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Dear Spencer

Application by EPL 001 Limited: Stonestreet Green Solar Project (Application Reference: EN010135)

Responses to Section 51 Advice and Section 55 Checklist

EPL 001 Limited (company number: 12444050) of registered office 2nd Floor, Regis House, 45 King William Street, London, United Kingdom, EC4R 9AN ('the Applicant'), which is a subsidiary of Evolution Power Limited, has reviewed the Section 51 Advice and Section 55 Checklist issued by the Planning Inspectorate on the 9th July 2024 and has actioned each point as necessary. Appendix 1 to this letter sets out a detailed response to each point, including references to the updated documents and drawings.

A number of documents have therefore been updated as requested. As discussed with you, alongside these updates a number of minor typographical errors have been corrected and therefore a number of additional documents have been included in this submission. As requested, these updates have been provided in advance of the commencement of the Relevant Representation period, which starts on 25 July 2024. For completeness, the Applicant has also updated the Guide to the Application (**Doc Ref. 1.5**) [**APP-005**].

The Applicant has also reviewed the Adequacy of Consultation Responses submitted and notes that Ashford Borough Council's response included some further representations made by a local interest group and members of the public. Many of these responses were shared with the Applicant prior to submission and the Applicant would like to draw your attention to **Appendix M: Regard had to Consultation Responses Received Outside of Statutory Consultation (Doc Ref. 6.2)** [[APP-144](#)], which has been prepared in response to those responses seen by the Applicant. These additional representations were made to the Applicant outside of the Statutory Consultation period and received in early 2024 and Appendix M sets out how these matters have been taken into account by the Applicant.

We trust that this is useful, but please do not hesitate to contact us if you require any further information.

Yours sincerely



Conor McNally

Director

EPL 001 Limited

Enc.

1. Appendix 1 - Responses to Section 51 Advice and Section 55 Checklist
2. Updated DCO Application documents (via a separate file transfer link)

Appendix 1- Responses to Section 51 Advice and Section 55 Checklist

Table 1: Response to Section 51 Advice

Section 51 Advice	Response
<p>Draft Development Consent Order (dDCO) Please ensure that you have fully reviewed Advice Note 15 when reviewing the Explanatory Memorandum for every Article and Requirement, explaining why the inclusion of the power is appropriate in the specific case. Likewise, the Protective Provisions.</p>	<p>The Applicant confirms that it has undertaken a review of the Explanatory Memorandum (“EM”) and Protective Provisions (“PPs”) against the Planning Inspectorate’s Advice Note 15 (July 2018 (version 2)). The Applicant is confident that the EM sufficiently explains the need for each provision in the Draft DCO, including (where relevant) the precedent DCO(s) the drafting is taken from, or alternatively why bespoke drafting is required for the particular circumstances of this DCO. If there are any particular areas of concern that the ExA has regarding the Draft DCO, EM or PPs the Applicant would be happy to review these.</p>
<p>The Applicant is encouraged to agree any side agreements with the protected parties and for written confirmation of that to be provided by the parties before the close of the Examination.</p>	<p>The Applicant confirms that it is progressing private side agreements with a number of third parties affected by the Project. The Applicant confirms that updates on progress will be provided throughout the Examination.</p>
<p>Adjust relevant definitions to ensure consistency, for example “... under this DCO ...” and “... in accordance with this DCO”.</p>	<p>The Applicant has reviewed the use of definitions in the Draft DCO and is confident that they are used consistently. If there are any particular areas of concern that the ExA has regarding the Draft DCO, the Applicant would be happy to review these.</p>
<p>Schedule of Negotiations The Schedule of Negotiations (Doc. 4.4) at Section 4 Table 3 – Statutory Undertakers, states that negotiations with Statutory Undertakers commenced in February 2024 and no responses had been received by the date of submission of that document to the Planning Inspectorate. It is unclear why this negotiation was left until immediately prior submitting the Application. We would advise the Applicant to provide regular updates in line with the subsequent Examination timetable.</p>	<p>The Applicant has made significant efforts in seeking to negotiate with Statutory Undertakers that are affected by the Project and is negotiating bespoke PPs for a number of parties.</p> <p>The Applicant can confirm that the majority of the Statutory Undertakers listed in Table 3 of the Schedule of Negotiations had been consulted prior to February 2024. Table 3 highlights that PPs were shared with the following parties in February 2024, four months prior to submission, however, each party was also consulted during the pre-application consultation that took place, as follows:</p> <p>Openreach Limited: Consulted February to March 2024;</p>

Section 51 Advice	Response
	<p>Colt Technology Services: Consulted June to July 2023 and November to December 2023;</p> <p>Lumen Technologies Limited: Consulted June to July 2023 and November to December 2023; and</p> <p>South East Water Limited: Consulted October to November 2022, June to July 2023 and November to December 2023.</p> <p>No responses were received from any of these parties during these consultations requesting bespoke PPs. The Applicant will provide an update on the progress of agreeing the PPs with each of these parties throughout the Examination.</p>
Environmental Statement	
<p>Environmental Statement, Volume 2, Chapter 7 Cultural Heritage (Doc. 5.2)</p> <p>The following discrepancies were found:</p> <ol style="list-style-type: none"> 1. Table 7.10 Construction Phase Cultural Heritage Direct Effects (page 7-61) is not listed in the list of tables on Page 7-1. 2. Page 7-1, Table 7.7 is listed as Summary of Receptor Sensitivity whereas on page 7-40 it is listed as Magnitude of Impact Descriptors. 3. Page 7-1, Table 7.8 is listed as Operational Phase Cultural Heritage Indirect Effects and corresponds to Table 7.8 on Page 7-93, however it is also presented as Table 7.8 Significance of Effect Matrix on page 7-41. 4. Page 7-49, presents Table 7.7 Summary of Receptor Sensitivity, between Table 7.8 (Page 7-41) and Table 7.10 (Page 7-61). 5. Page 7-57, paragraph 7.7.4 refers to Table 7.12 but this is not included in this Chapter. 	<p>An updated ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2) has been produced. The discrepancies to the table numbering have been rectified.</p>
<p>Volume 4, Appendix 8.10 'LVIA Visualisations' and Appendix 8.11 LVIA Cumulative Visualisations (Doc. 5.4)</p> <p>Viewpoint ref 33 is missing from the table in Section 3.0 'Viewpoint Locations Ordnance [sic] survey co-ordinates' and Viewpoint ref 20 is missing from this appendix. It is unclear why these viewpoints</p>	<p>Appendix 8.10</p> <p>An updated ES Volume 3, Appendix 8.10: LVIA Visualisations (Doc Ref. 5.4) has been produced. The table in Section 3.0 'Viewpoint Locations' (page 6) has been updated to include viewpoint 33.</p>

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<p>would be missing from these documents. The Applicant is advised to review both appendices to ascertain whether these viewpoints should be included.</p>	<p>Appendix 8.11 An updated ES Volume 3, Appendix 8.11: Cumulative LVIA Visualisations (Doc Ref. 5.4) has been produced. Viewpoint 20 was scoped out of the cumulative assessment. The figure in Section 3.0 'Viewpoint Locations' (page 6) has been updated to remove viewpoint 20.</p>
<p>Chapter 10 Water Environment (Doc. 5.2) Paragraph 10.1.6 refers to 'Outline Battery Storage Management Plan (Outline BSMP)' whereas, for the same acronym, the draft DCO refers to 'Outline Battery Safety Management Plan'. Please could you clarify if the documents are referring to the same plan or two separate plans.</p>	<p>The text at paragraph 10.1.6 is a typographical error. The reference to an Outline Battery Safety Management Plan within the draft DCO is correct. An updated ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2) has been produced with the text at Paragraph 10.1.6 amended as follows:</p> <p><i>10.1.6 This Chapter is also informed by the following documents which are provided in Book 7: Other Management Plans and Reports:</i></p> <p><i>Outline Construction Environmental Management Plan ('Outline CEMP') (Doc Ref. 7.8);</i></p> <p><i>Outline Construction Traffic Management Plan ('Outline CTMP') (Doc Ref. 7.9);</i></p> <p><i>Outline Operational Management Plan ('Outline OMP') (Doc Ref. 7.11);</i></p> <p><i>Outline Decommissioning Environmental Management Plan ('Outline DEMP') (Doc Ref. 7.12);</i></p> <p><i>Outline Decommissioning Traffic Management Plan ('Outline DTMP') (Doc Ref. 7.13);</i></p> <p><i>Outline Operational Surface Water Drainage Strategy ('Outline OSWDS') (Doc Ref. 7.14); and</i></p> <p><i>Outline Battery Safety Management Plan ('Outline BSMP') (Doc Ref. 7.16).</i></p>

Section 51 Advice	Response
<p>Chapter 12 Socio-Economics (Doc. 5.2) Paragraph 12. 2.1 Wildlife and Countryside Act, the 1 in 1981 is subscript please amend.</p>	<p>Noted. A corrected version of ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2) has been provided to address this error.</p>
<p>Also consider whether the Climate Change Act 2008 is relevant to the policy and legislation context of the Application submitted.</p>	<p>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2) has been updated to refer to The Climate Change Act 2008 ('the Act'). While the Act was not referenced specifically in the Socio-economic assessment, it is referred to in Climate Change Chapter ES Volume 2, Chapter 15: Climate Change (Doc Ref. 5.2) and the Planning Statement (Doc Ref 7.6) and the Applicant considered that this legislation had therefore been referred to where relevant.</p> <p>The Act is the basis for the UK's approach to tackling and responding to climate change, which requires that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are adapted to. The Act required the UK to cut emissions (versus 1990 baselines) by 34% by 2020 and by at least 80% by 2050. The Act was amended in 2019 and there is now a legally binding commitment for the UK to achieve net zero carbon by 2050. The Act therefore informs the approach to policy and decision-making at a national scale, to adopt measures to reduce emissions to that effect by 2050 under the terms of the Act.</p> <p>The commitments within this legislation are reflected primarily in the National Policy Statements and National Planning Policy Framework, which were referred to in the Socio-Economics Chapter and have been used to assess the significance of operational effects relating to the Project's operational phase contribution to national renewable energy generation. Therefore, whilst the updated chapter now refers to the Act, the Applicant considers that the relevance of this legislation had already been considered within the Socio-Economics Chapter assessment.</p>

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<p>Consider the Kent CC Climate Change Emergency policies or Statements to assess their relevance to the project.</p>	<p>The Chapter has been updated to include reference to these policies. For context, the Planning Statement (Doc Ref 7.6) recognises that (para 5.2.2) "<i>there is also a growing need for new renewable energy in the local area. KCC recognised the UK climate emergency at a County Council meeting on 23 May 2019, and agree to the setting and agreement of a target of Net Zero emissions by 2050 for Kent.</i>"</p> <p>The Kent CC Climate Change Emergency policies support the Council's ambition to deliver Net Zero carbon by 2050 through measures that include the delivery of renewable energy in the County. These policies are also then referenced in the Climate Change Chapter ES Volume 2, Chapter 15: Climate Change (Doc Ref. 5.2).</p> <p>The Socio-economic assessment previously acknowledged that these considerations are relevant to the assessment, which supports the conclusion that the Project would also have a significant beneficial effect locally (on delivery against these regional policy aspirations) relating to operational impacts of contribution to renewable energy generation.</p> <p>For the purposes of this assessment, given the importance of the contribution at a national scale as supported by national policy statements EN-1 and EN-3, the effects have also been assessed at a national scale. The Applicant therefore considers that whilst these policies have now been referred to, the relevance of these policies had already been considered within the Socio-Economics Chapter.</p>
<p>Consider whether a Health Impact Assessment should be undertaken, It is noted health impacts are cited in transport and noise chapters but a consolidated Health Impact Assessment would assist.</p>	<p>We note that a standalone Health Impact Assessment ('HIA') was not scoped or requested by the Planning Inspectorate or any other public body in the Scoping Opinion. The UK Health Security Agency ('UKHSA') stated in the response provided within the Scoping</p>

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Response

Opinion for the Project that "*Should no separate health chapter be produced the socio-economics chapter should include the identification of vulnerable populations.*"

As a result, an assessment was undertaken using HIA-compliant methodology embedded within the Socio-economic Assessment, drawing on other EIA assessments such as Transport and Noise (noting that Air Quality effects were scoped out).

This is supplemented to respond to the UKHSA concerns through the production of an Equality Statement which considers differential and disproportionate effects on those with Protected Characteristics. Given the limited range and significance of individual effects with the potential to influence health receptors, it was not considered proportionate to include a stand-alone HIA as part of the application.

The Applicant therefore considers that as an assessment on health has already been undertaken as part of the EIA assessment, a HIA is not necessary to produce as it would be a signposting document which refers back to where the matters are dealt with in the ES.

Paragraph 12.4.10 references the census as a baseline and references both the 2011 and 2021 census, consider explaining how exactly the 2021 census data is impacted by covid as referenced.

Paragraphs 12.4.72-73 set out the limitations around the use of any dataset, with specific reference to the 2021 Census. It should be noted that Covid-19 is not the only limitation related to the 2021 Census, which was not fully available at the time of submission. However, specific limitations of the 2021 Census relating to Covid-19 include metrics of economic inactivity, unemployment and sector of employment (given disproportionate effects on sectors such as construction, agriculture and tourism which could not support remote working to the extent of other sectors).

It should be noted that despite these limitations in the baseline data,

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	this does not translate into uncertainty of the reported likely significant effects in the socio-economic assessment.
<p>Environmental Statement Chapter 12 Socio-Economics (Doc 5.2) paragraph 12.5.5 references the relocation of a clay pigeon shoot as a result of the Proposed Development. Please consider referencing this and providing information on the proximity of sensitive noise receptors.</p>	<p>The Landowner has confirmed occasional clay pigeon shooting activity was historically allowed on the land. From a socio-economic perspective, the clay pigeon shoot was an informal, recreational activity with little community value, and did not provide any additional employment or support any business. The Landowner has confirmed that this activity will discontinue if permission is granted for the Project. There is therefore no necessity to treat this point as mitigation to make the Project acceptable, or any suggestion that it would lead to potential significant socio-economic impacts.</p>
<p>[Water] Text on page 50 of Appendix 10.3 states ‘<i>during the temporary operational phase</i>’. We would advise the Applicant to review this phrase and question whether it is meant to be temporary construction phase?</p>	<p>Yes, this is a typographical error and should refer to ‘during the temporary construction phase’. An updated ES Volume 4, Chapter 10: Water Environment Appendix 10.3 Water Framework Directive Assessment (Doc Ref. 5.4) has been produced which corrects this error.</p>
<p>Plans</p>	
<p>Table 5.3 ‘Summary of Alternative Layouts’ (Doc 5.4 Alternatives and Design Evolution) refers to the Primary Construction Compounds and use of an internal haulage road for Heavy Goods Vehicles (HGVs). Paragraph 5.15.2 refers to a single main construction compound, three secondary compounds, other laydown areas, a further primary construction compound in Field 25 and a further secondary construction compound in Field 19.</p>	<p>Paragraph 5.15.2 is correct as this relates to the 2022 Consultation Scheme and 2023 Consultation Scheme. An updated ES Volume 2, Chapter 5: Alternatives & Design Evolution (Doc Ref. 5.2) has been produced with the text at Table 5.2, row “Site access” has been amended as follows:</p> <p>2022 Consultation Scheme <i>Initially, the Applicant considered use of the local road network for construction access. However, this was discounted in favour of an internal haulage road which connects the Primary Construction Compounds main construction compound proposed in the 2022 Consultation Scheme with the majority of the Fields (the exceptions being the South Eastern Area fields which are accessed using</i></p>

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<p>The Works Plan (Doc 2.3) shows broad areas where the construction compounds could be located within Fields 8/9, 19, 20, 23, 25 and 26. The internal haulage road is also of a colour and design that is difficult to decipher from the remainder of the works that are shown on the Works Plan.</p>	<p><i>Goldwell Lane). Use of the internal haulage road for HGVs will avoid associated traffic, noise and other disruption to local road users and residents compared to the use of the local road network.</i></p>
<p>(Doc. 2.7) Illustrative Landscape Drawings – Not for Approval -There appears to be inconsistency on Section 4 Quested Cottage and Habitat Area– A proposed hedgerow is shown in a bold colour whereas ‘Proposed Tree and Shrub Planting’ are shown in fainter colours.</p>	<p>The appearance of the proposed planting on Section 4 is intentional. The bolder coloured vegetation is shown where the section line cuts through a feature, whereas the faded vegetation is in the background and shown in elevation. This has been done to provide depth perception.</p>
<p>We would advise that either the colour for the internal haulage road is amended to aid clarity or that separate plan is provided that shows both the location of the internal haulage road and the proposed construction compounds. We would also advise that clarification is provided as to the locations of the construction compounds within the Fields given their positioning could have an impact on the environment and amenity.</p>	<p>As noted above, the Work Plans (Doc Ref. 2.3) have been amended so that Work No. 7 is shown as a solid pink line. The line weight has been increased to make it easier to read alongside other Works.</p> <p>The maximum extents of the construction compounds (Work No. 7) are shown on the Work Plans (Doc Ref. 2.3) and then described in Chapter 3 of the Environmental Statement (Doc Ref. 5.2). See extracts below:</p> <p><i>“3.11.2 Two Primary Construction Compounds / primary decommissioning compounds will be located in Fields 25 and 26 as shown as Work No. 7 on the Works Plans (Doc Ref. 2.3)...”</i></p> <p><i>“3.11.4 Four Secondary Construction Compounds will be located in Fields 8/9 (adjacent to Bank Farm), 19, 20 and 23 as shown on the Works Plans (Doc Ref. 2.3).”</i></p>

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<p>Please can the Applicant clarify what area would be enclosed by the Stock Fence in Field 29 relating to the Illustrative Project Drawings not for approval Sheet 3 of 5 Illustrative Layout Plan (Doc 2.6).</p>	<p>Please note that we understand this comment relates to the Illustrative Landscape Drawings (Doc Ref. 2.7).</p> <p>This area of Proposed Meadow Grassland is intended for nesting bird habitat areas. This is why the area is enclosed by a Stock Fence. The Stock Fencing provides protection from walkers and dogs.</p>
<p>Once the plans have been amended in accordance with the advice in this letter, please submit a copy of all land and work plans at AO size.</p>	<p>As set out in the Application Covering Letter, the Land and Work Plans have been produced at 1:2,000 at A1 scale. This is in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended), as discussed with PINS during the pre-application stage. The scale and paper size used is consistent with other Solar DCO applications, including the Longfield DCO application and the Applicant therefore has not included plans of this size as part of this response.</p>
<p>General Consider whether more consistency can be provided in the references made to the different stages of the authorised development and whether each relevant stage is identified each time they are referenced. Chapter 18: Summary of Significant Residual Effects itemises these as construction, operational and decommissioning. It would be helpful if all chapters followed this logical sequencing.</p>	<p>For the technical chapters of the ES (ES Volume 2 Chapters 7 to 15 (Doc Ref. 5.2)), where it is logical to break a section of the chapter into the different stages of the authorised development, this has been executed. This can typically be seen in the Embedded Design Mitigation and Assessment of Effects sections of the chapters. The authors of the chapters have used the following subheadings to clearly show the different stages: “Construction Phase”, “Operational Phase” and “Decommissioning Phase”. In some chapters, there is a minor change from this approach, for example in ES Volume 2. Chapter 9: Biodiversity (Doc Ref. 5.2), the following subheadings are used in the Embedded Design Mitigation Section: “Construction Phase General Measures” and “Operational Phase Measures”. Although this wording differs slightly from other chapters, it still clearly shows which stage of the authorised development is referred to.</p>

Section 51 Advice

Response

Consider whether provisions that confer deemed consent if an authority does not respond within a specified period (a “guillotine”) find the right balance between not unnecessarily delaying the Proposed Development and ensuring that appropriate regard is given to the interests and advice of other parties. Consider discussing and agreeing each provision with each relevant authority. Consider whether provisions should be added for any application for consent to contain a statement drawing the authority’s attention to any guillotine.

For some chapter sections, for example **Residual Effects** and **Additional Mitigation and Monitoring and Enhancement Measures**, the authors do not consistently break the text down in to the different stages of the authorised the development as it is not suitable or necessary, for example in **ES Volume 2, Chapter 11: Land Contamination (Doc Ref. 5.2)**, no additional mitigation has been proposed at any stage of the authorised development and therefore it would not be proportionate to break this section down into three repeating sections.
The Applicant therefore considers that the chapters follow logical sequencing as necessary.

The Applicant has reviewed the Draft DCO and confirms that the following articles include a guillotine: Article 15 (access to works), Article 20 (discharge of water) and Article 21 (authority to survey and investigate the land). In each instance, the EM describes why the wording of each article is considered to be appropriate, and provides examples of made DCOs that contain the same guillotine provisions.

Additionally, the PPs in Schedule 16 to the Draft DCO for the protection of Southern Water (Part 3), South Eastern Power Networks plc (Part 4), National Grid Electricity Transmission plc (Part 5), National Grid Interconnectors Limited (Part 6) and Network Rail Infrastructure Limited (Part 7) each contain guillotine provisions. The final form of each set of the PPs is subject to negotiation and agreement between the Applicant and each respective party.

Section 51 Advice	Response
	<p>The Applicant considers the guillotine provisions to be appropriate to ensure that an approval from a third party does not unduly delay the delivery of the Project, noting the critical national priority that national policy gives to the delivery of nationally significant low carbon infrastructure such as the Project. In each case, the Applicant considers that the timescales provided achieve the right balance between not unnecessarily delaying the Project, whilst ensuring that appropriate regard is given to the interests and advice of other parties.</p> <p>A draft of the Draft DCO was shared with Ashford Borough Council (ABC) and Kent County Council (KCC) in April 2024 for their review. KCC provided feedback in relation to the draft Requirements (Schedule 2) and Public Rights of Way (Schedule 9). No comments on any other part of the Draft DCO were received.</p>
<p>Consider the use and reference to 'Limits of Deviation for some elements of the Proposed Development, or provide an explanation as to why it is not deemed necessary within the scope of the Application.</p>	<p>The Project uses defined parameters to control the development. The Work Plans define the spatial extent of the works, with the Design Principles (Doc Ref. 7.5) setting out the defined limits within which the Project will be delivered. As such, the DCO application does not seek additional Limits of Deviation.</p>
<p>Ensure that the Requirements have been discussed, and where possible agreed, with the relevant planning authorities and other relevant statutory bodies.</p>	<p>Draft Requirements were issued to ABC in August 2023 and to KCC in October 2023 for review. An updated draft of Schedule 2 was then issued to both ABC and KCC in April 2024. Comments were received from KCC and the submission version of the Draft DCO has had appropriate regard to the matters raised. The Applicant continues to engage with both parties, with a view of seeking agreement.</p>
<p>Consider whether a biodiversity net gain strategy should be required to be submitted to and approved by the relevant planning authority</p>	<p>Noted. The Draft DCO includes a Requirement which secures a 'biodiversity design strategy', which secures both the details of the</p>

Section 51 Advice	Response
<p>in consultation with the relevant statutory nature conservation body. Consider setting out the net gain in habitat units that the strategy would be required to secure and that it must be substantially in accordance with the outline landscape and ecological management plan.</p>	<p>landscape and biodiversity enhancements and which must deliver at least 100% for habitat units, at least 10% for hedgerow units and at least 10% for river units. The Applicant has updated the drafting of Requirement 8(1) in the Draft DCO to include the relevant statutory nature conservation body (Natural England) as a consultee prior to the approval of the biodiversity design strategy – please see the extract below. It is noted that this is preceded in the recently made Gate Burton Energy Park Order 2024 (see Requirement 8(1) of that Order).</p> <p>Part (4) of Requirement 8 then ensures that the landscape and biodiversity works are in accordance with the approved LEMP.</p> <p>“Landscape and biodiversity</p> <p><i>8.—(1) The authorised development must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council <u>and the relevant statutory nature conservation body.</u></i></p> <p><i>“biodiversity design strategy” means a strategy that provides details of how the landscape and biodiversity enhancement works provided as part of the authorised development will comply with the biodiversity net gain requirement;</i></p> <p><i>“biodiversity net gain requirement” means a requirement to secure a biodiversity net gain during the operation of the authorised development of at least 100% for habitat units, at least 10% for hedgerow units and at least 10% for river units, calculated using the statutory biodiversity metric published by the Department for Environment, Food & Rural Affairs on 12 February 2024;”</i></p>

Table 2: Response to Section 55 Matters

Section 55 Matters	Response
<p>Section 42(1)(a) persons prescribed</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42 in either 2022 and/or 2023 of consultation:</p> <p>United Kingdom Health Security Agency – on a precautionary basis</p> <p>National Gas - Licence covers Great Britain - consult on a precautionary basis.</p> <p>Aidien Ltd - Licence covers Great Britain - consult on a precautionary basis.</p> <p>Independent Distribution Connection Specialists Ltd - Licence covers Great Britain - consult on a precautionary basis.</p> <p>Optimal Power Networks Limited - Licence covers Great Britain - consult on a precautionary basis.</p> <p>Stark Works - Consult on a precautionary basis -Licence covers Great Britain</p>	<p>Noted. The Applicant has added these persons to the list of Prescribed Bodies that have been notified pursuant to S.56 of the Planning Act 2008.</p>
<p>Draft Development Consent Order (Doc. 3.1) There is a minor typo on page 4 within the Preamble within the first line “An application has been made to the Secretary of Slate under section 37 of the Planning Act 2008(a) (“the 2008 Act”) [...]”.</p>	<p>The Applicant confirms that this typographical error has now been amended.</p>

Section 55 Matters	Response
<p>Adjust relevant definitions to ensure consistency Consider the use of Limits of Deviation for some parts of the development. Consider the use of side agreements with protected parties.</p>	<p>As stated in Table 1 above, the Applicant has reviewed the use of definitions in the Draft DCO and is confident that they are used consistently. If there are any particular areas of concern that the ExA has regarding the Draft DCO, the Applicant would be happy to review these.</p> <p>As stated in Table 1 above, the Project uses defined parameters to control the development. The Work Plans define the spatial extent of the works, with the Design Principles (Doc Ref. 7.5) setting out the defined limits within which the Project will be delivered. As such, the DCO application does not seek additional Limits of Deviation.</p> <p>As stated in Table 1 above, the Applicant confirms that it is progressing private side agreements with a number of affected third parties, and that updates on the progress of these agreements will be provided throughout the Examination.</p>
<p>Nuisance – Explanatory Memorandum (Doc. 3.3) Further Clarity is requested in Article 7 within the Explanatory Memorandum (Doc. 3.3) for each Nuisance, including with reference to mitigations proposed in the Environmental Statement and the controls provided elsewhere in the draft Development Consent Order. Please also see the s51 advice issued alongside this s55 checklist.</p>	<p>The Applicant assumes that the ExA is referring to Article 10 of the Draft DCO (Defence to proceedings in respect of statutory nuisance) rather than Article 7 (Consent to transfer benefit of the Order). The Applicant has updated the drafting of paragraph 3.8.1 of the EM to refer to the control documents that are intended to control noise during the construction, operation and decommissioning of the Project and which are secured via Requirements in the Draft DCO.</p>
<p>Environmental Statement, Volume 2, Chapter 7 Cultural Heritage (Doc. 5.2) The following discrepancies were found:</p> <ol style="list-style-type: none"> 1. Table 7.10 Construction Phase Cultural Heritage Direct Effects (page 7-61) is not listed in the list of tables on Page 7-1. 	<p>Please see the response set out in Table 1.</p>

Section 55 Matters	Response
<ol style="list-style-type: none"> 2. Page 7-1, Table 7.7 is listed as Summary of Receptor Sensitivity whereas on page 7-40 it is listed as Magnitude of Impact Descriptors. 3. Page 7-1, Table 7.8 is listed as Operational Phase Cultural Heritage Indirect Effects and corresponds to Table 7.8 on Page 7-93, however it is also presented as Table 7.8 Significance of Effect Matrix on page 7-41. 4. Page 7-49, presents Table 7.7 Summary of Receptor Sensitivity, between Table 7.8 (Page 7-41) and Table 7.10 (Page 7-61). 5. Page 7-57, paragraph 7.7.4 refers to Table 7.12 but this is not included in this Chapter. 	
<p>Environmental Statement, Volume 4, Appendix 8.10 ‘LVIA Visualisations’ and Appendix 8.11 LVIA Cumulative Visualisations (Doc. 5.4)</p> <p>Viewpoint ref 33 is missing from the table in Section 3.0 ‘Viewpoint Locations Ordnance [sic] survey co-ordinates’ and Viewpoint ref 20 is missing from this appendix.</p>	Please see the response set out in Table 1.
<p>Environmental Statement, Volume 2, Chapter 10 Water Environment (Doc. 5.2)</p> <p>Paragraph 10.1.6 refers to ‘Outline Battery Storage Management Plan (Outline BSMP)’ whereas, for the same acronym, the draft DCO refers to ‘Outline Battery Safety Management Plan’.</p>	Please see the response set out in Table 1.
<p>Volume 6, Plans Illustrative Landscape Drawings – Not for Approval (Doc. 2.7)</p> <p>There appears to be inconsistency on Section 4 Quested Cottage and Habitat Area– A proposed hedgerow is shown in a bold colour whereas ‘Proposed Tree and Shrub Planting’ are shown in fainter colours. Table 5.3 “Summary of Alternative Layouts’ (Doc. 5.4) refers to the primary Construction Compounds and use of an internal haulage road for Heavy Goods Vehicles (HGVs). Paragraph 5.15.2 refers to a single main construction compound, three secondary compounds, other laydown areas, a further primary construction</p>	Please see the response set out in Table 1.

Section 55 Matters	Response
<p>compound in Field 25 and a further secondary construction compound in Field 19.</p>	
<p>Illustrative Project Drawings (Doc. 2.6) Please can the Applicant clarify what area would be enclosed by the Stock Fence in Field 29.</p>	<p>Please see the response set out in Table 1.</p>
<p>The Works Plan (Doc. 2.3) This shows broad areas where the construction compounds could be located within Fields 8/9, 19, 20, 23, 25 and 26. The internal haulage road is also of a colour and design that is difficult to decipher from the remainder of the works that are shown on the Works Plan. We would advise that either the colour for the internal haulage road is amended to aid clarity or that a separate plan is provided that shows both the location of the internal haulage road and the proposed construction compounds. We would also advise that clarification is provided as to the locations of the constructions compounds within the Fields given their positioning could have an impact on the environment and amenity. It is unclear which area would be enclosed by the Stock Fence in Field 29 relating to the Illustrative Project Drawings Not for Approval Sheet 3 of 5 Illustrative Layout Plan (Doc. 2.6)</p>	<p>Please see the response set out in Table 1.</p>
<p>Schedule of Negotiations (Doc. 4.4) At Section 4 Table 3 – Statutory Undertakers states that negotiations with SU commenced in February 2024 and no response had been received by the time the Application was submitted to the Planning Inspectorate. It is unclear why this was left until immediately prior to submitting the Application.</p>	<p>Please see the response set out in Table 1.</p>
<p>There are some general points to be raised in S51 advice in relation to the Environmental Statement – Chapter 10 (Water Environment) and Chapter 12 (Socio-Economics).</p>	<p>Please see the response set out in Table 1.</p>