
FENWICK SOLAR FARM

**Fenwick Solar Farm
EN010152**

Applicant's Responses to Submissions Received at Deadline 4

Document Reference: EN010152/APP/8.39

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

August 2025
Revision Number: 00

2009

BOOM-POWER.CO.UK

BOOM
POWER

Revision History

Revision Number	Date	Details
00	August 2025	Deadline 5

Prepared for:
Fenwick Solar Project Limited

Prepared by:
AECOM Limited

© 2025 AECOM Limited. All Rights Reserved.

This document has been prepared by AECOM Limited ("AECOM") for sole use of our client (the "Client") in accordance with generally accepted consultancy principles, the budget for fees and the terms of reference agreed between AECOM and the Client. Any information provided by third parties and referred to herein has not been checked or verified by AECOM, unless otherwise expressly stated in the document. No third party may rely upon this document without the prior and express written agreement of AECOM.

Table of Contents

1.	Introduction.....	1
1.1	Purpose of this document.....	1
1.2	Structure of this Document	1
1.3	Applicant's Responses to the City of Doncaster Submissions to the Examining Authority's second written questions at Deadline 4	4
1.4	Applicant's Responses to the Environment Agency's Submission to the Examining Authority's Second Written Questions at Deadline 4	6
1.5	Applicant's Responses Natural England's Submissions to the Examining Authority's Second Written Questions at Deadline 4	8
1.6	Applicant's Responses to the Burnet Heritage Trust's Submissions to the Examining Authority's Second Written Questions at Deadline 4	11

Tables

Table 1-1: List of Interested Parties that Submitted Responses at Deadline 4	2
Table 1-2: Abbreviations	2
Table 1-3: Applicant's Responses to the City of Doncaster Council's Submissions to the Examining Authority's second written questions at Deadline 4	4
Table 1-4: Applicant's Responses to the Environment Agency's Submission to the Examining Authority's Second Written Questions at Deadline 4.....	6
Table 1-5: Applicant's Responses Natural England's Submissions to the Examining Authority's Second Written Questions at Deadline 4	8
Table 1-6: Applicant's Response to the Burnet's Heritage Trust's Submissions to the Examining Authority's Second Written Questions at Deadline 4.....	11

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 4 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 the Examination was on 30 April 2025, Deadline 2 of the Examination was on 28 May 2025, Deadline 3 of the Examination was on 2 July 2025 and Deadline 4 of the Examination was on 23 July 2025.
- 1.1.3 A total of 44 submissions were submitted to the Examination at Deadline 4; 39 of these were from the Applicant, with 5 being from Interested Parties, however 1 of them withdrew their submission. To avoid repetition, the Applicant has focused on comments within those submissions that make points that have not been addressed previously, within:
- a. **Applicant's Response to Relevant Representations [REP1-031];**
 - b. **Applicant's Responses to Submissions Received at Deadline 1 [REP2-058];**
 - c. **Applicant's Response to the ExA's First Written Questions (ExQ1) [REP2-059];**
 - d. **Applicant's Response to the City of Doncaster Local Impact Report (LIR) [REP2-060];**
 - e. **Applicant's Response to Submissions Received at Deadline 2 [REP3-029];**
 - f. **Applicant's Summary of Oral Submissions at the Compulsory Acquisition Hearing (CAH1) and Post Hearing Notes [REP3-030];**
 - g. **Applicant's Summary of Oral Submissions at the Issue Specific Hearing (ISH2) on the draft DCO and Post Hearing Notes [REP3-031];**
 - h. **Applicant's Summary of Oral Submissions at the Issue Specific Hearing (ISH3) on Environmental Matters and Post Hearing Notes [REP3-032];**
 - i. **Applicant's Response to the ExA's Second Written Questions (ExQ2) [REP4-037]; and/or**
 - j. **Applicant's Response to Submissions Received at Deadline 3 [REP4-038]**

where the Applicant considers that further clarification may be useful.

1.2 Structure of this Document

- 1.2.1 This document provides responses from the Applicant to submissions received at Deadline 4, and is structured as follows:

- a. Table 1-3: Applicant's Responses to City of Doncaster Council's Submission Received at Deadline 4
 - b. Table 1-4: Applicant's Responses to the Environment Agency's Submission Received at Deadline 4.
 - c. Table 1-5: Applicant's Responses to Natural England's Submission Received at Deadline 4.
 - d. Table 1-6: Applicant's Responses to the Burnet Heritage Trust Submission Received at Deadline 4
- 1.2.2 The reference number column in the tables below refers to the reference given to the submissions made by Interested Parties.
- 1.2.3 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 (Revision 06) [EN010152/APP/1.2]**.

Table 1-1: List of Interested Parties that Submitted Responses at Deadline 4

**RR/Examination Interested Party
Reference
Number**

REP4-040	City of Doncaster Council
REP4-041	Environment Agency
REP4-042	Natural England
REP4-043	Burnet Heritage Trust

- 1.2.4 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
BHT	Burnet Heritage Trust
CAH	Compulsory Acquisition Hearing
CDC	City of Doncaster Council
CEMP	Construction Environmental Management Plan
DCO	Development Consent Order
DLRC	Doncaster Local Record Centre
EA	Environment Agency
ExA	Examining Authority
ExQ1	Examining Authority's First Written Questions
ExQ2	Examining Authority's Second Written Questions
ISH	Issue Specific Hearing

Abbreviation	Definition
LEMP	Landscape and Ecological Management Plan
LWS	Local Wildlife Site
NNR	National Nature Reserve
NSER	No Significant Effects Report
NYC	North Yorkshire Council
PP	Protective Provision
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
ZoI	Zone of Influence

1.3 Applicant's Responses to City of Doncaster Council's Submission Received at Deadline 4

Table 1-3: Applicant's Responses to City of Doncaster Council's Submission Received at Deadline 4

Examination Reference Number	Question Number	Question	City of Doncaster Council's Response	Applicant's Response
REP4-040	1.2.1	Please confirm what planning status and use of the property located at South Fork on Bunfold Shaw Lane has including dates and reference numbers.	Planning permission was granted for the conversion of a barn into a dwellinghouse on this site under CDC reference 23/02547/FUL on 20.03.2024. This now forms the property known as South Fork.	The Applicant notes these comments. For further clarification, the Applicant notes its understanding that the conversion of the barn into a dwellinghouse is yet to be implemented.
REP4-040	1.6.8	Please confirm who currently has responsibility for the Went Valley LWS within the Order limits and who would be responsible for its management during the life of the project and how this would interact with the management plans.	The management of LWSs is the responsibility of whoever is the landowner. CDC has no control of management of such private land. The Applicant would need to secure management of Went Valley LWS with whoever the landowner is in order to ensure that management of the site was carried out as required.	Areas of the Went Valley LWS within the Order limits are currently the responsibility of the current landowner. Should the DCO for the Scheme be granted, the land would be under the responsibility of the Applicant and management would follow the prescriptions set out in the Framework LEMP [REP3-017] .
REP4-040	1.6.10	Breeding Bird Report [APP-152] , Breeding Bird Report – Annex A (Confidential) [APP-153] and Non-Breeding Bird Report [APP-154] . The Burnet Heritage Trust (BHT) have questioned the thoroughness of the breeding bird and non-breeding bird surveys conducted for the project, the data used and the omission of curlew records from the applicant's surveys ([RR-011] , [REP1-054] , [REP2-075] and [REP3-035]). Please comment on the bird survey methodology and approach for the project and the comments raised by the BHT on this matter.	CDC have not been informed of additional curlew records and none for the area have been submitted to the Doncaster Local Record Centre (DLRC) within the last 10 years. CDC considers that the survey methods are in accordance with current best practice and at Table 8.1 of the ES Vol 8 Ecology [APP-060] . The Applicant states that in respect of breeding bird surveys "Surveys for breeding birds are based on a standard method for surveying breeding birds as detailed in 'Bird Monitoring Methods' (Ref. 8-55) and 'Bird Census Techniques' (Ref. 8-56); and were adapted where necessary to include species-specific methods (as detailed in 'Bird Monitoring Methods' (Ref. 8-55)) for other species, as required." Without further detail or the scope of recent curlew records from the Burnet Heritage Trust (BHT), CDC is not able to make any informed comment on any omissions in survey effort or scope by the Applicants.	The Applicant notes City of Doncaster Council's acknowledgement of bird surveys following appropriate survey methods. As stated in Volume III, Appendix 8-7 Breeding Bird Report [APP-152] , a single Curlew was recorded within the Order limits in April 2023, however, no further observations were made during surveys between May and July 2023. This suggests either that individual had established a breeding territory early on in the breeding season and either failed to attract a mate or was possibly breeding within the wider landscape. No indication of a breeding attempt was noted on subsequent visits. Irrespective of this, the provision of extensive areas of undeveloped land consisting of neutral grassland specifically managed for ground-nesting birds and management of riparian grasslands and creation of scrapes along the River Went corridor will provide a consistent nesting resource preserving Curlew nesting habitat within the Order limits for the design life of the Scheme, something that is currently absent as evidenced by the change in land use from grassland to arable.
REP4-040	1.6.13	fLEMP [REP3-017] and BHT written representation at deadline 3 [REP3-035] . Please comment on the BHT request for a commitment to include a number of small headlands of pollinator and bird seed crop mixes along hedgerow edges or planned ecological mitigation areas and the request for a commitment that these areas remain ungrazed and reinstated biannually for the duration of the scheme.	CDC would be supportive of this proposed change to the fLEMP.	The Applicant and City of Doncaster Council met following Deadline 4 of the Examination to discuss this proposal. The Applicant outlined that the creation of extensive areas of neutral grassland, including that of moderate condition outside of the security fencing, will provide the same functions for pollinators and birds as conservation measures, such as headlands do in intensive arable farming settings, where these resources would otherwise be absent.

Examination Reference Number	Question Number	Question	City of Doncaster Council's Response	Applicant's Response
				Following that discussion and further context, City of Doncaster Council agreed that an update to the Framework LEMP [REP3-017] (to accommodate headlands of pollinator and bird seed crop mixes) was not necessary but would have no concerns if such a mix was to be provided. This position is reflected in the Statement of Common Ground between Fenwick Solar Project Limited and City of Doncaster Council (Revision 04) [EN010152/APP/8.5] .
REP4-040	1.6.19	<p>Natural England response to deadline 2 [REP2-070] written question 1.6.1 on the candidate Site of Special Scientific Interest (SSSI) and Yorkshire Wildlife Trust (YWT) [REP3-038] and BHT [REP3-035] written representations at deadline 3.</p> <p>Please comment on:</p> <ul style="list-style-type: none">a) the extent and adequacy of the surveys carried out on land identified as part of the candidate SSSI;b) the adequacy of mitigation proposed and compensation design for the candidate SSSI designation area; andc) the adequacy of potential impacts to habitats and species that form the candidate SSSI site being addressed within the submission and the fLEMP [REP3-017].	<p>CDC have not been involved in any discussions in respect of the candidate SSSI which are understood to have taken place between the Burnet Heritage Trust (BHT) and Natural England and had not been aware of the candidacy put forward by BHT until Deadline 2. As CDC has not been involved in any discussions or been provided with baseline information about the candidate SSSI, further comment cannot be provided on these matters.</p>	<p>The Applicant notes that City of Doncaster Council were not aware of the candidacy put forward by the Burnet Heritage Trust until Deadline 2 and that they have not been involved in any discussions about the proposed candidate SSSI. The Applicant has provided responses on this matter at previous deadlines [REP1-031, REP2-059, REP3-029, REP4-037, REP4-038].</p>
REP4-040	1.10.2	<p>Chapter 13: Transport and Access [REP1-015] paragraphs 13.7.16 and 13.7.25 and table 13-3.</p> <p>This part of Chapter 13 explains that due to the baseline hourly two-way traffic flows on some of the ATC links, the magnitude of impact has been lowered by one step so that the impact magnitude is therefore medium instead of high and this is considered to be an appropriate method. Please comment on this approach and judgement. Please comment on the findings presented in Table 13-20 for ATC 10, 11, 12, 13 and 14.</p>	<p>CDC has reviewed the rationale behind the magnitude of impact being lowered by one step and is satisfied that this is a reasonable approach. CDC concluded that when the baseline traffic flow data is so low, any proposed increase, is magnitude beyond the context. This is the case for this development proposal as traffic levels are so low meaning that even a small increase in numbers when expressed as a percentage appears to look far more than they would be in reality. CDC would also point out that most of the traffic is out of what is classified as peak hours, therefore in the worst case of 120 cars an hour coming to site, this still only equates to one car every thirty seconds. The use of minibuses for construction staff would further reduce this number.</p>	<p>The Applicant welcomes that City of Doncaster Council is satisfied with the rationale and approach taken to reduce the magnitude of impact by one step on some of the ATC links.</p>

1.4 Applicant’s Responses to the Environment Agency’s Submission Received at Deadline 4

Table 1-4: Applicant’s Responses to the Environment Agency’s Submission Received at Deadline 4

Examination Reference Number	Question Number	Question	Environment Agency’s Response	Applicant’s Response
REP4-041	1.1.6	Please confirm whether the protective provisions (PPs) included in Schedule 14, Part 5 for the protection of the Environment Agency are agreed. If not, please identify any outstanding concerns (including any alternative drafting being proposed).	<p>The Environment Agency has now agreed to the disapplication request for those areas of the site not including the Thorpe Marsh Reservoir.</p> <p>The areas excluded from disapplication include land parcels 9/09, 9/12, 9/13, 9/14, 9/15, 10/01, 10/02, 10/03, 10/04, 10/05, 10/06, 10/07, 10/08, 10/09, 10/10, 10/11, 10/12, 10/13, and 10/14 as identified on the Scheme’s Land Plan [APP-006].</p> <p>Amendments are therefore required to the Protective Provisions to encompass this decision and to ensure safeguarding of Thorpe Marsh Reservoir. The Environment Agency’s legal team are continuing productive discussions with the Applicant’s legal team to finalise the Protective Provisions.</p>	<p>The Applicant has updated the wording in the Protective Provisions and Draft DCO to be submitted for Deadline 5 to reflect this position. Specifically, it proposes the amendments to:</p> <ul style="list-style-type: none">Article 6(1)(g) of the Draft DCO to now read: <i>“regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(1) in respect of a flood risk activity only except in respect of the construction of any work or the carrying out of any operation required for the purposes of, or in connection with, the construction, operation or maintenance of any part of the authorised development undertaken within Plots 9/09, 9/12, 9/13, 9/14, 9/15, 10/01, 10/02, 10/03, 10/04, 10/05, 10/06, 10/07, 10/08, 10/09, 10/10, 10/11, 10/12, 10/13, and 10/14 as marked within the land plans”</i>; andThe Environment Agency Protective Provisions Schedule 14, Part 5 of the Draft DCO at Paragraph 49, to now read: <i>“49.--(1) The following provisions apply for the protection of the Agency, except in respect of the construction of any work or the carrying out of any operation required for the purposes of, or in connection with, the construction, operation or maintenance of any part of the authorised development undertaken within Plots 9/09, 9/12, 9/13, 9/14, 9/15, 10/01, 10/02, 10/03, 10/04, 10/05, 10/06, 10/07, 10/08, 10/09, 10/10, 10/11, 10/12, 10/13, and 10/14 as marked within the land plans or unless otherwise agreed in writing between the undertaker and the Agency.”</i> <p>The Environment Agency has confirmed that it agrees to this updated wording and that the matter is now resolved. This is confirmed in the latest SoCG between the Applicant and the Environment Agency which has been submitted at Deadline 5 (Revision 03) [EN010152/APP/8.6].</p>
REP4-041	1.13.1	Environment Agency response to ExQ1 [REP2-069] and Statement of Common Ground (SoCG) with the Environment Agency [REP3-021] . In your response REP2-069 you requested further details regarding the	As 3.13 Table 3-13 Ground Conditions in fCEMP [REP3-013] has been updated to include reference to British Standard (BS) 5930:2015+A1:2020 and BS 10175:2011+A2:2017, we are satisfied with the approach	The Applicant welcomes that the Environment Agency is satisfied with the approach and scope of ground investigation works proposed in the Framework CEMP [REP3-013] . This is reflected in the SoCG between the

Examination Reference Number	Question Number	Question	Environment Agency's Response	Applicant's Response
		scope of the proposed ground investigation works. We note in the SoCG between the applicant and the Environment Agency that it states the Environment Agency will review updated to the fCEMP submitted at Deadline 3 to confirm whether this matter is resolved. We note the fCEMP [REP3-013] has been updated to include reference to BS 5930:2015+A1:2020 and BS 10175:2011+A2:2017. Please comment on this approach adopted by the applicant and the adequacy of the fCEMP regarding the scope of the proposed ground investigation works.	by the Applicant and scope of the proposed ground investigation works.	Applicant and the Environment Agency which has been resubmitted at Deadline 5 (Revision 03) [EN010152/APP/8.6] .
REP4-041	1.13.2	Environment Agency relevant representation [RR-003] . The Environment Agency comment in their relevant representation (page 34) that Figure 2, within Appendix 14-4: Phase 1 Preliminary Risk Assessment [APP-184] , identifies 'remnant gas holders' within the footprint of the former Thorpe Marsh Power Station. The Environment Agency recommends that this area is targeted in any intrusive investigation works. The applicant's response [REP1- 031]) states this is addressed through the fCEMP and requirement 11. Please confirm if the fCEMP [REP3-013] has addressed this point with regards to targeted intrusive groundwork investigation.	We are satisfied that the need for an intrusive ground investigation is detailed in the fCEMP [REP3-013] . For clarity, we highlighted this specific potential source (forming part of the former Thorpe Marsh Power Station) as it is annotated on the figure but not mentioned anywhere in the main report text, including the conceptual site model. Remnant gas holders can be a potential source of significant contamination, so we expect sufficient investigation in this area to fully assess the risk.	The Applicant welcomes that the Environment Agency is satisfied that the need for an intrusive ground investigation is included in the Framework CEMP [REP3-013] . This is reflected in the SoCG between the Applicant and the Environment Agency which has been resubmitted at Deadline 5 (Revision 03) [EN010152/APP/8.6] .

1.5 Applicant's Responses to Natural England's Submission Received at Deadline 4

Table 1-5: Applicant's Responses Natural England's Submission Received at Deadline 4

Examination Reference Number	Question Number	Question	Natural England's Response	Applicant's Response
REP4-042	1.6.10	<p>Breeding Bird Report [APP-152], Breeding Bird Report – Annex A (Confidential) [APP-153] and Non-Breeding Bird Report [APP-154].</p> <p>The Burnet Heritage Trust (BHT) have questioned the thoroughness of the breeding bird and non-breeding bird surveys conducted for the project, the data used and the omission of curlew records from the applicant's surveys ([RR-011], [REP1-054], [REP2-075] and [REP3-035]). Please comment on the bird survey methodology and approach for the project and the comments raised by the BHT on this matter.</p>	<p>Natural England has no outstanding concerns with the non-breeding bird survey methodology. We have agreed that the proposed survey methodology is appropriate to inform an assessment of whether the site provides functionally linked land for Humber Estuary SPA/Ramsar/SSSI birds in this case. However, additional available evidence should also be considered by the applicant to determine whether it affects the conclusions of the NSER. We do not have comments to make on the breeding bird surveys as these do not fall within our remit. We would defer to City of Doncaster Council's advice on this matter and highlight Protected species and development: advice for local planning authorities - GOV.UK. Relevant additional evidence should be considered in the assessment of impacts.</p>	<p>The Applicant notes that Natural England does not have any further outstanding concerns regarding the methodology for the non-breeding bird surveys.</p> <p>The Applicant has provided further commentary on Pink-footed Goose observations mentioned by Burnet Heritage Trust in the Pink-Footed Goose Technical Note (Revision 00) [EN010152/APP/8.40] submitted for Deadline 5. This concludes that, as set out by the Applicant at Deadline 2 [REP2-058] and Deadline 4 [REP4-038], these further observations support the conclusions of the NSER [REP2-038] in that the Order limits are not functionally linked to the Humber Estuary SPA/Ramsar.</p> <p>Natural England has reviewed and agreed to the conclusions of the Pink-Footed Goose Technical Note (Revision 00) [EN010152/APP/8.40] prior to Deadline 5, as presented in Appendix A of the Cover Letter for Deadline 5 (Revision 00) [EN010152/APP/8.38].</p>
REP4-042	1.6.23	<p>NSER Rev 3 [REP2-038] and the BHT responses at relevant representations [RR-011], deadline 1 [REP1-054], deadline 2 [REP2-075] and deadline 3 [REP3-035].</p> <p>The BHT have commented that for Pink Footed Goose, European Golden Plover, Eurasian Curlew and Eurasian Marsh Harrier, these bird species are of a number that would make them functionally linked to the Humber Estuary Special Protection Area (SPA) / Ramsar site. The BHT also say that the spatial distribution of both local scape observations and region observation rates 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. The BHT comment that the reporting demonstrates how the feeding areas of the DCO are linked to breeding populations of Thorne Moors Special Area of Conservation (SAC) and Humber Estuary SPA. Please comment on the points raised by the BHT within their written representations on these bird species being functionally linked to Thorne Moor SPA/ SAC and Humber Estuary SPA/ Ramsar; whether the number of qualifying bird species in the area in question is too low and/ or the area of land is too small to be classified as</p>	<p><u>Thorne & Hatfield Moors SPA</u></p> <p>Note that Thorne & Hatfield Moors SPA is designated for breeding nightjar only and there is no designated bird assemblage feature. Therefore, it is not a requirement to assess impacts to other bird species in the NSER for Thorne & Hatfield Moors SPA. Natural England agrees with the justification for ruling out likely significant effects on nightjar in the NSER.</p> <p><u>Humber Estuary SPA/Ramsar</u></p> <p>We have provided some species-specific comments relating to the Humber Estuary SPA/Ramsar below:</p> <p><i>Pink-footed goose</i></p> <p>For pink-footed goose, we recommend that the applicant obtains the data mentioned by the BHT from the relevant records centre/s. The data should be assessed in the context of the Humber Estuary SPA/Ramsar to determine whether they affect the conclusions of the NSER.</p> <p>We note that a response has previously been provided by the applicant in: EN010152-000502-8.20 Applicant's Responses to Submissions Received at Deadline 1.pdf. However, we advise that the additional data should be assessed in more detail to determine whether significant</p>	<p><u>Thorne & Hatfield Moors SPA</u></p> <p>The Applicant welcomes that Natural England agrees with the justification for ruling out likely significant effects on nightjar in the NSER [REP2-038].</p> <p><u>Humber Estuary SPA/Ramsar</u></p> <p>The Applicant has submitted a Pink-Footed Goose Technical Note (Revision 00) [EN010152/APP/8.40] for Deadline 5 which provides further commentary on Pink-footed Goose observations mentioned by BHT. It considers the nature of the observations, including method of recording, whether there is further information on where and what the birds were doing and, ultimately, whether there is any robust evidence that important numbers of Pink-footed Goose are regularly using and relying on the Order limits for a feeding resource. This concludes that, although the flock of 300 individuals mentioned by the Burnet Heritage Trust would equate to 1.1% of the current Humber Estuary population (based on 5 year peak mean WeBS count data for 2019/20-2023/24), there is no evidence that these birds were doing any more than briefly dropping into the fields as part of a wider movement along the Went corridor by the species on that date (i.e., there was no regular or</p>

Examination Reference Number	Question Number Question	Natural England's Response	Applicant's Response
	functionally linked. Please comment whether the comments raised by the BHT would alter the outcomes and conclusions of the NSER.	<p>counts of pink-footed geese have been recorded feeding within the red line boundary. Although Natural England has previously agreed with the applicant's justification in the NSER based on the non-breeding bird survey results, we advise that this justification would not necessarily apply if there is robust evidence that pink-footed geese have been recorded in higher numbers (≥1% of the Humber Estuary population) within the site boundary. Further assessment would be required in such a case.</p> <p>All relevant data should be reviewed to determine the number and regularity of pink-footed geese recorded within the DCO boundary. The methodology of the records should be considered. It should be clarified from the data referred to by the BHT whether the birds recorded 'dropping onto the DCO area' in October 2024 were recorded feeding within the DCO boundary. The assessment should also consider relevant factors such as the spatial distribution of the birds and habitat/crop type at the time of different surveys to understand patterns of usage and potential impacts and determine whether the NSER conclusions are affected.</p> <p><u>Golden Plover</u></p> <p>Natural England considers that the current NSER sufficiently assesses impacts to golden plover, based on available evidence. The additional information presented by the BHT on regional sightings does not directly relate to this site and is not anticipated to affect the conclusions of the NSER.</p> <p><u>Curlew</u></p> <p>We note that the BHT have recorded curlew within the DCO boundary, and the relevant data should be assessed in the context of impacts to breeding birds (see above 1.6.10).</p> <p>However, Natural England advises these pairs would not be considered functionally linked to the non-breeding waterbird assemblage of the Humber Estuary SPA/Ramsar or the breeding assemblage of the SSSI. This is due to the timing of recordings and location of nesting sites:</p> <ul style="list-style-type: none">• The curlew pairs were recorded during the breeding season so are not considered part of the non-breeding waterbird assemblage.• For curlew pairs to be considered part of the Humber Estuary SSSI breeding assemblage, they would have	<p>sustained usage of the Order limits during that period or indeed throughout the remainder of the winter period). Therefore, there is no robust evidence that important numbers of Pink-footed Goose use or rely upon the Order limits and, as set out by the Applicant at Deadline 2 [REP2-058] and Deadline 4 [REP4-038], these further observations support the conclusions of the NSER [REP2-038] in that Pink-footed Goose use the wider arable landscape and that the Order limits are not functionally linked to the Humber Estuary SPA/Ramsar. As such, the conclusion presented in the NSER [REP2-038] that <i>“Overall, there will be no LSEs of the Scheme on the Humber Estuary SPA/Ramsar regarding the loss of functionally-linked habitat for pink-footed goose in the operation and maintenance phase. This impact pathway is screened out from AA”</i>, remain unchanged and no updates to the NSER [REP2-038] are required.</p> <p>Natural England has reviewed and agreed to the conclusions of the Pink-Footed Goose Technical Note (Revision 00) [EN010152/APP/8.40] prior to Deadline 5, as presented in Appendix A of the Cover Letter for Deadline 5 (Revision 00) [EN010152/APP/8.38].</p> <p><u>Golden Plover</u></p> <p>The Applicant welcomes that Natural England considers that the current NSER [REP2-038] sufficiently assesses impacts to golden plover.</p> <p><u>Curlew</u></p> <p>The Applicant notes that Natural England advises the Curlew pairs identified by the Burnet Heritage Trust would not be considered functionally linked to the non-breeding waterbird assemblage of the Humber Estuary SPA/Ramsar or the breeding assemblage of the SSSI due to the timing of recordings and location of nesting sites. The Applicant notes the records of Curlew mentioned by the Burnet Heritage Trust and, as stated in Volume III, Appendix 8-7 Breeding Bird Report [APP-152], the Applicant's surveys also recorded Curlew within the Order limits. A single Curlew was recorded within the Order limits in April 2023, however, no further observations were made during surveys between May and July 2023. This suggests either that individual had established a breeding territory early on in the breeding season and either failed to attract a mate or was possibly breeding within the wider landscape. No indication of a breeding attempt was noted on subsequent visits.</p>

Examination Reference Number	Question Number	Question	Natural England's Response	Applicant's Response
			<p>to be nesting within the SSSI. As the birds observed on the site were nesting outside the SSSI, they would not be considered part of the breeding assemblage.</p> <p>The distance between the site and the Humber Estuary is also beyond the expected normal range of foraging curlew.</p> <p><u>Marsh harrier</u></p> <p>Marsh harriers are not a designated feature of the Humber Estuary SPA/Ramsar during the non-breeding period.</p> <p>Marsh harrier are a designated breeding feature of the Humber Estuary SPA; however, the birds were recorded in the non-breeding season so are not considered breeding birds.</p> <p>Marsh harrier are not considered part of the non-breeding waterbird assemblage, as they do not fall within the definition of 'waterbirds' (as defined by the Ramsar Convention and applied in The UK SPA network: its scope and content (Volume 1 – Rationale for the selection of sites)).</p> <p>Potential wider impacts to foraging marsh harrier from the proposals should be considered and suitable foraging areas should be provided, but the review of the suitability of the scheme design falls outside Natural England's remit for NSIPs in this context.</p>	<p>Irrespective of this the provision of extensive areas of undeveloped land consisting of neutral grassland specifically managed for ground-nesting birds and management of riparian grasslands and creation of scrapes along the River Went corridor will provide a consistent nesting resource preserving Curlew nesting habitat within the Order limits for the design life of the Scheme, something that is currently absent as evidenced by the change in land use from grassland to arable.</p> <p><u>Marsh Harrier</u></p> <p>The impacts to foraging Marsh Harrier are predicted. The creation of grassland areas throughout the Order limits, including over 100 ha of neutral area outside of areas of Solar PV Panels and enhancement to riparian corridors is expected to benefit foraging Marsh Harrier.</p>

1.6 Applicant’s Responses to the Burnet Heritage Trust’s Submission Received at Deadline 4

Table 1-6: Applicant's Responses to the Burnet Heritage Trust's Submission Received at Deadline 4

Examination Reference Number	Question Number	Question	Burnet Heritage Trust’s Response	Applicant’s Response
REP4-043	1.6.8	Please confirm who currently has responsibility for the Went Valley LWS within the Order limits and who would be responsible for its management during the life of the project, and how this would interact with the management plans.	<p>Please note that Fleet Ings (Burnet Heritage Trust site on the opposite bank of the Went to the development area) has historically been designated a LWS by North Yorkshire Council (NYC), and they have recently surveyed the site again.</p> <p>On advisement, BHT will also notify the CDC about the suitability of Topham Ings (adjacent to Fleet Ings) for LWS designation.</p> <p>Both sites lie within the candidate SSSI.</p>	<p>Areas of the Went Valley LWS within the Order limits are currently the responsibility of the current landowner. Should the DCO for the Scheme be granted, the land would be under the responsibility of the Applicant and management would follow the prescriptions set out in the Framework LEMP [REP3-017].</p> <p>The Applicant notes the location of Fleet Ings and Topham Ings on the opposite side of the River Went. A detailed assessment of the impact of the Scheme on important ecological features is provided in Volume I, Chapter 8: Ecology [REP4-010] which has been supported by extensive survey work to identify habitats and species present and whether they are likely to be affected by the Scheme. This detailed assessment includes the consideration of adjoining sites, priority and notable habitats, and species (where these are located within a potential Zol of the Scheme).</p>
REP4-043	1.6.23	<p>NSER Rev 3 [REP2-038] and the BHT responses at relevant representations [RR-011], deadline 1 [REP1-054], deadline 2 [REP2-075] and deadline 3 [REP3-035].</p> <p>The BHT have commented that for Pink Footed Goose, European Golden Plover, Eurasian Curlew and Eurasian Marsh Harrier, these bird species are of a number that would make them functionally linked to the Humber Estuary Special Protection Area (SPA) / Ramsar site. The BHT also say that the spatial distribution of both local scape observations and region observation rates 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. The BHT comment that the reporting demonstrates how the feeding areas of the DCO are linked to breeding populations of Thorne Moors Special Area of Conservation (SAC) and Humber Estuary SPA.</p> <p>Please comment on the points raised by the BHT within their written representations on these bird species being functionally linked to Thorne Moor SPA/ SAC and Humber Estuary SPA/ Ramsar; whether the number of qualifying bird species in the area in question is too low and/ or the area of land is too small to be classified as functionally linked. Please comment whether the</p>	<p>With specific reference to Pink-footed Goose, we which to restate the information provided at Deadline 3 [REP1-054]; 2.3.3].</p> <p><i>“Given the number seen regularly flying over and dropping down within the DCO, it is likely that these birds were regularly feeding within the DCO area also. At least 300 were observed dropping onto the DCO area from Topham on 14th October 2024 (https://ebird.org/checklist/S198919715), with a total of 3500+ flying over (either continuing or potentially landing). A significant proportion of these birds’ roost around Humberhead Levels NNR and the Humber Estuary SPA & RAMSAR, suggesting an important contribution to the functionally linked populations. Maximum roosting totals on include 6,000 on Thorne Moors NNR (https://ebird.org/checklist/S121158258), 12,000 on Hatfield Moors NNR (https://ebird.org/checklist/S121442283) and 24,000 Read’s Island RSPB within the Humber Estuary SPA & RAMSAR site (https://ebird.org/checklist/S198652369).</i></p> <p><i>Considering these sightings, it is the view of the BHT that the DCO area constitutes a periodically important foraging area for the Pink-footed Goose population of the region, with potentially as much as 0.6% of the UK</i></p>	<p>The NSER [REP2-038] considers in detail the impacts to wintering Pink-footed Goose populations associated with the Humber Estuary SPA, based on surveys undertaken by the Applicant, and it is considered the observations presented by the Burnet Heritage Trust to support the conclusion. This 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 year, including on occasion the fields within the Order limits and immediate surrounds.</p> <p>The Applicant has submitted a Pink-Footed Goose Technical Note (Revision 00) [EN010152/APP/8.40] for Deadline 5 which provides further commentary on Pink-footed Goose observations mentioned by Burnet Heritage Trust. This concludes that, as set out by the Applicant at Deadline 2 [REP2-058] and Deadline 4 [REP4-038], these further observations support the conclusions of the NSER [REP2-038] in that Pink-footed Goose use the wider arable landscape and that the Order limits are not functionally linked to the Humber Estuary SPA/Ramsar.</p> <p>Natural England has reviewed and agreed to the conclusions of the Pink-Footed Goose Technical Note (Revision 00) [EN010152/APP/8.40] prior to Deadline 5,</p>

Examination Reference Number	Question Number	Question	Burnet Heritage Trust's Response	Applicant's Response
		comments raised by the BHT would alter the outcomes and conclusions of the NSER.	<p><i>population (7% of the Humber Estuary SPA / Humberhead Levels NNR population) using the area as an important stopover."</i></p> <p>We wish to emphasise that this constitutes a shift of the UK population, to regularly utilising Hatfield & Thorne Moors as a wintering site in considerable numbers. This shift has taken place over the past ~10 years and is not reflected in records previously available to Natural England. In fact, such high totals constitute an important part of the UK winter population (which is itself represents around 75% of the global population). Totals are now sufficient to constitute an 'interesting feature' in the SPA designations of Thorne and Hatfield Moors. The flocks observed feeding in the DCO area are undoubtedly functionally linked to these populations.</p>	as presented in Appendix A of the Cover Letter for Deadline 5 (Revision 00) [EN010152/APP/8.38] .