Peartree Hill Solar Farm

Summary of Applicant's Oral Submissions at the Issue Specific Hearing 3 (ISH3)

Application Document Ref: EN010157/APP/8.31

December 2025

Contents

1 Introduction

1.1 Background

1.1.1 This document summarises the oral submissions made on behalf of RWE Renewables UK Solar and Storage Limited (the **Applicant**) at the ISH3 on 11 December 2025 in relation to the Applicant's application for development consent for the Peartree Hill Solar Farm (the **Proposed Development**).

1.1.2 This document does not purport to summarise the oral submissions made by other parties at the ISH3 and references to submissions made by other parties are only included to give context to the Applicant's submissions in response. Where the comment is a post-hearing comment submitted by the Applicant, this is indicated.

1.1.3 This document uses the headings for each item in the agenda published for ISH3 by the Examining Authority on 3 December 2025 **[EV9-001]**.

1.2 Agenda item 1 – Welcome, introductions and arrangements for the hearing

1.2.1 The Applicant was represented at ISH3 by Tom McNamara, Legal Director at TLT LLP (**TM**). The following persons were also introduced to the Examining Authority (**ExA**):

1.2.1.1. [redacted], Partner and Parliamentary Agent at TLT LLP (**MLA**)

1.2.1.2. [redacted], Associate Director at RSK (**BT**)

1.2.1.3. [redacted], Senior Transport Planner at SCP (**CGQ**)

1.2.1.4. [redacted], Principal Consultant at ARC (**JT**)

1.2.1.5. [redacted], Head of Flood Risk & Hydrology at Calibro (**PG**)

1.3 Agenda item 2 – dDCO

The ExA may ask questions in respect of articles, schedules and requirements of the dDCO (including requirements 15 and 16 and schedule 5, Part 2), seeking responses where appropriate from the applicant and interested parties (IPs).

1.3.1 MLA confirmed that the Applicant's position on Articles 3 and 5 remained unchanged and is not dependant on the nature of the project but is considered

a matter of good drafting, and being transparent about the clear terms of the Order. The reasoning for the drafting is set out within the Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 (ISH1) [**REP4-037**].

1.3.2 The ExA then queried whether Article 8(3)(c) should reference Northern Powergrid (Yorkshire) as the licence holder and not Northern Powergrid Holding Company. MLA noted that Article 2(9) ensures there is no confusion as: *"References to any statutory body in this Order or any registered company listed in article 8 (consent to transfer benefit of Order) includes that body's or that company's successor bodies from time to time."* This drafting is intended to ensure that any intra-company transfers will not cause any impacts on the powers of the **draft DCO [REP5-004]**.

1.3.3 The ExA then queried the use of "begin" rather than "commence" in Requirement 2. MLA explained that in Tidal Lagoon (Swansea Bay) Plc v Secretary of State for BEIS & Ors [(2022) EWCA Civ 1579], the Court of Appeal directly addressed whether the terms "begin" and "commence" carry distinct meanings in a DCO's time-limit provision.

1.3.4 MLA explained that this case helps highlight that the definition of "commence" excludes "permitted preliminary works" whereas "begin" would include any construction activity. This leads to the words not being interchangeable in this context. The Applicant considers it appropriate that the Requirement relating to Time Limits, intended to ensure works are started in a reasonable period of time, should include the carrying out of preliminary works. It is not appropriate for the DCO to be "timed out" in circumstances where the Applicant has started carrying out the authorised development, including the permitted preliminary works. By contrast, the Requirements relating to controls on environmental and traffic impacts, which seek to control the significant works should apply to works excluding the permitted preliminary works. The use of "begin" in the former, and "commence" in the latter is therefore deliberate: the permitted preliminary works are de-minimis with minimal potential for adverse impacts and it is therefore considered appropriate for these to be carved out of the definition of "commence". MLA set out this was a precedented approach (see, for example, Requirement 2 to The A122 (Lower Thames Crossing) Development Consent Order 2025, Schedule 2, Requirement 4 to The London Luton Airport Expansion Development Consent Order 2025, Requirement 3 to The Gatwick Airport (Northern Runway Project) Development Consent Order 2025 and Schedule 11, Requirement 2 to The Able Marine Energy Park Development Consent Order 2014).

1.3.5 MLA noted that the Applicant had not sought to rely exclusively on the definition contained in section 155 on the basis that section sets out that ""Material operation" means any operation except an operation of a prescribed description" but there had been no such prescription for the purposes of that section.

1.3.6 **Post-hearing note:** We set out paragraph 4 of the judgement in Tidal Lagoon (Swansea Bay) Plc v Secretary of State for BEIS & Ors [(2022) EWCA Civ 1579] below which confirms this point:

"The definition of the word "commence" excluded significantly more pre-commencement preparatory works than the definition of the word "begin" in section 155 of the 2008 Act (section 155), which provided that development was "taken to begin on the earliest date on which any material operation comprised in, or carried out for the purposes of, the development begins to be carried out". In other words, the restricted definition in the DCO meant that many of the pre-commencement "material operations" would not, even if undertaken, qualify to "commence" the development within the time limit, whilst they would qualify to "begin" the development under section 155."

1.3.7 TM, following a request from East Riding of Yorkshire Council (ERYC), agreed to provide more clarity to the Outline Operational Environmental Management Plan to make provision for a timeframe to submit a Decommissioning Environmental Management Plan in the event of outages.

1.3.8 **Action 1: In liaison with East Riding of Yorkshire Council, to update section 8, paragraph 8.1.2 of the outline Operational Environmental Management Plan to make provision for a timeframe (such as three months) in which to submit a Decommissioning Environmental Management Plan in the event of outages, consistent with timeframes in requirement (R) 15 of the draft Development Consent Order (dDCO).**

1.3.9 **Response to Action 1:** This has been amended in the version of **the Outline Operational Environmental Plan [EN010157/APP/7.3 Revision 5]** submitted at Deadline 6. The amended text has been reviewed and approved by ERYC ahead of its submission (see Appendix 2 of this document for the email correspondence).

1.3.10 Turning to Requirement 16, TM confirmed that the Applicant had not yet had comments on the specific drafting of Requirement 16 from Albanwise. However, TM agreed to the ExA's request to add clarification to Requirement 16(3).

1.3.11 **Action 2: To amend R16(3) of the dDCO to refer to "[…] Field House Solar Farm and Carr Farm Solar Farm."**

1.3.12 **Response to Action 2:** This addition has been incorporated into the latest iteration of the **draft DCO [EN010157/APP/3.1 Revision 10]**.

1.3.13 MLA then responded to queries as to why the Applicant's proposed access track is more appropriate than the Dogger Bank route suggested by Albanwise. MLA explained that the Dogger Bank route would:

1.3.13.1. require the disturbance of otherwise undeveloped land with potential impacts on ecological receptors, soils, agricultural land and

watercourses with consequential negative effects on Biodiversity Net Gain. The alternative access route does not remove the interface with construction traffic for Field House Solar Farm or Carr Farm Solar Farm. Construction vehicles would still potentially meet at the access to Field House Farm adjacent to the junction with the A1035;

1.3.13.2. towards the south of the route, require a new bridge to be constructed at substantial cost; and

1.3.13.3. also rejoin the existing access track at a location where construction vehicles for both the Proposed Development and Carr Farm Solar Farm would be present and continue to interface.

1.3.14 It was noted that the impact of Requirement 16 had been discussed extensively at CAH2. MLA confirmed that every impact that Albanwise raised was appropriately addressed by Requirement 16. This requirement ensures that the Proposed Development does not negatively impact either Field House Solar Farm or Carr Farm Solar Farm.

1.3.15 In response to queries around ES Volume 2, Chapter 15: Cumulative Effects, TM confirmed that this would be amended to remove the inconsistency regarding temporary Rublic Rights of Way (PRoW) restrictions noting that they were a result of the changes introduced during the examination.

1.3.16 **Action 3: Update ES Chapter 15: Cumulative Effects Assessment paragraph 15.6.3 and Table 15-6 to reflect that, as per Schedule 5, Part 2 of the dDCO and other documents, PRoW Riston Footpath No.1 would be 'temporarily closed or restricted' and PRoW Riston Footpath No.2 would be 'temporarily restricted'**

1.3.17 **Response to Action 3**: This has been amended in the version of ES Volume 2, Chapter 15: Cumulative Effects **[EN010157/APP/6.2 Revision 5]** submitted at Deadline 6**.**

Any statutory undertakers or other bodies present with an interest in protective provisions in Schedule 12 of the dDCO will be invited to make representations and to explain their positions (should this not have been covered in Compulsory Acquisition Hearing 2).

1.3.18 No issues were raised under this agenda item.

1.4 Agenda item 3 – Transport and access

1.4.1 The Applicant welcomed confirmation from ERYC that they:

1.4.1.1. approved of the access route off the A1035;

1.4.1.2. believed that the minimal traffic movements from the Proposed Development would not warrant a road safety analysis; and

1.4.1.3. considered the mitigation measures proposed by the Applicant, such as bankspeople, appropriate.

Matters around the proposed use of Park Lane for construction purposes.

1.4.2 In relation to Park Lane, CGQ confirmed the Applicant considered that the impact of the Proposed Development during the construction phase will be negligible on the basis of the low peak of daily vehicles using Park Lane and the short-term nature of the period over which construction vehicles will need to use Park Lane.

1.4.3 CGQ confirmed that the Applicant has taken road safety extremely seriously and the proposals include mitigating against the potential for road safety issues by committing to restrict construction HGV traffic to avoid school peak drop off and pick up times, in addition to restricting the majority of HGVs from arriving and departing the Site during the local road network peak hours; i.e. between 9am and 4pm. The school peak drop off and pick up times will be obtained from discussions with local schools, agreed with ERYC and detailed in the Construction Traffic Management Plan. It is anticipated that the restricted times will be Monday to Friday 07:30 to 09:00 and 15:00 to 16:30 (although this is to be confirmed with ERYC). Automatic number plate recognition (ANPR) or global positioning system (GPS) vehicle tracking could be utilised in order to monitor and enforce compliance with the restrictions, as well as providing a hotline number / email which will provide the opportunity for local residents to report non-compliance with the Principal Contractor. Furthermore, a number of measures are outlined in the **Outline Construction Traffic Management Plan (CTMP) [REP5-071]**, such as the provision of advanced warning signage and bankspeople. The restrictions and management measures proposed are considered to be satisfactory to mitigate against highway safety concerns.

1.4.4 The **Outline CTMP [REP5-071]** includes a commitment that the Applicant will explore the use of an alternative access which is planned to be created off the A1079 in association with the Wanlass Beck substation.

1.4.5 Specifically, the commitment in the **Outline CTMP [REP5-071]** at paragraph 4.1.6 states 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."* The Applicant is continuing to liaise with ERYC on this matter and will continue to monitor any changes in the situation regarding the availability of an alternative access to using Park Lane.

1.4.6 TM confirmed this was the strongest commitment that could be made when uncertainty around the alternative access exists. The Applicant could not place itself in a hostage to fortune situation.

1.4.7 TM emphasised that ERYC would be integral to the shaping of the Construction Traffic Management Plan and would hold an approval function in respect of the same, as per Requirement 5 of the **draft DCO [REP5-004].**

There is no scope for the Construction Traffic Management Plan to be implemented without first satisfying ERYC. This, therefore, provides appropriate control in relation to this issue in the Applicant's view.

1.5 Agenda item 4 – Air quality

Consideration of the applicant's response to ExQ3.5.1b) and c), noting that some of the traffic figures of the Transport Assessment state that "It is assumed that 50% of vehicles will travel to and from Hull Port via A1035 at Beverley and 50% via the A165."

Whether the applicant could seek/ confirm Hull City Council's agreement on its

1.5.1 The ExA confirmed that following the submission of the Applicant's response to the Rule 17 letter [**AS-030**], they had no questions to raise under this agenda item.

1.6 Agenda item 5 – Health and safety

Update on any further liaison with Humberside Fire and Rescue Service relating to the Battery Safety Management Plan.

1.6.1 It was noted that Humberside Fire and Rescue Service submitted a response to the Examining Authorities Rule 17 request, published 5 December [**AS-024**], which confirms that they are satisfied with the **Outline Battery Safety Management Plan [REP5-069]**.

1.7 Agenda item 6 – Population

Discussion regarding the potential level of harm to be attributed to Albanwise Limited's business interests.

1.7.1 BT set out that Change 9 was introduced as part of Change Request 2 in September. Table 9.1 of the **Change Request [REP2-149]** concluded that "No materially new or different [i.e. significant] effects have been reported in the ES as a result of Change 9". BT explained that the Applicant considers that the impacts on the business interests of Albanwise would be a slight adverse impact during the construction phase, taking into account the measures within the **Outline CTMP [REP5-071]** and the introduction of Requirement 16 of the **draft DCO [REP5-004],** and neutral impact during the operational phase, which are not significant.

1.8 Agenda item 7 – Land, soil and groundwater

Update regarding the Environment Agency's outstanding concerns in relation to the potential for groundwater contamination.

1.8.1 PG confirmed that the Applicant does not intend to make any substantive changes to its approach in the light of the EA's evidence.

1.8.2 PG explained that the Applicant has interrogated this evidence and considers that it is not relevant in this case and has provided a response to this effect in its **Response to Deadline 4 Submissions [REP5-078]**.

1.8.3 In short, PG explained that the EA refers to a scientific paper that demonstrates contaminants would be released when battery cells ignite. However, this paper by its own admission does not include any filtration of contaminants. Consequently, it cannot be relied upon to present a real-world demonstration of the behaviour or release of contaminants and therefore the evidence referred to in **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping [REP5A-007]** remains the best available. There is an extremely low likelihood for BESS fires to occur. It should also be noted that the above paper explains that in order to generate thermal runaway, direct heat in the form of a burner flame was required. This demonstrates that thermal runaway is not easily initiated.

1.8.4 TM added that it should be noted that the approach proposed by the Applicant has been accepted by the Secretary of State for the Byers Gill Solar Project (consented in July 2025).

1.8.5 **Action 4: To provide a post hearing note on the implications for a sealed battery energy storage system, as per the Environment Agency's (EA) recommendation. Liaise further with the EA with the aim of reaching agreement on the matter**

1.8.6 **Response to Action 4:** The Applicant remains of the view that to amend the Proposed Development to meet the Environment Agency's requirement is unnecessary and would, in addition, impose a disproportionate cost, impacting the viability of the Proposed Development. The Applicant has addressed this in a note set out at Appendix 1 to this document.

1.8.7 JT, in response to queries raised by Mr. McManus explained the role of water supplies in BESS management and why the fires in South Korea are not indicative of risks at the Proposed Development.

1.8.7.1. In respect of water supplies, the modus operandi is to not apply direct water onto any fire. Instead, a system called "containment and boundary" cooling is the recommended proactive. This allows the fire to burn out and is considered safer.

1.8.7.2. With respect to the fires in South Korea, the Ministry of Trade, Industry and Energy in Korea reported that the majority of these fires occurred in warehouse situations, so they did not relate to the BESS proposed in the case of the Proposed Development. JT explained that these were warehouses stacked high with lithium-ion technology, and they were hastily run out in an attempt to resolve an energy crisis that Korea was experiencing. It was also noted that these incidents

occurred prior to the promulgation of the National Fire Protection Agency 855 Standard for the Installation of Stationary Energy Storage Systems and subsequent Underwriters Laboratories 1973 and 9540 guidance, to which BESS now are aligned.

1.9 Agenda item 8 – Review of issues and actions arising

No.	Directed to	Action	Applicant's response
1	Applicant	In liaison with East Riding of Yorkshire Council, to update section 8, paragraph 8.1.2 of the outline Operational Environmental Management Plan to make provision for a timeframe (such as three months) in which to submit a Decommissioning Environmental Management Plan in the event of outages, consistent with timeframes in requirement (R) 15 of the draft Development Consent Order (dDCO).	Paragraph 8.1.2 of the **Outline Operational Environmental Management Plan (OEMP) [EN010157/APP/7.3 Revision 5]** has been updated to clarify the timeline for submission of a Decommissioning Environmental Management Plan in the event of 24 months of extended outage. The draft amendments to the text were shared with ERYC via email on 15 December 2025. ERYC responded via email on 16 December 2025 to confirm that they are satisfied with the revised wording. The updated document is submitted at Deadline 6. The email correspondence with ERYC is provided at Appendix 2 of this document.
2	Applicant	To amend R16(3) of the dDCO to refer to "[…] Field House Solar Farm and Carr Farm Solar Farm."	This addition has been incorporated into the latest iteration of the **draft DCO [EN010157/APP/3.1 Revision 10]**.
3	Applicant	Update ES Chapter 15: Cumulative Effects Assessment paragraph 15.6.3 and Table 15-6 to reflect that, as per Schedule 5, Part 2 of the dDCO and other documents, PRoW Riston	**ES Volume 2, Chapter 15: Cumulative Effects [EN010157/APP/6.2 Revision 5]** has been updated and is submitted at Deadline 6 to remove reference to 'temporary diversions' in relation to Riston Footpath No. 1 and Riston Footpath No.2 and to instead refer to 'temporary closure or restriction'

No.	Directed to	Action	Applicant's response
		Footpath No.1 would be 'temporarily closed or restricted' and PRoW Riston Footpath No.2 would be 'temporarily restricted'	and 'temporary restriction' respectively.
4	Applicant	To provide a post hearing note on the implications for a sealed battery energy storage system, as per the Environment Agency's (EA) recommendation. Liaise further with the EA with the aim of reaching agreement on the matter	A Post-Meeting note has been added as Appendix 1 to this document. This explains that the transition to a sealed system would be disproportionate and not justified nor required, given the mitigation proposed.
5	Applicant	To confirm progress regarding the applicant's 'Gate 2' application and potential grid connection dates.	The Applicant has received a Gate 2 Phase 2 offer for the Proposed Development. This confirms the Applicant's grid connection, however, does not provide a specific date but identifies a window (2030 – 2035) where the connection will fall. NESO anticipate that final offers (including connection date) will be confirmed in September 2026. As set out in the **Planning Statement [REP4-056]** and in the Applicant's **Response to the Examining Authority's First Written Questions [REP1-073]** the Applicant's current connection date is May 2033 but this is subject to the queue reordering process.

1.10 Agenda item 9 – Any other matters

1.10.1 **Action point 5: To confirm progress regarding the applicant's 'Gate 2' application and potential grid connection dates.**

1.10.2 **Response to action point 5:** The Applicant has received a Gate 2 Phase 2 offer for the Proposed Development. This confirms the Applicant's grid connection, however, does not provide a specific date but identifies a window (2030 – 2035) where the connection will fall. NESO anticipate that final offers (including connection date) will be confirmed in September 2026. As set out in the **Planning Statement [REP4-056]** and in the Applicant's **Response to the Examining Authority's First Written Questions [REP1-073]** the Applicant's current connection date is May 2033 but this is subject to the queue reordering process.

1.11 Agenda item 10 – Closure of the hearing

Appendix 1: Post hearing note on implications for a sealed battery energy storage system

1.1 Introduction

1.1.1 The Applicant has prepared this Appendix to object in the strongest possible terms to any changes which would require the installation of a sealed battery energy storage system. For the reasons explained below, such a requirement would make the Proposed Development commercially unviable, is not necessary, reasonable or appropriate in planning terms and it would cut across the approach adopted across the Applicant's portfolio.

1.1.2 The Applicant understands that the Environment Agency prefer the hybrid BESS/inverter packs to be fitted with a drainage system that could be sealed off in the event of fire breakout. This would be in the form of a lagoon, large basin or similar with an outfall that could be sealed shut to prevent water discharge. The lagoon could hold water until such time as it is tested for contamination. If the water shows elevated levels of contaminants, it would be removed and disposed of appropriately as hazardous material. If no elevated levels are found, the water can be released to the environment.

1.1.3 During the examination process, the Environment Agency provided evidence to support its assertion that battery fires release harmful chemicals in its **Response to Documents Submitted at Deadline 3** [**REP4-085]**, provided at Deadline 4 at the end of October 2025. The primary evidence presented was a scientific paper from the US that confirmed harmful chemicals can be released. As explained in the Applicant's **Response to Deadline 4 Submissions [REP5-078],** this paper is not useful in reflecting a real-world fire given that, by its own admission, it does not account for capture or filtering of contaminants. As explained in **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP5A-007],** chemicals would be likely to either settle in the BESS unit or be filtered by the mitigation proposed. Incidentally, this same paper demonstrated the difficulty in initiating thermal runaway, thus supporting the Applicant's assessment that battery fires are unlikely.

1.1.4 The National Fire Chiefs Council's Grid Scale Battery Energy Storage System planning – Guidance for FRS ('NFCC Guidance', adopted version) suggests that as a minimum there should be sufficient water for a spray rate of 1,900l/min for at least two hours. This would, in the context of a requirement for a sealed system, translate to a lagoon or basin needing to contain at least 228$m^{3.}$ Assuming the lagoon or basin had a depth of 1m it would require a surface area of over 228m^2. However, given the shallow nature of land drains and some watercourses at the Site and the need for a gravity discharge, some lagoons would likely need to be shallower and therefore cover a larger area.

1.1.5 There are 84 hybrid packs across the Proposed Development with the assumption that each would require its own lagoon/large basin of 228m^2. This equates to just under 20,000m^2 (2 hectares) of land required, within the Order Limits, to be repurposed to accommodate the lagoons alone. This would require a wholesale reconsideration of site layout including underground

infrastructure and would either reduce panelled areas and the ability of the Proposed Development to maximise output, thereby limiting the clean electricity generation benefits of the Proposed Development, or reduce ecological mitigation and/or enhancement areas, potentially meaning additional land acquisition would be required in order to provide sufficient ecological mitigation.

1.1.6 As explained in **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP5A-007]**, the risk of fire breakout in a BESS is very low and comfortably below socially acceptable standards, as defined by the Health and Safety Executive. The report also explains that there have been no recorded incidents of environmental damage arising from known, comparable, BESS fires globally.

1.1.7 There are two theoretical sources of contamination. The first is from compromised batteries discharging contaminants to the ground in liquid form. The second is contaminants contained within a smoke plume settling on the ground and entering the water environment.

1.1.8 Depending on the density of the smoke plume, the fire and rescue service will attempt to bring the plume to ground via the use of suppression spraying. In the event contamination is present in the plume (the evidence presented in paragraph 3.4.26 of **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP5A-007]** shows this not to be the case), the suppression water would allow the contaminants to settle in the gravel base surrounding the BESS.

1.1.9 Regarding the first potential source, **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP5A-007]** addresses this in detail. In summary, for liquid contaminants to enter the ground would require them to escape from the BESS unit casing. It is extremely unlikely that the casing would degrade sufficiently to facilitate the release of contaminants. If it did, then the three-layered mitigation (gravel base, sand layer and geotextile wrap) would negate the pathway of entry of contaminants to the ground.

1.1.10 Regarding airborne release, for the lagoon or basin system to be effective would require the smoke plume to travel directly over the lagoon or basin. This could allow the contaminants (if present) to settle in the lagoon (assuming the specific conditions required for settlement also occur above the lagoon). There is no guarantee the atmospheric conditions present at the time (wind direction or strength, plume dispersion rate, humidity, precipitation, air pressure etc.) would facilitate the smoke plume in travelling directly above the lagoon.

1.2 Design Implications

1.2.1 As outlined above, to satisfy the Environment Agency's requirements would result in a significant alteration to the Proposed Development, notably the loss

of either panels, and therefore clean generation output, or ecological mitigation and/or enhancement areas.

1.2.2 Each lagoon/basin would be lined with an impermeable membrane and each one would need an inflow and outflow pipe, to allow onward gravity connection to either a watercourse or land drain. Gravity flow would be required to manage regular and design rainfall events. Depending on Internal Drainage Board requirements, it is likely the lagoon outflow pipe would be fitted with a flow control device and penstock (such as a Marshalls HydroBrake Penstock concrete chamber or similar approved).

1.2.3 Such an amendment to the Proposed Development would result in significant alterations to the layout, **ES Volume 3, Figure 3.1: Indicative Operational Layout Plan [REP5-023],** but also require reconsideration of many chapters within the ES as well as supporting documents such as **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 [REP5A-009 to REP5A-026]**. It would have construction, operational and maintenance implications, thereby impacting relevant documents such as the **Outline CEMP [EN010157/APP/7.2 Revision 7]**, **Outline OEMP [EN010157/APP/7.3 Revision 5]** and **Outline Decommissioning Environmental Management Plan [REP5-066].**

1.2.4 Of greatest significance to the ES assessments would likely be the significant groundworks and increased vehicle movements required to excavate over 80 lagoons, relocate over 19,000m^3 of material as well as install pipe runs and chambers. The amendments would also require new outfalls to be installed in watercourses, all of which would require consenting from the relevant authority.

1.2.5 As evidenced above and throughout **ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [REP5A-007]** and summarised in the **Closing Statement [EN010157/APP/8.29]** a sealed system is not required nor justified.

1.3 Cost Implications

1.3.1 The cost implications of a sealed drainage system of the type described above would be in excess of £2.5m at construction stage with additional funding required for operational inspection and maintenance as well as decommissioning.

1.3.2 For example, a HydroBrake penstock chamber could cost in the region of £3,000 - £5,000 to procure and install. Assuming 84 would be required (one per hybrid pack) results in a capital cost increase of £250,000 - £420,000 alone.

1.3.3 The Proposed Development has been subject to rigorous ongoing internal economic viability assessments, however, additional cost running into millions

of pounds would place in serious jeopardy its viability, placing at risk the significant benefits of the Proposed Development in terms of renewable energy generation from a domestically generated source. The Applicant reiterates that the approach taken to the Proposed Development mirrors that of another recently consented project promoted by the Applicant, namely the Byers Gill Solar Order 2025 and sees no justification for the imposition of an alternative approach here, noting that the Environment Agency raised no similar concerns on Byers Gill and has not provided a clear justification for the change in position.

1.4 Environmental Statement Implications

1.4.1 The introduction of a sealed drainage system at each hybrid pack would likely introduce new impacts that are not currently considered within the ES. For example, there would be a loss of retained habitat and habitat due to be enhanced for wildlife, with potential knock-on effects for Biodiversity Net Gain and, depending on how the layout were reconfigured to accommodate the sealed drainage systems, it could have implications for the amount of land available for ecological mitigation areas. This could potentially result in additional land take being required in order to provide sufficient ecological mitigation. The construction of the outfalls would also introduce potential direct effects to ecological receptors such as water vole, otter and aquatic species. Creation of the lagoons or basins could have implications for the amount of BMV land lost as a result of the Proposed Development, depending on where they were located. The required excavations could also result in an increased risk of soil degradation through soil movement and disturbance. The additional vehicle movements required for construction of the drainage systems and relocation of excavated material would need to be considered. Additional embodied carbon in concrete required to construct the sealed drainage systems may need to be accounted for within the carbon assessment in **ES Volume 2, Chapter 8: Climate [APP-044]**.

1.5 Relevant Planning Policy

1.5.1 The Applicant notes that the Overarching National Policy Statement for Energy (NPS EN-1) sets out that any requirements or conditions must be “necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects”. For the reasons set out above, the Applicant considers that each of any requirement for a sealed system would be unnecessary and unreasonable.

1.5.2 The Applicant further notes NPS EN-1 sets out that "the Secretary of State should consider whether mitigation measures are needed over and above any which may form part of the project application" and this is followed directly by "The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice." The Applicant's position is therefore that it has complied with this, by including measures in the design to manage the relevant risk.

1.6 Conclusion

1.6.1 For the reasons set out above and in further detail in the Applicant's submissions throughout the examination as summarised in the **Closing Statement [EN010157/APP/8.29]**, 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. 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 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, as it would not be economical having regard to the additional cost involved.

1.6.2 The approach proposed by the Applicant has been deemed acceptable by the Secretary of State in the Byers Gill Solar Order 2025 and by a number of local authorities in planning permissions for solar developments granted under the Town and Country Act 1990 and the Environment Agency has not provided any justification for its change in position or any substantive evidence to support why the Applicant's proposal is not suitable. The Applicant therefore considers the position of the Environment Agency in this regard is wholly unjustified.

Appendix 2: Email correspondence with ERYC on proposed updates to Outline OEMP

[redacted]

From: [redacted]@eastriding.gov.uk>
Sent: 16 December 2025 09:25
To: [redacted]
Cc: [redacted]
Subject: Re: Peartree Hill - update to Outline OEMP

Hi [redacted],

Thank you for your email.

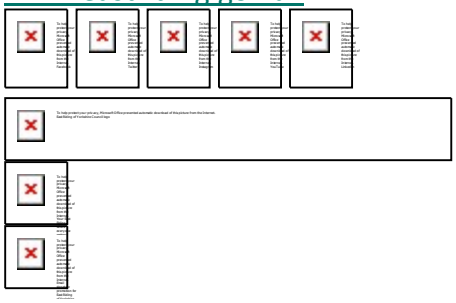
Yes, ERYC are satisfied with the revised wording of the outline OEMP.

Many Thanks

[redacted]
Principal Planning Officer

Please note my working days are Tuesday, Wednesday & Thursday

www.eastriding.gov.uk



From: [redacted]@rsk.co.uk>
Sent: Monday, December 15, 2025 12:57 PM
To: [redacted]@eastriding.gov.uk>
Cc: [redacted]@dwd-ltd.co.uk>
Subject: Peartree Hill - update to Outline OEMP

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Hi [redacted],

One of the actions from the hearings (ISH3 #1, as set out here) was for us to update the Outline OEMP to provide further clarity around timescales for production of a Decommissioning Environmental Management Plan in the event of 24-month extended outage. Please see below for the proposed amendments to the text (in red).

Please could you confirm that ERYC are happy with these changes? The updated Outline OEMP will be submitted at Deadline 6 (this Friday).

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8 In the event of Period of Extended Outage
*8.1.1 The Applicant must provide notice to the local planning authority once any part of the authorised development stops generating electricity for a continuous period of 12 months for non-maintenance reasons ("Period of Extended Outage"). When giving such notice the Applicant must provide details of the steps it is taking to rectify the issue along with an expected timeframe for when generation is predicted to re-commence operation. The Applicant agrees to keep the local planning authority updated following the Period of Extended Outage until the re**[1]**commencement of operation.*
*8.1.2 In the event that the equipment/plant is still inoperative after an additional period of 12 months from the first Period of Extended Outage (resulting in a continuous period of 24 months of outage), subject to paragraph 8.1.3, the Applicant must, unless otherwise agreed with the local planning authority, within 3 months submit a Decommissioning Environmental Management Plan ("**DEMP**") to the local planning authority for that part of the authorised development ~~and decommissioning of that part of the authorised development must take place in accordance with the approved plan~~ and, except to the extent that the timescales for its submission are modified by this paragraph, Requirement 15 of Schedule 2 to the DCO shall apply to a DEMP submitted to the local planning authority under this paragraph.*
8.1.3 Paragraph 8.1.2 does not apply if: a) it was a force majeure event; b) the outage occurred as a result of National Grid undertaking any activities to Creyke Beck Substation and/or the transmission network; or c) the local planning authority agree otherwise (acting reasonably).
8.1.4 For the purpose of paragraph 8.1.3 part a), a 'force majeure event' means an event or circumstance which is beyond the reasonable control of the Applicant which will include but is not limited to an act of God, war, civil disturbance, statutory prohibition, disruption to or issues with supply chains, Government intervention, order or act of Government or local/public authority, acts of terrorism, fire, lightning, flood, adverse weather conditions, prevention of access to any site as a consequence of any local, regional or national restriction on movement in consequence of a health emergency, or otherwise to prevent the spread of any communicable disease, explosion, accident, theft, vandalism or national strike action.

===

Many thanks,
[redacted]

[redacted]
Senior Environmental Consultant

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