



# Pearmtree Hill Solar Farm

## Closing Statement

Application Document Ref: EN010157/APP/8.29

December 2025

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## 1 Introduction

### 1.1 Purpose of this Closing Statement

- 1.1.1 This Closing Statement (the 'Statement') has been prepared on behalf of RWE Renewables UK Solar and Storage Ltd (the 'Applicant') to set out the Applicant's final position on key planning matters in relation to the Development Consent Order (DCO) Application for the Proposed Development, to aid the Examining Authority (ExA) and the Secretary of State in their decision making.
- 1.1.2 In summary, it demonstrates why there is a compelling case in favour of the Proposed Development, and why the DCO Application should be granted. It then draws this information together and presents the overall planning balance and case for the Proposed Development.
- 1.1.3 This document provides a high level summary of the Applicant's position on key technical matters, as presented during examination. The Statement does not introduce new material, instead, it draws together information already submitted for examination and seeks to provide clarity on the Applicant's final position on matters raised during the Examination, with reference to the previous submissions the Applicant has made. This document is not intended to set out in full the Applicant's final position on each of the matters addressed; the references provided are relied upon for this purpose.
- 1.1.4 This document signposts to the Applicant's submissions which have been made over the course of the Examination to assist the ExA and Interested Parties in accessing submissions the Applicant considers relevant to the technical matter(s) being discussed. The signposting is not intended to represent an exhaustive list of every submission on a given topic but draws attention to those the Applicant considers to be of most direct relevance.
- 1.1.5 This Statement should be read alongside the DCO Application and all documents and statements submitted by the Applicant during the Examination. In particular, reference should be made to the **Planning Statement [REP4-055]** which sets out the assessment of the Proposed Development against all relevant planning policies.

### 1.2 The Proposed Development

- 1.2.1 The DCO Application is for a Nationally Significant Infrastructure Project (NSIP) for the construction, operation (including maintenance) and decommissioning of a solar Photovoltaic (PV) array electricity generating facility, Battery Energy Storage System (BESS) and associated infrastructure (the 'Proposed Development') which would allow for the generation and export

of electricity. The **Location and Land Area Plan [REP2-049]** shows the Order Limits (the 'Order Limits') for the Proposed Development, which is approximately 893 hectares of land located within East Riding of Yorkshire Council (ERYC or the 'Host Authority').

1.2.2 The Proposed Development includes infrastructure capable of generating more than 50 megawatts (MW) of renewable energy which is to connect to the National Electricity Transmission System at National Grid's Creyke Beck Substation.

1.2.3 The principal components of the Proposed Development include:

- Solar PV modules and associated mounting structures (groupings of solar PV modules are referred to as 'arrays');
- On-site supporting equipment including inverters, transformers, direct current (DC)-DC converters and switchgear;
- A BESS including batteries and associated enclosures, monitoring systems, air conditioning, electrical cables and fire safety infrastructure;
- Two on-site 132 kV substations, including transformers, switchgear, circuit breakers, control equipment buildings, control functions, material storage, parking, as well as wider monitoring and maintenance equipment;
- Low voltage and 33 kV interconnecting cabling within and between the Land Areas to connect the solar PV modules together and to transmit electricity from the solar PV modules and BESS to one of the two on-site 132 kV substations;
- 132 kV underground cables (two 132 kV export cables) connecting the on-site substations to the National Grid Creyke Beck Substation;
- Works at the National Grid Creyke Beck Substation to facilitate the connection of the 132 kV underground cabling into the substation;
- Associated infrastructure including access tracks, parking, security measures, gates and fencing, lighting, drainage infrastructure, storage containers, earthworks, surface water management, maintenance and welfare facilities, security cabins and any other works identified as necessary to enable the development;
- Highways works to facilitate access for construction vehicles, comprising passing places where necessary to ensure that heavy goods vehicles (HGVs) can be safely accommodated amongst existing traffic, new or improved site accesses and visibility splays;
- A series of new permissive paths connecting to the existing public right of way network;
- Environmental mitigation and enhancement measures, including landscaping, habitat management, biodiversity enhancement and amenity improvements; and,

- Temporary development during the construction phase of the Proposed Development including construction compounds, parking and laydown areas.

## 1.3 The Examination Process

- 1.3.1 The Examination of the Proposed Development opened on 22 July 2025 and closes on 6 January 2026. Before and during Examination, the Applicant has worked positively to address and resolve matters raised by statutory consultees, interested parties, and members of the public. At each relevant Examination Deadline, the Applicant has provided comprehensive responses to submissions from Interested Parties.

### Change Applications

- 1.3.2 During the Examination stage, the Applicant submitted three change requests. These are set out below.

#### Change Request 1

- 1.3.3 On 3 June 2025 the Applicant wrote to the ExA **[AS-004]** informing the ExA of its intention to submit a request to make changes/corrections to the Proposed Development. Due to the minor nature of the change/corrections associated with Change Request 1, the Applicant engaged directly with landowners affected by the proposed changes. This Change Request was formally submitted to the ExA on 9 July 2025 **[PDA-001]** and proposed the following changes/corrections:

- 1) Change/correction 1: to remove a section of the proposed solar array from 'Land Area B' to reduce visual effects for the residents of a nearby property and to instead use the land for environmental mitigation; and
- 2) Change/correction 2: to remove three plots from the Order Limits along Carr Lane which were proposed for temporary possession (Plots 10-4, 10-5 and 10-6) but which are no longer required.

- 1.3.4 The ExA confirmed in a letter dated 10 July 2025 **[PD-007]** that they had accepted the above changes/corrections to the DCO Application.

#### Change Request 2

- 1.3.5 On 6 August 2025 the Applicant wrote to the ExA **[AS-015]** informing the ExA of its intention to submit a second change request, to propose seven further changes to the Proposed Development. The Applicant carried out non-statutory consultation on Change Request 2 between 25 July and 5 September 2025. Change Request 2 was formally submitted to the ExA on 10 September 2025 **[REP2-149]** and proposed the following changes:

- 1) **Change 3:** a minor alteration to the Order Limits to enable the creation of a revised access point on the western side of the A165 to aid the laying of the B-B cable route between the solar array areas in Land Area B and for maintenance of that cable during operation.
- 2) **Change 4:** a minor alteration to the Order Limits to improve access for construction of the grid connection cable route on Hull Road/Williams Way A1174 and for maintenance during operation. A change to the Order Limits was required to ensure that this access provides adequate visibility and manoeuvring space for vehicles entering and exiting the site.
- 3) **Change 5:** a minor alteration to the Order Limits to improve access for construction of the grid connection cable route on Long Lane and for maintenance during operation. A change to the Order Limits was required to ensure that this access provides adequate visibility and manoeuvring space for vehicles entering and exiting the site.
- 4) **Change 6:** a minor alteration to the Order Limits to improve access for construction of the grid connection cable route on the approach to National Grid Creyke Beck Substation and to facilitate future access to the grid connection cable route during operation for maintenance. A change to the Order Limits was required to provide additional space for manoeuvring of vehicles.
- 5) **Change 7:** the construction of an additional permanent bridge connecting fields C5/C8. This is required as the existing track and bridge used to cross Monk Dike are not suitable for construction access. No change to the Order Limits was required in connection with this change.
- 6) **Change 8:** a minor alteration to the Order Limits to the north of the Beverley South Western Bypass (A1079) to provide greater flexibility in the placement of the grid connection cable.
- 7) **Change 9:** alterations to the Order Limits to accommodate a new permanent access route directly off the A1035 and the removal of the internal access track off the west of Meaux Lane shown indicatively on sheet 2 of the **Environmental Statement (ES) Volume 3, Figure 4.3: Indicative Environmental Masterplan [APP-058]**. This change would remove any potential impacts on veteran tree T381 and reduce the level of traffic using Meaux Lane during construction of the Proposed Development.

- 1.3.6 The ExA confirmed in a letter dated 19 September 2025 **[PD-011]** that they had accepted the above changes to the DCO Application. As the changes within Change Request 2 (apart from Change 7) included provision for the compulsory acquisition (CA) and temporary possession of additional land, the

Applicant publicised these changes in accordance with the CA Regulations between 25 September and 29 October 2025.

## Change Request 3

1.3.7 On 23 September 2025 the Applicant wrote to the ExA **[AS-017]** informing the ExA of its intention to submit a third change request, to propose four further changes to the Proposed Development. Change Request 3 was formally submitted to the ExA on 31 October 2025 **[REP4-077]**. The Applicant carried out non-statutory consultation on Change Request 3 between 24 September and 22 October 2025. Change Request 3 proposed the following changes:

- 1) **Change 10:** Change to permissive path route around Field D18. The DCO Application included a permissive path loop around Field D18, which would be available for horse riders. Field D18 has been identified as an ecological mitigation area for breeding and wintering bird species associated with the Humber Estuary SPA/Ramsar site. This change involved the removal of the permissive path loop around Field D18 but the retention of a small section in the north-east corner of the field to allow access from Meaux Livery, on the other side of Meaux Lane, to the rest of the permissive path network. The retained section of path would still be available for horse riding.
- 2) **Change 11:** Removal of permissive path loop around Field E6 and extension of permissive paths around Fields E7 and E8. The DCO Application included a permissive path loop around Field E6, which has been identified as an ecological mitigation area for breeding and wintering bird species associated with the Humber Estuary SPA/Ramsar site. This change involved the removal of the permissive path loop around Field E6; relocation of the section of permissive path from the eastern edge of Field E6 to the other side of the hedge, to prevent access to Field E6, and extending the path around Fields E7 and E8 to join up with the rest of the network. This change would compensate for the loss of permissive path loops around Field E6 and D18. The new permissive path route would be made available for horse riding.
- 3) **Change 12:**
  - a) Moving the permissive paths that runs through the proposed biodiversity mitigation areas between Fields D16 and D17 closer to the edge of Field D16. The realigned section of path would still be available for horse riding.
  - b) Realignment of permissive path in Field B2 to run closer to the eastern edge of this field.



- c) Moving permissive path at the north of Field B8 closer to the northern edge of the field, to the edge of the proposed biodiversity mitigation area in this field.
  - d) Moving permissive paths throughout Land Area F closer to the edges of the fields (namely in Fields F9, F10, F14 and F16).
  - 4) **Change 13:** Installation of post and wire fencing between permissive paths and ecological mitigation areas. The total length of the proposed additional post and wire fencing is approximately 6km and would be up to 1m in height.
- 1.3.8 The ExA confirmed in a letter dated 5 November 2025 **[PD-017]** that they had accepted the above changes to the DCO Application
- 1.3.9 In preparing each change request, the Applicant had regard to the Planning Inspectorate's guidance "Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination" (the "Changes Guidance").

## Statements of Common Ground

- 1.3.10 The Applicant has agreed Statements of Common Ground (SoCGs) with key stakeholders, with positions summarised in the **Statement of Commonality [EN010157/APP/9.1 Revision 7]**. At Deadline 6, the Applicant submitted final and signed versions of the following SoCGs:
- **SoCG with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 6]:** one remaining matter where agreement has not been reached.
  - **SoCG with the Environment Agency [EN010157/APP/9.3 Revision 5]:** one remaining matter where agreement has not been reached.
  - **SoCG with the Beverley and North Holderness IDB [EN010157/APP/9.7 Revision 4]:** all matters agreed.
  - **SoCG with Albanwise [EN010157/APP/9.10 Revision 2]:** five remaining matters where agreement has not been reached.
- 1.3.11 At Deadline 5A, the Applicant submitted final and signed versions of the following SoCG:
- **SoCG with East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum [REP5A-034]:** one remaining matter where agreement has not been reached.
- 1.3.12 At Deadline 5, the Applicant submitted final and signed versions of the following SoCGs:
- **SoCG with Natural England [REP5-087]:** all matters agreed.



- **SoCG with National Highways [REP5-089]:** all matters agreed.
- **SoCG with Historic England [REP5-091]:** all matters agreed.
- **SoCG with Yorkshire Wildlife Trust [REP5-093]:** three remaining matters where agreement has not been reached.

1.3.13 The areas of agreement and disagreement between the Applicant and the various Interested Parties are set out in detail in the SoCGs. While the Applicant has been able to reach agreement with many of the Interested Parties, there remain some points of disagreement which have not been possible to resolve during the Examination. The Applicant's position on these matters, as well as that of the relevant Interested Party, is set out in more detail in their respective SoCG.

## 2 Key Matters of Discussion at Examination

2.1.1 This section summarises key matters that were discussed and resolved during Examination as well as setting out the key outstanding matters that remain at the end of Examination.

### 2.1 Key matters that were discussed and resolved during Examination

2.1.2 The following list sets out key matters that were raised and discussed during Examination where the Applicant reached agreement with the relevant stakeholder:

- Air Quality
  - It was confirmed with Hull City Council that it is not necessary to assess potential impacts on Hull Air Quality Management Area 1 based on anticipated construction traffic routeing (see the Applicant's **Response to Rule 17 - Request for Further Information [AS-030]**).
- Biodiversity
  - A number of biodiversity matters were agreed with Natural England, the main ones being in relation to potential impacts to pink-footed geese, potential disturbance of bird mitigation areas, management and monitoring of the mitigation areas, the hydrology of proposed scrape areas, management of bentonite breakout, and proposed mitigation for protected species such as badger.
  - A number of biodiversity matters were agreed with ERYC, the main ones being in relation to the suitability of proposed mitigation areas, potential impacts to Figham Pastures Local Wildlife Site, potential impacts to veteran and category A/B trees, and the assumptions behind the Biodiversity Net Gain (BNG) Assessment and mechanism by which it would be secured.
  - The inclusion of a detailed grazing strategy within the Landscape and Ecological Management Plan was agreed with Yorkshire Wildlife Trust, including that the Trust will be consulted in relation to the strategy.
- Cultural heritage
  - The overall conclusion of no residual significant effects to specific heritage assets, i.e. Meaux Abbey Farm, Church of St. Margaret and Site of Meaux Cistercian Abbey, was agreed with ERYC.
- Landscape and Visual

- Locations of additional screening hedgerow planting were agreed with ERYC's landscape consultants, as were matters in relation to planting sequencing and potential effects of construction lighting.
- Transport and Access
  - Proposed access arrangements and mitigation measures at the junction of the A1035 and the private farm track following change 9 to the DCO Application (see **Change Application (September 2025) [REP2-149]**) were agreed with ERYC.
- Water
  - Rainfall management and the drainage approach applied to the on-site substations and hybrid BESS/inverter packs were agreed with the Beverley and Holderness Internal Drainage Board ('the IDB').
  - Matters relating to flood risk, including that the impact on flood defences would be negligible and proposed new watercourse crossings would have minimal impact on flood risk, were agreed with the Environment Agency.

2.1.3 More detail on those matters above and other agreed matters are included within the relevant SoCG.

## 2.2 Key outstanding matters

- 2.2.1 The following section sets out the few remaining matters that have not been agreed by the end of Examination. This section is structured so that, for each outstanding matter, a summary is provided on the topic, then where applicable residual matters of disagreement at the end of the Examination are identified, and finally the Applicant's position on any such residual matter is set out.
- 2.2.2 The outstanding matters covered in this section relate to the following topics:
- Biodiversity – consideration of Leven Carrs Wetland Scheme as a sensitive receptor; consideration of marsh harrier in relation to functionally linked land; and the timeframe for securing BNG
  - Transport and Access – potential use of Park Lane for construction access; access and interaction with Albanwise
  - Water – treatment of fire effluent
  - Public Rights of Way (PRoW) – payment of a one-off monetary contribution to ERYC for PRoW enhancements

## 2.3 Biodiversity

### Summary

- 2.3.1 An assessment of the effects of the Proposed Development on biodiversity, including designated sites, habitats and protected/notable species, is provided

in **ES Volume 2, Chapter 7: Biodiversity [REP4-063]**. The Proposed Development is not anticipated to result in any significant adverse effects on biodiversity, while a significant beneficial effect is anticipated at the local level for ground nesting birds during the operational phase.

- 2.3.2 The Applicant has had proactive and productive engagement with ERYC and Natural England regarding biodiversity and BNG, which has informed the scope and methodology of the assessments, as well as the proposals designed to mitigate the potential impacts of the Proposed Development while delivering a net gain in biodiversity, which are set out and secured in the **Outline Landscape and Ecological Management Plan (LEMP) [EN010157/APP/7.5 Revision 10]**. Some key matters that have been resolved during Examination are listed in Section 2.1. All matters relating to biodiversity in the **Statement of Common Ground (SoCG) with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 6]**, the **SoCG with the Environment Agency [EN010157/APP/9.3 Revision 5]** and the **SoCG with Natural England [REP5-087]** have been agreed.
- 2.3.3 The Applicant has also engaged with Yorkshire Wildlife Trust and has been able to resolve one matter relating to management of grassland and livestock use. However, there are three biodiversity matters where agreement has not been reached, as set out in the **SoCG with Yorkshire Wildlife Trust [REP5-093]** and summarised below.

## Residual matters of disagreement at the end of Examination

### Consideration of Leven Carrs Wetland Scheme as a sensitive receptor

- 2.3.4 Yorkshire Wildlife Trust believe that Leven Carrs Wetland Scheme should be considered as a sensitive receptor during the construction phase of the Proposed Development based on it being ecologically linked to Leven Canal Site of Special Scientific Interest (SSSI), Tophill Low SSSI, and Pulfin Bog SSSI. Yorkshire Wildlife Trust disagree with the Applicant's approach of scoping out the three SSSIs mentioned above from assessment within the ES.

### Functionally linked land - marsh harrier

- 2.3.5 Yorkshire Wildlife Trust agree with the conclusions of the **Habitats Regulations Assessment – Information to inform Appropriate Assessment [REP5A-004]** that the Site and adjacent agricultural land can be considered functionally linked land for lapwing, golden plover and the other species mentioned in **ES Volume 2, Chapter 7: Biodiversity [REP4-063]**. However, they believe that marsh harrier should also be considered, as they note that two breeding pairs are known to reside in Tophill Low SSSI and Yorkshire Wildlife Trust believe the Applicant should consider this site as a sensitive receptor to potential impacts of the Proposed Development.

## Timeframe for securing Biodiversity Net Gain

- 2.3.6 Yorkshire Wildlife Trust disagree with the proposed timeframe within which habitat creation/enhancement, and therefore BNG, associated with the Proposed Development would be secured. While Yorkshire Wildlife Trust accept that the Proposed Development is temporary (with an anticipated lifetime of 40 years, after which it would be decommissioned) and subject to landowner agreements, their position is that areas of habitat creation/enhancement, and therefore benefits of BNG, should be secured in perpetuity, rather than potentially being returned to a different use (once returned to the landowner in private ownership) following decommissioning of the Proposed Development.

## Applicant's position on residual matters

### Consideration of Leven Carrs Wetland Scheme as a sensitive receptor

- 2.3.7 The Applicant does not consider it necessary or appropriate for the Leven Carrs Wetland Scheme, or the three SSSIs that lie within it, to be scoped into the assessment within the ES.
- 2.3.8 The Leven Carrs Wetland Scheme is not a statutory or non-statutory designated site and therefore has not been assessed as an ecological receptor.
- 2.3.9 Pulfin Bog SSSI is approximately 3.4km from the Proposed Development (i.e. outside of the 2km study area for national statutory designated sites as set out in **ES Volume 2, Chapter 7: Biodiversity [REP4-063]**) and is separated from the Site by the busy A1035 road and extensive areas of farmland. Therefore, it was not included within the assessment. Since the removal of Land Area A and Cable A-B from the Order Limits prior to submission of the DCO Application (as set out in Table 4-3 of **ES Volume 1, Chapter 4: Alternatives and Design Iteration [APP-040]**), Tophill Low SSSI (approximately 5.3km from the Order Limits) and Leven Canal SSSI (approximately 1.1km from the Order Limits) have been scoped out of the assessment due to distance from the Site, lack of hydrological linkages to the Proposed Development, and intervening features between the Proposed Development and the SSSIs.
- 2.3.10 Furthermore, Pulfin Bog SSSI, Leven Canal SSSI and Tophill Low SSSI are all situated upstream of the River Hull. Measures aimed to reduce potential effects to the River Hull will be included within the Construction Environmental Management Plan if required. However, given that works within 50m of the River Hull are restricted to horizontal directional drilling associated with the grid connection cable route under the river (a commitment for HDD launch/receptor pits to be positioned a minimum of 50m from Main Rivers is secured in the **Outline Construction Environmental Management Plan (CEMP) [EN010157/APP/7.2 Revision 7]**), it is anticipated that the measures within the **Outline CEMP [EN010157/APP/7.2 Revision 7]**, which is secured by

Requirement 4 of the **draft DCO [EN010157/APP/3.1 Revision 10]**, ensure there would be no significant effects to the SSSIs associated with the Leven Carrs Wetland Scheme.

- 2.3.11 This matter is captured as item YWT01 within the **SoCG with Yorkshire Wildlife Trust [REP5-093]**.
- 2.3.12 It is worth noting that no statutory consultees have raised concerns over potential effects of the Proposed Development on the three SSSIs that form part of the Leven Carrs Wetland Scheme since the removal of Land Area A and Cable A-B from the Proposed Development.

## Functionally linked land - marsh harrier

- 2.3.13 The Applicant has not included specific mitigation within the Proposed Development for marsh harrier as this would not be appropriate or proportionate based on the results of the bird surveys undertaken for the Proposed Development and the distance of the Proposed Development from potential marsh harrier breeding habitat at Tophill Low SSSI, where Yorkshire Wildlife Trust note that two breeding marsh harrier pairs are known to reside.
- 2.3.14 Tophill Low SSSI is approximately 5.3km from the Order Limits and the breeding habitat associated with this designated site will not be affected by the Proposed Development. As detailed within **ES Volume 4, Appendix 7.3: Breeding Bird Survey Report [APP-107]**, no breeding marsh harrier have been recorded within or adjacent to the Site. In addition, as set out in their **Comments on the Deadline 4 Submissions and Comments on the Report on Implications for European Sites [REP5-102]**, Natural England have confirmed that *“marsh harrier are not a designated feature of Tophill Low SSSI, and that the land within the Order Limits would therefore not be considered to constitute functionally linked land for this species”*.
- 2.3.15 It is worth noting that the existing habitat within the Site which may constitute suitable low value foraging habitat for marsh harrier is limited to the field drainage systems and adjacent field margins, most of which will remain unaffected by the Proposed Development. The proposed extensive ground nesting bird and Humber Estuary SPA/Ramsar bird mitigation areas, including the creation of scrapes, in addition to ecological enhancement measures detailed within the **Outline LEMP [EN010157/APP/7.5 Revision 10]**, are likely to benefit a range of non-target species, including marsh harrier.
- 2.3.16 This matter is captured as item YWT05 within the **SoCG with Yorkshire Wildlife Trust [REP5-093]**.

## Timeframe for securing Biodiversity Net Gain

- 2.3.17 The Applicant considers the timeframe for which the maintenance and management of habitats associated with the Proposed Development are



secured (i.e. the anticipated 40-year lifetime of the Proposed Development) to be appropriate and aligned with national planning policy.

- 2.3.18 The BNG proposed to be delivered as part of the Proposed Development is presented in **ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [REP2-023]**. The maintenance and management of habitat creation/enhancement associated with the proposed BNG is secured for the lifetime of the Proposed Development through the **Outline LEMP [EN010157/APP/7.5 Revision 10]**, which is secured by Requirement 9 of the **draft DCO [EN010157/APP/3.1 Revision 10]**. As set out in the **Outline Decommissioning Environmental Management Plan (DEMP) [REP5-065]**, at the end of the Proposed Development's lifetime areas of community accessible land and environmental mitigation and enhancement areas will be returned to the landowner in private ownership.
- 2.3.19 The Applicant notes the recent decision on the Tillbridge Solar DCO, for which the Secretary of State agreed that BNG need only be maintained for the lifetime of the development (at paragraph 4.18). This is in line with paragraph 5.4.44 of the Overarching National Policy Statement for Energy (NPS EN-1) which requires that *"Any habitat creation or enhancement delivered including linkages with existing habitats for compensation or biodiversity net gain should generally be maintained for a minimum period of 30 years, or for the lifetime of the project, if longer"*.
- 2.3.20 This matter is captured as item YWT09 within the **SoCG with Yorkshire Wildlife Trust [REP5-093]**.

## 2.4 Transport and Access

### Summary

- 2.4.1 An assessment of the effects of the Proposed Development on transport and access, including highways links and junctions, is provided in **ES Volume 2, Chapter 14: Transport and Access [REP4-018]** and **ES Volume 4, Appendix 14.1: Transport Assessment [REP4-025]**. The Proposed Development is not anticipated to result in any significant adverse effects in relation to transport and access.
- 2.4.2 The Applicant has had proactive and productive engagement with ERYC, which has informed the scope and methodology of the assessment, as well as the proposals designed to mitigate the potential impacts of the Proposed Development, including highways works such as the creation of passing places and road widening where necessary, and temporary traffic management measures such as the use of bankspeople or temporary speed limit reductions. Mitigation measures are set out and secured in the **Outline Construction Traffic Management Plan (CTMP) [EN010157/APP/7.7 Revision 7]**. One of the key matters that has been discussed and agreed during Examination relates to access arrangements at the junction of the



A1035 and the private farm track following change 9 to the DCO Application (see **Change Application (September 2025) [REP2-149]**).

- 2.4.3 The Applicant has also engaged with Albanwise in relation to change 9 to the DCO Application regarding transport interfaces with the neighbouring proposed solar developments, Carr Farm Solar Farm and Field House Solar Farm.
- 2.4.4 All matters relating to transport and access in the **SoCG with National Highways [REP5-089]** have been agreed, as have all but one of the matters in the **SoCG with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 6]** and two of the matters in the **SoCG with Albanwise [EN010157/APP/9.10 Revision 2]**. The only transport and access matters where agreement has not been reached relate to the potential use of Park Lane for construction access, and transport interfaces with Albanwise, as set out in the **SoCG with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 6]** and the **SoCG with Albanwise [EN010157/APP/9.10 Revision 2]** respectively and summarised below.

## Residual matters of disagreement at the end of Examination

### Park Lane construction access

- 2.4.5 ERYC disagree with the Applicant's proposed use of Park Lane, Cottingham for the routing of construction traffic (HGVs) as they believe it would have an impact on highway safety. ERYC express concerns regarding Park Lane not being suitable to accommodate HGV traffic, potential visibility issues at the junction of Park Lane with Northgate, constraints due to residents parking on Park Lane, and the safety of users of the PRoW (Skidby footpath no.17) that runs along a section of Park Lane.
- 2.4.6 ERYC's preference is for the Applicant to use an alternative access, such as those pending planning permission from the A1079. ERYC therefore welcome the Applicant's commitment in the **Outline CTMP [EN010157/APP/7.7 Revision 7]** to explore the use of the alternative access off the A1079 should it become available to use at an appropriate time to avoid disruption or delay to the construction programme of the Proposed Development. The commitment includes that *"In the event that the Applicant is in a position to utilise the alternative access off the A1079, it would no longer seek use of Park Lane"*, which was added in response to ERYC's request for assurances that use of the alternative access would remove the use of Park Lane. However, ERYC are not in agreement that the fallback option would be the use of Park Lane, should the Applicant not be in a position to utilise the alternative access off the A1079.
- 2.4.7 It is worth noting that ERYC state that if the ExA is minded to allow the use of Park Lane for construction, they would like to see further restrictions such as construction traffic along Park Lane being permitted only between 09:30-15:00, avoiding the school and network traffic peaks. Other mitigation ERYC

suggest should be considered includes additional passing places, temporary traffic regulation orders and parking restrictions.

## Access and interaction with Albanwise

- 2.4.8 While Albanwise agree in principle that Plot 2A-4 (see the **Land Plans [EN010157/APP/2.4 Revision 6]**) could be used for traffic associated with the Proposed Development, they have expressed concerns over the potential volume of traffic and the interface with other users of the existing access track, particularly agricultural vehicles and vehicles associated with the consented Field House Solar Farm. Albanwise also have concerns over logistical and safety issues at the access off the A1035 and feel that additional forms of traffic management are required. Further details are provided in Albanwise's **Written Representations [REP4A-006]** and **Comments on Deadline 4A Submissions [REP5A-036]**.

## Applicant's position on residual matters

### Park Lane construction access

- 2.4.9 The Applicant maintains its position that Park Lane is an appropriate route for construction access given the short duration of the works in this location (two to three months to complete the laying of the final 700m of the grid connection cable route and connection works into the National Grid Creyke Beck Substation) and the low volume of vehicle movements required (a peak of 10 HGVs per day, i.e. 20 HGV movements, plus 10 LGVs, i.e. 20 LGV movements), especially in comparison to other consented schemes utilising Park Lane (e.g. 23/03926/STPLF, which anticipates a total of 2,004 HGV movements across the construction phase, equating to an anticipated daily maximum of 40 HGV movements along Park Lane), as well as the lack of certainty over when the alternative access route off the A1079 will be delivered, meaning the Applicant cannot rely on it at the current time to provide access to the Proposed Development.
- 2.4.10 Management of construction traffic to provide protection to other road users on Park Lane would be controlled through the Construction Traffic Management Plan, which is secured by Requirement 5 of the **draft DCO [EN010157/APP/3.1 Revision 10]** and which will be substantially in accordance with the **Outline CTMP [EN010157/APP/7.7 Revision 7]**. The **Outline CTMP [EN010157/APP/7.7 Revision 7]** includes a commitment to no construction traffic along Park Lane during school pick-up/drop-off times. This will avoid construction traffic along the nearby road network (e.g. Northgate/Harland Way depending on the final traffic routing) during the pick-up and drop-off times of primary and secondary schools in Cottingham. As part of the development of the Construction Traffic Management Plan, which requires approval by ERYC, the Applicant would consult EYRC on the exact timings of the restriction. Other mitigation measures in the **Outline CTMP [EN010157/APP/7.7 Revision 7]** to safely manage construction traffic on Park

Lane include the use of bankspeople, advanced warning signage and giving priority to other road users.

- 2.4.11 Measures are set out in the **Outline Rights of Way and Access Management Plan [REP2-144]** for the careful management of PRow (including Skidby footpath no.17, which is located on a section of Park Lane) using temporary closures and bankspeople. The Rights of Way and Access Management Plan, which is secured by Requirement 10 of the **draft DCO [EN010157/APP/3.1 Revision 10]**, will confirm the details of measures for managing PRow users and construction traffic.
- 2.4.12 The Applicant has reviewed the most recent five years of personal injury collision data, which includes January 2019 to December 2023, plus a six-month period of unvalidated 2024 (January to June) data along the route between the Site and the A164 (i.e. Park Lane, Northgate and Harland Way). None of the collisions recorded on Park Lane involved an HGV and the frequency of collisions on Park Lane is low, at less than one per year on average. Additionally, all collisions on Park Lane occurred during peak periods of the day, at which time the construction vehicles generated by the Proposed Development would not be travelling on the route. The analysis of the collisions which were reported along the whole route from the A164 roundabout junction with Harland Way to the Site along Harland Way, Northgate and Park Lane demonstrated that the majority of collisions (9 out of 17) occurred during times of the day when construction traffic would be restricted (i.e. outside of school drop off, pick up or between 9am and 4pm). There were also no collision clusters identified with the largest group of collisions occurring at the access to Cottingham High School on Harland Way, where three collisions were recorded (two of which were during school drop off / pick up times). Further details are provided in the Applicant's **Response to Deadline 4 Submissions [REP5-078]**. On this basis, it is considered that there are no existing highway safety issues on Park Lane or the route to the A164 and that any potential issues would be mitigated through the provision of the proposed safety and management measures outlined above.
- 2.4.13 The Applicant also notes that the section of Park Lane between Northgate and the junction with Badgers Wood (to the north of which Park Lane becomes an unmarked track) has a carriageway width greater than the minimum required for two HGVs to pass, which is 5.5m, as set out in the Department for Transport's Manual for Streets. Parking along this section of Park Lane is sporadic and the width of the road enables opportunities for vehicles to give way and pass. To the north of Badgers Wood, the track narrows to generally 4m in width and there are approximately nine existing passing places along the remaining section of Park Lane up to the access to the National Grid Creyke Beck Substation, at which point the track widens to approximately 6.5m. Further details are provided in the Applicant's **Response to Deadline 4 Submissions [REP5-078]**. On this basis, it is considered that no further passing places or measures beyond those already proposed are required. The proposed mitigation measures are considered sufficient to suitably manage the low number of construction vehicles, across a relatively short period of time, in a safe and efficient manner.

- 2.4.14 Notwithstanding the above, which demonstrates the suitability of Park Lane as a construction access route, a commitment has been added to the **Outline CTMP [EN010157/APP/7.7 Revision 7]** to explore the use of the alternative access off the A1079, should it be available at the appropriate time (see paragraph 2.4.6 of this document). The Applicant considers that this suitably addresses action number 2 of the Action Points from Issue Specific Hearing 2 (ISH2) **[EV6-009]**, in which it was agreed that the Applicant would *“Update the outline Construction Traffic Management Plan [REP3-034] to specify that the use of a potential direct access route from the A1079 for construction purposes as opposed to Park Lane would be explored by the applicant further and used if feasible”*, and that it provides the necessary reassurances to ERYC that should the access off the A1079 become available then the Park Lane access would no longer be pursued. The Applicant considers it appropriate to retain the option to use Park Lane should the access off the A1079 not become available so as to avoid disruption or delay to the construction programme of the Proposed Development. The commitment is drafted in the strongest possible terms in light of both the acceptability of utilising Park Lane, and the fact that an alternative would (1) need to be permitted and constructed and (2) any rights would need to be acquired.
- 2.4.15 This matter is captured as item ERYC42 within the **SoCG with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 6]**.

## Access and interaction with Albanwise

- 2.4.16 The Applicant considers the access off the A1035 via the private farm track to be appropriate and that potential road safety issues or conflict with other users of the existing access track can be suitably managed through the implementation of proposed mitigation measures, as agreed with ERYC where relevant and explained further below. Further details can also be found in the **Applicant’s Response to Written Representations [REP5A-031]** and the **Applicant’s Response to Deadline 5 and Deadline 5A Submissions [EN010157/APP/8.28]**. The Applicant has worked with ERYC and Albanwise to develop the design of the access and the relevant proposed additional mitigation measures, which will be refined at the detailed design stage in consultation with the two parties.

### Conflict with users of the existing access track

- 2.4.17 The Applicant has considered and assessed the potential cumulative impact of a scenario in which there is overlap in the construction programmes of the Proposed Development and Field House Farm, details of which are provided in the technical note at Appendix 1 to the **Applicant’s Response to Written Representations [REP5A-031]**. The technical note concludes that there is unlikely to be an overlap in worker trips associated with the two developments and that HGV movements would occur throughout the working day for both sites in line with the timing restrictions set out in their respective Construction Traffic Management Plans and that at the peak for both sites, this would result in an average of 5 HGVs per hour (10 HGV movements). The Applicant

considers this to be a low number which would be proportionately controlled by the management measures proposed by the Applicant.

2.4.18 Notwithstanding the above, the Applicant has updated the **Outline CTMP [EN010157/APP/7.7 Revision 7]**, which is submitted at Deadline 6, to include the following commitments:

- *“In so far as reasonably practicable, the construction activities for Land Areas D and E will be programmed to avoid the use of the existing access track (or such other access as may be created) at the A1035 / Field House Farm junction within the Field House Solar Farm construction phase”; and*
- *“Where internal access tracks intersect with the access tracks for Field House Solar Farm, a priority arrangement will be implemented with priority given to vehicles using the Field House Solar Farm tracks. Give way signs will be installed at the intersection to make drivers aware”.*

2.4.19 The Applicant considers that these measures directly address concerns raised by Albanwise and provide the necessary reassurance that any potential interactions between traffic associated with the Proposed Development and other traffic using the existing access track will be minimised and, should they occur, will be suitably and safely managed.

2.4.20 Albanwise have shared with the Applicant further changes to the outline Construction Traffic Management Plan. The Applicant considers that these do not have a material bearing on the controls already incorporated, and all of these could be accommodated as part of the detailed process, which now includes consultation with Albanwise (secured under Requirement 16), for the discharge of the Construction Traffic Management Plan. The Applicant considers it telling that this most recent iteration provided to the Applicant appears to have immaterial amendments, and underlines both why the post-consent process is more appropriate, and why ERYC has confirmed it has no concerns in this context.

#### Safety at access junction

2.4.21 The Applicant has engaged with ERYC over the use of the access off the A1035 and ERYC's main area of concern was providing sufficient space for two HGVs to pass in close proximity to the junction with the A1035, as there would be an increased chance of this occurring should the two developments be constructed concurrently. This consultation has been taken into account when developing the proposed layout of the access junction and access track, and management measures are proposed to ensure that the access is managed in a simple and collaborative way that can effectively ensure the safe use of the access and track and for all other road users.

2.4.22 As set out in item ERYC42a of the **SoCG with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 6]**, ERYC have since confirmed that the Applicant's plans for an indicative layout for the access at the A1035/private farm track are acceptable and also that the access has



previously been approved and used for other developments of similar HGV movements. ERYC have expressed no concerns over safety at the access off the A1035 based on the junction arrangement and mitigation proposed by the Applicant, and they confirmed during Issue Specific Hearing 3 (ISH3) (see Transcript of Issue Specific Hearing 3 (ISH3) - Part 1 **[EV9-003]**) that they would not require a Road Safety Audit to be undertaken at the junction with the A1035. It is worth noting that the access designs that have been prepared to date are preliminary designs. As is the case for all other highway designs, these will be subject to detailed design which will be provided post-consent and will require approval by the local planning authority, as secured by Requirement 3 of the **draft DCO [EN010157/APP/3.1 Revision 10]**. The Applicant has amended Requirement 16 to ensure that Albanwise will be consulted as part of the relevant Construction Traffic Management Plan, and the approval of ERYC will be required in connection with that plan. The Applicant is pleased to confirm that agreement on the drafting of Requirement 16 has been reached with Albanwise.

- 2.4.23 Mitigation measures that would be provided include the use of bankspeople, communication systems, a delivery booking system, advanced warning signage on the approaches to the access junction as well as the physical measures of providing widening of the track adjacent to the access and passing places. Such measures would be detailed in the Construction Traffic Management Plan, which is secured by Requirement 5 in the **draft DCO [EN010157/APP/3.1 Revision 10]**. The Applicant has also updated the **Outline CTMP [EN010157/APP/7.7 Revision 7]**, which is submitted at Deadline 6, to include a commitment that *“HGVs entering the Site will be prioritised over exiting vehicles. Where appropriate, vehicles will be held back in appropriate locations within the Site (such as in passing places on internal access tracks) to enable an HGV to enter the Site safely and therefore to not cause delay on the public highway network. This applies without limitation at the A1035 / Field House Farm junction.”*
- 2.4.24 The Applicant considers that the proposed junction design and traffic management measures, as discussed and agreed with ERYC, are proportionate and in line with best practice, and therefore the access arrangements are safe and suitable for the purposes of construction access.
- 2.4.25 These matters are captured as items AW03 and AW04 within the **SoCG with Albanwise [EN010157/APP/9.10 Revision 2]**.

## 2.5 Water

### Summary

- 2.5.1 Water was scoped out as an ES chapter, as agreed with the Environment Agency (see item EA25 in the **SoCG with the Environment Agency [EN010157/APP/9.3 Revision 5]**), ERYC (see item ERYC31 in the **SoCG with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 6]**) and the IDB (see item IDB08 in the **SoCG with Beverley and North**

**Holderness IDB [EN010157/APP/9.7 Revision 4])** on the basis that the DCO Application is supported by **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP5A-007]** and **ES Volume 4, Appendix 5.6: Flood Risk Assessment (FRA) [REP5A-009 to REP5A-025]**, while potential effects on groundwater are assessed within **ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]**.

- 2.5.2 **ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP5A-009 to REP5A-025]** concludes that the Proposed Development will be safe from all forms of flooding and will provide a betterment in terms of downstream flood risk.
- 2.5.3 **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP5A-007]** concludes that, once proposed mitigation is taken into account, there are no identified impacts of the Proposed Development that would warrant a more detailed Water Framework Directive (WFD) assessment and the Environment Agency confirmed that a full WFD assessment was not required (see item EA15 in the **SoCG with the Environment Agency [EN010157/APP/9.3 Revision 5]**). As set out in **ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]**, the Proposed Development is not anticipated to result in any significant adverse effects on groundwater.
- 2.5.4 The focus of the Water discipline through the Examination process can be broadly summarised into three topics:
- Flood risk management – both the mitigation of design flooding to the Proposed Development and minimising risk to third parties.
  - Surface water runoff and the management of regular as well as extreme rainfall on the Proposed Development.
  - Management of effluent and release of contamination in the event of fire breakout.
- 2.5.5 Extensive engagement has been undertaken with the Environment Agency, the IDB and ERYC, in its capacity as Lead Local Flood Authority (LLFA). This has resulted in all flood risk and drainage-related items in the **SoCG with the East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 6]** and the **SoCG with Beverley and North Holderness IDB [EN010157/APP/9.7 Revision 4]** being agreed by the close of the Examination.
- 2.5.6 Engagement with the Environment Agency has resolved all but one item in the **SoCG with the Environment Agency [EN010157/APP/9.3 Revision 5]**. The only matter where agreement has not been reached relates to the management of firewater in relation to BESS, as set out in the **SoCG with the Environment Agency [EN010157/APP/9.3 Revision 5]** and summarised below.



## Flood Risk Management

- 2.5.7 The FRA has been agreed by the Environment Agency, IDB and LLFA. These are the three relevant Risk Management Authorities (as defined by the Flood and Water Management Act 2010) for Main Rivers and tidal flooding (EA), groundwater and Ordinary Watercourses (LLFA) and Viewed Watercourses (IDB).
- 2.5.8 All issues relating to flood risk were agreed with the Environment Agency either before or during Examination, including satisfying them that the integrity of flood defences would not be compromised and that the proposed watercourse crossings would have negligible impact on flooding risks, as confirmed at items EA10 and EA24 in the **SoCG with the Environment Agency [REP5-085]**.
- 2.5.9 Nonetheless, the FRA recognises the flood risks posed to the Site. In accordance with national planning policy, the FRA proposes mitigation for the 'design flood', which is the 1 in 100-year river flood event plus an allowance for climate change across the Proposed Development's 40-year lifetime. To demonstrate the importance the Proposed Development placed on flood risk, it was a key reason for removing Land Area A from the Proposed Development, as reported in Section 2.2 of the FRA.
- 2.5.10 At the Open Floor Hearing 2, submissions were made by East Riding Against Solar Expansion regarding the potential for flooding at the Site, quoting a recently issued Flood Alert from the Environment Agency and the observed presence of standing water at the Site.
- 2.5.11 It should be noted that a Flood Alert is essentially the lowest of the three levels of flood warnings issued by the EA (the warnings being Flood Alert, Flood Warning then Severe Flood Warning) and subsequently reflects a flood event of much lower magnitude than the design event.
- 2.5.12 The potential for, and demonstration of, standing water at the Site is also known to the Applicant. **ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP5A-009 to REP5A-025]** recognises this in Sections 5.2, 5.12 and 5.16. The presence of standing water beneath panels is acceptable as this standing water would be shallower than design flood depths so therefore below the panel edges (as confirmed in paragraph 6.1.6 of **ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP5A-009 to REP5A-025]**, the panel edges would be 0.3m above the design flood level, with Section 5.12 confirming the edges would be above predicted design surface water flooding). Consequently, this would not impact generation output. Water-sensitive equipment such as on-site substations and hybrid packs would be located outside the design river flood extent and would be raised, thereby mitigating against standing water. Such infrastructure would be located outside predicted design surface water flood extents, or raised above the predicted

flood depths, as confirmed in Section 5.12 of **ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP5A-009 to REP5A-025]**.

- 2.5.13 The FRA estimates that standing water could be present for prolonged periods and therefore during routine maintenance visits. The siting of access tracks would seek to avoid areas of standing water wherever possible. Where this is not possible, waymarkers would be used to demonstrate the depth of the water and the edges of the tracks, to maximise the safety of operators.
- 2.5.14 Finally, **ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP5A-009 to REP5A-025]** provides substantial evidence that the Proposed Development would result in a slight betterment in terms of flood risks, attributed to the transition of arable farmed land to year-round grass cover.

## Surface Water Runoff

- 2.5.15 The management of regular and design rainfall events falling on the Proposed Development was agreed with the IDB and LLFA during Examination, as reflected in the respective SoCGs (see item IDB07 in the **SoCG with Beverley and North Holderness IDB [EN010157/APP/9.7 Revision 4]** and item ERYC30 in the **SoCG with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 6]**).
- 2.5.16 It was agreed that the two on-site substations would require a formal drainage strategy, with reduced flow connections to adjacent watercourses. The discussions therefore focussed on the treatment of rain falling on the dispersed hardstanding areas, notably the hybrid inverter/BESS packs.
- 2.5.17 The drainage approach agreed was to allow rain falling on the hybrid packs to drain to ground locally via their gravel bases. This would ensure rainwater would mimic the existing greenfield site as closely as possible, therefore adhering to policy and best practice such as the Ciria SuDS Manual. Where more than two hybrid packs are proposed in a single field (as defined by the **ES Volume 3, Figure 3.1: Indicative Operational Layout Plan [REP5-023]**), it was agreed that these would be positively drained. The discharge from these would be at very low rates, no more than 1l/s, and would connect to a nearby watercourse or, where this is not feasible, an existing land drain.
- 2.5.18 The introduction of drainage to some hybrid packs has the potential to create a pathway for contaminants in the unlikely event of fire breakout (explained in the section below). To mitigate this, it is proposed to install a penstock in the inspection chamber downstream of the hybrid packs. This would prevent a direct pathway for contaminants to enter the watercourse network.

## Residual matters of disagreement at the end of Examination

### BESS Fire Effluent Management

- 2.5.19 The sole issue that remains not agreed between the Applicant and the Environment Agency is the approach to surface water drainage in relation to BESS and the protection of groundwater receptors specifically during or after BESS fires. Extensive engagement has taken place between the Applicant and the Environment Agency on this matter. The Environment Agency's position, as confirmed in their additional submission **[AS-025]**, submitted in lieu of attendance at Issue Specific Hearing 3, is to request a sealed drainage system for the BESS for the reasons set out in their **Comments on the Deadline 3 Submissions [REP4-083]**.
- 2.5.20 Based on the Environment Agency's Comments on the Deadline 1 Submissions **[REP2-153]**, the Applicant understands that to satisfy them would require provision of a sealed drainage system via a lagoon or similar.

## Applicant's position on residual matters

### BESS Fire Effluent Management

- 2.5.21 In their response at Deadline 2 **[REP2-153]**, the Environment Agency quote the National Fire Chiefs Council (NFCC) guidance 'Grid Scale Battery Energy Storage System planning – guidance for FRS', released in 2023. Specifically, the requirement on page 8 of the report that *"Consideration should be given, within the site design, to water run-off (e.g. drainage systems, interceptors, bunded lagoons etc.)"*. In their response at Deadline 4 **[REP4-083]**, the Environment Agency also quote page 10 of the guidance that *"suitable environmental protection measures should be provided. This should include systems for containing and managing water runoff."*
- 2.5.22 As explained in detail by **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP5A-007]**, detailed consideration has been given to the management of water run-off, following a source-pathway-receptor model as required by the NFCC guidance. In summary, the conclusions of the assessment were that the chance for contaminated runoff to occur is very low, the pathway is limited by low permeability or deep soils and as a result of effective embedded mitigation proposed and therefore the impact on the receptor minimal.
- 2.5.23 To summarise, the Applicant has presented data to demonstrate that the risk of BESS fires is extremely low and comfortably within socially acceptable limits, as defined by the Health and Safety Executive. Furthermore, of the limited comparable fires in the UK and globally, elevated levels of contaminants have not been recorded.

- 2.5.24 There are two potential causes of contamination. The first is from spilling or leaching of liquids from a compromised BESS unit to the ground. The second is contaminants contained within a smoke plume settling on the ground and entering the water environment.
- 2.5.25 Regarding the first source of contaminants, **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP5A-007]** explains that the BESS units are watertight, to 'Ingress Protection' standards. This means that the chances for the escape of liquids to the ground is very unlikely, even if the unit were to be compromised by fire and in the event of rain falling on the unit after a fire. **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP5A-007]** also explains that in the extremely unlikely event the unit were to completely fail and pollutants spill out, mitigation is proposed.
- 2.5.26 The mitigation is in the form of the gravel base itself, a sand layer and geotextile surround. The sand layer could be coated in manganese oxide, which is demonstrated to absorb contaminants including heavy metals. This is explained in the Applicant's **Response to Deadline 4 Submissions [REP5-078]**.
- 2.5.27 In its **Response to Deadline 4 Submissions [REP5-078]**, the Applicant refers to the Environment Agency's Protect Groundwater and Prevent Groundwater Pollution guidance, dated July 2025. This guidance states that sites must prevent the entry of hazardous substances to the ground and should limit the entry of non-hazardous substances. The guidance uses two sources to define hazardous and non-hazardous materials. A review of two typical battery types shows it contains no hazardous substances and only two or four non-hazardous substances (depending on the battery types). Consequently, with the mitigation in place and considering the low likelihood for fires to occur, the proposals meet the requirements of the groundwater guidance.
- 2.5.28 Regarding the second potential source of contaminants, from contaminants contained within a smoke plume settling on the ground and entering the water environment, **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP5A-007]** provides evidence that no elevated levels of contaminants were recorded in BESS fires. The modus operandi of the Fire and Rescue Service would be to bring the plume to ground, thereby resulting in pollutants settling on the gravel base. It should be noted that the sealed drainage system, such as a lagoon, requested by the Environment Agency would only activate and collect settled contaminants present in a smoke plume should the plume travel directly above the lagoon, and contaminants settle within it. Therefore, a sealed system would have no guarantee of being more successful at capturing airborne pollutants than the mitigation proposed by the Applicant.

- 2.5.29 In its **Comments on the Deadline 3 Submissions [REP4-083]** the Environment Agency present the conclusions of a paper that concluded the runoff from battery fires was contaminated. However, this paper by its own admission did not consider filtration of the contaminants and consequently is not reflective of a real-world, mitigated situation and as such is not considered reliable or realistic evidence.
- 2.5.30 For the reasons set out above, the Applicant considers that a sealed drainage system as requested by the Environment Agency is disproportionate to the risk of contamination as a result of a BESS fire and the Applicant maintains that the mitigation it has proposed will be effective in mitigating any contamination should a fire occur. The Applicant considers that suitable environmental protection measures have therefore been provided to manage water runoff in accordance with the NFCC guidance and that containment is not necessary in light of the conclusions of **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP5A-007]**. As set out in Appendix 1 to the **Summary of Applicant's Oral Submissions at Issue Specific Hearing 3 [EN010157/APP/8.31]**, to provide a sealed system that would satisfy the Environment Agency would require a lagoon or basin to service each of the 84 hybrid packs. This would result in a significant additional cost of approximately £2.5m and a significant amendment to the Proposed Development layout, including removal of panels and consequently a reduction in generation output or a reduction of ecological mitigation/enhancement areas, which, as set out in that Appendix, would have significant implications on the design and viability of the Proposed Development such that there is a very real risk the Proposed Development would not be constructed, and that the substantial benefits of the Proposed Development would accordingly be lost, having regard to the additional cost involved.
- 2.5.31 Finally, it should be noted that the approach proposed by the Applicant has been deemed acceptable by the Secretary of State for the Byers Gill Solar DCO project, consented in July 2025 under PINS reference EN01039. The approach has also been deemed acceptable by numerous local planning authorities, such as:
- Raspberry Solar, consented by Swale Borough Council in June 2024 under application reference 22/502778/EIFUL;
  - Quarry Solar, consented by West Oxfordshire District Council in June 2024 under application reference 24/01565/FUL; and
  - Heron Solar consented by Rushcliffe Borough Council in August 2024 under application reference 23/02250/FUL.
- 2.5.32 This matter is captured as item EA18 within the **SoCG with the Environment Agency [EN010157/APP/9.3 Revision 5]**.



## BESS Safety

- 2.5.33 A submission from East Riding Against Solar Expansion at Deadline 5 **[REP5-104]** raised questions regarding BESS safety with reference to an investigation undertaken by the South Korean government's Ministry of Trade, Industry and Energy after a series of 28 fires at battery sites across the country between 2017 and 2019. The Applicant would note that the fires and the report in question preceded the promulgation of National Fire Protection Agency (NFPA) 855 (Standard for the Installation of Energy Storage Systems), developed to define the design, construction, installation, commissioning, operation, maintenance, and decommissioning of stationary energy storage systems, including traditional battery systems such as those used by utilities. NFPA 855 subsequently resulted in the issue of the Underwriters Laboratory's (UL) 1973 (UL1973 standard is a key safety standard for rechargeable batteries used in stationary energy storage systems) and UL9540 (Standard for Safety of Energy Storage Systems and Equipment). UL9540 is the common standard by which all BESS units imported to the UK are required to adhere. As such, reference to these incidents and the subsequent report are not relevant to the Proposed Development.
- 2.5.34 It is also worth noting that the **Outline Battery Safety Management Plan (BSMP) [REP5-069]** has been reviewed by the Humberside Fire and Rescue Service who confirmed they are satisfied with its contents (see their additional submission **[AS-024]**). The development of a Battery Safety Management Plan is secured by Requirement 8 of the **draft DCO [EN010157/APP/3.1 Revision 10]**, which requires approval by the local planning authority following consultation with Humberside Fire and Rescue Service and the Environment Agency, and which will be substantially in accordance with the **Outline BSMP [REP5-069]**.

## 2.6 Public Rights of Way

### Summary

- 2.6.1 Potential impacts of the Proposed Development on existing PRow and their users are assessed within **ES Volume 2, Chapter 11: Landscape and Visual [REP5-016]**, **Chapter 13: Population [REP4-066]** and **Chapter 14: Transport and Access [REP5-018]**. No significant effects on users of PRow are anticipated, apart from significant visual effects on users of Riston footpath no.1 and Riston footpath no.2 during construction, operation and decommissioning of the Proposed Development, and on users of Tickton bridleway no.5 during the first year of operation before screening vegetation becomes established (see Table 11-15 in **ES Volume 2, Chapter 11: Landscape and Visual [REP5-016]**).

- 2.6.2 All existing PRow will be retained during the operational phase, with the Proposed Development design incorporating a minimum offset distance of 10m from all PRow where reasonably practicable, as secured in the **Outline Rights of Way and Access Management Plan [REP2-144]**. During the construction phase no diversions are proposed, but it may be necessary to temporarily close or restrict some lengths of PRow that cross the Site for a short duration to enable the construction works, as set out in the **Outline Rights of Way and Access Management Plan [REP2-144]**. PRow will remain open with safety measures in place as much as is reasonably practicable whilst maintaining the safety of users.
- 2.6.3 The Proposed Development includes a series of new permissive paths to increase accessibility around the local area, linking in with the existing network of PRow. This network of new permissive paths would also link in with the area under consideration for community accessible land, as shown on **ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [EN010157/APP/6.3 Revision 6]**. The new permissive paths are restricted to the Land Areas (i.e. not the grid connection cable route) as this land will remain in the control of the Applicant for the lifetime of the Proposed Development.
- 2.6.4 As a result of engagement with Natural England during Examination, some sections of permissive path that ran through or adjacent to ecological mitigation areas were re-routed and 1-metre-high post and wire fencing was introduced between paths and mitigation areas (see **Change Application (October 2025) [REP4-077]** and paragraph 1.3.7 of this document) to minimise disturbance by users of the paths (including dogs) on the bird species for which the mitigation areas are intended. Following these changes, the total length of the proposed new permissive path network is approximately 11.8km. Further details on the permissive paths and associated mitigation area fencing are provided in the **Outline LEMP [EN010157/APP/7.5 Revision 10]**.
- 2.6.5 All matters relating to PRow in the **SoCG with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 6]** and all but one of the matters in the **SoCG with East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum (JLAF) [REP5A-034]** have been agreed. The key matters regarding PRow that have been discussed and agreed during Examination relate to claims for historical rights of way and clarifying that PRow would be temporarily closed or restricted rather than diverted. The one remaining matter where agreement has not been reached with the JLAF relates to the payment of a one-off monetary contribution to ERYC to fund enhancements to existing PRow and is summarised below.

## Residual matters of disagreement at the end of Examination

- 2.6.6 The JLAF recognise that the Applicant is proposing to establish permissive paths and investigate signposting of these paths, which would provide some increased countryside access. They also raised no objection to the re-routing of permissive paths set out in **Change Application (October 2025) [REP4-077]**, as they recognise the importance of avoiding wildlife disturbance. However, they feel that in general the proximity of security fencing and the



solar panel arrays to permissive paths and existing PRow decreases the amenity of both and does not enhance PRow.

- 2.6.7 Therefore, they have requested that the Applicant be required to provide a one-off monetary contribution to ERYC's Countryside Access Team to be used to identify and effect local PRow enhancements (e.g. improvements to signs/waymarking, bridges and structures, surfacing, as required) during the lifetime of the Proposed Development, either on-site or off-site in the parishes impacted by the Proposed Development. The JLAf suggest that this would be in addition to the annual Community Benefit Fund and the network of new permissive paths already proposed as part of the Proposed Development. The JLAf also suggest that enhancements to existing PRow should be undertaken in consultation with ERYC's PRow/Countryside Access officers rather than with the Community Liaison Group.

## Applicant's position on residual matters

- 2.6.8 The Applicant considers the provision of a one-off payment to ERYC for the enhancement of PRow to be disproportionate and not necessary for the reasons set out below.
- 2.6.9 There are not anticipated to be any significant effects on access to the existing PRow network as a result of the Proposed Development and appropriate mitigation measures are secured through the **Outline Rights of Way and Access Management Plan [REP2-144]**. The new permissive path network as part of the Proposed Development aims to maintain and improve connectivity in and around the Site by connecting to existing PRow. The Applicant considers this to be in accordance with the NPS EN-1, which states that applicants should *"take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve or create new access"* and the National Policy Statement for Renewable Energy Infrastructure (NPS EN-3), which states that *"applicants should consider and maximise opportunities to facilitate enhancements to the public rights of way and the inclusion, through site layout and design of access, of new opportunities for the public to access and cross proposed solar development sites (whether via the adoption of new public rights of way or the creation of permissive paths), taking into account, where appropriate, the views of landowners"*.
- 2.6.10 The **Outline LEMP [EN010157/APP/7.5 Revision 10]** states that the surfacing and waymarking of permissive paths are yet to be determined, but the Applicant would explore options in consultation with the Community Liaison Group. The Applicant will also consult with the Community Liaison Group regarding waymarking of existing PRow that cross the Site. Beyond this, no enhancement of existing PRow is proposed given that significant effects of the Proposed Development on PRow are limited to visual effects on users of three PRow, one of which is only for the first year of operation (see paragraph 2.6.1 for details), taking into account the measures proposed in the **Outline Rights of Way and Access Management Plan [REP2-144]** and the **Outline LEMP**

**[EN010157/APP/7.5 Revision 10]**. The Applicant has liaised with ERYC's landscape consultants to agree on locations of additional planting where reasonably practicable to help soften or screen views of the Proposed Development from permissive paths (see paragraph 4.1.4 of this document and item ERYC34 in the **SoCG with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 6]** for details). Further details will be provided in the Landscape and Ecological Management Plan and the Rights of Way and Access Management Plan, which are secured by Requirements 9 and 10 respectively of the **draft DCO [EN010157/APP/3.1 Revision 10]**, and which require approval by ERYC.

- 2.6.11 The Applicant is committed to providing a Community Benefit Fund, which sits outside the DCO Application. On previous projects, Community Benefit Funds have been used to deliver initiatives that include PRow improvements.
- 2.6.12 This matter is captured as item JLAF06 within the **SoCG with East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum [REP5A-034]**.

## 3 Compulsory Acquisition and Related Matters

### 3.1 Summary statement

- 3.1.1 The Applicant requires powers of compulsory acquisition to ensure that the Proposed Development can be constructed, operated (including maintenance) and decommissioned and so that the Government's policies in relation to the timely delivery of new renewable energy generating capacity and achieving the UK's net zero targets are met. The Applicant considers that, in the absence of these powers, there would remain a risk that the Order land would not be fully assembled and the Proposed Development would not be delivered, meaning that Government policy objectives would not be achieved.
- 3.1.2 The Applicant has sought to acquire the necessary land and rights by agreement. The Applicant has engaged extensively with landowners across the Proposed Development throughout the pre-application and examination stages. As outlined in the **Statement of Reasons [EN010157/APP/4.1 Revision 6]**, the Applicant has worked collaboratively with those impacted by the proposals to identify specific areas of concern, amending the design to remove or mitigate these as far as reasonably possible, while still delivering the Proposed Development's objectives.
- 3.1.3 The **Statement of Reasons Appendix B: Land and Rights Negotiations Tracker [EN010157/APP/4.5 Revision 6]** reflects the most up to date position on negotiations with landowners impacted by the Proposed Development. The information in the Schedule makes clear that the Applicant has diligently pursued negotiations to acquire by agreement the interests required to deliver the Proposed Development over a considerable period of time, with voluntary agreements having been reached in relation to more than 80% of the land within the Order Limits. There remains a small amount of land not yet subject to voluntary agreement, which the Applicant is still making progress to secure and will continue to attempt to secure voluntary agreements where possible. Whilst the Applicant is continuing to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in the Application in order to provide certainty that all the land required for the Proposed Development can be acquired in order to realise the Proposed Development's significant public benefits.
- 3.1.4 The Applicant also notes that with the exception of Albanwise Limited, who are discussed in paragraphs 3.1.12–3.1.36 below, no affected persons considered it necessary to attend either of the Compulsory Acquisition Hearings held during the Examination.

## Crown Land

- 3.1.5 The Applicant has engaged positively with those acting on behalf of the Crown Estate Commissioners regarding the legal requirements under section 135 of the Planning Act 2008. Accordingly, the Applicant is confident that the Commissioners' consent, for the purposes of section 135(1) and (2) of the Planning Act 2008, will be provided before the end of the Examination, or shortly thereafter.
- 3.1.6 The Applicant also continues to progress discussions with the Crown Estate Commissioners with regards to the Heads of Terms for an agreement to secure the rights necessary to construct and operate the Proposed Development in respect of Crown land. The Applicant is confident that an agreement will be concluded in due course.

## Public open space / common land

- 3.1.7 As part of the Proposed Development, rights are being sought pursuant to the **draft DCO [EN010157/APP/3.1 Revision 10]** over Figham Common which is 'common land' and 'open space' under the definition in section 132 of the Planning Act 2008. The land plots within Figham Common are plots 13-6, 13-8, 14-1 and 14-3 as shown on the **Special Category Land Plans [REP2-055]** and described in the **Book of Reference [EN010157/APP/4.2 Revision 10]** and are required in connection with the grid connection cable route.
- 3.1.8 The Applicant maintains its position set out in the **Statement of Reasons [EN010157/APP/4.1 Revision 6]** at section 10.1, that the draft DCO does not need to be subject to a Special Parliamentary Procedure under section 132 of the Planning Act 2008 because paragraph (3) of section 132 applies. This states that the Order Land, when burdened with the Order rights, will be no less advantageous to the persons to whom it is vested, those entitled to rights of common or other rights and the public than it currently is.

## Statutory Undertaker Updates (including PPs)

- 3.1.9 Interests in the land encompassed by the **draft DCO [EN010157/APP/3.1 Revision 10]** which are held by each statutory undertaker are identified in the **Book of Reference [EN010157/APP/4.2 Revision 10]**, to which section 127 and/or section 138 of the Planning Act 2008 applies. The Applicant has engaged with these statutory undertakers to ensure the Proposed Development can be developed without serious detriment to any statutory undertaking, and has included a number of protective provisions within Schedule 12 to the **draft DCO [EN010157/APP/3.1 Revision 10]**. The **Statement of Reasons Appendix B: Land and Rights Negotiations Tracker [EN010157/APP/4.5 Revision 6]**, the latest version of which will be submitted at Deadline 6 of the Examination, includes the final position on the

status of negotiations with statutory undertakers. The Applicant considers sufficient protections for the benefit of the Statutory Undertakers are contained with the **draft DCO [EN010157/APP/3.1 Revision 10]** at article 35 (Statutory Undertakers) and article 36 (Apparatus and rights of statutory undertakers in closed streets), within relevant parts of Schedule 12 (Protective Provisions), and where required, there are sufficient provisions contained within the relevant management plans secured in Schedule 2 of the draft DCO to mitigate any potential impacts that could give rise to a serious detrimental effect to that undertaker.

- 3.1.10 The Applicant has included protective provisions in the final **draft DCO [EN010157/APP/3.1 Revision 10]**, submitted at Deadline 6 of the Examination, for the benefit of the statutory undertakers (see Article 50 and Schedule 12). The Applicant has continued to discuss the protections required with each statutory undertaker and whilst the final versions of the protective provisions included have not been agreed with the statutory undertakers in question, with the exception of the Environment Agency and Beverley and North Holderness IDB, the Applicant considers they provide sufficient protection to prevent serious detriment to any statutory undertaking.
- 3.1.11 Those areas that remain in dispute are set out in the Applicant's **Response to Deadline 5 and 5A Submissions [EN010157/APP/8.28]** for National Grid Electricity Transmission Plc (NGET), National Gas Transmission Plc (NGT) with those entries shown in *italics* noting where the Applicant has accepted the position of either NGET or NGT as the case may be. As explained in the **Response to Deadline 5 and 5A Submissions [EN010157/APP/8.28]** Network Rail Limited have not engaged with the Applicant and therefore the justification for the protective provisions included in the draft DCO remain as set out in Table 3 of the **Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 (ISH1) [REP4-037]**. For Northern Power Grid (NPG), agreement has been reached on all matters except for one relating to the indemnity provision which remains in discussion with the red highlighted text in **Table 1** below showing the Applicant's proposed text:

**Table 1: Matters still in discussion for Northern Power Grids protective provisions**

Provision in Dispute	Applicant's proposed amendments to Northern Power Grid's Protective Provisions	Applicant's position
<b>Indemnity, Sch 12, Part 7, Para 103(2)(b)</b>	(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker in respect of	The Applicant has included wording to make clear that the Applicant is not liable for any indirect or consequential losses. The principle of excluding

	<p>(a) any damage or interruption to the extent that it is attributable to the neglect or negligence of Northern Powergrid, its officers, employees, servants, contractors or agents; and/or</p> <p>(b) any indirect or consequential loss of any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable.</p>	<p>indirect and consequential loss in protective provisions for statutory undertakers is well established and the wording proposed by the Applicant is well precedented – see for example protective provisions for National Gas, National Grid, Northumbrian Water Limited, Northern Gas Networks and Southern Eastern Power Networks PLC in Stonestreet Green Solar Order 2025, East Yorkshire Solar Farm Order 2025 and Byers Gill Solar Order 2025.</p>
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## Other Land Interests:

### Albanwise

- 3.1.12 The Applicant submitted Change Request 2 at Deadline 2 **[REP2-149]** which was accepted by the ExA on 19 September 2025 **[PD-011]**. The change that interfaces with Albanwise Ltd's land interests is Change 9, which involves the use an alternative access to the Site for the Applicant's construction and maintenance vehicles, off the A1035. As a result, the Applicant is now seeking land use powers in a location that was not identified in the application as submitted, as set out shown on Sheet 2A of the **Land Plans [EN010157/APP/2.4 Revision 6]**.
- 3.1.13 The Applicant has set out, within **Appendix 1 of Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing 1 [REP4-038]** the background to why the change was introduced, how the Applicant has engaged with Albanwise, as well as assurances provided to Albanwise to



alleviate their concerns of impacts to their solar development schemes – Field House Solar Farm and Carr Farm Solar Farm.

- 3.1.14 Albanwise raised their outstanding concerns at the recent Compulsory Acquisition Hearing 2 held on 10 December 2025. The Applicant is confident that the drafting of Requirement 16 in the **draft DCO [EN010157/APP/3.1 Revision 10]** and measures secured in the **Outline CTMP [EN010157/APP/7.7 Revision 7]** alleviates these concerns entirely.
- 3.1.15 The Applicant is pleased to confirm that agreement on the drafting of Requirement 16 has been reached with Albanwise. The drafting was developed in discussion with Albanwise and the Applicant has accepted all drafting amendments proposed by Albanwise in its last iteration (subject to a very minor amendment to ensure the definition of below ground infrastructure is confined to assets below ground). The Applicant considers that this requirement affords a high degree of protection to Albanwise and its interests to a level that far exceeds precedent drafting in the context of past Orders for development consent. The **draft DCO [EN010157/APP/3.1 Revision 10]** submitted at Deadline 6 reflects this updated, agreed wording.
- 3.1.16 The Applicant sets out below each concern raised and how this has been addressed to nullify any risk to Albanwise.

***Concern 1: Incompatibility/direct conflict with Albanwise's consented solar farm project – Field House Solar Farm***

- 3.1.17 Albanwise are primarily concerned that the Proposed Development would impede the construction of Field House Solar Farm, and to a lesser extent the operation of Field House Solar Farm.
- 3.1.18 The Applicant is seeking temporary possession powers over plot 2A-5, which forms part of the land on which the Field House Solar Farm will be located. These powers are being sought to enable the formation of a temporary access in connection with the construction of Land Areas D and E. The Applicant has no intention to install the proposed construction access across any part of Albanwise's development (in plot 2A-5) that would require the removal of the above ground infrastructure constructed pursuant to the Field House Solar Farm planning permission.
- 3.1.19 In this regard, Requirement 16 provides at 16(2)(e) that *"unless otherwise agreed with Albanwise Ltd, [the Applicant must] ensure that the route of a relevant access to and from the authorised development does not require the removal of any above ground infrastructure constructed pursuant to the Field House Solar Farm planning permission"*. This provides a concrete obligation which protects the Field House Farm above ground infrastructure. The Applicant notes that Albanwise has welcomed this addition. It is also a precedent approach to DCO drafting, for example the approach was taken in Article 29(2) of The Silvertown Tunnel Order 2018, Article 35(13) of The A122 (Lower Thames Crossing) Development Consent Order 2025 and the



Galloper Wind Farm Order 2013, Part 2 (for the Protection of EDF Energy) of Schedule 6.

- 3.1.20 The Applicant does not consider it necessary or appropriate to add the words “below ground infrastructure” to the requirement. The operator of the solar farm will, on the Applicant’s understanding, require an electricity generation licence under the Electricity Act 1989 to operate Field House Solar Farm. Once obtained, the operator will therefore benefit from the protective provisions for electricity licence holders contained in Part 1 of Schedule 12 to the **draft DCO [EN010157/APP/3.1 Revision 10]**. The interface (if any) between the Proposed Development and other underground apparatus associated with Field House Solar Farm would be dealt with under these protective provisions. This reflects the approach adopted for other statutory undertakers within the scope of Part 1 of Schedule 12 and is widely precedented. However, at the request of Albanwise, the Applicant has added confirmation to Requirement 16 to explicitly state that Albanwise will benefit from the
- 3.1.21 The Applicant is pleased to confirm that agreement on the drafting of Requirement 16 has been reached with Albanwise. The drafting was developed in discussion with Albanwise and the Applicant has accepted all drafting amendments proposed by Albanwise in its last iteration (subject to a very minor amendment to ensure the definition of below ground infrastructure is confined to assets below ground). The Applicant considers that this requirement affords a high degree of protection to Albanwise and its interests to a level that far exceeds precedented drafting in the context of past Orders for development consent. The **draft DCO [EN010157/APP/3.1 Revision 10]** submitted at Deadline 6 reflects this updated, agreed wording.
- 3.1.22 The Applicant considers that the temporary possession powers sought over plot 2A-5 are reasonable and proportionate. The Applicant accepts that only part of plot 2A-5 would be required for the construction of a temporary access. However, the powers sought must be read in light of the controls proposed. The Applicant considers that it is necessary for the DCO to confer some flexibility in this instance. Field House Solar Farm is not a constructed solar scheme. Albanwise Ltd could seek a change to its approved scheme. Therefore, by securing temporary possession powers over plot 2A-5 in the way the Applicant has means that there will, if necessary, be an ability for the Applicant to implement a temporary access in an alternative location within the envelope of the DCO, thus reducing the scope for conflict with Field House Solar Farm. This benefits all parties. Furthermore, the effect of Requirement 16 is, as noted, to impose constraints on the extent to which the Applicant could, in practice, exercise CA powers in relation to plot 2A-5. The Secretary of State can therefore be satisfied that the exercise of CA powers in respect of plot 2A-5 is subject to appropriate and robust controls.

***Concern 2: Incompatibility/direct conflict with existing users of the Existing Access Track***

- 3.1.23 The Applicant has considered this concern in section 2.4, paragraphs 2.4.17 – 2.4.20 (Transport and Access) of this Closing Statement. As stated, the

Applicant considers that there is unlikely to be an overlap in worker trips associated with the two developments, but notwithstanding this the Applicant has updated the **Outline CTMP [EN010157/APP/7.7 Revision 7]** with the commitments set out at paragraph 2.4.18.

- 3.1.24 Requirement 16 also makes provision for the unlikely circumstance of there being overlapping construction programmes. It sets out that *“in the event that the construction of the authorised development occurs concurrently with the construction of Field House Solar Farm and Carr Farm Solar Farm (or either of them), [the undertaker must] co-operate with Albanwise Ltd so as to reasonably ensure the co-ordination of construction programming, use of the existing access track land assembly, and the carrying out of works in connection with the authorised development so as to minimise disruption to the construction, and maintenance of Field House Solar Farm and Carr Farm Solar Farm”*.

### **Concern 3: Safety concerns with the Applicant’s use of the Existing Access Track**

- 3.1.25 The Applicant has considered this concern in section 2.4, paragraphs 2.4.16 – 2.4.24 (Transport and Access) of this Statement. The Applicant considers that the proposed junction design and traffic management measures, as discussed and agreed with ERYC, are proportionate and in line with best practice, and therefore the access arrangements are safe and suitable for the purposes of construction access.
- 3.1.26 The Applicant notes that it has now committed, via the agreed Requirement 16, to consult with Albanwise on any construction traffic management plan that relates to a part of the authorised development which would involve the use of the existing access track or a relevant access. The Outline Construction Traffic Management Plan, as per Requirement 5 of the draft DCO, would need to be approved by ERYC as the highways authority before works can commence.
- 3.1.27 To conclude, the Applicant is confident that there would be no detrimental impact on Albanwise’s solar developments from the Proposed Development. However, even in a scenario where there is a 1.5% detrimental impact to Albanwise, as Albanwise claim, there is nothing which expressly deals with the overlap of solar permissions in NPS EN-3. That is to be contrasted with the position in relation to offshore wind where there is a requirement to *“undertaker an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities”* (paragraph 2.8.197).
- 3.1.28 No such requirement exists for solar developments. Instead, the appropriate policy position is that which details socio-economic impacts in NPS EN-1. The policy in that context is that *“The Secretary of State should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development”* (5.13.8). That is precisely what the Applicant has done:

- The very basis for Change 9 was to provide comfort to the ERYC in their capacity as highways authority, and in response to their significant concerns about a veteran tree.
- The Applicant has sought to balance the physical separation which would, from a non-environmental, health and safety perspective, be beneficial to a young child with protected characteristics.
- In response to concerns from Albanwise, the Applicant has produced, and continued to develop, a Requirement which requires the Applicant to effectively ensure cooperation and guarantees that no permanent above-ground infrastructure is removed.

3.1.29 The requests of Albanwise are therefore contrary not just to guidance on DCOs, but to national policy which specifies that “necessary” mitigation is provided.

3.1.30 The Applicant wishes to bring the ExA’s attention a principle that has been made clear in the recent wind farm decision granted in July: The Mona Offshore Wind Farm Order 2025. In the case of offshore wind, there is a specific policy which regulates an interface Paragraph 2.8.197 of NPS EN-3 sets out that *“Where a potential offshore wind farm is proposed close to existing operational offshore infrastructure, or has the potential to affect activities for which a licence has been issued by government, the applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities”*.

3.1.31 The Mona Offshore Wind Farm was consented, despite evidence suggesting it would have a small, negative impact on existing wind infrastructure. This consequence was accepted by the ExA and Secretary of State of this project and demonstrates that even if the Proposed Development, had a marginal impact on either Field House Solar Farm and Carr Farm Solar Farm (which we do not accept it does) it would not be a reason to refuse authorisation for the Proposed Development.

3.1.32 The Secretary of State accepts these impacts at para 4.82 of the decision letter:

- *“The Secretary of State accepts that there will be wake effect impacts from the Proposed Development on existing operational offshore infrastructure, noting that precise figures for this impact cannot be established. The average impacts across the Ørsted IPs assets, based upon the Wood Thilsted report (and accepting that these figures may only be indicative), appears to be less than 1.5% for the Proposed Development alone or less than 4% when considered in combination with other proposed wind farms in the area. The greatest cumulative impact on an individual Ørsted IP asset is assessed by Wood Thilsted as 5.3% for the Walney extension. The Proposed Development’s impact alone on the Walney extension is assessed as 1.58%”*

- 3.1.33 This principle is also set out in the recent comments on the NPS EN-3 consultation as government has made clear that it does not expect promoters of wind farms to entirely eliminate negative impacts to existing wind farms. *“Following consultation, government has set the expectation that developers are to demonstrate reasonable efforts to mitigate wake effects, rather than being expected to fully eliminate.”*
- 3.1.34 The Applicant is mindful that this is not a wind development, but we regret that the approach proposed by Albanwise is even more severe than circumstances where there is an actual impact on operations and there is a specific policy on such overlap. As explained, there is no such policy in this context.
- 3.1.35 The provision of the agreed Requirement 16 is sufficient to manage the interface between the Proposed Development and Albanwise’s solar developments. The approach to managing interfacing projects is preceded in The Thurrock Flexible Generation Plant Development Consent Order 2022 which provided assurance to National Highways in relation to their Lower Thames Crossing scheme and The Portishead Branch Line (MetroWest Phase 1) Order 2022 which included a co-operation requirement with National Grid. The Applicant notes that the level of interface in those schemes was significantly greater than that which exists in the circumstances of this case. Despite the smaller interface, the requirement that the Applicant has provided goes further than the preceded examples as it ensures that the authorised development does not require the removal of any above ground infrastructure constructed pursuant to the Field House Solar Farm planning permission. The Applicant notes that requirements are legally binding and failure to comply would result in a breach of the terms of the DCO which is an offence under section 168 Planning Act 2008.
- 3.1.36 The Applicant has been in discussion with Albanwise’s representatives regarding the terms of a potential interface agreement. Those discussions have not progressed significantly. The Applicant is not confident, given the large gap in commercial positions, that an agreement will be reached. In the absence of a fundamental shift in Albanwise’s position, this therefore remains an outstanding issue which must be adjudicated by the ExA. The Applicant does not consider the Interface Agreement is required to make the Proposed Development acceptable in planning terms, given the terms of the agreed Requirement 16. The Applicant would also note, in this context, that compensation for land values is a matter that can be addressed as part of the implementation of the Proposed Development (if development consent is granted).

## Plot 2-6

- 3.1.37 Given the presence of garden land in the original plot 2-6, in response to concerns raised by the landowner and the ExA the Applicant resolved to accelerate what properly forms part of the detailed design exercise in relation to this land.

- 3.1.38 As a result, the Applicant has now committed to the passing place being designed without interfering with the area of garden in this plot. To ensure this commitment, the Applicant split this plot into two sections (plot 2-6 and plot 2-6A) and greyed out the area of garden (plot 2-6A) so that it is clear that CA powers are no longer sought over this section of garden land. These changes have been made in the latest iterations of:
- **Land Plans [EN010157/APP/2.4 Revision 6]**
  - **Works Plans [EN010157/APP/2.2 Revision 5]**
  - **Book of Reference [EN010157/APP/4.2 Revision 10]**
- 3.1.39 These changes ensure that the Applicant is not able to exercise Order powers over the garden land (plot 2-6A).
- 3.1.40 The Applicant has explained this refinement, and the impacts to the landowner of this garden. The Applicant provided the landowner with early sight of an extract of the **Land Plans [EN010157/APP/2.4 Revision 6]** to illustrate the change.
- 3.1.41 The Applicant has deployed significant resource towards finalising the design of this passing place to provide comfort to the landowner and the ExA due to the presence of garden land. The manner in which this exercise was carried out, and the conclusion reached, is an example of how the Applicant will finalise detailed design decisions should consent be granted.

## Conclusion on Compulsory Acquisition and other land matters

- 3.1.42 Section 7.8 of the **Statement of Reasons [EN010157/APP/4.1 Revision 6]** sets out that the Applicant considers that there is a compelling case in the public interest for the Applicant to be granted CA powers that have the potential to infringe the human rights of persons who own property or have rights in the land proposed to be acquired pursuant to the Order. The Applicant submits that the inclusion of CA powers in the Order for the purposes of the Proposed Development meets the conditions of section 122 of the PA 2008, as well as the considerations in the government guidance entitled 'Planning Act 2008: procedures for the compulsory acquisition of land', and that these powers should therefore be included in the Order.



## 4 Other Matters

### 4.1 Residual Significant Effects

- 4.1.1 Beyond those outstanding matters discussed during the examination stage, and considered in Section 2 of this document, the assessments within the technical chapters in **ES Volume 2 [EN010157/APP/6.2]** conclude that the Proposed Development is anticipated to result in residual significant adverse effects in relation to two environmental factors ('Landscape and Visual', 'Land, Soil and Groundwater'), a small number of residual significant adverse cumulative effects, and residual significant beneficial effects in relation to two environmental factors, ('Biodiversity' and 'Climate'). These are summarised below.
- 4.1.2 No residual significant effects are anticipated for any other environmental factors.

#### Landscape and Visual

##### Landscape and visual effects

- 4.1.3 As set out in **ES Volume 2, Chapter 11; Landscape and Visual [REP5-016]**, the Proposed Development is anticipated to result in significant adverse landscape effects on 'landscape fabric' (i.e. existing vegetation and landscape features within the Order Limits) at year 1 and year 10 of operation, subsequently reducing to not significant. It is also anticipated to result in significant adverse visual effects on users of Riston footpath no.1 and Riston footpath no.2 during construction, operation and decommissioning of the Proposed Development, and significant adverse visual effects on users of Tickton bridleway no.5, Meaux Lane/Meaux Road and Kidhill Lane during the first year of operation, which would reduce to not significant by year 10 of operation once screening vegetation has become established.
- 4.1.4 The design of the Proposed Development retains existing hedgerows, woodland, ditches and field margins where reasonably practicable, incorporates offsets from sensitive receptors, and includes extensive vegetation planting to soften and screen views (see the **Outline LEMP [EN010157/APP/7.5 Revision 10]**). The Applicant has worked with ERYC's landscape consultants throughout the DCO Application and examination process to include additional planting where reasonably practicable to provide further visual mitigation. Changes made during the DCO examination comprise the planting of new hedgerows on the eastern boundary of Field E1 and the western boundary of Field E2 (either side of the access track to Meaux Decoy Farm and Woodhouse) and additional hedgerow planting between the permissive path and the solar PV modules at the southern extent of Field D17, as set out in item ERYC34 of the **SoCG with East Riding of Yorkshire Council [EN010157/APP/9.2 Revision 6]**.

## Land, Soil and Groundwater

### Agricultural land

- 4.1.5 **ES Volume 2, Chapter 10: Land, Soils and Groundwater [REP2-077]** concludes that the Proposed Development is anticipated to have a residual significant adverse effect on agricultural land during the construction phase. This is a result of the loss of areas of Best and Most Versatile (BMV) agricultural land (i.e. Agricultural Land Classification (ALC) Grades 1 to 3a), as all the land across the Site will not be available for agricultural use during the construction phase. However, significant adverse effects are limited to areas of ALC Grades 1 and 2, which make up approximately 14.8% of the Order Limits, due to the higher sensitivity of these soils. It is worth noting that additional mitigation measures secured in the **Outline Soil Management Plan (SMP) [REP5-073]** will be used to manage potential impacts to soil and agricultural land, meaning the ALC grade of land will not be changed by the Proposed Development and any impact to the quality of soil would be temporary and reversible as soil will be managed and reinstated to the pre-existing soil quality and ALC grade.
- 4.1.6 Minimising the potential use of BMV agricultural land was a key consideration in the design of the Proposed Development, particularly in the initial site selection process, as discussed in **ES Volume 1, Chapter 4: Alternatives and Design Iteration [APP-037]** and in the **Site Selection Assessment** at Appendix 2 of the **Planning Statement [REP4-055]**. Embedded mitigation to minimise potential impacts of the Proposed Development on agricultural land includes prioritising the use of non-BMV agricultural land (i.e. ALC Grades 1 to 3a), where not used for solar PV modules or other infrastructure, for the areas of environmental mitigation where reasonably practicable so as not to 'sterilise' the agricultural land through mitigation planting.

## Cumulative effects

- 4.1.7 As set out in **ES Volume 2, Chapter 15: Cumulative Effects [EN010157/APP/6.2 Revision 5]**, the Proposed Development is anticipated to result in significant adverse intra-project cumulative effects on the following receptors:
- Riston footpath no.1 and Riston footpath no.2 during construction and decommissioning, due to a combination of short-term changes in view from the footpaths and potential temporary closure or restriction of the footpaths;
  - Figham Common during construction, due to a combination of short-term changes in view for users of parts of Wilberforce Way, temporary disturbance and short-term habitat loss within Figham Pastures Local Wildlife Site, and a temporary decrease in the amount of land available for use by the public; and

- A small number of residential receptors during decommissioning, due to a combination of potential dust soiling and noise effects.
- 4.1.8 No intra-project combined effects were identified for any receptors during the operational phase. No additional mitigation is proposed for the intra-project combined effects identified other than that already described in the relevant ES chapters.
- 4.1.9 As set out in **ES Volume 2, Chapter 15: Cumulative Effects [EN010157/APP/6.2 Revision 5]** and **ES Volume 4, Appendix 15.2: Detailed Cumulative Landscape and Visual Impact Assessment [REP3-024]**, the Proposed Development is anticipated to result in significant adverse inter-project cumulative landscape and visual effects as a result of five other existing and/or approved solar farm developments during the operational phase, although in some cases this is primarily caused by the other existing and/or approved development in its own right.

## Biodiversity

### Ground nesting birds

- 4.1.10 As set out in **ES Volume 2, Chapter 7: Biodiversity [REP4-063]**, the ecological mitigation areas which form part of the Proposed Development (as shown on **ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [EN010157/APP/6.3 Revision 6]**) are anticipated to result in a significant beneficial effect at the local level for ground nesting birds during the operational phase of the Proposed Development.

## Climate

### Greenhouse gas emissions

- 4.1.11 As set out in **ES Volume 2, Chapter 8: Climate [APP-044]**, the 4.1 million tCO<sub>2e</sub> that the Proposed Development is anticipated to save over its lifespan when compared with Combined Cycle Gas Turbine-generated electricity would constitute a significant beneficial effect.

## 4.2 Need and Benefits

- 4.2.1 There is a clear and urgent need for energy NSIPs such as that applied for. This urgent need for energy generating infrastructure is set out in both NPS EN-1 and NPS EN-3. NPS EN-1 establishes a Critical National Priority (CNP) for nationally significant low-carbon infrastructure, the definition of which includes solar PV. Paragraph 3.2.6 of NPS EN-1 states that the Secretary of State should assess all DCO applications for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for such infrastructure which is urgent, with paragraph 3.2.7 continuing that the Secretary of State has determined that substantial weight should be given to this need when considering DCO applications. Government

strongly supports the delivery of CNP infrastructure and it should be progressed as quickly as possible. These policies are central to the assessment of the Proposed Development and mean that the Proposed Development has very strong, in principle support.

- 4.2.2 The designation of new nationally significant renewable energy infrastructure as a CNP means that, subject to any legal requirements, the urgent need for solar for achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy.
- 4.2.3 The Proposed Development is a necessary part of the future generation mix, and as such will make a valuable contribution to delivering the key objectives of national policy in NPS EN-1 and NPS EN-3, in particular achieving energy security and net zero. The rapid deployment of a significant increase in solar capacity is also acknowledged as a fundamental part of NESO's and the UK Government's Clean Power 2030 advice and Action Plan.
- 4.2.4 In addition to meeting the urgent national need for secure and affordable low-carbon energy infrastructure, the Proposed Development will deliver wider benefits to the environment and the local community. The wider benefits of the Proposed Development include:
  - Biodiversity improvements including landscaping, habitat management and biodiversity enhancement to retain and enhance ecological and recreational connectivity, expecting to achieve at least a 10% net gain in area habitats, hedgerows and watercourses.
  - Retention of existing hedgerows, woodland and field margins, with the exception of gaps required for new access points, visibility at turnings and for the installation of cabling.
  - Approximately 19.5 km of new hedgerows, 10,240 m<sup>2</sup> of structural woodland and 30,363 m<sup>2</sup> of scrub planting is proposed to be planted to further improve visual screening and habitat creation are proposed, as well as new wildflower meadows and grassland areas across the Proposed Development, to support local ecology.
  - Habitat creation through the provision of new bird and bat boxes.
  - The creation of approximately 11.8 km of new permissive paths as shown on the **ES Volume 3, Figure 3.1: Indicative Operational Layout Plan [REP5-023]**, providing improved access to open space for users of the existing public rights of way.
  - 4.1 million tCO<sub>2</sub>e saved over lifespan of the Proposed Development when compared to Combined Cycle Gas Turbine-generated electricity.
  - Creation of approximately 112.34 ha of flower-rich neutral grassland managed for the benefit of ground nesting birds, which will be in key, open and connected areas.

- Creation of new information boards on the heritage of the local area, in the vicinity of and to allow access to Scheduled Monuments NHLE 1007843 (Site of Meaux Cistercian Abbey) and NHLE 1015305 (Meaux duck decoy, 420 m south west of Meaux Decoy Farm).
- Enhancement of soil quality through a reinstatement and habitat creation program.
- Reduction in surface water run off which is polluted with herbicides, pesticides or fertilizers through the cessation of agricultural activity on some parts of the Land Areas.

4.2.5 The combined nature of these additional benefits are considered to carry substantial weight in favour of the Proposed Development.

4.2.6 In addition to the environmental and recreational benefits set out above, the Applicant is committed to providing a Community Benefit Fund of approximately £4.2 million across the 40-year operational lifespan of the Proposed Development. It is recognised by the Applicant that the Community Benefit Fund sits outside of the DCO Application and, as such, should carry no weight and should not be taken into account as part of the overall planning balance to be considered by the ExA and Secretary of State.



## 5 Draft Development Consent Order

### General position

- 5.1.1 The **draft DCO [EN010157/APP/3.1 Revision 10]** has from the outset used precedent established in made solar DCOs whilst positively and proactively deviating from precedent where necessary and justified in order to tailor the draft DCO to the Proposed Development and to address issues raised by Interested Parties.
- 5.1.2 The **draft DCO [EN010157/APP/3.1 Revision 10]** is in complete accordance with the recent guidance relating to the content of a DCO, published in April 2024<sup>1</sup>.
- 5.1.3 The **Explanatory Memorandum [EN010157/APP/3.2 Revision 8]** explains the justification for the inclusion of all the powers in the **draft DCO [EN010157/APP/3.1 Revision 10]**. The **Schedule of Changes to the Draft DCO [EN010157/APP/8.1 Revision 9]** sets out all of the changes made to the draft DCO during the examination process. The Applicant has also submitted a track changes version of the draft DCO compared against the Application version submitted in February 2025 so all of the changes can be seen in one consolidated document.
- 5.1.4 Various points relating to the drafting of the **draft DCO [EN010157/APP/3.1 Revision 10]** were raised during the course of the examination as captured predominantly in the following documents:
- **Response to the Examining Authority's First Written Questions [REP1-073]**
  - **Response to the Examining Authority's Second Written Questions [REP3-040]**
  - **Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 (ISH1) [REP4-037]**
  - **Response to the Examining Authority's Third Written Questions [REP5-080].**
  - **Summary of Applicant's Oral Submissions at the Issue Specific Hearing 3 [EN010157/APP/8.31]**
- 5.1.5 The Applicant has carried out a thorough review of the **draft DCO [EN010157/APP/3.1 Revision 10]** against modifications made by the Secretary of State to five of the most recently granted solar DCOs, please refer

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<sup>1</sup> [Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects guidance published on 30 April 2024](#)

to Appendix 1 of the **Applicant's Response to the Examining Authority's Third Written Questions [REP5-080]** (this review excludes the Helios Renewable Energy Project Order 2025 which had not been granted at the time of writing). As a result of this exercise, the Applicant considers the drafting in **draft DCO [EN010157/APP/3.1 Revision 10]** appropriate.

- 5.1.6 With the exception of the Protective Provisions (of which the position is detailed above at paragraph 3.1.11), there are no outstanding issues on the **draft DCO [EN010157/APP/3.1 Revision 10]** with any other third parties who have been involved in the examination process. This includes East Riding of Yorkshire Council, Beverley and North Holderness Internal Drainage Board, the Environment Agency, Historic England, National Highways, Natural England and Beverley Pasture Masters.
- 5.1.7 The Applicant has taken the opportunity to confirm its position below on certain matters within the **draft DCO [EN010157/APP/3.1 Revision 10]** that were raised during the examination process.

### Article 3 (Development consent etc. granted by this Order)

- 5.1.8 The Applicant has maintained its position on the drafting in Article 3 throughout the course of the Examination in relation to excluding the phrase 'within the Order limits'. The non-inclusion of this phrase ensures there is authorisation for what is anticipated to be very rare circumstances where development may have to occur outside the Order Limits. The Applicant does not envisage this happening regularly but in circumstances where the inclusion of this drafting is needed, such as carrying out surveys where ecological features traverse the Order Limits, or possible emergencies during construction or maintenance periods with delivery vehicles accessing the site, this drafting provides absolute clarity and dispute avoidance in the event that it needs to be relied upon. This approach is precededented in Article 3(1) of The London Luton Airport Expansion Development Consent Order 2025, Article 3(1) of The A122 (Lower Thames Crossing) Development Consent Order 2025 and Article 3(1) of The Gatwick Airport (Northern Runway Project) Development Consent Order 2025.
- 5.1.9 Further reasoning for the drafting in Article 3 can be found within the **Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 (ISH1) [REP4-037]**.

### Article 14 (Construction and maintenance of altered streets)

- 5.1.10 EYRC sought to amend Article 14 of the **draft DCO [EN010157/APP/3.1 Revision 10]** to extend the maintenance of street works by the Applicant so that the maintenance period would commence following the completion of all construction works rather than the completion of the particular street work. As set out in the **Summary of Applicant's Oral Submissions at the Issue**

**Specific Hearing 1 (ISH1) [REP4-037]**, the Applicant noted that this is a highly precedented article with a 12-month period from the completion of the street work contained in the following recently made solar DCOs: The Byers Gill Solar Order 2025 (Article 12), The East Yorkshire Solar Farm Order 2025 (article 10), The West Burton Solar Project Order 2025 (Article 10), The Heckington Fen Solar Park Order 2025 (Article 10). EYRC in its **Responses to the ExA's third written questions [REP5-097]** acknowledged that a precedent has been set by other solar DCOs including that of the East Yorkshire Solar Farm in which the circumstances do not appear to differ and accepted the Applicant's response provided at 1.3.31 of **[REP4-037]**.

## Article 43 (Planning Permission)

- 5.1.11 The purpose of Article 43 in the **draft DCO [EN010157/APP/3.1 Revision 10]** 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 rationale for this article arises from the Supreme Court's decision in *Hillside Parks Ltd v Snowdonia National Park Authority [2022] UKSC 30* and is particularly relevant to the Proposed Development because of the two existing planning permissions granted to Albanwise Ltd for Field House Solar Farm under reference number 22/00824/STPLF and Carr Farm Solar Farm under reference number APP/E2001/W/25/3360978 which are adjacent to the Proposed Development.
- 5.1.12 The Applicant maintains its position throughout the examination on including Article 43 (Planning permission) in the **draft DCO [EN010157/APP/3.1 Revision 10]** the rationale for which is explained in detail in the **Explanatory Memorandum [EN010157/APP/3.2 Revision 8]**. Removal of Article 43 could have a potential adverse effect on both the Proposed Development and the Albanwise developments. It is for this reason that Requirement 16, which deals with the interface of the neighbouring developments, expressly and for the avoidance of doubt in paragraph (3) refers to the provisions in Article 43.
- 5.1.13 The Applicant notes that the recently published, Nuclear Regulatory Review 2025<sup>2</sup>, recommended that model provisions for DCO drafting should be reinstated to help solve common problems occurring in the consenting of NSIPs. One of the model provisions included in the Review, is a planning permission article to avoid issues of conflict with overlapping planning permissions. The Review specifically refers to the Hillside Parks Supreme Court ruling and explains that recently consented DCOs now have features intended to address this. On 26 November 2025<sup>3</sup>, the Prime Minister accepted

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<sup>2</sup> [Nuclear Regulatory Review 2025](#)

<sup>3</sup> [Prime Minister's strategic steer to the nuclear sector following the 2025 Nuclear Regulatory Task-force's Review](#)

the recommendations of the Review. The Applicant therefore considers the inclusion of Article 43 in the **draft DCO [EN010157/APP/3.1 Revision 10]** entirely appropriate and necessary to align with the current industry approach and to ensure that the Proposed Development and Field House Solar Farm and Carr Farm Solar Farm can be constructed without any enforcement risk.

## Requirement 2 of Schedule 2 (Time limits (formerly Commencement of the Authorised Development))

- 5.1.14 As set out in the **Summary of Applicant's Oral Submissions at the Issue Specific Hearing 3 [EN010157/APP/8.31]**, the Applicant maintains its position that "begin" is the most appropriate word to use in paragraph (1) of Requirement 2, Schedule 2 of the **draft DCO [EN010157/APP/3.1 Revision 10]** because of the distinct meanings of "begin" and "commence" in a DCO's time-limit provisions. Specifically, the meaning of "begin" includes any activity under section 155 of the Planning Act 2008, whereas the definition of "commence" does not include "permitted preliminary works".
- 5.1.15 The Applicant has made the decision to rename Requirement 2 to "Time limits" to more accurately reflect the purpose of the requirement. The drafting of this requirement reflects the precedent in Requirement 4 (time limits) in Schedule 2 to The London Luton Airport Expansion Development Consent Order 2025, Requirement 3 (time limit and notifications) of Schedule 2 to The Gatwick Airport (Northern Runway Project) Development Consent Order 2025, and Requirement 2 (time limits) of Schedule 11 to The Able Marine Energy Park Development Consent Order 2014). 'Begin' is also used in requirement 2 (time limits) in Schedule 2 to The A122 (Lower Thames Crossing) Development Consent Order 2025, albeit with a definition based on the Town and Country Planning Act 1990 rather than the Planning Act 2008.

## Requirement 9 of Schedule 2 (Landscape and ecological management plan)

- 5.1.16 In the **ExA's Third Written Questions [PD-019]**, the ExA enquired whether additional wording should be added to the Requirement 9 to secure the biodiversity net gains (BNG) set out in the **Biodiversity Net Gain Assessment [REP2-023]**. As set out in the Applicant's Response to the **Examining Authority's Third Written Questions [REP5-080]**, the Applicant has not relied on an increase in BNG in excess of 10% in its Planning Statement or its assessments in the ES and has not committed to an increase of BNG in excess of 10% in the **Outline LEMP [EN010157/APP/7.5 Revision 10]**. 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.
- 5.1.17 However, 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, has set out in its Response to the Examining Authority's Third Written Questions [REP5-080] its preferred drafting. In particular, in line with the approach taken by the Secretary of State in the recent Byers Gill Solar and Stonestreet Green Solar DCOs, the Applicant 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 should the Secretary of State be minded to make an amendment:

- 55% for area habitat units;
- 35% hedgerow units; and
- 10% watercourse units.

## Requirement 16 of Schedule 2 (Interaction with Field House Solar Farm and Carr Farm Solar Farm)

- 5.1.18 The Applicant is pleased to confirm that agreement on the drafting of Requirement 16 has been reached with Albanwise. The drafting was developed in discussion with Albanwise and the Applicant has accepted all drafting amendments proposed by Albanwise in its last iteration (subject to a very minor amendment to ensure the definition of below ground infrastructure is confined to assets below ground). The Applicant considers that this requirement affords a high degree of protection to Albanwise and its interests to a level that far exceeds precedented drafting in the context of past Orders for development consent. The **draft DCO [EN010157/APP/3.1 Revision 10]** submitted at Deadline 6 reflects this updated, agreed wording.
- 5.1.19 Requirement 16 incorporates a commitment in sub-paragraph (2)(d), 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 above ground infrastructure constructed pursuant to the Field House Solar Farm planning permission. This legally binding commitment would limit the extent of the interface on land within Albanwise's ownership. Requirement 16(3) confirms, at the request of Albanwise, that the below ground infrastructure shall have the benefit of the Protective Provisions for Electricity Undertakers in Part 1 of Schedule 12 to the Order as if it were "apparatus" as defined in paragraph (2)(a) of Part 1 of Schedule 12.
- 5.1.20 The Applicant's view is that the drafting of the agreed Requirement 16 provides a concrete commitment ensuring cooperation between the neighbouring developments and that the construction and operation of both Field House Solar Farm and Carr Farm Solar Farm is not impeded by the Proposed Development. This approach to managing interfacing projects is precedented in The Thurrock Flexible Generation Plant Development Consent Order 2022 which provided assurance to National Highways in relation to their Lower Thames Crossing scheme and The Portishead Branch Line (MetroWest Phase 1) Order 2022 which included a co-operation requirement with National Grid.



The Applicant notes that the level of interface in the case of those schemes was significantly greater than that which exists in the circumstances of this case.

- 5.1.21 As set out in the **Summary of Applicant's Oral Submissions at CAH2 [EN010157/APP/8.32]**, the use of a requirement to limit CA powers within the DCO is a precedented approach. This approach was taken by TfL in Article 29(2) of The Silvertown Tunnel Order 2018, Part 2 of Schedule 6 to the Galloper Wind Farm Order 2013 and Article 35(13) of The A122 (Lower Thames Crossing) Development Consent Order 2025.

## Schedule 14 at Deadline 6

- 5.1.22 Schedule 14 of the **draft DCO [EN010157/APP/3.1 Revision 10]** (Documents to be certified) lists the documents and plans that form part of the application for development consent and which need to be certified by the Secretary of State. The Applicant has ensured that Schedule 14 is up to date with the most recent document versions, examination library reference number, and relevant date at each deadline of the examination, where an updated copy of the draft DCO has been submitted.
- 5.1.23 The Applicant has carried out a thorough review of Schedule 14 ahead of Deadline 6 to ensure that the final version of the **draft DCO [EN010157/APP/3.1 Revision 10]** reflects an accurate representation of the documents requiring certification before the examination closes. The Applicant notes that there are some empty boxes in column (5) of Schedule 14, Parts 1 and 2, against **ES Volume 2, Chapter 15: Cumulative Effects [EN010157/APP/6.2]**, **ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [EN010157/APP/6.3]**, **ES Volume 4, Commitments Register [EN010157/APP/6.4]**, **Book of Reference [EN010157/APP/4.2]**, **Land Plans [EN010157/APP/2.4]**, **Works Plans [EN010157/APP/2.2]**, **Outline Construction Environmental Management Plan [EN010157/APP/7.2]** and **Outline Construction Traffic Management Plan [EN010157/APP/7.7]**. These documents have been updated at Deadline 6 and do not yet have an updated examination library reference. This will need to be inserted following the close of examination.

## 6 Overall Planning Balance and Conclusion

- 6.1.1 Recent Government policy has been increasingly clear that mitigating the effects of climate change and ensuring UK energy security, resilience and affordability is a top priority, including through affording relevant infrastructure a Critical National Priority status.
- 6.1.2 NPS EN-1, NPS EN-3 and NPS EN-5, the NPPF, and the Government's Clean Power 2030 Action Plan all highlight the importance of the urgent delivery of new low-carbon and renewable energy infrastructure. Solar is identified as being at the heart of the Government's Clean Power 2030 mission and is a key player in delivering low-cost, effective energy solutions. Coupled with strategic planning and enhanced grid infrastructure, the changes proposed in the 2025 draft NPS EN-1, NPS EN-3, and NPS EN-5 signal continued strong governmental support for scaling up renewable energy, aligning with net-zero commitments. The **Planning Statement [REP4-055]** sets out the key points for consideration by the Secretary of State, with regards to these matters within NPS EN-1, NPS EN-3 and NPS EN-5.
- 6.1.3 The Applicant has sought to work collaboratively with key stakeholders to develop and secure a comprehensive suite of measures that seek to avoid, minimise and, where necessary, mitigate and compensate for any significant effects of the Proposed Development. However, as is recognised by paragraph 3.1.2 of the NPS EN-1 *'it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts'*. Paragraph 3.3.63 goes on to state: *"Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation Overarching National Policy Statement for Energy (EN-1) hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible."*
- 6.1.4 NPS EN-1 Paragraph 4.1.7 states that where *'there would still be residual adverse effects after the implementation of such mitigation measures, the Secretary of State should weigh those residual effects against the benefits of the proposed development. For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk'*.

- 6.1.5 The residual effects in the ES in this case are limited to the following:
- Landscape and Visual in relation to LCA 19D: Central Holderness Open Farmland and visual effects from users of some PRowS. These impacts predominantly occur during construction, up to year 10 of operation, and decommissioning and therefore are not present for the majority of the overall lifetime of the Proposed Development;
  - Compaction and deterioration of soil and agricultural land, loss of BMV agricultural land; and
  - Cumulative in relation to an intra-project significant adverse cumulative effects on views from three footpaths and Figham Common by year 10 of operation.
- 6.1.6 It is worth noting that the above residual significant adverse effects do not form any of the, few, outstanding matters of discussion with stakeholders. These are set out in section 2 of this document.
- 6.1.7 Good design has been embedded into the Proposed Development from the outset of the site selection process with the search process seeking to avoid areas of higher landscape sensitivity. In this context the first tier of the mitigation hierarchy, has been applied as there are no local or national landscape designations which would be impacted by the Proposed Development. At a site specific level, a comprehensive mitigation package has been embedded into the design of the Proposed Development to date with further commitments made to minimise any likely significant impacts. This includes further planting added during the Examination stage in response to requests from ERYC landscape consultants to provide further visual mitigation. However, the nature of the Proposed Development, the sensitivity of receptors and the existing rural context mean that there are some impacts which cannot be mitigated. The Applicant considers that, given the acute need for the Proposed Development, it has taken all reasonable measures to minimise these likely significant effects.
- 6.1.8 In a policy context, paragraph 5.10.5 of NPS EN-1 accepts that there will likely be some impact in terms of landscape and visual effects as a result of DCO scale energy projects, stating, “*virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation*”.
- 6.1.9 With regards to the land use residual impacts, the Applicant acknowledges that there will be approximately 35.1% of the Order Limits which is BMV agricultural land that will be temporarily used for the purposes of accommodating solar PV development and associated infrastructure. As with landscape impact, the general nature of the type of land that lends itself to large scale solar development is rural and often in agricultural use. Nevertheless, the Applicant has sought to limit the amount of higher-grade agricultural land within the Order Limits and, once the Order Limits were defined and the detailed characteristics of the soil quality were understood, the Applicant sought to avoid the use of BMV, where possible.

- 6.1.10 NPS EN-3, while setting a preference for the type of land to be used for solar development, is clear at paragraph 3.10.14 that the land type should not be a predominating factor in determining the suitability of a site. It goes further to accept that it is likely that agricultural land will form part of an applicant's proposals, and that ground mounted solar PV development is not prohibited on BMV. It is also important to note that there is no planning policy which requires agricultural land to be farmed and farmers are actively encouraged to take land out of arable use to help regenerate soil and combat the biodiversity crisis.
- 6.1.11 The land to be used for the Proposed Development will be used temporarily and will be returned to agricultural use at the end of the Proposed Development's lifetime. Nevertheless, **ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]** has confirmed that a temporary significant effect to some areas of Grade 1 and 2 soil is encountered during the construction phase as a result of compaction and deterioration given the Grade 1 and 2 soil is more susceptible to structural damage from the use of machinery and vehicular activity.
- 6.1.12 As a CNP project, the Proposed Development benefits from the strongest policy position set out in national planning policy. NPS EN-1 sets out a presumption in favour of energy related development. The **Planning Statement [REP4-055]** and Policy Accordance Tables at Appendix 1 to the Planning Statement, confirm that the Proposed Development complies with NPS EN-1, NPS EN-3, NPS EN-5, the NPPF and Local Plan. Where significant adverse effects have been identified the Applicant has demonstrated its application of the mitigation hierarchy and careful consideration of design. However, impacts on landscape and visual receptors and soils and agricultural land which cannot be avoided, reduced or mitigated, as per paragraph 4.2.11 of NPS EN-1, remain. Cumulative impacts are also considered, as per the requirements of paragraph 4.2.12 of NPS EN-1 and identify intra-project significant adverse cumulative effects on views from three footpaths and Figham Common by year 10 of operation. An intra-project significant positive cumulative effect is identified on landscape fabric by year 10 of operation as a result of substantial hedgerow, structural woodland and scrub planting (an additional approximately 19.5 km and approximately 10,240 m<sup>2</sup> and 30,363 m<sup>2</sup> respectively) alongside 5.88 km of hedgerows lost, with 5.44 km of this loss being reinstated.

## 6.2 Conclusion

- 6.2.1 The Proposed Development complies with the relevant planning policy and other matters that the Applicant considers may be both important and relevant to the Secretary of State's decision on whether to grant development consent. The Proposed Development is a well-considered and efficiently designed proposal that responds to the urgent and unprecedented need for low-carbon infrastructure development and is sensitive to the local environment.

- 6.2.2 The benefits of the Proposed Development have been set out in section 4 of this document and carry substantial weight.
- 6.2.3 While the Applicant has worked hard to avoid, minimise and mitigation/compensate any significant adverse effects, it is accepted that a project of this scale would have some residual effects, and this is recognised in the NPS. The residual impacts of the Proposed Development are not unacceptable in terms of NPS EN-1.
- 6.2.4 Overall, the urgent need for the Proposed Development, which attracts substantial weight, and the very limited number of residual significant adverse impacts which have been mitigated appropriately in accordance with policy, result in the planning balance being overwhelmingly in favour of the grant of development consent.



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