



## **Pear tree Hill Solar Farm**

# **Response to Report on the Implications for European Site**

Application Document Ref: EN010157/APP/8.24  
November 2025

## Contents

1	Introduction.....	2
2	Applicant's response to the ExA's observations / questions in relation to adverse effects on integrity.....	3

# 1 Introduction

- 1.1.1 This report provides the Applicant's response to the Examining Authority (ExA)'s observations / questions raised in its **Report on the Implications for European Sites [PD-018]**.
- 1.1.2 The **Report on the Implications for European Sites [PD-018]** is issued by the ExA to ensure that interested parties, including the Appropriate Nature Conservation Body (ANCB) Natural England (NE), are consulted formally on Habitats Regulations matters. It also aims to identify and close any gaps in the ExA's understanding of interested parties' positions on Habitats Regulations matters, in relation to all European sites (i.e. Special Areas of Conservation (SAC), candidate SACs, proposed SACs, Special Protection Areas (SPA), potential SPAs, listed and proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on any of these sites) and qualifying features as far as possible, in order to support a robust and thorough recommendation to the SoS.
- 1.1.3 The **Report on the Implications for European Sites [PD-018]** was informed by the Applicant's **Habitats Regulations Assessment – Information to inform Appropriate Assessment [APP-145]** (and updated at Deadline 1 **[REP1-015]**, Deadline 2 **[REP2-071]** and Deadline 3 **[REP3-014]**), as well as representations submitted to the examination by interested parties, issue specific hearing (ISH) documents, statements of common ground (SoCG) and other documents submitted throughout the examination up to Deadline 4 (31 October) as relevant, which can be found in the Examination Library<sup>1</sup>.
- 1.1.4 The responses to the ExA's questions provided by the Applicant in this document and by the interested parties will be considered by the ExA in making its recommendation to the Secretary of State (SoS).

---

<sup>1</sup> <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010157-000189-Pear-tree%20Hill%20Solar%20Farm%20-%20Examination%20Library.pdf>

## 2 Applicant's response to the ExA's observations / questions in relation to adverse effects on integrity

2.1.1 **Table 1** below provides the Applicant's response to the ExA's observations / questions on examination matters in relation to adverse effects on integrity, as set out in Table 3.1 of its **Report on the Implications for European Sites [PD-018]**.

**Table 1: Applicant's response to the ExA's observations / questions in relation to adverse effects on integrity (as set out in Table 3.1 of its Report on the Implications for European Sites [PD-018])**

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
<b>Humber Estuary SPA and Humber Estuary Ramsar site</b>				
3.1.1	Potential loss of FLL.  Suitability of core mitigation areas - construction and operation.	NE [RR-012] noted that the applicant's proposed mitigation areas for non-breeding birds associated with qualifying bird species of the Humber Estuary SPA/ Ramsar site may not be sufficient to adequately mitigate for impacts to qualifying bird species using FLL. NE advised that further assessment of the habitat suitability and the capacity of each parcel was required. NE also highlighted the applicant's position [APP-148] that a 150m buffer around core mitigation areas would not be workable. NE reiterated its advice that all core mitigation areas should be surrounded by a 150m buffer, and that where this buffer has not been included, further assessment of the suitability of areas closer to panels, and the amount of 'core habitat' available, was required.	n/a – matter resolved	The Applicant notes this comment.

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>The applicant provided an updated oLEMP [REP1-056] which provided further assessment of the suitability of each proposed mitigation area. The applicant's response [REP3-039] provided an overview of the applicant's justification of the suitability of the mitigation and addressed other matters in NE's RR [RR-012] related to this point. A further update to the oLEMP [REP3-032] was provided by the applicant to include potential outline remedial measures for the proposed habitats within mitigation area 9, 11 and 13.</p> <p>NE [REP4-084] confirmed that it considered this point to now be resolved, based on the additional information provided.</p>		
3.1.2	<p>Potential loss of FLL.</p> <p>Impact of permissive footpaths on the functionality of the proposed mitigation</p>	<p>NE [RR-012] advised that the impacts of the proposed permissive walking routes around mitigation areas 9 and 11 on the functionality of the proposed mitigation areas should be assessed in the HRA. NE requested clarification on whether proposed footpaths would be separated from the mitigation areas by fencing,</p>	<p>RIES Q1 to the applicant and NE:</p> <p>Can the applicant and NE provide an update of the discussions regarding the impact of permissive</p>	<p>As captured in item NE04 of the <b>Draft Statement of Common Ground with Natural England [EN010157/APP/9.4 Revision 4]</b>, which is submitted at Deadline 5, this matter is now resolved.</p>

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
	areas – construction and operation.	<p>noting that if fencing is not proposed, the presence of dogs within mitigation areas could render the whole area unsuitable for relevant species. This matter was also raised by East Riding of Yorkshire Council (ERYC) [REP1-086].</p> <p>The ExA [PD-014] requested an update on this matter including a consideration of whether any potential disturbance could be overcome through the rerouting of areas, or the use of additional mitigation, for example.</p> <p>The Third Notification of Proposed Changes to the DCO Application [AS-017] detailed that the applicant was proposing amendments to the permissive path routes around mitigation areas 9 and 11 to address this matter.</p> <p>The subsequent formal change request (change request 3) [REP4-077] provided a summary of the changes which sought to address the concerns raised regarding the potential for disturbance to bird species caused by users of permissive paths within and adjacent to the</p>	<p>footpaths on the functionality of the proposed mitigation and provide an indication of whether they consider that this will be resolved during the course of examination.</p>	<p>Natural England confirmed via email on 11 November 2025 that it <i>“welcomes the changes made to the permissive footpaths, specifically the removal of the permissive path loops around mitigation area 9 (Field D18) and 11 (Field E6) and the implementation of post and wire fencing alongside permissive paths which run adjacent to and through ground nesting bird and Humber Estuary SPA/Ramsar mitigation areas. Natural England welcomes that these fences will be 1m high, with a 75mm-by-75mm mesh, and considers this to be sufficiently robust to prevent the movement of dogs and people onto the mitigation areas.</i></p> <p><i>Natural England welcomes that fencing will be accompanied by ‘positive’ signage highlighting the reasons for the fencing, including, for example, pictures of the relevant bird species, in order to</i></p>

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>ecological mitigation areas. These changes comprised:</p> <ul style="list-style-type: none"> <li>• change to permissive path route around field D18;</li> <li>• removal of permissive path loop around field E6 and extension of permissive paths around E7 and E8;</li> <li>• moving the permissive paths that run through the proposed biodiversity mitigation areas to the edge of field D16;</li> <li>• realignment of the permissive path in field B2 to run closer to the eastern edge of this field; path at the north of field B8 closer to the northern edge of the field, to the edge of the proposed biodiversity mitigation area in this field;</li> <li>• moving permissive paths throughout land area F closer to the edges of the fields; and</li> </ul>		<p><i>improve public engagement with the restrictions. Natural England also welcomes that signage will encourage path users to keep dogs on short leads and remain on designated paths.</i></p> <p><i>Natural England welcomes that where hedgerows prevent permissive path users and dogs from entering the bird mitigation areas, these will be appropriately managed to ensure that they remain dense from ground level, with gaps filled as required."</i></p> <p><b>ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [EN010157/APP/6.3 Revision 5]</b> shows the re-routed sections of permissive path.</p> <p>Paragraph 6.3.8 of the <b>Outline LEMP [EN010157/APP/7.5 Revision 9]</b> provides further information regarding mitigation area fencing and associated signage. Section 16.3 of the <b>Outline LEMP</b></p>



ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<ul style="list-style-type: none"> <li>installation of post and wire fencing between permissive paths and ecological mitigation areas.</li> </ul> <p>Change request 3 was accepted into the examination by the ExA [PD017], concluding that the proposals would not be considered a material change. The applicant provided an updated oLEMP [REP4-073] which incorporated the amendments relevant to change request 3.</p> <p>NE at D4 [REP4-042] showed this matter as unresolved and states that it is progressing discussions with the applicant regarding the design of permissive footpaths in proximity to the proposed mitigation areas. The draft SoCG [REP4-042] sets out that ERYC considers this point to now be resolved.</p>		<b>[EN010157/APP/7.5 Revision 9]</b> provides further detail regarding the permissive path routes and management of hedgerows where they are required to prevent permissive path users and dogs from entering the bird mitigation areas.
3.1.3	Potential loss of FLL. Hydrological suitability of the proposed mitigation	NE [RR-012] in relation to the hydrology of the proposed mitigation areas advised that the existing drainage regime in the proposed mitigation areas should be considered to determine the ability of the fields to hold sufficient water. NE advised	n/a – matter resolved	The Applicant notes this comment.

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
	areas – construction and operation.	<p>that in the absence hydrological studies or assessment prior to construction, a precautionary approach was needed. ERYC [REP1-086] also requested hydrological studies to confirm the suitability of land for the creation of wet grasslands and advised that it may be better to create permanent grassland instead, particularly in relation to proposed mitigation area 11.</p> <p>The applicant provided an updated oLEMP [REP1-056] which provided further information regarding the viability of the proposed scrapes based on known information on the current hydrological statuses and permeability of soils in mitigation areas 9, 11 and 13. Further assessment was provided in the updated oLEMP [REP1-056] regarding the suitability and carrying capacity of each mitigation area to deliver mitigation for the intended species and it set out that preconstruction hydrological studies are proposed to determine the exact locations of the scrapes within the mitigation areas. In response to the</p>		

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>comments from ERYC [REP1-086] the updated oLEMP [REP1-056] submitted at D1 replaced proposal for 'wet grassland with scrapes' with 'flower-rich neutral grassland with scrapes'.</p> <p>A further update to the oLEMP [REP3-032] secured that 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. The HRA Report [REP3-014] was updated to provide relevant cross references to the updated information contained within the updated oLEMP [REP3-032].</p> <p>NE's submission at D4 [REP4-084] confirmed that it considered this point to now be resolved, based on the additional information provided by the applicant. The draft SoCG [REP3-043] sets out that ERYC considers this point to now be resolved.</p>		
3.1.4	Potential loss of FLL.	NE [RR-012] item NE1d, advised that sufficient detail of the proposed	n/a – matter resolved	The Applicant notes this comment.

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
	Management of the proposed mitigation areas – construction and operation.	<p>management and monitoring approach was required in the oLEMP [APP-156] at this stage to ensure the HRA conclusions regarding mitigation measures are robust and deliverable.</p> <p>NE advised that the oLEMP [APP-156] should include:</p> <ul style="list-style-type: none"> <li>• clear objectives;</li> <li>• targets for each objective, including SPA bird use targets and habitat targets;</li> <li>• details of required management and monitoring (including who is responsible and when it will take place);</li> <li>• details of limits of acceptable change; and</li> <li>• details of remedial actions, where appropriate.</li> </ul> <p>NE made recommendations relating to sward management, scrape management and requested that the oLEMP [REP1-056] appropriately</p>		

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>secured that the creation of wintering bird habitat within mitigation areas is completed in advance of infrastructure work to ensure appropriate habitat is available prior to the beginning of the construction phase as described within the HRA Report [APP-145].</p> <p>The applicant provided an updated oLEMP [REP1-056] which included indicative management and monitoring procedures. The applicant stated in its draft SoCG with NE [REP1-078] that the monitoring strategy took on points raised by NE, and that the final management and monitoring protocol in the LEMP will be agreed in consultation with NE at the detailed design stage.</p> <p>NE [REP2-153] welcomed the updates and noted the following outstanding concerns/ requests:</p> <ul style="list-style-type: none"> <li>• maximum sward height should be 10cm during winter;</li> <li>• clarification on how national trends would be considered in assessment</li> </ul>		

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>of bird numbers and 'success' of the mitigation areas;</p> <ul style="list-style-type: none"> <li>• potential need to increase the frequency of bird monitoring for years 3-10; and</li> <li>• clarification on 'the right habitat conditions' and specific remedial action in relation to the following text in the oLEMP: "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 LEMP".</li> </ul> <p>Further to this NE also advised that a monitoring report should be produced following each of the completed surveys and that these reports should be submitted to the local planning authority (LPA) for review, with NE consulted if the site is failing to meet its targets.</p>		

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>The applicant's oLEMP [REP3-032] was updated to address each of these points.</p> <p>NE's D4 submission [REP4-084] confirmed that it considered this point to now be resolved based on the additional information provided. NE recommended that the remedial measures in table 15-3 and table 16-3 of the oLEMP [REP3-039] should be revised to incorporate 'appropriate measures to increase invertebrate numbers'. NE stated that this requested clarification is unlikely to make a material difference to their advice or the outcome of the decision-making process.</p>		
3.1.5	<p>Potential loss of FLL.</p> <p>Passage/ wintering bird surveys of the grid connection cable route – construction and operation.</p>	<p>NE [REP2-154] on review of the Grid Connection Bird Survey Report [REP1-072] and the inclusion of the new data in the HRA Report [REP1-015] advised that further assessment should be provided to determine whether the proposed measures are sufficient in the context of the updated bird survey results, particularly regarding potential impacts to pink-footed geese. NE noted that noise and visual disturbance impacts resulting</p>	n/a – matter resolved	The Applicant notes this comment.

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>from temporary loss of and disturbance to FLL will need to be considered.</p> <p>The applicant updated the HRA Report [REP3-014] to provide further consideration in relation to pink-footed geese recorded within the grid connection cable route. The applicant stated in its draft SoCG with NE [REP3-047] that during the 2024/25 bird surveys, pink-footed geese were seen flying over on four occasions and were only recorded twice within the order limits. The applicant further stated that 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 FLL for pink-footed geese.</p> <p>NE's D4 submission [REP4-084] agreed that pink-footed geese would not be significantly affected by disturbance/displacement from FLL within the grid connection corridor during construction due to shortterm nature of construction works and the mobile nature of pink-footed geese and noted that the agreed</p>		



ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>non-breeding bird mitigation areas would also provide additional feeding areas for this species during this period.</p> <p>NE stated that it did not agree with the applicant's conclusion of the grid connection cable route not being considered to constitute FLL for pink-footed geese but advised that significant effects on this species can be ruled out based on the factors outlined above.</p>		
3.1.6	<p>Potential loss of FLL.</p> <p>Bird days calculation methodology – construction and operation.</p>	<p>NE in its RR [RR-012] highlighted that as previously requested, lapwing and golden plover 'bird days' requirements were now considered separately to ensure that mitigation is sufficient to deliver for the combined number of both species recorded.</p> <p>The 'bird days' calculations within appendix E of the updated oLEMP [REP1-056] that was submitted at D1 were updated to consider lapwing and golden plover separately and to take account of the data in the Grid Connection Cable Route Bird Survey</p>	n/a – matter resolved	The Applicant notes this comment.

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>Report [REP1-072], which was also submitted at D1.</p> <p>NE [REP2-154] confirmed that this matter is now considered to be resolved.</p>		
3.1.7	Potential noise and visual disturbance impacts to FLL - construction	<p>NE [RR-012] advised that the HRA should set sensitive receptors in the context of the existing noise environment and recommended further assessment 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. NE advised that when interpreting noise assessment results, it does not propose specific thresholds for determining when an impact will occur and described the relevant factors which should be considered together. NE recommended that suitable mitigation should be explored for predicted noise levels above 50dB.</p> <p>NE made recommendations on potential mitigation measures and advised that an assessment should be provided of the</p>	n/a – matter resolved	The Applicant notes this comment.

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>predicted reduction in noise levels that will occur as a result of the proposed mitigation measures, to assess their effectiveness.</p> <p>The applicant [REP-071] detailed that it would avoid completing the activities most likely to disturb birds during winter (October to March) and only activities less likely to disturb birds would take place in fields adjacent to the Humber Estuary designated sites. If this is not possible, acoustic fencing would be installed for the construction period. The HRA Report [REP1-015] and oCEMP [REP1-050] were updated to secure these commitments. The oCEMP was also updated to include a commitment relating to no night-time working (unless agreed with the LPA) and keeping any artificial light to a minimum.</p> <p>EYRC [REP1-086] advised that with regard to noise disturbance the HRA Report makes an assessment on guidance that NE does not support and that construction impacts such as noise and visual disturbance should</p>		

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>considered up to 300m from source and assessed in consideration of baseline scenarios.</p> <p>The ExA [PD-014] requested that the applicant confirmed whether the assessment is based on guidance supported by NE. The applicant [REP3-040] acknowledged that consultation with NE indicates concern regarding the use of the Waterbird Disturbance and Mitigation Toolkit but stated that the assessment has not relied on information provided in this guidance and the applicant's response sets out how a precautionary approach has been undertaken regarding noise and disturbance.</p> <p>NE [REP2-154] stated that consideration of noise and visual disturbance to the mitigation areas is now resolved but reiterated the remaining outstanding matters recorded above.</p> <p>The applicant [REP3-039] provided further context on the bird survey results and the pattern of bird activity within and adjacent to the order limits, including the</p>		

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>grid connection cable route. The HRA Report [REP3-014] was amended to clarify that the measures included in the oCEMP [REP3-026] would be implemented to mitigate the effect of disturbance/ displacement of relevant bird features of the Humber Estuary SPA and Humber Estuary Ramsar site within and adjacent to the order limits, including the grid connection cable route, as well as the mitigation areas. The applicant stated that it does not consider a requirement to undertake additional noise monitoring in relation to wintering birds is necessary given that no hotspots for birds were identified and considering the proposed mitigation measures.</p> <p>NE's D4 submission [REP4-084] confirmed that it considered all of the above matters to now be resolved based on the additional information provided. The draft SoCG [REP3-043] sets out that ERYC considers this point to now be resolved.</p>		
3.1.8	Potential noise and visual disturbance	NE [RR-012] queried whether the powerlines and pylons displayed in	n/a – matter resolved	The Applicant notes this comment.

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
	impacts to FLL from overhead powerlines – construction and operation	<p>Figure 3.5 Indicative Construction Layout Plan [APP-059] were new or existing and requested that if above ground power lines/ pylons are required, SPA bird flightlines should be considered in the HRA, including assessment of collision risk.</p> <p>The applicant's response to RRs [REP1-071] confirmed that no new overhead power lines would be constructed as part of the proposed development. The overhead power lines depicted on ES Volume 3 Figure 3.5 Indicative Construction Layout Plan [APP-059] are existing and therefore no assessments require updating.</p> <p>NE [REP2-154] confirmed that it considered this issue to be resolved.</p>		
3.1.9	Potential loss of FLL for the relevant qualifying bird features from in-combination impacts – construction and operation	NE [REP2-154] noted in relation to in-combination effects, that Carr Farm Solar Farm, which is located adjacent to mitigation area 11, has recently been consented and advised that further assessment should be provided in the in-combination assessment regarding the	n/a – matter resolved	The Applicant notes this comment.

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>potential for this development to impact on openness and sightlines for mitigation area 11. Additionally, NE advised that the in-combination assessment should consider recently submitted planning application 25/02275/STPLF, which is situated in close proximity to the site, and includes land within the red line boundary.</p> <p>The applicant [REP3-039] provided a rationale as to why the consented Carr Farm Solar Farm would not affect the functionality of mitigation area 11 and stated that the proposed mitigation areas for Carr Farm Solar Farm are directly adjacent to mitigation area 13 and therefore compliment the proposed development's proposed mitigation. The HRA Report [REP3-014] was updated to include this information and to include planning application 25/02275/STPLF in the in-combination assessment. The applicant noted [REP3-039] that planning application 25/02275/STPLF has not yet provided sufficient information to identify</p>		

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>potential impacts to European designated sites.</p> <p>NE [REP4-084] considered this matter to be resolved.</p>		
<b>Humber Estuary SPA</b>				
3.1.1 0	Marsh harrier	<p>Yorkshire Wildlife Trust (YWT) [RR-017] disputed the HRA Report's [APP-145] conclusions of land within and adjacent to land areas B to F of the proposed development not constituting FLL for marsh harrier, a qualifying species for the Humber Estuary SPA. YWT stated that given two breeding pairs are known to be located in the nearby Tophill Low Special Site of Scientific Interest (SSSI), the order limits of the site and adjacent area should be considered as FLL for this protected species.</p> <p>The ExA [PD-008] requested that the applicant responded in detail to the HRA matters raised by YWT in its RR [RR-017].</p> <p>The applicant [REP1-071] in response stated that Tophill Low SSSI is located</p>	<p>RIES Q2 to the applicant, YWT and NE:</p> <p>Can the applicant and YWT provide an update on the status of these discussions.</p> <p>Can NE advise whether it considers land within and adjacent to land areas B to F of the proposed development to constitute FLL for marsh harrier.</p>	<p>NE provided a response directly to the Applicant via email on 18 November as follows:</p> <p><i>"Natural England advise that marsh harrier are not a designated feature of Tophill Low SSSI, and that the land within the Order Limits would therefore not be considered to constitute functionally linked land for this species. We note that marsh harrier will forage beyond 2km from their breeding site so we do not concur with the justification provided; however, this does not affect the outcome of the assessment to Tophill Low SSSI in this case."</i></p>



ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>over 2km from the order limits and the breeding habitat associated with this designated site will not be affected by the proposed development. The applicant further stated that as detailed within ES Volume 4, appendix 7.3: Breeding Bird Survey Report [APP107] no breeding marsh harriers have been recorded within or adjacent to the proposed development.</p> <p>The draft SoCG with YWT [REP4-050] shows this matter as under discussion.</p>		<p><i>We advise that potential wider impacts to foraging marsh harrier from the proposals should be considered and suitable foraging areas should be provided, but the review of the suitability of the scheme design falls outside Natural England's remit for NSIPs in this context."</i></p> <p>The Applicant has not included specific mitigation within the Proposed Development for marsh harrier for the reasons explained within the <b>Draft Statement of Common Ground with Yorkshire Wildlife Trust [EN010157/APP/9.8 Revision 3]</b>. The Applicants reasoning for not including specific mitigation for marsh harrier is backed up by Natural England's response via email to the Applicant on 18 November which states marsh harrier are not a designated feature for Tophill Low SSSI.</p>

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
				<p>The proposed extensive ground nesting bird and Humber Estuary SPA/Ramsar bird mitigation areas in addition to ecological enhancement measures detailed within the <b>Outline LEMP [EN010157/APP/7.5 Revision 9]</b> are likely to benefit a range of non-target species including marsh harrier. As detailed within the <b>Draft Statement of Common Ground with Yorkshire Wildlife Trust [EN010157/APP/9.8 Revision 3]</b> no breeding marsh harrier were recorded during the breeding bird surveys undertaken for the Proposed Development and the existing habitat within the Proposed Development does not provide suitable breeding habitat for marsh harrier. Therefore, the Applicant is not considering providing specific marsh harrier mitigation as this wouldn't be appropriate based on results of the bird surveys undertaken for the Proposed Development and the</p>

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
				<p>distance of the Proposed Development to potential marsh harrier breeding habitat at Top Hill Low SSSI.</p> <p>It also worth noting the existing habitat within the Proposed Development which may constitute as suitable low value foraging habitat for marsh harrier is limited to the field drainage systems and adjacent field margins, most of which will remain unaffected by the Proposed Development. In addition, the creation of scrapes as part of the mitigation for SPA bird species may also benefit marsh harrier.</p>
<b>Humber Estuary SAC and Humber Estuary Ramsar site</b>				
3.1.1 1	Potential disturbance impacts to lamprey from HDD (vibration/ noise) and EMF –	NE [RR-012], the Environment Agency (EA) [RR-005] and ERYC [REP1-086] requested that the preferred timings to undertake HDD (spring/ summer to avoid the peak lamprey migration period) referred to within the HRA Report [APP-145] should be appropriately secured	n/a – matter resolved	The Applicant notes this comment.

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
	construction and operation.	<p>within the oCEMP. The ExA [PD-014] requested an update on this matter.</p> <p>NE [RR-012] and ERYC [REP1-086] advised that a minimal cable burial depth of 7m below the riverbed should be appropriately secured in the CEMP, alongside the use of an 'insulating layer (made of XLPE, also known as cross-linked polyethylene, or similar), which would eliminate the electric field'.</p> <p>The EA [RR-005] noted that insufficient evidence or detail had been provided to support the assumption that EMF from cables buried at 7m depth under the River Hull would not impact fish requested details of the magnetic field strength and how it compared to natural background levels at the riverbed where the cables were buried.</p> <p>NE recommended that post-consent monitoring of EMF could be undertaken to help inform future assessments.</p> <p>The applicant [REP3-039] stated that it could not commit to the preferred timings to undertake HDD at this stage but would</p>		

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>adhere to these timings where possible. The updated HRA Report [REP1-015] provided further rationale as to why AEol are not considered likely in the event that it is not possible to avoid the river lamprey migration period.</p> <p>The oCEMP [REP3-026] was updated to secure commitments relating to distance of HDD pits from Main Rivers, undertaking HDD at a minimum depth of 7m below the riverbed and the insulation of cabling under the River Hull.</p> <p>Submissions from NE [REP2-154], the EA [REP2-153] and ERYC [REP3-043] show all of the above matters to now be resolved.</p>		
3.1.1 2	Potential water quality impacts from bentonite breakout associated with HDD – construction.	<p>NE [RR-012] advised that the oCEMP [APP-153] should provide sufficient site-specific detail on the required mitigation measures for bentonite breakout to inform conclusions in the HRA.</p> <p>The applicant [REP1-071] responded stating that as described within the oCEMP, the CEMP would include details regarding HDD breakout, including site-</p>	n/a – matter resolved	The Applicant notes this comment.

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<p>specific methodologies, where necessary. The response stated that details of these activities cannot be finalised until a principal contractor is appointed and specific methodologies are agreed upon. The HRA Report [REP1-015] was updated to refer to the need to include site-specific methodology in the CEMP, once the principal contractor has been appointed.</p> <p>NE [REP2-154] noted the applicant's position that final details of the bentonite breakout management activities cannot be provided at this stage but advised the applicant provides the following details to inform the HRA:</p> <ul style="list-style-type: none"> <li>• providing the options of what the procedures could be (for example, the Rochdale envelope type approach);</li> <li>• assessing the worst-case scenario to show whether AEol can be ruled out;</li> <li>• confirming that the general HDD practices included in the oCEMP would be secure; and</li> </ul>		

ID	Potential impact pathway	Details of Issue	ExA observation / questions	Applicant's response
		<ul style="list-style-type: none"> <li>clarifying how the approach would be decided post-consent.</li> </ul> <p>The applicant's response [REP3-039] stated that the procedures prescribed in the CEMP would be in line with the principal contractor's method statements and that NE would be consulted on bentonite breakout procedures included in the CEMP prior to construction commencing.</p> <p>The applicant detailed that measures included in the oCEMP [APP153] would be secured by requirement 4 of the dDCO [APP-019] relating to a detailed CEMP. The applicant further detailed that NE has been added as a statutory consultee on the CEMP under requirement 4 of the dDCO [REP3-005] in relation to measures relating to bentonite breakout.</p> <p>NE's D4 submission [REP4-084] shows this matter as resolved based on the additional information provided.</p>		





**RWE Renewables UK Limited**  
Windmill Hill Business Park,  
Whitehill Way,  
Swindon,  
Wiltshire,  
England,  
SN5 6PB  
[www.rwe.com](http://www.rwe.com)