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# **FENWICK SOLAR FARM**

**East Yorkshire Solar Farm  
EN010152**

**Applicant's Summary of Oral Submissions at the Issue Specific  
Hearing (ISH3) on Environmental Matters and Post Hearing  
Notes**

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# **1. Introduction**

- 1.1.1 An Issue Specific Hearing was held at 10:00 on Wednesday 18 June 2025 at Doncaster Racecourse, Doncaster, in relation to environmental matters and in accordance with the Planning Act 2008.
- 1.1.2 Parties from the Examining Authority, Pinsent Masons LLP (the Applicant's legal advisers for the Application), AECOM Limited (the Applicant's planning and environmental consultants for the Application) and City of Doncaster Council were present at the Issue Specific Hearing. It is the Applicant's oral submissions that are summarised in this document.

**Table 1-1 Applicant's Summary of Oral Submissions and Post Hearing Notes**

| #  | Agenda Item  | Post-Hearing Notes  |
|----|--|---|
| 1. | <b>Welcome, introductions and arrangements for the hearing</b> | <p>The following parties were present at the hearing:</p> <ul style="list-style-type: none"> <li>• Rory Cridland and Samantha Murphy, the Examining Authority (the <b>ExA</b>).</li> <li>• Taylor Power, Associate and Gareth Phillips, Partner, Pinsent Masons LLP, the solicitors for Fenwick Solar Project Limited (the <b>Applicant</b>).</li> <li>• .</li> <li>• Neal Gates, Technical Director / Ecology, Chris Carter, Regional Director / Transport Planning, Garry Gray, Technical Director / Air Quality, Katie Bruce, Associate Director / Soil Groundwater and Remediation, Lucy Hill, Principal Resources and Waste Management Specialist, AECOM (for the Applicant).</li> <li>• Roy Sykes, City of Doncaster Council (<b>CDC</b>).</li> <li>• Simon Mitchell, Burnet Heritage Trust.</li> </ul> |
| 3. | <b>Main discussion points</b>                                  | <p><b>BESS</b></p> <p>The ExA sought clarification as to why a plume assessment has not been provided as part of the submission.</p> <p>Garry Gray, for the Applicant, explained the various documents and guidance which encourage a plume assessment. The National Fire Chiefs Council's guidance on Grid Scale Battery Energy Storage System planning is currently in draft and identifies the need for a plume assessment, but does not define what a plume assessment is. The Department of Energy Security and Net Zero, within</p>   |

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associated guidance, also identifies value to assessing smoke plume impacts during fires as part of emergency planning.

He further explained that established good practice methods for risk assessments include consequence modelling of possible impacts, which is distinct from the consideration of likely worst impacts used within the DCO context. The safest approach is to model the worst outcome that could theoretically happen, however unlikely that is, and then consider how to design and control it to reduce the risk to exposure (from the perspective of the individuals fighting the fire). This can be reported against safety-based exposure standards, but also against environmental standards such as air quality objectives and targets. For a fire scenario, the consequence model would include a smoke plume calculation, which is undertaken using a very detailed modelling approach – usually using computational fluid dynamics and/or a CfD-based consequence modelling package (i.e. a different element of software than is normally used for dispersion modelling to calculate the short-term maximum concentrations). The usefulness of these models is highly dependent upon the finer details of the particular BESS technology and structures used and the combustible materials present in each scenario – essentially, the final make and model of the device, the chemistry within it, and its physical layout on the site must all be known to run a useful plume assessment.

Dr Gray stated that with that context in mind, a generic plume assessment has not been undertaken by the Applicant at this stage for the following reasons:

1. Over the last 5 years, the introduction of design standards and the availability of standard fire performance testing for individual battery modules, cabinets and whole containers has meant that it is possible to purchase a BESS system with accreditation to these standards – this can be evidenced by testing against one of these standards. Controlling the likely magnitude of a fire event is the most effective means of minimising the area that could potentially be affected by it. By comparison, the primary purpose of the plume assessment is to instead inform the emergency services of the risk that may be present on the site, so that when they attend the

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site they can quickly plan their approach to managing the fire based on the weather at that time.

2. The plume modelling would need to be repeated at the detailed design stage to incorporate the make and model of the final BESS selected (per the explanation of the modelling process above), and it would be that version of the assessment that informs the final safety management plan, rather than any generic model undertaken at this stage.
3. The Framework Battery Safety Management Plan **[APP-205]** includes a requirement to undertake the plume assessment and considers visibility and toxicity of impacts within the plume assessment itself.
4. The Statement of Common Ground between the Applicant and South Yorkshire Fire and Rescue Service (**SYFRS**) **[REP1-038]** documents the agreement between the parties for equipment being designed to limit fires to a single container and that a site-specific plume assessment will be conducted once the specific battery technologies to be used for the Scheme is confirmed.

Dr Gray summarised that the plume assessment would indeed be undertaken, but the most appropriate time to do so is after the DCO is granted, with the adequacy of the plume assessment being determined by the fire authority.

Mr Sykes, for CDC, sought clarification as to how CDC would be engaged in the assessment process and what its role would be in contributing to that work.

Ms Power, for the Applicant, explained that the plume assessment will form part of the Battery Safety Management Plan **[APP-205]**, which is one of the plans to be approved by CDC under the DCO requirements. CDC will have the opportunity to review both draft and final versions of the plan and provide input on the outcomes of the plume assessment and its implications, including matters such

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as traffic and air quality. Ms Power also noted that the relevant planning authority must consult with SYFRS and the Environment Agency (**EA**) before determining an application under that requirement.

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### Biodiversity Net Gain (BNG)

The ExA enquired as to how a commitment of 10% BNG across all unit types aligns with the Secretary of State's decision making on recent DCOs to include specific percentages of BNG that are to be achieved.

Ms Power, for the Applicant, referred to the East Yorkshire Solar Farm decision and highlighted paragraph 4.22 of the Secretary of State's decision letter, which explained the inclusion of specific BNG percentages in the requirements. The Secretary of State had placed weight on the higher BNG percentages as a benefit in the planning balance and therefore required those figures to be secured in the DCO. Ms Power explained that, in contrast, the Applicant's approach throughout this Examination has been to commit to a minimum 10% BNG, which is the figure assessed in the planning balance. While higher percentages are shown in the BNG Assessment [**REP2-035**], these may vary due to design changes or baseline habitat shifts prior to construction. Ms Power noted that this approach aligns with the Gate Burton Energy Park Order, which also did not secure higher percentages. However, recognising the Secretary of State's preference for clarity, the Applicant intends to update Requirement 7(2) of the draft DCO at Deadline 3 to explicitly secure the 10% BNG commitment within the requirement, thereby adopting a hybrid approach that reflects the Secretary of State's recommendation regarding specific percentages assessed as part of the planning balance.

The ExA enquired as to whether the Applicant could commit to a higher BNG percentage within the DCO and how the percentages relate to the figures secured in the Framework Landscape and Ecological Management Plan (**LEMP**) [**REP2-042**].

Ms Power confirmed that the mitigation measures outlined in the Framework LEMP would be delivered regardless of the percentage figure included in the DCO requirement, subject to minor changes during detailed design. Ms Power said that the Applicant would respond in writing on whether

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a commitment above 10% could be made, and noted that the key issue was whether the commitment needed to be repeated in both the Framework LEMP and the BNG requirement of the DCO.

*[Post hearing note: The Applicant has considered the approaches taken in both the recent East Yorkshire Solar Farm Order and the Oaklands Farm Solar Park Order 2025. The Applicant has adopted the approach taken in the latter Order, which has included percentages in its biodiversity net gain requirement which are greater than 10% where the Applicant is confident higher percentages can be met, but which do not match with the higher percentages in the initial BNG Assessment for the project, acknowledging that there is some likelihood of change, particularly in light of potential changes to the metric and assessment approach set out in the recent draft guidance on biodiversity net gain for DCOs as released by DEFRA on the 28 May 2025 for consultation.*

*In Oaklands Farm Solar Park, their Biodiversity Net Gain Report (ES Appendix 6.12) concluded likely BNG outcomes of a 125.07% increase for habitat units, a 20.02% increase for hedgerow units and a 19.82% increase for watercourse units. Requirement 50(2)(e) of that Order provided for a comminated minimum BNG of 20% BNG for habitat units, 10% for hedgerow units and 10% for watercourse units.*

*For Fenwick, the Biodiversity Net Gain Assessment [REP2-035] concluded BNG outcomes of 36.46% for habitat units, 68.31% for hedgerow units and 24.97% for watercourse units. Accordingly, Requirement 7 of the **draft DCO [REF]** has been updated at Deadline 3 to provide for a minimum commitment of 20% BNG for habitat and hedgerow units and 10% for watercourse units. The Applicant considers this represents a commitment beyond the minimum 10% at a level feasible and appropriate for the Scheme.*

Mr Gates, for the Applicant, summarised that all of the mitigation and enhancement measures relied upon in presenting significant beneficial effects in Chapter 8 of the ES [APP-060], are secured in the Framework LEMP. The BNG Assessment [REP2-035] is then based on the measures set out in the Framework LEMP and as such the predicted percentage gains accord with that document. Mr Gates added that the BNG metric is applied to the secured measures to generate the reported percentages.



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While the Applicant will consider whether further commitments can be made, Mr Gates noted that specifying exact percentages in the DCO requirement is challenging due to potential future changes in baseline conditions, the metric itself, and detailed design. Mr Gates emphasised that the key point is that the mitigation and enhancement measures are already secured through the Framework LEMP.

The ExA then asked how 'significant beneficial enhancement' has been defined.

Mr Gates responded that the Applicant has reported significant beneficial enhancement as against the impacts of the identified receptors (as opposed to the overall BNG calculations) due to the fact that the Applicant is taking land out of agricultural production and creating quality grassland across various areas, alongside enhancing hedgerows and ensuring for tree planting, scrub planting etc. All of these have benefits in relation to enhancing the long-term viability of various habitats and species. As stated above, the BNG percentages are separate to this, which are generated from the measures set out in the Framework LEMP.

Simon Mitchell, for Burnet Heritage Trust, said that increased biodiversity enhancement percentages and more specific management details were needed in the Framework LEMP **[REP2-042]**, to provide greater confidence in the proposed BNG percentages.

Mr Gates said that the Applicant would review any proposed drafting by the Burnet Heritage Trust on management measures submitted into the Examination and take a decision as to whether it is appropriate and proportionate to include now or within the final LEMP.

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### Ecology: Hedgerows

The ExA asked the Applicant to explain the approach to hedgerow removal and reinstatement across the Order Limits.

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Neil Gates, for the Applicant, explained that the Scheme has sought to minimise hedgerow loss, but where some removal for construction is required, then this will be re-instated following construction, as set out in the Framework LEMP [REP2-042].

With reference to Annex A of the Hedgerow Report [APP-150], Mr Gates, then provided further details as to the current status of proposed works with particular reference to hedgerows H114a, H115a, H115b, H116a, H121 and H132. The Applicant confirmed that they would submit updated plans at Deadline 3 showing the current predicted areas of hedgerow loss.

**Post hearing note:** Figure 8.5.2 [EN010152/APP/6.3] has been updated to reflect the hedgerow removal discussed at ISH3. In particular, the Applicant can confirm that H114a will be subject to a small area of loss at the east end for construction access, which will be re-instated upon completion, but that the loss previously shown in the central section will no longer occur. There will be no loss to H116a.

The ExA enquired as to why hedges H83 and H96 are not classified as important within the Order Limits.

Mr Gates, for the Applicant, confirmed that a written response will be provided to this question.

**Post hearing note:** With reference to Figure 8.5.2 [EN010152/APP/6.3], the Applicant can confirm that neither H83 nor H96 are classified as Important Hedgerows. Figure 8-3 UKHab Plan [APP-094] shows that as H83 and H96 meet the Order Limits, they are no longer classified as hedgerows, but instead as 'w1h - Other woodland; mixed - 29: Plantation' and 'Individual Tree'.

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## Landscape and visual impact

Mr Sykes, for CDC, confirmed that there were no outstanding concerns from CDC in relation to the Applicant's Landscape and Visual Impact Assessment [REP2-019].

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### Traffic transport and access

The ExA enquired as to the difference between tractor trailers and heavy goods vehicles (**HGVs**) and how these would access and use the Grid Connection Corridor.

Mr Carter, for the Applicant, clarified that HGVs is a general term for larger vehicles, and that tractor trailers are captured within this broader definition but are a specific type of vehicle which are smaller than the 16.5m articulated lorry generally associated with HGVs. The tractor trailer movements (3 in, 3 out, per day) have been assessed as HGV movements, and these are included within the HGV movements (18 in, 18 out, per day) that have been assessed. Mr Carter confirmed that the HGVs used to serve the Grid Connection Corridor will be tractor trailers, not 16.5m articulated lorries.

The ExA then asked how equipment for the purposes of horizontal directional drilling (**HDD**) would be transported along the Grid Connection Corridor.

Mr Carter, for the Applicant, confirmed that the HDD would be undertaken by a single drill, which is a form of vehicle itself. This drill will remain in situ throughout the construction phase, i.e. it will arrive at the start and depart at the end – it will move along the Grid Connection Corridor during the construction programme, but will not travel to and from the Grid Connection Corridor each day. This drill is a smaller vehicle than the tractor trailers, and is within the overarching HGV envelope, so it has been assessed within the HGV numbers in the Environmental Statement.

The ExA noted that there is a swept path drawing in the Framework Construction Traffic Management Plan (**CTMP**) [**APP-206**] that contains articulated lorries within that swept path and asked the Applicant to confirm whether this would be the only instance of articulated lorries passing along the Grid Connection Corridor.

Mr Carter, for the Applicant, stated that a response to this question would be provided in writing.

**Post hearing note:** *The Framework CTMP includes swept path analysis for a 16.5m articulated lorry on the Grid Connection Corridor. This was undertaken at an early stage in the project design to*

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*confirm that these vehicles could be accommodated, should they be required. However, it does not indicate an intention for these vehicles to use the Grid Connection Corridor. The Applicant can confirm that, as stated at the hearing, 16.5m articulated lorries are not proposed to use the Grid Connection Corridor route, which will instead be served by tractor trailers. The assessment in the Environmental Statement is based on HGVs as a worst case scenario.*

The ExA then asked, in relation to Lawn Lane, questions as to the volume of minibuses required to transport workers and whether these would be present on the site during working hours.

Mr Carter, for the Applicant, set out the intention was for minibuses to transport workers to the site from accommodation, then some of those minibuses to transport some workers to their specific work site within the Scheme with the remaining minibuses leaving the site. This would all occur within the 0600-0700 development traffic peak period, with the reverse being the case in the evening traffic peak period. The Environmental Statement has assessed a worst case scenario of all minibuses arriving and leaving the site. If some of the minibuses were to remain on site during the day for inter-Scheme worker transport, this will have a lower traffic impact than has been assessed, meaning that the assessment remains within the Rochdale Envelope.

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### Other topics

The ExA enquired as to the number and location of monitoring boreholes located within the Thorpe Marsh Power Station site that would be impacted by the proposed development.

Katie Bruce, for the Applicant, confirmed that none of monitoring boreholes located within the Thorpe Marsh Power Station site will be impacted by the Scheme. While the original site boundary in the Scoping Report did include the landfill and the boreholes, the cable corridor has now been significantly reduced. The revised boundary does not include any of the boreholes within the landfill site. The location of the boreholes has been provided by the EA, which shows that the closest borehole is approximately 530m west of the Order Limits, hence will not be affected by the cable corridor.

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The ExA requested further clarification as to how targets for PM<sub>10</sub> and NO<sub>2</sub> are comparable and can act as a proxy for PM<sub>2.5</sub> and what mechanism allows this.

Garry Gray, for the Applicant, explained the application has followed Defra's guidance on this matter. In the guidance, which is currently interim, applicants are advised to provide evidence in their planning applications and two headings are provided against which the applicants should do so. The first heading is that the Scheme has considered exposure to PM<sub>2.5</sub> when selecting the development site. In terms of that item, the Applicant has complied by:

- Selecting a location in a rural area with low population density and with a large offset from areas of work to the nearest residential, health care or educational properties.
- Selecting a site with low levels of PM<sub>2.5</sub> and precursors, with agricultural activities being the main baseline source.
- Recognising the inherently very low level of emissions of PM<sub>2.5</sub> and precursors associated with the operation of the Scheme and seeking to minimise construction phase exposure through good practice control measures secured through the Framework Construction Environmental Management Plan **[REP2-029]**.

The second heading is that the Scheme considers actions and/or mitigation measures to minimise cumulative PM<sub>2.5</sub> exposure for development users and nearby residents. In terms of that item, the Applicant has complied by:

- Managing Scheme-related road vehicle movements through the Framework Construction Traffic Management Plan **[APP-206]**.
- Managing emissions from Non Road Mobile Machinery (**NRMM**) and construction works through good practice measures included in the Framework Construction Management Plan **[REP2-029]**

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- Most exposure to PM<sub>2.5</sub> is associated with the background contribution of emissions undergoing long-range transport. By producing electrical power from renewable sources, the Scheme will reduce the regional PM<sub>2.5</sub> and precursor emission footprint from the National Grid.

The ExA asked additional questions to clarify how control measures related to NO<sub>2</sub> also controlled exposure to PM<sub>2.5</sub>. Dr Gray stated that PM<sub>10</sub> and PM<sub>2.5</sub> are not substances – they are size categories. The latter sits within the former – any measure that controls the former emission is therefore controlling the latter emission.

The ExA asked how this aligned with the Defra guidance asking for specific consideration of PM<sub>2.5</sub>. Dr Gray responded that he understood the interim Defra guidance to be moving away from air quality objectives towards target values, and by doing this the basis by which these are assessed and tested has changed. In the long-term, Defra will be assessing whether or not the target values have been achieved at specific monitoring points within the country, with no requirement for local authorities to include these directly as part of what is measured regarding local air quality management. Therefore, requiring developers to note impacts in respect of PM<sub>2.5</sub> specifically is a way of documenting document that move towards reducing PM<sub>2.5</sub>, rather than being necessary to ensure a comprehensive assessment.

***Post hearing note:*** *In setting health based standards for NO<sub>2</sub>, the government's expert panel on air quality standards had concluded that it was not currently possible to separate out the health impacts of NO<sub>2</sub> and PM<sub>2.5</sub> when considering emissions from engine exhausts and had set air quality standards for NO<sub>2</sub> for the full effect on health, while acknowledging the linkage with PM<sub>2.5</sub> exposure. Consequently, all measures that reduce or minimise the magnitude or frequency of emissions from engines (road vehicle or NRMM) will deliver benefits in the form of reduced exposure to both NO<sub>2</sub> and PM<sub>2.5</sub>.*

The ExA then raised questions on the Framework Decommissioning Environmental Management Plan (**DEMP**), with regards to the number of accompanying documents and management plans, their triggers and their status.

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Ms Power, for the Applicant, responded that that the suite of environmental plans are intended to build on the procedures set out in the Framework DEMP and would be finalised by the time the detailed DEMP is completed. It was noted that while there may not be framework versions of all sub-plans, many will be based on the construction versions of those plans. For example, the Decommissioning Traffic Management Plan would be based on the detailed CTMP, updated to reflect the conditions and lessons learned at the time of decommissioning, anticipated to be some 40 years later.

**Post hearing note:** *Section 4 of the Framework DEMP has been updated to include a comprehensive list of all accompanying documents and management plans referenced within the Framework DEMP, which will be required to be produced as part of the detailed DEMP. The updated Framework DEMP has been submitted at Deadline 3.*

The ExA sought clarification regarding the formatting of table 14-25 contained within Chapter 14 [APP-066] relating to waste generation figures. In particular, the ExA asked whether the units listed beneath the green row should be read as the actual units rather than as referring to the row above.

Ms Hill, for the Applicant, noted that this was a formatting issue, and the figures should be interpreted according to the units stated in each specific row and that the information on the left-hand side of the table applies to all rows beneath the green section.

The ExA then enquired as to whether an updated Mitigation and Commitments Register would be provided, as per responses to ExQ1s.

**Post hearing note:** *An updated version of the Mitigation and Commitments Register has been submitted at Deadline 3 to address relevant ExQ1 comments that required amendments to the register.*

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4. **Opportunity for interested parties to comment on other aspects of the ES and raise** Mr Mitchell, for Burnet Heritage Trust, raised concerns about the ecological value of the northeast site area, impacts on ground-nesting birds linked to the Humber Estuary, the adequacy of mitigation measures, and the limitations of BNG as a long-term conservation strategy.

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|    | <b>any matters not covered in agenda items 1-3</b> | <p>Ms Power, for the Applicant, noted that the Statement of Common Ground between the Applicant and Natural England <b>[REP1-035]</b> and Natural England's Deadline 2 Submission <b>[REP2-070]</b> demonstrate that there is complete agreement between the Applicant and Natural England in respect of the impacts of the Scheme, including in the context of the proposed SSSI raised by the Burnet Heritage Trust. Ms Power also noted that it is the norm across solar DCOs that have been made to date that BNG is tied to the operation of each project and is not imposed in perpetuity. The Applicant would only be seeking this commitment in line with other solar DCOs that have been made to date, and does not consider that there is a particular justification in this case to part from that approach.</p> <p>Neal Gates, for the Applicant, responded to explain that detailed responses to Mr Mitchell's comments had been provided at both Deadline 1 and Deadline 2, including in relation to the SSSI. Mr Gates further explained that even though a specific assessment of the proposed SSSI has not been undertaken, where relevant, the breeding bird species proposed to form the cited species have been considered in Chapter 8 of the Environmental Statement <b>[APP-060]</b>.</p> <p>The ExA asked whether if the area in question had SSSI status, the Applicant's assessment outcome would change.</p> <p>Mr Gates responded that this would not be the case – whilst the Applicant has not assessed an SSSI with a physical boundary, the SSSI proposed is for various breeding bird assemblages consisting of different species which make up those habitat types which were put forward. Where the Applicant has recorded these and where it considers that these are within a Zone of Influence at the Scheme, the Applicant has assessed the impacts on those species. The assessment presented would therefore equate to an assessment of an SSSI. Natural England has not raised any concerns with the Applicant's approach on this matter.</p> |
| 5. | <b>Other Matters</b>                               | N/A   |
| 6. | <b>Close</b>                                       | N/A   |