
FENWICK SOLAR FARM

Fenwick Solar Farm
EN010152

Applicant's Responses to Submissions Received at Deadline 3
Document Reference: EN010152/APP/8.36

Planning Act 2008
The Infrastructure Planning (Examination Procedure) Rules 2010

July 2025
Revision Number: 00

2009

BOOM-POWER.CO.UK

BOOM
POWER

Revision History

Revision Number	Date	Details
00	July 2025	Deadline 4

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1. Introduction

1.1 Purpose of this document

- 1.1.1 The purpose of this document is to provide Fenwick Solar Project Limited's (the Applicant) responses to submissions made by Interested Parties at Deadline 3 of the Examination for the Fenwick Solar Scheme (the Scheme).
- 1.1.2 The Development Consent Order (DCO) application (the Application) for Fenwick Solar Farm was submitted on 1 November 2024 and accepted for Examination on 29 November 2024. Deadline 1 of Examination was on 30 April 2025, Deadline 2 of Examination was on 28 May 2025 and Deadline 3 of Examination was on 2 July 2025.
- 1.1.3 A total of 38 submissions were submitted to the Examination at Deadline 3; 32 of these were from the Applicant, with 6 being from Interested Parties. To avoid repetition, the Applicant has focused on comments within those submissions that make points that have not been addressed previously, within the **Applicant's Response to Relevant Representations [REP1-031]**, **Applicant's Responses to Submissions Received at Deadline 1 [REP2-058]**, **Applicant's Response to the ExA's written questions [REP2-059]**, **Applicant's Response to the City of Doncaster Local Impact Report (LIR) [REP2-060]**, **Applicant's Response to Submissions Received at Deadline 2 [REP3-029]**, **Applicant's Summary of Oral Submissions at the Compulsory Acquisition Hearing (CAH1) and Post Hearing Notes [REP3-030]**, **Applicant's Summary of Oral Submissions at the Issue Specific Hearing (ISH2) on the draft DCO and Post Hearing Notes [REP3-031]** and **Applicant's Summary of Oral Submissions at the Issue Specific Hearing (ISH3) on Environmental Matters and Post Hearing Notes [REP3-032]** or where the Applicant considers that further clarification may be useful.
- 1.1.4 A further submission from Addleshaw Goddard on behalf of Network Rail Infrastructure Limited **[AS-009]** was published by the Examining Authority (ExA) on 9 July 2025. The response confirms that Network Rail Infrastructure Limited and the Applicant have agreed the form of protective provisions (included in Part 4 of Schedule 14 of the draft DCO) and therefore a response to this is not considered necessary.

1.2 Structure of this Document

- 1.2.1 This document provides responses from the Applicant to submissions received at Deadline 3, and is structured as follows:
 - a. Table 1-3: Applicant's Responses to Interested Parties' Post Hearing Submissions.
 - b. Table 1-4: Applicant's Responses to the Burnet Heritage Trust's Additional Comments/Queries Regarding ExQ1.
 - c. Table 1-5: Applicant's Responses to Other Submissions Received at Deadline 3.
- 1.2.2 Responses received by Interested Parties are presented as verbatim text (unless indicated otherwise) and are then responded to by setting out the Applicant's latest position on the matter.

- 1.2.3 The reference number column in the tables below refers to the reference given to the submissions made by Interested Parties.
- 1.2.4 The documents submitted with the Application are also referenced in this document, using the reference number [APP/x.y], where the last two/three numbers are the application document number, as set out in the Examination Library. All documents are also presented in numerical order in the **Guide to the Application [EN010152/APP/1.2]**.

Table 1-1: List of Interested Parties that Submitted Responses at Deadline 3

**RR/Examination Interested Party
Reference
Number**

REP3-033	City of Doncaster Council
REP3-034	City of Doncaster Council
REP3-035	The Burnet Heritage Trust
REP3-036	Rachel Anne Reed
REP3-037	Shane Oxer
REP3-038	Yorkshire Wildlife Trust

- 1.2.5 For ease of reference, a table of acronyms used in this document is provided in Table 1-2 of this document.

Table 1-2: Abbreviations

Abbreviation	Definition
ALC	Agricultural Land Classification
ATC	Automatic Traffic Count
BESS	Battery Energy Storage System
BHT	Burnet Heritage Trust
BNG	Biodiversity Net Gain
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
DEMP	Decommissioning Environmental Management Plan
ES	Environmental Statement
ExA	Examining Authority
FRA	Flood Risk Assessment
FRAP	Flood Risk Activities Permits
HGV	Heavy Goods Vehicle

Abbreviation	Definition
ISH	Issue Specific Hearing
LEMP	Landscape and Ecological Management Plan
LIR	Local Impact Report
MAFF	Ministry of Agricultural, Farming and Fisheries
NNR	National Nature Reserve
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSER	No Significant Effects Report
NSIP	Nationally Significant Infrastructure Project
PPA	Planning Performance Agreement
SAC	Special Area of Conservation
SMP	Soil Management Plan
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SPI	Species of Principal Importance
SSCEP	Skills Supply Chain and Employment Plan
SSSI	Site of Special Scientific Interest
SYAS	South Yorkshire Archaeological Service
WCA	Wildlife and Countryside Act

1.3 Applicant’s Responses to Interested Parties’ Post Hearing Submissions

Table 1-3: Applicant’s Responses to Interested Parties’ Post Hearing Submissions

Examination Reference Number	Interested Party	Response	Applicants Response
REP3-033	City of Doncaster Council	<p>ISH2- Item 3 Main Discussion Points</p> <p>Article 2 – Interpretation</p> <p>During the discussion on the definition of “commence”, CDC confirmed they would expect the definition to refer to the Planning Act 2008, rather than the Town and Country Planning Act 1990.</p> <p>Article 6 – Disapplication and modification of statutory provisions</p> <p>CDC had no representations to make under this item.</p> <p>Article 14 – Means of Access</p> <p>CDC confirmed that it had shared a copy of its template s.278 agreement with the Applicant and had suggested that the template form the basis for a framework agreement under article 15 of the draft DCO. During the discussion on whether there was a requirement to “restore” land after they had been subject to temporary works, CDC said they expected the template s.278 agreement would include such a provision.</p> <p>Post-hearing note: there is a requirement in the s.278 agreement to remove all construction plant, materials, rubbish and temporary works from the highway and on completion of the highway works captured under the agreement.</p> <p>Article 21 – Time limit for exercise of authority to acquire land compulsorily</p> <p>Regarding article 21(3)(b), the Council maintains its position, as articulated at ISH1, i.e. it does not consider that the time limit for exercising powers under article 29 (temporary use of land for constructing the authorised development) should be extended by a year if the period beginning on the day the application is made and ending on the day it is withdrawn or determined, is less than a year. Owing to this, the Council considers article 21(3)(b) can be omitted.</p> <p>During the hearing, CDC stated that most DCOs do not include the ability to extend time as article 21(3)(b) does. CDC referred to 3 controversial DCOs (as demonstrated in the number of Relevant Representations attracted) where the Applicant was satisfied with a five-year time limit, despite each Applicant being presumably aware of the risks of delay caused by a challenge under s.118 of the Planning Act 2008. The relevant provisions of 3 DCOs referred to during ISH2 were –</p> <ul style="list-style-type: none">• Article 40(1) of the Sizewell C DCO (2022/853) –1,291 RRs;• Article 21(1) of the Stonehenge DCO (2023/834) – 2,370 RRs.• Article 20(1) of the Mallard Pass Solar Farm DCO (2024/796) – 1,222 RRs. <p>CDC stated that if article 21(3)(b) is to be included, it must be justified in accordance with paragraph 1.2 of Advice note fifteen which states: “A thorough justification should be provided in the Explanatory Memorandum for every article and Requirement, explaining why the inclusion of the power is appropriate in the specific case”.</p> <p>General: City of Doncaster Council will be asked to identify any outstanding matters or areas of concern on the drafting of the dDCO including any suggested alteration to the wording of the requirements.</p>	<p>The Applicant confirms in respect of the articles commented on:</p> <ul style="list-style-type: none">• Article 2: The definition of commence within Article 2 was updated at Deadline 3 [REP3-007] to refer to the Planning Act 2008.• Article 14: The Applicant confirms it is negotiating the terms of the Article 15 highways agreement (based on City of Doncaster Council’s standard s278 agreement) with City of Doncaster Council. The Applicant confirms it has accepted the requirement in the highways agreement for restoration of temporary access / works referred to by City of Doncaster Council. The Applicant hopes to finalise the highways agreement with City of Doncaster Council prior to Deadline 5 and update the ExA at that time.• Article 21: The Applicant maintains its position on the inclusion of Article 21(3)(b) article, for the reasons outlined in previous submissions (including [REP1-041] and [REP3-031]). A further justification for the inclusion of Article 21(3)(b) was added to the Explanatory Memorandum at Deadline 3 [REP3-008].

Examination Reference Number	Interested Party	Response	Applicants Response
		CDC made three points concerning (i) Requirement 10 (archaeology) (ii) paragraph 5 of Schedule 15 (discharge of requirements) and (iii) article 15 (agreements with street authorities).	
REP3-033	City of Doncaster Council	<p>ISH2- Item 3 Main Discussion Points</p> <p>(i) Schedule 2, Requirement 10 (Archaeology)</p> <p>CDC consider the South Yorkshire Archaeological Service (“SYAS”) should be named as a consultee to ensure that body is consulted by CDC before the final Archaeological Mitigation Strategy is approved, notwithstanding the fact CDC could consult SYAS even if they were not named. A reason for naming SYAS in R10 is that the officer responsible for eventually discharging the requirement might be unaware that it is CDC’s practice to consult SYAS on architectural matters and the naming of SYAS in the requirement will ensure this is done. It is therefore a question of good administration.</p> <p>CDC therefore consider R10(1) should be amended as follows – “No part of the authorised development may commence, and no part of the permitted preliminary works for that part may commence, until the final Archaeological Mitigation Strategy and site-specific written scheme of investigation for that part have been submitted to and approved in writing by the relevant planning authority, in consultation with that authority’s archaeological advisers”.</p> <p>CDC said it did not consider such a provision would be unusual in the context of the way that other requirements have been drafted. For example, requirement 13, which concerns the construction traffic management plan requires internal consultation with the relevant highway authority, and similarly, requirement 17, which concerns public rights of way. requires internal consultation with relevant highway authorities. Moreover, requirements 5 (battery safety management), seven (BNG), 11 (CEMP) and 18 (decommissioning) require consultation with the EA. CDC consider, in this context, SYAS are not dissimilar to such external advisers and that their inclusion in R10 would not prejudice the Applicant in any way.</p>	<p>The Applicant understands, further to discussions with City of Doncaster Council following the Issue Specific Hearing, that it was confirmed that City of Doncaster Council no longer pursues the inclusion of the SYAS as a named consultee in Requirement 10. This is reflected in the latest SoCG between City of Doncaster Council and the Applicant which has removed this as a point of contention between the parties.</p>
REP3-033	City of Doncaster Council	<p>ISH2- Item 3 Main Discussion Points</p> <p>ii) Schedule 15 (discharge of requirements)</p> <p>CDC commented on paragraph 5 of Schedule 15, which concerns fees. The first point to make is that while the Council will be required to deal with applications for consent under articles and under requirements, by paragraph 5(1) of Schedule 15, a fee is only payable in respect of requirements. The Council considers that fees should also be paid for dealing with applications under articles. The Council’s approach is consistent with the standard drafting for a provision dealing with procedure for the discharge of approvals, as set out in Appendix 1 to PINS Advice Note 15, which concerns drafting DCOs.</p> <p>The second point to make is that the proposed fee is too low. Paragraph 5(1) applies the fee prescribed in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. This amounts to £145.</p> <p>If we assume an hourly rate of £55 for an officer to deal with this work, it would mean the officer would have to deal with any discharge application within 2 hrs and 36 minutes before dealing with the application was costing the Council money. It is unlikely that any application will be capable of determination within that time period. While the Council cannot make a profit for this work, it is reasonable for it to seek the full recovery of the actual costs incurred.</p>	<p>The Applicant and City of Doncaster Council have progressed discussions to agree a costs agreement for the payment of costs arising from the discharge of requirements and other consents and approvals under the articles of the DCO. It is anticipated that this will be finalised shortly after Deadline 4. In anticipation of this finalised agreement, the Applicant has subsequently updated the Draft DCO at Deadline 4 to refer to costs being paid under that agreement and deleted the reference to the fees prescribed in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. The Applicant understands City of Doncaster Council to support those amendments.</p>

Examination Reference Number	Interested Party	Response	Applicants Response
		<p>This is not only about fairness but also about the way in which the Order is drafted. For example, by paragraph 2 of Schedule 15, the Council will have 8 weeks to make its decision on any application and if no decision is made within that period, consent will be deemed to have been granted. By article 45(4) of the Order, a similar regime applies in respect of consents sought under articles. Dealing with any application for consent under this Order will therefore be a matter of high priority for the Council and it is likely that external help will be sought to ensure matters are dealt with on time Rather that the regime currently proposed in the Order, the Council considers it would be preferable if the Applicant and Council entered into a planning performance agreement (“PPA”) for the full recovery of the Council’s costs in discharging any application under the Order. CDC stated it is hoped agreement can be reached before the end of the Examination; however, if it was not possible to agree a PPA before the end of the Examination, CDC might seek the replacement of paragraph 5 with a Grampian condition which would prevent commencement of the authorised development until a PPA is entered into.</p> <p>Post-hearing note: The Council has provided the Applicant with its proposed form of PPA and discussions on that document are ongoing.</p>	
REP3-033	City of Doncaster Council	<p>ISH2- Item 3 Main Discussion Points</p> <p>(iii) article 15 (agreements with street authorities)</p> <p>The third point was similar to the second. CDC explained their legal team have shared their template section 278 agreement with the applicant’s solicitors who are reviewing it and, while it is hoped that a framework agreement can be agreed before the end of the examination, CDC might seek the inclusion of the Grampian preventing commencement of works under Part 3 (streets) until such an agreement has been entered into. (CDC cited article 23(3) (Agreements with street authorities) of the Sizewell C DCO (SI 2022/853) as precedent).</p>	<p>The Applicant and City of Doncaster Council have continued to progress discussions on the Article 15 highways agreement. The Applicant hopes to finalise this agreement with City of Doncaster Council prior to Deadline 5 and update the ExA at that time. As such, the Applicant does not consider that a grampion style amendment will be necessary.</p>
REP3-034	City of Doncaster Council	<p>ISH3- Item 3 Main Discussion Points</p> <p>CDC made representations on the following points –</p> <p><u>BESS:</u></p> <p>Clarification was sought on how any plume assessment would be submitted for approval at the detailed design stage and understands that this would be through the Requirement 5 (battery safety management)</p> <p><u>Ecology – Hedgerows:</u></p> <p>CDC noted that it welcomes the retention of any hedgerows that previously were shown for removal where possible to do so at this stage.</p> <p><u>Landscape and visual impact:</u></p> <p>Confirmed that there were no outstanding concerns in relation to the applicant’s assessment of, or conclusions on, landscape and visual impact. This follows additional subject matter discussions between the respective landscape advisors to acquire additional information, which has since been provided. For completeness, these along with other matters have been confirmed in the Council’s response to the Examining Authority’s Questions (ExQ1) and in the latest Statement of Common Ground at Section 12.</p>	<p>The Applicant acknowledges the comments made by the City of Doncaster Council during Issue Specific Hearing 3 (ISH3) and responds as follows:</p> <p><u>BESS</u></p> <p>The Applicant notes City of Doncaster Council ‘s request for clarification on how any plume assessment relating to the BESS would be submitted at the detailed design stage. As set out in the Draft DCO, the Applicant confirms that such detail would be secured through Requirement 5, which requires the submission and approval of a final BSMP prior to the commencement of BESS installation. This BSMP would include any necessary assessments, such as plume modelling, to ensure safety and compliance with best practice and relevant guidance.</p> <p><u>Ecology – Hedgerows</u></p> <p>The Applicant welcomes City of Doncaster Council’s comments regarding the updated Figure 8-5-2 Hedgerow Removal, which is contained within ES Volume III, Appendix 8-5: Hedgerow Report [REP3-010].</p> <p><u>Landscape and Visual Impact</u></p> <p>The Applicant notes and appreciates City of Doncaster Council’s confirmation that there are no outstanding concerns in relation to landscape and visual impact. This reflects the constructive engagement between the parties and</p>

Examination Reference Number	Interested Party	Response	Applicants Response
			the additional clarification and information that has been shared between landscape advisors. For completeness, the Applicant agrees that these matters are appropriately recorded in the City of Doncaster Council's Responses to the ExA's First Written Questions [REP2-068] and within Section 12 of the updated SoCG between the parties.
REP3-038	Yorkshire Wildlife Trust	<p>The following summarises Yorkshire Wildlife Trust's (YWT's) response to the Issue Specific Hearing 3 (ISH3) conducted at Doncaster Racecourse on 18th June 2025. YWT did not opt to speak at the ISH3 but were in attendance via the live stream and have the following comments that we hope will be considered. In the next issue of the Landscape Ecological Management Plan (LEMP), YWT would expect to see evidence that the Burnet Heritage Trust's (BHT) SSSI candidate site, at Topham Ferry Flashes, has been appropriately surveyed and the ecological value of the site, factored into the mitigation and compensatory management plan for the Fenwick Solar Farm Scheme. We commented on the following during the SoCG Process with the Applicant, "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." We must also note that BHT, applied to Natural England (NE) for SSSI designation in April 2025, which the Applicant has been made aware of. Despite NE not progressing the SSSI designation currently, as they recently confirmed in discussion with YWT, they have advised the Applicant to appropriately consider the ecological value of this site in the mitigation plan and compensation design for this scheme.</p> <p>The Applicant has stated that the information regarding this candidate site has not been publicly available to review, hence the lack of inclusion in the documentation supporting this application. Although we acknowledge that this may have been the case earlier on in the design process; NE and YWT have been aware of the SSSI designation since April 2025, and the evidence put forward by BHT has been available to review. As a result of this, we would expect to see evidence of Topham Ferry Flashes and surrounding area being considered for its ecological value in the updated LEMP. We advise the Applicant to review the SSSI application prepared by BHT and submitted to NE earlier this year, to inform the results of this study.</p> <p>For each renewable source of energy, we acknowledge that there may be environmental impacts as well as benefits, depending on where a development is sited. Large-scale solar developments are a potential concern in sensitive locations, as they could cause reduce the suitability of habitats for key species. Operational impacts may also present issues, for example, cabling and other infrastructure could affect soils and species through pesticide use or shading. The Government's Solar PV Strategy notes "When well-managed, solar farms could be beneficial for wildlife. However, in certain locations they could be damaging for biodiversity and ecosystems (Part 2, paragraph 65)". We note that the Applicant's commitment to BNG delivery for the scheme was discussed during the ISH3, and we must question the Applicant's rationale. The Framework LEMP supporting the DCO application predicts potential BNG uplift of +30%, yet the application only commits to delivering 10% BNG on site overall.</p> <p>The examiner commented that the Applicant should reframe this in their updated LEMP and should ideally commit to a delivering a higher percentage uplift on site. They also questioned why there was such a disparity in BNG uplift percentages presented across the</p>	<p>The Applicant has considered the information put forward by the Burnet Heritage Trust at Deadline 1, Deadline 2 and Deadline 3 and (as set out in the Applicant's previous submissions) maintains that appropriate consideration has been given to the relevant bird assemblages (and species), where the Scheme may have the potential to impact those species. The Applicant does not consider any further mitigation or compensation necessary, as adequate provisions to ensure no significant effects (e.g. in relation to Schedule 1 breeding bird species) are already contained within documents, such as the Framework CEMP [REP3-013].</p> <p>As set out in previous submissions, 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 DCO.</p> <p>The Applicant updated the Draft DCO at Deadline 3 to reflect the higher percentages predicted in the Framework LEMP [REP3-017] and BNG Assessment, as requested by the ExA.</p> <p>Given that the nature of the consent being sought allows for flexibility in design, the Applicant maintains that securing fixed percentages is not necessarily practicable, as there will likely be some minor changes in scheme design at the detailed design stage (but still within the maximum parameters set out in the Draft DCO and assessed in the ES), as well as minor changes in baseline habitats that will occur in the intervening period.</p> <p>Irrespective of this, the Scheme is committed (via Schedule 2, Requirement 7 of the Draft DCO) to securing gains based on the prescriptions set out in Framework LEMP [REP3-017] with the final BNG strategy to be delivered substantially in accordance with this document.</p> <p>The Applicant would highlight that the requirement for pre-decommissioning surveys is set out in Table 3 of the Framework DEMP and would inform whether any specific mitigation measures are required.</p> <p>With regards to ornithological survey and data, the Applicant would direct the YWT to the response in Table 1.4, Question 1.6 below.</p>

Examination Reference Number	Interested Party	Response	Applicants Response
		<p>documentation. This was also mentioned by Burnett Heritage Trust’s representative at the Issue Specific Hearing, who supported the examiner’s viewpoint. We are aligned with this at YWT and would like to see the applicant review their commitment to only delivering 10% BNG. Furthermore our following point for concern is also linked to the principles of BNG that we feel need strengthening in this application.</p> <p>In YWT’s Statement of Common Ground (SoCG) with the applicant, the status of the third point of discussion, Management Of Habitat and Ecological Enhancements Post Decommissioning, remained as not agreed. YWT 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 we believe should be permanent. YWT note the Applicant’s 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.</p> <p>The Scheme will not be responsible for the management of habitats within the Order limits following decommissioning and cessation of the DCO.’ The expectation within the Biodiversity Net Gain Good Practice Principles is that compensation sites will be secured for at least the lifetime of the development ‘with the objective of Net Gain management continuing in the future’. To align with this principle, it is essential that benefits delivered by Biodiversity Net Gain are secured for the longest possible timeframe. Consequently, we do not consider the proposal to allow the area of habitat creation to be potentially returned to a different use to be appropriate. Instead, the area of the habitat creation should be secured for nature in perpetuity through legal agreements.</p> <p>In addition, it is essential that decommissioning surveys are conditioned to and avoided/mitigated/compensated in line with the mitigation hierarchy. We appreciate the Applicant has committed to the producing a DEMP; within our final SoCG document, the Applicant stated the following, “the Applicant is committed to implementing comprehensive mitigation measures to address any potential ecological impacts during decommissioning” Despite this welcome assurance, the Applicant reiterated during the ISH3, they do not consider it to proportionate, that the scheme should have an obligation to secure the habitat creation/enhancements in perpetuity and notes that the proposed approach is consistent with other recently granted solar DCOs. We continue to express concern regarding the above point and believe it should be further investigated throughout this examination period. BHT’s representative at the ISH3 aligned with YWT during the hearing, expressing their concerns regarding the perpetuity of on-site enhancements being guaranteed through legal agreements.</p> <p>Our final points for discussion from the Issue Specific Hearing concerns matters raised by BHT regarding ornithological data reported by them, not being referenced in the Applicant’s DCO application. We note in the NSER [REP1-025] that NE agrees with the Applicant regarding mitigation measures and compensatory areas proposed for ground nesting birds. Despite this, we would expect to see the data collected by BHT reflected in the survey documentation submitted by the Applicant; most notably, the presence of nesting Eurasian curlew on the site, reported by BHT. Eurasian curlew are a red list species, meaning they are of high conservation significance. NE confirmed that they have not investigated any ornithological data, despite agreeing with the Applicant regarding this point in their own</p>	

Examination Reference Number	Interested Party	Response	Applicants Response
		SoCG with them. We are aligned with BHT in their request that this is reviewed further and the baseline habitat data informing this scheme reflects this.	

1.4 Applicant’s Responses to the Burnet Heritage Trust’s Additional Comments/Queries Regarding ExQ1 [REP3-035]

Table 1-4: Applicant’s Responses to the Burnet Heritage Trust’s Additional Comments/Queries Regarding ExQ1

Question Number	Question	Applicant Response	Burnet Comment	Applicants Further Response
1.6.	The Burnet Heritage Trust have commented [RR- 011] there are a number of species that have not been surveyed or included within ES Appendices 8-7 [APP-152 and APP-153] and 8-8 [APP-154] as follows:	<p>The Survey Area for breeding bird surveys is defined in Section 3 of ES Volume III Appendix 8-7 Breeding Bird Report [APP- 152] and for non-breeding birds in Section 3 of ES Volume III Appendix 8-8: Non-Breeding Bird Report [APP-154] and summarised in Table 8-1 of ES Volume I Chapter 8: Ecology [APP-060]. This is summarised for breeding birds as follows: ‘For the general breeding bird assemblage, the Survey Area is defined as the land within the Order limits and to a maximum of 50 m from the Order limits. For species of greater conservation value and/or higher sensitivity, e.g. those listed on Schedule 1 of the WCA and sensitive to potential noise or visual disturbance, where any such species were recorded, the survey area was extended up to 200 m from the Order limits’ For non-breeding (wintering and passage) birds as follows: ‘The land within the Order limits and to a maximum of 500 m from the Order limits.’ All bird species, including Marsh Harrier, Grasshopper Warbler, Marsh Warbler and Garganey were included within the scope of the surveys and, where present, recorded. In addition, the extensive data bases, such as those highlighted by the Burnet Heritage Trust (BHT) were reviewed to provide additional information from both within the Survey Areas and outwith.</p> <p>The Applicant has provided a detailed response to the BHT Relevant Representation at Deadline 1 [REP1-031]. A response to each of the specific species is provided below.</p>	<p>The Burnet Trust is somewhat confused by the responses presented here since they seem to be in contradiction to statements made during ISH3. During the hearing it was stated by the applicant that breeding bird surveys presented by the applicant "would equate to an assessment of the [candidate] SSSI" (see transcript of ISH3 01:30:27:23 -01:30:59:14). However, here the applicant states the breeding bird survey was conducted "to a maximum of 50m from the Order limits". In fact, by their own admission, the applicant's surveys did not detect Grasshopper Warbler, Marsh Warbler or Garganey during Breeding Bird Surveys; even when some of these were in audible distance from the DCO. Therefore, it seems unlikely to the BHT that the full breeding bird community of the candidate SSSI (which extends over 1.4km eastwards from the Northeastern boundary of the DCO) would have been fully appraised, especially since this area includes private land where the Burnet Trust itself has not been able to conduct surveys.</p> <p>The applicant has apparently referred to the databases provided by the Burnet Trust. However, the desk-based elements of the Breeding Bird Report [APP-152] and Non- Breeding Bird Report [APP-154] omit the occurrence of numerous species entirely (e.g., Curlew Sandpiper, Egyptian Goose, Rock Pipit). Whilst these species are transient and not significant to the development, their omission from an apparently exhaustive list (where other equally transient species are included) belies a failure to properly incorporate the public databases to which the applicant claims have been fully apprised. Other errors include this listing of Cuckoo as a non-breeding bird.</p>	<p>The Applicant has set out its approach to considering impacts on the Burnet Heritage Trust’s proposed SSSI at Deadline 1, Deadline 2 and Deadline 3. It should be noted that when assessing impacts of a development on particular ecological features, these have to be within a ‘zone of influence’ of a project’s potential impacts (e.g. there has to be an impact pathway to the receptor). In the case of the Burnet Heritage Trust’s proposed SSSI, the Burnet Heritage Trust acknowledge that some areas of the proposed SSSI extend over 1.4 km from the Order limits, which means there are areas of the proposed SSSI that are well beyond any zone of influence for the impact pathways identified and considered in ES Volume I, Chapter 8: Ecology. As such, it would be disproportionate to undertake surveys of areas which a Scheme would not impact. The bird surveys set out Section 3 of ES Volume III, Appendix 8-7 Breeding Bird Report [APP-152] and Section 3 of ES Volume III, Appendix 8-8: Non-Breeding Bird Report [APP-154] and, summarised in Table 8-1 of ES Volume I, Chapter 8: Ecology, have sought to identify ecological features within the relevant zone of influence, including where these could occur within a section of a designated site, not in areas beyond this.</p> <p>As discussed at Deadline 2 [REP2-058, REP2-059], when considering data obtained through desk-studies, these data are considered both in the context of whether the species is of a conservation concern/value and the likelihood of the species being impacted by the project. This means that not all species and records are relevant to the assessment and have therefore been taken forward as IEF.</p> <p>As described in Paragraph 8.5.4 of ES Volume I, Chapter 8: Ecology “<i>It is not necessary in the assessment to address all habitats and species with potential to occur in the relevant Study Areas and instead the focus is on those that are ‘relevant’ i.e. ecological features that are considered to be important and potentially affected by the Scheme.</i>”</p>
1.6.8	Table 4 of ES Appendix 8-7 states that Marsh Harrier is	Marsh Harrier – Given the species is listed on Schedule 1 of the WCA (and therefore protected from disturbance whilst breeding) the Survey Area for the	The Burnet Trust is surprised that the applicant believes the scheme, as currently conceived, will benefit Marsh Harrier, given that the anticipated	The Applicant disagrees with this statement. There will be over 100 ha of neutral grassland which will not be

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	not within the order limits. As Marsh Harrier is identified within Annex 1 Birds of Conservation Concern (BoCC) Amber list, please confirm survey distance for this species given the methodology set out within Section 3 of ES Appendix 8-7 and given the ecological protection afforded this species	species was up to 200m from the Order limits. The Applicant recorded foraging Marsh Harrier during non-breeding bird surveys, as presented in ES Volume III, Appendix 8-8: Non-Breeding Bird Report [APP-154]; however, the species was not recorded during breeding season surveys. The species has, therefore been assessed as part of the non-breeding bird assemblage. The creation of extensive areas of neutral grassland across the Order limits, as well as the enhancement of the riparian corridor along the River Went, will likely benefit foraging Marsh Harrier (i.e. greater abundance of prey) and not prohibit potential future breeding in the wider area.	'neutral grassland' will actually be over-sailed by solar panels and therefore unsuitable for this species' foraging. Other similar Solar DCOs have explicitly noted that panelled areas are not suitable foraging habitat for the species and provided additional areas of ecological mitigation to alleviate such impacts (e.g. Cleve Hill Solar Farm 6.4.5.2 Environmental Statement – Landscape Biodiversity Management Plan [APP-203].)	over-sailed by Solar PV Panels and which will be suitable foraging areas or this species. It should be noted that for the Cleve Hill Solar Farm, Marsh Harrier were recorded nesting in ditches bordering fields containing solar PV arrays. As such, mitigation needed to be provided for these nesting individuals and foraging and chick provisioning requirements. The Scheme does not support nesting Marsh Harrier which are reliant on the Order limits for foraging and therefore no specific mitigation is required for the species.
1.6.8	Grasshopper Warbler have not been surveyed. Given this species is a Species of Principal Importance (SPI) and is listed on the BoCC Red list, please confirm the extent of the surveying distance for this species given The methodology set out within Section 3 of ES Appendix 8-7.	Grasshopper Warbler – the Survey Area for the species included a minimum of 50m from the Order limits, and where accessible and individuals were audible, up to 200m beyond that. The species was not recorded during breeding bird surveys undertaken by the Applicant; however, as presented in Table 4 of ES Volume III Appendix 8-7 Breeding Bird Report [APP-152] is acknowledged as being present in the wider area.	Grasshopper Warbler held territory (probable breeding) <60m from planned panelled areas (and 10m from the DCO boundary). At this distance, it could be expected that construction noise of ~70Db is possible (based on expected attenuation of 105Db potential construction noise); a distance which has previously been demonstrated to impact nesting success in songbirds (Williams et al., 2021). Grasshopper Warbler is likely to be especially susceptible to the impacts of construction since their mechanical- sounding song occupies a single frequency which would easily be overcome by background noise. As of 2025 there is also a pair of Cetti's Warbler (also a schedule one breeding species), nesting at the same location.	The Applicant provided a detailed response on Grasshopper Warbler at Deadline 1 [REP1-031] .
1.6.8	Marsh Warbler have not been surveyed. Please confirm if this species was surveyed and if not, why not.	Marsh Warbler – the species is listed on Schedule 1 of the WCA and as such protected from disturbance whilst breeding. The Survey Area for the species included a minimum of 50m from the Order limits, and where accessible and individuals were audible, up to 200m beyond that. The species was not recorded during breeding bird surveys undertaken by the Applicant. However, it is noted that the species has been present at Topham in 2023 and 2024. The Applicant has provided a detailed response in [REP1-031], but in summary, due to a combination of distance, construction activities and equipment and duration of activities, no significant disturbance will occur to sensitive species, such as Marsh Warbler, outside the Order limits.	The Burnet is pleased this species has now been included. However, the presence of a breeding species with fewer than 10 breeding pairs nationally should highlight the important and potentially fragile bird community immediately adjacent to the site	The Applicant provided a detailed response on Marsh Warbler at Deadline 1 [REP1-031] .

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1.6.8	Garganey have not been surveyed. Please confirm if this was surveyed and if not, why not	<p>Garganey – the species is listed on Schedule 1 of the WCA and as such protected from disturbance whilst breeding. The Survey Area for the species included a minimum of 50m from the Order limits, and where accessible, up to 200m beyond that.</p> <p>There is no breeding habitat for Garganey within the Order limits, with breeding likely to be associated with wetlands north of Topham. The species was not recorded during surveys undertaken by the Applicant. It should be noted that prior to commencement of any works, surveys of both breeding and non- breeding birds will be undertaken to establish whether the distribution of birds has changed, and any specific mitigation measures are required, such as to avoid disturbance by species listed on Schedule 1 of the WCA. This is secured through the Framework CEMP [REP1-019] and via Requirement 11 of Schedule 2 to the Draft DCO [REP1-005].</p>	<p>The applicant has suggested no possible breeding habitat exists within the order limits for Garganey, when in fact the seasonal flood land at (53°38'57.99"N, 1° 4'30.85" W) provides a small area of suitable breeding habitat in years when water is present into the spring, where the species has been seen.</p>	<p>The Applicant notes this comment, but re-iterates that:</p> <ul style="list-style-type: none">• The species was not recorded during surveys undertaken in the area referenced; and• The area noted will be retained, and if Garganey are found to be breeding during pre-commencement surveys, appropriate measures will be put in place to avoid disturbance of a Schedule 1 species as set out in the Framework CEMP [REP3-013].
1.6.8	<p>The Burnet Heritage Trust relevant representation [RR-011] raises concerns that inclusion of fields SE6 and SE7 would result in a disproportionately negative effect on biodiversity including the isolation of broadleaf woodland from adjoining woodland areas. Please explain the rationale for inclusion of fields SE6 and SE7 and in particular:</p> <p>a) how it represents good design?</p> <p>b) the ecological impacts that result from the inclusion of these fields.</p> <p>Please also explain how the removal of these fields would</p>	<p>The Applicant provides a response to both points below. a) and b) The placement of solar PV in fields SE6 and SE7 will not cause any isolation of existing habitats in adjoining areas or in connectivity for wildlife moving between areas and across the wider landscape. Both fields are currently pasture grassland, with the Habitat classification type being ‘Other neutral grassland’. This grassland type will be retained and continue to be present throughout operation.</p> <p>As set out in ES Volume I Chapter 8: Ecology [APP-060] and the Framework LEMP [REP1- 029] the design parameters include development set-backs of at least 15m from all woodland. As such, undeveloped buffers around woodlands and other boundary features which will be subject to habitat creations and enhancements, such as species-rich grassland creation and hedgerow improvements, will mean there will be no isolation of habitats outside the Order limits. These embedded design parameters will strengthen habitat connectivity and further facilitate wildlife movement. No significant adverse effects on biodiversity have been identified in ES Volume I Chapter 8: Ecology [APP-060] and the removal of fields SE6 and SE7 would not alter these conclusions.</p> <p>Whilst in plan view the fields may appear as removed from the core extent of the Order Limits, they are well contained by existing vegetation along the disused</p>	<p>The construction phase for SE6 and SE7 will impede the movement of amphibians between the network of ponds in the area and without very significant mitigation will likely result in substantial mortality. Even after construction, the erection of large stock-proof fences around the perimeter of the site will impede the movement of deer and other large mammals between previously contiguous areas of woodland habitat.</p> <p>Additionally, the peninsular shape of the two parcels will disproportionately extend noise and disturbance towards 11 properties on West Lane and Bate Lane. The applicant is aware that since non-statutory consultation, the overall footprint of the DCO has increased by over 180ha with no increase in the anticipated total output of the scheme. With appropriate types and densities of panels, the scheme could maintain the planned output whilst preserving larger, contiguous areas as ecological mitigation. This means that the effective change in generating capacity resulting from the removal of SE6 and SE7 would be zero. Such an approach would mean the scheme had a slightly more ‘land-sparing’ (as opposed to land-sharing) approach to ecological mitigation, which has been demonstrated in multiple contexts to produce overall better ecological outcomes (e.g. Finch et al., 2019). N.B.</p>	<p>Fencing and construction activities will be limited to the infield areas of Fields SE6 and SE7 only. The existing boundary vegetation will be retained and undeveloped buffers created around the Solar PV Panel areas. This will mean there will be limited impediment of movement for amphibians and other animals. The Applicant has also provided a signed Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate [REP1-040] to mitigate for any potential impacts on Great Crested Newts. Irrespective of this, measures set out in Table 3-3 of the Framework CEMP [REP3-013] referring to procedures to be followed for any vegetation clearance in respect of reptiles and nesting birds will also minimise the risk of mortality to amphibian species.</p> <p>An assessment of noise impacts from the Scheme on residential receptors is presented in ES Volume I, Chapter 11: Noise and Vibration. With proposed mitigation measures in place, noise from the Scheme is not considered to be significant and is likely to be less than ambient noise levels during the operation and maintenance phase. As detailed in the latest SoCG between the Applicant and City of Doncaster Council, the parties have reached agreement regarding all noise and vibration matters and no further concerns have been raised.</p> <p>As discussed at length in the Planning Statement [APP-246] and Statement of Need [APP-192], EN-1</p>

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	impact on the significant effects identified in the ES Chapter 8: Ecology [APP-060] (including residual significant effects) and how their removal would affect the likely generation capacity of the project	<p>railway line and woodland to the north of Bungalow Farm. This makes this part of the Scheme visually imperceptible with the exception of glimpsed views through a field entrance for people driving along the 60mph West Lane. Therefore, it was established that no additional mitigation was required during the design process and that their use for solar PV was appropriate from a landscape and visual perspective.</p> <p>By removing PV from fields SE6 and SE7, there would be a reduction in generating capacity by 5.65 MWp. This would be equivalent to a small commercial solar farm or 1,400 typical UK 4KWp residential rooftop solar systems.</p>	<p>Dr SL Mitchell of BHT has published internationally recognised research on this topic, so the trust is happy to elaborate if ExA wishes.</p>	<p>and EN-3 identify large-scale solar energy generation, such as the Scheme, as being required to meet the urgent need for large scale capacity low-carbon energy generation in the UK. The site layout design described in ES Volume I, Chapter 2: The Scheme [APP-054] and illustrated on ES Volume II, Figure 2-3 Indicative Site Layout Plan [APP-074] provides an efficient arrangement to maximise electricity generation whilst avoiding and minimising environmental effects. It is considered that the removal of Fields SE6 and SE7 from the Order limits would impact the generating capacity of the Scheme and would provide limited ecological benefit as these areas would remain under their current agricultural uses.</p>

1.5 Applicant’s Responses to Other Submissions Received at Deadline 3

Table 1-5: Applicant’s Responses to Other Submissions Received at Deadline 3

Examination Reference	Name	Comment	Applicant’s Response
REP3-035	Burnet Heritage Trust	<p>Candidate SSSI</p> <p>The Burnet Heritage Trust has worked with Natural England (NE) representatives in the past and respects the expertise within their ranks. We also fully understand the pressure NE officers are under in terms of resources, officer time, and the disruption of frequent restructuring within the organisation. However, we must express disappointment at the thoroughness of their responses and the generic nature of their comments.</p> <p>NE’s standardised letter to the inspectorate [REP2-071] stated that “Natural England will only attend hearings by exception, targeting those ISH that have the greatest likelihood of resolving significant environmental risks.”. A subsequent statement also makes clear that they will not attend a site hearing as they are not permitted to comment.</p> <p>As the government body responsible for being “...the government’s adviser for the natural environment in England,” and “...helping to protect and restore our natural world” We are disappointed the organisation cannot find the time to speak in person with the examiners, to visit the sites they are commenting on, or send more than a standardised letter in response to a Nationally Significant Infrastructure Project.</p> <p>It is our understanding that NE has advised PINS that due consideration should be given to the ecological value of the area, in assessing the application, but has only advised the developer based on information received from them (the developer). NE feels the habitats are valuable enough to remind PINS of the need for careful consideration but has not given the same advice to the applicant, despite BHT ecologists raising concerns about the thoroughness and quality of their ecological surveys, and providing data not submitted by the applicant.</p> <p>NE does not appear to have the capacity to examine the candidate SSSI submission. The Trust is disappointed by this and believes its relevance to a Nationally Significant Infrastructure Project and the potential impact on the habitats and bird species of the Humber Estuary SPA and Humberhead Levels SAC, falls within their statutory responsibilities. Trustees understand that NE officer time is limited, and extensive survey work is likely to be unfeasible; however, reading a 6-page document, speaking with its ecologist authors, and perhaps a short site visit would at least enable officers to offer some insight to the inspectorate.</p>	<p>The Applicant has no comment on the Burnet Heritage Trust’s opinion on Natural England but would highlight that the Applicant has engaged thoroughly with Natural England since May 2023 to ensure that the Scheme brought forward and presented during this Examination is the culmination of those extensive discussions. As such, the nature of responses from statutory consultees are a reflection of the work that has been put in by both parties to resolve any outstanding issues and concerns prior to submission. This ongoing collaboration is set out in the agreed and signed SoCG between the Applicant and Natural England [REP1-035].</p>
REP3-035	Burnet Heritage Trust	<p>Functionally Linked Land</p> <p>It is also the Trust’s understanding that NE officers do not consider the candidate SSSI or the development area as functionally linked land due to their distance of 16km from the Humber Estuary. This contradicts the definition of Functionally Linked Land used in their study ‘Identification of Functionally Linked Land supporting Special Protection Areas (SPAs) waterbirds in the Northwest of England’ [Ref.NECR361], which states “...areas of land occurring within 20 km of an SPA, that are regularly used by significant numbers of qualifying bird species.</p> <p>This definition has been developed and agreed with Natural England. A buffer of 20 km has been used based on the distance Pink-footed Geese tend to travel from their roost sites within an SPA site.”. It is worth noting the Pink-footed goose records submitted in previous relevant representations [REP1-054] and that Geese in the area are observed</p>	<p>Whilst this comment is directed to Natural England, the Applicant would make the following point.</p> <p>The Applicant does not make an assessment of whether the Burnet Heritage Trust’s proposed SSSI is functionally linked to any European/Habitats Sites, as this is outside the remit of what is being sought within the DCO.</p> <p>The Applicant considered the data provided by the Burnet Heritage Trust in their response at Deadline 2 [REP2-058], including the observations made of Pink-footed Goose. The Applicant considers the observations presented by the Burnet Heritage Trust to support the conclusions presented in the NSER [REP2-037] and the findings of the Applicant’s surveys, these being that Pink-footed Goose occur widely across the agricultural landscape surrounding the Humber Estuary, utilising suitable habitat as it becomes available in any given</p>

Examination Name Reference	Comment	Applicant's Response
	<p>flying towards roost sites on Read's Island (Humber SPA) and Hatfield Moors (NNR / SAC) in the evening. Similarly, for Western Marsh Harrier, radio telemetry studies demonstrate that both nesting and roosting birds will utilise habitat up to 15km away (Cardador and Mañosa, 2011), and a least 3 pairs nest on Thorne Moors SAC. These birds travel more widely in winter and are regularly recorded transiting East-West along the River Went corridor at Southfield Reservoir, and there are records of multiple birds within the DCO and over 50 observations at immediately adjacent areas at Topham. The spatial distribution of both local-scale observations (Fig. 1a) and region observation rates (Fig. 1b) demonstrates a very clear spatial link between birds occurring within the order limits of the DCO and those breeding and roosting on Thorne Moor SPA and more widely along the Humber Estuary.</p> <p>[See response for Figures]</p> <p>We believe NE feels that the number of qualifying bird species in the area in question is too low and/or the area of land is too small to indicate functional links to the Humber Estuary. However, the Trust would refer to Natural England's Relevant Representation [RR-006], which states (concerning the applicant's data) "It is claimed in section 5.3.7 that sites that are smaller than 2ha are unlikely to support a large enough population of birds to constitute 1% of as SPA/Ramsar population. Natural England does not dispute this claim in this case; however, it should be noted that the total area of smaller sites that support SPA birds could in combination, support in excess of the 1% 'rule of thumb'."</p> <p>The BHT candidate SSSI lies only a few kilometres from many designated sites (see below), and many other undesignated but sympathetically managed sites.</p> <ul style="list-style-type: none">• 14km from the Humber Estuary at Goole SAC, RAMSAR• 8km from Thorne Moors SAC (which is 3.6km from the Humber Estuary at Goole)• 12.1km from Hatfield Moors SAC (which is 12.1km from the Humber Estuary at Keadby)• 12.8km from The River Derwent SAC (which is 5.5km from the Humber Estuary at Airmyn) <p>The Trust feels that the site's proximity to other areas of valuable habitat, creating an area of functionally linked land parcels, and the ecological records submitted, along with the concerns raised over the quality of the applicant's data, make a strong case for NE to assess the data provided by the trustees. Their existing stance of 'assessing the data received from the applicant and not investigating further', despite having access to data submitted by consultees, falls short of their duty as the statutory consultee advising on biodiversity impacts</p>	<p>year, including (on occasion) the fields within the Order limits and immediate surrounds. However, as noted by the Burnet Heritage Trust, there are significant seasonal movements and occurrence of birds across the wider area beyond the Order limits. Whilst these populations (and individuals) are undoubtedly those that occur on the Humber Estuary (as well as at other locations around the Humber and indeed other areas of the UK), the Order limits themselves are not functionally important in sustaining the population of Pink-footed Goose associated with the Humber Estuary (i.e. they do not regularly and consistently support Pink-footed Goose).</p> <p>In simple terms, the arable fields within the Order limits are not critical to maintaining the integrity of the population of Pink-footed Goose nor would it adversely affect the conservation status of the species if these fields were no longer available (e.g. in the scenario that without the Order limits there would be a significant reduction in the Pink-footed Goose foraging resource which may have a significant effect on the sustainability of the population).</p> <p>As such, the conclusion that the fields within the Order limits are not of crucial importance to maintaining the population of wintering Pink-footed Goose associated with the Humber Estuary SPA (i.e. they are not supporting regular usage by important numbers of individuals and that the Order limits are not functionally linked) remains correct.</p>
REP3-035	<div>Burnet Heritage Trust</div> <div>BNG Commitments</div> <p>The Trust would reaffirm the concerns raised in the ISH3, and echoed by YWT, about the longevity of the habitat creation and enhancement proposed as part of this development. We believe this should be permanent. The applicant has previously stated that any habitat creation and enhancement will remain for the lifespan of the Scheme and that upon decommissioning, all physical infrastructure will be removed, with the land, including created habitats, returned to landowners. Also that the scheme will not be responsible for</p>	<p>As set out in previous responses, 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.</p>

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	<p>the management of habitats within the Order limits following decommissioning and cessation of the DCO.</p> <p>This response doesn't support the expectation within the Biodiversity Net Gain Good Practice Principles, that areas of mitigation or compensation will be secured for at least the lifetime of the development, 'with the objective of Net Gain management continuing in the future'.</p> <p>To align with this good practice principle, benefits delivered by Biodiversity Net Gain should be secured for the longest possible timeframe, and whenever possible, in perpetuity. The Trust does not feel that allowing the areas of habitat creation to be returned to different uses is good practice, appropriate, or beneficial to the ecology of the area.</p> <p>Also, concerning BNG, we refer to the discussion regarding the applicant's commitment to BNG within the ISH3, as we continue to question their foundation. The applicant's Framework LEMP [REP1-029] predicts a potential BNG uplift of +30%, yet the application only commits to delivering 10% BNG overall. During the discussion, the examiner commented that the LEMP should be updated to ideally commit a higher percentage. Both the examiner and the Trust (and subsequently YWT) have queried the inconsistency in BNG uplift percentages presented across the applicant's documentation. The Trust would like to see the applicant review the basis for their BNG conclusions and commit to delivering a percentage closer to the 30% predicted within their LEMP, as the proposed delivery of 10% is considered inadequate.</p> <p>The Burnet Trust is alarmed by this apparent need for flexibility without justification. We have evidence that a significant amount (~150ha+) of land within the DCO, which had been neutral grassland for the previous ~20 years was ploughed by landowners immediately after signing contracts with BOOM [see REP1-055]. Natural England have since investigated and confirmed that this was done by landowners in contravention of the Environmental Impact Assessment (Agriculture) (England) (no.1) Regulations 2006 assessments required for a change of land use but has chosen not to enforce any penalties on landowners for this violation. The applicant assured BHT multiple times that the baseline for BNG assessment would reflect the original state of the land. However, in ISH3, the representative for the applicant then stated the following (see transcript of ISH3 00:20:05:11 - 00:20:40:21):</p> <p>"While there are the higher percentages in the BNG report, that show where BNG would land based on a current calculation, those may change as a result of minor amendments and layout, say, during detailed design or a change in the baseline habitat values between now and construction. For example, if you know there was existing habitat that was taken down or added in the meantime, that would all change the bag assessment between now and when the final BNG assessment was taken at the point of construction."</p> <p>We would ask the ExA to request urgent clarification of this from the applicant and explicit assurance that the destroyed 'neutral grassland' areas are not now going to be claimed subsequently as additional BNG uplift.</p>	<p>The Applicant updated the Draft DCO at Deadline 3 to reflect the higher percentages predicted in the Framework LEMP [REP3-017] and BNG Assessment, as requested by the ExA.</p> <p>Given that the nature of the consent being sought allows for flexibility in design, the Applicant maintains that securing fixed percentages is not necessarily practicable as there will likely be some minor changes in scheme design at the detailed design stage (but still within the maximum parameters set out in the Draft DCO and assessed in the ES), as well as minor changes in baseline habitats that will occur in the intervening period.</p> <p>Irrespective of this, the Scheme is committed (via Schedule 2, Requirement 7) to securing gains based on the prescriptions set out in Framework LEMP [REP3-017] with the final BNG strategy to be delivered substantially in accordance with this document.</p>
REP3-035	<p>Burnet Heritage Trust</p> <p>Comments for the Examining Authority</p> <p>Trustees appreciate that the inspectorate cannot control how statutory consultees operate; however, it is our understanding that it can influence them by requesting information about consultation efforts, requesting that evidence be examined, highlighting concerns about</p>	<p>The Applicant has no further comment regarding this matter.</p>

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	<p>the quality or timeliness of responses, and ensuring that consultees have the necessary information and resources to provide informed advice.</p> <p>The Trust would therefore implore the inspectorate to request Natural England's view on the candidate SSSI submission [within REP1-054], which is pertinent to this case. As previously mentioned, the submission is authored by qualified and highly experienced ecologists, and even without site visits, NE officers should be able to assess the validity of the data and relevance to the SSSI criteria, enabling the inspectorate to request further surveys or reviews of data should they feel it appropriate.</p>	
REP3-035	<p>Burnet Heritage Trust</p> <p>Summary Comments</p> <p>The Burnet Heritage Trust has at no stage formally objected to the proposed solar farm and has engaged with the applicant to provide them with information about the ecological value of both the development area and the adjacent land managed by the Trust, and how we feel the proposed development could impact both.</p> <p>We have sought to achieve acknowledgement of the area's importance for wildlife, both locally and as one of a network of small sites within the Humberhead Levels, creating a corridor of functionally linked land to the Humberhead Estuary and Lower Derwent Valley National Nature Reserves.</p> <p>The Trust has made recommendations for improved mitigation, particularly in the northeastern extent of the development site, bordering the Trust's land and candidate SSSI. The applicant's responses have been dismissive at best.</p> <p>We feel that given the scale of the proposed development, the increased mitigation recommended by the Trust would be negligible in terms of the long-term impact on productivity yet would be hugely beneficial in mitigating the impact on the breeding and foraging birds of the Humberhead Levels. Proposed amendments at a more detailed planning stage, or the construction phase, do not give us confidence that further mitigation will materialise. We would request commitment now and ask that the following be included in the framework LEMP.</p> <ul style="list-style-type: none">o The area of wetland scrapes to be created within the northern mitigation area.o The type and level of stock proposed for the areas of grazing.o Commitment to include a number (~10) small headlands (for example, 3m x 20m, although dimensions can be flexible) of pollinator and bird-seed crop mixes along hedgerow edges or planned ecological mitigation areas. The crucial commitment is that these remain ungrazed and be reinstated biannually for the duration of the scheme. This minor design change is likely to have a disproportionately large impact on maintaining and enhancing pollinator and farmland bird communities. There is a large body of literature demonstrating these strips to be among the most cost-effective biodiversity interventions which can be made in farmland landscapes (e.g. Boatman et al., 2003) <p>As previously stated, the Trust has not to date objected to the scheme but has continued to seek improved mitigation within the project, believing the best way to achieve this is by ensuring that parcels of mitigation habitat serve to extend areas of land already managed for conservation (candidate SSSI), but also increasing the buffer zone between the Went and the development area.</p> <p>For reasons already stated within this representation, Trustees feel that the exclusion of land parcels NE9, NE11, SE6, SE7 from the scheme (and their inclusions instead within</p>	<p>The Applicant appreciates the Burnet Heritage Trust's comments but maintains that the Scheme presented for Examination, including any mitigation, is proportionate to the impacts arising from the Scheme and, with the sensitive layout proposed alongside the extensive areas of habitat creation and enhancement, there are significant benefits to biodiversity.</p>

Examination Name Reference	Comment	Applicant's Response
	<p>proposed habitat restoration) would significantly improve mitigation and serve to protect the habitats and wildlife within the candidate SSSI and large areas of sympathetically managed land immediately adjacent to the development area and linked with Trust land. Between the impacts on such a highly biodiverse area in extreme proximity (<50m) to the scheme and the loss of important functionally-linked land which is important for open country birds such as Marsh Harrier, Eurasian Curlew and Pink-footed Goose, we do not believe current levels of mitigation are sufficient.</p> <p>The Trust proposes that this is a relatively modest exclusion of land from the development, given the benefits it will provide ecologically, and that mapping additional mitigation in this way, contiguous to Topham and the River Went, will maximise the benefits to these species and biodiversity conservation in the region more broadly.</p>	
REP3-036	<p>Rachel Ann Reed</p> <p>Grounds for Objection</p> <p>I am submitting this objection in relation to the proposed Battery Energy Storage System (BESS) and associated infrastructure within the Fenwick Solar Farm project. The following concerns are raised based on a detailed analysis of the Flood Risk Assessment (FRA) (Appendix 9-3) and Environment Agency (EA) climate change guidance as updated in January 2025.</p> <p>1. Location of BESS in Flood Risk Zones</p> <p>Although the developers claim the BESS is located within Flood Zone 1, the FRA identifies significant areas of the site as falling within Flood Zones 2 and 3. Furthermore, even in Flood Zone 1, the Environment Agency's breach modelling for the River Don indicates potential flood depths of up to 0.85m in the event of a failure. This casts doubt on the site's suitability for critical infrastructure like BESS and substations, which must be protected against both fluvial and residual flood risks throughout their operational life.</p> <p>2. Use of Outdated Climate Change Allowances</p> <p>The FRA and drainage strategies rely on 1% Annual Exceedance Probability (AEP) plus 40% climate change uplift, based on mid-range (2050s) scenarios. However, the Environment Agency's updated guidance (effective January 2025) mandates:</p> <ul style="list-style-type: none">• Use of upper-end (95th percentile) allowances for the 2070s for infrastructure with a design life exceeding 60 years.• Recalculated peak rainfall intensity increases (up to 55% in Doncaster's hydrological catchment).• Application of these revised values in both fluvial and surface water flood modelling. <p>The failure to update these values in the FRA undermines its conclusions and invalidates the Exception Test justification under NPS EN-1 and NPPF.</p> <p>3. Inadequate Mitigation and Drainage Design</p> <p>While the scheme includes bunds (e.g. 1.15m bunding for the BESS platform), these are based on outdated flood scenarios. The drainage infrastructure-including swales, attenuation basins, and soakaways-has been designed using lower rainfall assumptions. This leaves the site vulnerable to increased runoff volumes and flood depths under updated EA projections. There is no evidence in the documents that sensitivity testing was carried out using upper-end flood scenarios or rainfall intensity figures from UKCP18 or EA 2025 tables.</p>	<ol style="list-style-type: none">1. According to Environment Agency data, the BESS is located in Flood Zone 1 (Low Probability) which is defined as land having a less than 0.1% annual probability of river or sea flooding. For areas of the Scheme which are located in Flood Zone 2 and 3, hydraulic modelling has been undertaken to confirm the risk, with mitigation measures proposed (where required) based on the lifetime of the development.To understand residual risk, the hydraulic modelling simulated a breach of the River Don defences, which is considered an extremely unlikely scenario as defences are regularly assessed and maintained by the Environment Agency. The breach scenario was simulated for the 1% Annual Exceedance Probability (AEP) event, plus 50% climate change event. Additional mitigation has been implemented, taking account these results, in the form of a bund around the BESS with a height of 1.15 m which is 300 mm above the maximum modelled flood depth (0.85 m) associated with this extremely unlikely breach scenario. Therefore, it is considered that the BESS will be safe for its lifetime. The modelling approach has been discussed and agreed with the Environment Agency who have also agreed to the mitigation that has been proposed for the BESS, which has been reflected in the latest SoCG between the Applicant and the Environment Agency.2. From a fluvial perspective, the design event which has been assessed and simulated as part of the FRA (and used to inform the design of the scheme) is the Credible Maximum Scenario which includes the upper end peak river flow allowance for the 2080s epoch (60%). The Credible Maximum Scenario also included an effectively locked downstream boundary on the River Went, meaning it could not discharge to the River Don for the entire simulation to take account of the influence of the tidal River Don. Therefore, the Credible Maximum Scenario which has been used to inform the scheme design is a very conservative approach. As mentioned above, the modelling approach has been discussed and agreed with the Environment Agency, which has been reflected in the latest SoCG between the Applicant and the Environment Agency.3. The drainage system has been based on a 1% AEP event with a 40% allowance for climate change, which is appropriate for the investigation. Increased rainfall intensity would not impact the storage volume that has

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	<p>4. Failure to Demonstrate Lifetime Flood Resilience</p> <p>The infrastructure's lifetime flood safety is not demonstrated in light of revised climate science and national policy. The BESS in particular poses a risk of environmental contamination, fire, and explosion in the event of inundation. It is vital that modelling extends not just to the 2050s but to 2080-2100 horizons.</p> <p>Request for Action</p> <p>Given the material deficiencies in flood modelling and drainage design, I request:</p> <ul style="list-style-type: none">• A complete re-evaluation of the FRA and drainage strategy using EA 2025 upper-end allowances for the 2070s.• Publication of updated hydraulic modelling, design flood levels, and mitigation drawings.• A pause in the DCO process until flood safety and climate compliance are independently verified. <p>Conclusion</p> <p>This objection is submitted to protect the long-term safety of the local environment, residents, and emergency services. Any approval based on outdated flood risk data risks breaching national planning guidance, weakening infrastructure resilience, and exposing Doncaster to avoidable risks.</p>	<p>been calculated, but would instead impact the capacity of the system to transport flow to a storage area. The pipe sizing is to be calculated at the detailed design stage, but it should be noted that for the BESS area, the units are located above the storage and rainfall falls from the roofs directly into the storage. Therefore, rainfall intensity does not impact the effectiveness of the system to collect flow. For the substation area, the gullies, pipework and filter drains will be designed suitably.</p> <p>The 1.15m bunding for the BESS is based on the results from the defence breach scenario and provides protection during an unlikely breach of the River Don defences. This is based on the latest breach guidance with the hydraulic modelling approach discussed and agreed with the Environment Agency. The drainage strategy has been discussed and agreed with the Environment Agency, which has been reflected in the latest SoCG between the Applicant and the Environment Agency. Further, a detailed drainage strategy will be produced post consent, which has been secured through Schedule 2, Requirement 9 of the Draft DCO.</p> <p>4. The Credible Maximum Scenario event (which is defined above) has been used to assess flood risk to the Scheme over its lifetime (40 years) and mitigation designed to account for this event. Breach simulations have also been undertaken to understand the residual risk to the Scheme in the unlikely event of a breach of the flood defences. The breach simulations have been simulated for the 1% AEP event, plus 50% climate change event, which accounts for the 2080s epoch. To provide additional resilience to the On-Site Substation and BESS in the unlikely event of a breach of the River Don defences, a bund is proposed as detailed within the FRA.</p>
REP3-037	<p>Shane Oxer</p> <p>Grounds for Objection</p> <p>I am submitting this objection in relation to the proposed Battery Energy Storage System (BESS) and associated infrastructure within the Fenwick Solar Farm project. The following concerns are raised based on a detailed analysis of the Flood Risk Assessment (FRA) (Appendix 9-3) and Environment Agency (EA) climate change guidance as updated in January 2025.</p> <p>1. Location of BESS in Flood Risk Zones</p> <p>Although the developers claim the BESS is located within Flood Zone 1, the FRA identifies significant areas of the site as falling within Flood Zones 2 and 3. Furthermore, even in Flood Zone 1, the Environment Agency's breach modelling for the River Don indicates potential flood depths of up to 0.85m in the event of a failure. This casts doubt on the site's suitability for critical infrastructure like BESS and substations, which must be protected against both fluvial and residual flood risks throughout their operational life.</p> <p>2. Use of Outdated Climate Change Allowances</p> <p>The FRA and drainage strategies rely on 1% Annual Exceedance Probability (AEP) plus 40% climate change uplift, based on mid-range (2050s) scenarios. However, the Environment Agency's updated guidance (effective January 2025) mandates:</p>	<p>1. According to Environment Agency data, the BESS is located in Flood Zone 1 (Low Probability) which is defined as land having a less than 0.1% annual probability of river or sea flooding. For areas of the Scheme which are located in Flood Zone 2 and 3, hydraulic modelling has been undertaken to confirm the risk, with mitigation measures proposed (where required) based on the lifetime of the development.</p> <p>To understand residual risk, the hydraulic modelling simulated a breach of the River Don defences, which is considered an extremely unlikely scenario as defences are regularly assessed and maintained by the Environment Agency. The breach scenario was simulated for the 1% Annual Exceedance Probability (AEP) event, plus 50% climate change event. Additional mitigation has been implemented, taking account these results, in the form of a bund around the BESS with a height of 1.15 m which is 300 mm above the maximum modelled flood depth (0.85 m) associated with this extremely unlikely breach scenario. Therefore, it is considered that the BESS will be safe for its lifetime. The modelling approach has been discussed and agreed with the Environment Agency who have also agreed to the mitigation that has been proposed for the</p>

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This leaves the site vulnerable to increased runoff volumes and flood depths under updated EA projections.</p> <p>There is no evidence in the documents that sensitivity testing was carried out using upper-end flood scenarios or rainfall intensity figures from UKCP18 or EA 2025 tables.</p> <p>4. Failure to Demonstrate Lifetime Flood Resilience</p> <p>The infrastructure's lifetime flood safety is not demonstrated in light of revised climate science and national policy. The BESS in particular poses a risk of environmental contamination, fire, and explosion in the event of inundation. 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From a fluvial perspective, the design event which has been assessed and simulated as part of the FRA (and used to inform the design of the scheme) is the Credible Maximum Scenario which includes the upper end peak river flow allowance for the 2080s epoch (60%). The Credible Maximum Scenario also included an effectively locked downstream boundary on the River Went, meaning it could not discharge to the River Don for the entire simulation to take account of the influence of the tidal River Don. Therefore, the Credible Maximum Scenario which has been used to inform the scheme design is a very conservative approach. As mentioned above, the modelling approach has been discussed and agreed with the Environment Agency, which has been reflected in the latest SoCG between the Applicant and the Environment Agency.</p> <p>3. The drainage system has been based on a 1% AEP event with a 40% allowance for climate change, which is appropriate for the investigation. 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