Peartree Hill Solar Farm

Response to the Examining Authority's Third Written Questions (ExQ3)

Document Ref: EN010157/APP/8.25

November 2025

Contents

Appendices

1 Introduction

1.1 Purpose of this document

1.1.1 The purpose of this document is to provide the responses of RWE Renewables UK Solar and Storage Ltd (the Applicant) to the **Examining Authority's Third Written Questions (ExQ3) [PD-019]** issued on 14 November 2025, relating to Peartree Hill Solar Farm (the Proposed Development).

1.1.2 The response to questions directed to the Applicant can be found in Table 1 below. Where the responses refer to other documentation, these are provided separately as part of the Deadline 5 submission.

2 Responses to the Examining Authority's Third Written Questions

Table 1: Applicant's response to the Examining Authority's third written questions

ExQ3	Question to	Question	Applicants Response
1. General and cross-topic			
3.1.1	Applicant	**Statements of common ground (SoCG)** Please provide the latest/ up to date (or signed and completed) versions of all SoCG with those parties as set out in section 3, annex B of the rule 8 letter [PD-009], as well as the latest/ up to date version of the Statement of Commonality. It would also assist the ExA for a SoCG, or a joint position statement, to be prepared between the applicant and Albanwise (those bodies as per [RR-054]) and submitted at the next deadline, to focus discussions at any upcoming hearings on any matters which remain in dispute.	The Applicant has provided the latest versions of all SoCGs and an up to date **Statement of Commonality [EN010157/APP/9.1 Revision 5]** at Deadline 5. This includes a **draft SoCG with Albanwise [EN010157/APP/9.10]**.

ExQ3	Question to	Question	Applicants Response
3.1.2	The applicant	**Document updates** The applicant is reminded to provide, for deadline 5, updated documents as necessary arising from the environmental statement (ES) addendum [REP4-075].	The Applicant confirms that updates to all Environmental Statement (ES) documents, previously recorded in the ES Addendum, have been submitted at Deadline 5. A final **ES Addendum [EN010157/APP/8.2 Revision 8]** has also been submitted at this deadline to capture changes made to ES documents at Deadline 5 for completeness.
2. Draft Development Consent Order (dDCO) and other consents			
Note: Questions/ comments relate to dDCO revision 8 [REP4-005] (clean)/ [REP4-006] (tracked)			
General			
3.2.1	The applicant	**Review of other recently made solar DCOs** Please review the provisions of other recently made solar DCOs (such as Tillbridge and Stonestreet Green) and the Secretary of State's (SoS) decision letters in respect of them where they set out modifications to the draft Orders and consider whether the dDCO requires any amendments for consistency purposes.	A table has been appended to these responses at Appendix 1 detailing a comparative review between the **Draft Development Consent Order (DCO) [EN010157/APP/3.1 Revision 9]** and other solar development consent orders that have been made since the application for development consent for the Proposed Development was submitted in February. This comparison has used the decision letters for each made solar DCO, considering the modifications made by the

ExQ3	Question to	Question	Applicants Response
			Secretary of State to the respective DCO upon granting consent. Only modifications which are relevant to the **Draft DCO [EN010157/APP/3.1 Revision 9]** have been referred to, rather than changes which were relevant to the particular circumstances of the DCO that was the subject of the decision. Similarly, the Applicant has not reviewed the minor drafting amendments made by the Secretary of State when granting the respective consent but rather focussed on significant modifications listed in the decision letters which have relevance to the **Draft DCO [EN010157/APP/3.1 Revision 9]**.
3.2.2	The applicant	**Decommissioning** Please respond to East Riding of Yorkshire Council's (ERYC) concerns in its response to issue specific hearing 1 (ISH1) Action 7 [REP4-079] and update section 8 of the outline Operational Environmental Management Plan [REP3-030] as appropriate, preferably in liaison with ERYC.	This submission has been addressed within the **Response to Deadline 4 Submissions [EN010157/APP/8.23]** submitted at Deadline 5.

ExQ3	Question to	Question	Applicants Response
Questions/ comments relating to articles (A)			
3.2.3	ERYC		
3.2.4	The applicant	A25(1) – Should this also be made subject to A33 to clarify that rights would not be acquired in land subject to temporary possession only?	The Applicant has amended Article 25(1) to refer to that article being subject to Article 33 in the version of the **draft DCO [EN010157/APP/3.1 Revision 9]** submitted at Deadline 5.
Questions/ comments relating to Schedule (Sch) 2, Part 1 - requirements (R); and Sch 2, Part 2 – procedure for discharge of requirements			
3.2.5	The applicant, Albanwise	Sch 2, Part 1, R16 - The applicant has added this new requirement with the aim of minimising concerns raised around conflict between the proposed development and other consented development. The applicant highlights a similar provision in the Thurrock Flexible Generation Plant Development Consent Order 2022 (which the ExA understands to be at Sch 8, Part 8, paragraph 6). **To Albanwise**	(b) The Applicant does not consider that it is necessary to include an interpretative provision in relation to the term "reasonable endeavours" Rather, the Applicant reflected on the scope of that term as it is defined in Schedule 8, Part 8, paragraph 6(b)(iii) of the Thurrock Flexible Generation Plant Development Consent Order 2022 and resolved to incorporate within the operative terms of the requirement (at paragraph (2)) details of what reasonable endeavours means in the

ExQ3	Question to	Question	Applicants Response
		a) Notwithstanding the content of your relevant representation in respect of the matter [RR-054], please provide your views on whether new R16 addresses your concerns further to the highlighting of where a similar provision has been used in another made DCO, and, should your concerns persist, provide any alternative preferred wording of the requirement for the consideration of the ExA. **To Albanwise and the applicant** b) Should the term 'reasonable endeavours' in R16(1) be specifically defined as it is in the Thurrock Flexible Generation Plant Development Consent Order 2022; and c) c) Should R16(2)(c) relate to the construction of, as well as the operation of, the Field House and Carr Farm Solar Farms?	context of the interface with Field House Solar Farm and Carr Farm Solar. (c) The Applicant has added reference to the construction of Field House Solar Farm and Carr Farm Solar Farm in R16(2)(c) in the version of the **Draft DCO [EN010157/APP/3.1 Revision 9]** submitted at Deadline 5.

ExQ3	Question to	Question	Applicants Response
3.2.6	The applicant	Sch 2, Part 2, R9 – please see ExQ3.6.2.	Please see response to ExQ3.6.2.
Questions/ comments relating to other schedules			
3.2.7	The applicant	Sch 1 – Remove the double space in Work No. 1 between the words "Work Nos. 1B to" and "1F", should there be one.	The double space was removed as a result of amendments made to Schedule 1 in the **Draft DCO [EN010157/APP/3.1 Revision 8]** submitted at Deadline 4.
3.2.8	The applicant	Sch 14 - Please ensure this is accurate and fully up to date at deadlines 5 and 6.	The requested updates to Schedule 14 have been made to the **Draft DCO [EN010157/APP/3.1 Revision 9]** submitted at Deadline 5 and the same review will be carried out to ensure Schedule 14 is up to date at Deadline 6.
Explanatory Memorandum (EM)			
3.2.9	The applicant	To assist the ExA (and ultimately the SoS) in its consideration of the provisions of the dDCO, please ensure the EM [REP4-007] sufficiently covers all provisions. For example, and notwithstanding your response to ExQ1.2.40 [REP1-073]), paragraph 5.1.4 relating to R2 does not provide	The Applicant has added further detail to the **Explanatory Memorandum [EN010157/APP/3.1 Revision 7]**. The Applicant agrees that sub-paragraphs (2) and (3) of Requirement 2 of the **Draft DCO [EN010157/APP/3.1 Revision 9]** are not included in other solar DCOs and that the precedented example of the Yorkshire

ExQ3	Question to	Question	Applicants Response
		justification for the ability to extend the time limit, noting that such a provision is not included in other solar DCOs and that the Yorkshire Green project is of a different nature and geographical scale. It might also be useful to highlight any made solar DCOs which have been materially delayed or put at risk by legal challenge and to have regard to any relevance of paragraph 9.1.e. of the SoS decision letter for the Tillbridge Solar Project.	Green project is of a different nature and geographical scale. However, these sub-paragraphs relate to the procedural implications for the Order in the case of legal challenge. This is not a matter of bespoke drafting needed for project/sector-specific factors. The problem of judicial review claims causing delays and increased costs to nationally significant infrastructure projects (NSIPs) is widely recognised. The commissioning of Lord Banner KC in February 2024 to review this problem is evidence of this. His report[1] was published in October 2024 and contained various recommendations for reform and some of these have been included in the Planning and Infrastructure Bill currently completing its parliamentary passage. This drafting seeks to avoid the need for a non-material application to change the time limit in the scenario where a legal challenge is brought. If no legal challenge is brought

[1] https://www.gov.uk/government/publications/independent-review-into-legal-challenges-against-nationally-significant-infrastructure-projects/independent-review-into-legal-challenges-against-nationally-significant-infrastructure-projects

ExQ3	Question to	Question	Applicants Response
			than sub-paragraphs (2) and (3) would not be engaged. In relation to the deletion of extensions to time limits in the event of a legal challenge to the DCO in Article 22 (time limit for exercise of authority to acquire land compulsorily) of the Tillbridge Solar Order 2025, the Applicant notes this relates to the time limit for exercising the compulsory acquisition powers rather than the commencement of the Authorised Development. The Applicant has not sought to mirror this procedure into the equivalent article in the draft DCO.
3. Compulsory acquisition (CA), temporary possession (TP) and related matters			
3.3.1	The Applicant	**Land and rights negotiations tracker (LRNT)** The ExA notes: a) that the LRNT [REP4-011] does not include relevant data at columns K, L and M; and b) that some new landowner/ other rights entries in the Book of Reference [REP4-010], including in respect of	(a) Columns K, L and M have been updated in the Deadline 5 version of the **Statement of Reasons Appendix B Land and Rights Negotiations Tracker [EN010157/APP/4.5 Revision 5]** (b) Plot 2-3 was included in **Statement of Reasons Appendix B Land and Rights Negotiations Tracker [REP4-011]** but the landownership has since been updated and this change is reflected in in the Deadline 5

ExQ3	Question to	Question	Applicants Response
		Plots 2-3, 12-6, 12-8, 12-9 and 15-6, have not been included in the LRNT. It is important that the LRNT contains all relevant information as its aim is to assist the decision making of both the ExA and the SoS. Please address this accordingly and ensure that the LRNT is fully up to date with all relevant information when submitted for deadlines 5 and 6.	version of the **Statement of Reasons Appendix B Land and Rights Negotiations Tracker [EN010157/APP/4.5 Revision 5]** Plots 12-6, 12-8, 12-9 were included in **Statement of Reasons Appendix B Land and Rights Negotiations Tracker [REP4-011]** as being in the ownership of the Applicant who does not own this outright, the landownership details have been corrected and updated. This change is reflected in in the Deadline 5 version of the **Statement of Reasons Appendix B Land and Rights Negotiations Tracker [EN010157/APP/4.5 Revision 5]** Plot 15-6 was included in **Statement of Reasons Appendix B Land and Rights Negotiations Tracker [REP4-011]** but the landownership has since been updated and this change is reflected in in the Deadline 5 version of the **Statement of Reasons Appendix B Land and Rights Negotiations Tracker [EN010157/APP/4.5 Revision 5].**
3.3.2	The Applicant	**Response to submissions**	These submissions have been addressed within the **Response to Deadline 4**

ExQ3	Question to	Question	Applicants Response
		Please provide a response to submissions [AS-021] and [AS-022], or signpost to where these were addressed within your deadline 4 submissions.	**Submissions [EN010157/APP/8.23]** submitted at Deadline 5.
3.3.3	The Applicant, Albanwise	**Plot 2A-5** The ExA notes the fixed layout of Field House Solar Farm (FHSF) within the area of Plot 2A-5, including the location of the substation near to a pylon it would directly connect to (Appendix 1b of [RR-054]). The ExA is unclear as to the reasons why the full extent of Plot 2A-5 is considered necessary by the applicant as it appears that there would be sufficient space through the plot for a construction access route which would avoid the substation location so as not to affect its construction or purpose of delivering electricity to the grid from the wider FHSF. The ExA also notes that a track would be provided along the northeastern edge of Plot 2A-5 in the fixed layout. The ExA is also unclear as to why this area could not be utilised, thus also avoiding	The geometry of plot 2A-5 was informed by consultation with Albanwise and their agent. The Applicant had understood that Albanwise did not have a fixed layout for the Field House Solar Farm project and that there could be optimisation of its proposed site. The Applicant's understanding was that there could be such variations. The Applicant therefore wanted to maintain the flexibility that any shared access track would align with the proposals for Albanwise's solar farm layout. Albanwise has now confirmed that they are not intending to make changes to the layout. The Applicant has amended Requirement 16, Schedule 2 of the **Draft DCO [EN010157/APP/3.1 Revision 9]** to incorporate a commitment to ensure that the route of a relevant access to and from the authorised development, within plot 2A-5, does not require the removal of any

ExQ3	Question to	Question	Applicants Response
		an area for solar panels (albeit that the ExA recognises these would represent a very small proportion of overall solar panels and electricity output associated with FHSF and the temporary nature of any impact in this regard). Please provide clarification on these matters.	above ground infrastructure constructed pursuant to the Field House Solar Farm planning permission.
3.3.4	Network Rail Infrastructure Limited, National Gas Transmission plc, National Grid Electricity Transmission plc, Northern Powergrid (Yorkshire) plc		
3.3.5	Applicant, The Crown Estate	**Crown land** Please provide an update as to the position in respect of Crown land (Plot 13-4), the progress made to obtain relevant consent under s135(1) and/ or s135(2) of PA2008, the likely timetable for this and implications for the proposed development should this not be forthcoming. Written evidence of	Discussions regarding the commercial Heads of Terms for the option and easement agreements are continuing with the Agent on behalf of the Crown Estate regarding Crown land (plot 13-4). Heads of Terms were issued to the Agent in November 2024 and have been followed up with numerous meetings and email correspondence, the most recent email

ExQ3	Question to	Question	Applicants Response
		consent obtained is required as soon as possible and in any event by the close of the examination.	from The Applicant offering revised terms in relation to the land rights required to accommodate specific payment receipt requests from the Crown Estate. Negotiations are ongoing with the Agent and the Applicant is confident that agreement of the commercial Heads of Terms will be reached by the close of the examination. In parallel, the Applicant has also been in discussion with the Crown Estate's solicitors acting separately on the s.135 consent regarding the provision of consent pursuant to sections 135(1) and (2) of the Planning Act 2008. The Applicant understands that matters are now agreed such that, subject to the parties agreeing the wording of the consent letter and side agreement as well as the outcome of The Crown Estate's formal internal governance and approval process, the Crown is content in principle to give its consent to the application of the Draft DCO provisions in relation to plot 13-4 for the purpose of section 135. The Applicant is now awaiting receipt of the relevant draft consent

ExQ3	Question to	Question	Applicants Response
			documents for review and is accordingly confident that (subject to the agreements and approvals noted above) the Crown's consent will be secured before the end of the examination.
4. Need, site selection and alternatives			
No further questions at this time			
5. Air Quality			
3.5.1	The Applicant	**Air Quality Management Area (AQMA)** Notwithstanding your response to ExQ1.5.3 [REP1-073], please: a) Clarify which sections of roads identified on ES Figure 14.1: Study Area for Transport and Access [REP2-120] and ES Figure 14.2: Transport Routing and the Existing Highway Network [REP2-121] travel through the AQMA; b) Clarify whether, having regard to Table 6-10 of ES Chapter 6: Air	a) The route A63 showed on **ES Volume 3, Figure 14.1: Study Area for Transport and Access [REP2-120]** passes through Hull AQMA 1 but the sections of route A63 showed on **ES Volume 3, Figure 14.2: Transport Routing and the Existing Highway Network [REP2-121]** do not pass through Hull AQMA 1. b) Traffic routing to and from the Site along sections of route A63 as shown on **ES Volume 3, Figure 14.2: Transport Routing and the Existing Highway Network [REP2-**

ExQ3	Question to	Question	Applicants Response
		Quality [APP-042], any changes in light/ heavy duty vehicle flows through the AQMA would exceed 100/ 25 annual average daily traffic (AADT) respectively; c) If the relevant AADT would be exceeded, provide further justification for a lack of an air quality assessment in this regard and your conclusion that "[…] the road traffic exhaust emissions from the Proposed Development traffic would not cause a significant effect on Hull AQMA 1.", noting the requirements of NPS EN-1 paragraphs 5.2.8 to 5.2.19; and d) Consider whether any amendments to the Policy Accordance Tables in Appendix 1 of [REP4- 055] or any other documents are necessary in light of the AQMA.	**121]** and described in **ES Volume 2, Chapter 14: Transport and Access [REP4-018]** paragraphs 14.4.33 and 14.4.34 will not pass through Hull AQMA 1. Therefore, Proposed Development traffic data has not been compared with the screening criteria (within an AQMA) presented in **Table 6-10** of **ES Volume 2, Chapter 6: Air Quality [EN010157/APP/6.2 Revision 2]**. c) As mentioned above, traffic routing to and from the Site along sections of route A63 will not pass through Hull AQMA 1. The existing traffic volumes on the A63 are higher than the roads within the study area which will result in the impact of Proposed Development traffic being diluted. It is considered that the road traffic exhaust emissions from the Proposed Development traffic will not cause a significant effect on Hull AQMA 1.

ExQ3	Question to	Question	Applicants Response
			d) Amendments to documents are not considered necessary based on the responses above.
6. Biodiversity (including Habitats Regulations Assessment (HRA))			
3.6.1	ERYC		
3.6.2	The Applicant	**Biodiversity Net Gain (BNG)** Notwithstanding the views of the applicant and statutory parties in response to previous ExQs, the ExA (and ultimately the SoS) also needs to be satisfied that the dDCO would secure the degree of BNG reported, which, as set out in the BNG Assessment [REP2-023] would be 61.78% for area habitat units, 41.85% for hedgerow units and 10.06% for watercourse units. The ExA's potential concern in this regard is that the degree of BNG is not specified on the face of the dDCO (such as in R9) and nor is it specified within the outline Landscape and Ecological Management Plan (oLEMP) cited in R9. Rather, the oLEMP [REP4-073] makes some	a) The Applicant has not relied on an increase in biodiversity net gains (BNG) in excess of 10% in its Planning Statement or its assessments in the Environmental Statement and has not committed to an increase of BNG in excess of 10% in the **Outline Landscape and Ecological Management Plan (LEMP) [EN010157/APP/7.5 Revision 9]**. Accordingly, the Applicant does not consider it necessary or appropriate for the wording in Requirement 9(2) to refer to the specific biodiversity net gains set out in the BNG Assessment. Notwithstanding the Applicant's position that such an amendment is not necessary, the Applicant notes that in the recent Byers Gill Solar and Stonestreet Green Solar DCOs where the Secretary of State has

ExQ3	Question to	Question	Applicants Response
		reference to the BNG Assessment and in paragraph 1.1.5 states that BNG of "at least 10%" would be delivered. To address this matter further, please provide your views on the following: a) The addition of the interpretation of the BNG Assessment to Sch 2, Part 1, R1 of the dDCO and the addition of words to the following effect to the end of R9(2): ", and must demonstrate how biodiversity net gain of 61.78% for area habitat units, 41.85% for hedgerow units and 10.06% for watercourse units as set out in the Biodiversity Net Gain Assessment would be delivered."; and b) The specification of BNG of 61.78% for area habitat units, 41.85% for hedgerow units and 10.06% for watercourse units within the oLEMP.	included a requirement specifying the amount of BNG to be delivered it has rounded down the percentages to be secured in order to afford some leeway to account for extenuating circumstances or amendments to the applicable BNG metric. Should the Secretary of State be inclined to include an amendment to the requirement, the Applicant, without prejudice to its position that such a requirement is not required, considers the following values would be more appropriate to include in the requirement in order to provide an appropriate degree of flexibility to account for extenuating circumstances: - 55% for area habitat units; - 35% hedgerow units; and, - 10% watercourse units. Further and for clarity, the Applicant considers that were the Secretary of State to make an amendment to the requirement it should specify which BNG metric should be used to ensure the metric used to calculate the percentages align with the metric used for the production of **ES**

ExQ3	Question to	Question	Applicants Response
			Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [REP2-023]. Therefore, notwithstanding the Applicant's position that the inclusion of an amendment to requirement 9(2) to secure BNG is not required, should the Secretary of State be minded to include such an addition, on a without prejudice basis, the Applicant's preferred drafting is as follows: "and must demonstrate how a minimum biodiversity net gain of 55% for area habitat units, 35% for hedgerow units and 10% for watercourse units, calculated using the Department of Environment, Food and Rural Affairs' Statutory Biodiversity Metric (February 2024), or other biodiversity net gain metric agreed between the undertaker and the local planning authority in consultation with Natural England, would be delivered." b) For the same reasons as the Applicant does not consider the amendment to the requirement to be necessary, the Applicant does not consider that such an amendment to the **Outline LEMP [EN010157/APP/7.5 Revision 9]** is necessary. Further, should

ExQ3	Question to	Question	Applicants Response
			the Secretary of State be minded to make the amendment to Requirement 9(2), the Applicant is of the view that a similar amendment to the **Outline LEMP [EN010157/APP/7.5 Revision 9]** would not be necessary as the final Landscape and Ecological Management Plan would be required to comply with the figures in the requirement.
7. Climate			
No further questions at this time			
8. Cultural heritage			
No further questions at this time			
9. Land, soil and groundwater			
3.9.1	The applicant, ERYC, Environment Agency (EA)	**Flood Risk and Coastal Change Planning Practice Guidance (PPG) update** The ExA notes that on 17 September 2025 the PPG was updated, including but not limited to changes regarding the sequential approach and test. Please	The update to the Flood Risk and Coastal Change PPG in September introduced paragraph 27, which relates to the Sequential Test. The paragraph states that a proportionate approach to the test is required. Paragraph 27 also explains that where a site Flood Risk Assessment

ExQ3	Question to	Question	Applicants Response
		confirm whether there any implications for the proposed development, including the need for any updated documents.	demonstrates a site and its occupiers would be safe from surface water flooding, the Sequential Test should not apply. As explained in Section 4.5 of **ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4 Revision 4],** the Proposed Development has been designed such that it would remain operational during design (inclusive of climate change) surface water flood conditions. It is anticipated that there will only be approximately four permanent staff employed during the operational phase, who will be based on Site. These operational staff would have free movement during design flood conditions and consequently operatives would remain safe. Maintenance access would be regular but infrequent and not required during flood conditions, meaning visiting operatives would remain safe. Therefore, the conclusions of **ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4 Revision 4]** and the Sequential Test consideration within Section 8 of the **Planning Statement**

ExQ3	Question to	Question	Applicants Response
			[REP4-055] remain unaltered by the September 2025 iteration of the PPG.
3.9.2	The applicant	**EA's outstanding concerns** The ExA notes the EA's outstanding concerns in its deadline 4 submission [REP4-083] and the draft statement of common ground with the applicant [REP4-044], including EA06 (use of culverts), EA12 (flood risk), EA16 (battery energy storage system (BESS) and the risk of contaminants to groundwater). Whilst it is acknowledged that the intention is to reach agreement on these matters prior to the close of the examination, the ExA requests a written update in this regard.	These submissions have been addressed within the **Response to Deadline 4 Submissions [EN010157/APP/8.23]** submitted at Deadline 5.
3.9.3	The applicant	**BESS and risk of contaminants to groundwater** Noting concerns raised by the EA in its deadline 4 submission [REP4-083], to what extent would the proposed development fully comply with guidance produced by the National Fire Chiefs	The National Fire Chiefs Council (NFCC) guidance states that '*Consideration should be given, within the site design, to the management of water run-off (e.g. drainage systems, interceptors, bunded lagoons etc)*'. The Applicant's position, as set out in **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping**

ExQ3	Question to	Question	Applicants Response
		Council, including adequate measures to contain and manage water runoff?	**Report [REP1-030]**, follows a source-path-way-receptor model. This demonstrates that the risk of battery fires (source) is ex-tremely low, the pathway to groundwater is limited, for example through the contain-ment of contaminants within the battery units, and the receptor being of moderate sensitivity. This means that the drainage measures proposed (gravel bases, sand layer and geotextile wrap) would provide sufficient protection to groundwater in the unlikely event of escaping contaminants. Consequently, due consideration has been given to the management of water runoff, in accordance with the NFCC guidance, and a sealed system not justified.
3.9.4	The applicant	**Soil management** Natural England (NE11) [REP4-084] suggests the outline Soil Management Plan (oSMP) [REP1- 062] should make provision for 'supervision of soil handling by a competent soil specialist', in addition to the applicant's previous updates to the document. Would the	Soil handling will be supervised by suitably trained personnel; however, it is impractical for a soil scientist to be on site to supervise all soil handling. The Defra Construction Code for Sustainable Use of Soils on Construction Sites (2009) does not mention the requirement for a competent soil specialist to supervise all soil handling but does state that "A Soil Resource Plan

ExQ3	Question to	Question	Applicants Response
		applicant be willing to add this to the oSMP?	should not be so complicated that it is unworkable in practice". Additionally, the only specific requirement for soil scientist involvement is to complete a pre-construction soil survey which has been completed within the Land Areas and will be completed within the cable route areas preconstruction. The Applicant will consult with Natural England over the survey results to ensure that standards have been adhered to.
10. Landscape and visual (including good design)			
3.10.1	The applicant, ERYC	**Additional planting** Entry ERYC34 of the SoCG [REP4-042] notes that the applicant is exploring the feasibility of increasing the separation between a proposed permissive path and the solar PV modules at the southern extent of Field D17 to allow for hedgerow planting and is liaising with ERYC on this matter. Please provide an update.	The solar PV modules in Field D17 have been realigned to create space for hedgerow planting between the southern extent of solar PV modules in Field D17 and the proposed permissive path. **ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [EN010157/APP/6.3 Revision 5]** has been updated accordingly and submitted at Deadline 5.
11. Noise and vibration			

ExQ3	Question to	Question	Applicants Response
No further questions at this time			
12. Population			
3.12.1	The applicant	**outline Battery Safety Management Plan (oBSMP)** The ExA notes Statement of Commonality paragraph 3.1.4 [REP4-040]. Please provide an update.	The Applicant has continued to reach out to Humberside Fire and Rescue Service since the update reported at Deadline 4, including emails on 11, 21 and 27 November 2025 but has not received a response. As such, no further engagement has been able to take place.
3.12.2	Humberside Fire and Rescue Service		
3.12.3	The applicant	**Battery safety** Please respond in detail to submission [REP4-087].	A detailed response to REP4-087 has been provided in the **Response to Deadline 4 submission [EN01057/APP/8.23]**, submitted at Deadline 5.
13. Transport and access			
3.13.1	The applicant, ERYC	**Use of Park Lane** At ISH2, the ExA queried the reason why ERYC considers the limited heavy goods vehicle (HGV) use along Park Lane for the construction of the	The Applicant notes that there are a number of pre-commencement conditions attached to the consented development ref: 23/03926/STPLF decision (see Appendix 2 of this document) which have not yet been

ExQ3	Question to	Question	Applicants Response
		proposed development to be unacceptable, when this was not the case for HGV movements associated with consented development ref: 23/03926/STPLF (which the ExA understands to relate to Creyke Beck Solar Farm battery energy storage). ERYC stated that complaints had been received because of the HGV movements and that the construction of the consented development is now completed (third bullet point of [REP4-082]). However, the applicant states that Park Lane will be used for HGVs for the construction of consented development ref: 23/03926/STPLF (page 18 of [REP4-036]), which seems to suggest otherwise. Considering this seemingly contradictory information, please clarify whether the consented development ref: 23/03926/STPF has been constructed and completed.	discharged. The Applicant discussed this with East Riding of Yorkshire Council who confirmed the same. As such, the Applicant would conclude that 23/03926/STPLF has not been constructed or completed.
3.13.2	The applicant	**Alternative access** East Riding Against Solar Expansion [REP4-085] queries the potential for an alternative, shorter access for	A number of accesses along the A165 were considered as part of an initial access appraisal exercise undertaken by the Applicant. The Carr Lane (Long Riston)

ExQ3	Question to	Question	Applicants Response
		construction purposes to that proposed along Carr Lane (Long Riston). Please respond to this and clarify the reason Carr Lane (Long Riston) was selected rather than any existing accesses/ tracks to the north of this from the A165.	junction with the A165 has a higher existing standard of access provision than other access points, due to the ghost island right turn junction arrangement, demarcated entry and exit lanes at the Carr Lane junction bell-mouth and there is a wide verge along the west side of the A165 either side of the junction which provides good visibility. Carr Lane is an existing access track which is relatively straight and there is wide verge on both sides of the road which provide an opportunity to construct vehicle passing places with good visibility to oncoming vehicles which provides a safe route for HGVs to access the Proposed Development.
3.13.3	The applicant	**Study area** ES Chapter 14: Transport and Access paragraph 14.4.5 [REP4-018] states that the A63 and M62 have been excluded from the study area. However, ES Figure 14.1 [REP2-120] includes these roads. Please clarify.	The A63 and M62 form part of the Strategic Road Network (SRN) which typically have higher daily traffic flows than local road network roads. On the basis of high existing daily traffic, the SRN is generally not included in the study area for ES transport and access assessments. However, for the purpose of providing context of construction traffic routes (especially to/from the Ports such as Hull) and to acknowledge the

ExQ3	Question to	Question	Applicants Response
			discussion of the SRN roads in **ES Volume 2, Chapter 14: Transport and Access [EN010157/APP/6.2 Revision 5]** they were included in **ES Volume 3, Figure 14.1: Transport and Access Study Area [REP2-120]** and paragraph 14.4.5 in **ES Volume 2, Chapter 14: Transport and Access** is a typographical error. Paragraph 14.4.5 of **ES Volume 2, Chapter 14: Transport and Access [EN010157/APP/6.2 Revision 5]** has been updated and re-submitted at Deadline 5 to remove the reference to the SRN being excluded from the study area. For clarity, this change does not affect the A63 and M62 being scoped out in **Table 14-3** of **ES Volume 2, Chapter 14: Transport and Access [EN010157/APP/6.2 Revision 5]** due to the fact that no significant effects are anticipated as a result of high baseline traffic flows on the SRN.
3.13.4	The applicant	**Study area/ transport routes** Please clarify the relationship/ consistency between the information	**ES Volume 3, Figure 14.1: Transport and Access Study Area [REP2-120]** shows the links within the study area for transport and access, as is outlined in the response to

ExQ3	Question to	Question	Applicants Response
		shown on ES Figure 14.1 [REP2-120] and ES Figure 14.2 [REP2-121].	item 3.13.3 above, the A63 and M62 have been included in the study area text as outlined at paragraph 14.4.5 in **ES Volume 2, Chapter 14: Transport and Access [EN010157/APP/6.2 Revision 5]**. The study area includes up to the nearest A-class roads and was agreed through consultation with East Riding of Yorkshire Council. **ES Volume 3, Figure 14.2: Transport Routing and the Existing Highway Network [REP2-121]** illustrates the routes for construction vehicles between the Proposed Development and the SRN. Illustrating the vehicle routes up to the SRN is standard practice and at this point it is assumed that vehicles will route to their final destination (assumed to be a port or the wider SRN).
14. Cumulative			
3.14.1	The applicant	Intra-project combined effects a) Due to 'restrictions' it would be subject to, Riston Footpath No. 2 was added back into Sch 5, Part	a) PRoW Riston footpath no.2 (Including Leven footpath no.5) has been screened back into the Stage 2 intra-cumulative effects assessment

ExQ3	Question to	Question	Applicants Response
		2 of the dDCO [REP4-005] – in light of this, should any reconsideration be given to amendments to ES Chapter 15: Cumulative Effects (see tracked version [REP2-084]/ clean version [REP2-083]), such as at Table 15-4, Table 15-6 and paragraph 15.6.3; and b) Please confirm whether 'Wawne PRoW located between Weel and Wawne' as cited in ES Chapter 15 [REP2-083] is the same footpath as that cited as 'WAWNF01' in other plans and document (such as ES Figure 14.3 [REP2-122] and ES Chapter 13: Population [REP4-065]).	in **Table 15-4,** the full assessment has been reinstated in **Table 15-6** and the original concluding wording has been added back into **paragraph 15.6.3** of **ES Volume 2, Chapter 15: Cumulative Effects [EN010157/APP/6.2 Revision 4].** b) It can be confirmed that WAWNF01 and 'Wawne PRoW located between Weel and Wawne' are the same. The latter is how the PRoW is referred to in **ES Volume 2, Chapter 11: Landscape and Visual [EN010157/APP/6.2 Revision 2]. ES Volume 2, Chapter 15: Cumulative Effects [EN010157/APP/6.2 Revision 4]** has been updated throughout to clarify this and resubmitted at Deadline 5.

Appendix 1: Comparative review between the Draft Development Consent Order and other solar development consent orders

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
Stonestreet Green Solar Order 2025		
Stonestreet Green Solar Order 2025 Link to made DCO Link to Secretary of State decision letter	1. Amendments to Article 2(8) to make clear that the development consent granted does not authorise works which are likely to give rise to any materially new or materially different environmental effects.	The **Draft DCO [EN010157/APP/3.1 Revision 9]** has a number of provisions which already impose controls in relation to works which could give rise to materially new or materially different environmental effects. For example, the definition of "maintain" in article 2(1) provides that any works of maintenance carried out by the Applicant would be subject to the condition that "such works do not give rise to any materially new or materially different environmental effects in comparison to those reported in the environmental statement". Another example is in relation to the "further associated development" set out in Schedule 1 for the purposes of or in connection with the construction, operation, maintenance and decommissioning of the authorised development which is authorised only to the extent that such works are unlikely to give risk to any materially

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		new or materially different environmental effects to those assessed in the environmental statement. Including this control in article 2(1) is not well precedented; of the five recently made solar DCOs analysed here, only one of them has this provision in article 2 (Stonestreet).
	2. Removal of Article 9 (Planning permission) because it is not considered necessary and creates potential ambiguity.	The purpose of the former article 9 in the Stonesteet Green Solar Order 2025 and the equivalent provision in article 43 of the **Draft DCO [EN010157/APP/3.1 Revision 9]**, is to allow the DCO and other local planning permissions to coexist without creating enforcement conflicts, or creating a situation in which either the DCO (if granted) or the planning permission is then deemed to be unlawful. The Applicant maintains its previous position on including article 43 (Planning Permission) in the **Draft DCO [EN010157/APP/3.1 Revision 9]**. Please refer to paragraphs 1.3.47 to 1.3.5 of the **Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP4-037]** and section 4.44 of the **Explanatory Memorandum [EN010157/APP/3.2 Revision 7]** for justification on including this article and relevant precedent cited in support of it.

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
	3. Removal of (former) Article 20(9) (Discharge of water) for consistency with previous DCOs	A discharge of water article is standard across DCOs to establish the statutory authority for the Applicant to discharge water and trade effluent into a sewer, watercourse or drain in connection with carrying out the authorised development. The equivalent provision in the **Draft DCO [EN010157/APP/3.1 Revision 9]** to the former article 20(9) of the Stonestreet Green Solar Order 2025, is article 19(9) and provides that a person who fails to notify the undertaker of its decision in respect of an application for consent within 28 days of the application being made is deemed to have given consent. This provision with the time limit stipulation is necessary to remove the risk of delay and provide certainty that the authorised development can be delivered in a timely fashion. It would be disproportionate for an NSIP to be at risk of being held up due to a failure by a secondary consenting authority to respond to an application for consent. The Applicant maintains its position as set out in the **Explanatory Memorandum [EN010157/APP/3.2 Revision 7]** for retaining this provision. This provision is precedented in other solar DCOs, including article 18(10) of the Byers Gill Solar Order 2025, article 14(10) of the Heckington Fen Solar Park Order 2025, article 13(9) of the Cleve Hill Solar Park Order 2020 and other recently made non-solar DCOs

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		including article 16(9) of the Mona Offshore Wind Farm Order 2025, article 19(7) of the A122 (Lower Thames Crossing) Development Consent Order 2025, and article 19(9) of the London Luton Airport Expansion Development Consent Order 2025.
	4. Removal from (former) Articles 20 (Discharge of water) and 21 (Authority to survey and investigate the land) of references to not unreasonably withholding consent, as this is covered by (former) Article 47 (Requirements, appeals, etc.).	Several made DCOs contain articles which incorporate a provision by which the applicant must obtain consent, agreement or approval from a third party before it may do something and that such consent, agreement or approval shall not be unreasonably withheld, as is the purpose of the former provisions (article 20(3) and (4) and 21(4)(b) of the Stonestreet Green Solar Order 2025. This precedented approach is necessary to remove the possibility for undue delay and to provide certainty that the authorised development can be delivered in a timely fashion. This approach is also considered to be proportionate in that, having undertaken extensive pre-application consultation and the order having been rigorously examined, the delivery of the authorised development should not be held up unreasonably, if it has been approved by the Secretary of State. The equivalent provisions in the **Draft DCO [EN010157/APP/3.1 Revision 9]** are found in article 19(3) and (4)(a) (Discharge of water) and article 21(4) (Authority to survey and investigate the land) and are

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		required to avoid any unnecessary delay to the authorised development. The Applicant recognises that there is a catch-all provision in article 49(1) (Requirements, appeals, etc.) of the **Draft DCO [EN010157/APP/3.1 Revision 9]** in relation to applications and requests made to statutory authorities and that approval of these applications should not be unreasonably delayed. Notwithstanding that, article 49, in particular paragraphs (2) and (3), is performing other functions by providing a formal process for dealing with the requirements in Schedule 2 and provides the undertaker with a right of appeal to the Secretary of State if an application is made to discharge a requirement and that application is refused or not determined. Inclusion of this article and procedure is considered necessary to ensure the expedient delivery of the authorised development and goes beyond the provisions in articles 19(3) and (4)(a) and 21(4) of the **Draft DCO [EN010157/APP/3.1 Revision 9].** The Applicant therefore considers the inclusion of the wording in articles 19(3) and (4)(a) and 21(4) of the **Draft DCO [EN010157/APP/3.1 Revision 9]** necessary and appropriate. Articles 19(3) and (4)(a) and 21(4) of the **Draft DCO [EN010157/APP/3.1 Revision 9]** are precedented in recently made solar DCOs including in article 18(3) and

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		(4)(a) and article 20(3) of the Byers Gill Solar Order 2025 and article 14(1)(3) and (4)(a) and article 16(4) of the Heckington Fen Solar Park Order 2025. Article 49 of the **Draft DCO [EN010157/APP/3.1 Revision 9]** is precedented in a number of made DCOs including article 36 of the Cleve Hill Solar Park Order 2020, article 18 of the Little Crow Solar Park Order 2022, and article 43 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022.
	5. Amendments to (former) Article 31(3) (Temporary use of land for carrying out the authorised development) to clarify that the undertaker may not remain in possession of land under (former) Article 31 for longer than reasonably necessary.	The Applicant does not deem it necessary to add the wording that was inserted by the Secretary of State in Stonestreet Green Solar Order 2025 to article 33(4) of the **Draft DCO [EN010157/APP/3.1 Revision 9]** because the provisions in sub-paragraphs (a) and (b) of article 33(4) provide stringent controls on the length of time that the undertaker can remain in temporary possession of land. The timeframes stipulated in sub-paragraphs (a) and (b) of article 33(4) of the **Draft DCO [EN010157/APP/3.1 Revision 9]** are well precedented in recently made solar DCOs including article 30(4)(a) and (b) of the Tillbridge Solar Order 2025, article 30(4)(a) and (b) of Byers Gill Solar Order 2025 and article 39(4)(a) and (b) of the East Yorkshire Solar Farm Order 2025. The modified wording inserted into the Stonestreet Green

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		Solar Order 2025 is not precedented in these solar DCOs.
	6. Amendment to Part 1 Requirement 8 (Landscape and biodiversity) to ensure that the Proposed Development will result in a net gain of at least 100% in area-based habitat units, at least 10% in hedgerow units, and at least 10% in watercourse units.	Please refer to the Applicant's response to WQ 3.6.2, in the main body of this document, which details the Applicant's position on the inclusion of a requirement relating to BNG.
	7. Amendment to Part 1 Requirement 12(3) (Operational management plan) to clarify that the Operational Management Plan (OMP) must be maintained throughout the operation of the relevant part of the development to which the OMP relates.	The equivalent requirement in the **Draft DCO [EN010157/APP/3.1 Revision 9]** is Requirement 14 (Operational environmental management plan). Section 7 of the **Outline OEMP [EN010157/APP/7.3 Revision 4]** provides a process for monitoring and inspections of the effectiveness of the measures set out in the OEMP for the duration of operation. Paragraph (3) of Requirement 14 of the **Draft DCO [EN010157/APP/3.1 Revision 9]** stipulates that "*the operation of the authorised development must be carried out in accordance with the approved OEMP*". Therefore, the Applicant does not deem it necessary to add in the additional wording modified in the Stonestreet Green Solar Order 2025 because the current wording of paragraph (3) of Requirement 14 of the **Draft DCO [EN010157/APP/3.1 Revision 9]** and the provisions in section 7 of the **Outline OEMP [EN010157/APP/7.3 Revision 4]** will ensure that the OEMP will be

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		maintained through the operation of the authorised development. This modified wording is not included in a number of recently made solar DCOs including the Byers Gill Solar Order 2025 and the East Yorkshire Solar Farm Order 2025.
Tillbridge Solar Order 2025		
Tillbridge Solar Order 2025 Link to made DCO Link to Secretary of State decision letter	Paragraph 9.1(a)(IV) of the decision letter: Amendment to the definition of "Order land" to define the land used by reference to the land and Crown lands plan and the book of reference.	The Applicant does not consider it necessary to include a reference to "Crown land plans" in the definition of "Order land" in article 2(1) of the **Draft DCO [EN010157/APP/3.1 Revision 9]**. The definition of "Order land" in article 2(1) of the **Draft DCO [EN010157/APP/3.1 Revision 9]** already makes reference to the land plans and book of reference which is the precedented approach, as seen in article 2(1) of including the Byers Gill Solar Order 2025 and article 2(1) of the East Yorkshire Solar Farm Order 2025. The Land Plans contain the land included in the **Crown Land Plans [REP2-056]**.
	Paragraph 9.1(b) of the decision letter: Article 6 (application and modification of statutory provisions): deletion of provisions relating to planning permissions	Please see the response to modification entry (2) of the Stonestreet Green Solar DCO 2025 above. The Applicant maintains its previous position on including article

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
	because they are not considered necessary and create potential confusion.	43 (Planning Permission) in the **Draft DCO [EN010157/APP/3.1 Revision 9]**. Please refer to paragraphs 1.3.47 to 1.3.5 of the **Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP4-037]** and section 4.44 of the **Explanatory Memorandum [EN010157/APP/3.2 Revision 7]** for justification on including this article and relevant precedent.
	Paragraph 9.1(i) of the decision letter: As set out above, the Secretary of State has also added a new sub-paragraph 2 to requirement 8 (biodiversity net gain) to ensure that biodiversity net gain in area-based habitat units will be delivered.	Please refer to the Applicant's response to WQ 3.6.2, in the main body of this document, which details the Applicant's position on the inclusion of a requirement relating to BNG.
Byers Gill Solar Order 2025		
Byers Gill Solar Order 2025 Link to made DCO Link to Secretary of State	Paragraph 9.3 of the decision letter: The Secretary of State has removed paragraph (2), Article 3 (Development consent etc. granted by the Order). The SoS considered that the disapplication provision was vague and that disapplications were considered and captured elsewhere in the Order.	The equivalent provision in the **Draft DCO [EN010157/APP/3.1 Revision 9]** is article 3(2) and ensures that any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of the Order. The Applicant does not consider it sensible to remove this provision to align with the modification made by the Secretary of State in the Byers Gill Solar Order 2025. This provision serves to ensure that any existing enactments applying to land within or adjacent to the

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
decision letter		Order limits do not override or conflict with the provisions of the Order and thereby hinder the construction and operation of this nationally significant infrastructure project. The Applicant has carried out a proportionate search of local legislation that applies within reasonably close proximity to land within the Order limits, but no search can be completely exhaustive and there remains the possibility that a local Act or provision may have been overlooked. Including this article ensures that the construction and operation of the authorised development are not jeopardised by any incompatible statutory provisions which might exist, i.e. a provision which would be an absolute restriction that could not be dealt with except by statutory amendment. The provision would prevent delay in this situation by ensuring that the authorised development could be constructed without impediment. This provision is well precedented in non-solar DCOs including article 3(3) of the A122 (Lower Thames Crossing) Development Consent Order 2025, article 3(2) of the London Luton Airport Expansion Development Consent Order 2025 and article 3(2) of the M42 Junction 6 Development Consent Order 2020.

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
	Paragraph 9.10 of the decision letter: The Secretary of State has added Article 18 (Discharge of water) paragraph (8) to clarify that the Order does not permit certain potentially harmful water discharge activities.	Paragraph (8) of article 18 (Discharge of water) of the Byers Gill Solar Order 2025 does not permit any activity listed in paragraph 3(1) of Schedule 21 to the Environmental Permitting (England and Wales) Regulations 2016. The Applicant does not consider it necessary to include this provision in article 19 (Discharge of water) of the **Draft DCO [EN010157/APP/3.1 Revision 9]**. Paragraph 3(1) of Schedule 21 of the Environmental Permitting (England and Wales) Regulations 2016 (**the 2016 Regulations**) defines what a "water discharge activity" means. Regulation 12(1)(b) of the 2016 Regulations prevents a person from causing or knowingly permitting a "water discharge activity" without authorisation by an environmental permit. Paragraph (7) of article 19 of the **Draft DCO [EN010157/APP/3.1 Revision 9]** prevents "the entry into controlled waters of any matter whose entry or discharge into controlled waters requires a licence in accordance with the Environmental Permitting (England and Wales) Regulations 2016". Paragraph (7) of article 19 of the **Draft DCO [EN010157/APP/3.1 Revision 9]** therefore already contains the requisite controls to prevent any "water

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		discharge activities" referred to in paragraph 3(1) of Schedule 21 of the 2016 Regulations, without a licence. The provision added to article 18 of the Byers Gill Solar Order 2025 is therefore not necessary to add to article 19 of the **Draft DCO [EN010157/APP/3.1 Revision 9]** and would result in duplicative controls. This provision is not found in article 14 of the Oaklands Farm Solar Park Order 2025, article 16 of the East Yorkshire Solar Farm Order 2025, or article 18 of the Tillbridge Solar Order 2025.
	Paragraph 9.11 of the decision letter: The Secretary of State has added Article 25 (Acquisition of subsoil only), paragraph (2) to say that paragraph (1) of article 25 does not apply in relation to any existing mines or mining activity. There is no CA of mining rights so the Secretary of State considers this paragraph necessary.	This addition of paragraph (2) to Article 25 of the Byers Gill Solar Order 2025 ensures that the compulsory acquisition of subsoil does not apply to existing mines or mining activity. The Applicant does not consider it necessary to add this modification to the **Draft DCO [EN010157/APP/3.1 Revision 9].** Mining and mineral rights are governed by separate legislation (e.g., Mines (Working Facilities and Support) Act 1966, Coal Industry Act 1994, and other sector-specific regimes). These provide clear rights and obligations for existing mining operations, including compensation and consent requirements. The absence of this clause does not remove protections for mine owners; it simply avoids redundant drafting. Courts

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		interpret DCO powers subject to existing rights and statutory regimes, so the safeguard is already implicit. This is not a well precedented provision. It does not appear in article 28 of the Stonestreet Green Solar Order 2025, article 26 of the Tillbridge Solar Order 2025, article 22 of the Oaklands Farm Solar Park Order 2025 or article 25 of the East Yorkshire Solar Farm Order 2025.
	Paragraph 9.14 of the decision letter: The Secretary of State has removed former Article 44 (inconsistent planning permissions) because it is not necessary.	Please see the response to modification entry (2) of the Stonestreet Green Solar DCO 2025 above. The Applicant maintains its previous position on including article 43 (Planning Permission) in the **Draft DCO [EN010157/APP/3.1 Revision 9]**. Please refer to paragraphs 1.3.47 to 1.3.5 of the **Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP4-037]** and section 4.44 of the **Explanatory Memorandum [EN010157/APP/3.2 Revision 7]** for justification on including this article and relevant precedent.
	Paragraph 9.19 of the decision letter: The Secretary of State has amended Requirement 12 (Landscape and ecological management plan (LEMP)) of Schedule 2, paragraph 2, sub-paragraphs (g) and (h) to provide for biodiversity and adaptive management.	Please refer to the Applicant's response to WQ 3.6.2, in the main body of this document, which details the Applicant's position on the inclusion of a requirement relating to BNG. In respect of adaptive management, there are a number of provisions within the **Outline LEMP**

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		[EN010157/APP/7.5 Revision 9] which deal with ongoing monitoring processes. By way of example, paragraph 19.2.1 of the Outline LEMP sets out remedial actions to ensure that if any of the BNG condition criteria are not being met, in line with Appendix D - Indicative Environmental Masterplan of the OLEMP and **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [REP2-023]**, this will be remediated to ensure that the condition criteria are met. Paragraph 19.3.3 of the Outline LEMP sets out a detailed framework for the monitoring of mitigation and enhancement areas and indicates criteria that must be met with Table 20.1 including a detailed indicative monitoring programme. Finally, Appendix A – Annual Maintenance Schedule of the **Outline LEMP [EN010157/APP/7.5 Revision 9]** gives a range of criteria that should be met and suggests remedial actions. Requirement 9 (Landscape and ecological management plan) paragraph (2) of the **Draft DCO [EN010157/APP/3.1 Revision 9]** stipulates that the final LEMP must be substantially in accordance with the outline LEMP. As the **Outline LEMP [EN010157/APP/7.5 Revision 9]** already provides a process for monitoring and the criteria that must be met, with the final LEMP addressing these matters in greater

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		detail, the Applicant does not consider it necessary to change the drafting of Requirement 9 of the **Draft DCO [EN010157/APP/3.1 Revision 9]** to reflect the amendments made in the Byers Gill Solar Order 2025.
	Paragraph 9.23 of the decision letter: The Secretary of State has amended paragraph 8, sub-paragraph 1, Part 1 of Schedule 11 (Protective Provisions) to clarify the position on costs.	This modification makes reference to the inclusion of costs or compensation payable in connection with the acquisition of land. The equivalent provision in the **Draft DCO [EN010157/APP/3.1 Revision 9]** is part 1 of Schedule 12, paragraph 9, sub-paragraph (1). The Applicant does not deem it necessary to include this modified provision. The undertaker's duty to pay "reasonable expenses" for apparatus works is sufficient. Expanding this obligation to include compensation associated with land acquisition risks introducing obligations that go beyond the scope of standard protective provisions. The protective protections are intended to address apparatus as opposed to land rights. Compensation relating to land acquisition is specifically dealt with in Part 5 of the **Draft DCO [EN010157/APP/3.1 Revision 9]**. This is not a well precedented provision in solar DCOs. It is not found in the protective provisions in the Stonestreet Green Solar Order 2025, the Tillbridge

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		Solar Order 2025, the Oaklands Farm Solar Park Order 2025 or the East Yorkshire Solar Farm Order 2025.
Oaklands Farm Solar Park Order 2025		
Oaklands Farm Solar Park Order 2025 Link to made DCO Link to Secretary of State decision letter	Paragraph 9.1(b)(iv) of the decision letter: Amendment of the definition of "Order Land" such that it includes land that is required for, or is required to facilitate, or is incidental to, the authorised development.	The Applicant does not consider it necessary to add this provision to the definition of "Order land" in article 2(1) of the **Draft DCO [EN010157/APP/3.1 Revision 9]**. The definition of "Order land" refers to both the Land Plans and the Book of Reference, making it a more than adequate description of the land within the Order limits. The modification does not add any further clarity to the definition since all of the land shown on the Land Plans and described in the Book of Reference is required for, or is required to facilitate, or is incidental to, the authorised development. This provision is not well precedented in solar DCOs. Other recently made solar DCOs do not include this provision in their definitions of "Order land", such as the Stonestreet Green Solar Order 2025, the Tillbridge Solar Order 2025, the Byers Gill Solar Order 2025 and the Heckington Fen Solar Park Order 2025.
	Paragraph 9.1(c)(i) of the decision letter: Amendment to Article 3(3) (Development consent etc. granted by this Order) to make clear that the development consent granted does not authorise works which are likely to give	Please see the response set out above against modification entry (1) in respect of the Stonestreet Green Solar Order 2025, which sets out the Applicant's position on provisions concerning works giving rise to

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
	rise to any materially new or materially different environmental effects. Similar amendments are made to Article 4(3), paragraph 20(2) of Schedule 1 (construction hours), and paragraph 25(2) of Schedule 1 (amendment to approved details).	any materially new or materially different environmental effects.
	Paragraph 9.1(e)(i) of the decision letter: Removal of Article 14(9) (Discharge of water) for consistency with previous DCOs.	Please see the response set out above against modification entry (3) in respect of the Stonestreet Green Solar Order 2025, which sets out the Applicant's position on maintaining article 19 paragraph (9) of the **Draft DCO [EN010157/APP/3.1 Revision 9]** which provides that consent will be deemed to have been granted if the undertaker is not notified of a decision within 28 days of the third party receiving an application.
	Paragraph 9.1(e)(ii) of the decision letter: Removal from Articles 14 (Discharge of water) and 16 (Authority to survey and investigate the land) of references to not unreasonably withholding consent, as this is covered by article 39.	Please see the response set out above against modification entry (4) in respect of the Stonestreet Green Solar Order 2025, which sets out the Applicant's position on maintaining the provisions in article 19(3) and (4)(a) and article 21(4) of the **Draft DCO [EN010157/APP/3.1 Revision 9]** which provides that consent from the relevant statutory authority cannot be unreasonably withheld.
	Paragraph 9.1(f)(iii) of the decision letter: Amendment to Article 24 (Modification of Part 1 of the Compulsory Purchase Act 1965) to clarify the drafting.	The equivalent article is article 30(2) of the **Draft DCO [EN010157/APP/3.1 Revision 9].** The Applicant has reflected on this drafting and agrees that the reference to the "three year period" in paragraph (2) of article 30

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		of the Draft DCO should be removed because this is no longer the correct wording in section 4A of the Compulsory Purchase Act 1965, having been amended by the Levelling-up and Regeneration Act 2023. The Applicant has made a further amendment to this provision in article 30(2), as follows: *'(2) In section 4A(1) (extension of time limit during challenge) –* *(a) for "section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order)" substitute "section 118 of the 2008 Act (legal challenges relating to applications for orders granting development consent"; and* *(b) for the "applicable period for the purposes of section 4" substitute "the five year period mentioned in article 24 (time limit for exercise of authority to acquire land compulsorily) of the Peartree Hill Solar Farm Order 202[ ]".* This amendment has been captured in the **Draft DCO [EN010157/APP/3.1 Revision 9]** submitted at Deadline 5. This amendment ensures consistency between the provisions of the Order and the Compulsory Purchase Act 1965.

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		This is a precedented approach in recently made solar DCOs including article 29(1) of the Stonestreet Green Solar Order 2025 as well as non-solar DCOs including article 29(2) of the London Luton Airport Expansion Development Consent Order 2025.
	Paragraph 9.1(f)(iv) of the decision letter: Amendment to Article 26 (Temporary use of land for carrying out the authorised development) to clarify the drafting.	The modifications made by the Secretary of State to article 26(1)(a) of the Oaklands Farm Solar Park Order 2025 are as follows: "*(1) The undertaker may, in connection with the carrying out of the authorised development— (a)* ***for the purpose of carrying out of the site preparation works, construction and decommissioning of the authorised development****, enter on and take temporary possession of –"* (the bolded wording is the wording that was added). The Applicant does not consider it necessary to reflect the modifications made to article 26(1)(a) of Oaklands Farm Solar Park Order 2025 in article 33 paragraph (1) of the **Draft DCO [EN010157/APP/3.1 Revision 9]**. The extra wording does not add any additional meaning to what is already encapsulated in paragraph (1) of article 33 of the Draft DCO: "in connection with **the carrying out** of the authorised development" (emphasis added). "Carrying out" takes the ordinary meaning of the verbal phrase, for doing or completing something you have set out with the intention to do. Here, this is synonymous to

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		meaning, the execution of tasks required for successful completion of the authorised development. In this context, *the phrase* "carrying out of the authorised development" is already a well-established formulation in DCO drafting and case law, understood to cover all activities that are integral to delivering the authorised development. This includes site preparation, construction, and decommissioning, as these are inherent stages for the execution and completion of any development. Adding further wording to define these activities does not change the scope of the power but risks potential interpretative complications. The above modification of the drafting is not well precedented. The wording does not appear in article 30(1) of the Stonestreet Green Solar Order 2025, article 30(1) of the Tillbridge Solar Order 2025, article 30(1) of the Byers Gill Solar Order 2025, or article 29(1) of the East Yorkshire Solar Farm Order 2025. The Applicant therefore maintains its position that the drafting of article 33 paragraph (1) of the **Draft DCO [EN010157/APP/3.1 Revision 9]** is appropriate and consistent with a large number of precedents.
	Paragraph 9.1(g)(ii) of the decision letter: Deletion of (previously) Article 43 (Inconsistent planning	Please see the response to modification entry (2) of the Stonestreet Green Solar DCO 2025 above. The

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
	permissions) because it is not considered necessary and creates potential ambiguity.	Applicant maintains its previous position on including article 43 (Planning Permission) in the **Draft DCO [EN010157/APP/3.1 Revision 9]**. Please refer to paragraphs 1.3.47 to 1.3.5 of the **Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP4-037]** and section 4.44 of the **Explanatory Memorandum [EN010157/APP/3.2 Revision 7]** for justification on including this article and relevant precedent.
East Yorkshire Solar Farm Order 2025		
East Yorkshire Solar Farm Order 2025 Link to made DCO Link to Secretary of State decision letter	Paragraph 9.1(a)(ii) of the decision letter: Amendment of the definition of "Order land" to clarify that the authorised development in the land plans is "coloured pink, blue, yellow or green", in line with previous Orders.	Please refer to the response to modification 9.1(b)(iv) to the Oaklands Farm Solar Park Order 2025 for the Applicant's explanation for maintaining its position on the drafting of "Order land" in article 2(1) of in the **Draft DCO [EN010157/APP/3.1 Revision 9].**
	Paragraph 9.1(a)(iv) of the decision letter: Addition of article 2(3) (Interpretation) for certainty around the purposes of the authorised development. Paragraph (3) wording added: "*In this Order, references to the purposes of the authorised development includes the construction, maintenance, operation, use and decommissioning of the authorised development*."	The Applicant does not consider it necessary to include the provision in article 2(3) of the East Yorkshire Solar Farm Order 2025 in article 2 of the **Draft DCO [EN010157/APP/3.1 Revision 9]** because it would be superfluous drafting. The Applicant considers that the expression "the purposes of the authorised development" clearly encompasses the construction, maintenance, operation, use and decommission of that development, all of which would be authorised by the provisions of the Order. The interaction of these

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		provisions demonstrates the purposes of the authorised development, and no further clarity is required. Article 2(3) of the East Yorkshire Solar Farm Order 2025 is not well precedented. The provision does not appear in the Stonestreet Green Solar Order 2025, the Byers Gill Solar Order 2025, the Oaklands Farm Solar Park Order 2025 or the Heckington Fen Solar Park Order 2025.
	Paragraph 9.1(b) of the decision letter: Amendments to Part 1, Article 3 (Development consent etc. granted by this Order) to include explicit reference to Schedule 1 and 2, for clarity in connecting to the appropriate shoulder references in those associated Schedules.	Schedule 2 is already referenced in article 3(1) of the **Draft DCO [EN010157/APP/3.1 Revision 9].** The Applicant does not consider it necessary to include reference to Schedule 1 because "authorised development" is defined in relation to Schedule 1 in article 2(1). Including reference to Schedule 1 in article 3(1) would create duplicative drafting. Reference to Schedule 1 in article 3 is not well precedented. Out of the five recently made solar DCOs analysed here, only one of them has this provision in article 3 (East Yorkshire).
	Paragraph 9.1(c) of the decision letter: At Part 3, Article 9(4) (Power to alter layout, etc., of streets), the phrase "and in a form reasonably required" is added to ensure that the proper method of obtaining the street authority's consent is followed.	The Applicant does not consider it necessary to add this wording to article 13(4) of the **Draft DCO [EN010157/APP/3.1 Revision 9].** Article 13(4) provides for the consent of the street authority to be obtained,

DCO	Modification by SoS in decision letter	Position in Peartree Hill draft DCO
		and it is a matter for the street authority to determine what form that consent takes. This modification is also not well precedented. It does not appear in article 11(4) of the Stonestreet Green Solar Order 2025, article 11(4)(b) of the Byers Gill Solar Order 2025, article 9(4) of the Oaklands Farm Solar Park Order 2025, article (9(4) of the Sunnica Energy Farm Order 2024, nor article 9(4) of the Longfield Solar Farm Order 2023. Given that this is not standard drafting in solar DCOs, the Applicant maintains the current drafting of article 13(4) of the **Draft DCO [EN010157/APP/3.1 Revision 9].**
	Paragraph 9.1(g)(ii) of the decision letter: Amendment to Requirement 7 (Biodiversity net gain) to secure minimum biodiversity net gain percentages in the DCO as part of the biodiversity net gain strategy.	Please refer to the Applicant's response to WQ 3.6.2, in the main body of this document, which details the Applicant's position on the inclusion of a requirement relating to BNG.

Appendix 2: 23/03926/STPLF decision notice

County Hall, Beverley, East Riding Of Yorkshire, HU17 9BA Telephone 01482 393939
www.eastriding.gov.uk
Stephen Hunt Director of Planning and Development Management

Neo Environmental Ltd
C/o [redacted]
Cinnamon House
Crab Lane
Warrington
WA2 0XP

Your Ref:
Contact: [redacted]
Email: [redacted]@eastriding.gov.uk
Date: 25 March 2024

Application No: **23/03926/STPLF**

Case Officer: [redacted]

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990

Proposal:	Construction of a Battery Storage Facility consisting of battery storage containers, PCS units, erection of 2.5m high perimeter fencing, 6 CCTV poles/cameras and associated grid infrastructure
Location:	Albanwise Synergy Limited, Creyke Beck Battery Storage, Park Lane, Cottingham, East Riding Of Yorkshire, HU16 5SB,
Applicant:	Albanwise Synergy Ltd
Application type:	Strategic - Full Planning Permission

The above application has been considered by the Council in pursuance of their powers under the above mentioned Act and has been **APPROVED**, in accordance with the terms and details as submitted, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and in order to ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

   NEO00683/110I/A FIGURE 2 - Location plan - wider area - 22 December 2023
   NEO00683/111I/A FIGURE 3 - Location plan - field numbers - 22 December 2023
   NEO00683/117I/A FIGURE 1 - Location plan - 22 December 2023
   NEO00683_091I_A FIGURE 6 REV A - Proposed access track cross section - 22 December 2023
   NEO00683_095I_A FIGURE 8 REV A - Proposed CCTV Elevation - 22 December 2023

Alan Menzies
Executive Director of Planning and Economic Regeneration

NEO00683_097I_A FIGURE 9 REV A - Proposed BESS Unit - Elevations and plans - 22 December 2023

NEO00683_098I_A FIGURE 10 REV A - Proposed DNO Customer Building - Elevations and plans - 22 December 2023

NEO00683_099I_A FIGURE 11 REV A - Proposed EPC Customer Building - Elevations and plans - 22 December 2023

NEO00683_103I_A FIGURE 12 REV A - Proposed Battery Storage Design Comparison - 11 March 2024

NEO00683_112I_A FIGURE 5 REV A - Proposed Infrastructure Layout - Overall - 22 December 2023

NEO00683_113I_A FIGURE 5.1 REV A - Proposed Infrastructure Layout - Sheet 2 - 22 December 2023

NEO00683_114I_A FIGURE 5.2 REV A - Proposed Infrastructure Layout - Sheet 3 - 22 December 2023

NEO00683_115I_A FIGURE 5.3 REV A - Proposed Infrastructure Layout - Sheet 4 - 22 December 2023

NEO00689_116I_A FIGURE 4 REV A - Proposed Infrastructure Layout - Site Plan - 22 December 2023

NEO00683_1001_B FIGURE 7 REV B - Proposed Acoustic Fence - Elevations - 31 January 2024

This condition is imposed in accordance with policy ENV1 of the East Riding Local Plan and for the avoidance of doubt and to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.

3. Prior to commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure that any damage to the public highway and public right of way is identified and repaired. The scheme should:

- identify the programme for the construction works.
- contain details of a deflectograph and/or a video/photographic highway condition survey of the haul and delivery route(s) to the site.
- include a programme and specification for any improvements necessary to ensure the safe operation of the highway network during the construction phase.
- include a programme for carrying out interim dilapidation surveys during the construction works.
- include a methodology for the identification and repair of any damage caused during the construction phase.
- include a programme for carrying out a post-construction dilapidation survey and a scheme for the repair of any damage identified through this survey.

The development hereby approved shall be carried out in accordance with the approved scheme.

This pre-commencement condition is imposed to ensure the safe operation of the highway network during the construction phase and that any mitigation works and repairs to the highway network as a consequence of the development are made in accordance with policies ENV1, EC4 and S8 of the East Riding Local Plan.

4. Prior to the commencement of the development details shall be submitted to and approved in writing by the Planning Authority showing the provision of the temporary vehicle parking, loading, off-loading, manoeuvring facilities and wheel wash facilities for the contractors carrying out building and construction works on the development and no other building or construction works shall be commenced until the temporary vehicle parking, loading, off-loading and

manoeuvring facilities have been provided and used by contractors in accordance with the approved details.

The approved vehicle parking, loading, off-loading and manoeuvring facilities shall be retained and used by contractors during the construction of the buildings on the development.

This pre-commencement condition is imposed to secure adequate parking, servicing, manoeuvring, loading, off-loading and wheel washing facilities within the site during the construction period of the development for contractors' vehicles in the interest of road safety and in accordance with policies ENV1 and EC4 of the East Riding Local Plan.

5. During the construction phase of the proposed development, construction activities and construction traffic movements shall only be carried out between the hours of 07.00 to 19.00 Monday to Friday and 08.00 to 13.00 on Saturdays only, with exception only in the event of an emergency.

   This condition is imposed in order to protect the amenity of residents in the area from the adverse effects of construction site noise during this phase of the proposed development in accordance with policy ENV1 of the East Riding Local Plan.

6. Prior to the battery storage facility being brought into use, an acoustic grade fence with a minimum height of 2.5 metres and a minimum surface density of 15kg/m2 shall be erected in accordance with plan no NEO00683_1001_B FIGURE 7 REV B. The acoustic fence shall be retained and maintained for as long as the development remains in operation. If the acoustic fence falls into disrepair or is damaged, then replacement panels/fence with the same or better acoustic properties shall be provided to the satisfaction of the Local Planning Authority.

   This condition is imposed to protect the amenity of residents in the area from the adverse effects of noise emitted during the operational phase of this development and in accordance with Policy ENV1 of the East Riding Local Plan.

7. The development shall be carried out in accordance with the submitted flood risk assessment (by Neo Environmental dated 03/06/2021, with addendum dated 21/12/2023) and the following mitigation measures it details:

   o Any flood sensitive structures sited within the extent of Flood Zone 3a should be elevated a minimum of 600mm above existing ground level.
   o The batteries are elevated on platforms of open span construction.
   o Access tracks, haul routes and compounds shall not be raised above existing ground level within Flood Zone 3a.
   o Fencing shall be of open construction within Flood Zone 3a. If mesh style fencing is used, it shall be spaced no less than 100mm between strands.
   o The detailed drainage design should be agreed with the Lead Local Flood Authority (LLFA).

   These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

   This condition is imposed to reduce the risk of flooding to the proposed development; to prevent flooding elsewhere by ensuring that there is no displacement of the existing mapped floodplain and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with Policy ENV6 of the East Riding Local Plan.

8. Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

   This condition is imposed to ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents and in accordance with policy ENV6 of the East Riding Local Plan.

9. There shall be no construction of new buildings or siting of plant on site prior to the submission of a Construction Environmental Management Plan (CEMP) in order to understand the impact of development on the principle aquifer. The findings and recommendations of the CEMP must be implemented in accordance with the approved details.

   This condition is imposed in order to ensure that the development can be properly drained and in accordance with policy ENV6 of the East Riding Local Plan.

10. There shall be no piped discharge of surface water from the application site until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

    This condition is imposed to ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network and in accordance with Policy ENV6 of the East Riding Local Plan.

11. Prior to commencement of development details shall be submitted to and approved in writing with the local planning authority of the rights to discharge into the riparian watercourse and that the surface water discharge is to be limited to greenfield run off of 1.4L/s/Ha or 3.5L/s whichever is greater.

    This condition is imposed in order to ensure a satisfactory drainage system is proposed for the site that will not increase the flood risk to the site or adjacent property and in accordance with policy ENV6 of the East Riding Local Plan.

12. The development hereby permitted shall be carried out in accordance with the species mix, establishment and maintenance details contained within Figure 1, Appendix A of the Landscape and Visual Assessment Addendum dwg NEO00683_109I_B (Neo Environmental, dated 21 December 2023).

    This condition is imposed to ensure the development is integrated into the existing landscaping and enhance biodiversity and in accordance with policy ENV4 of the East Riding Local Plan.

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to, and approved in writing, by the Local Planning Authority.

    This pre-commencement condition is imposed in accordance with policy ENV3 of the East Riding Local Plan and in order to provide a reasonable opportunity to record the history of the site which site lies within an area of archaeological interest.

    A Written Scheme of Investigation should include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Notes to applicant/agent:-

Highways

The ERYC Team who are overseeing the Jocks Lodge A164 improvement scheme have asked that the developer continue to liaise with them to ensure there is no conflicts with traffic management / deliveries and access arrangements along the A164 throughout the construction period.

Public Rights of Way

The scale of the Definitive Map and the information contained within the accompanying statement make precise determination of the PROW lines extremely difficult. Applicants should satisfy themselves that they have determined this first prior to submitting an application. Applicants should not use the planning process to determine the width, status or precise route of a public right of way. It may be from time to time that during the application process, during construction, or post construction that evidence is presented to the authority that would suggest that any route incorporated within a development, or adjacent to a development site, is not on the correct line, even though the line on the Definitive Map might appear to be protected. The authority is legally bound to consider this evidence and it could lead to a situation, through no fault of the Planning or Highway Authority that a route is built upon or obstructed by gardens or boundary walls. Applicants should be aware of this and make all reasonable attempts to seek clarification of this prior to commencing development.

The granting of planning permission does not grant permission to obstruct a public right of way, and applicants should ensure that they have protected the line shown on the Definitive Map.

Interference or improvement of the surface of a public right of way requires the specific permission of the PROW section of the East Riding Council. Interference without permission constitutes an offence under the Highways Act.

Applicants should ensure that they have the necessary private vehicular rights to use the public right of way as driving a motor vehicle on a footpath, bridleway or restricted byway may constitute a criminal offence. The rights of way section reserve the right to have sight of this documentary evidence.

Land Drainage

Consent will be required from the Flood Risk Management Section of the Council for the proposed discharge into the watercourse, prior to any works commencing on the site. The applicant should contact the Flood Risk Management Section at Land.Drainage@eastriding.gov.uk for further information.

Humberside Fire and Rescue

Adequate provision of water supplies for firefighting appropriate to the proposed risk should be considered. If the public supplies are inadequate, it may be necessary to augment them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high-risk areas should be located at 90m intervals. Where a building, which has a compartment of 280m2 or more in the area is being, erected more than 100m from an existing fire hydrant, hydrants should be provided within 90m of an entry point to the building and not more than 90m apart. Hydrants for low risk and residential areas should be located at intervals of 240m.

Relevant Planning Policies:

East Riding Local Plan Strategy Document (ERLP SD) (April 2016)

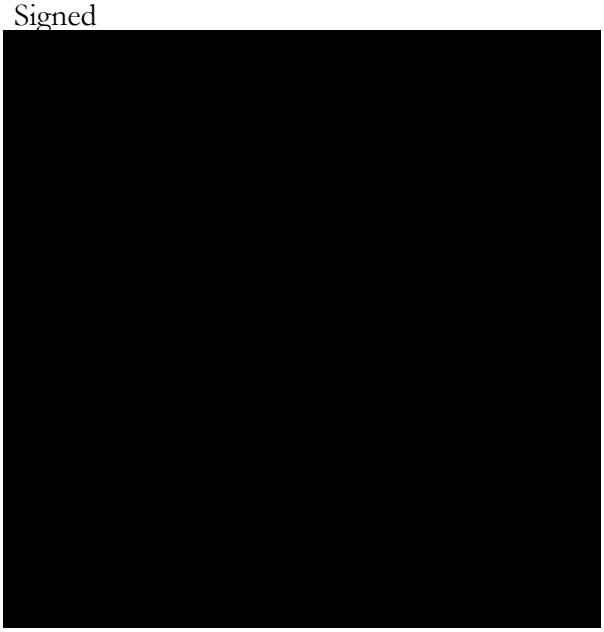
Policy A3 Driffield & Wolds sub area
Policy S1 Presumption in favour of sustainable development
Policy S2 Addressing climate change
Policy S4 Supporting development in Villages and the Countryside
Policy EC1 Supporting the growth and diversification of the East Riding economy
Policy EC4 Enhancing sustainable transport
Policy EC5 Supporting the energy sector
Policy ENV1 Integrating high quality design
Policy ENV2 Promoting a high-quality landscape
Policy ENV4 Conserving and enhancing biodiversity and geodiversity
Policy ENV5 Strengthening green infrastructure
Policy ENV6 Managing environmental hazards

National Planning Policy Framework (NPPF) (2023)

National Design Guide

In making this decision the Council has followed the requirements in paragraph 38 of the National Planning Policy Framework.

Signed



25 March 2024

Stephen Hunt MRTPI
Director of Planning and Development Management

NOTES TO ACCOMPANY THIS DECISION

Appeals to the Secretary of State
If you are aggrieved by this decision you can appeal to the Planning Inspectorate. Appeals can be made online by accessing the Planning Inspectorate website (links shown below) dependant upon the type of application. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone number: 0303 444 5000.

Appeals must be made on the correct forms relating to the type of application you submitted. Information provided as part of the appeal process will be published online.

If you wish to appeal against a decision relating to:

Householder applications - appeals must be made within 12 weeks of the date of this notice; please refer to Planning Inspectorate guidance at **https://www.gov.uk/appeal-householder-planning-decision**

Minor commercial applications - appeals must be made within 12 weeks of the date of this notice; please refer to Planning Inspectorate guidance at **https://www.gov.uk/appeal-minor-commercial-development-decision**

Advertisement consents - appeals must be made within 8 weeks of the date of this notice; please refer to Planning Inspectorate guidance at **https://www.gov.uk/appeal-decision-consent-display-advertisement**

Any other type of application – appeals must be made within 6 months of the date of this notice; please refer to planning Inspectorate guidance at **https://www.gov.uk/appeal-planning-decision**

Appellants requesting an inquiry into their appeal must notify the Local Planning Authority and Planning Inspectorate at least 10 days prior to appeal submission.

Please note - If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, you must appeal within 28 days of the date of this notice. Please refer to Planning Inspectorate guidance at **https://www.gov.uk/appeal-enforcement-notice**

If an enforcement notice is served relating to the same land and development as in your application, you must appeal within 28 days of the date of service of the enforcement notice or within 6 months
(12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notice
If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

Approval of Details Required by Conditions
A fee is payable for the submission of any matters required to be submitted for approval by any conditions attached to this permission. The fee is payable for each submission, not for each condition. Please refer to the council's website at www.eastriding.gov.uk for more information.

RWE Renewables UK Limited
Windmill Hill Business Park,
Whitehill Way,
Swindon,
Wiltshire,
England,
SN5 6PB
www.rwe.com