

RWE Renewables UK Solar and Storage Limited

FAO [REDACTED]
Department of Energy Security and Net Zero
3-8 Whitehall Place
London
SW1A 2AW

14/05/2026

Dear [REDACTED],

Development Consent for Peartree Hill Solar Farm: EN010157

Applicants' response to request for information

On 30 April 2026, the Examining Authority ("ExA") issued a letter under the Infrastructure Planning (Examination Procedure) Rules 2010 which requested information under four separate headings. The Applicant has addressed each point in turn in the letter below.

Compulsory Acquisition and Temporary Possessions

Update of Status of Crown Consent

The Applicant and the Crown Estate are in active discussions in relation to the provision of s135 consent which is close to being concluded and submitted for the Crown's formal internal approval process. The parties will aim to reach agreement shortly after 14th May. This update has been agreed between the solicitors acting for The Crown Estate and RWE Renewables UK Solar and Storage Limited.

Update on Protective Provisions

At the close of the examination, an agreed position as to protective provisions had not been reached with National Gas Transmission plc, Network Rail, National Grid Electricity Transmission plc and Northern Powergrid. The status of progress in relation to each of these statutory undertakers is as follows:

- **National Gas Transmission plc** – an agreement on all outstanding matters has now been reached and the documents are being prepared for signature. Once signed, the protective provisions contained in Schedule 12, Part 5 of the draft DCO submitted before the close of the examination **[AS-037]** would be replaced by the version now agreed in principle by the parties. Once agreed, the Applicant would also invite National Gas Transmission to write to the Secretary of State confirming that its objection to the Proposed Development is no longer sustained.
- **Network Rail** - an agreement on all outstanding matters is very close to being reached and then documents will be prepared for signature. Once signed, the protective provisions contained in Schedule 12, Part 7 of the draft DCO submitted before the close of the examination would be replaced by the version agreed by the parties.

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Once agreed, the Applicant would also invite Network Rail to write to the Secretary of State confirming that its objection to the Proposed Development is no longer sustained.

- **National Grid Electricity Transmission plc** – an agreement on the majority of outstanding matters has been reached with one point on the protective provisions remaining in discussion, relating to the wording of the indemnity. The Applicant is confident that an agreement will be reached in due course. Once an agreement is reached, the protective provisions contained in Schedule 12, Part 6 of the draft DCO submitted before the close of the examination would be replaced by the version agreed between the Parties. At that point, the Applicant would also invite National Grid to write to the Secretary of State confirming that its objection to the Proposed Development is no longer sustained.
- **Northern Powergrid** – despite the Applicant’s concerted efforts, it has not been possible to reach an agreement with Northern Powergrid in relation to protective provisions. Whilst a consensus was reached on the majority of points, the parties were ultimately unable to agree on the terms of the indemnity provision. The Applicant’s position in this regard was set out in Table 1 of the **Closing summary statement [REP6-031]**. Northern Powergrid’s position was set out in a letter to the Planning Inspectorate dated 6 January 2026. There has been no change in the position subsequent to this correspondence.

Agricultural Land Classification

The Agricultural Land Classification (ALC) of each of the Land Areas is identified in Table 10-12 of **Environmental Statement (ES) Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]**, both in terms of hectareage and the proportion of each Land Area and the overall Order Limits that hectareage represents. These percentages reflect the worst-case extent of Best and Most Versatile (BMV) land for each of the Proposed Development’s key components. A plan of the land grading can be found at Appendix 6 of **ES Volume 4, Appendix 10.2: Agricultural Land Classification Report [APP-127]**, while **ES Volume 3, Figure 10.2: ALC Blocks overlaid Land Areas [REP2-102]** shows how the Land Areas B-F correspond to the ALC blocks 1-4 shown in **ES Volume 4, Appendix 10.2**.

The only permanent infrastructure associated with the Proposed Development that may be retained following decommissioning comprises the two substations located in Fields C3 (Project Substation East) and E8 (Project Substation West). All solar infrastructure, including solar PV modules, BESS, inverters and DC-DC converters (known collectively as ‘hybrid packs’) and the majority of internal access tracks will be removed and the land reinstated during the decommissioning phase. For assessment purposes, the substations and their internal access tracks have been assumed, on a worst-case basis, to remain in situ following decommissioning. The Applicant would emphasise that decommissioning is an obligation that would be imposed under Requirement 15 of Schedule 2 to the draft DCO, and would provide further controls in this context.

As requested, Table 1 presents the quantity of BMV land that will be located under areas of permanent hardstanding.

Table 1 – Quantity of BMV land that will be located under areas of permanent hardstanding Permanent Infrastructure

Proposed permanent infrastructure	Area of BMV land
Project Substation East	0ha

New internal access track to Project Substation East	0ha
Project Substation West	0.66ha of grade 3a
New internal access track to Project Substation West	0.05ha of grade 3a

Following the Secretary of State’s request, it has come to the Applicant’s attention that Project Substation West (located within Field E8) lies on Grade 3a BMV agricultural land. This represents an error in **ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]**, and subsequently the **Planning Statement [REP4-055]**, where the permanent loss of 0.71ha of BMV land should have been reported. The area of 0.71ha permanent loss equates to:

- 0.49% of the total Grade 3a BMV present within the Site (144.8ha);
- 0.28% of the total BMV (Grades 1, 2 and 3a) present within the Site (249.9ha); and
- 0.08% of the total land area of the Proposed Development (893ha).

Upon review, the inclusion of 0.71ha of Grade 3a BMV land would not change the residual effects presented in **ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]**.

According to the IEMA Guide: *A New Perspective on Land and Soil in Environmental Impact Assessment*, Grade 3a BMV land is assigned a **high** sensitivity, as reflected in **Table 10-4 of ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]**.

Table 10-7 of ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077] presents the magnitude of impact (change) criteria for land and soil and identifies the relevant (minor and negligible) magnitude of impact (change) to the context of this matter as follows:

- **Negligible** – “No discernible loss or reduction or improvement of soil functions or soil volumes that restrict current or proposed land use.”
- **Minor** – “Permanent, irreversible loss over less than 5 hectares or a temporary, reversible loss of one or more soil functions or soil volumes, or temporary, reversible loss of soil-related features (as set out in Table 2 of the IEMA Guide), as advised by other factor specialists in EIA team. or Potential for permanent improvement in one or more soil functions or soil volumes due to remediation or restoration over an area of less than 5 hectares or a temporary improvement in one or more soil functions due to remediation or restoration or off-site improvement, or temporary gain in soil-related features (as set out in Table 2 of the IEMA Guide), as advised by other factor specialists in EIA team.”

The residual effects upon Grade 3a BMV land are currently reported in **ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]** as follows:

- Construction – **high** sensitivity soil, **minor** magnitude of impact (change), **slight adverse** or **moderate adverse** (temporary) significance of effect (ultimately concluded to be **slight adverse (not significant)**);
- Operation - **high** sensitivity soil, **negligible** magnitude of impact (change), **slight adverse** (temporary) significance of effect (**not significant**); and
- Decommissioning - **high** sensitivity soil, **negligible** magnitude of impact (change), **slight adverse** (temporary) significance of effect (**not significant**).

The permanent loss of 0.71ha BMV would change the magnitude of impact (change) assigned to the Grade 3a decommissioning phase assessment from **negligible** to **minor** as there would, in a worst case scenario, be a “*Permanent, irreversible loss less than 5 hectares*” as identified in **Table 10-7 of ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]** at the point of decommissioning. This would result in a significance of effect of **slight adverse** or **moderate adverse**. It is deemed that the significance effect would be **slight adverse (not significant)**. The total area of loss is only 0.71ha and the range for minor magnitude of permanent loss is 0ha to 5ha; therefore, the area of loss is towards the lower end of the threshold.

The magnitude of impact (change) for construction and operation would remain the same as stated in **ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]** due to the impact being temporary for those phases.

Although the magnitude of impact (change) would change in **ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]** for the decommissioning phase, the permanent loss of 0.71ha of Grade 3a BMV land would not change the significance of effect presented in **ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]** and therefore the conclusions remain sound.

In summary, Table 2 below offers a side-by-side comparison of the assessment presented in the **ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077]** and the assessment as a result of the 0.71ha permanent loss of grade 3a. Changes are marked in red.

Table 2 – Assessment comparison summary for Grade 3a BMV land

Phase	Sensitivity	Magnitude of impact (change)	Significance of effect	Duration	Change to assessment conclusions
Assessment presented in ES Volume 2, Chapter 10: Land, Soil and Groundwater [REP2-077] based on no permanent loss of BMV					
Construction	High	Minor	Slight adverse (not significant)	Temporary	No
Operation	High	Negligible	Slight adverse (not significant)	Temporary	No
Decommissioning	High	Negligible	Slight adverse (not significant)	Temporary	No
Assessment based on 0.71ha permanent loss of Grade 3a BMV					
Construction	High	Minor	Slight adverse (not significant)	Temporary	No

Phase	Sensitivity	Magnitude of impact (change)	Significance of effect	Duration	Change to assessment conclusions
Operation	High	Negligible	Slight adverse (not significant)	Temporary	No
Decommissioning	High	Minor	Slight adverse (not significant)	Permanent	No

The decision on the location of Project Substation West (located in Field E8) was influenced by a number of factors including:

- Locating it outside of Flood Zones 2 or 3 as reasonably possible (as informed by flood breach modelling);
- Locating it at least 250m away from residential properties and designated environmental features;
- Consideration of proximity and location of public rights of way;
- Consideration of proximity and visual impact on residential settlements; and
- Utilising existing woodland within the Proposed Development area, taking advantage of the existing screening from the surrounding area.

Ground Nesting Birds

Skylarks (*Alauda arvensis*) and other ground nesting birds have declined due to changes in agricultural practices reducing suitability of nesting habitat, for example the switch from spring to autumn sown cereals means crops are too high and dense for nesting in and this also makes foraging more difficult. In addition, crops, including grass, get harvested earlier in the year, before young have fledged and offer a limited winter seed supply, while the use of pesticides and herbicides reduce invertebrate abundance in the breeding season. All of these factors need to be addressed to enable the continued survival of farmland birds.

Donald (2004)¹ published a table showing that nesting skylarks can occupy a range of habitat types, with the nesting density being dependent on how suitable the habitat type is. Typical skylark territory densities range from 0.02 territories/ha in intensive grazed pasture to 0.56 territories/ha in organic set-aside, whilst arable farmland typically supports 0.28 territories/ha and coastal saltmarsh 0.7 territories/ha.

Skylark nesting density is significantly higher in organic set-aside primarily due to superior food availability and optimal vegetation structure that remains suitable throughout the entire breeding season.

Organic set-aside fields provide a sanctuary from the intensive management of conventional farmland. In particular:

- **Abundant Food:** The absence of pesticides leads to much higher densities of invertebrates (like beetles and spiders), which are critical for feeding chicks.
- **Prolonged Nesting Window:** In conventional cereal fields, crops often become too tall and dense by June, forcing birds to abandon them. Organic set-aside

¹ Donald, P.F. (2004). *The Skylark*. Poyser, London

maintains a sparser, more varied structure that allows skylarks to raise up to three broods from April through August.

- Reduced Disturbance: Unlike silage fields that are frequently cut, set-aside is typically left undisturbed or only "topped" late in the season, significantly increasing nest survival rates.

There is no official best practice guidance as to how mitigation for ground nesting birds should be prescribed or delivered. Therefore, assessment of impacts and recommendations for mitigation relies on the professional judgement and experience of the project ecologist/ornithologist.

The majority of the Proposed Development is within arable cropland and currently supports an estimated 65 skylark territories, within an area of approximately 893ha. This equates to an average density of 0.07 skylark territories/ha significantly below the 0.28 territories/ha indicated by Donald (2004) as being typical for arable farmland indicating how poor the current habitat suitability is. Whilst the current density of skylark breeding territories varies between fields, areas used by breeding skylark will be highly transient between years, so applying an average skylark territory density across the whole Proposed Development is appropriate to inform the quantity of replacement habitat required.

This average density of 0.07 skylark territories/ha can be applied to the area allocated for solar PV modules to estimate the number of skylark territories for which replacement habitat will be required, with the quantity of replacement habitat required determined from this. As different habitat types typically support different skylark breeding densities, the quantity of replacement habitat required will be dependent on what that replacement habitat is and how it is managed, as sympathetic management could potentially boost the carrying capacity and the density of nesting skylarks.

The Applicant is committed to creating approximately 112.34ha of grassland for nesting skylarks and other ground nesting birds.

- The type of grassland the Applicant is aiming to create, although natural in appearance, will be subject to low levels of management at the end of the summer, after ground nesting birds have bred, which will reduce disturbance and allow birds to rear multiple broods.
- Cessation of fertilizer, herbicide and pesticides application will likely increase the insect biomass as will the proposals to diversify the botanical interest of the fields.
- Fields will be cut for hay and or grazed during the winter months and the lack of fertilizer application will reduce the vigour of grass growth maintaining suitable nesting habitat for longer.

Therefore, the Applicant considers that the habitat creation will reflect many of the attributes of organic set aside and that therefore a carrying capacity of up to 0.56 territories/ha is achievable.

Evidence from a 40ha field in Gloucestershire that is being managed by RSK (the appointed ecologist acting on behalf of the Applicant) as a potential habitat bank contains set aside grassland and currently supports approximately 29 pairs of skylarks, a density of 1.38 pairs per hectare, indicating that this level of carrying capacity is more than achievable. In addition, recent research by scientists from the Royal Society for the Protection of Birds (RSPB) and University of Cambridge, as part of the Centre for Landscape Regeneration, found that – hectare for hectare – solar farms in agriculturally dominated East Anglia contained a greater number of bird species and overall number of birds than surrounding arable farmland. Solar farms managed with nature in mind and in areas with a greater mix of habitats proved the

best performers, having the greatest variety of species and nearly three times as many birds compared to nearby arable farmland.

The Applicant also requests that the Secretary of State consider the above in the context of the full suite of mitigation measures for ground nesting and other bird species including: 11ha of ecological enhancement areas (parcels below 2ha) which will include flower-rich grassland which would boost invertebrate numbers and provide additional foraging habitat, as would the approximate 430.175ha legume rich other neutral grassland below the solar panels themselves, all of which would likely boost the carrying capacity of skylarks in the local vicinity. In addition, a proportion (5%) of arable margins within the Order Limits would provide winter cover crops providing a source of winter food for ground nesting birds.

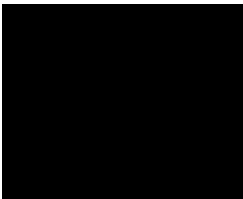
The Applicant therefore considers the carrying capacity of 0.56 skylark territories/ha to be achievable.

Other Matters

While there is no material change as such to the **Statement of Reasons Appendix B Land and Rights Negotiation Tracker [REP6-015]**, the Applicant is continuing its efforts to secure any outstanding land interests voluntarily.

I would be grateful if you would please acknowledge safe receipt of this letter and the enclosed documents.

Kind regards,



Lead DCO Development Project Manager

RWE Solar and Storage UK Ltd