Peartree Hill Solar Farm

Response to Local Impact Report

Application Document Ref: EN010157/APP/8.7

September 2025

Contents

Introduction

1.1.1 This document provides RWE Renewables UK Solar and Storage Ltd's (the Applicant) response to the **Local Impact Report (LIR) [REP1-086]** prepared by East Riding of Yorkshire Council (ERYC), submitted at Deadline 1 (dated 14 August 2025) for Peartree Hill Solar Farm (the Proposed Development).

1.1.2 Table 1 below details the Applicants response to each topic matter contained within the **LIR [REP1-086]**.

1.1.3 It is noted that Appendix 1 to the **LIR [REP1-086]** was not included within the final **LIR**, likely in error as it is referenced within the body of the **LIR**. However, the Applicant received a draft version from ERYC of the LIR (including Appendix 1) in advance of the final **LIR** version being published by the Examining Authority. This draft version of Appendix 1 has been used and responded to in Table 1 below in absence of a final version.

Applicant Response to Local Impact Report

Table 1: Applicant Response to East Riding of Yorkshire Council's LIR

Ref.	Topic Summary	RWE Response
4.0	Pre-Application Consultation	
4.1	East Riding of Yorkshire Council have expressed the opinion that the applicant has complied with the relevant sections of the Planning Act 2008 (as amended) in their duty to consult the appropriate local authorities, the prescribed consultees, identified land interests, the local community and to publicise the application.	This is noted by the Applicant and agreed with.
4.2	Planning and Specialist Officers from East Riding of Yorkshire Council have been involved in discussions with the Project Team and Consultants for the Peartree Hill Solar project during the various Consultation stages.	This is noted by the Applicant and agreed with.
5.0	Site History and Adjoining Development	
5.1	Cumulative effects and interactions with other applications are considered in the Environment Statement (ES). The Planning Statement (PS) provides an overview of the relevant planning history within and adjacent to the Order limits. With regard to developments considered in the cumulative assessments, a	This is noted by the Applicant. Updates have been made to **Environmental Statement (ES) Volume 2, Chapter 15: Cumulative Effects [EN010157/APP/6.2, Revision 2]**, **ES Volume 3, Figure 15.1:**

	total of 21 developments have been identified, either within or in the vicinity of the Development Order Limits. These developments are identified within the short list, provided in the ES, in which Officers have confirmed they are satisfied that all relevant developments have been considered. Since submission and acceptance of the application, Officers have however been made aware that there is a public consultation currently underway for 40mw solar farm at Molescroft Farm, located at its closest, approximately 2.5km from the order limits.	**Other Existing and/or Approved Development [EN010157/APP/6.3 Revision 2]** and **ES Volume 4, Appendix 15.1: Long List of Other Existing and or Approved Development [APP-143]** to include the proposed 40 MW solar farm at Molescroft Farm. Changes to **ES Volume 2, Chapter 15: Cumulative Effects [EN010157/APP/6.2, Revision 2]** and **ES Volume 3, Figure 15.1: Other Existing and/or Approved Development [EN010157/APP/6.3 Revision 2]** have been submitted at Deadline 2. Changes to **ES Volume 4, Appendix 15.1: Long List of Other Existing and or Approved Development [APP-143]** are presented in the **ES Addendum [EN010157/APP/8.2 Revision 3]** which has been submitted at Deadline 2.
6.0	Key Policies and Documents	
6.	Development Plan and Local Guidance East Riding Local Plan Strategy Document Update (ERLP SDU) (April 2025)	The Applicant agrees these policies and documents are key to the Proposed Development. All policies and documents referred to within this comment have been

	Policy A1 Beverley and Central sub area Policy S1 Sustainable development Policy S2 Addressing climate change Policy S4 Supporting development in Villages and the Countryside Policy S8 Connecting people and places Policy S9 Strengthening blue/green infrastructure Policy EC1 Supporting the growth and diversification of the East Riding economy Policy EC4 Enhancing sustainable transport Policy EC5 Supporting the renewable and low carbon energy sector Policy EC6 Protecting mineral resources Policy ENV1 Integrating high quality design Policy ENV2 Promoting a high-quality landscape Policy ENV3 Valuing our heritage Policy ENV4 International, National and Local Sites of Importance for Biodiversity Policy ENV5 Enhancing biodiversity and geodiversity Policy ENV6 Managing environmental hazards National Planning Policy Framework	addressed within the Appendix 1: Policy Accordance Tables to the **Planning Statement [APP-147]**. The Applicant has also included 'Policy S3: Focusing development' within Appendix 1: Policy Accordance Tables to the **Planning Statement [APP-147]**. Supplementary Planning Document (SPD) – Sustainable Transport (2016) was replaced by SPD Sustainable Transport (2024) in December 2024. **ES Volume 2, Chapter 14: Transport and Access [EN010157/APP/6.2 Revision 2]** includes consideration of the draft version of the SPD Sustainable Transport (2024) as this was available during the drafting of the chapter. SPD Sustainable Transport has since been updated and has been considered within **ES Volume 2, Chapter 14: Transport and Access [EN010157/APP/6.2 Revision 2].** The Flood Risk Sequential and Exception Test SPD (Nov 2021) is considered relevant to the Proposed Development, and its contents were considered within Sections 8.14.9 to 8.14.17 of the **Planning Statement [APP-147]**.

	National Policy Statements NPS EN-1 – Overarching National Policy Statement for Energy NPS EN-3 – National Policy Statement for Renewable Energy Infrastructure NPS EN-5 - Electricity Networks Infrastructure Guidance/supporting documents Supplementary Planning Document - Sustainable Transport (2016) (SPD) Flood Risk Sequential and Exception Test SPD (Nov 2021) Landscape Character Assessment East Riding Design Code	East Riding of Yorkshire Landscape Character Assessments were considered as part of **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]**. Draft East Riding Design Code (2023). Sections 2 (Design Vision and Values) and 4.6 (Countryside) were also considered as part of **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]**.
7.0	Key Issues	
	Flexibility	
7.5	That necessary flexibility has been facilitated by the adoption of the 'Rochdale Envelope' approach in the Environmental Statement (ES). The Rochdale Envelope approach ensures the maximum parameters and realistic worst case have been assessed, and that envelope is defined by the design principles set out in the Design Parameters Document. Therefore, by requiring that the detailed design of the scheme must be in accordance with this document, there can be confidence that the environmental effects would be the same as or no worse	The Applicant notes that ERYC considers the approach taken by the Applicant to provide the necessary flexibility to be acceptable.

	than those assessed and reported in the ES. This is considered to be an acceptable approach.	
	Principle of Development and Policy Background	
7.24	The Local Plan Update was adopted on 2nd April 2025, where it became part of the development plan. Applications submitted after this date are determined in accordance with the Local Plan Update, relevant neighbourhood plans and any other material considerations. This NSIP proposal was submitted prior to the Local Plan update. Any relevant changes to policies are therefore reflected in the assessment below.	The Applicant addresses the policies within the draft Local Plan Update (as was available at the time of drafting and submission of the DCO Application) within Appendix 1: Policy Accordance Tables to the **Planning Statement [APP-147]**. These remain unchanged within the updated Appendix 1: Policy Accordance Tables to the **Planning Statement [APP-147]**. The Local Plan Update adopted on 2 April 2025 has since been reviewed by the Applicant and it was determined that the relevant policies in the adopted Local Plan Update remained similar to those that were assessed as part of the draft Local Plan Update, such that it would not result in any changes to conclusions within the **Planning Statement [APP-147]**..
7.25	In summary National Policy Statements, the NPPF and ERLP SDU policies promote sustainable development and renewable energy schemes where they are in an appropriate location. The site is in the countryside, where energy sector development is supported subject to assessment of specific local impacts	Policy EC5 and more specific policies of the ERLP SDU have been assessed within the **Planning Statement [APP-147]**. The need case for the Proposed Development is also outlined within Section

	outlined in policy EC5. These reflect national advice contained in NPS EN1, EN3 and EN5, paragraphs 161 and 168 of the NPPF and paragraph 7 of the PPG on Renewable and Low Carbon Energy which recognises that there is a need to support renewable energy production but that the wider benefits need to be weighed against residual harm. Therefore, whilst policy EC5 of the ERLP SDU supports the principle of energy development the local impacts are addressed through more specific policies and are assessed below.	3.8 of the **Planning Statement [APP-147]**. The need case is then considered within the planning balance in Section 9.1 of the **Planning Statement [APP-147]**. The Planning balance concludes the limited residual effects of the Proposed Development do not outweigh its urgent need, and do not represent an unacceptable risk that would negate the presumption in favour of consent for this Critical National Priority infrastructure. The Proposed Development would deliver greater benefit than adverse effects and would contribute to an urgent national need for low carbon infrastructure.
	Impact on Best and Most Versatile Agricultural Land (BMVAL)	
7.33	The Council have commissioned an independent consultant to undertake a deskbased assessment of Chapter 10: Land, Soil and Groundwater of the ES (EN010157/APP/6.2).	This is noted by the Applicant.
7.34	Whist a significant volume of land would be removed from agricultural rotation, the removal would be temporary, for a period of 40 years. The development would not result in significant areas of land that would be permanently sealed and during the lifespan of the development the soils beneath the solar would be preserved through ecological landscaping.	This is noted by the Applicant.

	Mitigation measures set out in the Soil Management Plan (SMP) and Construction Environmental Management Plan (CEMP) aim to reduce the erosion and compaction during the construction, operational and decommissioning phases and are to be secured as a requirement of the Development Consent Order (DCO). Soil disturbance is to be minimised by construction and maintenance traffic following set routes during the construction phase, as well as the implementation of grassland and wildflower habitats underneath the solar infrastructure to limit soil erosion during the operational phase. The mitigation measures proposed are considered sufficient for the nature of the development. Given the lifespan of the development it is considered there would be a slight adverse effect on BMV land for that period, but with proposed mitigation to ensure the land is not sealed and would be maintained to ensure it is available for agriculture after the solar farm is removed, the overall impact is considered to be neutral.	
7.35	There are a number of omissions and deficiencies within the assessment contained in Chapter 10: Land, Soil and Groundwater of the ES as highlighted by the Councils independent consultant. These are expanded upon within Appendix 1 of this report however in brief involve, no distinguishment between Soils and BMV agricultural land as their own receptors, and a missing sensitivity criteria for soils as a sensitivity receptor.	See responses to Appendix 1.

7.36	Overall, the assessment concludes that 65% of the agricultural land to be utilised for the proposed development is not BMVAL. Whilst 35% (249.9ha), comprising 8.8ha (1.2%) of ALC Grade 1 land, 96.3ha (13.5%) of ALC Grade 2 Land, and 144.8ha (20.3%) of ALC Grade 3a land would be BMVAL, the removal of the land from potential agricultural use would be temporary in nature and reversible. The permanent loss of 1.3ha for the siting of substations and access tracks would not be BMV land, located upon lower grade agricultural land. Whilst there are a couple of matters that are not considered to have been addressed such as not distinguishing between Soils and BMVAL agricultural land as their own receptors, and missing sensitivity criteria for soils as a sensitivity receptor, the proposed mitigation measures as set out in Soil Management Plan (SMP) and Construction Environmental Management Plan (CEMP) are acceptable, considered sufficient for the nature of the development and under these mitigation measures the proposed development is considered likely to have a slight adverse effect on BMV land for the lifespan of the solar farm, but neutral overall given the proposed mitigation measures to ensure it can be returned to agricultural use following removal of the panels. On this basis, the report is considered to provide evidence to justify compliance with National and Local Policy and the ministerial statement and it is concluded that the development would not result in a significant removal of BMVAL, the temporary loss that would occur would have a negative impact in terms of food security, however this would not be significant, particularly when considering the overall	This is noted by the Applicant.

	quality and quantity of agricultural land within the East Riding region.	
7.37	Though not a consultee on this Local Impact Report, Natural England will also be a consultee as part of the wider examination process and will be required to comment and be satisfied that there is no significant loss of BMV having regard to National Policy.	The Applicant has consulted Natural England during the pre-application process and will continue to consult with Natural England during the examination, where necessary.
	Design, Landscape and Visual Impact	
	<u>Design</u>	
7.41	A Design Approach Document (APP-149) outlining the design vision and project design principles along with a Design Parameters Document (APP-150) which sets out parameters and principles with which the development would be required to comply, accompany the application. Flexibility is sought within the design parameters of the DCO to allow for the latest solar technology to be utilised at the time of construction, including the option to use either fixed or tracking panels systems. Despite the flexibility sought, the maximum height of the solar PV modules would be 3m with a minimum row separation distance of 4m, increasing to a maximum of 12m for fixed arrays and 6m for tracking arrays with this space varying across the land areas to ensure optimal efficiency through minimising effects of overshadowing. In addition to the solar PV panels, a range of equipment is required to support the solar PV modules	The Applicant notes EYRC's preference in regard to determining the colour of the BESS units. Requirement 2 of the **Draft Development Consent Order (DCO) [EN010157/APP/3.1 Revision 5]** requires that details of external appearance are determined at detailed design stage and the Applicant will work with EYRC to determine the most appropriate colour from those available. The Applicant notes, however, that the palette can be somewhat limited by manufacturers specifications.

	including BESS, inverters and DC-DC converters grouped together in 'hybrid packs', switchgears, weather masts and two substations further to cabling and fencing, security camera sand security lighting, the maximum parameters of which are also contained within the Design Parameters Document (APP-150). With regard to the BESS, the Design Parameters Document (APP-150) it states that the containers would be light grey, white, dark green or similar in colour. It is unclear what 'similar colour' means as these colours are not considered to be within the same colour palette. It would be a preference of ERYC for the colour to be determined by Environmental Colour Assessment – see https://www.landscapeinstitute.org/technicalresource/environmental-colour-assessment/ given that certain colours such as moss green, do not sit well in the landscape.	
7.44	The ERYC welcome the requirements of the DCO to secure the design parameters document, Construction Environmental Management Plan (CEMP) and Decommissioning Environmental Management Plan (DEMP).	This is noted by the Applicant.
	<u>Landscape Character Assessment</u>	
7.47	An assessment of effects on LCAs 16F, 18A, 18F and 19D is provided at Appendix 11.3: Landscape Sensitivity Appraisal [APP-130). These LCAs were scoped into the assessment as the proposed development extends across them and as such there is the potential for a large scale of change to the character	Table 11-3 and Paragraphs 11.5.20 and 11.5.21 in **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]** provides justification for the scoping out of LCA that would not host the Proposed Development,

	of the landscape. The remainder of the LCAs have however been scoped out of the assessment as the applicant has concluded that, when presented in the visualisations, the proposed development was considered to be barely perceptible beyond the host LCAs 19D and 18A. The Councils Landscape Consultant has however advised that insufficient evidence has been provided to support the claim that the indirect impacts to these LCAs would not be significant. Whilst it may be the case that they could be scoped out, this should be better evidenced in the LVIA.	as agreed in consultation with the ERYC Landscape Consultants on site and in follow up emails dated 2 September 2024. Paragraph 11.4.12 states, "*Several visualisations presented in ES Volume 4, Appendix 11.6: Viewpoints and Visualisations [EN010157/APP/6.4] (notably Viewpoints 11, 13, 17, 19, 28, 29, 30, 31, 32 and 33) illustrate there would be barely any visibility of the Proposed Development beyond 800m of any above ground infrastructure. Of the 27 viewpoints presented in ES Volume 4, Appendix 11.6: Viewpoints and Visualisations [EN010157/APP/6.4] the furthest location that a medium (or greater) scale of visual change was identified at Year 1 of operation was 440m (see Viewpoint 9)*." Further to the Proposed Development being barely perceptible beyond the host LCAs, as evidenced by the visual impact assessment and accompanying visualisations, the assessment states, with respect to LCA 17A: Headon, Preston and Bilton Farmland, LCA 17B: North Cottingham Farmland, LCA 18B: Quarry Farmland, LCA 18C: Catfoss Dyke, and LCA 19A: Rise Parkland that neither the

		landscape character or landscape elements would be directly impacted by the Proposed Development and none of those LCA have a key characteristic that includes views of the Site and the Proposed Development. The Applicant considers that the scoping out of these LCA is justified through a combination of observations on-site and professional judgement; and reflects a proportionate approach to the assessment.
7.49	With the exception of the aforementioned evidence that has been requested with regards to scoping out a number of LCAs, the Councils Landscape Consultant does not dispute the conclusions drawn on the impact on the LCAs.	This is noted by the Applicant.
	<u>Landscape and Visual Assessment</u>	
7.52	A study area of 3 km from the boundaries of Land Areas B to F and up to 100 m either side of the interconnecting cable routes and grid connection cable route where these extend outside the wider 3 km study area has been considered as part of the LVIA. ERYC are satisfied with the approach taken to the study area.	This is noted by the Applicant.
7.55	Information on lighting has been provided in a number of documents (APP-039, APP153, APP-155 and PDA-018) however has not been assessed or scoped out with sufficient justification within the LVIA.	Table 11-3 of **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]** references lighting and states that due to this not being continuous, with only sensor-

		triggered security lighting around key electrical infrastructure being required, potential lighting impacts on landscape character and visual amenity would not be greater than negligible adverse. Further to this, **ES Volume 1, Chapter 3: Proposed Development Description [APP-039]** states that the lighting design would seek to limit any impact on sensitive receptors and will be designed with reference to the Institute of Lighting Professionals Guidance Note (Gn01/21) The Reduction of Obtrusive light, insofar as is reasonably practicable. Effects relating to construction lighting, which will be deployed in accordance with recommendations that will prevent and reduce impacts, as outlined in the **Outline Construction Environmental Management Plan (CEMP) [EN010157/APP/7.2 Revision 3]** and **Outline Decommissioning Environmental Management Plan (DEMP) [EN010157/APP/7.4 Revision 3],** will be of a temporary nature. The Applicant considers that the justification for scoping out a lighting assessment with

		reference to landscape and visual matters is appropriate and proportionate.
7.56	Page 8 of Chapter 11: Landscape and Visual of the ES (APP-47) identifies that in previous discussions with ERYC it was agreed by the applicant that section drawings would be included with the landscape proposals which illustrated mitigation planting in relation to the solar panels. This was considered to be particularly relevant across the raised footpath along the Monk Dike embankment adjacent to Land Areas B and C due to the nature of the local topography. ERYC's Landscape Consultant however advises that no such drawings appear to have been provided	**Indicative Cross-Section Visualisations [EN010157/APP/8.9]** for the Proposed Development at Meaux Lane and Monk Dike have been prepared and submitted at Deadline 2.
7.57	The assessment Summary of the LVIA is contained in table 11-15 (page 144) of Chapter 11: Landscape and Visual of the ES (APP-47). It is an unusual approach not to assess the effects upon each viewpoint, and rather to assess landscape and visual receptors with reference to viewpoints. Whilst ERYC's Landscape Consultant does not disagree with this approach in principle, it would be helpful to include an indication in the summary table as to which viewpoint/s represent each item.	The comment is noted, however, it is considered that current best practice for LVIA no longer assesses effects on individual viewpoints (unless they are recorded important / key views); and that it is more appropriate to assess effects on visual receptors. This assessment is captured within **ES Addendum [EN010157/APP/8.2 Revision 3].**
7.58	APP-47 concludes that the Proposed Development will result in some adverse landscape and visual effects. As recognised in NPS EN-1 paragraph 3.1.2, significant adverse effects can be expected for new nationally significant infrastructure projects	This is noted by the Applicant.

	and it is therefore for the Examining Authority to carry out the planning balance.	
	Cumulative Impact	
7.62	Other comments have been made on document APP-093 with the Landscape Consultant advising "…it would be helpful to graphically denote which developments are solar and on document APP-144 where a summary table would be useful." The appendices include maps showing developments in proximity to the site.	This is noted by the Applicant.
7.63	It is requested that additional mitigation planting is provided regarding the Kenley House Solar Farm Cumulative assessment due to Wawne PRoW located between Weel and Wawne acknowledged as experiencing residual moderate adverse cumulative effects in year 10 and similarly at Springdale Farm. This request is also made on Turf Carr Solar Farm Cumulative assessment, Swine PRoW located to the east of Wawne and the south-east of Land Areas C and F are acknowledged as experiencing residual moderate adverse cumulative effects in year 10.	Mitigation planting has been incorporated into the Proposed Development to reduce landscape and visual effects, including cumulative, as far as practicable. Consideration has also been given to the risk of sterilising agricultural land through woodland planting, including Best and Most Versatile (BMV) areas. The Proposed Development includes mitigation planting wherever feasible, the locations suggested in this comment would be outside the Order Limits and within the boundaries/authority of the cumulative schemes and not the Proposed Development. The Proposed Development includes mitigation planting directly to the north of Springfield Farm and

		around the boundaries of the fields to the north and east of Springfield Farm.
7.64	Overall, the LPA's Landscape Consultant considers that it would be appropriate to include cumulative assessments for Carr Farm at each of the 3 nearby residences that have previously been identified in the RVAA as experiencing Significant effects at year 10 (Woodhouse, Meaux Decoy Farm, and Carr House Farm). These properties appear only to have been considered for Intra-project cumulative effects within APP-051 (ESV2-Chapter 15) and we are not aware of a detailed cumulative RVAA that considers the additional effect of Carr Farm Solar Farm on these properties.	The Applicant considers that no significant cumulative visual effects would arise through the combination of the Proposed Development and the Carr Farm Solar Farm for the three residential properties noted. Woodhouse and Meaux Decoy Farm are approximately 700m and 650m from the nearest boundary of the Carr Farm Solar Farm respectively, with intervening vegetation (including associated with the Scheduled Monument) likely to limit visibility from the latter. The Applicant wishes to note that the comment referenced 7.64 appears to be confusing Carr House Farm (near Long Riston) and Carr House Farm (near Weel) – which are differentiated as such in both **ES Volume 2, Chapter 11 Landscape and Visual [APP-047]** and **ES Volume 4, Appendix 11.5: Residential Visual Amenity Assessment [APP-132]**. Carr House Farm (near Weel), which would be impacted by the proposed Carr Farm Solar Farm has been excluded from the RVAA for

		the reasons outlined in **ES Volume 4, Appendix 11.5: Residential Visual Amenity Assessment [APP-132].** Carr House Farm (near Long Riston), which is included in the RVAA, is unlikely to be impacted by any of the proposed cumulative solar schemes, due to its distance from those schemes.
	Conclusion	
7.67	Overall the submitted LVIA is considered to provide an accurate assessment of the visual and landscape impacts of the development and the proposed design generally provides good levels of mitigation in terms of the use of both existing and proposed landscape features. However, it is considered there would be significant adverse effects on visual amenity during the construction, operation and decommissioning phases which could potentially be experienced by residential receptors, users of PRoWs, the National Cycle Network (NCN), regional trails and road users up to 1 km from the Order Limits, where insufficient mitigation is proposed to screen the development. Significant impacts have been identified on several receptors and therefore it is recommended that additional landscaping and mitigation are required to off-set these impacts which are set out in Requirement 9 of the draft DCO for the submission of a LEMP. Without that mitigation it is the view of ERYC that the impacts on landscape and visual amenity would be negative.	The Applicant notes these comments and acknowledges that negative landscape and visual impacts would arise from the Proposed Development, as described in **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]**. However, as noted above, it is not always possible to propose mitigation planting in areas that may be subject to other constraints, including the potential to sterilise BMV agricultural land. The Applicant notes item ERYC34 of the **Draft Statement of Common Ground with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 2]** regarding its approach to hedgerow/ tree planting:

		"East Riding of Yorkshire Council's landscape consultants were satisfied with the extent and design of proposed screening planting following amendments after the site walkover on 28 August 2024." Item ERYC34 is marked as 'Agreed' in the **Draft Statement of Common Ground with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 2].**
7.68	The Council is also of the view that the Examining Authority, in addition to the comments made on the documents referenced, should have consideration to a cumulative RVAA that considers the additional effect of Carr Farm Solar Farm on the properties experiencing Significant effects at year 10 (Woodhouse, Meaux Decoy Farm, and Carr House Farm) and should be considered by the Examining Authority as part of the hearing sessions.	The Applicant refers to the response provided for item reference 7.64 above.
	Highways and Transportation	
7.73	The applicants have engaged with ERYC Highway Development Management during the consultation process in which changes have been made based on feedback received. ERYC Highways in general have identified no issues except in relation to the proposed access for the Creyke Beck substation with this being an outstanding matter which has been flagged as a main issue for examination.	This is noted by the Applicant.

7.74	Concerns are had by the ERYC Highway Development Management Officer with regard to the proposed use of Park Lane, Cottingham as the access route. The oCTMP states that it would only be required briefly and would only require a small number of HGVs and LGVs. However, Park Lane is split into two main sections; the first part is a highly residential estate road whilst the second part is of single-track width and a well-used public right of way by both cyclists and walkers. The access from Northgate is also very constrained both in terms of tight radii and limited visibility. Additionally, ERYC do receive complaints on the narrow nature of Northgate when local residents are parked which acts as a throttle in places restricting the width to one way movement. It should be noted that there is a live planning application from National Grid for additional substations which would be required to provide an access from a layby off the A1079 which would be a much more suitable access for any additional vehicles to Creyke Beck substation. ERYC Highway Engineers have already granted technical approval for these works. Therefore, given the highway situation on Park Lane and potential for a viable alternative, ERYC consider that the use of Park Lane could have significant impact even if only used for a short period and would therefore object to the use of this access to serve the development.	The Applicant cannot commit to the use of the potential new National Grid access off the A1079 at this point given there is no consent in place for its delivery. In addition, the Applicant does not have the requisite land rights in place, nor does it foresee them being able to be voluntarily agreed within a reasonable timeframe that would reflect the necessary change requirements during Examination. The Applicant acknowledges EYRC's comments regarding the proposed access but stresses that no significant impacts have been identified in **ES Volume 2, Chapter 14: Transport and Access [EN010157/APP/6.2 Revision 2]** and that the Applicant has committed to further controls around the use of Park Lane within the **Outline Construction Traffic Management Plan (CTMP) [REP1-060]**, notably no construction vehicles using Northgate and/or Harland Way during school drop-off and pick-up times.
	Environmental Statement	
7.75	Chapter 14 of the ES (EN010157/APP/6.2) relates to Transport and Access. The Summary of stakeholder engagement in	**ES Volume 2, Chapter 14: Transport and Access [EN010157/APP/6.2 Revision 2]**

	relation to ERYC is accurate and the documents which address these matters are reviewed below. The Assessment Summary (Table14-34) within the ES is considered a robust assessment of the potential impacts of this NSIP. Whilst it is understood that the project timescales are long for this type of development including preparing all the information submitted the personal injury collision assessment is slightly outdated and should be updated to reflect more recent collisions to ensure the impacts remain as set out in the ES and TA.	has been updated and submitted at Deadline 2. The update includes the analysis of validated 2023 personal injury collision data within the study area. **ES Volume 4, Appendix 14.4: STATS19 Personal Injury Collision Reports [EN010157/APP/6.4 Revision 2]** has also been updated and is submitted at Deadline 2. The validated dataset includes collisions which occurred up to December 2023. The first 6 months of 2024 is available but not validated. Therefore, the Applicant has not included the un-validated 2024 data in the updated analysis.
	<u>Transport Assessment</u>	
7.76	A Transport Assessment (TA), Appendix 14.1 of the ES (EN010157/APP/6.4) has been submitted to demonstrate that the development would be acceptable in transport and highways terms. This document follows transport assessment scoping discussions held with EYRC Highway officers and has taken into consideration the feedback from the TA Scoping Report provided by ERYC and their consultants.	This is noted by the Applicant.
7.77	The TA includes baseline traffic flows and extant permissions which may have an accumulated impact, to ensure that the	This is noted by the Applicant.

	junctions can be assessed accurately. ERYC Highways are satisfied with the information submitted to provide the baseline.	
7.78	The Personal Injury Collision (PIC) review section states that the most recent five years of data has been provided which included 2 years of Covid-19 data where traffic levels were low. ERYC consider an updated PIC review should be undertaken to ensure a true impact of the network is available during the examination. This could be by way of an additional PIC update document for the most recently available data, potentially up to Dec 2024, which would be an additional two years of the most recent data.	See response to reference 7.75 above.
7.79	The assessment of the local walking, cycling and public transport is robust in its opinion suggesting that these methods are unlikely to be used for the construction workforce. ERYC Highways agree with the summary stating… The nature of the Proposed Development necessitates a rural location to provide sufficient space to provide the proposed solar PV development and associated equipment. The rural location of the site results in limited access to the site by walking, cycling and public transport.	This is noted by the Applicant.
7.83	At this stage it would be difficult to undertake any meaningful traffic assessment for the decommissioning stage and therefore we recommend this information be requested as a requirement	The **Outline DEMP [EN010157/APP/7.4 Revision 3]** already includes a commitment to provide a Decommissioning Traffic Management Plan. However, the **Outline DEMP [EN010157/APP/7.4 Revision 3** has

		been updated to include a commitment to include details of the traffic management, the decommissioning programme and traffic associated with the decommissioning phase and has been submitted at Deadline 2.
7.84	There are six proposed vehicle access points to the land areas. The northern and eastern areas would be accessed via four access points from the A165, one to the north of Long Riston (with access to east and west), one using Carr Lane opposite Long Riston, and a third access to the south of Long Riston via Arnold Lane West, Black Tupp Lane and Carr Lane. The central areas would be accessed from the A1035 and Meaux Lane, and Work Area 10 to the west via a track from Weel Road. Road widening and passing places are proposed. All of the access junctions would be 7.3m wide and have a radii of 15m which would cater for HGV two-way movements at all junctions, which is considered acceptable. Mitigation is proposed in the form of carriageway widening and passing places on routes connecting to the accesses, and temporary traffic lights controlled by banksmen are proposed to control movements on and off the main highway network.	Proposed Design Changes 3 and 9 were submitted as part of the **Second notification of proposed changes to the DCO Application [AS-015]** dated 6 August 2025. Change 3 consists of the provision of an additional access on the A165 to access the cable grid connection works area for cable route section B-B. Change 9 consists of the removal of the northern most access on Meaux Lane and utilisation of the existing western access at Field House Farm off the A1035 to access Land Areas D and E. This change results in a proportion of construction traffic being redistributed from Meaux Lane to the A1035 access which would reduce the impact on Meaux Lane. **ES Volume 4, Appendix 14.1: Transport Assessment [EN010157/APP/6.4 Revision 3]** has been updated to reflect the changes to

		the access points and has been submitted at Deadline 2.
7.85	The proposed off-site mitigation is appended to the TA and is considered acceptable for the proposed development, however formal details of the accesses and off-site mitigation works would be required ahead of any development taking place. An additional requirement for this has been set out below.	East Riding of Yorkshire Council will be consulted on the formal details of the proposed accesses and off-site mitigation works during the detailed design stage of the Proposed Development and will approve these under Requirement 3 of Schedule 2 to the **Draft DCO [EN010157/APP/3.1 Revision 5].**
7.86	The proposal includes internal access tracks which would provide internal links to each part of the development, which in affect could reduce the number of local highway network movements. EYRC Highways support the use of internal access tracks.	This is noted by the Applicant.
7.87	The development would have provision for up to 140 cars and eight mini bus drop off points spread across the sites during construction which is acceptable at this stage until a full CTMP is provided, which is a requirement in the draft DCO. A small number of secure cycle storage facilities would also be available with details to be agreed in the final CTMP.	The Applicant confirms that the **Outline CTMP [REP1-060]** includes a commitment to provide details in the Construction Traffic Management Plan of parking arrangements for construction staff and site visitors and cycle parking.
7.88	The cable route crosses the A1074 (Hull-Beverley), Long Lane, and the A1079 Beverley By-Pass. Where grid connection routes cross public roads open cut trenching will be available and	As 7.74 above.

	alternative no-dig solutions such as Directional Drilling will be provided which would minimise disruption. That is supported by ERYC Highways. However, as previously mentioned the access to Creyke Beck where the connection to the grid would take place is proposed to be via Park Lane, Cottingham which is not suitable for any additional HGV movements.	
7.89	The construction is likely to introduce significant HGV movements, and the main routing for deliveries is expected to be from Hull Docks via the A1035 and A1659There would be two Abnormal loads and in those cases the contractors would be required to contact the Abnormal loads team as per existing Abnormal Indivisible Loads (AIL) procedures. Swept paths information has been provided for these movements with mitigation which is considered acceptable. Whilst in principle the swept path drawings are acceptable, additional plans showing the full route where highway mitigation is needed at a scale of 1:500 would be required. This could form part of the full CTMP if necessary. Further details on this are available in the outline CTMP and would be formally identified in the full CTMP. Again, HGVs and AILs during the decommissioning would be agreed via a DCO requirement as set out in the Draft DCO.	The Applicant has provided a response to Written Question reference 1.13.2 in Response to the Examining Authority's First Written Questions **[PD-008]** with regards to the Abnormal Indivisible Loads (AIL) whole route assessment which will be undertaken by the specialist haulage contractor appointed post-consent and included within the Construction Traffic Management Plan. The **Outline CTMP [REP1-060]** includes this as a commitment and the Applicant does not consider additional commitments to be required regarding AILs.
7.90	The TA states that the majority of the movements and in particular HGV movement would be spread out between the hours of 09:00-16:00 avoiding the local highway network peaks of 07:30-09:00 and 16:00-17:30. This is acceptable and should	The Applicant confirms that this restriction is included within **Outline CTMP [REP1-060]**, notwithstanding that there will be *"a short period during the construction phase of each Land Area of approximately 2 weeks in*

	be included within the oCTMP and CTMP to ensure it can be controlled.	*duration when it will be necessary for approximately 10 daily HGV trips (20 HGV two-way movements) to travel to and from the Site which may occur during the AM peak period (between 07:15 and -08:15)".* The Applicant does not consider additional commitments to be required in this regard.
7.92	Table 6.2 of the TA shows the construction staff and trip numbers which are at their peak during the land area D phase. The peak staff numbers would be 248 of which half are expected to use a shuttle bus meaning a total two-way vehicles movement of 50 per day. These numbers seem low. However, the full CTMP should formally restrict the movements of staff to ensure that the minibus is to be used.	Table 6.2 of **ES Volume 4, Appendix 14.1: Transport Assessment [EN010157/APP/6.4 Revision 2]** shows that there will be 50 vehicle arrivals and 50 vehicle departures associated with staff trips during the construction phase of Land Area D. Therefore, a total peak of 100 vehicle movements per day for the peak construction of Land Area D (comprising cars, vans and shuttle buses transporting workers). The **Outline CTMP [REP1-060]** includes a commitment to provide details of the construction programme which will include expected vehicle trips to align with the assessed traffic volumes. It also includes a commitment to monitor and report on construction traffic with the objective of accommodating 50% of staff to use the minibus. However, the location of where staff

		reside, and subsequently the ability to access a minibus, during construction is not within the control of the Applicant. The Travel Plan (which will be substantially in accordance with the Outline Travel Plan, which is Appendix A to the **Outline CTMP [REP1-060]**) monitoring will promote high occupancy vehicles to minimise traffic volumes. The Applicant does not consider additional commitments to be required.
7.93	Table 6.3 is titled proposed development daily staff trips, however this is also showing the HGV movements during the construction and should therefore be retitled. However, the review of this information would suggest that the worse-case scenario would be during the construction of land areas C and D where a total of 378 two-way movements is anticipated of which 112 would be HGVs. Whilst the HGVs avoid the peak, the staff are likely to arrive and depart during each network peak and would have 81 arrivals in the AM peak and 81 departures in the PM peak. However, the impacts from vehicle movements are acceptable and should be monitored by the applicant as part of the formal CTMP to ensure the impact remains at this level.	The Applicant confirms that the **Outline CTMP [REP1-060]** includes a commitment to monitor and report on construction traffic with appropriate enforcement for non-compliance. **ES Volume 4, Appendix 14.1: Transport Assessment [EN010157/APP/6.4 Revision 2]** has been updated to retitle Table 6.3 and submitted at Deadline 2.
7.94	As agreed during the TA scoping stage, the proposal should assess the six local strategic junctions as outlined in para 8.5 of the TA. These are:	**ES Volume 4, Appendix 14.1: Transport Assessment [EN010157/APP/6.4 Revision 2]** includes assessment of the six local strategic junctions outlined by ERYC.

	• A1035 / Meaux Lane priority junction • A1035/ A165/ A165 White Cross Road/ Beverley Road (White Cross Roundabout). • A165 White Cross Road / Site Access to Land Area B. • A165 White Cross Road / Carr Lane. • A165 White Cross Road / Arnold Lane West; and • A1035 / A1174 Swinemoor Lane / A164 Grange Way / B1230 Hull Bridge Road (Swinemoor Lane Roundabout).	
7.95	Typically, ERYC would require mitigation for any junction with a Ratio to Flow capacity (RFC) above 0.85 (85%). All assessed junctions would operate at or below 79% which would mean that the local highway network remains below 85% RFC threshold and therefore operates well within capacity.	The junction models in the **ES Volume 4, Appendix 14.1: Transport Assessment [EN010157/APP/6.4 Revision 3]** have been amended to account for proposed design change 9 (identified in **Second notification of proposed changes to the DCO Application [AS-015]**) which results in the redistribution of some traffic associated with Land Areas D and E from Meaux Lane to the A1035 access at Field House Farm. Change 9 results in all junctions continuing to operate below 85% and therefore results in no material changes to the conclusions of the **ES Volume 4, Appendix 14.1: Transport Assessment [EN010157/APP/6.4 Revision 3]**. The amended **ES Volume 4, Appendix 14.1: Transport Assessment**

		[EN010157/APP/6.4 Revision 3] has been submitted at Deadline 2.
7.96	There is no requirement for junction assessments during the operational phase due to limited associated traffic movements, and the decommissioning would be agreed as part of the future requirements of the DCO.	This is noted by the Applicant.
7.98	Overall, the TA is a robust assessment of the development's construction impacts on the local highway network and it is reasonable to agree that the numbers represented in the TA would not have a significant impact on the local highway network in terms of highway safety nor free flow of the network.	This is noted by the Applicant.
	<u>Outline Construction Traffic Management Plan</u>	
7.100	The oCTMP identifies seven main compounds and twelve satellite compounds which are all located within the land work areas. These would all have parking and manoeuvring facilities for construction vehicles. The indicative construction layout plan is acceptable, but full details of this should form part of the full CTMP. Whilst it is acknowledged most vehicles would not bring debris on the road, a wheel washing facility would still be provided at each compound/access and formal detail of this should be provided by the contractor as part of the full CTMP.	The Applicant confirms that the **Outline CTMP [REP1-060]** includes a commitment to provide details of construction compounds within the Construction Traffic Management Plan.
7.101	The oCTMP covers road crossings as did the TA by suggesting the higher classification roads will be via hydraulic directional	The Applicant confirms that the **Outline CTMP [REP1-060]** includes a commitment to

	drilling, and full details of this should be provided as part of the final CTMP.	provide details of road crossings within the CTMP.
7.102	The oCTMP outlines the construction hours of 07:00-19:00 as well as HGV delivery hours of 09:00-16:00 which reflects the hours in the TA and are acceptable to avoid peak traffic flows.	This is noted by the Applicant.
7.103	Section 4.1 of the oCTMP along with Appendix C shows the routing strategy which have been agreed in principle. The proposed routing to provide access to the land areas/compounds prioritises use of the A165 and a1035 to avoid disruption to minor roads, although it is necessary to use some minor roads due to the sites rural location. These are Meaux Lane, Meaux Road, Arnold Lane West, Black Tup Lane, Carr Lane (Long Riston) and Carr Lane (Arnold). The oCTMP shows what has been agreed and is therefore considered acceptable pending the mitigation as identified, is in place before construction.	This is noted by the Applicant.
7.104	Routing of HGVs via Park Lane, Cottingham to the substation has previously been identified as unacceptable to ERYC.	See response to 7.74 above.
7.105	Section five of the oCTMP covers the larger movements and identifies the swept paths for a typical 16.5m articulated vehicle and are acceptable pending additional plans as outlined in the Transport Assessment section. The oCTMP identifies that a specialist haulier would be required for the AILs and that a full route survey would be required. This is agreed and should be	See response to 7.89 above.

	submitted as an appendix of the full CTMP (FCTMP) as per requirement.	
7.106	It is noted that relevant representations have been provided by members of the public in relation to the location and access route for the substation. The comments suggest that the substations for the development would be accessed via Green Lane, Arnold, however this lane is under private ownership and therefore ERYC Highways have no comments to make as it is not part of the public highway network. From the documents received it appears that the access roads to be used for the substation deliveries are Carr Lane from the A165 and Meaux Lane from A1035, both of which are acceptable pending the submission of the full CTMP.	**Response to Relevant Representation [REP1-070]** reference RR-040 and RR-050 was provided at Deadline 1 which addressed the query from the member of the public.
7.107	Highway improvements, identified in the TA, are proposed to cater for the additional movements the development construction is likely to create. These have previously been identified between the ERYC highway team and the applicants and are considered acceptable.	This is noted by the Applicant.
7.108	The oCTMP has identified that ERYC request that a dilapidation survey is submitted ahead of any construction works and then again following construction. This would need to be first submitted to ERYC highway teams for review, before formally appending to the full CTMP. The agreed extents of this is within the ES Volume 3, Figure 14.1: Study Area for Transport and Access [EN010157/APP/6.3].	The **Outline CTMP [REP1-060]** states that the Principal Contractor will agree the extent of the highway condition surveys with East Riding of Yorkshire Council based on HGV routes within the study area as shown in **ES Volume 3, Figure 14.1: Study Area for Transport and Access [APP-089]**.

		However, as stated in the **Outline CTMP [REP1-060]** this would not require a survey of the A-class roads within the study area which are already key routes for HGV traffic. The **Outline CTMP [REP1-060]** provides a commitment that the Principal Contractor will agree the extent/area of survey with East Riding of Yorkshire Council prior to undertaking the dilapidation surveys. It also provides a commitment to complete the dilapidation surveys before construction activities commence.
7.109	The principle of the construction works travel plan is acceptable however, further detail of this is provided within Appendix A of the oCTMP as an Outline Travel Plan (oTP). The oTP is considered acceptable for the type of development and operations likely to take place, however further details of the measures would be required in a full Travel Plan which can be submitted alongside the full CTMP.	The Applicant confirms that the Outline Travel Plan (Appendix A of the **Outline CTMP [REP1-060]**) provides a commitment to clarify the details of measures to be implemented and included within a full Travel Plan.
	<u>Highway related comments on the Draft DCO</u>	
7.110	The Draft Development Consent Order (DCO) (AS-007) covers highway (street work) related matters in Part 3 – Streets. The draft DCO suggests the highway works required as part of the development would not require to enter a S278 and S184 agreement with the Council, this is not considered acceptable.	As the DCO would confer a statutory power for the Applicant to carry out works within the highway, such an agreement under the Highways Act 1980, whilst not precluded, would not be required. Additionally, Article 14

	The works within the highway, especially those that are to be formally adopted by the council after the construction phase, would require a S278 or S184 agreement to cover the council against any works failures in the reasonable period agreed within the S278.	addresses the construction and maintenance of altered streets. Sub-paragraph (1) provides that the alterations to each of the streets specified in column (1) of the table in Schedule 4 (alteration of streets) to the **Draft DCO [EN010157/APP/3.1 Revision 5]** must be completed to the reasonable satisfaction of the street authority and, unless otherwise agreed by the street authority, the alterations must be maintained by and at the expense of the Applicant for a period of 12 months from their completion and from the expiry of that period by and at the expense of the street authority. Sub-paragraph (2) provides the same requirement for any restoration works carried out in accordance with Article 13(3) (power to alter layout, etc., of streets). On this basis, the Applicant does not consider that a section 278 agreement or section 184 agreement is necessary as Article 14 already requires the Applicant to maintain the alterations to the street for a period of 12 months which is considered a reasonable time period in which any works failures would be identified.
7.111	The Draft DCO also appears to waiver some significant clauses of the New Roads and Street Works Act, which the council reply	The drafting of Article 12 (application of the 1991 Act) is highly precedented and

	on for notice periods for any temporary works/ traffic management required, these licences and notices should still be provided to the council in a timely manner.	consistent with a number of recently made DCOs and is therefore considered appropriate. Notice under sections 54 and 55 of the New Roads and Street Works Act 1991 is required to be given for temporary works but it is to be treated as if it was notice for emergency works carried out under section 57. This is considered appropriate as the street authority would have been consulted (for temporary closures or restrictions listed in Schedule 5) or consented (other temporary closures or restrictions) prior to the closure or restriction (Article 15(5)). Additionally, in relation to traffic management measures under Article 18 (traffic regulation measures), the Council as the traffic authority would have already been consulted (for traffic regulation measures listed in Schedule 5) or consented (other traffic regulation measures) and been given notice under sub-paragraph (5) in relation to both sets of measures.
7.112	Highway Management request that an additional requirement is put in place to secure the approval of formal detailed construction plans of all off-site mitigation works and access points to ensure the construction within the public highway is acceptable to the Council. This will be done through the highway technical approval process, and the Council must provide a	Under Requirement 3 of Schedule 2 to the **Draft DCO [EN010157/APP/3.1 Revision 5]**, the Applicant must submit to the Council for approval the details of vehicular and pedestrian access, junction improvements and passing places unless the street

	construction approval notice to the applicants before works can start on the construction of the development or any offsite highway works.	authority has already consented to the works under articles 13 (power to alter layout, etc. of streets), 14 (construction and maintenance of altered streets) and 16 (access to works). Additionally, at Deadline 1 the Applicant added a requirement for street authority consent for works under Article 11 (street works) of the **Draft DCO**. The Applicant does not therefore consider an additional requirement is necessary as the Council already has the power to approve the detailed design of off-site mitigation works and access points.
	<u>Conclusion</u>	
7.113	The site is spread across a number of land areas within a primarily rural location. The Council are satisfied that the assessments of expected traffic generation at all stages, the access to the land areas and proposed mitigation would not have a significant impact on highway safety or movement in the area and therefore be a neutral impact.	This is noted by the Applicant.
7.114	The proposed use of Park Lane, Cottingham as the route to the Creyke Beck substation works is not supported by the Council. It is considered it would have a negative impact on highway safety and residential amenity for dwellings on Park Lane. An	See response to 7.74 above

	alternative could be provided from the A1079 and the Council would request this is explored further.	
7.115	Cable route road crossings should be carried out using Horizontal Directional Drilling. The Council would not support open cut crossings of these roads.	The Applicant acknowledges the preference to use HDD construction techniques across all roads. The **Outline CTMP [REP1-060]** states that HDD will be used for higher standards and busier roads and that open-cut trenching would be used if necessary (with traffic management and single lane closures). The most appropriate method will be determined at detailed design stage, taking into account a range of considerations and constraints.
	Biodiversity and Ecology	
7.121	East Riding of Yorkshire Council Nature Conservation Team Leader has worked with the applicant during the consultation phase. The Nature Conservation Officer has provided detailed comments which are set out below.	This is noted by the Applicant.
	<u>Protected Sites</u>	
7.122	A Habitats Regulations Assessment – Information to Inform Appropriate Assessment (APP-145) has been submitted in support of the proposal. The HRA identifies the Humber Estuary Special Protection Area (SPA) and Ramsar (8.5km south) and Hornsea Mere SPA (5.5km east) in relation to impacts. Loss,	This is noted by the Applicant.

	disturbance and displacement of mobile species using Functionally Linked Land is identified for assessment and this is considered appropriate, as is glint and glare impact. Impacts on the Greater Wash SPA are ruled out in the Assessment and this is agreed as appropriate.	
7.123	Wintering bird surveys have been carried out and found limited, but some significant use of the main site and adjacent areas by Humber Estuary SPA/Ramsar species, and on that basis the assessment defines the site as functionally linked, although that does not include any functional link of the main development area to Hornsea Mere SPA. It is agreed that the sites are functionally linked as described in the Assessment.	This is noted by the Applicant.
7.124	There is some deviation in the survey design from Natural England's standard guidance but given the distance from the SPA/Ramsar Site, and the nature of the majority of impacts closer to the designated site being temporary, the surveys carried out are considered to be sufficient for the main site. Further information is being collated in relation to the passage and wintering surveys of the grid connection cable corridor and therefore a full appraisal of scheme wide impacts will require analysis of these results as they become available. ERYC will have the opportunity to respond to those surveys when they are published during the course of the Examination.	The results of the non-breeding bird surveys for the grid connection cable route were incorporated into the **Habitats Regulations Assessment – Information to Inform Appropriate Assessment [REP1-015]** that was submitted at Deadline 1. A similar suite of species to those recorded within Land Areas B to F were also recorded within the grid connection cable route. As such, as a precautionary approach had already been taken in the assessment, the additional data does not change the conclusions of the **Habitats Regulations Assessment -**

		Information to inform Appropriate Assessment [REP1-015].
7.125	Impacts from the cable corridor would be temporary however construction impacts such as noise and visual disturbance should also be considered up to 300m from source and be assessed in consideration of baseline scenarios, including identification of any further mitigation that may be required to minimise disturbance on protected species.	Within Fields E4, E5 and E15, E17 and D17 (adjacent to the Humber Estuary designated sites Mitigation Areas), the Applicant will avoid completing the most disturbing activities (e.g. loud activities such as piling, installing access tracks, laying cables, etc.) during winter (October to March). Only less disturbing activities (e.g. commissioning works including panel installation) would potentially take place in these fields during winter, if necessary. Noise modelling is therefore not proposed. This approach was agreed in principle during a meeting with Natural England on 19 June 2025 (as set out in item NE08 in the **Draft Statement of Common Ground with Natural England [REP1-078]**. Should this not be possible, acoustic fencing would be installed for the construction period to provide a noise and visual barrier, as well as hedgerow screening already in place. The above is set out in the updated **Habitats Regulations Assessment - Information to inform Appropriate Assessment [REP1-**

		015]. The **Outline CEMP [EN010157/APP/7.2 Revision 3]** secures these commitments.
7.126	Mitigation for loss of functionally linked land within the main site and adjacent areas is detailed and secured in the outline Landscape and Ecological Management Plan (PDA-018). The mitigation includes the creation of a series of shallow wader scrapes in flat arable fields. Mitigation Areas 11 (7.08ha) and 13 (7.33ha) and grassland creation within Mitigation Area 9 (21.48ha) are to be created prior to construction commencing. Wet grassland is difficult to create unless there are suitable hydrological ground conditions. To determine the suitability of land for the creation of wet grasslands hydrological studies are needed to confirm that suitable hydrological conditions are present. At the current time hydrological surveys have not been undertaken and this is a concern that it does not provide sufficient certainty that the proposed mitigation measures for SPA/Ramsar species are likely to be successful.	The **Outline Landscape and Ecological Management Plan (LEMP) [EN010157/APP/7.5 Revision 4]** was updated with further information regarding the viability of the proposed scrapes within the mitigation areas, including additional hydrological information regarding the current hydrological statuses of the fields available at this stage of the Proposed Development. An initial review of hydrological (including flood modelling presented in **ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP1-032]**) and soil information indicates that Mitigation Areas 11 and 13 are suitable locations to create scrapes successfully, with the exact locations of the scrapes to be determined by pre-construction hydrological studies. Mitigation Area 9 would not be suitable for scrape creation and would be sown with a flower rich neutral grassland, which would be managed as permanent pasture, managed to provide short turf in the winter suitable for foraging lapwing and golden plover. The

		Applicant acknowledges the difficulty associated with creating wet grassland. The **Outline LEMP [EN010157/APP/7.5 Revision 4]** includes text referring to wet grassland with scrapes with flower-rich neutral grassland with scrapes to ensure the habitat creation is achievable.
7.127	To provide a successful mitigation at Mitigation Area 11(E6), the land needs to be reasonably open and human activity minimised. There are concerns in relation to the extent of enclosure of Mitigation Area 11 (E6) and the introduction of permissive access paths around the site boundaries. There are solar panels to be installed to the immediate north and further enclosure is likely to occur to the west should the Carr Farm Solar Scheme 22/03648/STPLFE be implemented following its recent allowed appeal decision. Views are secured to the south of the site due to the presence of the Scheduled Monument (Meaux duck decoy), however, existing mature trees on this site slightly impact the mitigation area. The site and proposed scrapes also straddle flood zones 2 so there is concern in relation to the deliverability of wet grassland in this area.	The Applicant acknowledges EYRC's concerns regarding the permissive paths within Mitigation Area 11 (E6). The Applicant is giving consideration to ways of addressing this issue, such as re-routing the path outside Mitigation Area 11 (E6). The **Outline LEMP [EN010157/APP/7.5 Revision 4]** and **ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [APP-058]** will be updated to reflect any changes as necessary and submitted at subsequent deadlines. Section 3.2 of the **Outline LEMP [EN010157/APP/7.5 Revision 4]** was updated with further information at Deadline 1 regarding the viability of the proposed SPA/Ramsar mitigation areas.

7.128	Mitigation Area 13 (E13 and E14) is well placed to the west of the development and connects to the Carr Farm Solar proposed SPA/Ramsar mitigation area. However, it is not dependent on that proposal in order to deliver an appropriate mitigation area. Existing hedgerows to the south mitigate the impact of introduction of solar panels to the south. The position between the Humber Estuary and Swinemoor Common Local Wildlife Site (known FLL) is optimal. The site lies within Flood zone 1, however, EA surface water flood maps indicate that some areas of the site are vulnerable to surface water flooding and the likelihood of scrapes holding water is increased. The existing use of this area by roosting curlew on passage indicates its suitability for targeted enhancements and that existing hedgerows do not pose a constraint to use by this sensitive species.	The Applicant acknowledges ERYC's Nature Conservation Officer's comment. Section 3.2 of the **Outline LEMP [EN010157/APP/7.5 Revision 4]** was updated at Deadline 1 with further information regarding the viability of the proposed SPA/Ramsar mitigation areas.
7.129	Similarly to Mitigation Area 11, there are concerns about the introduction of recreational activities around the Mitigation Area 9. This has the potential to displace passage and wintering birds compromising the success of the mitigation area. The proposal states that the mitigation areas will be managed for 30 years. SPA/Ramsar Mitigation Areas must be managed for the lifetime of the development.	The Applicant acknowledges Natural England's concerns regarding the permissive paths within Mitigation Area 11. The Applicant is giving consideration to ways of addressing this issue, such as re-routing the path, use of signage in appropriate locations instructing dog walkers to keep their dogs on a lead, fencing and appropriate screening. The **Outline LEMP [EN010157/APP/7.5 Revision 4]** and **ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [APP-058]** will be updated to reflect any

		changes as necessary and submitted at subsequent deadlines. Section 1.1.15 of **Outline LEMP [EN010157/APP/7.5 Revision 4]** states the Landscape and Ecological Management Plan will be reviewed after 30 years to ensure it is fit for purpose for the remaining 10 years of the Proposed Development operation. It is acknowledged that any mitigation will need to be managed for the operational life of the Proposed Development as secured in the **Outline LEMP [EN010157/APP/7.5 Revision 4].**
7.130	Current Natural England advice is that a 150m buffer should be provided around 'core' mitigation land and any deviations should be fully justified. With regard to noise disturbance para. 7.3.5 of the Habitats Regulations Assessment – Information to Inform Appropriate Assessment (APP-145) makes an assessment based on guidance that Natural England have previously advised the East Riding of Yorkshire Council they do not support. Their guidance infers that noise impacts during construction impacts should be assessed up to 300m from source and should be considered relative to the background noise levels. The Habitats Regulations Assessment – Information to Inform Appropriate Assessment (APP-145) identifies that visual and noise disturbance of mitigation areas is likely from construction activities and that 3m high visual and	Section 3.2 of **Outline LEMP [EN010157/APP/7.5 Revision 4]** was updated at Deadline 1 to include a justification for the suitability of each of the SPA/Ramsar mitigation areas. Appendix E was added to the **Outline LEMP [EN010157/APP/7.5 Revision 4]** at Deadline 1 for further clarify in regard to the bird days calculation and mitigation areas carrying capacities which consider sight lines. To avoid the potential for disturbance of wintering birds within the mitigation areas (Mitigation Areas 9 (Field D18), 11 (Field E6)

	acoustic barriers (typically 3m high) would be installed between bird mitigation areas and the working area where this is within 150- 200m of the mitigation land. This is appropriate where existing vegetation screens views of construction areas. Where open views will be lost due to the proposed development, the loss of sight lines may pose a constraint to the success of SPA/Ramsar bird mitigation areas during the construction phase due to the enclosure created by the acoustic fences.	and 13 (Fields E13/14)), completion of the activities most likely to disturb birds (e.g. piling, installing tracks, laying cables etc.) will be avoided during winter (October to March) within the adjacent fields to the mitigation areas (Fields E4, E5 and E15, E17 and D17). Only activities less likely to disturb birds (e.g. commissioning works including panel installation) would potentially take place in these fields during winter, if necessary. Should this not be possible, acoustic barriers would be installed for the construction period to provide a noise and visual barrier, in addition to any hedgerow screening already in place. Noise modelling is therefore not proposed. This approach was agreed in principle during a meeting with Natural England on 19 June 2025 (as set out in item NE08 in the **Draft Statement of Common Ground with Natural England [REP1-078]**). The **Habitats Regulations Assessment - Information to inform Appropriate Assessment [REP1-015]** and the **Outline CEMP [EN010157/APP/7.2 Revision 3]** secure these commitments.
7.131	Water quality impacts are screened in for the Humber Estuary SPA, Special Area of Conservation (SAC) and Ramsar. Water	The **Habitats Regulations Assessment - Information to inform Appropriate**

	quality improvements during operation would be significant across the order limits from changes in land management. Best practice measures/embedded mitigation during construction mitigates the risk of pollution impacts locally and is not considered a risk to designated sites and is appropriately secured in the outline Construction Environmental Management Plan (oCEMP) (APP-153). The embedded design and protocols for the BESS follow best practice and would avoid impacts on the water environment associated with fire water. Operational impacts related to cleaning of solar PVs should confirm the use of water only for this task and this should be secured in Section 2.2 of the outline Operational Environmental Management Plan (oOEMP) (APP-154)	**Assessment [REP1-015]** that was updated at Deadline 1 to confirm that the solar PV modules will be cleaned using deionised water only and therefore there would be no impacts on water quality as a result of cleaning the solar PV modules. The **Outline Operational Environmental Management Plan (OEMP) [REP1-052]** was also updated at Deadline 1 to clarify details of solar PV module cleaning.
7.132	During construction, likely significant effects are screened in for the Humber Estuary designated sites within the Habitats Regulations Assessment – Information to Inform Appropriate Assessment Table 4-12 (APP-145) from the release of breakout contaminants, particularly bentonite during horizontal directional drilling (HDD) and water supply impacts which may arise due to abstraction. Water quality impacts to potential FLL are also screened in. Chapter 10: Land, Soil and Groundwater of the ES (APP-046) identifies only a low to moderate risk in relation to groundwater in principal aquifer/source protection zones. Table 5-1 of the Outline Construction Environmental Management Plan (APP-153) states “A Piling Risk Assessment will be prepared, if piling is required as part of the Proposed Development” and that “The Proposed Development would be	As described in the **Outline CEMP [EN010157/APP/7.2 Revision 3]**, the Construction Environmental Management Plan will include details regarding HDD breakout, including site-specific methodologies, where necessary. Details of these activities cannot be finalised until a Principal Contractor is appointed and specific methodologies are agreed upon. The **Habitats Regulations Assessment - Information to inform Appropriate Assessment [REP1-015]** was updated at Deadline 1 to refer to the need to include site-specific methodology in the Construction

	compliant with the Environment Agency's groundwater protection policies." Water supply impacts do not appear to be addressed elsewhere and clarity should be provided. Broad detailing within section 4.9 of the Outline Construction Environmental Management Plan (APP-153) for managing horizontal directional drilling HDD risks are acceptable, however, a sitespecific risk assessment is imperative for where sensitive ecological receptors are present and should be included in the final CEMP.	Environmental Management Plan, once the Principal Contractor has been appointed.
7.133	Disturbance of lamprey from vibration, noise and electromagnetic fields (EMF) is taken to Appropriate Assessment (AA) due to HDD under the River Hull which is known to support migrating, spawning and juvenile river lamprey. Mitigation measures detailed in section 7.4.2 of the Outline Construction Environmental Management Plan (APP-145) state that receptor pits would be located approximately 50m either side of the River Hull and will take place at a minimum depth of 7m below the riverbed, potentially up to a maximum of 20m. These details are appropriately secured in the Design Parameters Document (APP-150) and are at such a depth that effects from EMF can be ruled out. Section 7.5.6 of the Habitats Regulations Assessment - Information to inform Appropriate Assessment (APP-145) further details that the cable will have 'an insulating layer'. This too should be secured within the Design Parameters Document (APP-150). The Habitats Regulations Assessment - Information to inform Appropriate Assessment (APP-145) details that preferred	The preferred timings to undertake the Horizontal Directional Drilling (HDD) would be during spring/summer (April to September), when the ground conditions would be drier. This would avoid the peak lamprey migration period. While the Applicant cannot commit to this restriction at this stage, it will adhere to these timings where possible. In the unlikely event that it is not possible to avoid the lamprey migration period, as detailed in Section 7.5 of the **Habitats Regulations Assessment - Information to inform Appropriate Assessment [REP1-015]**, no adverse effects are anticipated given that the HDD under the River Hull would be at a minimum depth of 7 m, very short-term (estimated to take a maximum of

	timings to undertake the Horizontal Directional Drilling would be spring/summer (April to September)' which would 'avoid the peak lamprey migration period'. This should be detailed within the outline Construction Environmental Management Plan (APP153).	24 hours), and that fish without a swim bladder (which includes lamprey) have the lowest sensitivity to noise/vibration. The cable beneath the River Hull will have 'an insulating layer' as specified within Section 7.5.6 of the **Habitats Regulations Assessment - Information to inform Appropriate Assessment [REP1–015]** and this has now been secured within the updated **Design Parameters Document [EN010157/APP/5.8 Revision 3]**, submitted at Deadline 2.
7.134	Chapter 5: Approach to the EIA of the ES (APP-042) details that construction and decommissioning traffic generation falls below screening thresholds. It is agreed that it is unlikely that additional construction phase traffic emissions as a result of the proposed development would cause a significant adverse effect on designated sites. The screening out of dust impacts is also considered appropriate.	This is noted by the Applicant.
	<u>Figham Pasture Local Wildlife Site (LWS)</u>	
7.135	A small area of Figham Pasture lies within the Order Limits, which would be used for the purposes of laying grid connection cable only. Habitat types are classified through the British National Vegetation Classification (NVC). The NVC classification for Figham Pasture should drive the design for	Section 7.8.11 of **ES Volume 2, Chapter 7: Biodiversity [REP1-019]** states that pre-construction surveys, as detailed and secured within the **Outline CEMP [EN010157/APP/7.2 Revision 3]**, would

	development activities in the area with impacts to high value habitats avoided in accordance with the mitigation hierarchy of avoidance, mitigation, compensation, enhancement). Based on the details presented the coastal and floodplain grazing marsh (CFGM) priority habitat is in poor condition, and there is some uncertainty in relation to the extent of works across the LWS. However, the use of HDD which is proposed underneath the majority of Figham Pastures LWS is supported.	include a National Vegetation Classification survey and appropriate protected species surveys of Figham Pastures LWS. The surveys would be used to confirm an accurate pre-construction baseline, but also to microsite and determine the final location of the Horizontal Directional Drilling pits, open trenching areas, compound and access route, thus aiming to avoid the most plant-rich areas. **ES Volume 3, Figure 7.1: Designated Sites and Ecological Mitigation and Enhancement Areas [REP1-025]** was updated and submitted at Deadline 1 to include the boundary of all Local Wildlife Sites within and adjacent to the Order Limits. The exact area of Figham Pasture due to be affected by the Proposed Development will be determined by the Principal Contractor once appropriate pre-construction surveys are undertaken.
7.136	It is detailed that a maximum of 30m working width of Figham Pastures would be impacted. Chapter 7: Biodiversity Section 7.7.32 (APP-043) secured in the oCEMP (APP-153) states "The underlying grassland was species-poor with the turf detailed, in construction measures, being replaced within 48 hours of the trench being dug. Details on turf translocation are included	The applicant assumes this comment relates to paragraph 2.5.4 in the application **ES Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]**, and the corresponding commitment in the **Outline CEMP [EN010157/APP/7.2**

	within the oLEMP (PDA-018) section 6.3.25 and the Outline Soil Management Plan [APP-159], to ensure that the impact is minimal, with the trench width kept to a minimum (1.6m)." The oCEMP (APP-153) states a minimum width of 1.5m for open cut trenching would be achieved. Consistency should be provided, and in pre-submission discussions ERYC ecology officers advised that a 1.5m trench width and reinstatement of turfs within 48h would be acceptable.	**Revision 3]**. The reference to a trench width of 1.6 m in **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** was an error and has been amended to state that the maximum trench width within Figham Pastures LWS would be 1.5 m. The change to this document was captured in the **ES Addendum [REP1-069]** submitted at Deadline 1.
7.137	Vehicle damage is to be mitigated through laying track. However there are some concerns related to vehicle movements as the submitted information does not provide sufficient clarity that works would not be undertaken between October and March; the oCEMP (APP-153) only states 'reasonably practicable'. ERYC seek clarity on that matter. Justification should also be sought on why temporary site cabins may need to be situated on Figham Pasture LWS.	Welfare facilities are required to be located in proximity to the working area by CDM Regulations and guidance, specifically Construction Welfare Standards (see BS 6465- 1:2006 + A1; 2009). The Applicant would in the first instance seek to locate any such facilities outside of the LWS, however, flexibility is required to ensure that there is capacity to locate cabins on the LWS to demonstrate that the distance and time to reach from the furthest point of the site to the welfare facilities is as short as possible.
7.138	The monitoring regime for reinstated habitats should be extended should injurious weeds dominate within Table 20-1 of the oLEMP (PDA-018).	The Applicant acknowledges the comment regarding injurious weeds. Table 20-1 within Outline LEMP [EN010157/APP/7.5 Revision

		4] has been updated and resubmitted at Deadline 2.
	Protected Species and Habitats	
7.139	ERYC would expect to see embedded best practice avoidance and mitigation measures outlined within Table 5-1 of the oCEMP (APP-153) for protected species.	The Construction Environmental Management Plan will contain embedded mitigation and best practice measures for legally protected species once pre-construction ecology surveys are undertaken. The Applicant feels the level of information provided within the Table 5.1 of **Outline CEMP [EN010157/APP/7.2 Revision 3]** regarding protected species is appropriate at this stage of the Proposed Development.
7.140	Bats- Appendix 7.6: Bat Survey Report (APP-110) presents the result of the bat surveys. The appraisal states that the land areas are likely of regional value for Nathusius' pipistrelle and of local value for all other bat species recorded, and that is supported. Trees and structures suitable for roosting bats are to be retained and therefore impacts can be ruled out. The oCEMP (APP-153) details that bat foraging routes are to be maintained where breaks in hedgerows are required through the "temporary installation of structures", either fencing with camouflage type netting on top or filled with brash. Netting should be of a type not to cause wildlife entrapment and use of brash should be	The Applicant acknowledges the ERYC's Nature Conservation Officer's comments. Detailed measures to mitigate the effect on bats during construction will be included within the Construction Environmental Management Plan. This will include ensuring that, where reasonably practicable, the fencing options recommended the ERYC's Nature Conservation officer will be used.

	prioritised. Details for construction lighting also follow best practice. The inclusion of built features for bats across the scheme is welcomed	
7.141	Great Crested Newt (GCN) - The submitted information has identified ponds suitable for GCN and made an assumed presence on that basis. eDNA surveys (soil, water, sediment and air sampling) are still required for ponds identified as being suitable for GCN. However, assumed presence is suitably precautionary and pre-construction surveys are secured in the outline Construction Environment Management Plan (APP-153) for this species. ERYC Ecology officers have confirmed that they see no constraints to the use of either the district level licencing scheme or a low impact class licence, subject to confirmation with Natural England.	As detailed within sections 7.5.37 to 7.5.40 of **ES Volume 2, Chapter 7: Biodiversity [REP1-019]** and **ES Volume 4, Appendix 7.1: Preliminary Ecological Appraisal [APP-105]** surveys of waterbodies within the Land Areas indicate GCN are not present. As eDNA surveys have not been undertaken on ponds within 250m of the grid connection cable route, GCN have been assumed to be present until presence/absence surveys are undertaken as part of pre-construction surveys. The results of the pre-construction GCN surveys detailed and secured within **Outline CEMP [EN010157/APP/7.2 Revision 3]** will determine appropriate mitigation, including licencing if required.
7.142	Water Vole and Otter - Appendix 7.7: Water Vole and Otter Habitat Suitability Report (APP-111) details results of the water vole and otter survey. Large drains and ditches were found to provide good habitat for water voles and they are assumed present. Six of the cable crossing points had optimal suitability, fifteen had good suitability, eight were suitable. The site is also considered to provide suitable habitat for otter. Likely impacts	**ES Volume 2, Chapter 7: Biodiversity [REP1-019]** and the **Outline CEMP [EN010157/APP/7.2 Revision 3]** were updated to ensure pre-construction water vole and otter surveys use appropriate guidance, and the updated documents were submitted at Deadline 1. This includes where

	to these species are identified. The design for new culverts is acceptable and is appropriately secured in the outline Construction Environmental Management Plan (APP-153). The use of Horizontal Directional Drilling (HDD) is supported for major watercourse crossings and this will avoid impacts on water vole and otter. An assessment is provided in Section 7.8.37 - 7.8.39 of Chapter 7: Biodiversity of the ES (APP-043), however, pre-construction surveys for water vole and otter (secured via APP-153) should be undertaken for impacted watercourses found 'suitable' and above for both otters and water vole. Surveys for otter should extend up to 200m up and downstream of each crossing point (where open cut techniques required) and up to 5-10m from each bank as appropriate. Water vole surveys should be extended in accordance with the guidance in Box 1 of the Water Vole Mitigation Handbook. Updates should be included in Table 5-1 of a revised outline Construction Environmental Management Plan (oCEMP) (APP-153).	land access permits, undertaking water vole surveys 100 m downstream and upstream from proposed culverts and watercourse crossing points which affect watercourses assessed as 'suitable but poor to optimal suitability' within **ES Volume 4, Appendix 7.7: Water Vole and Otter Habitat Suitability Report [APP-111]**. **ES Volume 2, Chapter 7: Biodiversity [REP1-0.19]** and the **Outline CEMP [EN010157/APP/7.2 Revision 3]** were updated and submitted at Deadline 1 to include, where land access permits, pre-construction otter surveys of suitable habitat within 200 m of the proposed works.
7.143	Reptiles - Suitable habitat for reptiles (grass snake) is present within the order limits and watercourse crossings have potential to impact this species group. Impacts on core habitat of known populations along the River Hull corridor will be avoided through the 50m setback for HDD. This species group should remain scoped in for potential species protection plans secured in the oCTMP (APP-153). The creation of the proposed wildflower grassland, wetland scrapes and improved riparian zone	This is noted by the Applicant.

	management as identified in the oLEMP (PDA-018) would benefit reptiles.	
7.144	Invertebrates - Much of the onshore development area is low distinctiveness habitat and the arable dominance means that these areas are considered unlikely to support a particularly diverse assemblage of invertebrates. Terrestrial invertebrates can t herefore be scoped out. Impacts on higher distinctiveness habitats are avoided as far as possible. Impacts to aquatic invertebrate in higher distinctiveness watercourses are avoided by use of HDD. Localised impacts are likely from installation of box culverts during construction; however, this would be off-set by improvements in the management of the riparian zone during operation and water quality improvements due to land-use change.	This is noted by the Applicant.
7.145	Badger - Appendix 7.2: Badger Survey Report (APP-106) confirms the presence of badger within the development area. All identified existing badger setts would be retained with an appropriate offset distance to avoid disturbance or damage to setts. Pre-construction surveys are appropriate. Connectivity is to be maintained through the development for badger by delivering mammal access points within the fencing, to allow badgers to push under the fence. There are concerns in relation to the micro-siting of these access points however, as this targeted approach would restrict movement of badger within the wider landscape it should be recommended that this is explored further	As the fence will not be buried badgers will likely push underneath the fence at low points (as they do with normal stock fencing) and access grassland underneath panels to forage and in addition they can move through the wider landscape as deer would do by using the buffers between the fence line and existing field boundaries. Therefore, no restrictions regarding foraging badgers are envisaged. In addition, the **Outline CEMP [EN010157/APP/7.2 Revision 3]** makes provision for targeted badger access should

		pre-construction surveys indicate that this is a required.
7.146	Other Mammals - Brown hare and hedgehog are present within the development area; species protection plans should include reasonable avoidance measures with regards to vegetation clearance in order to mitigate impacts. As above, in relation to small mammal access, this should be secured across the whole of the scheme. 10m off-sets would provide opportunities for movement of deer. The proposed embedded design stage mitigation to avoid entrapment of deer within fencing is supported. Location of fencing would ensure continuity of routes through the landscape secured in 6.3.7 of the oLEMP (PDA-018).	The Applicant acknowledges the ERYC's Nature Conservation Officer's comments in relation to deer and fencing. The **Outline CEMP [EN010157/APP/7.2 Revision 3]** has been updated to include provision for reasonable avoidance measures regards mammals and vegetation clearance within species protection plans and is resubmitted at Deadline 2.
7.147	Fish - Mitigation measures for fish other than lamprey are restricted to water crossing design. Clarification is sought on whether open cut crossings or installation of box culverts would impact movement of fish during construction and any necessary associated mitigation measures should be secured.	The method of open cut crossings will only be used during cable installation works. Cables will only be installed using the open cut method within dry minor watercourses. So, fish would not be affected within these dry minor watercourses. Cables will be installed underneath other watercourses using horizontal directional drilling or being incorporated into a crossing above the watercourse, therefore no significant effects on fish are anticipated, including lamprey as explained within **Habitats Regulations Assessment -**

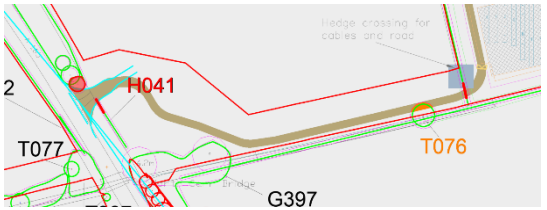
		Information to inform Appropriate Assessment [REP1-015]. See also response 7.133. Other discrete sections of watercourses will be affected by box culverting works for access, which will likely require isolated dewatering and in these cases licencing will be obtained from the Environment Agency and standard fish rescue techniques employed to minimise harm to fish. As works would be short term and temporary, no significant effects on fish movement are envisaged. Such construction works would be overseen by an Ecological Clerk of Works. The **Outline CEMP [EN010157/APP/7.2 Revision 3]** has been updated to detail and secure measures to reduce the effects on fish during the construction phase and is submitted at Deadline 2. In addition to the above, standard pollution control measures are detailed in and secured by the **Outline CEMP [EN010157/APP/7.2 Revision 3]** and the **Outline DEMP [EN010157/APP/7.4 Revision 3].**
7.148	Breeding Birds - Notable impacts to breeding birds are likely restricted to ground nesting species through displacement. Mitigation areas above 2.5ha consisting of flower-rich neutral	Section 19.3 of the **Outline LEMP [EN010157/APP/7.5 Revision 4]** was updated at Deadline 1 to include indicative

	grassland are primarily set aside for ground nesting birds. Monitoring is included but triggers should be included to indicate when remedial action should be implemented. Monitoring should include breeding bird activity as well as habitat condition stated in Table 20-1 of the oLEMP (PDA-018). Further details should be provided on target sward height for breeding birds, for example nesting skylarks avoid vegetation over 60cm and lapwings prefer more open swards. Use of species rich grassland mixes will ensure an abundance of prey items. Impacts to nesting birds from vegetation clearance during construction are mitigated and secured in the oCEMP (APP-153). Hedgerow and woodland bird species would benefit from improved species diversity and habitat management secured in the oLEMP (PDA-018).	roles and responsibilities, an indicative management and monitoring programme, and targets for success criteria and potential remedial actions. Section 14.2.5 of the **Outline LEMP [EN010157/APP/7.5 Revision 4]** was added at Deadline 1 to provide detail regarding grassland sward height within the breeding bird mitigation areas and remedial action if required. The **Outline LEMP [EN010157/APP/7.5 Revision 4]** provides an indicative monitoring programme and a commitment to remedial actions should monitoring indicate mitigation is not being effective. The Landscape and Ecological Management Plan that will be produced should the Proposed Development gain consent will include the triggers for when remedial action will be required and will also include reference to target sward heights for the mitigation for wintering birds associated with the Humber SPA and ground nesting birds.
7.149	Passage and Wintering Birds - Chapter 7: Biodiversity of the ES (APP-043) section 7.8.61 details that works would avoid the peak wintering bird season; this is not presently secured within the oCEMP (APP-153). Monitoring measures outlined at section	The Applicant acknowledges ERYC's Nature Conservation Officer's comments regarding monitoring measures outlined within 7.11 of

	7.11 of the Chapter 7: Biodiversity of the ES (APP-043) of are appropriate and proportionate.	**ES Volume 2, Chapter 7: Biodiversity [REP1-019].** Section 7.8.61 of **ES Volume 2, Chapter 7: Biodiversity [REP1-019]** refers to the decommissioning stage of the Proposed Development, therefore the **Outline CEMP [EN010157/APP/7.2 Revision 3]** is not relevant to this stage of the Proposed Development. However, Table 4-1 of the **Outline DEMP [EN010157/APP/7.4 Revision 3]** details appropriate measures to reduce potential effects to passage and wintering birds.
7.150	Invasive Non-Native Species (INNS) - The Habitat Survey undertaken recorded no instances of INNS plants. Construction phase measures to avoid introduction of INNS are secured in the oCEMP (APP-153) and would minimise the risk of introducing invasive plant species. Mink, however, were recorded within the order limits and the commitment to humanely manage populations for the first three years detailed in 7.10.2 of Chapter 7: Biodiversity of the ES (APP-043) is welcomed. This should be secured in the oOEMP (APP-154) alongside the details in section 17 of the oLEMP (PDA-018).	The measures outlined within section 17 **Outline LEMP [EN010157/APP/7.5 Revision 4]** include the operational phase of the Proposed Development, therefore the Applicant does not feel there is a need to replicate the same text within **Outline OEMP [REP1-052].**
7.151	Lighting - Section 2.5.4 of the Habitats Regulations Assessment - Information to inform Appropriate Assessment (APP-145) details that infrared sensor triggered security lighting would be	As detailed within **Outline CEMP [EN010157/APP/7.2 Revision 3],** core construction working hours will be between

	required around key electrical infrastructure. The lighting design would seek to limit any impact on sensitive receptors. This commitment is secured at section 4.3 of the oOMEMP (APP154) and section 3.6 of the Outline Decommissioning Environmental Management Plan (oDEMP) (APP-155). It is recommended that Lux level impacts on adjacent habitats during construction, operation and decommissioning be less than 1 lux at sensitive ecological receptors.	07:00 and 19:00, therefore reducing potential lighting effects on bats. The Applicant will seek to minimise lighting to sensitive receptors throughout all phases of the Proposed Development's life, however, cannot commit to providing lighting less than 1 lux but, as detailed within **Outline CEMP [EN010157/APP/7.2 Revision 3],** construction lighting will be kept to a minimum and not directed towards hedgerows, tree lines, watercourses, badger setts, ecological mitigation and enhancement areas. Table 4-1 of the **Outline DEMP [EN010157/APP/7.4 Revision 3]** also provides detail regarding measures to reduce effects on sensitive ecological receptor from lighting during decommissioning. As detailed within **Outline OEMP [REP1-052]** no areas of the Site during the operational stage will be continuously lit. However, motion sensor infra-red security lighting will be used for security and operational purposes within the two substations. The two project substations are positioned away from sensitive ecological receptors, or appropriate buffers in place to minimise any potential disturbance.

7.153	Veteran Trees- Three trees considered to be of veteran status are within or adjacent to the Development Consent Order Limits; T381 a category A pedunculate oak, T395 a category A Ash and T428 a category A Ash. Protection via the use of the veteran root protections areas is proposed and supported. A further tree is listed on the Woodland Trust's Ancient Tree Inventory as tree 204101, a sycamore within group G109, close to the Order limits south of Meaux Abbey Farm which may be impacted by access and works within parcel D18. The location should be confirmed to determine the likelihood of impact.	The only works proposed close to G109 are a proposed passing place on the opposite side of the road to the group. Therefore, no impacts to G109 are expected.
7.154	A new access road is proposed within the root protection area (RPA) of T381, a category A veteran pedunculate oak. This is contrary to the best practice design principles. Natural England and Forestry Commission Standing Advice on Ancient Woodland, Ancient Trees and Veteran Trees states that these buffer zones should remain semi-natural and development should not be located within these zones. Whilst mitigation is proposed in the form of above ground construction, it is considered that this would still amount to a deterioration throughout the operational lifespan of the project. Access tracks should be located outside of the veteran RPA.	To attempt to address this, a proposed change of access route is in progress which would take the veteran tree T381, out of the Order Limits (see 'Change 9' identified in **Second notification of proposed changes to the DCO Application [AS-015]).**
7.155	Ancient Woodland - Ancient Woodland is present adjacent to the Order limits, G200 Category A Cote Wood. The oCEMP (APP-153) confirms that 15m offset would be maintained for this high value ecological feature and this is supported.	This is noted by the Applicant.

7.156	Trees - There would be no impacts to trees covered by a Tree Preservation Order, however, there are concerns in relation to the extent of loss of category B trees and groups and that impacts to T076 category A oak are not avoided with an access track incursion of 22% . No dig construction is proposed, however, design modifications should be considered so that impacts can be avoided. An iterative approach to design modification to allow retention of as many high value trees as possible should be sought.	Even though a high proportion of the proposed tree losses are Category B features, this is a very low number (34) of the total category B features recorded (484). Where possible, the Applicant would avoid the RPA of T076 or at the minimum, reduce the 22% incursion. 
7.157	Replacement planting, post construction, is detailed at section 5.2 of the oDEMP (APP-115). It is considered that options for earlier replanting should be requested.	The **Outline LEMP [EN010157/APP/7.5 Revision 4]** contains details of the proposed replacement planting as well as maintenance and replacement planting measures.
7.158	Woodland - Considering the species mix in the Proposed mixed woodland species Table 8-1 of the oLEMP (PDA-018), it is recommended that an increase in longer lived species is included in the tree mix to provide resilience in the stock. Species such as walnut, small-leaved lime and sweet chestnut are present within order limits and the wider area. Proposed medium/large individual hedgerow and tree species in Table 7-	The **Outline LEMP [EN010157/APP/7.5 Revision 4]** has been updated to include these species in the indicative planting mix and has been resubmitted at Deadline 2.

	1 should also include these species. Seeding of woodland ground flora detailed in Table 8-2 is welcomed	
7.159	Hedgerow - Losses of hedgerow should be minimised, Tree Preservation Order and Hedgerow Plans (PDA-007) illustrates significant removals across the Order Limits. It is noted that an 8m indicative width for the cable route corridor is included. Where important hedgerows are impacted, a commitment should be made to minimising the extent of removal further, and that where removal is required for visibility splays for construction only, that complete removal is avoided.	Section 6.3.22 of the **Outline LEMP [EN010157/APP/7.5 Revision 4]** states that where vegetation removal/pruning is required for access and/or visibility splays, the works should be limited to that amount required to achieve the appropriate access / visibility required. Pruning of vegetation will be preferred over removal wherever possible. It should also be noted that within **ES Volume 4, Appendix 7.11: Arboricultural Impact Assessment [APP-115]**, minimum and desirable areas were provided for visibility splays and the tree/hedgerow removals shown in the report and plans are based on the worst-case scenario that the desirable (i.e. the more extensive) visibility splay will be required. There is potential that the extent of impacts would be less than is stated should the minimum visibility splay be considered sufficient, and this would be confirmed during the detailed design stage.
7.160	In relation to Hedgerow removals H015 appears replaced on Figure 3.4: Indicative Environmental Masterplan APP-059 6.3 Environmental Statement (APP-058) however is recorded as	As a result of design change 9 (identified in **Second notification of proposed changes to the DCO Application [AS-015]**), the

	lost in the Tree Preservation Order and Hedgerow Plans (PDA-007). We would request that loss of H044 of reduced from 24m and H014 and H015 from 40m unless justification can be provided.	access track off Meaux Lane into Field D5 is proposed to be removed from the Proposed Development. This would mean that hedgerows H014 and H015 would no longer require removal. The **Tree Preservation Order and Hedgerow Plans [EN010157/APP/2.8 Revision 2]** have been updated accordingly and are submitted at Deadline 2. The stated 24 m loss for H044 is accounting for three separate 8 m removals totalling to 24 m.
7.161	Hedgerow species listed are acceptable and are appropriate to the Holderness Character Area. The additional inclusion of disease resistant elm and alder buckthorn is supported.	This is noted by the Applicant.
	<u>Built features for Biodiversity</u>	
7.162	Detailing in section 18 and Appendix of the oLEMP (PDA-018) are acceptable. The inclusion of species specific boxes e.g. starling and tree sparrow are particularly welcomed	This is noted by the Applicant.
	<u>Biodiversity Net Gain</u>	
7.163	The proposal aims to deliver at least a 10% net gain. As submitted, there are constraints to the LPA providing a full detailed response on biodiversity net gain as assessments of	Figures 2 and 3 within **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision**

	the proposals cannot be considered in context. It would be useful if habitat maps could be populated with parcel references for area, hedgerows and watercourses and that features subject to enhancement and creation are assigned a relevant reference.	**2]** covering both the baseline and the post development scenario now show polygon and linear feature IDs and have been resubmitted at Deadline 2. These IDs have been referenced in the Statutory Metric for each habitat row so that changes from baseline through to the post development scenario can now be tracked. **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been updated to reflect any changes as necessary and resubmitted at Deadline 2.
7.164	Assumptions provided for habitats not subject to a condition survey are appropriate. Given the scale of the Order Limits there are some geometry errors detailed but these are not significant. Refinements should be made wherever possible.	The Applicant acknowledges ERYC's Nature Conservation Officer's comment. Efforts will be made wherever possible to rectify this when **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** is amended at the pre-construction stage.
7.165	Details for calculation of strategic significance are acceptable, these may be updated on adoption of the Hull and East Yorkshire Local Nature Recovery Strategy and based on revised Defra Guidance (July 2025).	The final Biodiversity Net Gain Assessment will be produced pre-construction should the Proposed Development gain consent and at that stage strategic significance will be

		updated if the Hull and East Yorkshire Local Nature Recovery has been adopted.
7.166	There are some discrepancies in the metric and assessment which should be clarified, these are set out below: Row 8 of A-1 cropland appears incorrectly recorded as strategically significant. Lines of trees recorded within the order limits including the grid connection corridor do not appear on the metric i.e. Figure 2: UK Habitat Classification Survey Page 1, 3 , 5, 7, 21, 24, Ponds are listed as priority within Appendix A mapping but as non-priority within the metric Appendix C assessment: Figure 2 pages 9, 16, 18. It isn't clear that ponds within the grid connection corridor are mapped. It is not considered likely that mixed scrub row 3 and row 10 sheet A-2 will be able to be reinstated /created in good condition; criterion B will be failed as mature shrubs will not be present. It is not appropriate to record the scrapes as 'temporary lakes ponds and pools (H3170) row 13 sheet A-2. Ponds habitat type and condition sheets should be used for these features. This habitat type is reserved for the Annex I habitat type 'Mediterranean temporary pond'. Post development habitats within the cable corridor Figure 3: Proposed Development UK Habitat Classification Plan are simply mapped as Cable Corridor. Future iterations should	• *"Row 8 of A-1 cropland appears incorrectly recorded as strategically significant."* Comment noted and the **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been reviewed and updated as appropriate. • *"Lines of trees recorded within the Order Limits including the grid connection corridor do not appear on the metric i.e. Figure 2: UK Habitat Classification Survey Page 1, 3 , 5, 7, 21, 24."* Comment noted and **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been updated to include all lines of trees. • *"Ponds are listed as priority within Appendix A mapping but as non-priority within the metric Appendix C assessment: Figure 2 pages 9, 16, 18. It isn't clear that ponds within the grid connection corridor*

	include for reinstatement of habitats including reasonably expected delays. Traditional Orchard is listed as being created at section 16 of PDA-018 but is not recorded in the metric. F17, area north of B8 and C8. The proposed habitat mosaics are supported in these areas. It is noted that these are 'under consideration' and an iterative approach to reviewing and updating the metric is supported as the scheme evolves. Consideration for the inclusion of local 'heritage' varieties should be made.	*are mapped."* Comment noted and **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been updated to justify the classification of ponds as non-priority. • *"It is not considered likely that mixed scrub row 3 and row 10 sheet A-2 will be able to be reinstated /created in good condition; criterion B will be failed as mature shrubs will not be present*." Comment noted and **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been updated to reinstate this scrub parcel as moderate condition. • *"It is not appropriate to record the scrapes as 'temporary lakes ponds and pools (H3170) row 13 sheet A-2. Ponds habitat type and condition sheets should be used for these features. This habitat type is reserved for the Annex I habitat type 'Mediterranean temporary pond'."*

		Comment noted and **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been updated to record these habitats as *Ponds (non-priority habitat)*. • *"Post development habitats within the cable corridor Figure 3: Proposed Development UK Habitat Classification Plan are simply mapped as Cable Corridor. Future iterations should include for reinstatement of habitats including reasonably expected delays."* Comment noted and **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been updated to include a one-year delay for all habitats within the cable corridor, as advised from the construction timeline. • *"Traditional Orchard is listed as being created at section 16 of PDA-018 but is not recorded in the metric. F17, area north of B8 and C8. The proposed habitat mosaics are supported in these areas. It*

		is noted that these are 'under consideration' and an iterative approach to reviewing and updating the metric is supported as the scheme evolves. Consideration for the inclusion of local 'heritage' varieties should be made." At the time of writing ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2] the area and precise location of the *Traditional orchard* is not yet confirmed. **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** will be updated in future iterations as appropriate. **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been updated to reflect the changes above as necessary and has been resubmitted at Deadline 2.
7.167	BNG Grassland - 5% of the solar areas are recorded as developed in accordance with the Building Research Establishment's (2014) Biodiversity Guidance for Solar Developments and this is consistent with the recently consented East Yorkshire Solar NSIP.	This is noted by the Applicant.

7.168	Appendix 7.10: Biodiversity Net Gain Assessment Section 2.5.3 (APP-114) details that within the main site, other neutral grassland in 'poor condition' is to be created under solar PVs (75%) and 20% created as other neutral grassland in moderate condition. The oLEMP Table 12-1 (PDA-018) details that this mix has a proportion of non-agricultural grasses and 9+ forbs. Further details are needed to demonstrate that it is a good representation of the habitat type based on the UK habitat description (criterion A) to achieve moderate condition. The Landscape Management Plan should detail how targeted conditions are to be achieved.	The **Outline LEMP [EN010157/APP/7.5 Revision 4]** provides an indicative seed mix that would be used that would closely match the UK Habitat definition for *Other neutral grassland* which would be the first step to achieving Criterion A) as indicated below: 1. >20% cover of broadleaved herbs and sedges; 2. >8 species per m² (including forbs, grasses, sedges and rushes, and excluding bryophytes); 3. ≥1 grass species that is not generally sown for intensive agricultural production (ie. Rye-grasses *Lolium spp.*, Timothy *Phleum pratense*, Cock's-foot *Dactylis glomerata*, Meadow fescue *Festuca pratensis*) is at least abundant; 4. Cover of Rye-grasses *Lolium spp.* and White Clover *Trifolium repens, where present, is* <30%. Further details of the exact seed mix to be used will be provided in the Landscape and Ecological Management Plan at the detailed design stage. The **Outline LEMP [EN010157/APP/7.5 Revision 4]** provides details on how the areas proposed as Other neutral grassland will be managed to ensure target condition can be achieved. In addition, the **Outline**

		LEMP [EN010157/APP/7.5 Revision 4] provides an outline of the monitoring requirements during the operation phase including for BNG. Evidence that criterion A and the other criterion required to achieve moderate condition will be provided as part of the BNG monitoring that will occur post construction. Should monitoring indicate that this requirement is not being met then remedial action will be implemented. The Applicant acknowledges ERYC's Nature Conservation Officer's comment regarding how targeted conditions are to be achieved.
7.169	Appendix 7.10: Biodiversity Net Gain Assessment Section 2.5.6 (APP-114) states that 5% of the total area of proposed created field margins, under Other neutral grassland (moderate) is to be re-created as Arable field margins – game bird seed mix to account for the creation of seed-rich foraging habitats for birds under the mitigation proposals. ERYC Ecology Officers concur with the detailing in the oLEMP (PDA-018) that records this habitat as an arable margin rather than neutral grassland in moderate condition. It is not appropriate to record this created habitat as other neutral grassland. Confirmation is sought that these are recorded as arable margins in Appendix C of Appendix 7.10: Biodiversity Net Gain Assessment (APP-114).	The Applicant acknowledges ERYC's Nature Conservation Officer's comment, and these areas were already submitted as *Arable field margin – game bird seed mix* within the Metric. **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been updated to ensure this inclusion is clearer and is resubmitted at Deadline 2.

7.170	Coastal and floodplain grazing marsh would be reinstated to poor condition within two years and it is agreed this is achievable.	This is noted by the Applicant.
7.171	The species mix for the flower rich grassland (Table 15-1 of the oLEMP (PDA-018)) and wet grasslands (Table 16-1 of the oLEMP (PDA-018))) is appropriate to the UK habitat description. Stocking of wet grassland areas is unlikely to be appropriate over winter. Management of rush should be included in the maintenance operations (Table 16-3 PDA-108) and should not be allowed to exceed 20%.	The **Outline LEMP [EN010157/APP/7.5 Revision 4]** was updated at Deadline 1 and references to wet grassland were replaced by other flower rich neutral grassland with scrapes reflecting the difficulties of establishing wet grassland. Neutral grassland will still deliver the biodiversity benefit required. Due to the change from wet grassland to flower rich neutral grassland rush management is no longer appropriate.
7.172	BNG Hedgerows - Reinstated hedgerows would be recorded as lost and created. This is acceptable but further justification is required that all hedgerows can be managed in good condition. It is expected that hedgerows reinstated within the cable corridor are not under the management control of the applicant and therefore a more precautionary condition should be applied to these sections.	**ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been updated to take a more precautionary approach to condition of hedges post-construction within the grid connection cable route. The updated document is resubmitted at Deadline 2.
7.173	Appendix 7.10: Biodiversity Net Gain Assessment (APP-114) Section 2.5.9 provides narrative for the inconsistencies between the Tree Preservation Order and Hedgerow Plans (PDA -007) and Appendix 7.10: Biodiversity Net Gain Assessment (APP-114) in relation to hedgerow, tree and scrub identification;	The Applicant acknowledges ERYC's Nature Conservation Officer's comment on the difficulty of reconciling inconsistencies in tree and hedgerow data and that the biodiversity

	however, the extent of inconsistencies makes an accurate appraisal of impacts difficult. It is agreed that the extent of hedgerow inclusion in the BNG baseline likely provides an overestimation of hedgerows. Several of these elements are outside of the redline boundary used for the Arboricultural Report (APP-115) and Hedgerow Removals Plan (PDA-007). The difficulties in reaching a consensus on the nature of shrub, tree groups and hedgerows is understandable, particularly in reference to the prescriptive nature of UH Habs. The applicant should provide consistency across the documents where possible, for example if hedgerows are outgrown to scrub parcels, then these should be recorded accurately as an area habitat rather than a hedgerow. The biodiversity baseline is acceptable.	baseline as it stands is acceptable for the purpose of the BNG Assessment. No changes to **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** are proposed as a result of this comment.
7.174	BNG Watercourses - ERYC do not agree that 'Minor' encroachment is reasonably precautionarily assumed for watercourse encroachment (section 2.5.11 of Appendix 7.10: Biodiversity Net Gain Assessment (APP-114). It is unlikely that "5% to 20% of the bank length is an 'engineered bank revetment or there is encroachment across up to 10% of the channel width at any one point". No encroachment would seem more reasonably appropriate for field drains in an agricultural landscape. This can be updated should surveys evidence greater encroachment.	The Applicant has assumed minor encroachment as despite being in an agricultural landscape, all of the ditches are subject to routine maintenance by the Internal Drainage Board (IDB) and this is outside of the control of the Applicant. In addition, taking land out of agricultural production with no herbicide or fertiliser use will likely deliver benefits in water quality and the commitment to mink control will help with the invasive non-native species criteria. A precautionary approach has been taken in assuming that only a third of ditches currently

		in moderate condition are capable of reaching good condition. However, **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been updated to take a more conservative approach with regards to the post-development condition of ditches and is resubmitted at Deadline 2.
7.175	Justification is needed to show why all riparian encroachment has been classified as moderate/moderate. Where arable practices extend within 2-5m of the bank top this is a reasonably precautionary approach, however, where the ditch is adjacent to permanent grassland this approach is not as robust.	Where watercourse data is not available for riparian zone encroachment, moderate/moderate was deemed a precautionary approach for ditches. No changes to **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** are proposed as a result of this comment.
7.176	Post development, the metric details that watercourse encroachment is to be reduced to 'no encroachment' but it is not clear how this is achieved. Can the extent of riparian encroachment be guaranteed for both banks post development to minor/minor.	The Applicant can guarantee no encroachment on both banks for all watercourses that fall wholly within the Order Limits. For those watercourses where only one bank falls within the Order Limits the Applicant can only guarantee no encroachment on the bank that it controls. **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been updated to take a more

		precautionary approach for watercourse bank encroachment not under the direct control of the Applicant and is resubmitted at Deadline 2.
7.177	It is not clear how the stated watercourse condition would be achieved if enhancements are limited to reduction in riparian encroachment and the planting of aquatic marginal vegetation (3.3.13 APP-114). All criteria must be achieved for 'good condition' for example and most moderate condition ditches are recorded as having two or more failures, where one failure is recorded (RSK_13 and 114) this is criterion B emergent, submerged and floating-leaved plants rather than criterion D - aquatic marginal vegetation.	As outlined in the response to 7.174, routine maintenance of diches is carried out by the IDB over which the Applicant has no control. However, also outlined in 1.174, taking land out of intensive agriculture and controlling mink will achieve sufficient biodiversity benefit to meet the condition criteria for good condition. **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [EN010157/APP/6.4 Revision 2]** has been updated to take a more precautionary approach for the condition of moderate ditches in the post-development scenario, and the updated version is submitted at Deadline 2. No moderate ditches are to be enhanced to good, but poor condition will be enhanced to moderate where the Applicant has control over such.
	<u>Outline Operational Environmental Management Plan (oOEMP)</u>	
7.178	The measures that would be employed during the operation of the proposed development to control and minimise impacts on	Due to the passive nature of the Proposed Development during the operational phase

	the environment are acceptable, including lighting, vegetation management, and noise limits. Table 5-1 of the oOEMP (APP-154) should include procedures for implementing, adapting and monitoring any protected species licences.	no significant effects on protected species are anticipated. However, section 3.1.4 of the **Outline LEMP [EN010157/APP/7.5 Revision 4]** has been added to clarify this point and to include reference to procedure for legally protected species licensing should this be required. The updated document is submitted at Deadline 2.
	Outline Decommissioning Environmental Management Plan (oDEMP)	
7.179	Details within the oDEMP (APP-155) in respect to biodiversity and detailed surveys are broadly acceptable and the decommissioning schedules to avoid impacts to sensitive species, using information based on up-to-date surveys are welcomed.	This is noted by the Applicant.
	Conclusion	
7.180	With regard to trees ERYC would seek to avoid loss of Category B trees and avoid impacts on veteran and Category A trees. There is a robust planting scheme and at post development an increase in woodland cover and hedgerow diversity and length would be achieved. In relation to protected sites, there are outstanding issues in relation to mitigation measures for displacement of Humber Estuary bird species and impacts on Figham Pastures Local Wildlife Site. It is expected with	The proposed tree losses for Category B for trees and groups is a very low number (34) of the total category B features recorded (484). Of the Category A features affected, there are three. T076, T381 and G233.

	improved embedded mitigation all impacts to protected species can be appropriately mitigated. Long term improvements in biodiversity would be achieved. It is therefore expected that subject to the above being addressed, the long term impacts in relation to trees and ecology would be positive with short term impacts being reduced to neutral.	There appears scope in the Order Limits, to avoid the RPA of T076 (Cat A) or at least improve on the 22% impact. A proposed change of access route is in progress which would take the veteran tree T381, out of the Order Limits ('Change 9' identified in **Second notification of proposed changes to the DCO Application [AS-015]**). Category A feature G233 has only a very minor partial removal of the group for the interconnecting cable route crossing, leaving the main group unaffected. 
	Public Rights of Way and Countryside Access	
7.185	An assessment on the impact on the PRoWs within the development order limits and in the vicinity is contained within Chapter 11: Landscape and Visual of the ES (EN010157/APP/6.2) with a further Cumulative Landscape and	The comment is noted, however Field F13 already has a mature hedgerow along its southern boundary, which provides a good level of screening and as a hedgerow on the

	Visual Impact Assessment contained in Appendix 15.2 of the ES (EN010157/APP/6.4). These assessments identify that recreational users of recreational routes and PRoW, are likely to be some of the most sensitive visual receptors of any change in the landscape. With regards to Riston footpath no.2 and Riston footpath no.1, it is understood that construction activity would be openly visible and result in major/moderate adverse effect on views for users of this PRoW which is considered to be significant, however this would be short term. In terms of the operational phase, a significant effect on views for users of Riston footpath no.2 and Riston footpath no.1 is assessed at both Year 1 and Year 10, whilst it is acknowledged that new planting would create a visual change, this would soften the impacts and partially to substantially filter views of the solar PV modules and ancillary equipment in adjacent fields. Whilst a significant effect is assessed to be experienced from Tickton bridleway no.5 at Year 1, this is anticipated to be mitigated by planting at Year 10 in which the effect would no longer be significant. During the decommissioning phase, there is not considered to be any greater effect than that experienced at the construction phase, with the new established planting providing additional screening to the decommissioning activities than at the construction phase. With regards to the cumulative landscape and visual impact assessment (EN010157/APP/6.4) that has been undertaken, five solar farm proposals within 5km or the development order limits have been assessed in combination with the proposed development. Significant cumulative effects are identified upon and Tickton bridleway no.	site boundary the height of the hedgerow would be allowed to grow by reduced hedgerow flailing. In addition, it is noted that the southern boundary of Field F13 is 670m north of the closest PRoW and there are three further hedgerow boundaries separating the PRoW and Field 13 and any views into the field would be heavily screened.

	5 at Year 1 and Swine PRoW and Wawne PRoW at Year 1 and Year 10. The Council's Independent Landscape Consultant has questioned if additional mitigation planting can be considered in response, possibly hedgerow along southern edge of field F13 to address the effect on Swine PRoW? Whilst significant cumulative effects are identified upon Riston footpath no. 1 and Riston footpath no. 2, these are not considered to be any greater than those identified by the proposed development.	
7.187	The Council's Countryside Access Officer is satisfied with the proposed development and the impact on the existing PRoWs, raising no concerns, satisfied with the content of the Outline Rights of Way and Access Management Plan (EN010157/APP/7.9), with Rights of Way and Access Management Plans secured as a requirement of the DCO. The Council's Definitive Map Officer has advised that with regards to the permissive paths proposed, these are considered acceptable and the ERYC would not seek to designate the provisional route as PRoW during the lifetime of the development, notwithstanding their statutory duty to process and determine an external application if received. The commitment to maintaining access to footpaths, including the proposed permissive paths, throughout the operational phase of the Proposed Development contained within the Outline Operational Environmental Management Plan (EN010157/APP/154) is welcomed and supported.	This is noted by the Applicant.

7.188	In addition to the aforementioned internal consultees, the Council administers a statutory Local Access Forum which is an advisory forum comprising walkers, cyclists, horse riders and other users of the public rights of way network. Members of the Local Access Forum have submitted a representation to the Planning Inspector to highlight concerns regarding the potential impact of the proposals on the public right of way network. The site of the proposed solar farm contains multiple public rights of way and members of the Local Access Forum are very keen to ensure that the proposals both protect and enhance the public right of way network, consistent with the NPPF, the Overarching National Policy Statement for Energy (EN-1) and with the East Riding Local Plan Update, and do not diminish the experience and enjoyment for users of the network.	The Applicant has engaged with the JLAF and subsequently submitted a **Draft Statement of Common Ground with the Joint Local Access Forum [REP1-083]** at Deadline 1.
	<u>Conclusion</u>	
7.189	To conclude, the Councils Countryside Access Officer and Definitive Map Officer have raised no concern with the proposed development and the impact upon the use, enjoyment and experience of the PRoWs. The Outline Rights of Way and Access Management Plan (EN010157/APP/7.9) and Outline Landscape Ecological Management Plan (EN010157/APP/7.5) are welcomed, as are the 12.6km of new permissive paths that are proposed. Additional mitigation hedgerow planting should be explored, particularly along the southern edge of field F13 to address the effect on Swine PRoW.	The comment is noted, however Field F13 already has a mature hedgerow along its southern boundary, which provides a good level of screening and as a hedgerow on the site boundary the height of the hedgerow would be allowed to grow by reduced hedgerow flailing. In addition, it is noted that the southern boundary of Field F13 is 670 m north of the closest PRoW and there are three further

		hedgerow boundaries separating the PRoW and Field 13 and any views into the field would be heavily screened.
	Flood Risk and Drainage	
	Summary	
7.214	With essential infrastructure permitted, subject to an exception test, within flood zones 3a and 3b, the applicant has afforded varying levels of weight to the site selection and thus sequential test. The site area chosen has fewer environmental and heritage designations as set out in Figure 5 of the Planning Statement. As a result, the Council consider the Sequential Test has been met with respect to the solar PV site, Interconnecting Cable Corridors, Site Accesses, and Grid Connection Corridor.	The Applicant notes that ERYC considers that the Sequential Test has been met.
	Exception Test	
7.218	The Environment Agency have been involved during the consultation phase and should provide comments with respect to the adequacy of the submitted FRA and whether any requirements are necessary to tie the proposals to the details within the FRA including the mitigation measures.	The Applicant notes this response and have been in regular liaison with the Environment Agency regarding flood risk issues and the FRA, as reported in Table 2-1 of the **ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP1-032]**
7.219	Subject to the EA agreeing to the flood risk mitigation measures, it is considered that the Exception Test has been met.	The Applicant notes that ERYC considers that the Exception Test has been met,

		subject to the EA agreeing the flood risk mitigation measures. As set out in **ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP1-032]** the approach to mitigation was agreed with the Environment Agency in a meeting on 27 March 2024. This comprises sequentially locating on-site substations outside the Maximum Credible Scenario flood extent and locating containerised infrastructure outside the design event flood. Solar panels edges and all containerised infrastructure will be raised at least 0.3 m above the design event flood level and above the breach flood levels.
	<u>Drainage</u>	
7.220	The Council's Land Drainage Team (LDT) and Lead Local Flood Authority (LLFA) have reviewed the submitted documentation. The majority of the areas where the PV modules are located are within the Beverley and North Holderness Internal Drainage Board area and the developer would need to consult them regarding any consenting works required and agree discharge rates for and proposed surface water runoff (limited to greenfield runoff of 1.4l/s/ha). If discharging to a main river, the Environment Agency would be required to consent and approve any proposed discharge.	The Applicant notes this and are in liaison with both the IDB and LLFA regarding the drainage strategy submitted as part of the **ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP1-032]**.

7.221	Regarding the cable route, this has areas within both the Beverley and North Holderness Internal Drainage Board and East Riding of Yorkshire Council. It is advised by the drainage teams that "Both should be consulted when proposing watercourse crossing methodology, horizontal directional drilling should be considered as the preferred option. All sites should be surveyed for existing land drainage systems and ensure that any works would not impact on existing drainage systems. Access should also be considered for future maintenance and inspections of existing watercourses. Any hardstanding or impermeable areas should be positively drained with full details to be submitted and approved by the relevant teams."	This is noted by the Applicant. The specific route, requirement and detail all watercourse crossings is subject to detailed surveys and designs, as reported in the **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP1-030]** and **ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP1-032]**. The IDB will have approval of any works affecting watercourses under their control under the protective provisions contained in the **Draft DCO [EN010157/APP/3.1 Revision 5]**. The Council has approval of drainage works under Requirement 3 of Schedule 2 to the Draft DCO.
7.222	Final comments were also received with the drainage teams making the following comments: "Having read the Surface Water Management proposals in the FRA, these are acceptable in principle. However, will still need to see a full detailed drainage strategy to confirm acceptance, I assume this will also be the case with the Internal Drainage Board. It is noted that there is an Indicative HDD crossing points plan, these would need to be confirmed prior to development and for any watercourse crossings the relevant Land Drainage	The Applicant notes this and as per response to 7.220 above, will consult with the LLFA and IDB in determining the detailed drainage strategies for the Proposed Development. Detailed drainage design, as well as crossing design, will be submitted to the Council for approval in accordance with Requirement 3 of the **Draft DCO [EN010157/APP/3.1 Revision 5]**. The IDB will have approval of any works affecting watercourses under their

	Authority would need to be consulted and the appropriate consents obtained."	control under the protective provisions contained in the Draft DCO.
7.223	The draft DCO includes a requirement (no. 3(g)) relating to drainage and the proposed wording is appropriate.	This is noted by the Applicant.
	Conclusion	
7.224	ERYC are satisfied with assessments undertaken and raise no concerns with the information submitted to date with regards to flood risk and drainage. A full detailed drainage strategy is however required to confirm acceptance and providing an acceptable drainage strategy is proposed, the development would have a neutral impact.	This is noted by the Applicant.
	Impact on Living Conditions	
7.229	The solar PV site would span a large area of the open countryside and has the potential to cause negative impacts for local residents, businesses and communities in terms disruption during the construction and decommissioning phase. During the operational phase of the solar farm, whilst this would be over a 40-year period, it would have a limited impact on local amenity. Existing trees and hedgerows along field and property boundaries should be retained where possible and enhanced where necessary.	This is noted by the Applicant.

7.230	The grid connection corridor, interconnecting cable corridor, the site accesses, the maintenance hub aspects of the scheme would also result in negative impacts for residents, businesses and communities during the construction and decommissioning phases. There would be limited adverse impacts on local amenity during the operational phase of these elements of the scheme.	This is noted by the Applicant.
	Glint and Glare	
7.231 – 7.232	The proposal has the potential to result in glint and glare. The ES (APP-100) concludes that a moderate impact is predicted on one dwelling (receptor 110- Arnold Carr Farm) under baseline conditions due to the duration of effects and a lack of sufficient mitigating factors. However, proposed vegetation screening is expected to reduce the impact level to low impact, and further mitigation is not recommended. No significant impacts are predicted on surrounding other dwelling receptors, road safety, and aviation activity associated with Beverley Airfield, Hill Farm Airfield and Burton-Constable Airfield. The scheme therefore accords with NPS EN-1 and NPS EN-3.	This is noted by the Applicant.
	Construction	
7.237	To control noise temporary/mobile acoustic barriers are proposed as required around all HDD, launch and reception pits, substation work sites, compounds, and noisy equipment.	This is noted by the Applicant.

	The ECO confirms he is satisfied that the measures proposed in the Outline Construction Environmental Management Plan (ref APP-153) shall be sufficient to control the adverse impacts of noise and vibration on local residents.	
	<u>Operation</u>	
7.242	Nevertheless, the ECO has raised concerns thar a number of residential properties are identified where the noise impact/rating level of the development is predicted to be in excess of +10dB post-mitigation and the assessment method indicates this to be a potential 'significant adverse impact'. Whilst the rating levels are described as being below upper absolute thresholds (assumed here to refer to World Health Organisation guidance), it is recommended that additional or more robust mitigation measures are explored and installed to lower the noise impact on these properties as far as is reasonably practicable.	
	<u>Decommissioning</u>	
7.244	An Outline Decommissioning Environmental Management Plan (DEMP) has been submitted which states that decommissioning will take 18-24 months with core working hours between 07:00 to 19:00 Mondays to Fridays and 07:00 to 12:00 (noon) on Saturdays. The draft DCO includes a requirement (no. 15(2))	This is noted by the Applicant.

	relating to the submission of a DEMP for approval and the proposed wording is appropriate	
	Air Quality	
7.245	During construction, there is potential for the scheme to generate dust and therefore impact local sensitive receptors. The Public Protection Officer has reviewed the submitted information (refs: APP-042 and APP-103) and agrees with the findings of the assessment and recommendations.	This is noted by the Applicant.
7.246 – 7.247	The adoption of good site practice will be implemented through measures to control dust as outlined within the IAQM guidance. As decommissioning operations are predicted to be like the construction phase, the same good practice measures are predicted to apply. These mitigation measures are set out in the Outline CEMP (EN010157/APP/7.2). Implementation of these measures will be secured by the detailed CEMP as a requirement of the DCO at requirement 4. In this respect, and subject to appropriate mitigation measures the proposal would have a neutral local impact.	This is noted by the Applicant.
	Land Contamination	
7.248	The Council's Public Protection officers have reviewed the documents APP-046, APP-124, APP-125 and APP-126 and concurs with the recommendations enclosed within the report	This is noted by the Applicant.

	that a suitable ground investigation and risk assessment is required.	
	Visual Impact	
7.251	It is the opinion of ERYC that there will be a negative impact on the residential properties identified above which are sited close to the solar PV panels with these impacts continuing to year 10 of the development. However, the impacts would be limited to the access track at Woodhouse, south facing windows on the upper floor at Carr House Farm and the upper floor east facing windows at Meaux Decoy Farm from year 10 and likely to decrease as planting matures over the lifetime of the development. Additional planting could also be incorporated into the scheme to reduce the timeframe of impacts and to reduce the overall impact with the submission of a LEMP is a requirement of the DCO at requirement 9 which is required to be in line with the outline LEMP (ref PDA-18).	The impacts detailed are as per the impacts identified within the **ES Volume 2, Chapter 11: Landscape and Visual [APP-047]** and **ES Volume 4, Appendix 11.5: Residential Visual Amenity Assessment [APP-132]**. Mitigation proposals have been included within the Proposed Development to reduce the potential impact on these properties and it would not be possible to include further proposal without impacting the overall capacity of the Proposed Development to produce energy.
	<u>Conclusion</u>	
7.252	ERYC is of the view that, subject to approval of the detailed design and layout, and the above noted mitigation measures being implemented, together with the recommendations from the Environment Control Officer with respect to land contamination, air quality, operational noise, hours of operation and lighting, the development could be capable of having a neutral impact on living conditions. It is noted that there are	This is noted by the Applicant.

	significant impacts on several properties, however, these impacts are limited as outlined above and would decrease throughout the lifetime of the development and potentially through additional planting.	
	Heritage Assets	
	Listed Buildings and Conservation Area impacts	
7.260	The scope of the assessment and the study area proposed were agreed in Jan/Feb 2024. It was also agreed that the decommissioning effects of the proposals could be scoped out of the assessment, as it was accepted that these would be of equal or lesser impact than the impact of the construction and operation of the facility.	This is noted by the Applicant.
2.261	Discussions covered the proposed format and methodology for the heritage assessment and this was generally agreed and has been followed by the applicant's heritage specialist. This has resulted in an assessment that is robust and appropriate- although there is a concern in relation to the matrixes for assessment set out in tables 9-4, 9-5 and 9-6 of Chapter 9: Cultural Heritage of the ES (APP045). These use the methodology as set out within the Design Manual for Roads and Bridges but ERYC has concerns that this undervalues grade II listed buildings, and it can occasionally be a blunt tool for assessment. This is reflected in paragraph 9.5.6 of Chapter 9:	This is noted by the Applicant.

	Cultural Heritage of the ES (APP-045), which writes about 'the grade II listed buildings of medium (regional) importance'. The assets are designated on the National Heritage List for England, and therefore inherently of national importance and not just regional importance. However, overall the applicant's assessment, when considered across the full suite of supporting documents submitted, is acceptable particularly given that the supporting Detailed Settings Impact Assessment demonstrates that each asset has been considered in detail and their significance has been understood.	
7.262-7.265	This scope has informed the applicant's assessment of the impact of the development, set out within Chapter 9: Cultural Heritage of the ES (APP-045). This identifies five assets on which the development has the potential to have an effect, with other assets being at a distance that they would not be affected. These are: Site of the Meaux Cistercian Abbey- This is designated as a Scheduled Monument and covers the site of the monastic complex of twelfth and thirteenth century construction. The complex was considerable in scale, providing evidence of the wealth of the monastic order, the sophistication of ecclesiastical architecture and the social status of the church. Its abandonment post-Dissolution, coupled with the almost complete removal of the building stone that followed, means that its archaeology remains largely unencumbered by later	The Applicant maintains that, following the implementation of the embedded and additional mitigation detailed in **ES Volume 2, Chapter 9: Cultural Heritage [REP1-021]**, the magnitude of impact to the significance of the asset during the construction and operation (including maintenance) phase is no change, leading to no residual effects, which is not significant. The significance of effect suggested by East Riding of Yorkshire Council (a low level of change, a low effect and a low, less than substantial, impact on its significance) would not result in a change to the conclusions of the assessment and therefore the Applicant's assessment has not been updated.

	development and hugely legible. It is therefore of exceptional significance, providing substantial evidence of the use, nature and function of the site, and therefore also wider evidence of the nation's ecclesiastical heritage. The abbey would have historically had considerable functional, political, and social interaction with its wider landscape, a landscape that now also preserves the wider isolated setting in which the Scheduled Monument is experienced. The wider setting of the asset makes an important contribution to its significance, which also considerably derives from the surviving above and below ground remains of the monastic complex. However, how this wider setting is experienced from the asset varies, as from several viewpoints the vegetation on the site, and hedgerow screening just beyond the site, creates a sense of enclosure. The supporting Detailed Settings Impact Assessment (APP-123) acknowledges that there would be notable impact during the construction phase, particularly audial effects of the increased volume and size of the traffic. ERYC agree with this assessment, although would dispute the supposition in paragraph 4.126 that the increase in lorry traffic 'may better index the auditory setting of the asset during the medieval period'. ERYC would also suggest that the intensification of the use of the roads and the site would also have a negative effect on the positive contribution made by the historically and currently isolated character of its wider landscape. This would also likely have some impact during the	

	operational phase of the development, in the isolated areas where there is intervisibility between the site and the Scheduled Monument. However, it is appreciated that the increased landscape buffer at the northern edge of area F and the existing hedgerows, will considerably minimise this impact. It is therefore not fully agreed with the conclusions drawn in Chapter 9: Cultural Heritage of the ES (EN010157/APP/6.2), that there would be no change, no effect, and no impact on significance, but we would place this as being a low level of change, a low effect and a low, less than substantial, impact on its significance.	
7.266-7.267	Medieval moated tile kiln 250m north-east of North Grange Farm - This site is also designated as a Scheduled Monument and is a relatively rare survival of this typology. It operated in the thirteenth century, and it had an important historic interrelationship with the nearby Meaux Abbey. It also preserves important evidence of medieval industrial manufacturing. Its setting makes a limited contribution to its wider significance, although it does partly help to clarify the important interrelationship between the site and the adjacent abbey complex. There are therefore potential small impacts during the construction phase, although these would have a very limited potential effect on how the asset is understood and experienced, and they seem unlikely to diminish its significance. Any effects are concluded to be reversible and to pre-date the	This is noted by the Applicant.

	operational phase of the development. ERYC would therefore agree with the conclusions drawn by the applicant's heritage expert in Chapter 9: Cultural Heritage of the ES (EN010157/APP/6.2) and the Detailed Settings Impact Assessment at Volume 4 Appendix 9.4.	
7.268-7.269	Meaux Duck Decoy - This is a post-medieval monument, designed as a means by which to entrap ducks to allow for them to be killed for their feathers and for food. These are an important element in understanding the economic and social history of the area, as well as of our understanding of hunting and farming methods in the period. It is a comparatively rare survival, as changing land uses and modern drainage methods have destroyed many similar decoys. Accordingly, it is designated as a Scheduled Monument. The setting of the asset is now currently relatively contained by the surrounding vegetation, which is comparatively mature and overgrown. This curtails the environment in which it is experienced. There may be some relationship between the open setting of the asset and its function, insomuch as it provides a logical benefit to the asset's function to have it located away from more built-up areas and for it be clearly visible from the air. However, it is not considered that the wider setting of the asset now makes a strong positive contribution to the significance of the asset. As such, it is not considered that the development would result in harm to the significance of the	This is noted by the Applicant.

	asset. ERYC therefore agree with the conclusions set out in Table 9-8 of ES Chapter 9 (APP-045).	
7.270 – 7.273	Meaux Abbey Farm - A handsome red brick building of late eighteenth century construction. The principal elevation is elegantly and symmetrically proportioned, with attractive tripartite sash windows. It therefore demonstrates notable architectural interest, as well as providing important evidence for the evolution of the area and the surrounding land use. It is listed at grade II. The setting of the asset is defined by both its relationship with its associated farm buildings, and more widely by its relationship with the road and the wider land network. The former illustrates its historic use, and it provides important evidence of how the building historically functioned. The wider landscape also contributes to this evidential value, as well as making an important contribution to how its experienced, by preserving the open and non-intensively populated landscape. The proposed solar farm would therefore negatively alter this sense of isolation and create a more enclosed and intensively developed landscape. In doing so it would affect the contribution that its wider setting makes to its significance, something that will be supplemented by the increase in the intensity of traffic movement during the construction phase. It would, however, not affect other elements that contribute to the significance of the building, including having limited potential physical effects.	The Applicant maintains that, following the proposed embedded and additional mitigation detailed in **ES Volume 2, Chapter 9: Cultural Heritage [REP1-021]**, the magnitude of impact to the significance of the asset during the construction and operation (including maintenance) phase is minor, leading to minor residual effects, which is not significant. The significance of effect suggested by East Riding of Yorkshire Council (marginally higher than that assessed by the Applicant) would not result in a change to the conclusions of the assessment and therefore the Applicant's assessment has not been updated.

	The level of harm caused would therefore be less than substantial, falling at the low to mid-point of the spectrum of impact covered by paragraph 215 of the NPPF. ERYC would therefore conclude that, while we do not fundamentally disagree with the conclusions drawn by the applicant's heritage advisor in table 9-8 of the ES Chapter on Cultural Heritage, we would place the level of impact as being marginally higher.	
7.274-7.277	Wawne Grange - The asset is a house of mid to late eighteenth century construction, built in red brick with a pantile roof. It is a handsome example of vernacular architecture, and considerable aesthetic and architectural value. It also provides important evidence for the history of the area, and of the evolution of local vernacular architecture. It is listed at grade II. The immediate setting of the asset is defined by its associated buildings and its immediate hedged landscape boundary. These retain an understanding of the asset's historic use and position within the heart of a wider complex of buildings. The wider setting of the asset is open and agricultural. This contributes positively to how the asset is experienced, both in preserving the sense of isolation that is appreciable on historic mapping, and by preserving its association with the wider landscape. The proposed development would create a sense of enclosure around the asset and would considerably alter the visual character of the wider landscape. This impact would be greater during the construction phase, due to the intensification of	The Applicant maintains that, following the proposed embedded and additional mitigation detailed in **ES Volume 2, Chapter 9: Cultural Heritage [REP1-021]**, the magnitude of impact to the significance of the asset during the construction and operation (including maintenance) phase is minor, leading to minor residual effects, which is not significant. The significance of effect suggested by East Riding of Yorkshire Council (marginally higher than that assessed by the Applicant) would not result in a change to the conclusions of the assessment and therefore the Applicant's assessment has not been updated.

	activity and traffic within this landscape. This would affect how the asset is understood and experienced in a negative manner, to the detriment of its significance. We do, however agree that these effects would be limited to one element that contributes to the significance of the asset, and that they would be limited to the lifespan of the solar facility. The level of harm caused will therefore be less than substantial, falling at the low to mid-point of the spectrum of impact covered by paragraph 215 of the NPPF. ERYC therefore also generally agree with the conclusions drawn by the applicant's heritage specialist in table 9-8 of the ES on Cultural Heritage, although we would place the level of impact as being marginally higher.	
7.278-7.281	It is noted, however that one further asset-Abbey Cottage- was scoped out of the assessment included within Chapter 9: Cultural Heritage of the ES (APP-045). This was agreed to be included within the discussions between the applicant's heritage expert and the ERYC Conservation team. This is a striking rubblestone building with origins in the thirteenth century, but with later considerable alterations, including the insertion of a large brick stack, of likely sixteenth century date. The building is currently disused and in a poor state of repair, but it is of considerable historic interest as the last surviving element of the Meaux Abbey complex. This comparatively high status is evident in the quality of materials used in its construction, in the attractive external decorative detailing and in the chamfered bressummers internally. It is listed at grade II.	The Applicant maintains that, following the proposed embedded and additional mitigation detailed in **ES Volume 2, Chapter 9: Cultural Heritage [REP1-021]**, the magnitude of impact to the significance of the asset during the construction and operation (including maintenance) phase is no change, leading to no residual effects, which is not significant. The significance of effect suggested by East Riding of Yorkshire Council (of a level which is unlikely to diminish the significance of the asset) would not result in a change to the conclusions of the assessment and therefore

	Its setting has the potential to make an important contribution to the significance of the listed building. This is because its immediate setting has a considerable impact on how the building is experienced, as well as reinforcing its historic association with the rest of the Meaux Abbey complex. Its wider setting would have the potential to reinforce the building's later association with the wider landscape, providing evidence of its later use and providing the open and undeveloped setting in which it is experienced. It is however noted that the current screening vegetation encircles the asset on all sides, curtailing longer views towards the asset, and likely curtailing the views and experienced from the asset to its wider context. There may, however, still be some minor audial and experiential affects caused by the development, particularly during construction. ERYC would agree, however that any impact is unlikely to diminish the significance of the listed building. However, it is noted that historic mapping between the mid-nineteenth and midtwentieth century suggests that this was not historically how its setting was experienced, and that the current vegetation has diminished the contribution made by its setting. The removal of this vegetation and the reintegration of the building into its wider setting would therefore provide an opportunity for enhancement. It is therefore suggested that some consideration of this asset in the mitigation strategy for this development would be beneficial, to ensure that any	the Applicant's assessment has not been updated. Abbey Cottage and its associated screening vegetation lie outside of the Order Limits. As such, it would not be within the Applicant's gift to reduce the curtailing vegetation. On the basis of the above, the Applicant would propose to maintain the current approach of scoping Abbey Cottage out of the assessment presented in **ES Volume 2, Chapter 9: Cultural Heritage [REP1-021]**.

	potential enhancement resulting from the removal of vegetation could be maximised.	
	Archaeology	
7.282-7.283	The site is located in a landscape containing an abundance of known archaeological remains dating from the prehistoric period onwards including several Scheduled Monuments. A desk-based assessment and geophysical survey has been undertaken and the applicants are discussing the next stage of evaluation work with ERYC. Chapter 9: Cultural Heritage of the ES (EN010157/APP/6.2) confirms that a programme of trial trenching has been undertaken on areas of the development site that are likely to have the greatest disturbance on archaeological remains (on-site substations, hybrid packs, switchgears, BESS, construction compound areas and internal roads). A report on this work can be seen in Volume 4 Appendix 9.3: Archaeological Trial Trenching Report EN010157/APP/6.4. The trial trenching recorded archaeological remains consisting of six ditches, ten pits and a post-hole. The features were spread across the areas examined with no clear foci of activity. The only datable features were two late Iron Age to Romano-British pits in the northern area and a large pit in the southern area. The report concludes that the evaluation works undertaken so far on the site indicate that there is Iron Age to Romano-British activity in this area, but that the precise nature, extent and significance of this is currently unclear.	The Applicant has submitted an **Outline Archaeological Management Strategy [REP1-066]** and Requirement 13 of the **Draft DCO [EN010157/APP/3.1 Revision 5]**, which commits to a staged programme of archaeological investigation and reporting appropriate to the importance and significance of the archaeological remains within the Order Limits. The Applicant opened discussions with Humber Field Archaeology in April 2024 and with Albanwise Estate in October 2024 regarding possible collaborations for public engagement strategies focussed on the heritage of the local area. The Applicant notified Historic England of their consideration of carrying out a public engagement scheme in July 2024 (see Table 9-1 of **ES Volume 2, Chapter 9: Cultural Heritage [REP1-021]**). The Applicant will continue to develop a robust public engagement strategy which

	As noted above, the programme of trial trenching undertaken to date has been on the areas of the development that are likely to cause the largest impact on the archaeological resource. Therefore, the remaining work to be undertaken in the evaluation stage is for the second phase of trial trenching to take place on the solar panel arrays and any other part of the site not so far subjected to these works. When the evaluation stage has been completed, ERYC will then be in a position to adequately assess the impact that the development could have on the archaeological resource across the entire site. This would then enable discussions to be held on the most suitable mitigation methodologies to implement to ensure preservation of the archaeological remains is achieved. ERYC would expect to see a robust archaeological/historical enhancement and public engagement strategy included and note that this has been considered with the initial discussions on this included in the Environmental Statement.	celebrates the heritage of the local community during the post-DCO consent phase.
	<u>Conclusion</u>	
7.284	ERYC generally agree with the assessment of the impact of the development as set out in Chapter 9: Cultural Heritage of the ES (EN010157/APP/6.2) and with the scope of the assets that would be affected. However, our assessment of the impact of the development on the significance of the site of Meaux Cistercian Abbey, Meaux Abbey Farm and Wawne Grange concluded a marginally higher level of impact than that	See responses to 7.270 – 7.273, 7.274-7.277 and 7.278-7.281 above. The Applicant maintains its conclusions regarding impacts to Cultural Heritage and notes that the suggestions put forward would not alter the conclusions reported in **ES Volume 2, Chapter 9: Cultural Heritage [REP1-021]**,

	concluded in the Chapter 9: Cultural Heritage of the ES (EN010157/APP/6.2) albeit the discrepancy was relatively minor in scope. ERYC also consider that further consideration of Abbey Cottage would be beneficial to ensure that any potential enhancement to this asset could be maximised.	Abbey Cottage and its associated screening vegetation lie outside of the Order Limits. As such, it would not be within the Applicant's gift to reduce the curtailing vegetation.
7.285	The applicants are engaging with ERYC over archaeological evaluations and further assessment will be possible when this evaluation is completed. At that stage suitable mitigation could be established. This should include a robust archaeological/historical enhancement and public engagement strategy.	The Applicant opened discussions with Humber Field Archaeology in April 2024 and with Albanwise Estate in October 2024 regarding possible collaborations for public engagement strategies focussed on the heritage of the local area. The Applicant notified Historic England of their consideration of carrying out a public engagement scheme in July 2024 (see Table 9-1 of **ES Volume 2, Chapter 9: Cultural Heritage [REP1-021]**). The Applicant will continue to develop a robust public engagement strategy for heritage which celebrates the heritage of the local community during the post-DCO consent phase.
	Minerals Safeguarding	
7.290	Whilst ERYC raise no concern to the impact of the development alone, there are some concerns with regards to the in combination effects of development and related infrastructure,	The Minerals Safeguarding Assessment provided at Appendix 4 to the **Planning Statement [APP-147]** outlines that the

	from NSIPs in particular on the preferred areas/areas of search within the region. A number of these are chipping away at these designated areas and are likely to reduce the commercial viability of them. It is accepted that the areas of search/preferred areas are reasonably broad and further investigations would be required to determine the true commercial viability of working the areas identified. This is however likely to be something that only an operator is likely to know in which such information would influence the amount of weight given in the planning balance.	Proposed Development will be decommissioned after 40 years, and any impacts caused by the Proposed Development related to land use are considered reversible and temporary. There is the potential for only a very small percentage of minerals within the Order Limits to be permanently sterilised due to the possibility of the Project Substation West remaining in situ. Other than this, post-decommissioning, the land could be worked for minerals.
	Conclusion	
7.292	249ha has been identified as Best and Most Versatile Agricultural Land (BMVAL) which equates to approximately 0.1ha of BMVAL land within the ERYC area. The development would not result in significant areas of land that would be permanently sealed and during the lifespan of the development the soils beneath the solar panels would be preserved through ecological landscaping. Permanent development such as substations and access tracks are not located on BMV land. Given the temporary nature of the development and the ecological mitigation it is considered the impact of the solar panels would be neutral to slight adverse.	This is noted by the Applicant.

7.293	The submitted LVIA is considered to provide an accurate assessment of the visual and landscape impacts of the development and the proposed design generally provides good levels of mitigation in terms of the use of both existing and proposed landscape features. Significant impacts have been identified on several receptors and it is therefore recommended that additional landscaping and mitigation are required to off-set these impacts. Without such mitigation it is the view of ERYC that the impacts on landscape and visual amenity would be negative.	Mitigation planting has been incorporated into the scheme to reduce landscape and visual effects as far as practicable. Consideration has also been given to the risk of sterilising agricultural land through woodland planting, offsets required form infrastructure, offsets required from ditches and waterways and the practical energy producing capacity of the Site. The Proposed Development includes mitigation planting wherever feasible.
7.294	The submitted Highway and Transport related information is considered to provide an appropriate assessment of the impact on the local highway network both during construction/decommissioning and operation. The Council therefore considers that subject to the necessary mitigation measures in the outline Construction Traffic Management Plan (CTMP) being secured and agreed through a full CTMP, that impact on the local highway network would be neutral, with the exception of use of Park Lane Cottingham to access the Creyke Beck substation works, which is considered to have a significant adverse impact on highway safety.	This is noted by the Applicant.
7.295	No permanent closures or diversions are proposed to the Public Right of Ways within or adjacent to the development order limits, just temporary closures further to 12.6km of new permissive paths being provided. The development would lead to a	The comment is noted, however Field F13 already has a mature hedgerow along its southern boundary, which provides a good level of screening and as a hedgerow on the

	significant effect to the views from some of the PRoWs in the area, particularly in the early stages of establishment of the proposed screen planting. Overall, this is not considered to adversely impact upon the use, enjoyment and experience of the PROWs and as such a neutral impact would be had. ERYC do however consider that additional hedgerow screening should be provided along the southern edge of field F13 to address the effect on Swine PROW.	site boundary the height of the hedgerow would be allowed to grow by reduced hedgerow flailing. In addition, it is noted that the southern boundary of Field F13 is 670 m north of the closest PRoW and there are three further hedgerow boundaries separating the PRoW and Field 13 and any views into the field would be heavily screened.
7.296	The application site is located within flood zone 2 and 3.A Flood Risk Assessment accompanied the application along with a sequential and exception test. The Council are satisfied with the assessment made and subject to the EA being satisfied with the FRA and the mitigation proposed further to suitable full drainage details being submitted, the development would have a neutral impact with regard to flood risk and drainage.	This is noted by The Applicant and liaison will continue with the IDB and LLFA to agree the drainage details.
7.298	The proposed development is in proximity to a number of residential receptors. The development would result in significant impacts upon several properties, primarily as a result of the visual impact and noise however these impacts would decrease throughout the lifetime of the development as the planting becomes established. Additional mitigation planting and further noise mitigation measures should be explored which could further reduce the timeframe of impacts and reduce the overall impact to result in a neutral impact.	No significant effects have been reported in **ES Volume 2, Chapter 12: Noise and Vibration [APP-048]**. Mitigation planting has been incorporated into the Proposed Development to reduce landscape and visual effect as far as practicable. Consideration has also been given to the risk of sterilising agricultural land through woodland planting, offsets required

		from infrastructure, offsets required from ditches and waterways and the practical energy producing capacity of the Site. The Proposed Development includes mitigation planting wherever feasible.
7.299	With regard to trees ERYC would seek to avoid loss of Category B trees and avoid impacts on veteran and Category A trees. There is a robust planting scheme and at post development an increase in woodland cover and hedgerow diversity and length would be achieved. In relation to protected sites, there are outstanding issues in relation to mitigation measures for displacement of Humber Estuary bird species and impacts on Figham Pastures Local Wildlife Site. It is expected with improved embedded mitigation all impacts to protected species can be appropriately mitigated. Long term improvements in biodiversity would be achieved. It is therefore expected that subject to the above being addressed, the long term impacts in relation to trees and ecology would be positive with short term impacts being reduced to neutral.	This is noted by the Applicant.
7.300	The assessments undertaken on heritage assets are considered acceptable however ERYC's assessment of the impact of the development on the significance of the site of Meaux Cistercian Abbey, Meaux Abbey Farm and Wawne Grange concluded a marginally higher level of impact albeit the discrepancy was relatively minor in scope and the impact on all assets remained less than substantial. ERYC also consider that	This is noted by the Applicant.

	further consideration of Abbey Cottage would be beneficial to ensure that any potential enhancement to this asset could be maximised. With regards to Archaeology, further trial trenching is required and once complete, ERYC will then be in a position to adequately assess the impact the development could have on the archaeological resource across the site, ensuring the most suitable mitigation methodologies are implemented to ensure preservation of any archaeological remains.	
7.301	There are historical mineral extraction sites and Mineral Safeguarding Areas within and in the immediate vicinity of the order limits. A Minerals Safeguarding Assessment accompanies the application in which ERYC are satisfied with the assessment undertaken, concluding that the impacts of the development are temporary and reversible, with the exception of where a substation would be sited and as such would not adversely affect the viability of exploiting the underlying or adjacent deposit in the future. ERYC therefore conclude that the impact on Mineral Safeguarding Areas to be neutral.	This is noted by the Applicant.
	Appendix 1 – Land and Soils Consultants (draft)	
N/A	Methodology - With regards to the methodology employed for Chapter 10: Land, Soil and Groundwater of the ES, it would be beneficial for soil and agricultural land to be treated as two distinct receptors within the assessment tables, to enable a more accurate quantification of effects on both soil resources and agricultural land use. Differentiating between these	The significance of effect for land and soil is based on the sensitivity of the receptor and the magnitude of impact (change), as outlined in Table 10-7 of **ES Volume 2, Chapter 10: Land, Soil and Groundwater [EN010157/APP/6.2 Revision 2]** and is

	receptors would enhance the clarity and precision of the impact assessment. Despite this, agreement is had on the impact magnitude and significance parameters presented in Table 10.6 (Magnitude of Impact) and Table 10.8 (Significance of Effects), which are considered appropriate for the context of the assessment on agricultural resources. Table 10.4 (Receptor Sensitivity) appropriately identifies the receptor sensitivity based on ALC Grades for the context of Agricultural Land. However, it does not account for the sensitivity of soil receptors in accordance with guidance provided in the Environmental Impact Assessment Handbook (Section 7.4, Table 7.2: Sensitivity of Soil Receptors), which uses soil texture. The chapter does however clearly define the nature of effects using the correct significance criteria for both Agricultural Land and Soils. These are essential components of a comprehensive impact assessment and should be explicitly addressed and defined.	derived from the IEMA Guide: A New Perspective on Land and Soil in Environmental Impact Assessment[1].
N/A	Interpretation of Effects on Soil and Agricultural Land - In Paragraph 10.7.2 and 10.7.3, when assessing the likely significant effects on soils and agricultural land during the construction phase, there is no distinguish between soils and agricultural land as separate receptors. The assessment focuses exclusively on impacts to soil resources, such as erosion and physical disturbance from vehicles and machinery, without consideration of agricultural land as a receptor. There is	Section 10.7 of **ES Volume 2, Chapter 10: Land, Soil and Groundwater [EN010157/APP/6.2 Revision 2]**, by design, provides a high-level assessment of the likely effects that could occur as a result of the construction, operation (including maintenance) and decommissioning of the Proposed Development in the absence of

[1] Institute of Environmental Management and Assessment. A New Perspective on Land and Soil in Environmental Impact Assessment, 2022.

	no mention of BMV land loss (although temporary) until the operational phase. This information would have been more suited to the assessment of the effects of the construction phase as this would result in the temporary removal of agricultural land from rotation. Whilst in agreement with the assessment of significance of residual effects based on agricultural land, there is again no differentiation between agricultural land and soils as distinct receptors. Given that the sensitivity of soil receptors has not been determined in accordance with the considerations as outlined in the EIA Handbook, it is likely that the impact has not been accurately assessed. In regard to the operational phase discussed in paragraph 10.7.6, the assessment again does not differentiate between soils and agricultural land as distinct receptors. While in agreement that ecological enhancements, such as the establishment of grassland and wildflower habitats, may mitigate soil degradation and support the retention of soil functions and ecosystem services, there is no consideration of how this phase would affect agricultural land or BMV land. The current framing of the assessment focuses solely on soils, without contextualising the broader implications for BMV agricultural land.	additional mitigation. The detailed assessment is presented in Section 10.9 of **ES Volume 2, Chapter 10: Land, Soil and Groundwater [EN010157/APP/6.2 Revision 2]**, which considers the residual effects, taking account of the additional mitigation measures proposed in Section 10.8 of **ES Volume 2, Chapter 10: Land, Soil and Groundwater [EN010157/APP/6.2 Revision 2]**. The assessment has been undertaken in accordance with the Institute of Environmental Management and Assessment (2022). Guide: A New Perspective on Land and Soil in Environmental Impact Assessment[2]. The IEMA guide advocates consideration of impacts on soil resource and soil function, as well as on soil ecosystems. The IEMA guide outlines criteria to determine the sensitivity of the soil resource and soil function. One of these criteria is the Agricultural Land Classification grade. The IEMA guide also outlines criteria to determine the magnitude of impact on soil resource and

[2] Institute of Environmental Management and Assessment. A New Perspective on Land and Soil in Environmental Impact Assessment, 2022.

		soil function. One of these criteria is the extent of temporary or permanent loss of agricultural land. The above criteria have been used in the assessment of residual effects on soil resource and soil function (including on BMV and non-BMV agricultural land) during construction, operation (including maintenance) and decommissioning. This assessment is presented in Section 10.9 of **ES Volume 2, Chapter 10: Land, Soil and Groundwater [EN010157/APP/6.2 Revision 2]**. Notwithstanding the above, the Applicant recognises that **ES Volume 2, Chapter 10: Land, Soil and Groundwater [EN010157/APP/6.2 Revision 2]** could be clearer in the way it presents the residual effects on soil. Therefore, **ES Volume 2, Chapter 10: Land, Soil and Groundwater [EN010157/APP/6.2 Revision 2]** has been updated and resubmitted at Deadline 2.
N/A	Interpretation of Mitigation on Soil and Agricultural Land - The sensitivity assessment relies on ALC grading, which is inappropriate in this context. ALC grades are intended to inform the valuation of BMV land Sensitivity, not to serve as sensitivity	This is noted by the Applicant.

	criteria for soil receptors. Given that the mitigation measures relate specifically to soil health, appropriate soil sensitivity criteria should have been applied. As previously noted, the assessment does not adequately identify or apply soil receptor sensitivity within the methodology, which undermines the validity of the assessment's conclusions. Impacts on BMV land are temporary and are addressed by the Soil Management Plan (SMP) and Construction Environmental Management Plan (CEMP). Under these mitigation measures the proposed development is likely to have Neutral or Slight Adverse effects on land-based receptors. The residual effect of the development during its operational phase under the described mitigation measures is additionally evaluated as slight adverse due to the high sensitivity of the receptor and temporary nature of the development (ALC grade 3a). Agreement is had on these conclusions.	
N/A	Non-technical Summary - A review of Section 4.5 'Land, Soils and Groundwater' summarises the environmental risks to soil and agricultural land and addresses how these are mitigated. In paragraph 4.5.6, the site is described as being "Grade 3 agricultural land", with no clarification of the subgrade, and is referred to as "Best and Most Valuable Land". While it is acknowledged that this is a non-technical summary, the use of policy-aligned terminology is essential. The term "Best and Most Versatile Land" is specifically defined in both local and national planning policy the distinction between subgrade 3a (BMV) and 3b (nonBMV) carries significant planning implications. Accurate	It should be noted that there is no Section 4.5 in the **Non-Technical Summary [APP-094].** Upon reviewing the **Non-Technical Summary [APP-094],** no reference to 'Best and Most Valuable' could be found. Only the correct reference to 'Best and Most Versatile' is used in the document.

	terminology is not only a matter of compliance but is additionally accessibility. Members of the public with no technical training rely on summaries to understand the potential impacts of a development. Vague wording may obscure important distinctions and limit their ability to investigate further, participate in consultations, or raise valid objections, especially when ALC grades could be a determining factor in planning outcomes.	

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