

FENWICK SOLAR FARM

Fenwick Solar Farm
EN010152

~~DRAFT~~ Statement of Common Ground between Fenwick Solar
Project Limited and the Yorkshire Wildlife Trust

Document Reference: EN010152/APP/8.10

The Infrastructure Planning (Examination Procedure) Rules 2010

~~April~~May 2025
Revision Number: ~~000~~1

2009

BOOM-POWER.CO.UK

BOOM
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Revision History

Revision Number	Date	Details
00	April 2025	Deadline 1
<u>01</u>	<u>May 2025</u>	<u>Deadline 2</u>

Prepared for:
Fenwick Solar Project Limited

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Statement of Common Ground

Signatures

This ~~draft~~ Statement of Common Ground has been prepared and agreed by Fenwick Solar Project Limited and the Yorkshire Wildlife Trust.

██████████, NSIP Development Manager on behalf of Fenwick Solar Project Limited

Date: ~~30 April~~ 21 May 2025

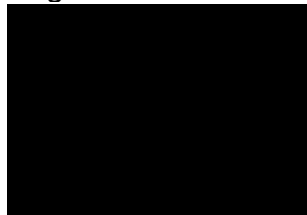
Signed:



██████████, Head of Advocacy, on behalf of the Yorkshire Wildlife Trust

Date: ~~30 April~~ 21 May 2025

Signed:



1. Introduction and Purpose

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared for the examination of an application (the Application) made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (Ref. 1) for the proposed Fenwick Solar Farm (the Scheme). The Application is submitted by Fenwick Solar Project Limited (the Applicant).
- 1.1.2 This SoCG does not seek to replicate information available elsewhere within the Application documents. All documents are available on the Planning Inspectorate's website at <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010152/documents>.
- 1.1.3 SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination. This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties, where matters are under discussion or where agreement has not been reached. It has been ~~and will be~~ progressed during the pre-examination and examination periods to reach a final position between the Applicant and the Yorkshire Wildlife Trust. ~~This SoCG will be revised and updated as discussions between the Applicant and the Yorkshire Wildlife Trust progress during the Examination.~~
- 1.1.4 All comments received from the Yorkshire Wildlife Trust following the issue of the Environmental Impact Assessment Scoping Report, Non-Statutory Consultation, Preliminary Environmental Information Report and Statutory Consultation have been addressed throughout the Application process and the Applicant's responses are detailed in the corresponding technical documents submitted with the Application. This SoCG includes comments received from the Yorkshire Wildlife Trust within their Relevant Representation as these are deemed as the remaining matters for discussion.
- 1.1.5 It can be taken that any matters not specifically referred to in Section 3 of this SoCG are not of material interest or relevance to the Yorkshire Wildlife Trust's Relevant Representation and therefore have not been considered in this document.
- 1.1.6 Full responses to all comments raised within the Yorkshire Wildlife Trust's Relevant Representation are provided within the Applicant's Responses to Relevant Representations.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared between: (1) the Applicant; and (2) the Yorkshire Wildlife Trust (jointly referred to as the Parties).
- 1.2.2 The Applicant is a wholly owned subsidiary of BOOM Developments Limited who specialise in non-subsidised solar and battery storage projects.

- 1.2.3 The Yorkshire Wildlife Trust is dedicated to conserving a wide range of wildlife and wild places across Yorkshire through the management of over 100 nature reserves. The Yorkshire Wildlife Trust is not listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (Ref. 2), but has been consulted throughout the preparation of the Application. The **Rule 6 Letter [PD-005]** requests that an SoCG is progressed between the Parties.

1.3 Description of the Scheme

- 1.3.1 The Scheme involves the construction, operation and maintenance, and decommissioning of a solar photovoltaic electricity generation facility with a capacity exceeding 50 megawatts (MW) and associated development. It will connect to the National Grid either at the Existing National Grid Thorpe Marsh Substation or via the Grid Connection Line Drop, with both options including necessary associated infrastructure. Since the proposed generating capacity surpasses 50 MW, the Scheme is classified as a Nationally Significant Infrastructure Project, requiring consent through a DCO under the Planning Act 2008 (Ref. 1). Further details on the Scheme can be found in **Volume I, Chapter 2: The Scheme [APP-053]** of the Environmental Statement.

1.4 Format of Document and Terminology

- 1.4.1 Section 2 of this SoCG summarises the engagement the Parties have had with regard to the Scheme.
- 1.4.2 Section 3 summarises the issues that are ‘agreed’, ‘not agreed’ or are ‘under discussion’.
- 1.4.3 These terms are used as follows:
- a. ‘Agreed’ indicates where the issue has been resolved;
 - b. ‘Under discussion’ indicates where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties; and
 - c. ‘Not Agreed’ indicates a final position where the Parties have agreed to disagree.
- 1.4.4 Abbreviations used within the SoCG are provided in Section 5.

2. Record of Engagement

2.1.1 Table 2-1 below sets out a summary of the meetings and correspondence between the Parties in relation to the Scheme.

Table 2-1: Schedule of Meetings and Correspondence

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
24 May 2024	Email/Letter	The Yorkshire Wildlife Trust provided a response regarding the Scheme during the statutory consultation period. This focussed on the nature of information presented/outstanding surveys, ground nesting birds, proposed habitat creation/Biodiversity Net Gain (BNG), concerns about longevity of habitats/decommissioning, and sale of excess credits.
31 March 2025	Meeting (Microsoft Teams)	The Applicant provided the Yorkshire Wildlife Trust with an overview of the Examination process, including SoCGs and timeframes. The Applicant shared key Application documents, and the matters under discussion between the Applicant and the Yorkshire Wildlife Trust were also discussed.
29 April 2025	Meeting (Microsoft Teams)	The Applicant and the Yorkshire Wildlife Trust had further discussion regarding latest positions regarding the matters included in the SoCG.
<u>19 May 2025</u>	<u>Meeting (Microsoft Teams)</u>	<u>The Applicant and the Yorkshire Wildlife Trust held a meeting to further discuss outstanding matters included in the SoCG which were under discussion following Deadline 1 of Examination.</u>

3. Areas of Discussion Between the Parties

3.1.1 Table 3-1 below details the areas of discussion and matters that are agreed, under discussion and not agreed between the Parties.

Table 3-1: Areas of Discussion with the Yorkshire Wildlife Trust

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Yorkshire Wildlife Trust	Current Position of the Applicant	Status
1	Volume I, Chapter 8: Ecology	Submission to designate Burnet Heritage Trust land as a Site of Special Scientific Interest (SSSI).	<p>The Yorkshire Wildlife Trust noted that an area within and adjacent to the application siteOrder limits is currently in the submission process to be designated as a SSSI by Natural England. The Burnet Heritage Trust sites (inclusive of the northeast portion of the application site), meet the scoring threshold for SSSI based on bird communities for both lowland wet grassland and lowland fen. From the information provided, this does not appear to have been taken into account. The Ecology Chapter details that candidate Local Wildlife Sites which have not yet been designated are included within this chapter as they are being considered for designation and may become so within the lifetime of the Scheme, and therefore it follows that candidate SSSI should also be assessed as such.</p> <p><u>The Yorkshire Wildlife Trust confirmed that they align their position regarding this matter with that of the Burnet Heritage Trust which, as detailed in the Draft SoCG between Fenwick Solar Project Limited and the Burnet Heritage Trust [REP1-036] submitted at Deadline 1, is not agreed. Therefore, the Yorkshire Wildlife Trust do not agree with the Applicant regarding this matter, however, accepted that there was limited information available at the time of the assessment and that a candidate SSSI is not an official designation.</u></p>	<p>The Applicant notes that the ‘Burnet Heritage Trust sites’land, as well as an additional surrounding area including the Order limits which is not currently managed by the Burnet Heritage Trust, have been put forward as a proposed SSSI. However, throughregardless of consultation with <u>the Burnet Heritage Trust and</u> Natural England <u>and due to the lack of information available regarding the application for a SSSI in the public domain,</u> it has<u>was</u> not been possible to locate further details on the submission, including the boundary of the area to be designated and the habitats and species assemblages to form the citation-, prior to the Application. The Applicant also notes that a ‘candidate’ SSSI is not an official designation. As such, a specific assessment of this potential designated site has<u>was</u> not been able to be undertaken. However, the assessment presented in Volume I, Chapter 8: Ecology [APP-060] does consider the impacts on all relevant habitats and species which are likely to comprise the proposed SSSI <u>within and adjacent to the Order limits</u>, including within the Went Valley (near Skyehouse) Local Wildlife Site which encompasses the eastern extents of the Burnet Heritage Trust’s land. Therefore</p> <p><u>The Burnet Heritage Trust provided the Applicant with a copy of their application for a proposed SSSI on 25 April 2025. The Applicant has reviewed this application and can confirm that,</u> while no assessment of the proposed SSSI itself is presented-, in Volume I, Chapter 8: Ecology [APP-060], the impacts to its relevant component features, <u>including relevant habitats and species,</u> have been <u>appropriately</u> assessed.</p> <p><u>The Applicant understands that the Yorkshire Wildlife Trust do not agree regarding this matter, however, appreciates the engagement with the Yorkshire Wildlife Trust undertaken to date. Should the position of the Yorkshire Wildlife Trust change in alignment with the Burnet Heritage Trust, the Applicant would welcome</u></p>	<div>Under discussionNot agreed</div>

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Yorkshire Wildlife Trust	Current Position of the Applicant	Status
				<u>further engagement during and after the Examination to discuss the Scheme, if required.</u>	
2	Volume I, Chapter 8: Ecology No Significant Effect Report (NSER)	Mitigation and compensation for ground nesting birds.	The Yorkshire Wildlife Trust expressed concern regarding the impact and mitigation proposed for ground nesting birds within the Order limits. <u>The Yorkshire Wildlife Trust is in agreement regarding this matter.</u>	<p>The Applicant refers the Yorkshire Wildlife Trust to Volume I, Chapter 8: Ecology [APP-060] which provides a full assessment of the potential impacts of the Scheme on ecology and nature conservation in line with relevant guidance for undertaking Ecological Impact Assessment. Table 8-13 identifies that there will be negligible to minor adverse effects to ground nesting birds due to a loss of arable fields used by a small number of species, however, this is not significant.</p> <p>The Scheme has been designed to avoid and/or mitigate all significant adverse effects which has been achieved through a carefully considered and iterative design process informed by comprehensive ecological surveys and input from qualified professional ecologists. As stated in Table 8-10 of Volume I, Chapter 8: Ecology [APP-060], areas of undeveloped land have been included within the Solar PV Site to provide permanent habitat for ground-nesting birds which will be managed as grassland. Detail regarding the habitats that will be provided and managed as part of the Scheme is secured within the Framework LEMP [APP-203REP1-029].</p> <p>In addition, the Framework CEMP [APP-196REP1-019], Framework OEMP [APP-197], and Framework DEMP [APP-198REP1-021] secures ecological mitigation measures to minimise impacts to ground nesting birds during the construction, operation and maintenance, and decommissioning phases.</p> <p>The Applicant has updated the NSER [REP1-025] for Deadline 1 to address comments in Natural England's Relevant Representation regarding the impact of the Scheme on functionally linked land for qualifying bird features of the Humber Estuary SPA/Ramsar. An<u>This document has also subsequently been updated for Deadline 2 to address additional minor queries received from Natural England in their Written Representation. A</u> SoCG between the Applicant Fenwick Solar Project Limited and Natural England has been<u>[REP1-035]</u> was submitted for Deadline 1 and confirms Natural England agrees the updates to the NSER [REP1-025] address their concerns on this matter.</p> <p><u>The Applicant understands that the Yorkshire Wildlife Trust is in agreement regarding this matter.</u></p>	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Yorkshire Wildlife Trust	Current Position of the Applicant	Status
3	<u>Volume I, Chapter 8: Ecology</u> <u>Framework Decommissioning Management Plan (DEMP)</u>	<u>Management of habitat and ecological enhancements during decommissioning.</u>	<u>The Yorkshire Wildlife Trust queried the management of habitats and ecological enhancements during the decommissioning phase of the Scheme. They are satisfied that the mitigation measures outlined in the Framework DEMP [REP1-021] are adequate, including a requirement for decommissioning surveys to be undertaken to account for any ecological impacts at this stage.</u> <u>The Yorkshire Wildlife Trust is in agreement regarding this matter.</u>	<u>The Applicant acknowledges the Yorkshire Wildlife Trust's concerns regarding the management of habitats and ecological enhancements during the decommissioning phase. As outlined in the Framework DEMP, the Applicant is committed to implementing comprehensive mitigation measures to address any potential ecological impacts during decommissioning. These include pre-commencement surveys and ongoing monitoring of habitats and species overseen by an Ecological Clerk of Works, as well as various measures to minimise impacts of lighting, noise, and pollution.</u> <u>The Applicant understands that the Yorkshire Wildlife Trust is in agreement regarding this matter.</u>	Agreed
4	<u>Volume I, Chapter 8: Ecology</u> <u>Framework DEMP</u>	<u>Management of habitat and ecological enhancements post decommissioning.</u>	<u>The Yorkshire Wildlife Trust expressed concern about the longevity of the habitat creation and enhancement proposed to be delivered as part of the scheme (common with all solar schemes), which they believe should be permanent. The Yorkshire Wildlife Trust note the comment that 'Any habitat creation and enhancement will remain for the lifespan of the Scheme. Upon decommissioning all physical infrastructure will be removed, with the land, including created habitats, returned to landowners. The Scheme will not be responsible for the management of habitats within the Order limits following decommissioning and cessation of the DCO. Gains in biodiversity will be managed and monitored for the lifespan of the Scheme (40 years), which is beyond the period of 30 Years as per the requirements of the Environment Act 2021'. To support nature's recovery, it is essential that benefits delivered by the Scheme are secured for the longest possible timeframe. It is our position that areas of habitat creation/enhancement should be secured for nature in perpetuity through legal agreements. They are, however, pleased to see that decommissioning surveys are to be undertaken which would need to account for any ecological impacts at this stage.</u>	<u>The Applicant is seeking a DCO for a fixed period of time, after which the Scheme, as provided in the DCO, will cease and the land will be returned to landowners, along with all habitats present at the time of decommissioning. The Applicant does not consider it proportionate that the Scheme should have an obligation to secure the habitat creation/enhancements forming part of the Scheme in perpetuity and notes that the proposed approach is consistent with other recently granted solar DCOs.</u>	Not agreed
45	<u>Volume I, Chapter 8: Ecology</u> <u>BNG Assessment</u> <u>Framework Construction</u>	Presence of Open Mosaic Habitat (OMH)	The Yorkshire Wildlife Trust note that an area of post-industrial land within the Order limits to the north of the Existing National Grid Thorpe Marsh Substation, possibly qualifies as OMH on Previously Developed Land and as such, may support notable terrestrial invertebrate assemblages and species. The Yorkshire Wildlife Trust agree with this statement as they are aware of significant invertebrate assemblages in close	The Applicant notes the comment regarding OMH on Previously Developed Land. Information regarding this habitat has been considered in the BNG Assessment [APP-200REP1-023] . The Applicant currently has no intention to sell BNG credits from the Scheme. Prior to any works commencing, further surveys will be undertaken to determine the value and condition of	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Yorkshire Wildlife Trust	Current Position of the Applicant	Status
	Environmental Management Plan (CEMP)		<p>proximity to this area, and would advise this area must be fully surveyed (habitats and invertebrate interest) in order to fully assess the potential impacts of the Scheme.</p> <p><u>The Yorkshire Wildlife Trust is in agreement regarding this matter.</u></p>	<p>these habitats and the impact of the Scheme on these. As stated in Table 3-3 of the Framework CEMP [APP-196REP1-019], pre-construction site walkovers will be undertaken in advance of mobilisation/any potential advance works to re-confirm the ecological baseline conditions and to identify any new ecological risks. The Applicant will produce a detailed CEMP post consent, during the detailed design stage, that will be in accordance with the Framework CEMP, as secured by Requirement 11 of Schedule 2 in the Draft DCO [APP-220REP1-005]. The detailed CEMP must be approved by the relevant local planning authority prior to construction.</p> <p>The Applicant understands that the Yorkshire Wildlife Trust are in agreement regarding this matter.</p>	

4. References

- Ref. 1 Planning Act 2008. Available at:
<https://www.legislation.gov.uk/ukpga/2008/29/contents>. [Accessed 6
February 2025].
- Ref. 2 Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009. Available at:
<https://www.legislation.gov.uk/uksi/2009/2264/contents/made>. [Accessed
6 February 2025].

5. Abbreviations

Abbreviation/Term	Definition
BNG	Biodiversity Net Gain
CEMP	Construction Environmental Management Plan
DCO	Development Consent Order
<u>DEMP</u>	<u>Decommissioning Environmental Management Plan</u>
MW	Megawatts
<u>NSER</u>	<u>No Significant Effect Report</u>
<u>OEMP</u>	<u>Operational Environmental Management Plan</u>
<u>OMH</u>	<u>Open Mosaic Habitat</u>
SoCG	Statement of Common Ground
SSSI	Site of Special Scientific Interest