



Pear tree Hill Solar Farm

Response to Deadline 2 submissions and additional information

Application Document Ref: EN010157/APP/8.14
October 2025

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1 Introduction

1.1.1 This report responds to submissions at Deadline 2 by interested parties as well as providing additional information that was deferred from Deadline 2. It responds to the key topics raised by each of the following interested parties:

- Environment Agency **[REP2-153]**
- Natural England **[REP2-154]**
- Robertson James Wade **[REP2-155]**
- Howard Sinkler **[REP2-156]**
- Leonards Property on behalf of TS Caley, MC Caley, TH Caley & Sons Ltd **[REP2-157]**

2 Response to Interested Parties

2.1.1 Sections 2.2 to 2.6 below provide the Applicant's response to all relevant interested parties submissions at Deadline 2.

2.2 Environment Agency

2.2.1 Table 1 below provides the Applicant's response to key topics raised within the Environment Agency's (EA) **Comments on the deadline 1 submissions [REP2-153]** submitted at Deadline 2.

Table 1: Applicant's Response to points raised by the EA at Deadline 2

EA Response Summary	Applicant Response
<p>EA01 - Permitted Preliminary Works Definition</p> <p>The Environment Agency (EA) previously raised concerns that the definition of 'permitted preliminary works may result in remediation works taking place without the controls of management plans that may only come into effect at commencement of the development. This is line with the approach we took with other Development Consent Orders (DCOs), including Oaklands Solar Farm and Helios Renewable Energy Park.</p> <p>The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 24) and in their response to the first Examining Authority questions (ExQ1) [REP1-073], question 1.2.44 (page 46). In light of this, we're content not to pursue this point, provided the Applicant ensures they are adhering to Land Contamination Risk Management if they are carrying out any remedial works, as stated in commitment 641. This will give will us confidence that they will be undertaking the works in such a way as to not give rise to significant effects.</p>	<p>The Applicant notes the EA's response to this and confirms that they will adhere to the EA's Land Contamination Risk Management guidance if remedial works are being carried out. It was noticed that a commitment to the above had not been included in the Outline Construction Environmental Management Plan (CEMP) [EN010157/APP/7.2 Revision 5]. That document has now been updated accordingly, to align with commitment 641 in ES Volume 4, Commitments Register [EN010157/APP/6.4 Revision 5] and has been resubmitted at Deadline 3.</p>

EA Response Summary	Applicant Response
<p>EA02 - Requirement 4 – CEMP</p> <p>The EA requested that we be consulted on the Construction Environmental Management Plan to be submitted and approved under Requirement 4. The Applicant has submitted an updated draft DCO (dDCO) [REP1-007] which provides for this, and we are therefore satisfied that this point has been satisfactorily addressed.</p>	<p>The Applicant notes that this point has now been satisfactorily addressed.</p>
<p>EA03 - Requirement 6 – Soil Management Plan</p> <p>The EA requested that we be consulted on the Soil Management Plan to be submitted and approved under Requirement 6. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 25) and in their response to the first Examining Authority questions (ExQ1) [REP1-073], question 1.2.43 (page 46). The Applicant has also updated paragraph 5.3.21 within their updated Outline Soil Management Plan [REP1-063]. In addition, the EA will now be consulted on the detailed plans submitted for approval under Requirements 4 and 8, which will give us the opportunity to ensure their plans to manage and prevent groundwater contamination are sufficient. As such, we are satisfied that this point has been sufficiently addressed.</p>	<p>The Applicant notes that this point has now been satisfactorily addressed.</p>
<p>EA04 - Requirement 8 – Battery Safety Management Plan</p> <p>The EA requested that we be consulted on the Battery Safety Management Plan (BSMP) to be submitted and approved under Requirement 8. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 26) and in their response to the first Examining Authority questions (ExQ1) [REP1-073], question 1.2.43 (page 46). The Applicant has updated the wording of Requirement 8 within the updated dDCO [REP1-007] to provide for</p>	<p>The Applicant notes that this point has now been satisfactorily addressed and has provided a response to the content of the Outline BSMP under issue EA16.</p>

EA Response Summary	Applicant Response
<p>this, so we're satisfied that this point has been sufficiently addressed. Please note we have outstanding concerns in regard to the content of the Outline BSMP, which are covered separately under issue EA16.</p>	
<p>EA05 - Unsuspected Contamination Requirement</p> <p>The EA requested the inclusion of an additional requirement to deal with unsuspected contamination. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 26) and in their response to the first Examining Authority questions (ExQ1) [REP1-073], question 1.2.35 (page 41), has updated commitments 640 and 641 within their Commitments Register [REP1-029], and has submitted an updated Outline Construction Environmental Management Plan [REP1-051] and updated Decommissioning Environmental Management Plan [REP1-055]. Based on the inclusion of these commitments and the changes made to the CEMP and DEMP, we are satisfied that this point has been addressed.</p>	<p>The Applicant notes that this point has now been satisfactorily addressed.</p>
<p>EA06 – Use of culverts</p> <p>The EA raised concerns regarding the use of culverts unless as a last resort. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 30). In addition, they have submitted an updated Water Framework Directive Screening & Scoping Assessment [REP1-031].</p> <p>We welcome the Applicant's intention to utilise existing culverts or bridges where possible and note that, while the actual number of new crossings is likely to be lower than the 20 assumed locations following the completion of pre-construction surveys, for the purposes of the assessment it has been assumed that all existing crossings will require a new culvert structure to</p>	<p>This response is noted and as per the Applicant's response to Relevant Representations [REP1-071], the choice of crossings is subject to detailed surveys and investigations. The preferred method will be agreed with the Environment Agency at the detailed design stage via the Protected Provisions in Part 4 of Schedule 12 to the Draft Development Consent Order DCO [EN010157/APP/3.1 Revision 7]. Box culverts were presumed to be utilised for the purposes of the assessments (such as ES Volume 4, Appendix 5.5:</p>

EA Response Summary	Applicant Response
<p>ensure consideration of the worst-case scenario. We also acknowledge commitment 109 within their Commitments Register [REP1- 029].</p> <p>However, in their response, the Applicant states that crossings over minor watercourses would be facilitated by box culverts with a mammal shelf and a bed substrate matching that of the watercourse, so no significant effects are anticipated. We are pleased to note commitment 544. As previously advised, if any existing box or pipe culvert crossings are found to be unsuitable, they should be upgraded to a portal/3-sided/arch culvert or to a larger box culvert with mammal ledge and be of a size that does not restrict the passage of water.</p> <p>There should be robust (geomorphic) reasons for the use of piped/box culverts, not just financial reasons. Minor watercourses that are wet all year can be geomorphically active and also provide refuge habitats. It is reiterated that all crossings should be considered on a case-by-case basis following surveys, not just of structural strength, but of habitat and conservation value, including geomorphological activity. We would welcome changes to the commitments to reflect this.</p> <p>In addition, while the Applicant has assessed the impacts that culverting may have on main rivers, there are some locations where there are multiple crossings in close proximity to each other. The cumulative impact of potentially culverting these rivers in multiple locations should be considered.</p>	<p>Water Framework Directive Screening and Scoping [REP1-030] to follow a precautionary approach.</p>
<p>EA07 – Culverts – post decommissioning</p> <p>The EA raised concerns around proposals to leave culverts in-situ after decommissioning. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 31).</p> <p>We would like to see a commitment to remove any crossings that have no further use. Given the</p>	<p>As set out in the Applicant's Response to Relevant Representations [REP1-071], the choice of crossings is subject to detailed surveys and investigations. The preferred method will be agreed with the Environment Agency. Box culverts were presumed to be utilised for the purposes of the assessments (such</p>

EA Response Summary	Applicant Response
<p>potential change in environment at point of decommissioning, the options for removal or leaving them in situ should be considered within the DEMP. Given the possibility of warmer and wetter winters and extreme rainfall events (increasing geomorphic activity) due to climate change, it is difficult to assess whether something that is considered to be insignificant in effect at the present time will be insignificant in the future.</p>	<p>as ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping [REP1-030]) to follow a precautionary approach. The Applicant notes the EA's request to remove crossings no longer needed. As recommended by the EA, this would be assessed ahead of decommissioning using the policy and legislative framework, together with the flood risk and water environment, baseline data available at that time. The following commitment has been added to the updated Outline Decommissioning Environmental Management Plan (DEMP) [EN010157/APP/7.4 Revision 4], which is submitted at Deadline 3:</p> <p>"An environmental risk assessment will be completed prior to the decommissioning phase for watercourse crossings to determine the options for removal or leaving them in situ, based on the policy and legislative framework, together with the flood risk and water environment baseline data, available at the time of decommissioning."</p>
<p>EA08 – Figham Pastures LWS</p> <p>The EA requested that construction activities avoid the large sedge bed in Figham Pastures and suggested that the Horizontal Directional Drilling (HDD) under the River Hull be extended to bypass the Local Wildlife Site entirely. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 32), and in their response to the first</p>	<p>The Applicant notes the EA's response to this and the confirmation that they are satisfied with the response the Applicant provided at Deadline 1 on this point.</p>

EA Response Summary	Applicant Response
<p>Examining Authority questions (ExQ1) [REP1-073], question 1.3.9 (page 81). We acknowledge that some flexibility is needed and are satisfied with the Applicant's response that they will avoid the large sedge bed and seek to HDD under the whole site where reasonably practicable.</p>	
<p>EA09 – Private Water Supplies</p> <p>We note the proposed changes to the Environmental Statement and Preliminary Risk Assessment discussed in the ES Addendum [REP1-070] (pages 9 and 46) and are satisfied that this point has been addressed.</p>	<p>The Applicant notes that this point has now been satisfactorily addressed.</p>
<p>EA10 – Damage to Land Drains</p> <p>The EA requested a commitment to inspect land drains and remediate them. Following the inclusion of commitments 551 and 615 within the Applicant's Commitments Register [REP1- 029] and the changes to the updated CEMP [REP1-051], we consider that issue EA10 has been satisfactorily addressed</p>	<p>The Applicant notes that this point has now been satisfactorily addressed.</p>
<p>EA11 – Lifetime of the Development</p> <p>We have reviewed the updated flood risk assessment [REP1-032 – REP1-049] and the results of the credible maximum scenario assessment. This shows that the site will remain resilient and will not result in any detrimental impacts offsite when climate change is considered into the 2080s epoch, so although the design is based on the 2050s climate change epoch, the Applicant's modelling demonstrates that even if the development lifespan and decommissioning extend into the 2070s, the impacts and resilience would remain comparable. Additionally, the Applicant has proposed that the DEMP will use the most up to date data and policy at the time it needs to be implemented, so we are confident it will include the necessary mitigation measures for this</p>	<p>The Applicant notes that this point has now been satisfactorily addressed.</p>

EA Response Summary	Applicant Response
<p>phase. As such, we consider this point has been addressed.</p>	
<p>EA12 – Impacts on flood defences</p> <p>The Applicant has responded to this point on page 38 of their Response to Relevant Representations [REP1-071]. In their response, the Applicant states that the worst-case scenario, assuming all crossings will require a new culvert structure, has been assessed, and that detailed design drawings will be provided to the EA under their protective provisions (once agreed). However, the Applicant is proposing crossings along main rivers where there are existing defences, and in some places, these are embankments. The Applicant has not provided any commentary specifically to demonstrate that they have considered any possible impacts that cable crossings and temporary / permanent crossings may have on the integrity of embankments, both above ground and to the foundations below ground. Subsequently, the Applicant has not proposed possible mitigation measures that would be needed when working on, near and below these defences.</p>	<p>This is noted by the Applicant and will be taken into consideration during the agreement of crossing locations and formations with the EA under the protective provisions in Part 4 of Schedule 12 of the Draft DCO. [EN010157/APP/3.1 Revision 7]. In particular paragraph 27(3)(c) provides that approval to plans for specified works may be given subject to such reasonable requirements as the Agency may have for the protection of any drainage work. Paragraph 28 also provides that “Without limiting paragraph 27 the requirements which the Agency may have under that paragraph include conditions requiring the undertaker, at its own expense, to construct such protective works, whether temporary or permanent, before or during the construction of the specified works (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary— (a) to safeguard any drainage work against damage; or (b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased, by reason of any specified work.”</p> <p>This approach has been agreed in principle with the Environment</p>

EA Response Summary	Applicant Response
	Agency during a meeting on the 2 nd October 2025.
<p>EA14 – Risk of surface water flooding update</p> <p>Based on the updated flood risk assessment provided [REP1-032 – REP1-049], we consider that EA14 has been satisfactorily addressed and the most up to date data has been used.</p>	<p>The Applicant notes that this point has now been satisfactorily addressed.</p>
<p>EA15 – Functional Floodplain</p> <p>We have reviewed the updated flood risk assessment (FRA) [REP1-032 – REP1- 049]. A plan which includes the 1 in 50 annual probability extent is shown within Appendix B of the updated FRA (drawings 60-315 and 60-316). This extent is only marginally larger than the 1 in 20 annual probability extent and would constitute a suitable and conservative proxy for functional floodplain.</p>	<p>This response is noted.</p>
<p>EA16 – Surface Water Drainage Strategy</p> <p>The EA raised concerns around the Applicant’s drainage strategy, particularly around the Battery Energy Storage Systems (BESS). The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 41). The Applicant’s response around the existing conceptual site model and Preliminary Risk Assessment is not entirely relevant here, as it relates to potential existing contamination, whereas the conceptual site model requested for informing the BESS (and other infrastructure) drainage design relates to the potential introduction of new contaminants from the on-site operations.</p> <p>The discussion presented in the Updated WFD Screening & Scoping [REP1-031] is also not entirely relevant. Evidence is presented of the likelihood of a BESS fire, concluding that it is low. However, a BESS fire that is either put out with firewater or left to burn, with adjacent units damped down, can still lead to the introduction of</p>	<p>The ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping [REP1-030] follows a source-pathway-receptor to demonstrate, with evidence from BESS fires globally, have a very low chance of occurrence and, with mitigation, a very low chance for contaminants to escape to the environment. Consequently, the Applicant has, with evidence, demonstrated the release of contamination to groundwater is negligible. In addition, this demonstrates that the ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping [REP1-030] has not only assessed the likelihood of fires occurring, but also the potential impact on the water environment, recommending</p>

EA Response Summary	Applicant Response
<p>chemicals into the firewater. The likelihood of a fire may be low, but the consequences can be severe. If not suitably managed at the surface, this water can reach the groundwater, causing large-scale pollution. A significant number of the BESS units are proposed in Source Protection Zone (SPZ) 3, some close to SPZ2. The currently submitted documents do not provide confidence that pollution prevention has been fully considered.</p> <p>The National Fire Chief Council's guidance has not been implemented with respect to giving consideration, within the site design, to the management of water run-off (e.g. drainage systems, interceptors, bunded lagoons etc) or using water-based suppression systems. Water used to cool adjacent BESS containers can still result in contamination should the containers fail. Therefore, containment of firewater and use of impermeable liners is best practice and should be implemented. Furthermore, in the event of a fire, a gravel base will be much harder to clean following any contamination.</p>	<p>mitigation in Section 3.5 of the report to minimise this risk.</p> <p>Furthermore, a review of the chemical components of typical battery units used by the Applicant shows that none of the chemical components would be classified as 'hazardous' according to the WFD Confirmed Hazardous Substances List referenced in the EA guidance Protect Groundwater and Prevent Groundwater Pollution. Some of the substances are classified as non-hazardous. Part of the guidance states that 'You must limit non-hazardous pollutants from entering groundwater...'. The evidence and mitigation presented in the ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping [REP1-030] demonstrates how the Proposed Development would limit the mobilisation of non-hazardous materials.</p>
<p>EA17 – Temporary Construction Impacts</p> <p>Section 5.11.56 of the updated flood risk assessment (FRA) [REP1-032 – REP1- 049] discusses the impact of raising all construction compounds. Appendix B of the FRA (drawings 60-262 and 60-263) shows the impact of rising all compounds by 1 metre, which is shown to be negligible. We're therefore satisfied that this point has been addressed.</p>	<p>The Applicant notes that this point has now been satisfactorily addressed.</p>
<p>EA18 – Electro-Magnetic Fields</p> <p>The EA raised concerns regarding the potential for impacts on fish from electromagnetic fields. EA18 has been sufficiently addressed via the submission of additional information within the updated Habitat Regulations Assessment (HRA)</p>	<p>The Applicant notes that this point has now been addressed.</p>

EA Response Summary	Applicant Response
[REP1-016] which confirms that no significant effects are anticipated.	
<p>EA19 – River Lamprey</p> <p>EA19 has been sufficiently addressed via the submission of the updated HRA. The Applicant cannot commit to undertaking the works between April and September but will adhere to these timings wherever possible. In addition, further information has been provided within the updated HRA [REP1-016] to demonstrate that effects would not be significant even outside of these times, due to the depths and short-term nature of the works.</p>	<p>The Applicant notes that this point has now been addressed.</p>
<p>EA20 – Abstraction / De-watering</p> <p>The EA raised concerns that the water requirement for HDD works had not been considered. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 45) and a Water Resources Technical Note has been included in Appendix 1. The Applicant has also updated their Commitments Register [REP1-029] and Outline CEMP [REP1-051] in response.</p> <p>We are satisfied with the Applicant's response regarding dewatering and that abstraction from the River Hull is not intended. Though whilst bentonite wastewater is described, the volumes of water required and intended source of supply for HDD has still not been stated (other consumptive uses such as dust suppression and potable supply have been considered in the Water Resources technical note). It is therefore assumed to also be from mains supply or tankered as per the other uses.</p> <p>Given the number of locations HDD is required for, this volume may not be insignificant and if this is not the case, further clarification is needed.</p>	<p>The Applicant notes this point and intends to utilise mains supplied water for HDD purposes, as confirmed in Table 5.1 of the Outline CEMP [EN010157/APP/7.2 Revision 5]</p>

EA Response Summary	Applicant Response
<p>EA21 – Mammal Entrapment</p> <p>The EA raised concerns regarding the potential for mammal entrapment from open cut trenching and suggested appropriate mitigation measures. We note the inclusion of commitment 614 within the Applicant’s Commitment Register [REP1-029] and the Outline CEMP [REP1-051] has been updated. On this basis, we’re satisfied that this issue has been addressed.</p>	<p>The Applicant notes that this point has now been addressed.</p>
<p>EA22 – Hydrogeological Risk Assessment</p> <p>We note the inclusion of commitment 662 within the Applicant’s Commitment Register [REP1-029] and are satisfied with the Applicant’s response in their Response to Relevant Representations [REP1-071] (page 47). We therefore consider that issue EA22 has been addressed.</p>	<p>The Applicant notes that the Environment Agency now considers this point addressed. However, it was noticed that the wording of commitment 662 was not accurate and it has been updated to set out that general horizontal directional drilling (HDD) practices are captured in the Outline CEMP [EN010157/APP/7.2 Revision 5] and that further details regarding HDD breakout including defined working areas will be included in the Construction Environmental Management Plan(s), as secured by Requirement 4 of the Draft DCO [EN010157/APP/3.1 Revision 7] and on which the Environment Agency will be consulted.</p>
<p>EA23 – Consumptive Water Supply</p> <p>We consider that this point has been sufficiently addressed through the Applicant’s Response to Relevant Representations [REP1-071] and the Water Resources Technical Note included in Appendix 1.</p>	<p>The Applicant notes that this point has now been addressed.</p>
<p>EA24 – Land Drains Risk Assessment</p> <p>Following the inclusion of commitments 551 and 615 within the Applicant’s Commitments Register</p>	<p>The Applicant notes that this point has now been addressed.</p>

EA Response Summary	Applicant Response
<p>[REP1- 029] and the changes to the updated CEMP [REP1- 051], we consider that issue EA24 has been satisfactorily addressed.</p>	
<p>EA25 – Decommissioning of Below Ground Cables</p> <p>The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 55). We are satisfied with the addition of commitment 669 to complete an environmental risk assessment, but we requested it specifically for risks to controlled waters, so we would prefer to see it included further down Table 4-1 of the Outline DEMP, in the section of Land, Soil and Groundwater.</p>	<p>The Applicant acknowledges that the commitment relating to undertaking an environmental risk assessment regarding below ground cables prior to the decommissioning phase sits better in the ‘Land, Soil and Groundwater’ section of Table 4-1. The Outline DEMP [EN010157/APP/7.4 Revision 4] has been updated accordingly and is submitted at Deadline 3.</p>
<p>EA26 – Remediation Strategy</p> <p>We are satisfied with the Applicant’s response to this point on page 56 of their Response to Relevant Representations [REP1-071].</p>	<p>The Applicant notes that the Environment Agency now considers this point addressed. It should be noted that the Applicant considered the Outline CEMP [EN010157/APP/7.2 Revision 5] a more suitable location for a commitment stating that any remediation of contamination that is determined to be necessary prior to construction works commencing for the Proposed Development would be carried out in accordance with the Environment Agency’s Land Contamination Risk Management guidance, and that a remediation strategy would be prepared in consultation with the Environment Agency. The Outline CEMP [EN010157/APP/7.2 Revision 5] has been updated accordingly and is submitted at Deadline 3.</p>

- 2.2.2 Additional to the above response to the EA's **Comments on the deadline 1 submissions [REP1-153]**, the Applicant had also set out at within **Response to comments on RR and additional submissions, response to WR and response to ExA Written Questions 1 responses [REP2-038]** submitted at Deadline 2 that they would provide a response to the EA's point requesting the height of infrastructure in flood risk areas in meters above Ordnance Datum at Deadline 3.
- 2.2.3 The provision of mitigation levels to meters above Ordnance Datum (mAOD) does not alter the conclusions of the **ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP1-031]** and as such a revision to the document has not been deemed necessary. However, drawings showing the mitigation levels for each Field within the Proposed Development have been provided in **Appendix A** of this report. These levels are summarised in Table 2 below.

Table 2: Flood Mitigation Levels

Field	Primary Source of Flood Risk	Mitigation Level
B1	Fluvial - mixed	1.3m-2.2mAOD
B4	Fluvial - mixed	1.4m-2.1mAOD
B5	Fluvial – Derived 1,000 yr event	3.9mAOD
B6	Surface Water - 1,000 yr event	3.6mAOD
B7	Fluvial - Breach Event	1.2m-1.8mAOD
B8	Fluvial - mixed	1.4m-2.1mAOD
C1	Fluvial - mixed	1.4m-2.1mAOD
C2	Fluvial - mixed	1.4m-2.0mAOD
C3	Fluvial - mixed	1.4m-2.0mAOD
C4	Fluvial - mixed	1.4m-1.6mAOD
C5	Fluvial - Breach Event	1.6mAOD
C6	Fluvial - Breach Event	1.6mAOD
C7	Fluvial - mixed	1.6m-1.9mAOD
C9	Fluvial - Breach Event	1.6mAOD
D1	Fluvial - Breach Event	1.0mAOD
D2	Fluvial - Breach Event	1.0mAOD

D3	Fluvial - Breach Event	1.0mAOD
D4	Fluvial - Breach Event	1.0mAOD
D5	Fluvial - Breach Event	1.0mAOD
D6	Fluvial - Breach Event	1.0mAOD
D7	Minor Surface Water Flooding	No Specific Mitigation Re- quired
D8	Minor Surface Water Flooding	No Specific Mitigation Re- quired
D9	No Flooding	NA
D10	No Flooding	NA
D11	No Flooding	NA
D12	Minor Surface Water Flooding	No Mitigation Required
D13	Minor Surface Water Flooding	No Specific Mitigation Re- quired
D14	Fluvial - Breach Event	1.0mAOD
D15	Minor Surface Water Flooding	No Mitigation Required
D17	Minor Surface Water Flooding	No Mitigation Required
E1	Fluvial - Breach Event	1.0mAOD
E2	Fluvial - Breach Event	1.0mAOD
E3	No Flooding	NA
E4	No Flooding	NA
E5 West	Fluvial - Breach Event	1.0mAOD
E5 East	Surface Water 1,000 yr event	1.0mAOD Surface Water
E7	Minor Surface Water Flooding	No Mitigation Required
E8	Minor Surface Water Flooding	No Mitigation Required
E9	Minor Surface Water Flooding	No Mitigation Required
E10	Fluvial - Breach Event	1.1mAOD
E11	Minor Surface Water Flooding	No Mitigation Required

E12	Fluvial - Breach Event	1.1m-1.3mAOD
E15	Fluvial - Breach Event	1.6mAOD
E16	Fluvial - Breach Event	1.3m-1.6mAOD
E17	Fluvial - Breach Event	1.3mAOD
F1	Fluvial - Breach Event	1.3mAOD
F2	Fluvial - Breach Event	1.3mAOD
F3	Fluvial - Breach Event	1.3mAOD
F4	Fluvial - Breach Event	1.3mAOD
F5	Surface Water 1,000 yr event	1.5mAOD Surface Water
F6	No Flooding	NA
F7	Fluvial - Breach Event	1.3mAOD
F8	Minor Surface Water Flooding	No Mitigation Required
F11	Minor Surface Water Flooding	No Mitigation Required
F12	Fluvial - Breach Event	1.1mAOD
F13	Fluvial - Breach Event	0.8m-1.1mAOD
F14	Minor Surface Water Flooding	No Mitigation Required
F15	Minor Surface Water Flooding	No Mitigation Required

Note: Flooding of less than 0.3m falls below the threshold considered for this summary table.

2.3 Natural England

2.3.1 Table 3 below has been extracted from Natural England's **Written representation/ comments on the deadline 1 submissions [REP2-154]**. It provides detail of all significant issues ('red' and 'amber' issues) identified in that submission which, in Natural England's view, remain outstanding. This includes advice on pathways to their resolution, and where possible identifies the 'risk' of each topic as being a red, amber, yellow, green or grey.

2.3.2 The risk ratings used in Table below are defined by Natural England as:

- **Red** are those where there are fundamental concerns which it may not be possible to overcome in their current form.
- **Amber** are those where further information is required to determine the impacts of the project and allow the Examining Authority to properly undertake its task and/or where further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy.
- **Yellow** are those where Natural England does not agree with the Applicant's position or approach. We would ideally like this to be addressed but are satisfied that for this particular project it is unlikely to make a material difference to our advice or the outcome of the decision- making process. However, we reserve the right to revise our opinion should further evidence be presented. It should be noted by interested parties that whilst these issues/comments are not raised as significant concerns in this instance, it should not be understood or inferred that Natural England would be of the same view in other cases or circumstances.
- **Green** are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured).
- **Grey** are notes for Examiners and/or competent authority.

2.3.3 The Applicant has included a response to each matter within the 'Applicant Response' column within Table 3 below.

Table 3: Natural England's Written Representations – Applicant Response

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on the further information required to enable assessment.	Natural England comment on the mechanism for securing mitigation/compensation measures in the DCO	Applicant Response	Risk Red/ Amber/ Green/ Grey
NE1a	International designated sites Humber Estuary SPA Humber Estuary Ramsar	Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites. (C) and (O)	Core mitigation areas and the implementation of a buffer Natural England note that some further assessment of the habitat suitability and the capacity of each parcel to deliver for the intended species has been provided. However, we advise that further details are needed regarding the management and monitoring measures to be implemented, before we can concur with the conclusion that the mitigation areas are sufficient to support the required bird numbers and species. Please refer to amber issues NE1b, NE1c, NE1d, NE1e and NE1g in this	Further information required.	As indicated by Natural England the Applicant has already delivered a robust justification for the efficacy of the proposed mitigation areas further strengthened by the response to the other comments below. However, a final overall conclusion further justifying the suitability of the site is provided below, address specific bullet points raised under NE1a. It should also be noted that in addition to specific mitigation for loss of functionally linked land the Applicant is committed to providing over 100 hectares of open grassland for ground nesting birds that is also likely to be suitable for wintering	'Amber'

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			<p>table for further details regarding the further information still required.</p> <p>Natural England advise that following the resolution of the above issues, an overall conclusion justifying the suitability of the site should be provided.</p> <p>Consideration should be given to factors such as:</p> <ul style="list-style-type: none"> • Habitat quality on site. • Records of usage of existing fields of similar size within the bird survey results. • Boundary features / adjacent development. • Presence of suitable adjacent habitat. • Consideration of the potential for additional monitoring or management which could help provide certainty that the mitigation areas will provide a sufficient food source 		<p>birds associated with the Humber Estuary SPA.</p> <ul style="list-style-type: none"> • <u>Habitat quality on site.</u> The proposed mitigation areas are either arable farmland or permanent pasture; additional work has shown that mitigation area 13 (Fields E13/14) and mitigation area 11 (Field E6) are hydrologically suitable for the creation of wetland scrapes whilst mitigation area 9 (Field D18) being arable would be suitable for the creation of grassland for foraging wintering lawing and golden plover. So, the Applicant regards habitat suitability appropriate for mitigation. • <u>Records of usage of existing fields of similar size within the bird survey results.</u> The results set out within ES Volume 4, Appendix 7.4: Wintering Bird Survey Report [APP-108] record small flocks (up to 57 individual) of lapwing resting in Fields E11 and E12 both of a similar size and location to mitigation areas 11 (Field E6) and 13 (Fields E13/14) whilst 131 were recorded within Field C5 an arable field close to but smaller than mitigation area 9 (Field D18). Fourteen golden plover were also recorded within Field C5. Mallard (peak count 10) and teal (peak count 169) were recorded within the Monk drain, but creation of scrapes will provide suitable habitat. This gives sufficient confidence that the mitigation areas are located in suitable locations 	

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					<p>and likely to be used by the bird species being targeted.</p> <ul style="list-style-type: none">• <u>Boundary features / adjacent development.</u> <p>A narrative on boundary features was provided in the updated Outline Landscape and Ecological Management Plan (LEMP) [REP2-140] that was submitted at Deadline 2.</p> <ul style="list-style-type: none">• <u>Presence of suitable adjacent habitat.</u> <p>Mitigation areas 13 (Fields E13/14) and 11 (Field E6) are located close to the Holderness drain which is likely to be a draw for wintering birds and as stated above records of golden plover and lapwing have been recorded using similar fields in close proximity. The surrounding land use is broadly similar and was determined as likely to be functionally linked to the Humber SPA for these species, so surrounding land use is similar.</p> <ul style="list-style-type: none">• <u>Consideration of the potential for additional monitoring or management which could help provide certainty that the mitigation areas will provide a sufficient food source.</u> <p>Please see response to NE1d below where the Applicant has committed to a greater degree of prescribed management objectives and monitoring to ensure the efficacy of the mitigation areas. Table 15-3 and Table 16-3 of Outline LEMP [EN010157/APP/7.5 Revision 6] that is submitted at Deadline 3 has been updated to include</p>	

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					<p>potential outline remedial measures for the proposed habitats within mitigation area 9 (Field D18), 11 (Field E6 and 13 (Field E13/E14). The Applicant feels it is premature to outline the full suite of remedial measures that may be implemented should monitoring show that wintering bird numbers are below baseline suggesting that the proposed mitigation areas are not providing sufficient winter food, as to some extent this will depend on the actual results of the post construction monitoring. A full suite of remedial measures that could be applied will be outlined within the Landscape and Ecological Management Plan and agreed with Natural England and East Riding of Yorkshire Council.</p> <p>Please see the Applicant's responses under points NE1b NE1c, NE1d, NE1e and NE1g below for further details.</p>	
NE1b	International designated sites Humber Estuary SPA Humber Estuary Ramsar	Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites. (C) and (O)	<p><u>Permissive footpaths in the proposed mitigation areas</u></p> <p>We note that <i>Figure 3.4 Indicative Environmental Masterplan</i> [APP- 058] details proposed permissive walking routes around mitigation areas 9 and 11. We advise that the impact of these paths on the functionality of the proposed mitigation areas should be assessed in the HRA. We note that if fencing is not proposed, the presence of dogs within mitigation areas can render the whole area unsuitable for the relevant species.</p> <p>This issue remains outstanding at this stage. As stated in the draft SoCG</p>	Further information required.	<p>As set out in the Third Notification of Proposed Changes to the DCO Application [AS-017], the Applicant is proposing amendments to the permissive path routes around mitigation areas 9 (Field E6) and 11 (Field D18) to address this matter. The changes have been proposed following consultation with Natural England and are summarised below.</p> <p>The permissive path loop around mitigation area 11 (Field E6) is proposed to be removed. An existing large intact hedgerow separates mitigation area 11 (Field E6) and the proposed permissive path, however further measures to</p>	'Amber'

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			<p>between Natural England and the Applicant, the Applicant <i>“is investigating ways to address this issue, such as the re-routing of the proposed permissive paths around mitigation areas 9 and 11, the use of signage in appropriate locations instructing dog walkers to keep their dogs on a lead and/ or additional fencing.”</i> Natural England will continue to engage with the Applicant on this topic.</p> <p>With regards to potential mitigation measures, we advise that signage alone would not be sufficient to reduce the impact of human presence and dogs off lead within the mitigation areas. Therefore, fencing should be considered for all mitigation areas. We advise that any fencing proposed to separate users from the mitigation areas should be stock proof fencing to prevent dog entry. Alternative ‘dog run’ areas away from the bird mitigation areas may also be effective at reducing impacts and enabling public enjoyment of the site.</p>		<p>prevent path users and dogs entering the mitigation area would include closing up any existing gaps within the hedgerow and installing a padlocked gate to allow access for habitat management.</p> <p>The permissive path within mitigation area 9 (Field D18) is proposed to be re-routed to avoid the majority of the mitigation area. A small section of permissive path would be retained in the north-east corner of the field to allow access from Meaux Livery, on the other side of Meaux Lane, to the rest of the permissive path network. A 1m-high post and rail fence with wire mesh would be installed between this section of permissive path and mitigation area 9 (Field D18) to prevent path users and dogs straying into the mitigation area.</p> <p>In addition to the installation of 1m-high fencing between proposed permissive paths and mitigation areas where necessary, appropriate signage will be installed to provide footpath users with information on the ecological importance of the mitigation areas and the countryside code which includes ensuring all dogs are kept on a lead within all areas of the Proposed Development. The Applicant does not propose to pursue the idea of ‘dog run’ areas as this may cause conflict with any livestock and other areas created and managed for nesting birds.</p> <p>Should the proposed changes to permissive paths be accepted by the Examining Authority, relevant</p>	

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					documents would be updated and submitted at subsequent deadlines to reflect the relevant changes required to the permissive paths within mitigation areas. Sections 3.2 and 16.3 of the Outline LEMP [EN010157/APP/7.5 Revision 6] will also be updated and submitted at a subsequent deadline to reflect the changes to permissive paths in mitigation areas. Given the changes outlined above, no update is required to the Habitats Regulations Assessment – Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4] as the Applicant will update the permissive path routes to ensure mitigation areas 9 (Field D18) and 11 (Field E6) fulfil their mitigation function.	
NE1c	International designated sites Humber Estuary SPA Humber Estuary Ramsar	Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites. (C) and (O)	<u>Hydrology of the proposed mitigation areas</u> Natural England welcomes the further information provided regarding the hydrology and soil types within the mitigation areas, and the predicted suitability of the sites for scrape creation. We concur that the information suggests that mitigation areas 11 and 13 are likely to be suitable for scrape creation and agree that appropriate micro-siting of the scrapes can be determined by pre-construction hydrological studies. We note the intention to protect land drains should they be found during scrape creations, with suitable mitigation being installed to reduce water drainage within the scrape area	Further information required.	Geophysical surveys of the Site have identified likely field drain locations (see ES Volume 4, Appendix 9.2: Geophysical Survey Report Parts 1 and 2 [APP-120 and APP-121]). Further analysis suggests that in Mitigation Area 13 (Fields E13 and 14) the field drains are likely to be ceramic, while in Mitigation Area 11 (Field E6) they are likely to be either plastic field drains or abandoned trenches where field drains have been removed historically. Scrapes will be implemented, monitored and maintained to ensure suitable wetland habitat is in place for the duration of construction and operational phases of the Proposed Development. Section 3.2.15 of the Outline LEMP [EN010157/APP/7.5 Revision 6] has	‘Amber’

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			whilst ensuring the land drains remain functional. However, Natural England advise that field drainage systems are designed to drain the field, including at its lowest parts, and therefore, if scrape excavation goes through the pipes or sits above them, the scrapes are unlikely to hold sufficient water. We advise, therefore, that further information should be provided regarding the 'suitable mitigation' measures that will be implemented, to ensure that the scrapes will remain hydrologically isolated from the wider retained under field drains.		been updated with this information and are submitted at Deadline 3.	
NE1d	International designated sites Humber Estuary SPA Humber Estuary Ramsar	Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites. (C) and (O)	<u>Management of the proposed mitigation areas</u> Natural England welcomes that further information on monitoring and management has been included in the updated oLEMP 19.3.3. However, we have the following outstanding comments: <ul style="list-style-type: none">The winter sward height target should be lower than 25cm. Golden plover and lapwing prefer a short sward <10cm, with an optimum height of 7cm¹. This is also acknowledged in 19.3.23 of the oLEMP. Therefore, we advise a maximum sward height of 10cm during winter. Natural England concur that the proposed	Further information required.	The Applicant acknowledges the comment on winter sward height within mitigation areas 9 (Field D18), 11 (Field E6) and 13 (Fields E13/14). Paragraphs 14.2.6 and 19.3.3 have been amended and 15.2.8 added to the Outline LEMP [EN010157/APP/7.5 Revision 6] to state that the maximum target winter sward height within mitigation areas 9 (Field D18), 11 (Field E6) and 13 (Fields E13/14) will be 10cm. Sections 14.2, 15.2 and paragraph 19.3.3 of the Outline LEMP [EN010157/APP/7.5 Revision 6] have been updated to clarify that should monitoring indicate a decline in bird numbers below the pre-construction baseline, national trends of bird numbers will only be one of the factors considered within the bird monitoring	'Amber'

¹ Milson, T. P., Ennis, D. C., Haskell, D. J., Langton, S. D., McKay, H. V. (1998). Design of grassland feeding areas for waders during winter: the relative importance of sward, landscape factors and human disturbance. Biological Conservation. Volume 84. Issue 2, pp. 119 – 129.

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			<p>management to maintain the sward height is appropriate, with grazing being the preferable option.</p> <ul style="list-style-type: none">• Clarification should be provided on how national trends will be considered in the assessment of bird numbers and ‘success’ of the mitigation areas. National declines in bird numbers should not remove the need to consider the influence of site-level factors such as habitat management on bird counts.• Natural England note that bird monitoring surveys will be undertaken once a month from November to March, with these surveys occurring annually for years 1-3, and then at five yearly intervals. We advise that consideration should be given to whether this frequency is sufficient to provide certainty that the mitigation area is functioning adequately for the relevant species. Natural England advise that it may be appropriate to consider increasing the frequency of monitoring for years 3-10, to provide confidence that the site is experiencing adequate bird usage, and to allow for the early implementation of remedial measures if needed. East Riding		<p>assessments. Other factors including site-level factors, such as habitat management delivering the right sward height, will also be considered within the assessment as to whether or not mitigation is delivering the desired outcome. With regard to national and local trends in bird numbers, the monitoring will take account of Wetland Bird Survey (WeB) alerts produced by the British Trust for Ornithology (BTO), local county bird reports (where available) and actual bird numbers on site taken from monitoring. Should numbers be below baseline, then remedial management will be implemented firstly to ensure the correct habitat conditions are being delivered and then wider factors that might explain declines will be explored.</p> <p>The Applicant acknowledges the comment regarding increasing the frequency of bird monitoring surveys. Table 20-1 of the Outline LEMP [EN010157/APP/7.5 Revision 6] has been updated to confirm bird monitoring surveys will be undertaken once a month from November to March, with these surveys occurring annually for years 1-3, followed by monitoring at two-year intervals for years 3-10 and at five-year intervals subsequently.</p> <p>Sections 14.2 and 15.2 of the Outline LEMP [EN010157/APP/7.5 Revision 6] include statements regarding the primary target for the mitigation areas. These sections have been updated to include that target conditions will also</p>	

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			<p>of Yorkshire Council may be able to advise on this point.</p> <ul style="list-style-type: none"> The oLEMP states that <i>“If the number of birds fall below the baseline conditions when taking into consideration national trends, the Applicant should ensure habitat management is providing the right habitat and conditions as outlined in the Landscape and Ecological Management Plan.”</i> We recommend that a summary should be provided in the oLEMP of what <i>‘the right habitat and conditions’</i> include for each mitigation area to inform this process. Natural England advise that specific remedial action should be highlighted. This could include measures such as the spreading of manure to increase invertebrate numbers, additional cutting, and increased management of scrapes. As previously stated, we advise that sufficient detail of the proposed management and monitoring approach is required in the oLEMP at this stage to ensure the HRA conclusions regarding the mitigation measures are robust and deliverable. <p>Natural England advise that a monitoring report should be produced following each of the completed surveys</p>		<p>comply with ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [REP2-023]. As explained within section 19.3 of the Outline LEMP [EN010157/APP/7.5 Revision 6], detailed habitat condition targets will be provided within the Landscape and Ecological Management Plan.</p> <p>Section 19.3 of Outline LEMP [EN010157/APP/7.5 Revision 5] at Deadline 2 details that remedial action measures will be included within the Landscape and Ecological Management Plan. The Applicant does not agree that it is appropriate to detail all remedial actions for mitigation areas at this stage, however Table 15-3 and Table 16-3 of the Outline LEMP [EN010157/APP/7.5 Revision 6] have been updated to include examples of appropriate remedial action measures which will be included within the Landscape and Ecological Management Plan.</p> <p>The Applicant acknowledges the comment regarding monitoring reports and sections 19.3.5 and 19.3.6 of the Outline LEMP [EN010157/APP/7.5 Revision 6] have been updated to reflect Natural England’s comment.</p> <p>The updated Outline LEMP [EN010157/APP/7.5 Revision 6] is submitted at Deadline 3.</p>	

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			<p>in order to enable a review of site targets and implementation of appropriate remediation measures if needed. We advise that these reports should be submitted to the Local Planning Authority for review, with Natural England consulted if the site is failing to meet its targets. Production of the monitoring reports should be secured via the LEMP.</p> <p>Natural England welcome the commitment in 3.2.7 of the oLEMP that <i>'habitats will be created sufficiently in advance of construction works to allow establishment prior to the first winter to ensure appropriate habitat is available prior to the beginning of any construction activity'</i>.</p>			
NE1e	International designated sites Humber Estuary SPA Humber Estuary Ramsar	Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites. (C) and (O)	<u>Bird surveys</u> Natural England welcomes provision of the Grid Connection Bird Survey Report and the inclusion of the new data in the HRA. We note that some assessment of the results has been provided in 5.6.21 of the HRA; however, we advise that this is not considered sufficient to reach a conclusion at this stage. We advise that further assessment should be provided to determine whether the proposed measures are sufficient in the context of the updated bird survey results. Natural England notes that pink-footed geese were recorded within the order limits on two occasions at numbers above 1% of the Humber Estuary bird species population. We advise, therefore, that	Further information required.	The Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4] has been updated to provide further consideration in relation to pink-footed goose recorded within the grid connection cable route (see updated paragraph 5.6.21, now paragraphs 5.6.21 and 5.6.22). During the 2024/25 bird surveys, pink-footed goose were seen flying over on four occasions and were only recorded twice within the Order Limits. Although the numbers recorded within the Order Limits were more than 1% of the SPA population, the grid connection cable route is not considered to constitute functionally linked land for pink-footed goose given that they were not regularly recorded, no	'Amber'

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			<p>further assessment should be provided in the HRA regarding the potential specific impacts to this species, and how the measures proposed will adequately mitigate these impacts. We note that noise and visual disturbance impacts resulting from temporary loss of and disturbance to functionally linked land will need</p> <p>to be considered. Please refer to NE2a for our comments regarding this impact pathway.</p>		<p>Wetland Bird Survey alerts have been triggered for this species on the Humber Estuary, and their numbers within the Humber have shown increases in recent years (following the national trend).</p> <p>The updated Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4] is submitted at Deadline 3.</p>	
NE1f	International designated sites Humber Estuary SPA Humber Estuary Ramsar	Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites. (C) and (O)	<u>'Bird days' calculation methodology</u> Natural England welcomes the clarification provided in Appendix E: Bird-days Calculations in the oLEMP. We agree that this point is now resolved.		This response is noted.	'Green'
NE1g	International designated sites Humber Estuary SPA Humber Estuary Ramsar	Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites. (C) and (O)	<u>In combination impacts</u> Natural England note that Carr Farm Solar Farm, which is situated adjacent to mitigation area 11, has recently been consented. We advise, therefore, that further assessment should be provided in the in-combination assessment regarding the potential for this development to impact on openness and sightlines for mitigation area 11. Additionally, Natural England advise that the in combination assessment should consider recently submitted planning application 25/02275/STPLF, which is situated in close proximity to the	Further information required	<p>The proposed mitigation areas for Carr Farm Solar Farm are directly adjacent to Mitigation Area 13 (Fields E13 and E14) and therefore compliment the Proposed Development's proposed mitigation.</p> <p>Although Mitigation Area 11 (Field E6) is adjacent to a proposed solar panel area for Carr Farm Solar Farm on its western edge, the two are separated by Holderness Drain, either side of which are tall hedgerows that will provide screening from the proposed solar PV modules. It is therefore considered that Mitigation Area 11 (Field E6) is still appropriate. Section 7.2 of the Habitats Regulations Assessment - Information to inform Appropriate</p>	'Amber'

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			site, and includes land within the red line boundary.		<p>Assessment [EN010157/APP/5.3 Revision 4] has also been updated to include further information explaining why the consented Carr Farm Solar Farm will not affect the functionality of Mitigation Area 11 (Field E6).</p> <p>Table 8-1 of the Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4] has been updated to include planning application 25/02275/STPLF in the in-combination assessment. However, it is worth noting that the application has not yet provided sufficient information to identify potential impacts to European designated sites.</p> <p>An updated Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4] has been submitted at Deadline 3.</p>	
NE2a	International designated sites Humber Estuary SPA Humber Estuary Ramsar	Potential noise and visual disturbance impacts to functionally linked land for relevant qualifying bird features of the listed SPA/Ramsar sites. (C)	<u>Noise and visual disturbance impacts to functionally linked land for relevant qualifying bird features of the listed SPA/Ramsar sites during construction</u> Natural England welcome that completion of activities most likely to disturb birds (e.g. piling), will be undertaken outside of the period October-March within the fields adjacent to the mitigation areas (Fields E4, E5, E15, E17 and D17) and that should this not be possible, acoustic barriers will be installed for the construction period. We advise that consideration of noise and visual	Further information required.	The pattern of bird activity within and adjacent to the Order Limits, including the grid connection cable route was for small numbers of birds being widely distributed with no particular hotspots. The Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4] has considered that the agricultural land within these areas comprises functionally linked land for golden plover, lapwing, mallard, teal, and black-headed gull, and that on a precautionary basis, construction noise (albeit short	'Amber'

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			<p>disturbance to the mitigation areas is now resolved.</p> <p>However, we advise that a detailed assessment is still needed regarding the potential impacts of noisy works on areas where birds have been recorded in significant numbers outside of the redline boundary and in the grid connection corridor.</p> <p>We advise that further assessment should be provided in the HRA regarding the predicted location of ‘noisy’ works in the context of the bird survey results, to identify whether disturbing noise levels from the development will reach land utilised by birds in significant numbers.</p> <p>Mitigation measures may include (one or a combination of) restrictions to timing of works, buffer zones, acoustic screening, piling shrouding or other measures. Natural England note that 7.3.18 of the sHRA [REP1-015] outlines measures to ‘<i>mitigate the effect of visual and noise disturbance on birds</i>’. We advise that an assessment should be provided of the predicted reduction in noise levels that will occur as a result of the proposed mitigation measures, in order to assess their effectiveness. NatureScot’s Disturbance Distances in selected Scottish Bird Species Guidance may be helpful for determining appropriate buffer distances, if required.</p> <p>Natural England welcome the commitment in the sHRA [REP1-015]</p>		<p>term and temporary) could cause disturbance/ displacement of these species. The Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4] has been amended (see paragraphs 7.3.15 to 7.3.17) to clarify that the measures included in the Outline CEMP [EN010157/APP/7.2 Revision 5] will be implemented to mitigate the effect of disturbance/ displacement of relevant bird features of the Humber Estuary SPA/Ramsar within and adjacent to the Order Limits, including the grid connection cable route, as well as the mitigation areas. This list includes the measures suggested by Natural England.</p> <p>The Applicant notes Natural England’s confirmation that consideration of noise and visual disturbance to the mitigation areas is now resolved; therefore birds will have alternate areas to forage if disturbed/displaced by construction activities, including construction activities associated with the grid connection cable route.</p> <p>For these reasons, the Applicant does not believe that the requirement to undertake additional noise monitoring in relation to wintering birds is necessary given that no particular hotspots for birds have been identified and taking into account the comprehensive suite of mitigation measures already proposed.</p>	

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			that <i>'there will be no night-time working unless agreed with the Local Planning Authority, and any artificial lighting will be kept to a minimum and not directed towards habitat suitable for SPA/Ramsar site qualifying species'</i> . This should be secured via the CEMP.		The Applicant acknowledges the comment relating to artificial lighting and securing the mitigation measure via the Construction Environmental Management Plan. Paragraph 7.3.15 (previously paragraph 7.3.18) of Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4] cross references to the relevant measure already secured within the Outline CEMP [EN010157/APP/7.2 Revision 5] .	
NE2b	International designated sites Humber Estuary SPA Humber Estuary Ramsar	Potential noise and visual disturbance impacts to functionally linked land for relevant qualifying bird features of the listed SPA/Ramsar sites. (C) and (O)	<u>Overhead power lines</u> Natural England welcomes the confirmation provided in the HRA that no above ground cabling will be required for the project. This issue is therefore resolved.		This response is noted.	'Green'
NE3	International designated sites Humber Estuary SAC Humber Estuary Ramsar	Potential disturbance impacts to lamprey (C) and (O)	Natural England welcomes the updated information provided in the sHRA regarding mitigation measures for lamprey and agree with the assessment conclusions. Therefore, this point is now resolved. <i>The Outline Construction Environmental Management Plan (oCEMP) [APP-153]</i> states that HDD pits will be positioned a minimum of 50m from main rivers, such as the River Hull. Natural England advise that this distance is suitably precautionary and welcome its inclusion in the oCEMP.		This response is noted.	'Green'

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on the further information required to enable assessment.	Natural England comment on the mechanism for securing mitigation/compensation measures in the DCO	Applicant Response	Risk Red/ Amber/ Green/ Grey
NE4	International designated sites Humber Estuary SPA Humber Estuary SAC Humber Estuary Ramsar	Potential abstraction impacts resulting from Horizontal Directional Drilling (HDD) (C)	Natural England welcomes clarification in the updated sHRA that the water required for HDD will be brought to site, and confirmation that no water will be abstracted from the River Hull or a tributary of the Humber Estuary for the HDD. This point is now resolved.		This response is noted.	‘Green’
NE5	International designated sites Humber Estuary SAC Humber Estuary Ramsar	Potential water quality impacts - construction (C)	Horizontal Directional Drilling - Bentonite breakout Natural England note that a general bentonite breakout management plan is provided in the <i>oCEMP</i> [REP1-050], which includes generic countermeasures. We advise, however, that site specific details are needed. We note that <i>‘further details regarding HDD breakout including defined working areas will be included in the Construction Environmental Management Plan’</i> . Natural England cannot provide comprehensive advice until this information is provided. Natural England advise that the outline CEMP should provide sufficient site- specific detail on the required mitigation measures for bentonite breakout to inform conclusions in the HRA. Natural England notes the Applicant’s position that final details of bentonite breakout management activities cannot be provided at this stage before a Principal Contractor is appointed. However, we advise that it should be possible to provide further details at the	Further information required.	The procedures prescribed in the Construction Environmental Management Plan will be in line with the Principal Contractor’s method statements. Natural England will be consulted on bentonite breakout procedures included in the Construction Environmental Management Plan prior to construction commencing. The measures in the Outline CEMP [EN010157/APP/7.2 Revision 5] are secured by the Construction Environmental Management Plan under requirement 4 of the Draft DCO [EN010157/APP/3.1 Revision 7] . Natural England have been added as a statutory consultee on the Construction Environmental Management Plan, secured under requirement 4 of the Draft DCO [EN010157/APP/3.1 Revision 7] in relation to measures relating to bentonite breakout.	‘Amber’

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on the further information required to enable assessment.	Natural England comment on the mechanism for securing mitigation/compensation measures in the DCO	Applicant Response	Risk Red/ Amber/ Green/ Grey
			<p>application stage to inform the HRA, including:</p> <ul style="list-style-type: none"> providing the options of what the procedures could be (i.e. Rochdale envelope type approach) assessing is the worst-case scenario to show whether AEol can be ruled out confirming that the general HDD practices included in the outline CEMP will be secured, as a minimum clarifying how the approach will be decided post-consent 			
NE6a	International designated sites Humber Estuary SAC Humber Estuary Ramsar	Potential water quality impacts - operation (O)	Cleaning of solar PV modules Natural England welcome the updated information provided in the sHRA and oOEMP that solar PV modules will be cleaned using deionised water only. This point is now resolved.		This response is noted.	‘Green’
NE6b	International designated sites Humber Estuary SAC Humber Estuary Ramsar	Potential water quality impacts - operation (O)	<u>Fire suppression/protocol</u> Natural England welcome the updated information provided in the Outline Battery Safety Management Plan and sHRA, that a non-water based fire suppression system would be used. We note that if water is required, it will only be used to cool areas adjacent to the BESS, and will therefore not contain any chemicals or firefighting compounds after use. This point is now resolved.		This response is noted.	‘Green’

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on the further information required to enable assessment.	Natural England comment on the mechanism for securing mitigation/compensation measures in the DCO	Applicant Response	Risk Red/ Amber/ Green/ Grey
NE7	National designated sites Humber Estuary SSSI	Potential impacts on the Humber Estuary SSSI designated features (C) and (O)	Natural England welcomes that the Humber Estuary SSSI has now been considered within the Environmental Statement Chapter 7 Biodiversity as a separate ecological receptor. This point is now resolved.		This response is noted.	'Green'
NE8a	Protected species	Protected species Water vole and otter	<u>Water vole and otter</u> Natural England welcomes the updated information provided in the oCEMP, that commits to undertaking water vole surveys 100m upstream and downstream of 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. Natural England also welcome the update provided in the oCEMP that pre-construction otter surveys of suitable habitat will be undertaken within 200m of the proposed works. This point is now resolved.		This response is noted.	'Green'
NE8b	Protected species	Protected species Badger	Badger Natural England note that it is stated in the Environmental Statement Chapter 7 Biodiversity that ' <i>where reasonably practicable, construction work will not take place within 30m from a main badger sett</i> '. We would welcome clarification on which construction activities may be permitted under the 'where reasonably practicable' exemption. We advise that there should	Further information required.	Table 7.6 of ES Volume 2, Chapter 7: Biodiversity [REP1-019] that was submitted at Deadline 1 was updated to state 'where reasonably practicable, construction work will not take place within 30m from active badger setts'. As secured within the Outline CEMP [EN010157/APP/7.2 Revision 5] , appropriate badger mitigation will be determined by the results of the pre-construction badger surveys and will be	'Amber'

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on the further information required to enable assessment.	Natural England comment on the mechanism for securing mitigation/compensation measures in the DCO	Applicant Response	Risk Red/ Amber/ Green/ Grey
			be a hard 30m limit for piling and other intrusive groundworks, which should be secured via the CEMP.		detailed within the Construction Environmental Management Plan. This will ensure that, where reasonably practicable, construction work will not take place within 30m from an active badger sett identified during the pre-construction surveys without appropriate mitigation. If work needs to occur within 30m (considered unlikely) mitigation may involve the exclusion of setts under a Natural England licence, if assessed as necessary. The relevant commitment in the Outline CEMP [EN010157/APP/7.2 Revision 5] has been updated to confirm that should pre-construction surveys and micro-siting indicate likely disturbance to a sett, then the Applicant would apply for the appropriate licence either to live dig under ecological supervision or to temporarily close the sett. The updated document is submitted at Deadline 3.	
NE8c	Protected species	Protected species Bats	<u>Bats</u> Natural England welcome the measures secured for bats in the <i>oCEMP</i> [APP-153] and <i>oOEMP</i> [APP-154]. We advise that double row Heras fencing with either camouflage netting over the top or filled with brash is suitable where sections of hedgerow are to be removed. Natural England would welcome brash as the preferable option, and advise that should netting be used, the use of netting on both sides of the fencing as well as across the top would be welcomed.	N/A	The Applicant acknowledges Natural England's comment. Detailed measures to mitigate impacts 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 by Natural England will be used.	'Grey'

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on the further information required to enable assessment.	Natural England comment on the mechanism for securing mitigation/compensation measures in the DCO	Applicant Response	Risk Red/ Amber/ Green/ Grey
NE8d	Protected species	Protected species Breeding birds	<p><u>Breeding birds</u></p> <p>Natural England welcome that the oLEMP has been updated to include clear objectives, defined targets, details of limits of acceptable change and details of remedial actions. We advise that clarification should be provided on how national trends will be considered in the assessment of bird numbers and ‘success’ of the mitigation areas.</p> <p>National declines in bird numbers should not remove the need to consider the influence of site-level factors such as habitat management on bird counts. Consideration should also be given to the advice provided in NE1b regarding <u>permissive footpaths in the proposed mitigation areas</u>.</p>	Further information required.	<p>As acknowledged in the Applicant’s response to NE1d above, clarification has been provided in the updated Outline LEMP [EN010157/APP/7.5 Revision 6], which is submitted at Deadline 3, on how national trends in bird populations will be considered as part of monitoring and that this will only be one of a suite of factors that will be considered.</p> <p>With regard to potential disturbance from permissive paths please refer to NE1b response above.</p>	‘Yellow’
NE10	Soils and best and most versatile	Comments on <i>Appendix 10.2:</i>	<p>Natural England notes that in the applicant’s response to Natural England’s Relevant Representations, it is stated that <i>‘detailed soil/land quality surveys of the grid connection cable route will be undertaken post-consent/pre-construction, once the design and land needed for excavation is confirmed’</i>.</p> <p>Natural England do not consider it best practice to defer a detailed ALC and soil survey of the grid connection cable corridor until after final design and land-take confirmation. Natural England recommends a bespoke soil-investigation programme agreed at an early stage, proportionate to the site’s scale and complexity. Agreeing a</p>	N/A	<p>The Applicant acknowledges Natural England’s comment.</p> <p>A detailed ALC and soil survey has not been undertaken of the grid connection cable route at this stage. However, the Outline Soil Management Plan (SMP) [REP1-062] covers the full Order Limits, including the grid connection cable route. As set out in the Outline SMP [REP1-062], it is proposed that detailed soil/land quality surveys of the grid connection cable route will be undertaken post-consent/preconstruction, once the design and land needed for excavation is confirmed, thus avoiding unnecessarily surveying the entire width of the proposed grid connection cable</p>	‘Grey’

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on the further information required to enable assessment.	Natural England comment on the mechanism for securing mitigation/compensation measures in the DCO	Applicant Response	Risk Red/ Amber/ Green/ Grey
			<p>truncated survey now and postponing comprehensive sampling risks under-estimating local soil variability, agricultural sensitivity and reinstatement challenges and it undermines the integrity of the eventual Soil Management Plan.</p> <p>Waiting until later to define survey extents and depths prevents soil data from informing route-optimum design, reinstatement commitments or cumulative impact assessments. We therefore recommend that the applicant should submit a detailed, targeted ALC and soil survey methodology for the entire grid-connection corridor upfront, with sampling intensity, horizon-depth verification and mapping protocols tailored to the route's particular land uses. This early agreement will secure robust, project-specific soil inputs and avoid protracted consultations once design is fixed.</p>		<p>route corridor. The Outline SMP [REP1-062] describes the survey work that will be carried out prior to drafting the Soil Management Plan, and the consultation process that will be in-built prior to finalising the Soil Management Plan before works commence.</p> <p>This is aligned with the approach taken on the recently consented East Yorkshire Solar Farm (EN010143), where Natural England accepted the approach of undertaking soil and ALC surveys of the cable corridor “once the final route has been determined”.</p> <p>The Applicant will share the ALC and soil survey methodology for the grid connection cable route with Natural England. However, the intention is for the surveys to be undertaken once the design and land needed for excavation is confirmed.</p>	
NE11	Soils and best and most versatile agricultural land	Comments on the <i>Outline Soil Management Plan</i>	<p>Natural England recommend that all soils should only be handled in a dry and friable condition. Natural England welcome the confirmation provided in the Outline Soil Management Plan (oSMP) that soil handling will be principally confined to the period April to October.</p> <p>3.1.4 of the oSMP [APP-159] states that ‘<i>tractor operated farm cultivation equipment will be used to ameliorate localised damage resulting from the solar installation</i>’. We advise that careful planning and consideration of the above</p>	N/A	<p>The Applicant acknowledges Natural England’s comment.</p> <p>The Outline SMP [REP1-062] that was submitted at Deadline 1 was updated to state that soil handling would principally be confined to the period October to April, as well as the following text: “If sustained heavy rainfall (e.g. >10mm in 24 hours) occurs during soil handling operations, soil handling work should be suspended, where reasonably practicable, and not restarted until the ground has had at least a full dry day or agreed moisture criteria (such as ‘drier</p>	‘Grey’

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on the further information required to enable assessment.	Natural England comment on the mechanism for securing mitigation/compensation measures in the DCO	Applicant Response	Risk Red/ Amber/ Green/ Grey
			<p>advice regarding soil handling will lessen the risk of damage, and the subsequent need for amelioration.</p> <p>Natural England welcome that ‘<i>All soil trafficking and handling operations will be undertaken under the supervision of an appropriately trained and experienced person, who will advise on and supervise soil handling, including identifying when soils are dry enough to be handled</i>’. Given the high quality of the agricultural land, we recommend that this should include supervision of soil handling by a competent soil specialist.</p> <p>Natural England note that soil storage will either be short or long-term. We advise that all storage bunds intended to remain in situ for more than 6 months, or over the winter period, should be grassed over, with weed control and other necessary maintenance carried out.</p> <p>Natural England welcome the commitment in section 10 of the <i>oSMP</i> [APP-159] to provide information on the grid connection corridor in a Soil Management Plan, and to restore the land to the same ALC grade after installation of the cable and restoration of the works.</p>		<p>than the plastic limit’) can be met. Lighter soil (SHU A) can generally be moved at a higher moisture content without damage than a heavy soil.”</p> <p>The Outline SMP [REP1-062] was also updated to include commitments setting out that soil handling would be undertaken under supervision of suitably trained personnel and that “all storage bunds intended to remain in situ for more than 6 months, or over the winter period, should be grassed over, with weed control and other necessary maintenance carried out” in line with Natural England’s recommendation.</p>	
NE12	Ancient woodland and ancient/veteran trees	Ancient woodland and ancient/veteran trees - General	<p>Natural England notes that there are 3 veteran/ancient trees within the order limits.</p> <p>Natural England advises that it should be determined whether the proposed</p>	The requirement for mitigation has not been assessed by Natural England.	<p>The Applicant acknowledges Natural England’s comment.</p> <p>As a result of Change 9 (see the Second notification of proposed changes to the DCO Application [AS-</p>	‘Grey’

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on the further information required to enable assessment.	Natural England comment on the mechanism for securing mitigation/compensation measures in the DCO	Applicant Response	Risk Red/ Amber/ Green/ Grey
			<p>approach is in line with Natural England's <u>standing advice</u> for ancient woodland, which should be referred to. Natural England is not providing bespoke advice on the ancient woodland information provided in the ES for this project. Any further information provided has not been assessed by Natural England.</p> <p>The requirement for mitigation/compensation has not been assessed by Natural England.</p>		<p>015]), the access track off Meaux Lane to Field D5 has been removed from the Proposed Development. Therefore, veteran tree T381 is no longer within or adjacent to the Order Limits and will not be impacted by the Proposed Development.</p> <p>Consequently, there are now no veteran/ancient trees within the Order Limits. A 15m buffer will be implemented for veteran trees identified adjacent to the Order Limits, where possible. However, as detailed in ES Volume 4, Appendix 7.11: Arboricultural Impact Assessment [REP2-127], there are two locations where veteran trees are adjacent to proposed access tracks:</p> <ul style="list-style-type: none"> • Veteran tree T395 sits on the edge of the Order Limits, beside Carr Lane (Long Riston), a proposed access route. However, no highways improvement or other works are proposed within its root protection area (RPA). • Veteran tree T428 is adjacent to the Order Limits at Carr Lane (Arnold), a proposed access route, and has a proposed passing place located at the edge of its RPA. Tree protection fencing will be installed prior to works commencing. Due to being located on the opposite side of the road to the passing place the site conditions are likely to further discourage root colonisation beneath the carriageway. This is due to the inhospitable rooting environment, where tree roots are far more 	

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on the further information required to enable assessment.	Natural England comment on the mechanism for securing mitigation/compensation measures in the DCO	Applicant Response	Risk Red/ Amber/ Green/ Grey
					likely to exploit less resistant and better-aerated soils at the road margins, rather than extending beneath the hard surface, and therefore, minimal impacts to roots are likely to occur. Tree protection fencing must be positioned along the road edge nearest the tree to protect the soft verge and the roots within it from compaction. Further details will be provided in the Arboricultural Method Statement, which will be produced prior to construction of the Proposed Development commencing.	

- 2.3.4 Table 4 below has been extracted from Part III: Natural England's detailed comments on the Development Consent Order and associated documents, of Natural England's Deadline 2 submission **[REP2-154]**.
- 2.3.5 The Applicant has included a response to each matter within the 'Applicant Response' column within Table below.

Table 4: Natural England's detailed comments on the Development Consent Order (DCO) and associated documents – Applicant Response

Page	Topic/DCO Requirement	Natural England's comments	Applicant Response
41-45	Requirements 1-19	Natural England welcomes the inclusion of draft Requirements relating to our remit, including Requirements 4, 6, 9, 14 and 15. Please refer to our detailed advice on the associated draft plans in Part II of our Representations. We may have further detailed advice on the relevant plans, if further information is provided at a later stage.	The Applicant welcomes this response.
43	Requirement 9 and Landscape Ecological Management Plan	We welcome that consultation with Natural England has now been referred to in part 1 of Requirement 9.	The Applicant welcomes this response.

2.4 Robertson James Wade

2.4.1 Table 5 below contains the Applicant's response to key issues raised by Robertson Wade within their Deadline 2 submission **[REP2-155]**.

Table 5: Applicant Response Robertson James Wade Deadline 2 submission

ExA's first written questions reference	Robertson Wade's Comments	Applicant Response
1.1.6	<p>The Applicant appears confident that there is no issue in connecting to the Creyke Beck Sub Station but this does not seem borne out in practice. In its Planning application for Wanlass Beck Substation the NGET clearly state that "the existing Creyke Beck 400kV substation does not have sufficient capacity to accommodate new customers requiring a connection to the electricity network. National Grid Electricity Transmission (NGET) has therefore identified the need for additional substation infrastructure at the Creyke Beck 400kV substation to facilitate customer connections."</p> <p>In its Summary of Written Representations, NGET agrees it own assets that are an essential part of the electricity transmission network There is, NGET suggest, " significant infrastructure being delivered within the same area and potentially within similar timescales. As such, there needs to be careful co-ordination and consultation undertaken between NGET and the Peartree Project to</p>	<p>The Applicant has a grid connection offer to National Grid Creyke Beck Substation and is not reliant on the new (Wanlass Beck) substation being constructed in order to connect. It may be simply the case that the Wanlass Beck substation application is referring to new connections beyond those already with grid connection agreements.</p> <p>It is typical for discussions around Protective Provisions to continue during the Examination process and the Applicant is engaging regularly with NGET on these matters. While the Applicant is confident that the Protective Provisions will be agreed it is not uncommon for parties to not be entirely aligned by close of Examination at which point the Secretary of State would determine the most appropriate drafting should consent be granted.</p>

ExA's first written questions reference	Robertson Wade's Comments	Applicant Response
	<p>ensure that each project can be delivered without unduly interfering with other connectee projects. This is provided for in the form of protective provisions that NGET is seeking to include in the Order (NGET Protective Provisions)." The NGET claims that such Protective Provisions have yet to be agreed.</p> <p>The East Riding of Yorkshire Council has at Para. 5 of its submission sets out a list of connectee projects likely to use Creyke Beck Sub station which only confirms there must remain an unresolved doubt about capacity. This excludes the possibility that Orsted may revive Hornsea 4.</p> <p>A decision is premature until these issues are resolved.</p>	
1.1.7	<p>If the earliest date for connection to the grid is 2033 and the latest is 2035 then this seems to reinforce that there is insufficient grid access at Creyke Beck now, or in future, if other connectee projects are developed first. I accept that the EA cannot give weight to future events or changes in Policy but the Project still seems premature. I also understand that the Applicant must carry out a material operation within 5 years to keep the permission alive but these can be quite trivial and there</p>	<p>The Applicant has sought an earlier connection date than currently exists through the Gate 2 process, the determination of which is expected in early 2026.</p> <p>Notwithstanding the above, there is a statutory timeframe in which a DCO application may be submitted in advance of its proposed energisation date. Further, it is in the Applicant's interest to start generating electricity as soon as possible and so work would only realistically commence when a</p>

ExA's first written questions reference	Robertson Wade's Comments	Applicant Response
	remains the possibility of the land and area being blighted for an indefinite period.	guaranteed connection was available.
1.4.2	<p>The Applicant seems to be interpreting 2.10.16 too literally and still does not specify total expected number of panels or indeed Overplanting in the next paragraph. It is not possible to decide whether 2.10.17 is satisfied or not. However, I feel there remains an argument that if security arrangements can encompass flood defences, fencing, lighting and surveillance then it should include ecological mitigation and enhancement and, in particular screening which is necessary as a result of the development. The EA is not bound by the Mallard Pass decision and should give proper weight to site specific considerations</p>	<p>The Applicant stands by its response to Written Question 1.4.2 within Response to the Examining Authority's First Written Questions [REP1-073].</p> <p>NPS EN-3 para 2.10.17 is intended as a guide and there is no requirement to satisfy this paragraph, as confirmed by the Secretary of State in the recent East Yorkshire Solar Farm Decision (at paragraph 4.32) confirmed that the paragraphs dealing with land efficiency in EN-3 do not amount to a policy test which must be satisfied.</p> <p>The Applicant has not specified the expected number of panels for the Proposed Development as this is a matter for detail design, which the Applicant has accounted for in the Proposed Development through its use of the Rochdale Envelope approach, as explained within the Planning Statement [EN010157/APP/5.5 Revision 3].</p> <p>The methodology for calculating acreage per MW of proposed output, and exclusion of land for ecological mitigation and enhancement in this calculation, is consistent with the approach affirmed by the Examining Authority on the Mallard Pass Solar</p>

ExA's first written questions reference	Robertson Wade's Comments	Applicant Response
		<p>Farm Order 2024 (see paragraph 3.2.102 of the Examining Authority's Recommendation Report).</p> <p>Notwithstanding, approximately 19.5 km of new hedgerows, 10,240 m² of structural woodland and 30,363 m² of scrub planting is proposed to be planted, as well as new wildflower meadows and grassland areas within the Order Limits. These woodland blocks and belts would be planted strategically to provide visual screening, habitat creation and support local ecology, as set out in ES Volume 2, Chapter 11: Landscape and Visual [APP-047] and secured by the Outline LEMP [EN010157/APP/7.5 Revision 4].</p>
1.9.2	<p>The Applicants comments on food security need further clarification. I cannot see where it says in the revised NPPF that there is no need to consider the availability of agricultural land for food production. At best BMV should not be an exemption from development for other purposes where there is good reason but that does not mean its importance can be ignored. As the EA will have seen on the informal Site Visit, this is a rural area. Intensive pig and poultry farming are of great importance to the local economy. These animals are largely fed on crop based products and it would</p>	<p>As set out in the response to WQ1.9.2, the Applicant was referring to the updated NPPF (December 2024) which states at footnote 65 'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'. The previous version of the NPPF (December 2023) also included the following text (at footnote 62 of that revision) which has since been removed, 'The availability of agricultural land used for food production should be considered, alongside other policies in this Framework, when deciding what sites are most important for development'.</p>

ExA's first written questions reference	Robertson Wade's Comments	Applicant Response
	<p>seem rather against Net Zero to import grain when it can be grown locally. The Applicant's comparison with the UAA is somewhat specious as it does not take into account the cumulative effects of similar developments locally, regionally or nationally. It is submitted that the EA can, and should, give weight to the importance of agriculture in general on the local economy.</p>	<p>Notwithstanding the above, the Applicant did consider best and most versatile (BMV) land when identifying the Order Limits, as set out within the Site Selection Assessment at Appendix 2 to the Planning Statement [EN010157/APP/5.5 Revision 3]. This sets out how the Applicant took an approach to site selection which prioritised development on non-BMV land where possible.</p>

2.5 Howard Sinkler

2.5.1 Table 6 below contains the Applicant's response to key issues raised by Howard Sinkler within their **Deadline 2 submission [REP2-156]**.

Table 6: Howard Sinkler Deadline 2 Submission – Applicant Response

Howard Sinkler's Comments	Applicant Response
<p>I strongly object to the removal of any hedge down Meaux Lane,</p> <p>We as farmers have maintained and improved these hedges for the environment and security of our land</p> <p>It is too easy for planning to request removal,</p> <p>Hedges are essential to us as security as they keep people out as well hiding assets on our farms</p>	<p>The Applicant is engaging with the impacted landowner to seek to address this matter. Updates from that engagement will be provided at the next suitable opportunity.</p>

2.6 Leonards Property on behalf of TS Caley, MC Caley, TH Caley & Sons Ltd

- 2.6.1 Table 7 below contains the Applicant's response to key issues raised by Leonards Property on behalf of TS Caley, MC Caley, TH Caley & Sons Ltd within their **Deadline 2 submission [REP2-157]**.

Table 7: Leonards Property on behalf of TS Caley, MC Caley, TH Caley & Sons Ltd Deadline 2 Submission – Applicant Response

Leonards Property on behalf of TS Caley, MC Caley, TH Caley & Sons Ltd Comments	Applicant Response
<p>I wish on their behalf to raise a concern/objection to the use of plot 2-6 as a passing place.</p> <p>As the landowner's agent of the affected plots you wish to register to attend and/or make representations at the upcoming examination.</p> <p>I would be grateful to receive an acknowledgment of this objection.</p>	<p>The Applicant is engaging with the impacted landowner to seek to address this matter. Updates from that engagement will be provided at the next suitable opportunity (either the CA hearing or Deadline 4).</p>

Appendix A – Flood Mitigation Design Level Drawings




Legend

Order Limits 

Land Areas 

Levels (mAOD)

≤ 1.2 

1.2 - 1.3 

1.3 - 1.4 

1.4 - 1.5 

1.5 - 1.6 

1.6 - 1.7 

1.7 - 1.8 

1.8 - 1.9 

1.9 - 2.0 

2.0 - 2.1 

2.1 - 2.2 

> 2.2 

0.1m Contour 

NOTE:
THE MITIGATION LEVELS ARE THE
MAXIMUM VALUE FROM EITHER THE
DESIGN (100yr +17% DEFENDED) EVENT
+0.3m FREEBOARD OR THE BREACH
MODELLING. THEY DICTATE THE
MINIMUM LEVEL TO WHICH SENSITIVE
INFRASTRUCTURE AND PANEL EDGES
SHOULD BE RAISED.

-	FIRST ISSUE	KF	22.09.2025
REV:	DESCRIPTION:	BY:	DATE:

STATUS: FOR INFORMATION

CLIENT:
RWE

SITE:
Peartree Hill Solar Farm

TITLE:
Mitigation Flood Levels
Land Areas B1 - B4


















SCALE AT A3: 1:5000	DATE: 22.09.2025	DRAWN: KF	CHECKED: AB
PROJECT NO: 20-206	DRAWING NO: 60-600	REVISION: -	

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Legend

- Order Limits 
- Land Areas 
- Levels (mAOD)
- <= 1.2 
 - 1.2 - 1.3 
 - 1.3 - 1.4 
 - 1.4 - 1.5 
 - 1.5 - 1.6 
 - 1.6 - 1.7 
 - 1.7 - 1.8 
 - 1.8 - 1.9 
 - 1.9 - 2.0 
 - 2.0 - 2.1 
 - 2.1 - 2.2 
 - > 2.2 
- 0.1m Contour 

NOTE:
THE MITIGATION LEVELS ARE THE
MAXIMUM VALUE FROM EITHER THE
DESIGN (100yr +17% DEFENDED) EVENT
+0.3m FREEBOARD OR THE BREACH
MODELLING. THEY DICTATE THE
MINIMUM LEVEL TO WHICH SENSITIVE
INFRASTRUCTURE AND PANEL EDGES
SHOULD BE RAISED.

-	FIRST ISSUE	KF	22.09.2025
REV:	DESCRIPTION:	BY:	DATE:

STATUS: FOR INFORMATION

CLIENT:

RWE

SITE:

Peartree Hill Solar Farm

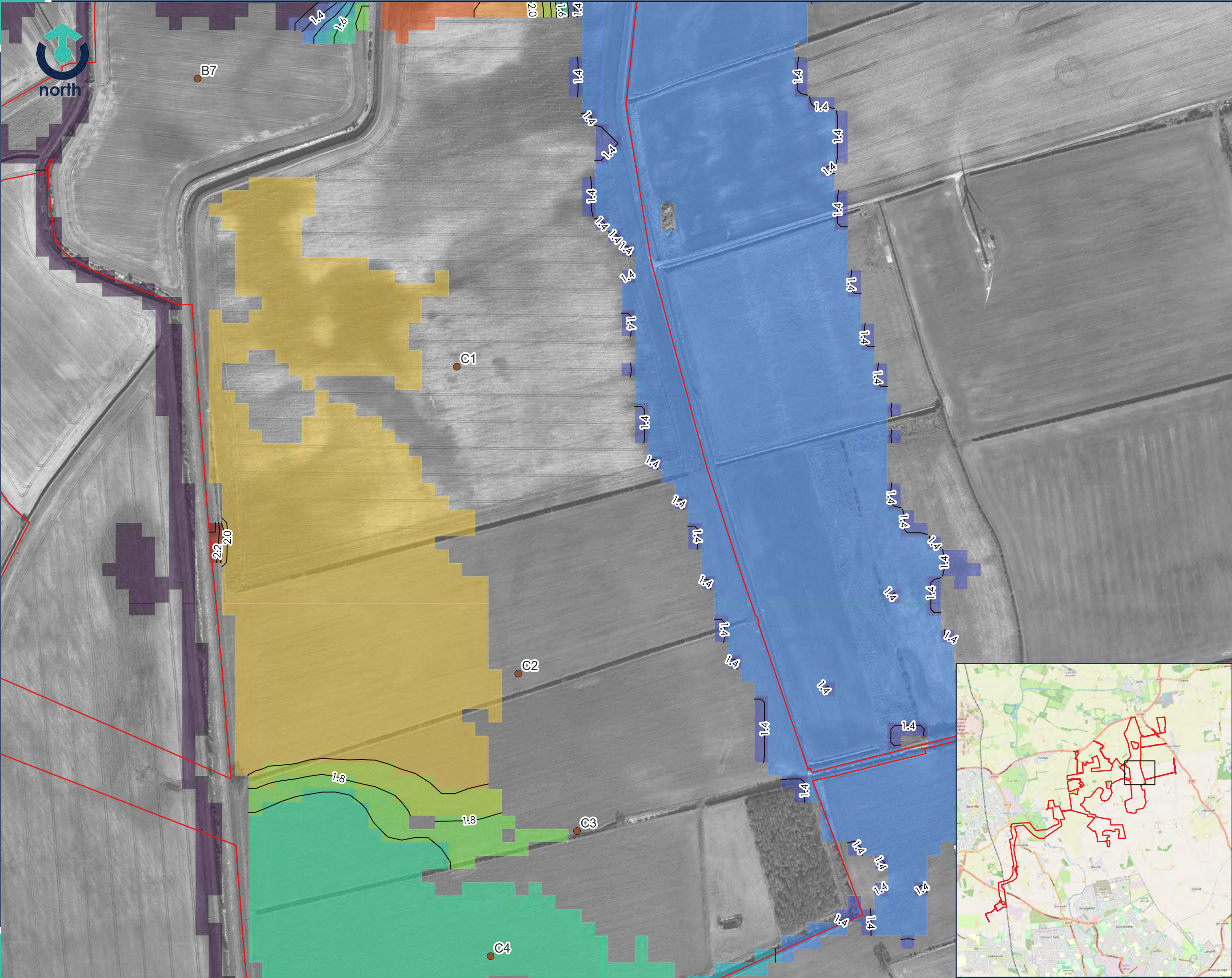
TITLE:

Mitigation Flood Levels
Land Areas B7 & B8



SCALE AT A3: 1:5000	DATE: 22.09.2025	DRAWN: KF	CHECKED: AB
PROJECT NO: 20-206	DRAWING NO: 60-601	REVISION: -	

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Legend

- Order Limits
- Land Areas
- Levels (mAOD)
- ≤ 1.3
 - 1.3 - 1.4
 - 1.4 - 1.5
 - 1.5 - 1.6
 - 1.6 - 1.7
 - 1.7 - 1.8
 - 1.8 - 1.9
 - 1.9 - 2.0
 - 2.0 - 2.1
 - 2.1 - 2.2
 - 2.2 - 2.3
 - > 2.3
- 0.1m Contour

NOTE:
THE MITIGATION LEVELS ARE THE
MAXIMUM VALUE FROM EITHER THE
DESIGN (100yr +17% DEFENDED) EVENT
+0.3m FREEBOARD OR THE BREACH
MODELLING. THEY DICTATE THE
MINIMUM LEVEL TO WHICH SENSITIVE
INFRASTRUCTURE AND PANEL EDGES
SHOULD BE RAISED.

-	FIRST ISSUE	KF	22.09.2025
REV:	DESCRIPTION:	BY:	DATE:

STATUS: FOR INFORMATION

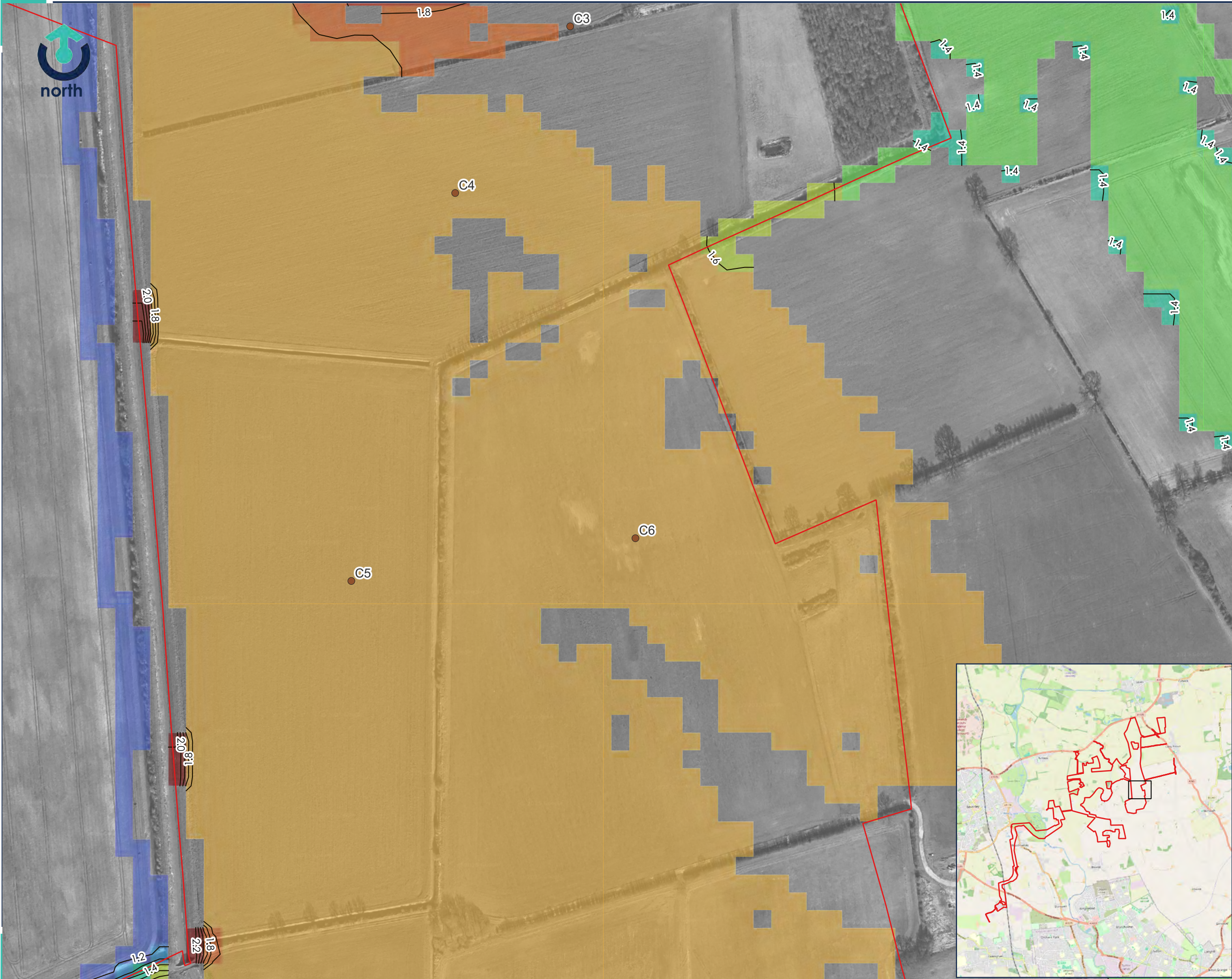
CLIENT:
RWE

SITE:
Peartree Hill Solar Farm

TITLE:
Mitigation Flood Levels
Land Areas C1 - C3

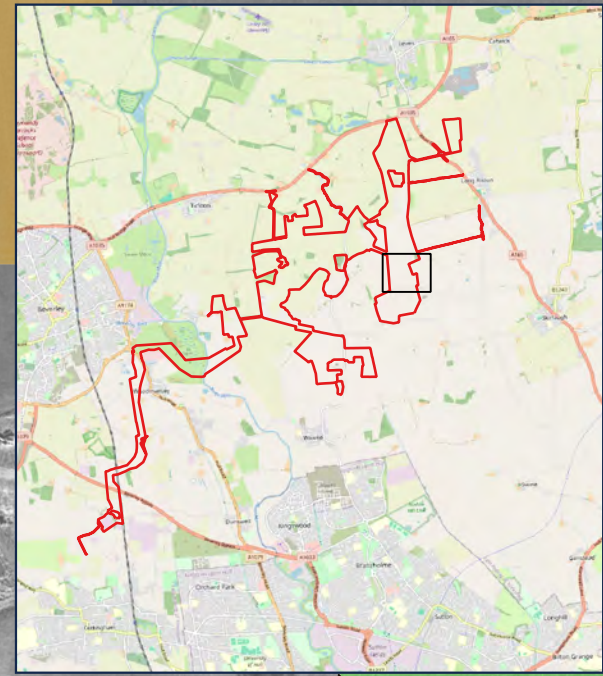


SCALE AT A3: 1:4,000	DATE: 22.09.2025	DRAWN: KF	CHECKED: AB
PROJECT NO: 20-206	DRAWING NO: 60-602	REVISION: -	



0.1m Contour —

SCALE AT A3: 1:3.000	DATE: 22.09.2025	DRAWN: KF	CHECKED: PG
PROJECT NO: 20-206		DRAWING NO: 60-603	REVISION: -





Legend

Order Limits

Land Areas

Levels (mAOD)

- <= 0.7
- 0.7 - 0.8
- 0.8 - 0.9
- 0.9 - 1.0
- 1.0 - 1.1
- 1.1 - 1.2
- 1.2 - 1.3
- 1.3 - 1.4
- 1.4 - 1.5
- > 1.5

0.1m Contour

NOTE:
THE MITIGATION LEVELS ARE THE
MAXIMUM VALUE FROM EITHER THE
DESIGN (100yr +17% DEFENDED) EVENT
+0.3m FREEBOARD OR THE BREACH
MODELLING. THEY DICTATE THE
MINIMUM LEVEL TO WHICH SENSITIVE
INFRASTRUCTURE AND PANEL EDGES
SHOULD BE RAISED.

-	FIRST ISSUE	KF	22.09.2025
REV:	DESCRIPTION:	BY:	DATE:
STATUS: FOR INFORMATION			

CLIENT:

RWE

SITE:

Peartree Hill Solar Farm

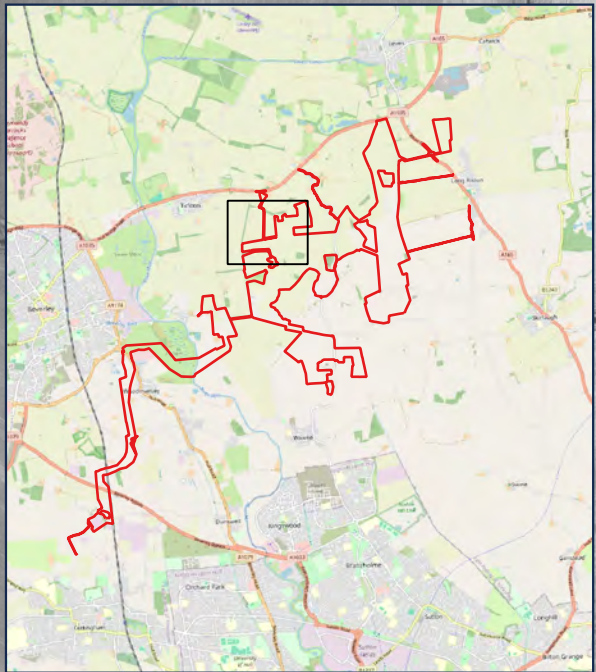
TITLE:

Mitigation Flood Levels
Land Areas D1 - D6, D14, E1, E2 & E5
















SCALE AT A3: 1:5,000	DATE: 22.09.2025	DRAWN: KF	CHECKED: AB
PROJECT NO: 20-206	DRAWING NO: 60-605	REVISION: -	

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Legend

- Order Limits 
- Land Areas 
- Levels (mAOD)
- <= 1.1 
- 1.1 - 1.2 
- 1.2 - 1.3 
- 1.3 - 1.4 
- 1.4 - 1.5 
- 1.5 - 1.6 
- 1.6 - 1.7 
- 1.7 - 1.8 
- 1.8 - 1.9 
- > 1.9 
- 0.1m Contour 

NOTE:
THE MITIGATION LEVELS ARE THE
MAXIMUM VALUE FROM EITHER THE
DESIGN (100yr +17% DEFENDED) EVENT
+0.3m FREEBOARD OR THE BREACH
MODELLING. THEY DICTATE THE
MINIMUM LEVEL TO WHICH SENSITIVE
INFRASTRUCTURE AND PANEL EDGES
SHOULD BE RAISED.

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REV:	DESCRIPTION:	BY:	DATE:

STATUS:	FOR INFORMATION
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CLIENT:	RWE
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SITE:	Peartree Hill Solar Farm
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TITLE:	Mitigation Flood Levels Land Areas E7 - E12
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SCALE AT A3: 1:5,000	DATE: 22.09.2025	DRAWN: KF	CHECKED: AB
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Legend

Order Limits 

Land Areas 

Levels (mAOD)


<= 2.1 

2.1 - 2.2 

2.2 - 2.3 

2.3 - 2.4 

2.4 - 2.5 

2.5 - 2.6 

2.6 - 2.7 

2.7 - 2.8 

2.8 - 2.9 

> 2.9 

0.1m Contour 

NOTE:
THE MITIGATION LEVELS ARE THE
MAXIMUM VALUE FROM EITHER THE
DESIGN (100yr +17% DEFENDED) EVENT
+0.3m FREEBOARD OR THE BREACH
MODELLING. THEY DICTATE THE
MINIMUM LEVEL TO WHICH SENSITIVE
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REV:	DESCRIPTION:	BY:	DATE:

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RWE

SITE:

Peartree Hill Solar Farm

TITLE:

Mitigation Flood Levels
Land Areas E13 & E14



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PROJECT NO: 20-206	DRAWING NO: 60-607	REVISION: -	

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Legend

Order Limits 

Land Areas 

Levels (mAOD)

<= 1.1 

1.1 - 1.2 

1.2 - 1.3 

1.3 - 1.4 

1.4 - 1.5 

1.5 - 1.6 

1.6 - 1.7 

1.7 - 1.8 

1.8 - 1.9 

> 1.9 

0.1m Contour 

NOTE:
THE MITIGATION LEVELS ARE THE
MAXIMUM VALUE FROM EITHER THE
DESIGN (100yr +17% DEFENDED) EVENT
+0.3m FREEBOARD OR THE BREACH
MODELLING. THEY DICTATE THE
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SHOULD BE RAISED.

-	FIRST ISSUE	KF	22.09.2025
REV:	DESCRIPTION:	BY:	DATE:

STATUS: FOR INFORMATION

CLIENT:

RWE

SITE:

Peartree Hill Solar Farm

TITLE:

Mitigation Flood Levels
Land Areas E15 - E17



SCALE AT A3: 1:3,000	DATE: 22.09.2025	DRAWN: KF	CHECKED: AB
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Legend

Order Limits 

Land Areas 

Levels (mAOD)

<= 1.1 

1.1 - 1.2 

1.2 - 1.3 

1.3 - 1.4 

1.4 - 1.5 

1.5 - 1.6 

1.6 - 1.7 

1.7 - 1.8 

1.8 - 1.9 

> 1.9 

0.1m Contour 

NOTE:
THE MITIGATION LEVELS ARE THE
MAXIMUM VALUE FROM EITHER THE
DESIGN (100yr +17% DEFENDED) EVENT
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REV:	DESCRIPTION:	BY:	DATE:

STATUS: FOR INFORMATION

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SITE:
Peartree Hill Solar Farm

TITLE:
Mitigation Flood Levels
Land Areas F1 - F4



SCALE AT A3: 1:3,000	DATE: 22.09.2025	DRAWN: KF	CHECKED: PG
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F11

F12

F13

Legend

Order Limits

Land Areas

Levels (mAOD)

<= 0.7	
0.7 - 0.8	
0.8 - 0.9	
0.9 - 1.0	
1.0 - 1.1	
1.1 - 1.2	
1.2 - 1.3	
1.3 - 1.4	
1.4 - 1.5	
> 1.5	

0.1m Contour

NOTE:
THE MITIGATION LEVELS ARE THE
MAXIMUM VALUE FROM EITHER THE
DESIGN (100yr +17% DEFENDED) EVENT
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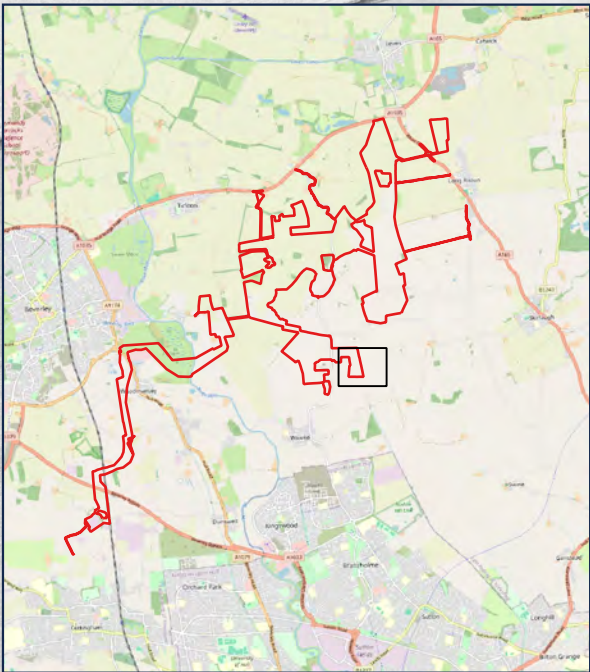
TITLE:

Mitigation Flood Levels
Land Areas F12 - F13



SCALE AT A3: 1:3000	DATE: 22.09.2025	DRAWN: KF	CHECKED: AB
PROJECT NO: 20-206	DRAWING NO: 60-610	REVISION: -	

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