rhizobium to overcome intensive farming practices previously which meant that the clover would not fix nitrogen.</p> <p>Cottam Solar have not responded to my request to know the location of 10-220. However, a friend has found a map. It appears to be where our water line comes into the Coates Lane field. That suggests they are wanting to cut off our water supply to the field. They seem they have no respect for people or their</p>	<p>proposing to route electrical cabling north to south up the track, and so it was included as part of the track.</p> <p>A site visit was undertaken on 7th February 2024 to clarify where the edge of the track lay, and Lincolnshire County Council were consulted to confirm whether their data was correct. As there remains some uncertainty as to the exact location of the boundary of the public highway the Applicant has retained this land within the Order Limits. However, the Applicant has confirmed to the Interested Party that the Applicant will only enter and lay the cable in land that forms part of the public highway.</p>
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		property. Please stop this. It would mean we lose 14 acres out of 60.	
TO-03	Boundary query	<p>I will itemise below some other points, but I hope you will appreciate that loss of land for a small farm will seriously jeopardise the business or, worse, lead to its collapse.</p> <p>Our neighbours, particularly Limestone Farming/Coates Hall, own thousands of acres locally, throughout the UK and abroad. If planning permission is granted, these works should go on their land. They stand to benefit most from the scheme and will not notice the loss of some land. Their land is arable land, not gated and fenced so more accessible.</p>	The Applicant notes these comments and reiterates the statement at TO-02 that the Applicant does not intend to use Dr. Organ's private land.
TO-04	Boundary query	<p>Some other relevant points and further details</p> <p>Countryside Stewardship. The Rural Payments Agency pay us by the metre for hedgerow management and by the hectare for grassland management. If this is altered, we would need to engage a land agent to amend our entitlement. This would be costly and reduce our income. Failure to do this would lead to us being fined.</p>	The Applicant notes these comments and reiterates the statement at TO-02 that the Applicant does not intend to use Dr. Organ's private land.
TO-05	Boundary query	<p>Low stocking density is an integral part of our management system. Reducing the area means that at best we would have to keep less cattle. Grass-fed beef means we do not stuff them with concentrate.</p>	The Applicant notes these comments and reiterates the statement at TO-02 that the Applicant does not intend to use Dr. Organ's private land.

TO-06	Boundary query	Initial Wildlife survey. Cottam Solar Project needs to find the original report and not ignore it.	The Applicant notes these comments and reiterates the statement at TO-02 that the Applicant does not intend to use Dr. Organ's private land.
TO-07	Boundary query Ecology and Biodiversity	We hope that Cottam Solar will change their plans, or the planning inspectorate will not pass them as they stand. If not, we are in trouble, much of our good work on the environment will have been wasted.	The Applicant notes these comments and reiterates the statement at TO-02 that the Applicant does not intend to use Dr. Organ's private land. The environmental impacts of the Scheme have been carefully considered in the supporting ES chapters. Whilst it has not been possible for the Scheme to avoid all significant adverse residual impacts, these have been identified within the Environmental Statement [APP-036 to APP-058] and have been minimised, where possible, through careful and sensitive design and detailed mitigation strategies
TO-08	Public Access Ecology and Biodiversity	Many people love walking their dogs down Coates Lane because our high hedge and the wildlife provide a relaxing, peaceful environment.	The Applicant's intention is to retain and enhance trees and hedgerows and the revised OLEMP [REP4-035] sets out in paragraph 1.1.5 that wherever feasible, the Scheme utilises existing access points to accommodate internal access between fields, land areas, solar panel areas, substation sites and battery storage areas.

Mark Wardle [REP4-101]

Reference	Theme	Summary of Issue Raised	Applicant's Response
MW-01	Public engagement	My name is Mark Wardle and I am a resident of Marton village Further to my previous representation points I wish to bring to your attention how complex and difficult your	The Applicant notes these comments and confirms that the Scheme is following the Examination process as required by the Planning Inspectorate, and following

		<p>process is in submitting a representation. I regularly speak to lots of older villagers to inform them of the current situation regarding the planning process for this development and the other developments planned for our area. The overwhelming reply I get is they do not have internet access or the ability to submit their representations or understand the complexities of the process, they are at a loss how to object to these proposed developments . Therefore it is plainly obvious that the developers have a distinct advantage over the majority of local people and are capitalising on this fact by them employing an external planning specialist company who are using the might of their professional employees to ensure these developments get the green light.</p>	<p>the Examination timetable published by the Examining Authority for the Scheme.</p> <p>Please refer to response 7A-04 in C8.1.2 The Applicant's Responses to Relevant Representations [REP-049] for information on how the level of consultation for the application was in accordance with the Planning Act 2008 and associated guidance.</p>
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Victoria White [REP4-102 and REP4-103]

Reference	Theme	Summary of Issue Raised	Applicant's Response
VW-01	Loss of farmland Ecology and Biodiversity	<p>This is not a safe efficient project. The impact on the rural community is immense if this and the other projects are allowed to go ahead. Compulsory takeover of farmland reduces the food available. Carbon neutral cannot be achieved by displacing one energy source for another taking out farmland. The impact on the large area of land which the electricity must pass to get to the grid from these panels reduces the electric</p>	<p>The Applicant refers to its responses to 7A-13 and 7A-16 above.</p>

		received at the grid. The further it travels from the load cell/end user the greater the loss. Going under rivers across countryside used by humans and animals including rare wildlife is mass destruction.	
VW-02	Need	The efficiency and safety of the electric collection and delivery is not efficient. Low level of sunlight in UK compared to countries of much higher levels of sunlight have problems with this technology. It is not suitable for use in large areas. Ruining human and animal health and safety applying any of these solar projects to the beautiful rural landscape is completely unacceptable. The risk of fire, from high energy storage with large batteries and leakage into the environment is so high. Local services could not save us. We would have to be evacuated and to where? Recent flooding all over the areas they want to install these panels demonstrates the danger. Where is the cost benefit analysis. Local communities must not suffer.	Figure 7.4 of Statement of Need [APP-350] shows the levels of irradiation across the UK and specifically at the Scheme. At these levels, the Scheme will Produce a significant and important volume of low-carbon electricity annually. Section 7.5 of the Statement of Need [APP-350] provides further evidence towards the suitability of the proposed location for the Scheme.
VW-03	Need	A cost benefit analysis for neither individual or combined applications has not been provided. No acceptable answers regarding the safety storage efficiency and distribution have been provided. This is negatively displacing the use of land on a very large scale with no overall benefit. Destroying harming and risking human and wildlife for a mixed set of individuals to benefit financially is destructive to a large area of the UK both in the short and long term. Install	The Applicant has made responses in relation to the need for the Scheme in 7A-16 above.

		<p>effective solutions for energy not destroy what currently exists. Loss of energy due to poor capture storage and distribution is only part of the many issues with this technology and installation. Please provide a cost benefit analysis / all advantages and disadvantages in an accurate report for the whole process lifetime and responsibilities for this application.</p>	
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Simon and Kate Skelton [REP4-105]

Reference	Theme	Summary of Issue Raised	Applicant's Response
SKS-01	Landscape and Visual Impact	<p>This is an additional submission to the Examining Authority's 2nd Questions. 2.5.4 which I replied to recently.</p> <p>Please see below the recent email thread between IGP and us. (The Planning Inspectorate was included in the email, but a copy may not have reached the Examining Authority)</p> <p><i>[Correspondence 1]</i></p> <p>Dear Eve,</p> <p>Having seen the notes attached to REP3-036, It appears that you are not willing to improve mitigation on our property as indicated at the CAH1.</p>	<p>Following engagement with the Interested Party, the Applicant has undertaken a further review of the impacts of the Scheme on North Farm (Residential Receptor R63A). The Applicant considers that to increase to the offset, as requested by the Skeltons, would not lessen the magnitude of the visual effects that have been assessed, as the current set back is considered sufficient to mitigate the effects, especially given that the panels would also be set behind a proposed native shelter belt/woodland planting that would be planted in advance of construction of the panels. In Section 4.12 of C7.3_E Outline Landscape and Ecological Management Plan Revision E [REP4-035] submitted at Deadline 4, the Applicant has committed to implement new planting and management changes in advance of the commencement of construction in</p>

	<p>I hope this is not the case and these notes are just a summary of the previous position.</p> <p>As stated in my own submissions and during our chat, moving the panels back behind our trees the same as the adjacent field would make a significant difference to the visual blight on our home and our wellbeing.</p> <p>This would be a more acceptable buffer distance and would bring parity with other isolated properties. A small compromise that would be much appreciated.</p> <p>Please let us know your intentions.</p> <p>Kind regards, Simon and Kate Skelton.</p> <p><i>[Correspondence 2]</i></p> <p>Hi Simon and Kate,</p> <p>I hope you are well. As you have seen in the notes, our landscape team undertook another review of the layouts and proposed screening and this did not change their opinion on the offset distances and mitigation proposed. However, in order to enable the screening to become established at as early a stage as possible, we will add into the Outline Landscape and Ecological Management Plan a commitment to plant the landscape mitigation already proposed around North Farm at the outset of work on the project, i.e. at the beginning of the construction period.</p>	<p>this part of the Site. This will enable the mitigation to become effective earlier than otherwise planned, reducing the impacts at the construction and operation (year 1) years. Existing hedgerows will be allowed to grow out and will reach a height of 5m within 1-2 years.</p>
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		<p>We will add this into the documentation to be submitted for the deadline tomorrow.</p> <p><i>[Correspondence 3]</i></p> <p>To Eve Browning and for the attention of Mr. Rory Cridland,</p> <p>Thank you, Eve, for at least getting back to us. We were afraid this would be your reply. This shows total disregard for affected properties and people's lifestyles and mental wellbeing. It is quite sad that you have continued to show the true colours of this corporate project, lacking compassion and understanding and with the inability to admit error and provide any compromise.</p> <p>How dare you sit in your office discussing our future and whether or not you can accommodate us, as if this was already a done deal! The minimum we asked for was a tiny fraction of land as a buffer to prevent the ruination of our home and to bring parity with other properties.</p> <p>I hope you never find yourself in a similar position.</p> <p>With the many harms of this and the other 5 schemes in this vicinity, we think giving local residents some respect is a minimum requirement and would only help in showing the Secretary of State, that you have worked with communities and not terrorised them.</p>	
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		<p>15,000 acres of solar in one area is a big ask, and your scheme is all take and no give.</p> <p>We realise now, that from day one we have been too civil and accommodating towards IGP and your solar encirclement. We now find ourselves being walked all over. You and your firm will destroy our home and our lives for nothing but corporate greed.</p> <p>Simon and Kate Skelton.</p> <p><i>[Correspondence 4]</i></p> <p>I apologise Sir, if you have seen the above thread, but I need you to be fully in the picture.</p> <p>I understand your position of impartiality in this process, but my wife and I are extremely upset and feel totally helpless with a Developer who seems to act like this is signed, sealed, and delivered and the land is already theirs.</p> <p>When the Applicant's landscape staff imply that moving this industrial eyesore further away from our property will not improve matters, alarm bells start to ring. Their professional opinions are being clearly paid for. I am sure they would argue black is white. Moving the solar panels back as discussed, many times before, would without doubt lessen the impact and make this solar scheme just about bearable to live with, if a DCO was granted. The current proposal would be overbearing, and as shown, the buffer distance is far less at North</p>	
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		<p>Farm than other isolated country properties on the scheme and certainly less than other privately owned homes.</p> <p>Our research has shown that due to the elevated position of our home, the infrastructure proposed and the surrounding nature of the fragmented Cottam proposal, our home would be the most blighted property by solar development in the UK and probably in the world! With this enormous 3,000-acre site and a simple solution in sight, why is no one listening?</p> <p>We need fair protection. Early planting of a new hedge is an insult not a solution. An early planting regime should be standard practice already, I am sure you would agree. Meaningful and acceptable mitigation would be the siting of panels away from our home and squaring off the solar land parcel to the North as originally intended, with the falling land profile reducing impact further. Please see my WR.</p> <p>At the moment we are emerging from this soul-destroying process with nothing but the prospect of the destruction of our much loved surroundings and significant financial loss. We just do not understand this Developer's attitude towards fellow human beings.</p> <p>We cannot and will not leave this injustice here.</p> <p>Please, for all our sakes let us come to a fair and civilized solution.</p>	
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		Thank you, Simon and Kate Skelton.	
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Appendix A – Response to Marine Management Organisation [REP4-081]

1. Exempt Activities and the Requirement for a Deemed Marine Licence

- 1.1.1 The grid connection cable will be laid below the River Trent using Horizontal Directional Drilling (HDD).
- 1.1.2 The Marine Management Organisation (MMO) has submitted that, in consequence of article 4(1) of the Marine Licensing (Exempted Activities) Order 2011 (the 2011 Order), a marine licence is not needed for an activity that is an exempt activity. The exempt activities are set out in Part 3 of the 2011 Order, and only article 35 is of relevance.
- 1.1.3 Article 35(1) of the 2011 Order provides that “works activity carried on wholly under the sea bed in connection with the construction or operation of a bored tunnel” are exempt activities. This is subject to two conditions: first that notice of the intention to carry on the activity is given to the MMO before it commences; and secondly that the activity must not significantly adversely affect any part of the environment of the UK marine area or the living resources it supports.
- 1.1.4 However, the MMO has also published statutory guidance on Marine Licensing Exempted Activities (30 May 2019; Ref. 1). This guidance is intended to assist in the interpretation of the 2011 Order, including how the MMO will (or may) apply the 2011 Order for the purposes of enforcement.
- 1.1.5 The Applicant notes that the Guidance contradicts the 2011 Order in relation to bored tunnels, stating:
- “This exemption does not apply to: [...]*
- the construction of the tunnel does not significantly adversely affect the environment of the UK marine area or the living resources that it supports”.*
- 1.1.6 The section on ‘cables, pipelines, oil and gas and carbon capture storage’ adds further to this lack of clarity. Section 7.1 relates to the areas of the MMO’s jurisdiction where a marine licence will and will not be required for an ‘exempt cable’. No marine licence is required to lay an ‘exempt cable’ outside English inshore waters; however, within English inshore waters (which includes tidal rivers) a marine licence is required. The guidance advises expressly that:
- “An ‘exempt cable’ is a cable used for the transfer of data or electricity from one place to another (this does not include cables used to export electricity generated by a renewable energy array to a substation on land).”*
- 1.1.7 The Applicant is cautious as the Guidance is stated to apply to the laying of cables, whilst the 2011 Order, at article 34, provides only for emergency inspection and repair works to cables and pipelines. No other exemptions for cables are included within the 2011 Order, and the guidance expressly states both that cables used to

export electricity from a renewable energy array (such as the solar array sites) to a substation on land (such as that at Cottam Power Station) are not exempt, and that a marine licence is required for the laying of new cables (whether or not they are exempt) within English inshore waters.

- 1.1.8 The Applicant is further mindful that grid connection cables laid for an offshore wind farm are installed by HDD, and for the extent of the inshore region, will be entirely below the sea bed. The Applicant submits that, were the MMO's interpretation of the 'bored tunnel' exemption applied to offshore wind projects in the same way as in its submissions on this Scheme, no marine licence would be required for the installation of the cable from the turbine array to landfall. This is clearly not the case.
- 1.1.9 Accordingly, the Applicant is not confident that any 'bored tunnel' exemption applies in this case, and that the exemption is not overridden by the tunnel being used for the laying of the grid connection cable.
- 1.1.10 Notwithstanding the above, the 'bored tunnel' exemption also requires all activities to be below the sea bed (which includes tidal rivers, such as the River Trent in the location of the cable crossing). All HDD activities come with an inherent risk of 'breakout', where sediment and/or drilling muds from the drilling are released into watercourses. Should such an event occur, the 'bored tunnel' exemption would not apply as the work would no longer be wholly under the sea bed. The Technical Note on Horizontal Directional Drilling and Cabling under the River Trent [EX5/C8.2.13] provides further information about the potential for the proposed HDD activities to interact with the River Trent, rendering the 'bored tunnel' exemption inapplicable.
- 1.1.11 Environmental Statement Chapter 9: Ecology and Biodiversity [APP-044] addresses the risks associated with HDD and provides for mitigation in paragraphs 9.7.209 to 9.7.215. The measures to minimise the risks associated with HDD include careful siting of the entry and exit pits, suitable depth control, and visual monitoring by an Ecological Clerk of Works. These measures are secured in the outline Ecological Protection and Mitigation Strategy [APP-356], with Section 7 setting out the precautionary approach to HDD works. If sediment is released during HDD, drilling may need to temporarily cease and specialist advice obtained in order to help contain sediments, including through the use of silt traps. This work would not be below the sea bed and would not be within the 'bored tunnel' exemption.
- 1.1.12 The risk of issues with HDD is minimised through extensive pre-planning and surveys, but it can never be reduced to zero. A Deemed Marine Licence (DML) has therefore been included within the Order to provide certainty that the activity of laying the grid connection cable will be lawful, and to ensure that, if an issue does occur during the HDD installation, the Applicant will be able to undertake the necessary interventions without delay, minimising any pollution of sediment into the River Trent.
- 1.1.13 The MMO has suggested that, in the event it became necessary to undertake works that require a marine licence, an application should be made directly to the MMO at that time. The use of the deemed marine licence is provided for by section 149A of

the Planning Act 2008, and is considered to be appropriate in the circumstances of the Scheme because:

- the Applicant would need to apply for a marine licence pursuant to the Marine and Coastal Access Act 2009 prior to construction in any event, to licence the HDD works and any interventions necessary;
- making a separate application places an unnecessary administrative burden on the Applicant and creates uncertainty, contrary to the 'one stop shop' intention of the DCO regime;
- there are no statutory timescales for the MMO to determine a marine licence application, and guidance states that the MMO aims to make a decision on most applications within 13 weeks. In practice, this can take significantly longer, as demonstrated in the examples that follow:

Application	Application submission date	Initial decision date	Timescale
ABP Lowestoft- Commercial Road (MLA/2021/00190/1)	16 April 2021	3 November 2021	28 weeks
West Sussex County Council (MLA/2023/00110)	10 March 2023	17 November 2023	36 weeks
Southern Water Services Limited (MLA/2022/00560)	20 December 2022	14 November 2023	47 weeks
Diamond Transmission Corporation Limited (MLA/2022/00488/1)	4 November 2022	16 June 2023	32 weeks

1.1.14 This uncertainty of timescales associated with the marine licensing process is inconsistent with a key benefit of the DCO regime in providing such certainty. It is also noted that DMLs are regularly included within DCOs, without having to unnecessarily rely on a separate and sequential licensing process. The Cleve Hill Solar Farm Order 2020 includes a DML for flood defence works which could have been applied for separately, but was more efficiently included within the DCO. The Applicant notes that, in relation to that scheme, the MMO suggested that a DML should be included, rather than relying on statutory exemptions benefitting the Environment Agency. As set out in paragraph 4.132 of the Secretary of State's decision letter (Ref. 2) for that project:

"The Marine Management Organisation suggested that a deemed Marine Licence would be the most appropriate way to deal with those parts of the proposed Development – the flood defences – that extended below the Mean High Water Mark rather than pursuing an option transferring existing Marine Licence exemptions held by the Environment Agency to the Applicant"

- 1.1.15 The Applicant also notes that, in the Statement of Common Ground between the MMO and the Cleve Hill undertaker (Ref. 3), it was agreed that *"The MMO does, support at Part 6, 29(sic) of the dDCO the inclusion of a deemed marine licence under the 2009 Act."* In that same document, the MMO (see page 3) confirmed *"The MMO agrees with the content of the draft DML conditions"*. It is noted that the DML conditions proposed by the Applicant mirror the DML conditions granted as part of the Cleve Hill DCO and the Applicant does not consider there is good reason that a different approach to licensing should be taken here. The DML is, in fact, the best and most appropriate precedent as it precisely deals with a situation where the activities that are subject to the licence potentially (and, in the view of the MMO, do) benefit from an exemption.
- 1.1.16 It is the Applicant's position that a marine licence will be required before the grid connection cable works can be commenced, and that the inclusion of a DML within the draft DCO is therefore necessary and preferable, and indeed anticipated by the Planning Act 2008 (PA08).
- 1.1.17 Were a DML not included, the Scheme could be subject to indefinite delays, contrary to the Government commitment, set out in its July 2023 consultation on operational reforms to the NSIP consenting process, to make the NSIP consenting process "better, faster, greener, fairer and more resilient by 2025", with "operational reform to support a faster consenting process" being the first of three reform areas.

2. The Scheme in Context

- 2.1.1 The Scheme is one of four NSIP-scale solar schemes that are proposed to share the cable corridor in the location where it passes below the River Trent. Of these Schemes, the Tillbridge Solar Project is due to be submitted to the Planning Inspectorate shortly; West Burton Solar Project is currently in Examination, and the Examination for the Gate Burton Energy Park closed on 4 January 2024.
- 2.1.2 The approach taken by each of these projects and the Scheme is to ensure that, to the greatest extent possible, the Orders, requirements and approaches are consistent with each other. This reduces the administrative burden on local authorities, and ensures that there are greater opportunities for efficiencies in the construction phase. Key amongst these opportunities is the use of the shared cable route corridor, which will enable all of the projects to reduce the cumulative impacts that would be experienced with four, separate operations to cross the River Trent.
- 2.1.3 It therefore follows that, to ensure that the opportunities presented by the shared cable route corridor can be realised, all of the projects should have the benefit of a

DML, and these DMLs should be on broadly equivalent terms so that each can be complied with by, as the case may be, a single contractor.

- 2.1.4 The Examining Authority on Gate Burton issued a procedural decision on 8 November 2022 to request further information on the DML, the need for the DML, the impacts on the development if the Applicant were to instead apply for a standard Marine Licence, and requesting the MMO provide comments.
- 2.1.5 In its response to that procedural decision, the MMO confirmed that the time to make a decision on an application for a Marine Licence does vary, and that the MMO "is unable to predict whether a marine licence application will reach a positive determination". Further, it was unable to predict whether or not Article 35 of the 2011 Order would apply in the future, suggesting that the applicant could apply for a standard marine licence if the exemption no longer applied.
- 2.1.6 It is clear that the approach suggested by the MMO is inconsistent with the wider approach in the PA08, where consents are included within the Order so that a developer can, on the making of the Order, undertake detailed design confident that the proposed development can be implemented. In view of the unavoidable need for the grid connection cables to cross the River Trent, not granting a DML within the Order would result in significant uncertainty over whether the Scheme could be implemented.
- 2.1.7 The responses to the procedural decision on Gate Burton were submitted on 20 November 2023, with the Examining Authority on the Gate Burton project due to provide a commentary on the draft Development Consent Order (if required) on 1 December 2023. The Examining Authority did not issue any commentary on the draft Development Consent Order (which included a DML in the same form as the Scheme), strongly indicating that the concerns around the requirement for, and form of, the DML had been satisfied.
- 2.1.8 Accordingly, there is a strong policy impetus to retain the DML within the draft DCO for the Scheme, so that the benefits of the shared cable route corridor can be realised and a consistent approach taken for all of the projects, ultimately reducing the administrative burden on the MMO who would otherwise have to consider applications for Marine Licences for one or more Schemes, and be under pressure to ensure that the deemed and standard Marine Licences for the shared corridor were consistent and mutually applicable. The Applicant does not consider this to be a satisfactory outcome for any party, including the MMO.

3. The Deemed Marine Licence as part of the Development Consent Order

3.1 Interaction with Article 35 – Consent to Transfer the Benefit of the Order

- 3.1.1 The MMO has made detailed submissions in section 3 of [REP4-081] to the effect that the DML should be excluded from the scope of article 35, and that the MMO

should be the only party with the power to authorise the transfer of a marine licence, deemed or otherwise.

- 3.1.2 At paragraph 3.1, the MMO submits that all provisions of section 72 of the Marine and Coastal Management Act 2009 (2009 Act) should apply to the DML. Section 72 provides for the variation, suspension, revocation and transfer of a marine licence, and the MMO's concern relates to transfers.
- 3.1.3 The Applicant notes that the MMO's Guidance on NSIPs (Ref. 4) does not include the transfer of DMLs within the list of activities that the MMO is responsible for when a DCO containing a DML is granted. The Guidance states:
- "If a development consent order (DCO) is granted, this may include provision deeming a marine licence to have been issued under Part 4 of the Marine and Coastal Access Act 2009. The MMO is responsible for enforcing, post-consent monitoring, varying, suspending, and revoking any deemed marine licence(s) as part of the DCO."*
- 3.1.4 This Guidance is consistent with the DCO regime intending to provide a single, unified regime for the implementation of nationally significant infrastructure projects. It would be unusual for the Secretary of State to be able to transfer the benefit of all parts of a DCO *except for* a DML. The Applicant notes that this suggestion would both fragment the DCO and fetter the Secretary of State's discretion.
- 3.1.5 In respect of the ability to enforce the DML, this is not affected by the Order, or the marine licence being deemed. The Applicant acknowledges the submissions of the MMO about consistency with licences that are issued independently. The Applicant refers to paragraphs 1.1.14 and 1.1.15 above, which confirm that the precedent used for the DML is the Cleve Hill Solar Park Order 2020. That DML was both requested by the MMO, despite the understanding that an exemption applied, and the form of the licence was agreed with the MMO. It is the Applicant's view that, notwithstanding that the Cleve Hill marine licence is deemed, it is equivalent to one that has been independently issued by the MMO due to the involvement of the MMO and agreement of the terms of that DML. The draft DML is therefore fully compliance with PINS Advice Note Eleven, Annex B.
- 3.1.6 In respect of the MMO's concern that a transfer of the DML could be made without an application being made to the MMO for this, the Applicant considers that suitable protection for the MMO is included within the draft DCO. In particular, whilst the MMO does not directly consider the merits of any proposed transfer, article 35(4) requires the Secretary of State to consult with the MMO on the transfer of the DML. This ensures that the MMO remains involved in any transfer, and is able to advise the Secretary of State on the merits of the transfer.
- 3.1.7 The Applicant also disagrees that this approach is in anyway novel, noting that equivalents to article 35(4) have been included in every DCO since 2020 that

includes a DML except for the Great Yarmouth Third River Crossing Development Consent Order.³

- 3.1.8 The MMO is further protected as the power to transfer a DML does not include any power to vary its terms. This is recognised by the MMO in paragraph 3.12 of [REP4-081]. The concern, set out in paragraphs 3.13 and 3.14, that the DML would need to be updated to reflect the transfer is unfounded. Article 35(2) confirms that, where a transfer has been made, "references in this Order to the undertaker ... are to include references to the transferee or lessee". The DML defines 'licence holder' as including 'the undertaker', meaning that no amendment is necessary for the DML to refer to the transferee.
- 3.1.9 Similarly, where the benefit of the Order is granted to a lessee for an agreed period, the MMO's concern, set out at paragraph 3.15, that the 2009 Act does not provide any mechanism for licences to be leased or revert to the original licence holder does not arise. The identify of 'undertaker' for the purposes of the DML will simply be the lessee for the duration of the agreed period, with no changes required to the licence. Furthermore, in paragraph 3.16, the MMO appears to conflate the grant of the benefit of the Order for an agreed period with the grant of a new licence. The operation of article 35 does not create or grant any new licence; the existing DML would simply be transferred to the lessee for the duration of the agreed period under article 35(1)(b), without variation.
- 3.1.10 The Applicant confirms that article 35 does not affect the ability of the MMO to enforce a DML, and refers to the MMO's guidance on this matter which confirms the same (see paragraph 3.1.3, above).
- 3.1.11 Accordingly, reserving the decision to transfer the benefit of the Order, which may include the DML, to the Secretary of State does not in any way affect the MMO's regulatory and enforcement powers. This approach is widely precedented, and ensures that the inclusion of a DML, as anticipated by s149A of the PA08, does not undermine the purposes of the NSIP consenting regime.

3.2 Exclusion of the Licence from Arbitration

- 3.2.1 The Applicant submits that the draft DCO adequately provides that the arbitration provision does not apply to the DML. In response to question 1.1.13 of the Examining Authority's first written questions, the dDCO was updated to include in article 42(2), the following drafting:

(2) Any matter for which the consent or approval of the Secretary of State or the Marine Management Organisation is required under any provision of this Order is not subject to arbitration.

³ In the Great Yarmouth Order, there is no requirement for the Secretary of State to consult any party before consenting to the transfer of the benefit of the Order.

- 3.2.2 This drafting has precedent in the Hornsea Four Offshore Wind Farm Order 2023, the Boston Alternative Energy Facility Order 2023, and the Sizewell C (Nuclear Generating Station) Order 2022. The Applicant is therefore satisfied that appropriate drafting is included within the draft DCO to address the MMO's concerns around arbitration.

4. The Deemed Marine Licence

4.1 Licensable Activities and Procedure; Conditions

- 4.1.1 The Applicant acknowledges the MMO's submissions that a DML cannot be granted to cover a 'hypothetical situation' where the works 'may not fall within an exemption under the 2011 Order'. However, this contradicts the approach taken on the Cleve Hill Solar Park Order 2020 where a DML was suggested by the MMO in precisely this circumstance (see paragraph 1.1.14). The MMO Guidance on marine licencing of NSIPs (Ref. 4) also does not suggest that there is any impediment to a DML being granted on a precautionary basis.
- 4.1.2 The Applicant also considers that the detail of the licenced activities is appropriate, reflecting the description of Work No. 6B in the draft DCO. This Work No. will be subject to detailed design post-consent, which must be within the *Rochdale Envelope* of the Environmental Statement – that is, the assessed worst-case scenario. The DML does not operate in isolation, but must be considered in the wider context of the DCO, the Certified Documents, and the Requirements found in Schedule 2 to the draft DCO.
- 4.1.3 As set out in paragraph 1.1.15, the DML included in the dDCO is based on that in the Cleve Hill Solar Park Order 2020. The conditions of that DML were agreed with the MMO, as confirmed by the statement of common ground from that project. The Applicant submits that the level of detail in the Cleve Hill precedent reflects that the activities were likely to be exempt, and therefore did not warrant the administrative and technical burden of identifying detailed conditions that would be, in all likelihood, not applicable.
- 4.1.4 The Applicant seeks to follow this approach, and considers the level of detail in the DML to be entirely compatible with the MMO's primary position, namely that no licence is required for any of the proposed activities.

4.2 Response to the MMO's Without Prejudice Comments on the draft DCO and DML

- 4.2.1 Please see the table on the following pages, for the Applicant's response to the MMO's without prejudice comments.
- 4.2.2 The Applicant has sought to include the MMO's proposed changes where possible, and has done so proactively following the MMO's submission of without prejudice comments on the similarly drafted DML in the Gate Burton Scheme. The Applicant maintains that it is important that a DML is included within the DCO, and is grateful to the MMO for providing comments.

Provision	Current wording	MMO's without prejudice comments	Applicant's response
DCO			
Article 35(4)	The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person the whole or part of the benefit of the provisions of the deemed marine licence.	This paragraph should be removed in its entirety since the MMO should not be bound by Article 35 (see below)	Please refer to the Applicant's submissions at section 3.1.
Article 35	Add provision	Article 35 of the DCO should include wording to make it explicit that this article does not apply to the DML or the MMO.	Please refer to the Applicant's submissions at section 3.1.
Article 42	Add provision	Article 42 of the DCO should include wording to make it explicit that this article does not apply to the DML or the MMO.	Please refer to the Applicant's submissions at section 3.2.
Deemed Marine License – Schedule 9			
Part 1 Licensed Marine Activities			
(1) Interpretation	Add provision	"condition" means a condition in Part 2 of this licence;	Agreed; amendment was included in Revision F of the draft DCO [REP4-014]

Provision	Current wording	MMO's without prejudice comments	Applicant's response
(1) Interpretation	Add provision	"enforcement officer" means a person authorised to carry out enforcement duties under Chapter 3 of Part 4 (marine licensing) of the 2009 Act;	Agreed; amendment was included in Revision F of the draft DCO [REP4-014]
(1) Interpretation	"licence holder" means the undertaker and any agent, contractor or sub contractor acting on its behalf;	The MMO request that this is deleted.	<p>The Applicant considers this deletion to be less beneficial to the MMO. The Applicant's definition includes not just the undertaker, but also agents, contractors or sub-contractors acting on its behalf, ensuring that it is clear who has the benefit of the licence and who it may be enforced against.</p> <p>This is consistent with conditions 9(1) and 9(2) (notifications and inspections), which require notice of the undertaker's agents, contractors or sub-contractors to be served on the MMO. Therefore, read together, a definition including these parties and conditions 9(1) and 9(2) improves clarity and enforceability.</p>
(1) Interpretation	"MMO" means the Marine Management Agency, the body created under the 2009 Act which is responsible for the monitoring and enforcement of this licence;	"Marine Management Organisation" or "MMO" means the body created under the 2009 Act which is responsible for the monitoring and enforcement of	Agreed; amendment was included in Revision F of the draft DCO [REP4-014]

Provision	Current wording	MMO's without prejudice comments	Applicant's response
		this licence or any successor in function;	
(2) Addresses for notices	<p>(1)(a) Marine Management Organisation Marine Licensing Lancaster house Newcastle Business Park Newcastle upon Tyne NE4 7YH Tel: 0300 123 1032; and</p> <p>(1)(b) Marine Management Organisation Beverley Office First Floor Crosshill House Beverley HU17 9JB Email: beverley@marinemanagement.org.uk Phone: 0208 026 0519</p>	<p>Marine Management Organisation Marine Licensing Team Lancaster House Hampshire Court Newcastle Business Park Newcastle upon Tyne NE4 7YH</p> <p>Tel: 0300 123 1032</p>	Agreed; amendment included in Revision F of the draft DCO [REP4-014] with the exception of 'Hampshire Court' which is included in Revision G of the draft DCO provided at Deadline 5.
(2) Addresses for notices	<p>(1)(b) Marine Management Organisation Beverley Office Room 13, Ground Floor Crosskill House Mill Lane Beverley HU17 9JB</p>	<p>(1)(b) Marine Management Organisation Beverley Office First Floor Crosskill House Mill Lane Beverley HU17 9JB Email: beverley@marinemanagement.org.uk Phone: 0208 026 0519</p>	Agreed. This address was removed from Revision F of the draft DCO [REP4-014] in response to the comments made in the Gate Burton Solar Project Examination. This change is included in Revision G of the draft DCO, provided at Deadline 5.

Provision	Current wording	MMO's without prejudice comments	Applicant's response
(3) Details of licensed marine activities	3.(1) Subject to the licence conditions, this licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) (licensable marine activities) of the 2009 Act which— (a) form part of, or are related to, the authorised development; and (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 of the 2009 Act.	As set out above in Section 5 'any licensable marine activities' is unacceptable wording. This section should clearly set out which activities (which fall under section 66 of the 2009 Act) for which a licence is sought. This should include any maintenance activity (as conditioned in article 14, below).	The Applicant considers the licensed activities are clearly defined in paragraph 3 of Part 1 of the DML, the form and content of which is based on Part 1 of the Cleve Hill Solar Farm Order 2020. This approach is taken in the Boston Alternative Energy Facility Order 2023 and the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, and is therefore both a precedented and current approach to DMLs. Please also refer to the Applicant's submissions in section 4.1.
(3) Details of licensed marine activities	Add provision	This section should make clear how long the licence will last. A licence cannot be open ended.	It is not standard practice to time limit DMLs and paragraph 3(3) of Part 1 is clear that the licence applies to construction, operation and maintenance and decommissioning of Work No. 6B. The Applicant notes that the approach of providing a DML for the lifetime of the development (covering construction, operation and maintenance, and decommissioning) is well precedented, including most recently on the Hornsea Four Offshore Wind Farm Order 2023.

Provision	Current wording	MMO's without prejudice comments	Applicant's response
(3) Details of licensed marine activities	5. The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 Act apply to this licence except that the provisions of section 72(7) relating to the transfer of the licence only apply to a transfer not falling within article 35 (consent to transfer the benefit of the Order).	This provision needs to be removed in its entirety.	Please refer to the Applicant's submissions in section 3.1 in respect of article 35 of the draft DCO. The Applicant considers this provision to be necessary and justified, as the Order makes clear provision for the transfer of the DML with consents of the Secretary of State in consultation with the MMO.
(3) Details of licensed marine activities	6. With respect to any condition which requires the licensed activities to be carried out in accordance with the plans, protocols or statements approved under this Schedule, the approved details, plan or project are taken to include any amendments that may subsequently be approved in writing by the MMO.	The following addition should be added: <i>"subsequent to the first approval of those plans, protocols or statements provided it has been demonstrated to the satisfaction of the MMO that the subject matter of the relevant amendments do not give rise to any materially new or materially different environmental effects to those assessed in the environmental information."</i>	The Applicant does not object to the principle of this provision, but considers it to be unnecessary. Paragraph 7 of Part 1 of the DML requires any amendments or variations to be in accordance with the principles and assessments in the environmental statement and not give rise to new or materially different environmental effects.
(3) Details of licensed marine activities	7. Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where	This should be updated to: "7. Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such	Agreed; amendment was included in Revision F of the draft DCO [REP4-014]. The term "environmental information" is not used in the draft DCO/DML and the appropriate term is the environmental statement.

Provision	Current wording	MMO's without prejudice comments	Applicant's response
	<p>it has been demonstrated to the satisfaction of the relevant planning authority or that other person that the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</p>	<p>agreement may be given only in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that the subject matter of the relevant amendments do not give rise to any materially new or materially different environmental effects from those assessed in the environmental information.</p>	
Part 2 Conditions			
<p>Design parameters</p>	<p>Add provision</p>	<p>Measurements and values provided in relation to the licensable activities should be worst case scenario. Details should be of maximum value. Approximations must be avoided.</p>	<p>The licensable activities are described in paragraph 3 of Part 1, the form and content of which is based on Part 1 of the Cleve Hill Solar Farm Order 2020. The Applicant notes that the Concept Design Parameters and Principles [REP4-043] contains the parameters for each Work No. that are commensurate with the worst-case assessments in the Environmental Statement, and to which the Scheme must adhere. The Applicant does not consider it necessary or desirable to duplicate this information in the DML, and notes that the reference to the Work No. 6B operates to incorporate the</p>

Provision	Current wording	MMO's without prejudice comments	Applicant's response
			Rochdale Envelope of worst-case assessment into the authorised activities.
Title	Notifications regarding licensed activities	Notifications and inspections	Agreed; amendment was included in Revision F of the draft DCO [REP4-014]
Notifications and inspections	8. The licence holder must inform the MMO in writing of the commencement of the first licensed activity at least 24 hours prior to such commencement.	<p>This should be amended to:</p> <p>8. The undertaker must inform the MMO at both addresses of Paragraph 2, in writing of the commencement of the first licensed activity at least five days prior to such commencement.</p>	<p>The Applicant amended 24 hours to five days in Revision F of the draft DCO [REP4-014]. The second address has been reinstated in Revision G of the draft DCO, provided at Deadline 5 [EX5/C3.1_G]. It is not necessary to specify that the MMO must be informed 'at both addresses' as paragraph 2 confirms that notices must be sent to the first <i>and</i> second address.</p> <p>The Applicant would, however, be grateful if the MMO could confirm if electronic notice only is acceptable, or if a hard-copy letter will always be required.</p>
Notifications and inspections	9.—(1) The licence holder must inform the MMO of the name and function of any agent or contractor appointed to engage in any licensed activity not less than 24 hours before the commencement of the licensed activity in question.	<p>This should be amended to:</p> <p>9. (1) The undertaker must provide the name, address and function of any agent, contractor or subcontractor that will carry out any licenced activity listed in this license on behalf of the</p>	The Applicant is content with the stylistic changes proposed by the MMO, and these amendments were included in Revision F of the draft DCO [REP4-014]

Provision	Current wording	MMO's without prejudice comments	Applicant's response
	<p>(2) Any changes to details supplied under sub-paragraph (1) must be notified to the MMO in writing prior to the agent, contractor or vessel engaging in the licensed activity in question.</p> <p>(3) Only those persons notified to the MMO in accordance with this condition are permitted to carry out a licensed activity.</p>	<p>undertaker to the MMO in writing no less than 24 hours before the agent, contractor or subcontractor carries out any licensed activity; and</p> <p>(2) Any changes to the name and function of the specified agent, contractor or subcontractor that will carry out the specified licenced activities must be notified to the MMO in writing prior to the agent, contractor or subcontractor carrying out the licensed activity.</p> <p>(3) Only those persons notified to the MMO in accordance with paragraph (1) or (2) are permitted to carry out the licensed activities.</p>	
Notifications and inspections	<p>10. The licence holder must ensure that a copy of this Schedule has been read and understood by any agents and contractors that will be carrying out any licensed activity on behalf of the licence holder, as notified to the MMO under condition 9.</p>	<p>This should be amended to:</p> <p>10. (1) The undertaker must ensure that—</p> <p>(a) a copy of this licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to all agents and contractors notified to the MMO in accordance with condition 9;</p>	<p>The Applicant is content with the stylistic amendments contained in 10(1)(a), but considers 10(1)(b) to be unworkable as the MMO would have to receive a notification from every agent and contractor employed in relation to the licensable activities. So far as the Applicant is aware there is no process or precedent for this and it is unclear how the MMO expects this to operate in practice. Given the licence and</p>

Provision	Current wording	MMO's without prejudice comments	Applicant's response
		(b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) above must confirm receipt of this licence in writing to the MMO.	provision will bind the undertaker then it is considered unnecessary. The amendment in 10(1)(a) was included in Revision F of the draft DCO [REP4-014]
Notifications and inspections	11. Copies of this Schedule must be made available for inspection at the following locations— (a) the licence holder's registered office; and (b) during the construction of the authorised development only, at any site office which has been provided for the purposes of the construction or maintenance or decommissioning of the authorised development.	This should be amended to: 11. Copies of this licence must also be available for inspection at the following locations— (a) the undertaker's registered address; and (b) any site office located at or adjacent to the construction site and used by the undertaker or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits.	The Applicant is content with the stylistic changes proposed by the MMO, and this text was included in Revision F of the draft DCO [REP4-014].
Notifications and inspections	Add provision	This should be updated to include: 12. The documents referred to in sub-paragraph (11)(a) must be available for inspection by an	Agreed. This text was included as condition 11(2) in Revision F of the draft DCO [REP4-014].

Provision	Current wording	MMO's without prejudice comments	Applicant's response
		authorised enforcement officer at the locations set out in sub-paragraph (11)(b) above.	
Notifications and inspections	Add provision	This should be updated to include: 13. The undertaker must provide access, and if necessary appropriate transportation, to the construction site or any other associated works to facilitate any inspection that the MMO considers necessary to inspect the works during construction, operation and decommissioning of the authorised scheme.	Agreed. This text has been included in Revision F of the draft DCO [REP4-014] as Condition 12, with an amendment to refer to 'authorised development' in place of 'authorised scheme'.
Pollution prevention	12. The licence holder must— (a) not discharge waste concrete slurry or wash water from concrete, or cement into the marine environment, and where practicable, site concrete and cement mixing and washing areas at least 10 metres away from the marine environment and any surface water drain to minimise the risk of run off entering the marine environment;	"Where practicable" is unacceptable wording here. This should be amended to: 12. The undertaker must - (a) ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas should be contained and at least 10 metres away	The Applicant considers that these changes are unnecessary and the original drafting, which is preceded in the Cleve Hill Solar Farm Order 2020, is preferred.

Provision	Current wording	MMO's without prejudice comments	Applicant's response
		from the marine environment and any surface water drain to prevent run off entering the water through the freeing ports.	
Pollution prevention	(f) ensure that any coatings and any treatments are suitable for use in the marine environment and are used in accordance with either guidelines approved by the Health and Safety Executive of the Environment Agency;	This should be amended to: (f) The undertaker must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines;	Agreed. This amendment was included in Revision F of the draft DCO [REP4-014].
Pre-construction plans and documentation	Add provision (including new Article)	(1) The licensed activities or any part of those activities must not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO— (a) a design plan - the detail required is dependent on the activities required. (b) A construction programme to include details of— (i) the proposed construction start date;	These changes are agreed, however the proposed drafting of (a) is insufficiently specific. This provision was included in Revision F of the draft DCO [REP4-014], with (a) updated to read: (a) a design plan detailing the proposed location, parameters and arrangement of the licensed activities;

Provision	Current wording	MMO's without prejudice comments	Applicant's response
		<p>(ii) proposed timings for mobilisation of plant delivery of materials and installation works;</p> <p>(iii) an indicative written construction programme for activities including maintenance and decommissioning</p>	
Post-construction	13. The licence holder must remove all temporary structures, waste and debris associated with the licensed activities within 6 weeks following completion of the final construction activity.	<p>This should be amended to:</p> <p>13. The undertaker must remove all temporary structures, waste and debris associated with the licensed activities within 6 weeks following completion of the final construction activity.</p>	The suggested wording is the same as the drafting in the DML.
Post-construction	Add provision	<p>1) The undertaker must submit a close out report to the MMO of the date of completion of construction. The close out report must confirm the date of completion of construction.</p> <p>(2) Following completion of construction, no further construction activities can be undertaken under this licence</p>	Agreed. This amendment was included in Revision F of the draft DCO [REP4-014] as Conditions 15(2) and 15(3).

Provision	Current wording	MMO's without prejudice comments	Applicant's response
Maintenance	<p>14.—(1) Unless otherwise agreed by the MMO, the maintenance activities may not commence until a maintenance plan has been approved in writing by the MMO.</p> <p>(2) The maintenance plan must be submitted at least 6 weeks prior to the commencement of any maintenance activity, and must include details of the maintenance activities required including location, duration, timings, methodology and materials to be used.</p> <p>(3) Maintenance activities must be undertaken in accordance with the agreed plan.</p>	<p>This should be amended as follows:</p> <p>14.—(1) Unless otherwise agreed by the MMO, the maintenance activities may not commence until a maintenance plan has been approved in writing by the MMO.</p> <p>(2) The maintenance plan must be submitted at least 13 weeks prior to the commencement of any maintenance activity, and must include details of the maintenance activities required including location, duration, timings, methodology and materials to be used.</p> <p>(3) Maintenance activities must be undertaken in accordance with the agreed plan.</p>	<p>The Applicant considers that it is appropriate that the same time period should be applied consistently across the draft Order, being ten weeks in Requirement 21 and for the discharge of requirements in Schedule 17. This change has been made in the draft DCO Revision G [EX5/C3.1]</p>
Decommissioning	<p>15.—(1) Unless otherwise agreed by the MMO, the decommissioning activities may not commence until a decommissioning plan has been approved in writing by the MMO.</p> <p>(2) The decommissioning plan must be submitted at least 6 weeks prior to the commencement of any decommissioning activity, and must</p>	<p>The wording should be amended as follows:</p> <p>15.—(1) Unless otherwise agreed by the MMO, the decommissioning activities may not commence until a decommissioning plan has been approved in writing by the MMO.</p>	<p>The Applicant considers that it is appropriate that the same time period should be applied consistently across the draft Order, being ten weeks in Requirement 21 and for the discharge of requirements in Schedule 17. This change has been made in the draft DCO Revision G [EX5/C3.1]</p>

Provision	Current wording	MMO's without prejudice comments	Applicant's response
	<p>include details of the decommissioning activities required including location, duration, timings, methodology and materials to be used.</p> <p>(3) Decommissioning activities must be undertaken in accordance with the agreed plan.</p>	<p>(2) The decommissioning plan must be submitted at least 13 weeks prior to the commencement of any decommissioning activity, and must include details of the decommissioning activities required including location, duration, timings, methodology and materials to be used.</p> <p>(3) Decommissioning activities must be undertaken in accordance with the agreed plan</p>	

5. References

- Ref. 1 MMO (2019) Statutory Guidance: Marine Licensing Exempted Activities. Available at: <https://www.gov.uk/government/publications/marine-licensing-exempted-activities/marine-licensing-exempted-activities--2#cables-pipelines-oil-and-gas-and-carbon-capture-storage>
- Ref. 2 Department for Business, Energy & Industrial Strategy (2020) Application for the Cleve Hill Solar Park Order, Secretary of State Decision Letter. Available at <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010085/EN010085-001956-200528%20EN010085%20CHSP%20Secretary%20of%20State's%20Decision%20Letter.pdf>
- Ref. 3 Cleve Hill Solar Park Ltd (2019) Progressed Statement of Common Ground between Cleve Hill Solar Park Ltd and the Marine Management Organisation. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010085/EN010085-000907-Cleve%20Hill%20LTD%20-%20AS%20-%20MMO%20SOCG%20July%202019.pdf>
- Ref. 4 MMO (2023) Marine Licencing: Nationally Significant Infrastructure Projects. Available at: <https://www.gov.uk/government/collections/marine-licensing-nationally-significant-infrastructure-projects>