

# Cottam Solar Project

## Applicant's Responses to ExA Third Written Questions

Prepared by: Lanpro Services Ltd  
February 2024

PINS reference: EN010133  
Document reference: EX5/C8.1.33  
Rule 8(1)(b)



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## Issue Sheet

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

### Applicant's Responses to ExA Third Written Questions

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## 1 Introduction

This report responds to the Examining Authority's (ExA) third written questions, issued on 13 February 2024 [PD-017]. It responds to each of the questions posed to the Applicant. The Applicant has not responded to questions posed to specific Interested Parties but will review those responses once available and may comment on those at Deadline 6.

The following sections of this report are tabularised to include the ExA's questions and a response to each question as follows:

- 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

## 2 The draft Development Consent Order and other consents

ExQ	Respondent	Question	Applicant's Response
3.1.1	Applicant	<p>Article 20 – Compulsory Acquisition of Land</p> <p>Does this article need to be made subject to Article 21, Article 25 and Schedule 16?</p>	<p>Article 20 (compulsory acquisition of land) provides the general power to acquire the Order land. That power is made subject to article 22 (compulsory acquisition of rights) and article 29 (temporary use of land for constructing the authorised development), which limit the extent of the power in article 20 which may be exercised in relation to certain plots within the Order land.</p> <p>Article 21 provides a time limit on the service of notices or general vesting declarations, but does not directly affect the extent of the power of compulsory acquisition. However, the Applicant recognises that the practical effect of article 21 is to terminate the power in article 20 (except where a notice or declaration has already been made), and that its inclusion within article 20(2) would increase clarity by signposting the reader to the time limit for new notices and declarations to be issued. The Applicant has therefore added article 21 into article 20(2).</p> <p>Article 25 (acquisition of subsoil only) does not limit the power in article 20. Instead, it clarifies that the Applicant may acquire the subsoil, or rights in subsoil, without acquiring the whole of the land. As this article does not limit or restrict the power of compulsory acquisition, it would be inaccurate to describe that power as being 'subject to' article 25. The Applicant has therefore not added this article into the list of provisions within article 20(2).</p>

ExQ	Respondent	Question	Applicant's Response
			<p>Schedule 16 contains the protective provisions for statutory undertakers and other relevant parties, a number of which include provisions restricting the use of compulsory acquisition over land in which the relevant statutory undertaker has an interest, other than with that statutory undertaker's consent.</p> <p>Article 31 (statutory undertakers) provides that, subject to the provisions of Schedule 16, the Applicant may use its powers of compulsory acquisition over land and rights belonging to statutory undertakers.</p> <p>In a way similar to article 25, article 31 provides a positive clarification on the extent of the power in article 20. Article 31 is included to give effect to section 127(2) of the Planning Act 2008 (PA08) which states that the Secretary of State may include a provision authorising compulsory acquisition of statutory undertaker land, but only to the extent they are satisfied that this can be done without serious detriment.</p> <p>The Applicant does agree that, as the practical effect of this article is to restrict the circumstances and manner in which the power in article 20 may be exercised, including a reference to article 31 within article 20(2) would increase clarity and direct the reader to a practical limitation on these powers. The Applicant has therefore included reference to article 31 within article 20(2) of the draft DCO.</p>
3.1.2a	Applicant	Article 24(3) and Article 27(5)(b) – There appears to be an additional full	The Applicant has reviewed the SI Template compliant version of the draft DCO. The locations identified by the

ExQ	Respondent	Question	Applicant's Response
		stop at the end of the text to be inserted. Is this intentional?	<p>ExA are at the end of 'long quotes', inserting or replacing significant text into other legislation. Between the two full stops are double-quotation marks, signifying the end of the quotation. These quotation marks are subject to additional properties, to ensure that when the DCO undergoes validation, the start and end of each 'long quote' is identified and confirmed as correctly formatted.</p> <p>It appears that these quotation marks are being lost during the process of exporting the DCO as a PDF. The Applicant confirms that this is an artifact of the PDF only, and the SI Template compliant version of the DCO is correct.</p>
3.1.2b	Applicant/Network Rail	<p>At Deadline 4, Network Rail [REP4-084] provided a copy of its standard protective provisions along with a request for them to be included in the dDCO. The ExA notes that the Applicant has already included provisions for the protection of railway interests, including those of NR, in Schedule 16, Part 10 of the dDCO [REP4-013].</p> <p>The Applicant and Network Rail are requested to submit a <b>single</b>, jointly prepared set of PPs, identifying any areas where agreement cannot be</p>	<p>The protective provisions have now been agreed with Network Rail and the draft DCO [EX5/C3.1] has been updated to include the agreed form of protective provisions (see Part 10 of Schedule 16). A framework agreement is still being negotiated between the parties. The Applicant understands that Network Rail will formally withdraw its objection once the framework agreement has been completed.</p> <p>Further details are set out in the <b>Schedule of progress regarding Protective Provisions and Statutory Undertakers [EX5/C8.1.13_D]</b>.</p>

ExQ	Respondent	Question	Applicant's Response
		reached and providing details of each party's position in respect of them together with any alternative drafting proposed. This should be provided no later than Deadline 5.	
3.1.3	Applicant/National Grid Electricity Distribution (East Midlands) Plc (NGED)	<p>The Applicant's Deadline 4 update on Protective Provisions (PPs) and Statutory Undertakers (SUs) [REP4-056] indicates that discussions are ongoing with NGED in relation to PPs but that the Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p>The Applicant and NGED are requested to submit a <b>single</b>, jointly prepared set of PPs, identifying any areas where agreement cannot be reached and providing details of each party's position in respect of them together with any alternative drafting proposed. This should be provided no later than Deadline 5.</p>	<p>Protective provisions have been agreed between the parties, and are included in Part 4 of Schedule 16 to the draft DCO [EX5/C3.1]. The parties are continuing to negotiate a separate side agreement.</p> <p>Further details are set out in the <b>Schedule of progress regarding Protective Provisions and Statutory Undertakers [EX5/C8.1.13_D]</b>.</p>
3.1.4	Applicant/EDF Energy (Thermal Generation) Limited (EDF)	The Applicant's Deadline 4 update on PPs and SUs [REP4-056] indicates that discussions are ongoing with EDF and that the Applicant is currently	Negotiations regarding the protective provisions are ongoing. However, it has not been possible to prepare a joint version as comments on the protective provisions



ExQ	Respondent	Question	Applicant's Response
		<p>reviewing EDF's comments on its draft PPs. Likewise, EDF has indicated [REP4-076] that it is in discussion with the Applicant regarding the final form of PPs that would adequately address its concerns.</p> <p>The Applicant and EDF are requested to submit a <b>single</b>, jointly prepared set of PPs, identifying any areas where agreement cannot be reached and providing details of each party's position in respect of them together with any alternative drafting proposed. This should be provided no later than Deadline 5.</p>	<p>were only received from EDF after 5pm on 27 February 2024.</p> <p>The main outstanding points relate to insurance, security, restrictions on the use of compulsory acquisition powers in the absence of agreed property agreements, arbitration.</p> <p>The Applicant has included its preferred version of the protective provisions within the draft DCO [EX5/C3.1].</p> <p>The Applicant will continue to discuss these protective provisions and any side agreement with EDF and will confirm they are agreed or, alternatively, provide the agreed form of protective provisions following the close of Examination for the Secretary of State to include in the made DCO, if granted.</p> <p>Further details are set out in the <b>Schedule of progress regarding Protective Provisions and Statutory Undertakers [EX5/C8.1.13_D]</b>.</p>
3.1.5	Applicant/National Grid Electricity Transmission Plc (NGET).	The Applicant's Deadline 4 update on PPs and SUs [REP4-056] indicates that discussions are ongoing with NGET but that the Applicant is confident that agreement will be reached prior to the end of the Examination. However, the ExA notes that NGET, in its Deadline 4 submission [REP4-082] states that it is concerned with the lack of	<p>The protective provisions are currently with NGET for its comments.</p> <p>The Applicant has included the latest version of the protective provisions within the draft DCO [EX5/C3.1].</p> <p>The protective provisions are based on the agreed position that matters relating to the provision of insurance and security during construction will be dealt with in a separate side agreement.</p>

ExQ	Respondent	Question	Applicant's Response
		<p>engagement and is also keen to further progress the PPs. The ExA also notes that NGET proposes to submit its own form of PPs in the event that engagement is not forthcoming.</p> <p>The Applicant and NGET are requested to submit a <b>single</b>, jointly prepared set of PPs, identifying any areas where agreement cannot be reached and providing details of each party's position in respect of them together with any alternative drafting proposed. This should be provided no later than Deadline 5.</p>	<p>The Applicant will continue to discuss these protective provisions and side agreement with NGET and will confirm they are agreed or, alternatively, provide the agreed form of protective provisions following the close of Examination for the Secretary of State to include in the made DCO, if granted.</p> <p>Further details are set out in the <b>Schedule of progress regarding Protective Provisions and Statutory Undertakers [EX5/C8.1.13_D]</b>.</p>
3.1.6	Applicant/Cadent Gas Limited	<p>The ExA notes that Revision F of the Applicant's dDCO [REP4-013] includes updated draft provisions for the benefit of Cadent Gas Limited. However, the ExA further notes that in response to ExQ 2.1.16, Cadent Gas Limited has proposed a number of amendments [REP4-073].</p> <p>The Applicant and Cadent Gas Limited are requested to submit a <b>single</b>, jointly prepared set of PPs, identifying any areas where agreement cannot be</p>	<p>The protective provisions have now been agreed with Cadent Gas Limited and the draft DCO [EX5/C3.1] has been updated to include the agreed form of protective provisions. The side agreement is also in an agreed form and engrossments are being circulated for signature. The Applicant understands that Cadent Gas Limited will formally withdraw its objection once the side agreement has been completed.</p>

ExQ	Respondent	Question	Applicant's Response
		reached and providing details of each party's position in respect of them together with any alternative drafting proposed. This should be provided no later than Deadline 5.	
3.1.7	Applicant/Northern Powergrid (Yorkshire) Plc (NPG)	<p>The Applicant's Deadline 4 update on PPs and SUs [REP4-056] indicates that discussions are ongoing with NPG in relation to PPs but that the Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p>The Applicant and NPG are requested to submit a <b>single</b>, jointly prepared set of PPs, identifying any areas where agreement cannot be reached and providing details of each party's position in respect of them together with any alternative drafting proposed. This should be provided no later than Deadline 5.</p>	<p>Protective provisions have been agreed between the parties, and are included in Part 5 of Schedule 16 to the draft DCO [EX5/C3.1]. The parties are continuing to negotiate a separate side agreement.</p> <p>Further details are set out in the <b>Schedule of progress regarding Protective Provisions and Statutory Undertakers [EX5/C8.1.13_D]</b>.</p>
3.1.8	Applicant/Uniper UK Limited (Uniper)	The Applicant's Deadline 4 update on PPs and SUs [REP4-056] indicates that discussions are ongoing with Uniper in relation to PPs but that the Applicant is confident that agreement will be	Draft protective provisions were received by the Applicant on 23 February 2024. The Applicant has reviewed and amended this version and these are currently with Uniper for its comments. The Applicant has included this version

ExQ	Respondent	Question	Applicant's Response
		<p>reached prior to the end of the Examination.</p> <p>The Applicant and Uniper are requested to submit a <b>single</b>, jointly prepared set of PPs, identifying any areas where agreement cannot be reached and providing details of each party's position in respect of them together with any alternative drafting proposed. This should be provided no later than Deadline 5.</p>	<p>of the protective provisions within the draft DCO [EX5/C3.1].</p> <p>The Applicant will continue to discuss these protective provisions and an associated side agreement with Uniper and will confirm they are agreed or, alternatively, provide the agreed form of protective provisions following the close of Examination for the Secretary of State to include in the made DCO, if granted.</p> <p>Further details are set out in the <b>Schedule of progress regarding Protective Provisions and Statutory Undertakers [EX5/C8.1.13_D]</b>.</p>
3.1.9	Applicant/Exolum Pipeline System Limited (Exolum)	<p>The Applicant's Deadline 4 update on PPs and SUs [REP4-056] indicates that discussions are ongoing with Exolum in relation to PPs but that the Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p>The Applicant and Exolum are requested to submit a <b>single</b>, jointly prepared set of PPs, identifying any areas where agreement cannot be reached and providing details of each party's position in respect of them together with any alternative drafting</p>	<p>The protective provisions have now been agreed with Exolum Pipeline System Limited and the draft DCO [EX5/C3.1] has been updated to include the agreed form of protective provisions (see Part 15 of Schedule 16).]</p>

ExQ	Respondent	Question	Applicant's Response
		proposed. This should be provided no later than Deadline 5.	
3.1.10	Applicant/Tillbridge Solar Limited	Please confirm whether or not the PPs included in Part 17 of Schedule 16 to the dDCO [REP4-013] are agreed. If not, the Applicant and Tillbridge Solar Limited are requested to submit a <b>single</b> , jointly prepared set of PPs, identifying any areas where agreement cannot be reached and providing details of each party's position in respect of them together with any alternative drafting proposed. This should be provided no later than Deadline 5.	Protective provisions have been agreed between the parties, and are included in Part 14 of Schedule 16 to the draft DCO [EX5/C3.1].

### 3 General and cross-topic matters

ExQ	Respondent	Question	Applicant's Response
3.2.1	Applicant	Paragraph 2.2.7 of the Supporting Environmental Information Report (SEIR) [AS-064] refers to the cable being installed within a maximum 25m width with the trench anticipated to be 1.4m wide and a maximum of 2.5m deep.	Paragraph 2.2.7 of the Supporting Environmental Statement (SEIR) contains a typographical error. The correct measurements are contained within the Concept Design Parameters and Principles (CDPP) [REP4-043], ES Chapter 4: Scheme Description [REP-012] and the Design and Access Statement [APP-342]. The assessments reported within the SEIR are based upon the correct parameters contained within

ExQ	Respondent	Question	Applicant's Response
		<p>The ExA notes that the Concept Design Parameters and Principles (CDPP) [REP4-043], ES Chapter 4: Scheme Description [REP-012] and the Design and Access Statement [APP-342] all refer to a maximum cable corridor width of 50m. Furthermore, the CDPP refers to a maximum cable trench of 1.5m below ground level and a maximum width of the dug cable trench of 1.1m. Please explain this apparent inconsistency and whether (and if so, how) it affects the conclusions reported in the SEIR.</p>	<p>the Concept Design Parameters and Principles (CDPP) [REP4-043], ES Chapter 4: Scheme Description [REP-012] and the Design and Access Statement [APP-342] and the conclusions set out in the SEIR remain correct.</p>

#### 4 The need case, electricity generated and climate change

ExQ	Respondent	Question	Applicant's Response
No further questions at this time			

## 5 Other projects and cumulative effects

ExQ	Respondent	Question	Applicant's Response
No further questions at this time			

## 6 Landscape and visual, glint and glare, good design

ExQ	Respondent	Question	Applicant's Response
No further questions at this time			

## 7 Biodiversity and the Habitats Regulations Assessment

ExQ	Respondent	Question	Applicant's Response
3.6.1	Applicant	Please confirm whether ES Chapter 9: Ecology and Biodiversity [APP-044] has assessed Sites of Importance for Nature Conservation (SINC) as a non-statutory receptor, as opposed to Local Wildlife Sites (LWS). As regards the Change Application, an Interested Party [REP3A-008] has drawn the ExA's attention to the Cottam SINC and Cottam Ponds SINC. Do these designations cover the same extent as the Cottam Wetlands LWS and if not, please assess these SINCS in full as	As set out in Chapter 9 of Environmental Statement [APP-044], information on the presence of locally-designated non-statutory sites for nature conservation within 2km from the Order Limits was obtained from Nottinghamshire Biological and Geological Records Centre (NBGRC) and Lincolnshire Environmental Records Centre (LERC). This information is also applicable to the land set out within the Change Request. Applicable designations include Local Wildlife Sites (LWSs) and Sites of Importance for Nature Conservation (SINCS). It is important to note that the designation of SINC has, in line with the NPPF, been superseded by the term LWS. This is locally

ExQ	Respondent	Question	Applicant's Response
		a receptor, or explain how they have already been captured in the assessment?	<p>evidenced in the "Nottinghamshire LWS Handbook" dated July 2018.</p> <p>The Applicant has reviewed all datasets received from NBGRC and no reference is made to "Cottam SINC" within them. Additionally, no reference to "Cottam SINC" can be found within REP3A-008. Consequently, it is assumed that Cottam Wetlands LWS is the site being referred to here.</p> <p>With reference to "Cottam Ponds SINC", the NBGRC dataset lists this object as a 'candidate' site not formally adopted. Since there is no correspondingly named "Cottam Ponds LWS" and its entry date of 2017 preceded the switchover to LWS, it was confidently assumed for the purposes of assessment that this site was never formally adopted as a LWS and was treated as a legacy feature. Nevertheless, as it is contiguous with the northern boundary of Cottam Wetlands LWS (i.e. is more distant to the Change Application boundary than Cottam Wetlands LWS), and is described as comprising "ponds with a notable marginal and aquatic flora" which corresponds with part of the reasons for designation of Cottam Wetlands LWS, the conclusions on the potential for adverse effects contained within the C9.3 Supporting Environmental Information Report [AS-064], and protective measures proposed, are considered appropriate.</p>
3.6.2	Applicant	An Interested Party [REP3A-008] also refers to the potential impact that the Changes would have on Great Crested	The presence of great crested newts within Cottam Wetlands LWS is well known and was taken into consideration both within Chapter 9 of the Environmental Statement and within



ExQ	Respondent	Question	Applicant's Response
		Newts. Your views are also sought on this matter together with confirmation that these impacts have been assessed in the Environmental Statement.	the C9.3 Supporting Environmental Information Report [AS-064]. As stated in Section 3.5 of the SEIR, Change 2 brings the Order Limits adjacent to the Cottam Wetlands LWS. As per paragraph 3.5.4, the habitats within the land associated with Change 2 is, however, unsuitable for great crested newt, being comprised of unsealed tracks and previously developed land. Furthermore, as per paragraph 3.5.10 all construction works and accesses will be located outside of Cottam Wetlands LWS and protective measures will be adopted to ensure no possible impacts such as vehicle-overrun or release of pollutants will occur. Similarly, the protective measures contained within Outline Ecological Protection and Mitigation Strategy [APP-356] will ensure that no impact on habitats associated with the LWS will occur as a result of the development. Consequently, it can be concluded that risks to great crested newt posed by the Change Request are very low and appropriate minimisation and protective measures are in place.
3.6.3	Natural England	Does Natural England consider that protected species licence(s) may be required for the extended/altere Order Limits and is the survey work considered sufficient for the extended/altere Order Limits in this regard?	The Applicant has discussed this point with Natural England and it is agreed that the extended Order Limits do not increase the likelihood of the need for protected species licensing considering the restriction of works to habitat unsuitable for great crested newt and the adoption of precautionary, protective measures as outlined in item 3.6.2, above.
3.6.4	Applicant	Please comment on the additional requirement proposed by the ExA in relation to the submission and	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

ExQ	Respondent	Question	Applicant's Response
		implementation of an Electromagnetic Frequency monitoring strategy, following the Deadline 4 submission of the Environment Agency [see REP4-077].	[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 <b>Outline Operational Environmental Management Plan [REP4-046]</b> .

## 8 The water environment

ExQ	Respondent	Question	Applicant's Response
3.7.1	Applicant	The EA [REP4-077] has requested additional wording to the outline Operational Environmental Management Plan (oOEMP) [REP4-045] in respect of watercourse buffers. Please can the Applicant update the oOEMP accordingly or provide reasons for not including this additional wording	The Applicant can confirm that the <b>Outline Operational Environmental Management Plan [EN010133/EX5/C7.16_D]</b> submitted at Deadline 5 incorporates the additional wording proposed by the EA.
3.7.2	Applicant	The ExA notes the Applicant response to ExQ2.7.7 [REP4-058]. However, as there is the potential for the Proposed Development to operate for up to 60 years, the ExA will also need to assess a worse- case scenario of up to 60 years, in	The Applicant does not agree with the position of the ExA that it cannot be known whether there would be appropriate mitigation after 40 years as in the worst case scenario the mitigation would be the decommissioning of the relevant parts of the Scheme at year 40.

ExQ	Respondent	Question	Applicant's Response
		<p>considering the flood risk effects. The ExA therefore requests that the Applicant updates the Flood Risk Assessment [APP-090] to reflect the appropriate epochs for the climate change allowances and subsequently the assessment, as currently this does not assess the worst case scenario. This should include appropriate updates to the Annexes D, E and F [APP-093, APP-094 and APP-095].</p>	<p>The Applicant has undertaken further engagement with the Environment Agency on this matter. It is understood that further data for the Tidal Trent is available from the Environment Agency which includes appropriate climate change allowances up to the 2080's epoch. However, the Environment Agency is not able to provide the data to the Applicant prior to the close of the Examination. Once this data has been received the Applicant will update the Flood Risk Assessment [APP-090] and it's Annexes D, E and F [APP-093, APP-094 and APP-095] accordingly.</p> <p>It was agreed with the Environment Agency on a call on 21 February 2024 that the updated flood risk assessment should be submitted for approval prior to construction (rather than prior to year 40 as originally proposed by the Applicant) as this will ensure that appropriate mitigation is in place taking into account climate change allowances up to the 2080s epoch. This is reflected in the agreed Statement of Common Ground with the Environment Agency [EN010133/EX5/C8.3.8_A].</p> <p>Requirement 22 in Schedule 2 to the draft DCO submitted at Deadline 5 [EN010133/EX5/C3.1_G] has therefore been amended to require the Applicant to submit the updated flood risk assessment to the Environment Agency prior to commencement of the authorised development. The drafting of Requirement 22 has been agreed with the Environment Agency.</p>
3.7.3	Environment Agency	<p>The lifetime of the Proposed Development is now expected to be up to 60 years. Please clarify if the Applicant's approach to assessing Yewthorpe Beck is still</p>	<p>See response to 3.7.2 above.</p>

ExQ	Respondent	Question	Applicant's Response
		correct as regards flood risk, with regard to the Flood Risk Assessment [APP-090] and Annexes D, E and F [APP-093, APP-094 and APP-095].	

## 9 Soils and agriculture

ExQ	Respondent	Question	Applicant's Response
3.8.1	Applicant	What would the effect be on the operation of farming businesses by the temporary closure of Torksey Ferry Road (BOAT13), given the proximity of agricultural land to this road and potential access?	<p>The affected fields appear to all be in arable rotations. The two fields south of Torksey Ferry Road to the east of Rampton appear to be permanent pasture grazing livestock but access to these fields would not be interrupted by the temporary road closure.</p> <p>For the affected arable land, the Applicant will, where practicable, ensure that the timing of any road closure work will be determined so as to minimise periods of higher intensity land work such as harvest. For lower frequency access that does not include the larger agricultural vehicles (such as combine harvesters and grain trailers) during the temporary road closure, the Applicant will, where practicable, either maintain access for these landowners along Torksey Ferry Road or provide an alternative access route. Where this is not practicable, the Applicant will compensate the affected agricultural occupant for any losses associated with the restricted access during the temporary road closure. This could take the form of emulating a Sustainable Farm Initiative (SFI) measure such as putting any</p>

ExQ	Respondent	Question	Applicant's Response
			<p>affected field down to wild bird seed or a nectar and pollen plant mix.</p> <p>Reasonable pedestrian access to premises that would otherwise have no access will be available at all times in accordance with Article 11(2).</p>

## 10 The historic environment

ExQ	Respondent	Question	Applicant's Response
3.9.1	Applicant	Please clarify whether the trial trenching which is referred to in Section 3.9 of the SEIR [AS-064] has been carried out, given that paragraph 4.5.5 of the Change Application and Consultation Report [AS-063] appears to indicate that it is not necessary to inform the significance of environmental effects.	<p>As stated in Paragraph 3.9.9 of the SEIR [AS-064] evaluation trenching was undertaken in October 2023 and comprised five trenches in the field to the north of the Fleet Plantation Moated Site Scheduled Monument (NHLE 1008594). All works were carried out in agreement with LHPT, who are the archaeological advisors to Bassetlaw in Nottinghamshire, and given the proximity of the Scheduled Monument, Historic England. The resulting report is submitted at Deadline 5 [EN010133/EX5/C8.4.13.2].</p> <p>No new or different significant effects were identified by the evaluation trial trenching undertaken in October 2023; evaluation works (geophysical survey) undertaken prior to the submission of the change application were proven to be sufficient to inform the significance of environmental effects and mitigation strategy.</p>

ExQ	Respondent	Question	Applicant's Response
3.9.2	Applicant	Please explain why paragraph 4.5.7 of the Change Application and Consultation Report [AS-063] considers there is uncertainty in the need for and to the extent of Changes 4 and 5, and why this has prevented substantive pre-application engagement with Historic England and Local Authority Archaeology Services. Please also explain how this has been reflected in Section 3.9 of the Supporting Environmental Information Report [AS-064].	<p>The need for Changes 4 and 5 is set out in Sections 3.5 and 3.6 of the <b>Change Application and Consultation Report [AS-063]</b>. In respect of Change 4, discussions with landowners and other affected parties to agree the relocated cable route did not conclude early enough to allow sufficient time to carry out pre-application engagement with Historic England and the County Archaeology Services. With regards to Change 5, as described in paragraph 3.6.2 of the <b>Change Application and Consultation Report [AS-063]</b>, the location of the underground apparatus had not been established at the time of submission of the change application (and still has not been), requiring the extent of the proposed Order Limits to allow flexibility in the final design of the construction access. The pre-submission uncertainty about the extents of the changes to the Order Limits in this location and, in particular, of the location of the underground apparatus, did not allow sufficient time for pre-submission engagement with Historic England and the County Archaeology Services.</p> <p>Since submission of the Change Application, consideration of the archaeological assessment of Changes 4 and 5 has been incorporated into the ongoing discussions between the Applicant and the County Archaeology Services relating to the overall approach to evaluation and the drafting of the WSI. The Applicant does not consider that the limited pre-submission engagement has hindered the proper consideration of the potential impacts of the Changes.</p>

ExQ	Respondent	Question	Applicant's Response
3.9.3	Lincolnshire and Nottinghamshire County Councils	Lincolnshire and Nottinghamshire County Council's views as sought on the Applicant's approach to archaeological remains and non-designated assets in respect of the changes, as is set out in Section 3.9 of the SEIR [AS-064]. The Applicant has also provided a revised Written Scheme of Investigation [REP4-025] at Deadline 4 and so that document should also be considered in your response.	
3.9.4	Historic England	Historic England's views are sought on the effect of Changes 1 and 2 on the Scheduled Monument Fleet Plantation Moated Site (NHLE 1008594).	Please refer to the agreed Statement of Common Ground with Historic England submitted at Deadline 5 [EN010133/EX5/C8.3.4_A].

## 11 Transport and access, highways and public rights of way

ExQ	Respondent	Question	Applicant's Response
3.10.1	Applicant	The ExA notes that it is the Applicant's intention to close Torksey Ferry Road/Public Right of Way NT [Rampton] BOAT 13 for a maximum period of 4 weeks resulting from Changes 1 and 2. Please provide details of the management	In accordance with the Gate Burton Scheme, which shares this section of the cable route, it will be necessary to close a short section of BOAT 13 on Torksey Ferry Road for a period up to a maximum of four weeks. The temporary closure would be required where resurfacing work is being undertaken. This will principally be in the area at the eastern end of the Order limits

ExQ	Respondent	Question	Applicant's Response
		<p>measures that would be put in place, including details of the diversion route, as there is limited detail on this change contained within the Public Rights of Way Management Revision C – Change Application [AS-070].</p>	<p>near the Power Station access. Where practicable, access on foot for public rights of way users will be maintained or diverted throughout the period of the temporary road closure. The Public Rights of Way Management Plan [EX5/C6.3.14.3_E] has been updated accordingly.</p> <p>Under Article 11(2) of the Draft Development Consent Order [REP4-013], the undertaker must provide reasonable pedestrian access to landowners if there is no other access. The exact wording of Article 11 (2) states:</p> <p><i>“The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street or public right of way affected by the temporary prohibition, restriction, alteration or diversion of a street or public right of way under this article if there would otherwise be no such access”</i></p> <p>Advisory signage will be in place to notify users. Notifications will be provided as early as possible. The contractor will work with local landowners to minimise disruption as much as possible.</p>
3.10.2	Nottinghamshire County Council	<p>Nottinghamshire County Council's views are also sought on the effect of the temporary closure of Public Torksey Ferry Road/Right of Way NT [Rampton] BOAT 13 on users that would arise from Changes 1 and 2.</p>	



ExQ	Respondent	Question	Applicant's Response
3.10.3	Applicant	Please confirm the extent of hedgerow removal that is proposed as referred to in Section 3.9 of the SEIR [AS-064].	<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 <b>Outline Landscape and Ecological Management Plan [REP4-035]</b>. 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>. This will be secured by Requirements 7 of Schedule 2 of <b>C3.1_G Draft Development Consent Order [EN010133/EX5/C3.1_G]</b>.</p> <p>For Change 1 and 2, the following impacts to Historically Important Hedgerows are identified:</p> <ul style="list-style-type: none"> <li>• HR46 - A maximum length of 7.1m removed from H398. This hedgerow is c.780m in length, and therefore this represents a &lt;1% temporary loss.</li> <li>• HR47 - A maximum length of 7.1m temporarily removed from H400. This hedgerow is c.450m in length, and therefore this represents a c.1.5% temporary loss.</li> <li>• HR48 - A maximum length of 7.1m temporarily removed from H415. This hedgerow is c.350m in</li> </ul>

ExQ	Respondent	Question	Applicant's Response
			<p>length, and therefore this represents a c.2% temporary loss.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <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> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>

ExQ	Respondent	Question	Applicant's Response
			<p>For Change 5, the following impacts to Historically Important Hedgerows are identified:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• HR42 - A maximum length of 7.1m temporarily removed from H408. This hedgerow is c.92m in length, and therefore this represents a c.1.5% temporary loss.</li> <li>• 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.</li> </ul> <p>The construction access route within the Change 5 area will only require the temporary removal of 3 of these sections of</p>

ExQ	Respondent	Question	Applicant's Response
			<p>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.</p>

## 12 Noise, vibration, air quality, and nuisance

ExQ	Respondent	Question	Applicant's Response
No further questions at this time			

## 13 Socio-economics, tourism, and recreation

ExQ	Respondent	Question	Applicant's Response
3.12.1	Applicant	What would the effect be on the operation of businesses which operate from the Cottam Power station site and also recreation users, such as local angling clubs using the River Trent, from the temporary closure of Torksey	Businesses operating from the Cottam Power Station site are not anticipated to be affected by any temporary closures to Torksey Ferry Road, as this forms the secondary access to the power station site. The primary access to the power station site on Outgang Lane is unaffected by the changes to the DCO Application and is outside of the Order limits.

ExQ	Respondent	Question	Applicant's Response
		<p>Ferry Road /Public Right of Way NT [Rampton] (BOAT13)? The ExA's attention has been drawn to land accessed via this route which is owned by the Parish Council [REP3A-008]. Please also consider this land in your response. Please also clarify how Section 3.14 of the SEIR [AS-064] has considered the effects on these businesses and users, based on how they operate.</p>	<p>Recreational users of Torksey Ferry Lane/Rampton BOAT13, including those accessing the River Trent for fishing or angling, are likely to experience up to a moderate-minor adverse effect to their use of the public right of way. This is as a result of an increased amount of the PRoW required for cable burying, the increased level of construction traffic using the PRoW to access Cable Route Access Points 100-1 and 100-2, and the potential requirement for the PRoW to be closed for up to 4 weeks (see para. 3.14 of <b>C6.3.14.3_D Appendix 14.3 Public Rights of Way Management Plan [REP4-031]</b>) to facilitate these works. Although this in an increased effect from the original DCO application, the effect is <b>not significant</b>, as identified in Section 3.14 of the <b>SEIR [AS-064]</b>.</p> <p>The land owned by the Parish Council at "Rampton Wharf" has been acknowledged and appears to be used solely to facilitate access to the River Trent for the aforementioned recreational uses. Under any temporary closures to BOAT13, this land may not be accessible by vehicle. However, reasonable pedestrian access to premises that would otherwise have no access will be available at all times in accordance with Article 11(2). That notwithstanding, the area would still be publicly accessible by footpath from Church Laneham, or from Torksey via the Torksey Viaduct. Both of these would require an approximately 30-40 minute walk to access "Rampton Wharf". Whilst this is a substantial alteration to the level of accessibility to the Parish Council's land, the temporary nature of the closure, and the continued access by footpath has been considered to not have a</p>

ExQ	Respondent	Question	Applicant's Response
			<p>significant effect on the recreational use of the River Trent in this location.</p> <p>Similarly, whilst recreational access to Torksey Ferry Road may be suspended during any temporary closure, alternative recreational access between Rampton and the River Trent in the near area is still available by footpaths Rampton FP9 (to the south of Torksey Ferry Road), and the footpath and bridleway networks of Rampton, Treswell, and Cottam to the west and north of the Cottam Power Station.</p>

## 14 Other planning matters

ExQ	Respondent	Question	Applicant's Response
<b>Waste</b>			
3.13.1	Applicant	Please clarify to what degree the changes would alter the amounts of waste that are set out in Tables 20.5 to 20.7 of ES Chapter 20:Waste [APP-055]. Would this impact on the shortfalls in waste handling capacity over the lifetime of the Proposed Development that are set out in that Chapter?	<p>Change 1 is likely to extend the cable route by up to 100m, requiring some additional soil excavation and waste arising from additional cabling equipment and haul road placement. Conversely, Change 4 is likely to decrease the cable route length by up to 100m. As a result, together these changes result in a negligible change to waste arising from construction.</p> <p>Changes 2 and 3 pertain to the provision of access and as such do not induce additional waste arisings, save for negligible amounts from additional vegetation clearance for creation of visibility splays.</p>

ExQ	Respondent	Question	Applicant's Response
			<p>Change 5 pertains to added flexibility in the location of the access to Cottam 1 substation for AIL. The scope of potential changes to vegetation clearance or changes to the length of haul road required are also negligible.</p> <p>The changes to waste arisings as a result of the changes would be a negligible change to the levels anticipated for construction as set out in Table 20.5 of <b>ES Chapter 20:Waste [APP-055]</b>. The changes to waste arisings during the Scheme operation (as set out in Table 20.6 <b>[APP-055]</b>) are anticipated to be effectively neutral due to the nature of the changes pertaining solely to construction of the cable connection route and means of access. Changes to waste arisings as set out in Table 20.7 <b>[APP-055]</b> for decommissioning are also anticipated to be negligible. As such, there are no changes to the significance of effects as assessed in <b>ES Chapter 20:Waste [APP-055]</b>.</p>
<b>Minerals</b>			
3.13.2	Nottinghamshire County Council	Section 3.8 of the SEIR [AS-064] considers that Changes 1 and 2 would not affect the delivery of the approved restoration scheme for the Quarry. Nottinghamshire County Council's views are sought on this matter.	
<b>Electromagnetic Fields</b>			
No further questions at this time			
<b>Telecommunications, Utilities and TV:</b>			

ExQ	Respondent	Question	Applicant's Response
3.13.3	Applicant	Anglia Water Services (AWS) [REP3A-001] request that the Applicant agrees to a number of steps where AWS buried assets would be crossed by the Change Request. The Applicant's views are sought on this matter, including on how this would be secured?	Please refer to the Applicant's response reference AW-01 to the submission by Anglian Water Services [REP3A-001] within <b>The Applicant's Responses to Deadline 3A and Deadline 4 Submissions [EN010133/EX5/C8.1.32]</b> . The <b>outline Construction Traffic Management Plan (oCTMP) [EN010131/EX5/WB6.3.14.21_F]</b> has been updated accordingly.
<b>Major Accidents and Disasters</b>			
No further questions at this time			

## 15 Compulsory Acquisition and related matters

ExQ	Respondent	Question	Applicant's Response
3.14.1	Applicant	The Applicant states in the Change Application and Consultation Report [AS-063] that parts of Torksey Ferry Road were already within referencing limits and have therefore been subject to multiple site notices in an effort to determine ownership, all to no avail. Please confirm whether or not those parts of Torksey Ferry Road affected by Changes 1 and 2 have been subject to additional site notices as part of the publication of the proposed changes.	The statutory notices of the acceptance of the change application were served on those parties with a reputed subsoil interest or other interest in Torksey Ferry Road listed in the Book of Reference [EX5/C4.3_G]. Site notices were erected every 5km. No additional site notices were erected on Torksey Ferry Road.



ExQ	Respondent	Question	Applicant's Response
3.14.2	Applicant	Does the option agreement with Tillside Limited extend to Plots 14-284c, 14-289, 14-290, 14-291, 14-292, 14-292b, 14-292c, 14-292d and 14-296?	<p>The Book of Reference [EN010133/EX5/C1.3_G] states that for the majority of these plots, the nature of the ownership of Tillside Limited is limited to subsoil rights beneath public highway. As such, the option agreement with Tillside Limited does not extend to these plots and the highways powers in the draft DCO will be used. The exceptions to this are as follows:</p> <ul style="list-style-type: none"> <li>• 14-289 (rights for access) – the option includes for some of the land within this plot but not all of it; and</li> <li>• 14-291 (rights for access) – the option does not currently include this plot</li> </ul> <p>The landowner has approved the Order limits and the parties recognise that further rights will need to be granted and/or the option varied prior to the commencement of construction.</p>
3.14.3	Applicant	Please confirm whether the Option Agreement with James Charles Stewart Reynolds Milligan-Manby & John Anthony Shepherdson & Kevin Simon Webster (entered into on 19 February 2021) extends to Plots 14-292a, 14-293 and 14-293a.	<p>The Book of Reference [EN010133/EX5/C1.3_G] states that for all of these plots, the nature of the ownership of James Charles Stewart Reynolds Milligan-Manby &amp; John Anthony Shepherdson &amp; Kevin Simon Webster is limited to subsoil rights beneath public highway. As such, the option agreement with the landowner does not extend to these plots.</p>
3.14.4	Applicant	Plot 14-292d – Please confirm whether or not this land is needed for the Proposed	<p>Plot 14-292d is described in the Book of Reference [EN010133/EX5/C1.3_G] as 2947 square metres of public road and verges (Normanby Road, B1241). The plot has been included within the Order Limits because a visibility</p>

ExQ	Respondent	Question	Applicant's Response
		Development and if not, justify its inclusion in the Applicant's CA proposals.	splay is required to be maintained for construction traffic for cable route access points 114 and 115 and site access points 10 and 11.
3.14.5	Applicant	At Deadline 4, Dr T D Organ [REP4-098, REP4-099] raised a number of concerns in respect of Plot Nos. 10-220 and 14-290 and in particular the impact this would have on water supply to the field.	<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 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>
3.14.6	Dr T G Organ	The ExA notes the comments received at Deadline 4 [REP4-098, REP4-099] and would draw your attention to sheets 10 and 14 on the Land Plan [REP4-004] which show Plot Nos. 10-220 and 14-290 respectively. These	As stated in the response to question 3.14.5 above, the Applicant would only construct the cable in the part of the track that is maintained as public highway, and commits to avoid impacts upon the existing water pipeline.

ExQ	Respondent	Question	Applicant's Response
		<p>should be read in conjunction with the Book of Reference [REP4-021] which details the rights sought over these plots (being the acquisition of rights and imposition of restrictions over plot 10-220 and rights for temporary possession over plot No 14-290).</p> <p>Please explain how the CA of rights and imposition of restrictive covenants proposed by the Applicant would affect the use of these plots.</p> <p>Please also provide a plan showing the approximate location of the water lines referred to in your Deadline 4 submission.</p>	