
EAST YORKSHIRE SOLAR FARM

**East Yorkshire Solar Farm
EN010143**

**Applicant's Responses to Written Representations Submitted
at Deadline 1**

Document Reference: EN010143/APP/8.26

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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1. Introduction

1.1 Purpose of this document

- 1.1.1 The purpose of this document is to provide East Yorkshire Solar Farm Limited's (the Applicant) response to the Written Representations submitted at Deadline 1 of the Examination for East Yorkshire Solar Farm (EYSF) (the Scheme).
- 1.1.2 The Development Consent Order (DCO) application (the Application) for East Yorkshire Solar Farm was submitted on 21 November 2023 and accepted for Examination on 19 December 2023. Deadline 1 of the Examination was on 18 June 2024.
- 1.1.3 A total of 154 submissions were submitted to the Examination at Deadline 1. 83 of these were from the Applicant, with 71 being from Interested Parties. To avoid repetition the Applicant has focused on comments that make points that have not been addressed previously, within the Applicant's Responses to Relevant Representations [REP1-066] and Responses to the Examining Authority's Written Questions for Deadline 1 [REP1-081], or where the Applicant considers that further clarification may be useful.
- 1.1.4 The Written Representation received from Natural England [REP1-094] is included within Appendix A of this document. Only the Amber risk rated comments have been responded to within this document, as it is considered that the green risk rated comments have been responded to previously within the Applicant's Responses to Relevant Representations [REP1-066] and the Statement of Common Ground drafted between the Applicant and Natural England [REP1-075].

1.2 Structure of this document

- 1.2.1 This document provides a response from the Applicant to Written Representations submitted at Deadline 1 and is structured as follows:
- a. **Table 2-1:** Applicant's Responses to Written Representations submitted at Deadline 1 – Statutory Consultees
 - b. **Table 2-2:** Applicant's Responses to Written Representations submitted at Deadline 1 – Non-Statutory Consultees
 - c. **Table 2-3:** Applicant's Responses to Written Representations submitted at Deadline 1 – Public/Landowner
 - d. **Appendix A:** Natural England's detailed advice provided for their Written Representation.
- 1.2.2 Submissions received by Interested Parties are presented as verbatim text (unless indicated otherwise) and are then responded to by setting out the Applicant's position on the matter at the time of writing.
- 1.2.3 To increase the conciseness of this document similar points have been grouped together and summarised. The reference number column in the tables below refers to the reference given to the submissions made by Interested Parties.

1.2.4 The documents submitted with the Application are also referenced in this document, using the reference number [APP/x.y], where the last two/three numbers are the application document number, as set out in the Examination Library. All documents are also presented in numerical order in the Guide to the Application [REP1-002].

Table 1-1. List of Interested Parties that submitted Written Representations at Deadline 1

**RR/Examination Interested Party
 Reference
 Number**

| | |
|----------|--|
| REP1-087 | Foggathorpe Parish Council |
| REP1-092 | Environment Agency |
| REP1-093 | Historic England |
| REP1-095 | Network Rail Infrastructure Limited |
| REP1-096 | Network Rail Infrastructure Limited |
| REP1-097 | Yorkshire Wildlife Trust |
| REP1-098 | East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum |
| REP1-099 | Matthew Richard Axup |
| REP1-100 | Nick Beech |
| REP1-101 | Andrew Belk |
| REP1-102 | Andrew Belk |
| REP1-103 | Brian Birkett |
| REP1-104 | Maxine Birkett |
| REP1-105 | Anthony John Brown |
| REP1-106 | Anthony Brown |
| REP1-107 | Heather Burton |
| REP1-108 | David Burton |
| REP1-109 | David Grant Clayden |
| REP1-110 | Anne-Marie DunnWebb |
| ERP1-112 | Micheal Field |
| REP1-113 | David Fielder |
| REP1-114 | Mike Fisher |
| REP1-115 | Emma Foster |
| REP1-116 | Mike Glew |

**RR/Examination Interested Party
Reference
Number**

| | |
|----------|--------------------------------------|
| REP1-117 | Nikkola Glew |
| REP1-118 | Helen Louise Gore |
| REP1-119 | David Pinnock Humble |
| REP1-120 | Elizabeth Pinnock Humble |
| REP1-121 | Emma Humphrey |
| REP1-122 | Gregory Hulson |
| REP1-123 | Jane Hutchinson |
| REP1-124 | John Jessop |
| REP1-125 | Nicola Jimenez |
| REP1-126 | Christof Laudage |
| REP1-127 | Mary Lunn |
| REP1-129 | Beckitt & MacMillan |
| REP1-130 | Beckitt and MacMillan |
| REP1-131 | Karen Midgley |
| REP1-132 | Rowena Morgan |
| REP1-133 | Mark Nickolay |
| REP1-134 | Helen Pindard |
| REP1-135 | James Pindard |
| REP1-136 | John Plant |
| REP1-137 | Joanne Roebuck |
| REP1-138 | John Graham Stone |
| REP1-139 | Sheila Stone |
| REP1-140 | Elizabeth Smith |
| REP1-141 | Alison Taylor |
| REP1-142 | Florence Daisy Taylor |
| REP1-143 | Mr Paul Taylor and Mrs Alison Taylor |
| REP1-144 | Mr Paul Taylor and Mrs Alison Taylor |
| REP1-145 | Paul Adrian Joseph Taylor |
| REP1-146 | Helen Tiplady |

RR/Examination Interested Party Reference Number

| | |
|----------|---|
| REP1-147 | Jennifer Tiplady |
| REP1-148 | Anthony David Scott Warren and Celia Joyce Scott Warren |
| REP1-149 | Kevin Webb |
| REP1-150 | Mark Wetherell |
| REP1-151 | Rebecca Wetherell |
| REP1-152 | Jan Wildgoose |
| REP1-153 | Jan Wildgoose |
| REP1-154 | Emma Wood |

1.2.5 For ease of reference, a table of acronyms used in this document is provided in **Table 1-2** of this document.

Table 1-2. Abbreviations

| Abbreviation | Definition |
|--------------|--|
| AA | Appropriate Assessment |
| ALC | Agricultural Land Classification |
| BEGA | Bilateral Embedded Generation Agreement |
| BMV | Best and Most Versatile Land |
| BNG | Biodiversity Net Gain |
| CEMP | Construction Environmental Management Plan |
| CCTV | Closed Circuit Television |
| CTMP | Construction Traffic Management Plan |
| DAS | Design and Access Statement |
| DBA | Desk Based Assessment |
| DCO | Development Consent Order |
| DEMP | Demolition Environmental Management Plan |
| DMRB | Design Manual for Roads and Bridges |
| EA | Environment Agency |
| EIA | Ecological Impact Assessment |
| EPR | Environmental Permitting Regulations |
| ERYC | East Riding of Yorkshire Council |

| Abbreviation | Definition |
|---------------------|---|
| ES | Environmental Statement |
| EMP | Electro Magnetic Fields |
| EYSF | East Yorkshire Solar Farm |
| FLL | Functionally Linked Land |
| FSF | Fixed South Facing |
| ha | Hectares |
| HDD | Horizontal Directional Drilling |
| HGV | Heavy Goods Vehicle |
| HRA | Habitats Regulation Assessment |
| IDNO | Independent Distribution Network Operator |
| INNS | Invasive Non-Native Species |
| JLAF | Hull Joint Local Access Forum |
| kV | Kilovolts |
| LEMP | Landscape and Ecological management Plan |
| LCA | Local Character Area |
| LVIA | Land and Visual Impact Assessment |
| LWS | Local Wildlife Site |
| MW | Megawatt |
| NETS | National Electricity Transmission System |
| NGESO | National Grid Electricity System Operator Limited |
| NPPF | National Planning Policy Framework |
| NPS | National Policy Statement |
| NSIP | Nationally Significant Infrastructure Project |
| OEMP | Operational Environmental Management Plan |
| PEI | Preliminary Environmental Information |
| PINS | Planning Inspectorate |
| PROW | Public Right of Way |
| PV | Photovoltaic |
| RR | Relevant Representation |
| SAC | Special Area of Conservation |
| SAT | Single Axis Tracker |

| Abbreviation | Definition |
|---------------------|-------------------------------------|
| SMP | Soil Management Plan |
| SPA | Special Protection Area |
| SSSI | Site of Special Scientific Interest |
| WR | Written Representation |
| WMP | Water Management Plan |

2. Applicant's Responses to Written Representations provided at Deadline 1

2.1 Statutory Consultees

Table 2-1. Applicant's Responses to Written Representations provided at Deadline 1 – Statutory Consultees

| Examination Library Ref. | Name | Comment | Applicant's Response |
|--------------------------|--------------------|---|---|
| REP1-092 | Environment Agency | <p>Flood Risk</p> <p>Our comments made under relevant representations are still applicable. We would, however like to draw attention to the comments we made with respect to the disapplication of EPR, and strongly recommend that the applicant discuss the works that will impact defences on the Rivers Derwent and Ouse as soon as possible.</p> | <p>The comments made under the Relevant Representations are noted. The Applicant will continue to liaise with the Environment Agency regarding the disapplication of Environmental Permitting Regulations (England and Wales) 2016 (the EPR) in respect of flood risk and discuss the works that are proposed in the vicinity of flood defence infrastructure on the River Derwent and River Ouse.</p> |
| REP1-092 | Environment Agency | <p>Groundwater and Contaminated Land</p> <p>We are satisfied with the requirements in the documents reviewed in respect to groundwater/contaminated land and have no further comments to add at this time. We would welcome the review of the Water Management Plan and final Construction Environmental Management Plan when available.</p> | <p>The comment regarding the Water Management Plan (WMP) is noted. The WMP will be an appendix to the detailed Construction Environmental Management Plan (CEMP), as secured by requirement 11 in Schedule 2 of the draft DCO [REP1-006].</p> |
| REP1-092 | Environment Agency | <p>Biodiversity</p> <p>Please see below comments/observations in relation to the following documents: Environmental Statement Volume 1, Chapter 8: Ecology 8.2.2 Legislation considered includes: The Hedgerow Regulations 1997 were updated in 2024. INNS – 8-139 Mink Yorkshire Wildlife Trust are coordinating a mink eradication programme, and the trust are going to expand it to include more areas in East Yorkshire. They intending to include the Foulness and Derwent catchments, can this site become part of this network? It will also allow Water Voles to recolonise. Biodiversity Net Gain Assessment Report The scheme will produce a net gain in all biodiversity units (area-based, hedgerow and watercourse units), however any improvement in terms of these figures should be reported. Framework Construction Environmental Management Plan Removal of vegetation present within the Site. Please have the ecologist carrying out a watching brief when the vegetation clearance is being undertaken. Page 26 If over-pumping of a watercourse is required, the pump intake must have a 2mm diameter mesh on it to prevent the entrainment of elvers and other small fish. Page 34 Please ensure that these are included within a Barn Owl nest box monitoring scheme where each box has a numbered tag and is checked on an annual basis. Page 42 Please ensure that the Barn Owl nest boxes are included within a monitoring scheme where each box has a numbered tag and is checked on an annual basis. I trust this representation is helpful. Should you have any queries please don't hesitate to contact me.</p> | <p>The Hedgerow Regulations referenced in Chapter 8: Ecology remain in force and are the appropriate legislative to be referred to. The new Management of Hedgerows (England) Regulations 2024 make provision for the protection of hedgerows on agricultural land. The existing retained hedgerows and new hedgerows will be suitably buffered and managed appropriately, as detailed in the Framework Landscape and Ecological Management Plan (LEMP), Volume 1 [REP1-063].</p> <p>The Applicant will discuss with the Yorkshire Wildlife Trust regarding including the Site in the mink eradication programme if considered appropriate. An ecologist will carry out a watching brief where appropriate, as outlined in the Framework Construction Environmental Management Plan (CEMP) [REP1-053]. The detailed CEMP will set out all roles, responsibilities and actions required in respect of implementation of the measures described in the Framework CEMP [REP1-053] and this is secured by requirement 11 in Schedule 2 of the draft DCO [REP1-006].</p> <p>The requirement for a pump with a suitably sized mesh is included within Table 3 of the Framework CEMP [REP1-053].</p> <p>The opportunity to participate in a monitoring scheme will be investigated with a local barn owl conservation group and will be included in the detailed LEMP if participating.</p> <p>Any changes in the BNG score will be reported on and a Biodiversity Net Gain Assessment is required post consent as secured by requirement 7 in Schedule 2 of the draft DCO [REP1-006]. An update to the BNG Report has been provided by the Applicant at Deadline 1 [REP1-061].</p> |
| REP1-094 | Natural England | Please refer to Appendix A of this document. | Please refer to Appendix A of this document. |

| Examination Library Ref. | Name | Comment | Applicant's Response |
|--------------------------|--------------|---|--|
| REP1-096 | Network Rail | <p>We act on behalf of Network Rail Infrastructure Limited (party reference number 20047372) and confirm that we will not be attending the preliminary meeting, we do however have the following statement.</p> <p>"The Applicant and Network Rail have completed a voluntary option agreement and are engaged on the protective provisions, which are in a substantively agreed form. The parties are working towards finalising and submitting an agreed set of protective provisions for Deadline 1 on 21 June 2024."</p> | <p>The Applicant has agreed a form of protective provisions for the benefit of Network Rail Infrastructure Limited, which have been included in Part 6 of Schedule 14 to the draft DCO submitted at Deadline 1 [REP1-006]. The Applicant and Network Rail Infrastructure Limited have also agreed a form of framework agreement between the parties, which awaits signature.</p> |
| REP1-095 | Network Rail | <p>1.3 The Construction Traffic Management Plan (CTMP) proposes to access a construction compound via Rowlandhall Lane to carry out construction works including the use of tractor-trailers.</p> <p>1.4 Under the CTMP, construction traffic would utilise Rowlandhall Lane as a means of access to Compound C of the Proposed Development site.</p> <p>1.5 Network Rail is concerned that the use of Rowlandhall Lane as proposed by the CTMP will place additional pressure on the level crossing at Rowlandhall Lane (Rowlandhall Level Crossing). Mitigation measures are required to ensure the safety of the railway crossing at Rowlandhall Lane and to ensure that HGV routing will not be conducted in this area.</p> <p>1.6 In order to be able to withdraw its objection, Network Rail will need to be confident that sufficient mitigation measures will be agreed and implemented to ensure that traffic travelling to and from the Proposed Development and the other works proposed within the vicinity of the Railway Line will not impact the safety of the Railway Line or the Rowlandhall Level Crossing and those using and/or operating them. To achieve this the following will need to be in place:</p> <p>(a) appropriate protective provisions in the Proposed DCO that protect and safeguard Network Rail's statutory undertaking; (b) amendments to the CTMP regulating the use of the Level Crossings;</p> <p>(c) an agreement with the Applicant that regulates the use of the Level Crossings.</p> <p>1.7 Network Rail therefore requests that its standard protective provisions for the benefit of the safety of railway interests (the form of which are at Appendix 2 to this Written Representation) (NR Protective Provisions) are included and not removed from the Proposed DCO, and that the amendments to the CTMP as defined and detailed at paragraph 4.1 below, are included and not removed from the Proposed DCO.</p> <p>1.8 Unless the NR Protective Provisions and the CTMP amendments (further details of which are set out at paragraph 3 below) are included in the Proposed DCO, Network Rail considers that the Secretary of State cannot conclude that the Proposed DCO can be granted without detriment to Network Rail's statutory undertaking and risk to users and operators of the Railway Line arising.</p> | <p>The Applicant has prepared a Framework CTMP [REP1-026]. At Section 3.4.7 there is explanation that no HGVs will use the Rowlandhall Lane Level Crossing.</p> <p>Construction Compound C (access point located approximately 800 m south of the Rowlandhall Lane Level Crossing on Rowlandhall Lane) will be serviced by a maximum of 14 two-way daily Tractor-Trailer vehicles bringing materials from Compound B, therefore only these vehicles will be required to use the Rowlandhall Lane Level Crossing to gain access.</p> <p>The Framework CTMP [REP1-026] has been updated at Deadline 1 to include additional information at section 3.4.13 outlining that Network Rail will be consulted prior to any proposed use of the Rowlandhall Lane Level Crossing and that all tractor-trailer vehicles that are categorised as large or slow in accordance with existing signage must call the signaller prior to crossing Rowlandhall Lane Level Crossing and comply with any instructions given to them.</p> <p>Establishing through the Framework CTMP that HGVs will not use the Rowlandhall Level Crossing, and a protocol for the use of the level crossing by tractor-trailers, represents appropriate and sufficient mitigation measures which are secured via requirement 13 of Schedule 2 of the draft DCO [REP1-006].</p> <p>Furthermore, based on the rural / agricultural nature of the local area, these types of vehicles frequently use the local road network and also level crossings where required, and therefore this is not an abnormal occurrence.</p> <p>The Applicant therefore understand Network Rail's concerns have been resolved, and that this will be confirmed into Examination shortly, once the framework agreement has been signed between the parties.</p> |
| REP1-095 | Network Rail | <p>2 Cable Route</p> <p>2.1 Permanent acquisition of new rights are sought over Network Rail land, including operational railway being the Railway Line. Network Rail's engineers have confirmed that they do not object in principle to the proposed routing of the cables under the Railway Line, however further work is required to assess any adverse impacts to operational railway and further agreements will need to be entered into to enable those assessments to take place.</p> | <p>As noted above, the Applicant has agreed a form of protective provisions for the benefit of Network Rail Infrastructure Limited, which have been included in Part 6 of Schedule 14 to the draft DCO submitted at Deadline 1 [REP1-006]. The Applicant and Network Rail Infrastructure Limited have also agreed a form of framework agreement between the parties, which awaits signature.</p> |

| Examination Library Ref. | Name | Comment | Applicant's Response |
|--------------------------|--------------|---|--|
| | | In addition, Network Rail's standard protective provisions will be required to dictate the process for future assessment. | <p>The Applicant and Network Rail have concluded a voluntary option agreement.</p> <p>The Applicant therefore understand Network Rail's concerns have been resolved, and that this will be confirmed into Examination shortly, once the framework agreement has been signed between the parties.</p> |
| REP1-095 | Network Rail | <p>3 Impacts on the Crossings</p> <p>3.1 The Applicant's CTMP does not provide for scenarios where HGV routing via Compounds A, B, D or E is unavailable. Network Rail is concerned that HGVs would therefore need to utilise Rowlandhall Lane Level Crossing in order to gain access to the Proposed Development Site.</p> <p>3.2 Rowlandhall Level Crossing is unsuitable for the passing of HGVs and there is currently no mechanism to ensure that HGVs travelling to the Proposed Development are not diverted via this route.</p> <p>3.3 Network Rail acknowledges that use of Rowlandhall Level Crossing for HGVs is not anticipated in the CTMP but in the event of the HGV proposed routing being unavailable, Network Rail would require the Applicant to provide it with prior notice of its intended use of Rowlandhall Level Crossing, particularly any movement of abnormal loads, and to adhere to any reasonable requirements as to its use to ensure the integrity of the crossing deck and the surface of the roads approaching the Rowlandhall Level Crossing.</p> | <p>For any intended use of Rowlandhall Lane Level Crossing, including the tractor-trailer usage outlined in section 3.4.7 of the Framework CTMP [REP1-026] or any unscheduled usage due to unforeseen circumstances such as road closures restricting access along the prescribed routes to Construction Compounds A, B, D or E, Network Rail will be consulted in advance. The Applicant will also adhere to any reasonable requirements as to its use to ensure the integrity of the crossing deck and the surface of the roads approaching the crossing.</p> |
| REP1-095 | Network Rail | <p>4 Engagement with the Applicant</p> <p>4.1 Network Rail is keen to resolve the issues referred to above to enable it to withdraw its objection to the Proposed Development. Network Rail's solicitors will continue to engage with the Applicant's solicitors to move towards resolution and a legal agreement and related protective provisions have been agreed but not yet completed. Network Rail's objection remains until the legal agreement is completed, but Network Rail hopes to withdraw its objection shortly after Deadline 1.</p> | <p>The Applicant understands that Network Rail's concerns have been resolved, and that this will be confirmed into Examination shortly, once the framework agreement has been signed between the parties.</p> |
| REP1-095 | Network Rail | <p>5 Requests of the Examining Authority</p> <p>5.1 Network Rail invites the Examining Authority to requests that the Applicant amends the DCO by including the NR Protective Provisions at Part 6 of Schedule 14 to the Proposed DCO, as we refer to above (and as attached at Appendix 2).</p> <p>5.2 Network Rail also invites the Examining Authority to request that the Applicant makes the following amendments/secure these elements of the CTMP:</p> <p>(i) update to the CTMP to confirm that the Applicant will consult with Network Rail in relation to any proposed use of Rowlandhall Level Crossing in the event that Compounds A, B, D or E are unavailable for access by construction traffic and will comply with any reasonable requirements of Network Rail as to the use of Rowlandhall Level Crossing to ensure the safety, security, operation and maintenance of the operational railway;</p> <p>(ii) the Applicant will not use or permit the use of HGVs in any construction traffic route using the Rowlandhall Level Crossing; and</p> | <p>Please see responses above. The draft DCO [REP1-006] was updated at Deadline 1 to include the agreed form of protective provisions with Network Rail. The Framework CTMP [REP1-026] was also updated at Deadline 1 to reflect the requirements of Network Rail.</p> |

| Examination Library Ref. | Name | Comment | Applicant's Response |
|--------------------------|--------------|--|---|
| | | (iii) the Applicant will submit an updated form of the CTMP to the examining authority at the next examination deadline following the completion of this Agreement and will not make any amendments to the same without the consent of Network Rail. | |
| REP1-095 | Network Rail | <p>6 Conclusions</p> <p>6.1 Network Rail does not object in principle to the Proposed Development. However, it objects to the absence of a mechanism in the Proposed DCO and to the use of Rowlandhall Level Crossing.</p> <p>6.2 Until such time as Network Rail is given the protection and assurances requested as detailed in this Written Representation, Network Rail's objection to the Proposed DCO will not be withdrawn.</p> | <p>Please see responses above. The draft DCO [REP1-006] was updated at Deadline 1 to include the agreed form of protective provisions with Network Rail. The CTMP [REP1-026] was also updated at Deadline 1 to reflect the requirements of Network Rail. The Applicant therefore understand Network Rail's concerns have been resolved, and that this will be confirmed into Examination shortly, once the framework agreement has been signed between the parties.</p> |

2.2 Non-Statutory Consultees

Table 2-2. Applicant's Responses to Written Representations submitted at Deadline 1 – Non-Statutory Consultees

| Examination Library Ref. | Consultee | Comment | Applicant's Response |
|--------------------------|--|--|---|
| REP1-098 | East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum | <p>Comments from the East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum relate to: Framework Public Rights of Way Management Plan; Doc. Ref: EN010143/APP/7.13 Environmental Statement, Vol. 1, Chapt. 12: Socio-economics and Landuse; Doc. Ref: EN010143/APP/6.1</p> <p>And, to an important but lesser degree: Environmental Statement, Vol. 1, Chapt. 10: Landscape and Visual Amenity; Doc. Ref: EN010143/APP/6.1 Environmental Statement, Vol. 1, Chapt. 13: Transport and Access; Doc. Ref: EN010143/APP/6.1</p> <p>The East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum (JLAF) is a statutory advisory body that safeguards Public Rights of Way (PRoW) and promotes their use for the benefit of both countryside access and public health through exercise and the enjoyment of countryside amenity. PRoWs are part of the King's Highway and, as such, are protected in law. The East Yorkshire Solar Farm photovoltaic panel arrays and connecting and export cable corridors affect directly or through close proximity 22 PRoWs. PRoWs are recorded on the Definitive Map held by the Definitive Map Team of the East Riding of Yorkshire Council. The JLAF does not object to the proposed development, but asks that the following issues be addressed during the review and deliberation of the Development Consent Order (DCO) application:</p> <p>1. There is a need for specific details about PRoW diversions where the photovoltaic panel arrays and connecting and export cable corridors intersect or otherwise affect PRoWs. The JLAF asks that temporary diversion routes be defined by the Applicant after consulting the East Riding of Yorkshire Council's Countryside Access Team. Permissions will also need to be sought from landowners. In each and all cases, JLAF asks that diversions be in place before temporary closure and diversion is effected.</p> | <p>The proposed Public Right of Way (PRoW) temporary diversion routes are depicted in the Streets, Rights of Way and Access Plans [REP1-004 and REP1-005] and detailed in the PRoW Management Plan [APP-245]. The Applicant is not proposing to undertake any permanent diversion of public rights of way and therefore the impacts will only be temporary in nature. Temporary diversions have been proposed where a need has been identified to segregate construction vehicles from public right of way users to ensure that members of the public can continue to be safely used the public right of way network in the vicinity of the Scheme.</p> <p>Details of how public rights of way diversions will be managed during the phases of the Scheme are contained in the Framework Public Rights of Way Management Plan [APP-245]. The measures contained within this document (Section 3.7) will help to ensure the operation of PRoW in the local area in terms of user safety and accessibility. A detailed PRoW Management Plan will be submitted for approval by the relevant local authorities (which includes East Riding of Yorkshire Council) post consent and this will need to be in substantial accordance with the Framework PRoW Management Plan [APP-245] as secured by requirement 17 of Schedule 2 of the draft DCO [REP1-006].</p> |

| Examination Library Ref. | Consultee | Comment | Applicant's Response |
|--------------------------|--|--|--|
| REP1-098 | East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum | 2. Temporary closure of each PRoW where diversion cannot be implemented should be limited in time in order to minimize, as much as possible, the interruption of public rights of access and loss of the physical and mental public health benefits that accrue to countryside access. The Applicant must be required to liaise with the East Riding of Yorkshire Council's Countryside Access Team regarding temporary closure and diversion of PRoWs and, further, to specify a maximum period that will be required for temporary closure and diversion of a PRoW. JLAF recommends a maximum period of three months. | As set out in Chapter 13: Traffic and Transport, ES Volume 1 [APP-065] and the Framework PRoW Management Plan [APP-245] there will be no PRoW closures as a result of the Scheme. A limited number of temporary diversions and crossing points are required for PRoW affected by the installation of solar PV infrastructure and cabling. |
| REP1-098 | East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum | 3. The JLAF asks that the Applicant be directed to give an outline schedule of the way the installation will proceed. It wishes to be assured that the work will progress on a 'rolling' geographical basis i.e. that work shifts progressively, and that there is no intention to divert or close all PRoWs affected either directly or through proximity to installation, to cable corridor excavation or to haul roads for the duration of the installation and at the same time. | <p>A Framework PRoW Management Plan [APP-245] submitted with the DCO Application outlines how PRoW will be managed during construction, operation and decommissioning of the Scheme. It provides details of the expected PRoW diversions. The measures contained within this document (Section 3.7) will also help to ensure the PRoW in the local area remain open and are appropriately managed in terms of user safety and accessibility.</p> <p>A detailed PRoW Management Plan will be submitted for approval by the relevant local authorities post consent and this will need to be in substantial accordance with the Framework PRoW Management Plan [APP-245] as secured by requirement 17 of Schedule 2 of the draft DCO [REP1-006]. A Framework CEMP [REP1-053], Framework OEMP [REP1-055] and Framework DEMP [REP1-057] have also been prepared for the DCO Application which also provide details of the proposed management of PRoW (including diversion) and any PRoW mitigation during the construction, operation and decommissioning of the Scheme, as well as the implementation of permissive paths.</p> <p>Detailed management plans will be prepared and submitted for approval post consent as per requirements 11, 12 and 18 of the draft DCO [REP1-006].</p> |
| REP1-098 | East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum | 4. The Applicant, and/or subsequent owners of the cables, should be required to adopt medium-term responsibility for restoration of surface settlement where PRoWs cross ground that has been disturbed. Given the burial depth of cables and given the easily-poached soils of the southern Vale of York and typical dilated and consolidated soil bulk densities, soil settlement is eventually likely to be around 15 - 25 cm (6 – 10 inches). This will attract pools of water and plasticise the soil, resulting, de facto, in cul-de-sac PRoWs because of unfavourable ground conditions, particularly in winter, thereby severely reducing usage and the public health benefits of countryside access. JLAF suggests a watchperiod of at least seven years to allow time for soil settlement. With regard to this matter, the cable owner would best be required to deal with the ERYC Countryside Access Team which, ordinarily, would receive reports of access issues from members of the public and/or be aware of such issues through the field experience of its own officers. These reports and observations could be evaluated and passed directly to the company for action. When ground restoration works take place, permissions will have to be sought beforehand and restoration carried out to standards set by ERYC's Countryside Access Team. | A Soil Management Plan (SMP), which will need to be substantially in accordance with the Framework SMP [REP1-058] submitted with the DCO Application, will be prepared and submitted for approval post-consent and explain the restoration of the cable routes to current ALC grade, whereupon land will be returned to the landowner. The Soil Management Plan is secured through Requirement 15 of the Draft DCO [REP1-006] . |
| REP1-098 | East Riding of Yorkshire and Kingston upon | 5. The National Planning Policy Framework (para. 104) indicates that development should enhance PRoWs affected. JLAF therefore requests that the Applicant be required to clearly identify how the project will enhance rights of way in the project area | As detailed in the DAS [APP-234] one of the Scheme's design objectives is to enhance, where practicable, the existing network of PRoW to improve accessibility (objective 7) and another objective is to respond sensitively to its |

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| | Hull Joint Local Access Forum | <p>in addition to the stated intention to provide new Permissive Paths. The Applicant's PEIR does not identify potential enhancements, nor does its PRoW Management Plan (EN010143/APP/7.13). JLAF does not think that the two permissive paths proposed by the Applicant are sufficient compensation for either</p> <p>(a) the disruption, inconvenience, noise and mess for residents during the development work over several months/years or</p> <p>(b) the significant loss of amenity arising from extensive geographical coverage of the terrain by solar panels which, together with security fencing, will not only dominate the vicinity of the PRoWs but obscure distant views – views that provide the health benefits and enjoyment of countryside access.</p> <p>Alternatively, JLAF asks that the Applicant be required to give an undertaking to provide a reasonable annual developer contribution (e.g. Section 106 or similar agreement) to East Riding of Yorkshire Council, this fund being used to deliver improvements to public rights of way and access in parishes affected by the PV arrays and crossed by the cable corridors, in accordance with NPPF para 104 and with Rights of Way Improvement Plan priorities in the East Riding.</p> | <p>proximity to PRoW with regard to visual impact, noise and lighting (objective 4). This design approach is in accordance with 5.10.21 and 5.11.30 of NPS EN-1 and paragraphs 2.10.40 to 2.10.45 of NPS EN-3.</p> <p>The Applicant has sought to avoid land which is crossed by PRoW and where this has not been possible consideration has been given to including sufficient buffers to ensure they are maintained during the construction, operation and decommissioning as set out in the Framework PRoW Management Plan [APP-245]. Perimeter fencing is proposed to be installed a minimum distance of 20 m either side of the centre of the PRoW where solar infrastructure lies to both sides (creating a 40 m wide corridor between the fence lines), or 15 m if solar infrastructure is to one side only. There will be a further 5 m from the perimeter fence to the Solar PV panels.</p> <p>Improvements to the connectivity of the existing PRoW are proposed through the provision of permissive paths the design of which will accord with ERYC's PRoW design standards. These routes will be available to the public during the operational life of the Scheme.</p> <p>These are shown on the Landscape Masterplan provided at Appendix A of the Framework LEMP [APP-246]. A detailed LEMP which will be substantially in accordance with the Framework LEMP will need to be approved post consent with the relevant local authorities and this is secured by requirement 6 of the Draft DCO [REP1-006].</p> <p>There is no reasonable basis on which to conclude any developer contribution is required, whether through a section 106 agreement or otherwise. The Applicant has proposed the necessary mitigation for PRoWs within its Framework Public Rights of Way Management Plan [APP-245] and is providing enhancement via the provision of two new permissive paths during the Scheme lifetime. The tests for a planning obligation are not met, specifically any such obligation is not required to make the development acceptable in planning terms, as evidenced by the Planning Statement [APP-233].</p> |
| REP1-098 | East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum | <p>6. JLAF notes that the Secretary of State should consider whether a development application includes appropriate mitigation measures regarding its impact on PRoWs and countryside access (Overarching National Policy Statement for Energy EN-1; paras 5.11.30 and 5.11.31). In this regard, it will be essential to specify in the development consent order the distances between all PRoWs and security fencing that encloses solar panel arrays as described in the applicant's Environmental Statement, Vol. 1, Chapt. 12: Socio-economics and Landuse; Doc. Ref: EN010143/APP/6.1.</p> | <p>During construction, no PRoW closures will be required. The PRoW will be buffered from the perimeter fencing, with fencing being installed a minimum distance of 20 m either side of the centre of the PRoW where solar infrastructure lies to both sides (creating a 40 m wide corridor between the fence lines), or 15 m if solar infrastructure is to one side only. There will be a further 5 m from the perimeter fence to the Solar PV panels. Horizontal Directional Drilling (HDD) will be used where the Grid Connection Corridor crosses the Rivers Ouse and Derwent and so the footpaths at these locations will be unaffected. The other PRoWs crossed by the Grid Connection Corridor and all PRoW which are crossed by the Interconnecting Cable Corridor would only be impacted during the short-term trenching and restoration operations. These PRoWs would remain open (likely managed through traffic management measures) although routes may be slightly diverted temporarily for a short period, for example moving from one side of a road to the other.</p> |

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| REP1-098 | East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum | 7. The JLAF welcomes the Applicant's stated intention to provide new Permissive Paths and asks that the alignment of these be specified and included as an element of the permission granted by the DCO with an expectation that these Permissive Paths are available for public use during the life of the project. | <p>During operation, no closures or diversions to PRowS are expected. Permissive Paths to enhance the current PRow network will be provided as part of the Scheme.</p> <p>During decommissioning there should be no need for any closures of PRow. In a worst-case scenario, PRow crossing the Grid Connection or Interconnecting Cable Corridor may be disrupted by traffic management or temporary diversions, but these will be short-term in duration.</p> <p>A Framework PRow Plan [APP-245] submitted with the DCO Application, outlines how PRow will be managed during construction and operation of the Scheme. The measures contained within this document (Section 3.7) will help to ensure the operation of PRow in the local area in terms of user safety and accessibility.</p> <p>The Framework CEMP [APP-238], the Framework OEMP [APP-239], and Framework Decommissioning Environmental Management Plan (DEMP) [REP1-057] have been prepared which also explain the proposed management of PRow (including diversions) and any PRow mitigation during the construction, operation and decommissioning of the Scheme, as well as the implementation of permissive paths. Detailed management plans will need to be approved post consent prior to construction by the relevant local authorities. These detailed management plans must substantially accord with the framework management plans and this is secured by a requirement in Schedule 2 to the Draft DCO [REP1-006].</p> |
| REP1-098 | East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum | 8. JLAF wishes to draw attention to the Secretary of State for the Environment's extension of the deadline to the year 2031 for submission of claims of historical rights of way that are not recorded on the Definitive Map. Were these claims under Schedule 14 of the Wildlife and Countryside Act 1981 to emerge within the project area, JLAF asks that the East Riding of Yorkshire's Definitive Map Team be required to inform the Applicant and that the Applicant be required to make reasonable accommodation of any proven claim to PRow, whether involving agreed diversion of alignment, with costs borne by the Applicant, or adjustment of the PV arrays or cable corridors. | <p>The Applicant has included provision at Article 11(9) in relation to new PRow added to the definitive map following DCO application. This article permits the undertaker to stop up, prohibit the use of, alter or divert any such PRow within the Order limits if required for the purposes of carrying out the authorised development. This power is required as the Scheme is a Nationally Significant Infrastructure Project. The UK Government has identified solar PV with a capacity of above 50MW (such as the Scheme) as Critical National Priority Infrastructure. The need for the Scheme and the urgency in decarbonisation means that the Scheme should not be unnecessarily hindered or delayed in its delivery as a result of currently unknown PRowS. Similar provision has also been included within the draft DCOs for Gate Burton Energy Park, Cottam Solar Project, West Burton Solar Project and Mallard Pass Solar Project, all which have completed Examination and are currently awaiting determination.</p> |

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| REP1-087 | Foggathorpe Parish Council | We understand that government guidelines indicate that in any one area only 3% should be given over to Solar, we think that this scheme is nearly double this amount. | The Applicant is not aware of any published government guidelines which limit the amount of solar development in any one area to only 3% or any other percentage. |
| REP1-097 | Yorkshire Wildlife Trust | <p>1. Ecology Chapter</p> <p>Two Local Wildlife Sites have been identified within the interconnecting cable corridors of the scheme: Tottering Lane, Gribthorpe LWS (between Solar PV Area 1a and Solar PV Areas 1b and 1e) and Wressle Verge LWS (between Solar PV Areas 3a and 3b). 11 other LWS' were identified within 2km of the scheme. Works are proposed within these two LWSs, with some proposals to minimise disturbance provided such as keeping the working area for the cable installation across the verges to a minimum of 5m width inside the LWSs, no storage of spoil, vehicles or materials within the LWSs and tunnelling under hedgerows. However, concerns remain as to whether this proposed mitigation would be sufficient to account for the potential loss of/damage to habitat within those LWSs. It is unclear what the justification or reasoning for the cable route having to run through the LWSs is in the documents we reviewed, and for this reason we would argue that it would be preferred the route avoids these two LWSs altogether. Full justification must be provided as part of the Ecological Impact Assessment (EclA), with consideration of alternatives being a key part of the assessment.</p> <p>LWS (formerly known as Sites of Importance for Nature Conservation) are of great significance as core wildlife-rich habitats of substantive nature conservation value and taken together with Sites of Special Scientific Interest (SSSIs), they represent a major national asset, essential to nature's recovery. LWS play a critical conservation role by providing wildlife refuges, acting as stepping stones, corridors and buffer zones to link and protect nationally and internationally designated sites – improving ecological coherence and connectivity and contributing to a climate resilient landscape. With no statutory status, their only form of protection is through good planning policy and decisions.</p> <p>For a long time, it has been recognised that, whilst they are important, SSSIs are not sufficient to truly protect biodiversity in England. So, together with SSSIs, LWS support locally and nationally threatened species and habitats and they are the essential building blocks of ecological networks and the core from which we can achieve nature's recovery. Unlike Sites of Special Scientific Interest (SSSIs), which for some habitats are a representative sample of the sites that meet national standards, LWS systems are more comprehensive and select all sites that meet the criteria. As a result, many LWS are of SSSI quality and together with the statutorily protected sites, contain most of the country's remaining high quality natural habitat and threatened species.</p> <p>Regardless of statutory status, it is absolutely paramount, that the countries core sites for biodiversity are protected from developmental loss and damage, if we are to avoid a net loss in biodiversity. The presence of a Local Wildlife Site, should always serve as a red flag that the application is highly likely to be damaging and alternative sites should be sought. The protection of LWS is therefore fundamental if we are to achieve the 25 Year Environment Plan goals. In circumstances where applications which impact upon LWS are approved because of 'over-riding need', then robust mitigation and compensation must be incorporated.</p> | <p>The ecological importance/ value of LWS's is acknowledged in Chapter 8: Ecology, ES Volume 1 [APP-060]. With regards to the cabling works, once the cables have been installed, the removed turfs and soil from the LWS (stored separately to that of adjacent fields) will be backfilled and replaced promptly, retaining the original top soil and seed bank. The habitat loss associated with the installation of the cables will therefore be short term and temporary. Chapter 8: Ecology, ES Volume 1 [APP-060] states that the auger to be used during the cable installation to retain the hedgerows at these locations is not long enough to pass under both the hedgerow and the verge. Therefore, it was determined to be preferable to protect the hedgerow, which in some cases also forms part of the LWS, and temporarily affect the verge itself for this minimal width of 5m.</p> <p>The Framework LEMP [REP1-063] details the works that will impact Tottering Lane, Gribthorpe LWS and Wressle Verge LWS and the mitigation that will be applied to minimise any permanent effects. Additionally, large areas of grassland creation are included within the landscape design throughout the Solar PV areas, both around the panels and in the field margins of each field. These can be managed towards LWS criteria.</p> <p>An assessment of impacts on ground-nesting birds is provided in Chapter 8: Ecology, ES Volume 1 [APP-060]. The Framework LEMP [REP1-063] details the habitat creation measures which will be delivered to compensate for the loss of arable farmland supporting ground-nesting birds, such as curlew and skylark.</p> |

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| REP1-097 | Yorkshire Wildlife Trust | <p>The report concludes that there will be a negligible effect on breeding birds as "Habitats supporting the majority of the breeding bird assemblage, such as hedgerows and woodland areas will largely be retained." However, there is acknowledgement that the loss of arable habitat will lead to the temporary displacement of ground-nesting birds reliant on this habitat. Skylark and curlew are identified as species using this habitat which will be impacted by the works. As mitigation, areas of undeveloped land are proposed to be retained within the development, totalling around 20.5 ha in size. These areas will provide grassland habitat which it is stated would serve as alternative habitat for ground nesting birds, such as skylark and curlew. However, there may be a short-term impact whilst habitats succeed.</p> <p>2. Habitats Regulations Assessment</p> <p>We note previous concerns of the RSPB submitted as part of the statutory consultation in June 2023 with regard to the survey methodology (requiring a combination of methods) to accurately assess the usage of the area by the wintering SPA bird assemblage and would like to ensure these concerns were taken on board and are reflected in the information provided in the HRA.</p> <p>We note that there is the potential for additional mitigation if monitoring identifies need – it is essential that this monitoring protocol is secured by the permission. Also, as has been detailed elsewhere in this response with regard to habitat creation, we would strongly advocate that this should be secured in perpetuity, rather than for the c40 year lifespan of the project.</p> | <p>The Applicant has undertaken detailed ornithological surveys to determine the use of the site by breeding and non-breeding bird species. The survey methodologies are set out in ES Volume 2, Appendix 8-5: Survey Report for Breeding Birds [APP-087] and ES Volume 2, Appendix 8-6: Survey Report for Non-breeding Birds [APP-089]. In response to comments from Natural England further surveys for non-breeding birds were undertaken in 2023/24. These are presented in Appendix D of the updated HRA submitted at Deadline 2. The results of these surveys, including suitability of the mitigation provision are discussed further in the updated HRA submitted at Deadline 2.</p> <p>Land allocated for ecology mitigation will be secured for the lifetime of the Scheme, following which the Scheme will be decommissioned and the land handed back in its arable form to the relevant landowner. It is unnecessary and inappropriate to require the mitigation land to be secured in perpetuity, as it would no longer be required to mitigate the effects of the Scheme and would unduly and unfairly prejudice the landowner's ability to deal with the land, including for agricultural use.</p> |
| REP1-097 | Yorkshire Wildlife Trust | <p>3. Biodiversity Net Gain</p> <p>We are pleased to see that the current BNG calculations have been modelled on the worse case scenario in order to apply a precautionary approach. We understand that this will be refined and recalculated at detailed design stage.</p> <p>We would advise that any habitat creation/enhancement proposals, particularly beneath solar arrays are thoroughly researched and evidence based. We note 'Areas of Grassland – modified grassland proposed to be created in the solar array site have been assigned a target condition of 'moderate' to acknowledge the prolonged levels of shading these areas will receive over the lifetime of the Scheme, therefore likely achieving the condition criteria required to meet 'moderate' condition'.</p> <p>Monitoring undertaken by Suffolk Wildlife Trust found that shade tolerant grasses such as rough meadow grass, Yorkshire fog, common couch and creeping bent dominated beneath solar panels and species previously present such as meadow vetchling, common knapweed, creeping cinquefoil and meadow buttercup were lost. Overall, there was reduction in sward height, the amount of bare ground increased, and the amount of leaf litter increased. For the purposes of Biodiversity Net Gain assessment, target habitats and conditions must be realistic. Soil testing is likely to be a useful exercise in developing a realistic post-development habitat plan.</p> | <p>The Applicant will prepare a Biodiversity Net Gain Assessment post consent as secured by requirement 7 in Schedule 2 of the draft DCO [REP1-006] and this will reflect the detailed design. Any justification/assumptions applied for the target condition of habitats has been provided within the latest Biodiversity Net Gain report [REP1-060]. If there are any changes in the assumptions applied or evidence suggests that target conditions cannot be achieved, then the subsequent BNG score will need to be updated.</p> <p>Any conversions between Phase 1 and UK Hab have been detailed within the Biodiversity Net Gain report [REP1-060]. The Applicant will consider the need for ground truthing the baseline in the process of preparing the BNG assessment post consent.</p> <p>The Applicant notes the comments regarding BNG scores and trading rules. Any updates to BNG scores and trading rules will be reported on and communicated.</p> <p>The Applicant confirms that the watercourse surveys, in particular the Modular River Physical (MoRPh), were led by certified surveyors.</p> <p>The BNG metric was provided with the DCO Application and was updated at Deadline 1, please see REP1-060.</p> |

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| | | <p>We note that the habitat field date has been converted from Phase 1 (in which it was collected) to UK Hab which can lead to errors so a ground truthing exercise is recommended. It should be reported who completed the surveys, particularly the watercourse surveys, as the Modular River Physical (MoRPh) survey should be completed by certified surveyors. It would also be helpful if the BNG metric can be provided in excel format for full scrutiny.</p> <p>We note that under the current plans, the project would meet 10% BNG in area-based units (+80.42%) and watercourse units (+10.09%) but not in hedgerow units (+3.99%). Also that the current plans don't yet meet trading rules for area-based habitats. We are supportive of the plan to seek to do so through detailed design stages. We would like to see this extended to meeting the 10% target and trading rules for hedgerows.</p> <p>Due to the fact that solar farms are treated as temporary developments, at the end of the operational (c.40 years), it is usual for the land to return to the landowner's control, possibly for agricultural use, potentially with very little regulatory control and any contribution to nature recovery could be lost. We therefore have concerns about the longevity of the habitat creation and enhancement proposed to be delivered as part of the scheme, which we believe should be permanent.</p> <p>The expectation within the Biodiversity Net Gain Good Practice Principles is that compensation sites will be secured for at least the lifetime of the development 'with the objective of Net Gain management continuing in the future'. To align with this principle it is essential that benefits delivered by Biodiversity Net Gain are secured for the longest possible timeframe. Areas of habitat creation/enhancement should be secured for nature in perpetuity through legal agreements.</p> <p>In addition, it is essential that decommissioning surveys are conditioned to ensure any ecological impacts at this stage are identified and avoided/mitigated/compensated in line with the mitigation hierarchy. A Framework DEMP is proposed to be submitted as part of the DCO application which we think is necessary document.</p> <p>Any biodiversity units above those needed to achieve the minimum required level of BNG should not be sold as off-site gains for other developments. Selling excess biodiversity units generated in this manner would undermine the potential of biodiversity net gain to genuinely contribute to Nature's Recovery in Yorkshire.</p> | <p>Land allocated for ecology mitigation will be secured for the lifetime of the Scheme, following which the Scheme will be decommissioned and the land handed back in its arable form to the relevant landowner. It is unnecessary and inappropriate to require the mitigation land to be secured in perpetuity, as it would no longer be required to mitigate the effects of the Scheme and would unduly and unfairly prejudice the landowner's ability to deal with the land, including for agricultural use.</p> <p>Details of the ecology mitigation and landscape design are provided in the Framework Landscape and Ecological Management Plan [REP1-063] and illustrated on the Framework Landscape Masterplan included as Appendix A of the Framework LEMP [REP1-063]. These are shown on the Landscape Masterplan provided at Appendix A of the Framework LEMP [APP-246]. A detailed LEMP which will be substantially in accordance with the Framework LEMP will need to be approved post consent with the relevant local authorities and this is secured by requirement 6 of the Draft DCO [REP1-006].</p> |

2.3 Public/Landowner Comments

Table 2-3. Applicant's Responses to Written Representations submitted at Deadline 1 – Public/Landowner Comments

| Examination Library Ref | Name | Comment | Applicant's Response |
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| REP1-133 | Mark Nickolay | I understand from government reports that the national grid will not be available to accept any generated electricity until 2035? where will the generated electricity from such a large solar field be used. | The Grid Connection Statement [APP-236] discusses the grid connection offer from National Grid. |

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| REP1-123 | Jane Hutchinson | <p>I live at [redacted] and have done for 34 years. One of my concerns is the access on the double bends near my house which has numerous accidents on it at the best of times. There have been several vehicles written off on that bend and ambulances needed on numerous occasions. This is not a good place for an access!!!</p> <p>We have had to endure the smells from the digesters and now there is a large digester plant and chimneys in our view. They were given planning permission with the fact that the waste was spread on nearby land which will not be feasible if the solar farm is built. Surely this will affect their planning permission???</p> | <p>The Applicant contracted with Eclipse Power Networks Limited (Eclipse) for the purposes of applying for the grid connection. Eclipse is licensed by Ofgem as an Independent Distribution Network Operator (IDNO). An IDNO designs, owns, operates and maintains electricity networks in the UK. IDNOs connect to the local distribution network, or to the transmission network, to serve new developments and are ultimately responsible for maintaining the local network. The Applicant and Eclipse submitted a joint application for the grid connection for the Scheme. They received a grid connection offer from National Grid Electricity System Operator Limited (NGESO) to connect the Scheme to the National Electricity Transmission System (NETS) at the National Grid Drax Substation in North Yorkshire in 2029. NGESO are the system operator for the NETS, and as such are the body of National Grid able to make connection offers. National Grid Electricity Transmission operate as transmission owners, are the body of National Grid responsible for owning and operating the National Grid Drax Substation that the Scheme will connect to, should the DCO receive consent.</p> <p>The grid connection offer is a Bilateral Embedded Generation Agreement (BEGA) to the Applicant and Eclipse which was originally received on 17 December 2021 and this was accepted by the Applicant and Eclipse on 12 April 2022. The BEGA is for the export of up to 400 MW via a 400kV/132kV transformer at National Grid's Drax 400kV substation and confirms that there is capacity for the Scheme to export electricity it generates via the transmission network.</p> <p>Section 4.4 of the Transport Assessment [REP1-024] provides details of accidents / collisions that have occurred on the road network in the Study Area. Table 4 of the Transport Assessment [REP1-024] indicates that there were only two accidents recorded in official Personal Injury Collision data on the minor roads (e.g. non A-road or B-road) within the Study Area that involved either a slight, serious or fatal injury between the survey period (2016-2019 and 2021).</p> <p>All access proposals have been developed in accordance with the Design Manual for Roads and Bridges (DMRB) and have taken into account comments from North Yorkshire Council Highways Department as part of ongoing dialogue prior to the DCO application submission. This dialogue agreed junction visibility splay parameters and resulted in an update to the distance set-back for junction visibility at some locations. The proposed accesses at the location in question are therefore considered to be safe and suitable in line with design standards.</p> <p>The Framework CTMP [REP1-026] provides details of embedded mitigation measures that are proposed to prevent or reduce potential adverse effects associated with construction traffic on local roads. A detailed CTMP (which must substantially accord with the Framework CTMP) will need to be approved post consent, prior to construction with the relevant local authorities which includes North Yorkshire Council. The detailed CTMP is secured by a requirement in Schedule 2 to the draft Development Consent Order [REP1-006].</p> <p>Following a review of the planning history found on East Riding of Yorkshire Council's planning portal the Applicant is not aware of any requirement, under the</p> |

| Examination Library Ref | Name | Comment | Applicant's Response |
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| REP1-099 | Matthew Richard Axup | My land has been identified as the cable corridor route - There should have been done surveys on the fields, if Boom Power or any of their subcontractors have carried out these surveys it was done without my permission for them to access the land therefore they have been trespassing. Then they have mentioned within there application that all land owners are signed up again this is untrue we have never agreed or signed any heads of terms documents at this point 12/6/24. This is another lie within there planning permission and to say its such a big planning issues they haven't cared for any of the local people just bowled over them. I believe what Boom power has done here is a breach of planning permission getting unlawful surveys and lying on official documents | original Planning Permission (Reference DC/17/03450) for the Anaerobic Digestion Plant, for the product to be spread within the Site. The Applicant carried out three rounds of consultation with the local community during the preapplication period to take into account feedback to help refine the Scheme proposals. Through this process, the Applicant carried out diligent inquiry in order to identify all persons who, by virtue of the nature of the interest they have in land, and the location of that land in relation to the Applicant's Order Limits, fall within the categories set out in Section 44 of the Planning Act 2008 for the Scheme. The Applicant consulted Mr Axup as a prescribed person as part of its statutory consultation carried out pursuant to Section 42 of the Planning Act 2008. The Applicant has broadly agreed Heads of terms with this landowner's land agent. |
| REP1-105 | Anthony John Brown | The visitors, holiday makers, ramblers cyclists and others will stop coming. | Chapter 12: Socio-Economics and Land Use, ES Volume 1 [APP-064] assesses the impact of the Scheme on private and community assets including visitor attractions and businesses (including holiday lets and restaurants) within, and up to 500m from, the Order Limits. As detailed in Section 12.5.40, the nearest visitor attraction is Howden Windmill, which is approximately 3.4 km west of Solar PV Area 2g and 3km north-west of Solar PV Area 3c. The chapter considers any change of land use within the Order limits and any changes to accessibility and amenity for receptors beyond the Order limits. To assess accessibility effects, the chapter draws on Chapter 13: Transport and Access, ES Volume 1 [APP-065] . To assess amenity effects, it draws on Chapter 10: Landscape and Visual Amenity, ES Volume 1 [REP1-014] .; Chapter 11: Noise and Vibration, ES Volume 1 [REP1-016] , and Chapter 16: Other Environmental Topics, ES Volume 1 [APP-068] , section 16.2 Air Quality. The chapter finds that there will be no significant effects on visitor attractions or other private and community assets during construction, operation, or decommissioning. In relation to impact on ramblers and cyclists, Chapter 12: Socio-economics and Land Use, ES Volume 1 [APP-064] assesses effects of the Scheme on PRoWs and recreational routes. During the construction phase and decommissioning phase, it finds that effects on PRoWs will be negligible. During operation, a minor beneficial effect is expected due to the provision of new permissive paths. A Framework PRoW Management Plan [APP-245] submitted with the DCO Application outlines how PRoW will be managed during construction, operation and decommissioning of the Scheme. It provides specific details of a limited number of temporary PRoW diversions which will be required during construction, as well as other mitigation and management measures. The measures contained within this document (Section 3.7) will help to ensure the PRoW in the local area remain open and are appropriately managed in terms of user safety and accessibility. |
| REP1-103 | Brian Birkett | The area of the planned development covers around 3,000 acres, to monitor this adequately would take a large team of observers and would need to be carried out on | As stated in paragraph 2.2.3 of ES Chapter 2: The Scheme, ES Volume 1 [APP-054] the size of Solar PV Site is 966.4 hectares which equates to 2388 acres. |

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| | | <p>a very regular basis over a full 12 months period, if not longer. We have seen no evidence of this level of monitoring and recording.</p> <p>We own 3 ½ acres of native woodland adjacent to the development and were approached to give permission for a mammal survey, we gave permission for this but no survey has been carried out to our knowledge, we have recorded both hedgehogs and badger visiting the site along with many smaller mammals. We have not been told what impact the development would have on our woodland, which is managed as a nature reserve and home to many species.</p> <ul style="list-style-type: none"> • Mitigation measures suggested such as wetland areas and over winter stubble, simply duplicate farming practices already taking place on these lands and cannot therefore be seen as mitigation against the huge loss of 3,000 acres of our rural landscape. These areas were not part of the original scheme and were added for the sole purpose of giving a false impression of mitigation. | <p>This includes the areas of land within which the following solar infrastructure is located: solar PV panels and associated solar PV infrastructure, including two Grid Connection Substations. The Solar PV Areas also incorporate areas of habitat creation/enhancement and landscaping.</p> <p>Chapter 8: Ecology, ES Volume 1 [APP-060] and corresponding appendices detail the ecology survey work that has been carried out to inform the EIA. As detailed in in Chapter 8: Ecology, ES Volume 1 [APP-060] the presence of hedgehog within the Site is assumed, based on the habitats present. Consideration for any embedded mitigation required for hedgehog is included in this chapter.</p> <p>A badger survey was carried out within and up to 50m from the Order limits, where permission was granted. All information relating to badger is contained in a separate confidential appendix. Woodland located adjacent to the Order limits will be retained and suitably protected (with the exception of the existing willow plantation), as detailed in Chapter 8: Ecology, ES Volume 1 [APP-060] and Appendix 10-5: Arboricultural Impact Assessment and Tree Protection Report, ES Volume 2 [APP-102].</p> <p>The Applicant has undertaken detailed ornithological surveys to determine the usage of the Order limits by bird species. The results of which are presented in Chapter 8: Ecology, ES Volume 1 [APP-060]. These detailed surveys have informed to requirement for mitigation measures.</p> <p>The creation of wetland areas and provision of suitably managed over winter stubbles have been carefully devised to meet the needs of the species and populations for which the requirement for mitigation was identified. This includes management and adjustments to the farming practices to enhance the habitat for use by specific species of over wintering birds, as well as other objectives. The size of the area provided for mitigation compensates for the loss of areas within the Order limits found to support notable bird species. Further details of how the Ecology Mitigation Area was devised is provided in Chapter 8: Ecology, ES Volume 1 [APP-060] and The Habitats Regulations Assessment [APP-244] as well as the Applicant's response to the Examining Authority's Q1.5.4 in REP1-081.</p> <p>Details of the ecology mitigation and landscape design including its monitoring are provided in the Framework Landscape and Ecological Management Plan [REP1-063]. A detailed LEMP which will be substantially in accordance with the Framework LEMP will need to be approved post consent with the relevant local authorities and this is secured by requirement 6 of the Draft DCO [REP1-006].</p> |
| REP1-103 | Brian Birkett | <ul style="list-style-type: none"> • Long-term trial tests should be carried out to prove the efficiency of these new large panels as well as their impact on the environment. These should be on a moderate scale and be carried out over a number of years. It is ridiculous to give permission for such a large scheme with no proof of its real energy output under local conditions or knowledge of its effects on the local environment. | <p>The Government has identified through its energy policy, most recently in the Overarching National Policy Statement for Energy EN-1 and National Policy Statement for Renewable Energy EN-3, that there is an urgent need for large scale capacity low-carbon energy generation in the UK. As discussed in the Applicant's Statement of Need [APP-232], this includes low carbon energy generation using solar technology. Developing the Scheme at this size will therefore be an important contribution to meeting this need.</p> |

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| | | | <p>The Scheme design is the result of an iterative design process which delivers the Scheme's functionality, the generation of a large amount of renewable electricity using single axis tracker solar technology, whilst addressing the local context and setting within which it is located.</p> <p>The Solar PV Panels will be secured on single axis trackers that are orientated north-south. The panels will track from east to west during the course of the day tracking the sun's movement. This allows for optimal power generation throughout the day and during different seasons, generating more renewable electricity over the year relative to the traditional south facing fixed arrangement.</p> <p>The Scheme design retains flexibility to allow for the selection of the most efficient technology. Solar generation technology is developing at a fast pace, with better, more efficient and more cost-effective solar PV panels coming to the market. The Applicant is therefore seeking to retain the flexibility to choose the precise technology close to the point of the construction of the Scheme. This will enable the optimum production of renewable energy and subsequently reduce cost for the end user. The final technology installed will be required to remain within the parameters defined by the Works Plan [APP-008] and Outline Design Principles Statement [REP1-051].</p> <p>This technology is tried and tested in other countries and fully expected to work as expected in the UK.</p> |
| REP1-103 | Brian Birkett | <p>As chairman of a local heritage society I was alarmed to see the haste in which archaeological survey work was carried out. The over reliance of geophysical surveys such as magnetometry is well known, in this case the magnetometry survey appeared by observation to be carried out at 1m intervals between probes, where as 0.5m would be far better. Even at higher resolution archaeological features are often missed by relying on these techniques. I know of at least one Romano-British settlement close to Gribthorpe, that we have factual hard evidence for, that did not show on the magnetometry results. Given this how many other archaeological sites were missed by this survey? Again, the scale of the project makes survey work of any kind almost impossible to carry out with sufficient diligence.</p> | <p>The Applicant considers that the archaeological evaluation undertaken to inform the ES is robust. The evaluation has comprised both geophysical survey and trial trenching. The design and scope of both the geophysical survey and trial trenching were agreed with the Archaeology Officers for the Local Planning Authorities and carried out in accordance with current guidance and best practice. For the geophysical survey specifically, this included standard and guidance for archaeological geophysical survey published by the Chartered Institute for Archaeologists, Historic England, and the European Archaeological Council.</p> <p>Section 5: Methodology of the Geophysical Survey Report [APP-081] details that the equipment used by the archaeological geophysical survey contractor comprised Bartington Instruments Grad 13 Digital Three-Axis Gradiometers. These sensors have a more rapid sampling rate than magnetometers, whilst also maintaining positional accuracy and data quality. The geophysical survey results [APP-081] and the subsequent trial trench evaluation [APP-082] confirmed the presence of Romano-British settlement and industrial archaeology within the Order limits, including Site 1 to the west of Gribthorpe, and Site 2 and Site 3 to the south and south-east of Gribthorpe, respectively. These sites, and other areas identified for archaeological mitigation, are detailed in the Overarching Written Scheme of Investigation [REP1-086] for Archaeological Mitigation, which has been agreed with the Archaeology Officers for the Local Planning Authorities and Historic England.</p> |
| REP1-116 | Mike Glew | <p>There is no provision made for the eventual removal and return of the land to its original state after the solar panels life is expired like wind power.</p> | <p>Within the Solar PV Site the physical infrastructure will be removed to plough depth at the Site and the land returned to the landowners. This will include the areas of agricultural land where the agricultural resource has been maintained</p> |

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| | | <p>Previous planning granted on Ashtons (waste treatment) in spaldington was specifically granted with a stipulation that there was an agreement on the very same landowners affected by this proposal to take the waste material onto their land. Where is the waste going to go if this proposal is passed?</p> | <p>(and likely improved) during operation, and the established habitats. Post-decommissioning, the landowner is expected to return the Site to its current use (but would have the ability to choose to leave it as grassland, create woodland, or other managed habitat such as wetland). Further detail is set out within the Framework DEMP [REP1-057] which is secured through Requirement 18 of the Draft DCO [REP1-006]. Section 2.7 of the Framework DEMP secures the Applicant's commitments to recovery, recycling and disposal of waste on decommissioning.</p> <p>Following a review of the planning history found on East Riding of Yorkshire Council's planning portal the Applicant is not aware of any requirement, under the original Planning Permission (Reference DC/17/03450) for the Anaerobic Digestion Plant, for the product to be spread within the Site.</p> |
| REP1-145 | Paul Adrian Joseph Taylor | <p>One of our main worries is the construction which will involve months and months of pile driving and traffic. I understand the piles can be screwed in rather than driven and if this development were to go ahead, I would appeal to the Inspector to make screwing compulsory and insist the developers work within the confines of BS5228 Part1 and 2 which is the code of practice for noise and vibration control on construction and open sites. We are also concerned that as our house is of Georgian era there are no foundations, and that constant vibration may cause damage to our home. The developers should pay for a survey before and after construction and be prepared to pay compensation if any damage is done. This is apart from denying us the use and enjoyment of our garden and equine facility due to the noise and dust.</p> | <p>Adoption of best practicable means to control noise and vibration following guidance in BS 5228-1 and BS 5228-2 is secured in Table 7 of the Framework Construction Environmental Management Plan [REP1-053]. Construction induced vibration has been assessed in Chapter 11: Noise and Vibration, ES Volume 1 [REP1-016]. Criteria are based on human disturbance and are substantially lower than the level of vibration that may cause cosmetic damage in a building. No construction activities would take place within 15m of a residential property (Table 7 of the Framework CEMP [REP1-053]) to protect against potential disturbance from vibration. This would also prevent any cosmetic building damage from occurring.</p> |
| REP1-145 | Paul Adrian Joseph Taylor | <p>I also do not think enough consideration has been given to the flood risk in the area. This is twofold. Firstly, the displacement caused by thousands and thousands of concrete posts. The land is predominantly clay and does not absorb the water very well as we saw last winter. Secondly many underground drains could be smashed by the concrete posts. Many of the fields around here were drained by Italian PoWs after the war and nobody really knows exactly where these drains are. A combination of these two could easily see the land and properties around here flooded.</p> | <p>The Flood Risk Assessment (Volume 2 Appendix 9-4 of the ES) [APP-097] acknowledges that the construction of the solar PV mounting structures will cause a reduction in floodplain storage across the Solar PV Site. However, it is noted that as the legs of the solar PV mounting structures comprise slim metal posts directly driven into the ground, the area of land they collectively occupy is very small. The amount of floodplain storage lost as a result of the solar PV mounting structures has been calculated and to compensate for the floodplain volume lost, flood compensation is proposed. This is presented on Figure 9-4, ES Volume 3 [APP-154]. The precise location and design of the compensation area will be determined at the detailed design stage post consent.</p> <p>The Flood Risk Assessment (Volume 2 Appendix 9-4 of the ES) [APP-097] and Framework Surface Water Drainage Strategy (Volume 2 Appendix 9-4 of the ES) [REP1-021] demonstrate that the flood risk to and from the proposed Solar PV Site with required mitigation measures will not increase flood risk over the lifetime of the development to potential receptors. The Environment Agency in their Relevant Representation (RR-107) confirm at this stage that they consider the Environmental Statement provides a satisfactory assessment of the scheme with relation to flood risk and groundwater and that the mitigation and enhancement measures identified for the construction and development are considered appropriate.</p> |

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| REP1-127 | Mary Lunn | <p>I have , with my husband Mr S. Lunn applied to come to the CAH on 9/07/ 24 I am a non speaking attendee , Stephen applied to speak at this meeting I would like to add these points to my previous submissions 1</p> <p>From the PR brochure May 2023.</p> <p>P12 Existing hedges and trees will be used to provide visual screening. Fast forward to Dec 23 when Section 56 of the planning act is referenced. DCO could authorise Compulsory acquisition of land. Is it our hedges and trees in question, when did verge maintenance develop into compulsory purchase? (Ardent Land plan 10/43 and 1045/46)</p> <p>Consultation Brochure Sept 23. The maps which came with these were so badly drawn and small scale that it appears the compulsory purchase would take a huge chunk out of our front lawn bringing the traffic closer and destroying the hedge and trees. There is a large field on the other side of the road which could be used. There is supposed to be a building buffer to protect the residents.</p> <p>P13 Deer proof fencing with space for small mammals to go through. This seems to have been updated to security fencing, lights and security cameras to protect the expensive equipment. On our land currently are Buzzards, Barn Owls, Pheasants, Partridges, occasional herons and many small birds. Mammals include Foxes, Deer, Hares, and Rabbits, plus our two RSPCA driving cobs. The incredible noise generated by the transport of structures will scare them all away and upset the ponies. This according to BOOM is NOT SIGNIFICANT</p> <p>P14 the cable connection to DRAX is not immediate as suggested.</p> | <p>The Applicant is aware from its land enquiries that Mr and Mrs Lunn have a subsoil interest in land plots 10/43, 10/45 and 10/46 which are public highway; namely Willitof Road and Spaldington Road (see Land Plan [AS-004] and Book of Reference [REP1-010]). Works in this area are limited to the highway to facilitate access shown as Works 7 on the Works Plan [APP-008]. Mr and Mrs Lunn's property falls outside the Order limits and therefore Compulsory Acquisition powers are not sought or required over their property.</p> <p>A security perimeter fence will be implemented early in the construction phase to secure the Order limits and prevent construction activity in proximity to peripheral habitats and retained habitats within the Order limits. The fence will be set back from the retained habitats such as hedgerows, woodlands and watercourses around each area, allowing access around and into adjacent areas. The fence design will include gaps to allow mammals that may use retained habitats, including badger, brown hare and hedgehog, to pass underneath at strategic locations and into and across the Solar PV areas. In relation to larger animals, there will be space between the fence and the field edge to provide space for larger animals such as deer to move around the edge of the site.</p> <p>The space between the fence and the field edges provides space for deer to move within and around the edges of the site, outside of the Solar PV fields. Although deer will not be able to enter into the PV areas once the Scheme is operational, their ability to move through the landscape will not be affected by the Scheme.</p> |
| REP1-127 | Mary Lunn | <p>P20 The climate studies were before 2010, Since then there has been a remarkable change in temperature and rainfall. This year had regular monthly records in temperature and precipitation, not taken into account by BOOM's study. The fields in front and to the West of us , (AREAS 15/16) have been under water for nearly six months. There are no reports from BOOM on how they are going to manage the surface water and improve the drainage. Due to the very heavy clay there are also no details of how the solar panels will be installed in Winter. BOOM do not respond to emails as there are too many from very concerned residents.</p> | <p>A Framework Surface Water Drainage Strategy is included as Volume 2 Appendix 9-4 of the ES (which takes into consideration climate change), with a revision submitted at Deadline 1 [REP1-021]. Early consultation with the Ouse and Humber Drainage Board discussed the key elements of the development and how they should be considered with respect to land drainage. With regard to the Solar PV areas, these will consist of single axis tracker panels and will therefore not focus surface water in specific areas (no single drip track). The ground will be raked in line with contours to encourage the retention and infiltration of rainfall until vegetation is established. Maintenance visits will check for signs of developing flow paths and mitigate where necessary. However, specific drainage arrangements for these areas was not deemed necessary given that following installation that drainage would largely be consistent with the existing conditions, and this was agreed with the Ouse and Humber Drainage Board. Furthermore, a detailed Surface Water Drainage Strategy will be developed post-consent (following detailed design and the results of infiltration testing) and this is secured as a requirement of the DCO.</p> <p>A Framework CEMP [REP1-053] has been prepared which provides details of how the construction of the Scheme will be managed through the construction period including winter and how the impacts of the construction will be controlled. A detailed CEMP will be prepared and submitted for approval by the relevant local authorities post consent and this is secured by requirement 11 of the draft DCO [REP1-006]. The detailed CEMP will provide further detail regarding the</p> |

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| | | | <p>construction phase and will need to be substantially in accordance with the Framework CEMP.</p> <p>A Flood Risk Assessment is included as Volume 2 Appendix 9-3 of the ES [APP-097], which details the approach to hydraulic modelling including the latest climate change guidance and allowances. Mitigation measures described in Section 7 of this report are proposed so that the Scheme can adapt to large-scale climate change over its lifetime.</p> <p>The Applicant continues to operate the communication channels that were open during the non statutory and statutory consultation phase. Correspondence is monitored and responses are provided as appropriate. The Applicant has also provided written responses to questions asked by interested parties since the start of the examination period.</p> |
| REP1-127 | Mary Lunn | <p>There are no details of the efficiency of Solar Panels, the maximum seems to be 20% which explains the vast number needed. Is this at the Summer Solstice (longest day) in total cloudless conditions? At the Winter Solstice (shortest day) there will be 1/4 daylight hours with lower sun down to 5% and even less when totally overcast. This year has been overcast for most of the months so far with only occasional sunlight. Farmers and gardeners agree that vegetables and crops are at least a month behind and need a lot of sunshine.</p> | <p>The Scheme design is the result of an iterative design process which delivers the Scheme's functionality, the generation of a large amount of renewable electricity using single axis tracker solar technology, whilst addressing the local context and setting within which it is located.</p> <p>The Solar PV Panels will be secured on single axis trackers that are orientated north-south. The panels will track from east to west during the course of the day tracking the sun's movement. This allows for optimal power generation throughout the day and during different seasons.</p> <p>The Scheme design retains flexibility to allow for the selection of the most efficient technology. Solar generation technology is developing at a fast pace, with better, more efficient and more cost-effective solar PV panels coming to the market. The Applicant is therefore seeking to retain the flexibility to choose the precise technology close to the point of the construction of the Scheme. This will enable the optimum production of renewable energy and subsequently reduce cost for the end user. The final technology installed will be required to remain within the parameters defined by the Works Plan [APP-008] and Outline Design Principles Statement [REP1-051]. Solar panels generate energy even when it is cloudy and therefore do not need direct sunlight to generate electricity. They operate best in unshaded, open areas.</p> <p>The single axis tracker technology proposed is tried and tested in other countries and fully expected to work as expected in the UK.</p> |
| REP1-127 | Mary Lunn | <p>There is a rumour that app 1,000,000 million solar panels will be needed. This has not been rejected or ridiculed by the developers, they tend to stealthily increase the area under solar panels The size / weight of the panels is yet unknown. But suppose you can get 100 panels on a lorry. This will be 20,000 transport journeys, the lorries have to return along the same single track roads. Other materials need transporting to the site include Posts, frames, electric motors to move panels when they follow the sun, miles of cables, base levels for the construction roads, batteries , Security fencing, lights, cameras, more cables, To name just a few. These will probably need the same or more transport journeys. There will be a lot of large lorries using deteriorating small country roads. At the consultation meetings BOOM experts had no idea about transport, much to the dismay of the attendees. Throughout the papers the impacts whether roads.land</p> | <p>The calculation of construction traffic requirements in terms of staff trips, HGVs and tractor-trailers is set out in Appendix 13-4 Transport Assessment [REP1-024] at sections 7.2-7.5. This is based on construction information which includes the transportation of the likely number of panels for the Scheme. This shows that, at peak construction, there will be 356 two-way, daily construction worker vehicle movements, 50 two-way, daily HGV movements and 100 two-way, daily tractor-trailer movements.</p> <p>Details of construction traffic numbers across the network are provided within Appendix 13-2 Traffic Flow Diagrams [APP-110]. Construction worker, construction HGV and construction tractor-trailer movements over a 24-hour</p> |

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| | | drainage etc. were frequently described as negligible, not significant, or have minor adverse impact. Such is not the case for the residents. | <p>period are shown on pages 9, 10 and 11 of Appendix 13-2 Traffic Flow Diagrams [APP-110]. This number is associated with the peak of construction and would not be evident throughout the entirety of the construction period, which in itself is a temporary effect.</p> <p>Pre and post construction road condition surveys will be undertaken at identified locations in coordination with the relevant Local Highway Authority, as referenced in Section 5.2 of the Framework CTMP [REP1-026]</p> <p>The Framework CTMP [REP1-026] provides details of embedded mitigation measures that are proposed to prevent or reduce potential adverse effects associated with construction traffic on local roads. A detailed CTMP (which must substantially accord with the Framework CTMP) will need to be approved post consent prior to construction with the relevant local authorities. The detailed CTMP is secured by a requirement in Schedule 2 to the draft Development Consent Order [REP1-006]. The Applicant will continue to engage with the relevant local highway authorities on highway matters.</p> <p>There will be no battery energy storage system as part of the Scheme.</p> |
| REP1-132 | Rowena Morgan | We have a number of airbnbs, lodges, etc that attract a number of tourists, what a massive loss for the locality. Who would want to visit, or holiday when this proposed monstrosity is being built and after? | <p>Chapter 12: Socio-Economics and Land Use, ES Volume 1 [APP-064] assesses the impact of the Scheme on private and community assets including visitor attractions, businesses (including holiday lets and restaurants), and residential properties within, and up to 500m from, the Order Limits. The chapter finds there will be no significant effects on any of these receptors during construction, operation, or decommissioning associated with direct land take, amenity effects or severance.</p> <p>Chapter 12: Socio-economics and Land Use within the ES [APP-064] also assesses effects of the Scheme on PRoWs and recreational routes. During the construction phase and decommissioning phase, it finds that effects on PRoWs will be negligible. During operation, a minor beneficial effect is expected due to the provision of new permissive paths.</p> |
| REP1-130 | Beckett and Mcmillan | The World Health Organisation recommends that Solar Farms should be 2 miles from residential properties. | The Applicant has found no published studies or communications from the World Health Organisation that suggest the World Health Organisation recommends Solar Farms should be located 2 miles from residential properties. |
| REP1-113 | David Fielder | <p>Traffic has increased massively already due to waste being delivered to the AD plant and then furthermore by traffic created by spreading of the treated digestate on local land. Many of the fields digestate is currently spread on are in the application for the solar farm. So where is the digestate going to go then if this approved, further afield?</p> <p>I understand the Inspector is shortly to do site visits in our area and would like to offer my home as a property worth a visit in able to assess the impact and harm the solar farm would have on myself and the local community for the rest of our lives.</p> <p>If permitted I would have a new entrance created on a blind 'S' bend on an unclassified road directly up to my boundary. This bend already causes numerous accidents each year, on average about 3 a year I would say based on the 34 years I have lived at . To allow construction traffic of this bend and then maintenance traffic for another 40 years is surely going to result in further accidents. As part of my business interests I also</p> | <p>Following a review of the planning history found on East Riding of Yorkshire Council's planning portal the Applicant is not aware of any requirement, under the original Planning Permission (Reference DC/17/03450) for the Anaerobic Digestion Plant, for the product to be spread within the Site.</p> <p>Section 4.4 of the Transport Assessment [REP1-024] provides details of accidents / collisions that have occurred on the road network in the Study Area. Table 4 of the Transport Assessment [REP1-024] indicates that there were only two accidents recorded in official Personal Injury Collision data on the minor roads (e.g. non A-road or B-road) within the Study Area that involved either a slight, serious or fatal injury between the survey period (2016-2019 and 2021).</p> <p>All access proposals have been developed in accordance with the Design Manual for Roads and Bridges (DMRB) and have taken into account comments from the</p> |

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| | | <p>farm , Foggathorpe. I have been approached for around 100 acres of my land by another solar farm developer who already has a grid connection at Thornton to rent my land for a 40 year period per acre per annum index linked. Very tempting compared with farming profits but I have declined their offer as the value of maintaining our rural community is far more valuable.</p> | <p>relevant highway authority as part of ongoing dialogue prior to the DCO application submission. This dialogue agreed junction visibility splay parameters and resulted in an update to the distance set back for junction visibility at some locations. The proposed accesses at the location in question are therefore considered safe and suitable and in accordance with design standards.</p> <p>The Framework CTMP [REP1-026] provides details of embedded mitigation measures that are proposed to prevent or reduce potential adverse effects associated with construction traffic on local roads. A detailed CTMP (which must substantially accord with the Framework CTMP) will need to be approved post consent prior to construction with the relevant local authorities. The detailed CTMP is secured by a requirement in Schedule 2 to the draft Development Consent Order [REP1-006]. The Applicant will continue to engage with the relevant highway authorities on highway matters.</p> <p>The Applicant has considered this comment and added David Fielder's property to the Applicant's draft itinerary for the Accompanied Site Inspection, which is submitted at Deadline 2 of the Examination.</p> |
| REP1-119 | David Pinnock Humble | <p>1. Inadequate identification of non-designated heritage assets (NDHAs) that are not included in the Humber Historic Environment Record whose significance may be harmed by the proposals</p> <p>In the NPPF 'heritage assets' are a broad category that includes both designated heritage assets (such as listed buildings or scheduled monuments) and non-designated heritage assets (NDHAs):</p> <p>'Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).' (NPPF Glossary)</p> <p>It is the applicant's responsibility to describe the significance of any heritage assets that may be affected by the proposals. This includes NDHAs. Consulting the relevant Historic Environment Record (HER) is a minimum requirement:</p> <p>'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.' (NPPF paragraph 200).</p> <p>The government's Historic Environment Planning Practice Guidance (PPG) makes clear that NDHAs are not restricted to the buildings/features contained in the relevant HER (in this case the Humber HER for the most part. Small parts of the scheme are within the North Yorkshire HER area and these comment apply equally in both areas). In fact they can be identified in several different ways, including during the application process. Although local authorities are encouraged to compile a local list, this is not a requirement. East Riding of Yorkshire Council do not maintain a local list:</p> | <p>The Applicant considers that the cultural heritage assessment is robust and represents an appropriate level of assessment that is proportionate to the level of likely impact.</p> <p>The process for identifying heritage assets used sources of information and followed a methodology that was agreed with cultural heritage statutory consultees during formal EIA Scoping and engagement. The agreed methodology is in accordance with national and local planning policy and relevant cultural heritage guidance. Appendix 7-1 [APP-079] details how the cultural heritage assessment is in accordance with relevant policy and guidance.</p> <p>The value (the heritage significance) of heritage assets, including non-designated assets of heritage interest not recorded on the Historic Environment Record (HER), with the potential to be affected by the Scheme, is described in sections 4.3 and 4.8 of the Cultural Heritage Desk-based Assessment (DBA) [APP-080] and Chapter 7: Cultural heritage, ES Volume 1[APP-059].</p> <p>The site walkover survey detailed in section 4.3 of the Cultural Heritage DBA [APP-080], describes the contribution that setting makes to the value of heritage assets that may be affected by the Scheme. The walkover survey included visits to heritage assets within the Order limits and also heritage assets that are beyond the Order limits but within the agreed Study Area. Further to this, additional thematic assessment, detailed in section 5 of the DBA, was carried out in response to engagement with cultural heritage statutory consultees, including the archaeology and conservation officers for the local planning authorities and Historic England.</p> <p>Heritage assets, designated and non-designated, are included in the ES where it is assessed there is potential for significant effects to occur as a result of the Scheme.</p> |

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| | | <p>'How are non-designated heritage assets identified?</p> <p>There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.</p> <p>Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.</p> <p>It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. (See the Historic England website for advice on local lists) They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record.</p> <p>In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area.' (Paragraph: 040, Historic Environment PPG)</p> <p>Historic England recommended at an earlier stage in the present application that: 'We would also expect the ES to consider the potential impacts which the proposals might have upon those heritage assets which are not designated' (Table 7-2. Statutory consultation responses, Environmental Statement: Volume 1, Chapter 7: Cultural Heritage).</p> <p>The applicant outlines their methodology for identifying NDHAs in their response to Historic England's comment in Table 7-2, as well as in their Data Sources section (paragraph 7.4.15-16 also paragraph 7.5.5 Environmental Statement: Volume 1, Chapter 7: Cultural Heritage). The methods comprise the consultation of the relevant HERs and a site walkover.</p> <p>In the case of such a large development with the potential to affect such a large area, it is not adequate to simply consult the HER only. This is a minimum requirement in the NPPF, and an application of this sort demands greater than the minimum requirement. The applicant seems to realise this as they also acknowledge that they attempted to identify additional NDHAs through walkover survey.</p> <p>However the site walkover was restricted to the areas within the proposed solar farm block ('fields within the Order limits in order to identify known and previously unknown heritage assets'), and does not seem to have sought to identify any NDHAs that lay outside the boundaries of the solar farm blocks and/or in land that is not 'fields'. There is no justification for this exclusion, which appears arbitrary. The applicant does assess (however inadequately, see below) the impact on NDHAs identified in the HER outside</p> | <p>The walkover survey detailed in section 4.3 of the DBA identified additional non-designated heritage assets that are not recorded on the HER. These assets are described in section 4.3 of the DBA and listed in Annex B of the DBA [APP-080].</p> <p>Regarding comments relating to the site walkover, this is incorrect. The site walkover survey was carried out not only within the Order limits but also within the agreed Study Area, as detailed in section 4.3.1 of the DBA.</p> <p>Section 4.3.1 of the DBA [APP-080] states that historical map evidence was used to enhance the site walkover and is referenced in the baseline text where it is relevant.</p> <p>The site walkover survey identified non-designated heritage assets that had the potential to be affected by the Scheme. This included non-designated buildings in the Study Area. Heritage assets were included in Chapter 7: Cultural Heritage, ES Volume 1 [APP-059] only where it is assessed there was potential for a significant effect as a result of the Scheme.</p> |

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| | | <p>the site boundaries, but for some reason does not seem to have sought to find hitherto unidentified NDHAs outside the site boundaries.</p> <p>Paragraph 7.5.7 (Environmental Statement: Volume 1, Chapter 7: Cultural Heritage) implies that only one NDHA building (or group of NDHA buildings) was identified through walkover or from any source that was not the HER. This shows the inadequacy of the applicant's approach.</p> | |
| | | <p>Documentary, cartographic and other resources available online and as deposited within the local archives are mentioned as having been consulted but I can find no evidence that these have been used to identify NDHA buildings. A simple methodology for example might have been to compare the mid-nineteenth century Ordnance Survey maps with their equivalent present day maps to establish which buildings pre-date the 1850s, which would then merit consideration as NDHAs. I have done this below in some of my examples but I can find no evidence that the applicant has deployed even this most basic methodology.</p> | |
| | | <p>In national policy, the bar for qualification as a NDHA is set relatively low. On the face of it within the area that will be affected by the proposals there are a number of buildings that could be NDHAs, but which are not recorded in the HER. The applicant has made no effort to identify these, to assess their significance, and to consider the impact of the proposed development on their significance. This is an egregious omission especially since Howdenshire is characterised by the excellent survival of historic farmsteads of high and low status, many of which are extremely well-preserved.</p> | |
| | | <p>Examples of this point include:</p> | |
| | | <p>Spaldington Grange is not recorded in the HER and consequently is not considered by the applicant as an NDHA. Yet this building appears to be a well-preserved example of a high status historic farmstead probably dating to the late eighteenth century. It appears little changed from its depiction on the 1855 Ordnance Survey map. It will be surrounded on two sides by the visually intrusive solar farm (2f and 2g). In my professional opinion, it is likely that its setting (which closely approximates its historic setting) will be damaged considerably and this will cause severe harm to its significance.</p> | |
| | | <p>Though landscaping (screen planting) may slightly mitigate this impact, it cannot wholly overcome the visual impact as – when seen from the nearby roads and public rights of way - the grange will be experienced from a semi-industrial context. It is also not possible to mitigate the harm to the historic connection between the grange and its surrounding farmland (quite separate from visual considerations), which helps illustrate its history and provides evidence of its development. None of these factors are even recognised, let alone assessed, in the applicant's documentation.</p> | |
| | | <p>The nearby Sandwood House is also of likely eighteenth century date (it is certainly shown on the 1855 Ordnance Survey map) and appears to also be an historic farmstead. It is not included in the Humber HER. But again this has not been identified as a NDHA and the impact of the proposed solar farm – it will be sandwiched north</p> | |

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| | | <p>and south between two blocks of solar panels (2e and 2f) – on its significance will be even more severe.</p> <p>Chapel Farm at Welham Bridge is not listed in the Humber HER. Yet it is a mid-nineteenth century chapel, later converted to a school in 1876, and with an interesting history related to the regionally significant Vavasour family who had links to many of the townships affected by the proposals. It may be built on the site of a medieval chapel (Bubwith Village Trust 1979 Bubwith: An East Yorkshire Parish). It is a visually handsome building with a striking appearance, and appears to have been converted into a farmhouse at some point in its history. Its setting will be affected by the proposals. Blocks 1e and 1f may form a visually intrusive element in its setting, especially seen from the A614 as it crosses the bridge over the River Foulness. The distance involved is greater than some other examples, which may diminish impact but, crucially, this has not been assessed at all by the applicant.</p> <p>Incidentally I can find no evidence that the applicant consulted the excellent book mentioned above, a definitive history of many of the settlements around Bubwith that will be affected by the proposals. It was written by a group of historians in 1979 and was reprinted in 2022 and is widely available. It is perhaps indicative of the quality of research carried out by the applicant that it does not appear in their bibliography at all.</p> | |
| REP1-119 | David Pinnock Humble | <p>2. Inadequate assessment of the setting of identified non-designated heritage assets (NDHAs) and the effect of the proposals on their significance</p> <p>The NPPF defines setting thus:</p> <p>'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'</p> <p>NDHAs have a setting, as confirmed in the PPG 'All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not' (Historic Environment PPG paragraph 013). Historic England's advice note on setting states that: 'Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated (see below Designed settings). Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.' (Historic England 2017 'The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (2nd Edition), para.9).</p> <p>The applicant's documentation appears to treat NDHAs as if they do not have a setting (contrary to the NPPF, the PPG and Historic England's advice note). It consequently does not acknowledge that there is even the possibility of harm to the significance of those NDHAs it recognises (largely confined to those that appear in the Humber HER) by the proposed development in their settings.</p> <p>Examples of this inadequate assessment include:</p> <p>Willitof Hall is discussed in para 7.5.38 (Environmental Statement: Volume 1, Chapter 7: Cultural Heritage) where it is described as 'Willitof Hall (MHU2911) which comprises a moated manorial complex with a chapel (MHU 2908). Historical evidence suggests a</p> | <p>The Applicant considers that the cultural heritage assessment of impact through changes to setting represents an appropriate level of assessment that is relevant and proportionate to the level of likely impact.</p> <p>Heritage assets, designated and non-designated, are included in Chapter 7: Cultural Heritage, ES Volume 1 [APP-059] where it is assessed there is potential for impacts resulting in significant effects to occur as a result of the Scheme. This includes impacts as a result of changes to setting.</p> <p>With regards to the examples cited, the agricultural fields, whilst providing a visual aspect that is sympathetic to assets associated with the area's agricultural history, are not contemporary with these assets, and are not an important component of their setting that contributes to their appreciation and heritage value.</p> |

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| | | <p>medieval settlement, which is recorded in the Domesday survey in 1086 as Wilegetot (MHU10076), surrounds the manorial centre.'</p> <p>However, the discussion relates solely to impact on any archaeological remains associated with the hall. It does not discuss its setting or even acknowledge that it has one. Willitof Hall and its associated heritage assets are likely to derive a great deal of significance from its setting within agricultural fields, which are analogous to its setting from medieval times onward. Block 1a will be highly visible from the surrounding roads and public rights of way and approaches very close to the extant buildings and other NDHAs.</p> <p>There are two moated sites in Spaldington as well as the associated remains of the site of a mediaeval chapel). These are clustered around the extant Hall Farm, which is a farmstead built c.1838 on the site of the Elizabethan Spaldington Old Hall (Bubwith Village Trust 1979 Bubwith: An East Yorkshire Parish). Altogether there is a cluster of several entries in the recorded in the Humber HER. The present buildings appear well-preserved when compared to their depiction on the 1855 Ordnance Survey map (including a range of historic farm buildings, which appears to include a rare survival of a horse-gin).</p> <p>All these NDHAs are on the site of Spaldington Old Hall. However no consideration is given to the impact on their setting of block 2e, which comes right up to the immediate curtilage of the heritage assets. All of the assets, including the moated site that lies immediately adjacent to block 2e, derive significance from their setting in rural fields which approximate the setting of what is clearly an historically important site that dates to at least the post medieval period. It is astonishing that no assessment of this has been made.</p> | |
| REP1-119 | David Pinnock Humble | <p>3. Inadequate assessment of the setting of listed buildings and the impact of the proposals on their significance</p> <p>Paragraph 7.7.52 (Environmental Statement: Volume 1, Chapter 7: Cultural Heritage) assesses the impact on Rowland Hall, a grade II listed building. The house is the remains of a late eighteenth century farmstead, clearly shown with its former farm buildings on the 1854 Ordnance Survey map. The applicant acknowledges that it is a 'farmhouse' (Para. 7.7.41). It will be surrounded to the north and east by solar panels. While those to the north (3b) will be separated from the house by the existing railway line, those to the east (3c) will not and approach very close to the listed building.</p> <p>This historic farmhouse has an historic, functional relationship with the surrounding fields, which contribute to its significance and are crucial to allowing its significance to be appreciated. The surrounding fields form part of its setting that make an important contribution to its significance.</p> <p>Astonishingly, the applicant claims that 'The surrounding fields do not make a significant contribution to the houses' heritage value'. For reasons that are unclear, the proposed solar panels in 3c are not considered (only those in 3b) despite the fact that those in 3c will approach right up to the grounds of the house and will represent a very severe visual intrusion. These will cause harm to the house's significance. The poor</p> | <p>The setting of Rowland Hall Grade II listed building (1083172) and the contribution that it makes to the asset's significance is assessed in Section 4.3.15 of APP-080 Appendix 7-2 Cultural Heritage DBA. This considers the surrounding farmed landscape and states that 'the farmland beyond the garden provides a sympathetic setting to the house, one that is indicative of the building's historical links to the agrarian economy but is not a principal component of the setting that contributes to its value.' This acknowledges that the farmland does make a contribution to the asset's significance, particularly that to the south-west of the house where it is viewed within a farmland setting and which features in views south-westwards from the asset's principal elevation over its associated garden. The Scheme will not change this aspect of the asset's setting.</p> <p>The solar panels in fields 3b and 3c are also discussed in Section 4.3.15 of [APP-080] Appendix 7-2 Cultural Heritage DBA which states that 'any views of the Solar PV area 3b to the north, gained from the upper floor windows of the farmhouse, would be largely obscured and highly limited in nature. As Solar PV Area 3c lies to the south-east of the farmhouse, it is likely that only very partial views of the Scheme would be possible from the upper floor of the farmhouse, given intervening hedgerows and the facing direction of the farmhouse itself angles away from this direction'.</p> |

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| | | <p>quality analysis in this example calls into question the other assessments that the applicant has undertaken on the other designated heritage assets</p> | <p>The assessed impact to the asset, through potential change to its setting, is provided in Section 7.7.52 of Chapter 7: Cultural Heritage, ES Volume 1 [APP-059] this concludes that 'partial views of the Scheme would represent change in views from the house but would not change that part of its setting that contributes to its historic or architectural interest or is heritage value. The presence of the operational Scheme would therefore constitute no impact resulting in no effect.' This assessment is based on the Scheme layout which avoids introducing solar panels into the farmland to the south-west of the house.</p> <p>The impact of the temporary construction activities associated with the Grid Connection Corridor to the north of the house are also assessed in Section 7.7.41 of APP-059 Chapter 7 of the submitted ES which concludes that these activities would result in very low impact to the asset, resulting in a negligible effect which is not significant.</p> <p>The Applicant considers this to be a robust assessment of the potential impact of the Scheme upon this asset, in accordance with national and local policy.</p> |
| REP1-150 | Mark Wetherell | <p>Government guidelines state that in any one area only 3% of the land should be given over for solar. In this area it will be 6%, why are we being unfairly overrun by them?</p> | <p>The Applicant is not aware of any published Government guidelines which limit the amount of solar development in any one area to only 3% or any other percentage.</p> <p>The Applicant has set out its rationale for selecting the Solar PV Site in Chapter 3: Alternatives and Design Evolution within the Environmental Statement [APP-055]. This explains the stages and the main considerations which have influenced the Applicant in how it has selected the land for the Scheme. For the Solar PV Site this has included seeking to avoid environmental and land use constraints and taking into consideration other criteria such as topography; field pattern and arrangement; land use conflict, as well as land availability.</p> <p>In accordance with Government policy (NPS EN-1 paragraph 5.11.3) the Applicant considered the use of previously developed land and did not identify any available land within its area of search of an appropriate size to locate the Scheme.</p> <p>In accordance with Government policy (NPS EN-1 paragraph 5.11.12 and NPS EN-3 paragraphs 2.10.29) the Applicant has taken a sequential approach to the use of agricultural land considering whether land of lower grade is available and suitable. Following the identification of an area of search derived from the point of connection at the National Grid Drax Substation the Applicant did not identify any alternative sites which would be of lower grade agricultural land (compared to the majority of the Order limits) that were available or considered suitable for the Scheme and its objectives.</p> |
| REP1-106 | Anthony Brown | <p>Regarding the application and the specific areas re Ecological and the Goose & Plover Migration areas could you consider if they are in the scheme and under the control of the Applicant for the 40 years. I have been informed via a third party that the migration area is not in the scheme so how can the applicant control the usage so it is available for the wildlife. Will it be taken on compulsory purchase? I am sorry if this is incorrect</p> | <p>At Deadline 1, the Applicant updated the Framework LEMP [REP1-063] to confirm that the Ecology Mitigation Area and the management of habitat within this will be established prior to commencement of construction works and will be maintained for the lifetime of the Scheme until the commencement of decommissioning as defined by Schedule 2 requirement 18 of the Draft DCO</p> |

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| | | but the third party indicated that he was talking to a landowner who says he has not signed into the scheme. | [REP1-006] . The Ecology Mitigation Area is included within the Order limits, as identified on the Works Plan [APP-008] and the Land Plans [AS-004] and the Applicant is in voluntary negotiations to acquire an Option for the land. |
| REP1-115 | Emma Foster | <p>When our household applied to convert the barn attached to our house and integrate it into our home, we were told that we could but would never be allowed to build a separate residence in the village due to the access roads. We are also not allowed to operate a business from our home address due to the roads. I do not see why an industrial enterprise should be allowed to operate in our area. Our neighbours also had planning permission for a small Juliette style balcony on their house refused as it, and I quote from the East Riding Planning Department "is considered to be an alien feature to the dwelling... and it is considered to detrimentally impacts upon the character and appearance of the dwelling... are not considered to be in keeping with the existing building and would have a dominant appearance" and also that "The proposal is also considered to be contrary to guidance with the National Planning Policy Framework which discourages development of poor or inappropriate design, rather it advises that development should establish a strong sense of place and respond to local character, reflect the identity of local surroundings". I would appreciate if you could explain how an industrial solar farm is to be considered to reflect it's local surroundings. It should not be one rule for some and another rule for others.</p> <p>My final, and possibly most important, point is that of the huge inefficiency of this proposed scheme. The current largest solar farm in the UK is Shotwick Solar Park in Wales and it creates 72.2MW of electricity over an area of 220 acres (approximately 140 football pitches). This equates to 0.32MW per acre of land used. The East Yorkshire Solar Farm is hoping to produce 400MW but will be using 3570 acres (over 2000 football pitches) which is just 0.11MW per acre. Why does so much of our farmland needed to be turned over to this scheme if it is producing almost two thirds less energy than smaller schemes. I ask on behalf of our fragile local community that you seriously consider putting a stop to this industrialisation of our countryside and farmland or at the very least reduce it so that it does not create such an impact on our homes, lives and countryside</p> | <p>Each application is assessed on its own merits against the relevant local and national policy and with consideration to the site context. The Scheme is a Nationally Significant Infrastructure Project. The UK Government has identified solar PV with a capacity of above 50MW (such as the Scheme) as Critical National Priority Infrastructure to meet the UK's legally binding decarbonisation targets and ensure security of supply.</p> <p>The Scheme design is the result of an iterative design process which delivers the Scheme's functionality, the generation of a large amount of renewable electricity using single axis tracker solar technology, whilst addressing the local context and setting within which it is located. The Applicant's design team has worked collaboratively to provide an integrated and responsive design which has been informed by the process of environmental impact assessment, statutory consultation and stakeholder engagement.</p> <p>As set out in the DAS [APP-234] design objectives have guided the design response from an early stage to develop a good design that balances the need to maximise renewable energy generation from the Scheme, whilst minimising potential adverse impacts and providing mitigation and enhancement measures where practicable. This has resulted in a Scheme which, with the implementation of mitigation, avoids residual significant adverse effects in relation to designated landscapes; biodiversity sites; protected species or habitats; agricultural land; heritage assets; flood risk; water quality; access; and land uses within the local area. Impacts on the local area have therefore been minimised as far as practicable.</p> <p>The Applicant acknowledges that the operation of the Scheme will result in residual significant adverse effects upon the local landscape character and a small number of visual receptors, as presented in the Chapter 10: Landscape and Visual Amenity Assessment, ES Volume 1 [REP1-014].</p> <p>One of the Scheme's design objectives is to ensure the design responds sensitively to residential properties in proximity to the Scheme regarding visual impact, noise and lighting. This design approach is in accordance with 5.10.22 of NPS EN-1 and paragraph 2.10.131 to 2.10.133 of NPS EN-3. To achieve this, the Scheme design therefore retains existing vegetation as far as practicable and proposes carefully designed planting to provide screening. The design also incorporates buffers from residential properties to the solar PV infrastructure.</p> <p>Details of the proposed screening and buffers including existing vegetation to be retained and proposed planting are provided in the Framework LEMP [REP1-063] and illustrated on the Framework Landscape Masterplan included as Appendix A of the Framework LEMP [REP1-063] and Section 5.4 of the DAS [APP-234]. Existing hedgerows will be retained as far as practicable. Buffers of grassland, native scrub, woodland and traditional orchard will be created around the edge of the Solar PV Areas and other larger areas of grassland will be created, which will</p> |

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| REP1-136 | John Plant | <p>Solar farms of this size are as yet untried as to the effect they may have on the local climate. It has been suggested that they may well become 'hot spots' causing thermal activity. Great for glider pilots! But will we get our own tornado generator? I'm also concerned that there will also be shipping containers to house the batteries and other electrical equipment. Are they really suitable both aesthetically and practically. They do seem to attract condensation which is generally not good around electrical equipment.</p> | <p>offer habitat for wildlife, including foraging habitat for owls. Section 6 of the Framework LEMP [REP1-063] also discusses the long term management and maintenance of proposed planting. This explains that opportunities for planting of more mature stock, for example, ready hedges and larger specimen trees will also be explored with landowners, targeting this to mitigate effects on the most sensitive receptors at the earlier opportunity such as during construction.</p> <p>The Solar PV Panels will be secured on single axis trackers that are orientated north-south. The panels will track from east to west during the course of the day tracking the sun's movement. This allows for optimal power generation throughout the day and during different seasons.</p> <p>The Scheme design retains flexibility to allow for the selection of the most efficient technology. Solar generation technology is developing at a fast pace, with better, more efficient and more cost-effective solar PV panels coming to the market. The Applicant is therefore seeking to retain the flexibility to choose the precise technology close to the point of the construction of the Scheme. This will enable the optimum production of renewable energy and subsequently reduce cost for the end user. The final technology installed will be required to remain within the parameters defined by the Works Plan [APP-008] and Outline Design Principles Statement [REP1-051]</p> <p>This technology is tried and tested in other countries and fully expected to work as expected in the UK.</p> <hr/> <p>Regarding the 'heat island' effect, some studies suggest that solar farms may produce a cooling effect on land surface temperatures or otherwise cool completely overnight, making it unlikely for a heat island effect to occur (Xu et al 2024, Vervloesem et al 2022, Masson et al 2014, and Fthenakis and Yu, 2013). It is acknowledged that other research has also found warmer temperatures over PV plants than wildlands (Barron-Gafford et al, 2016) however, on balance this is not considered a material risk for the application proposal. It may also be noted that Barron-Gafford study referenced was conducted in Arizona, USA in a desert environment, and is not considered to be representative of the environment surrounding the Scheme.</p> <p>There will be no battery energy storage system as part of the Scheme.</p> <p>Shipping containers are routinely used to house associated electrical equipment at hundreds of operational solar farms throughout the UK and the applicant is confident that they are fit for purpose as part of the Scheme.</p> |
| REP1-108 | David Burton | <p>Soil conditions are variable across a given area, random soil sampling will struggle to reflect a true picture of land quality. 2) Farmers have the ability to deploy targeted enrichment of each field to optimise output and produce the most commercially viable crop over the farm as a whole. It is our the UK interests to support farmers in the adoption of this capability in order to gradually improve soil conditions leading to the continuous improvement of yields.</p> <p>In the "Why Here" section of the consultation it is also stated that flood risk has been considered when selecting land for the installation of solar panels. I understand from</p> | <p>The soil survey undertaken for the Application has followed recognised methodology and intensity. The general development and adoption of precision farming in UK agriculture will not be affected by the Scheme. The Science Note on Soil Carbon produced by the British Society of Soil Science identifies that the long-term land use change from conversion of arable land to grassland has the biggest impact on increasing soil organic carbon. This is a key measure of improvement of soil conditions. Permanent grassland better mitigates soil loss</p> |

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| | | <p>conversations with Boom representatives at Boothferry Golf Club that no provision has been made for additional drainage as part of the scheme. I would make the following comments:</p> <p>o The physical properties of a solar panel dictate that a significant proportion of the land surface will be sheltered from rain and that rainfall will be concentrated to a runoff point at one end (non-tilting design) or perhaps two ends (tilting design). This will lead to a concentration of water in channels. I have received no feedback nor seen evidence that percolation tests have been carried out, the food risk therefore remains a major concern.</p> | <p>and flooding than arable land because grassland soils have generally lower bulk density and higher hydraulic conductivity than arable soils.</p> <p>The Scheme will use a single-axis tracking system. This tilts the Solar PV panels around a north-south orientated axis, tracking the sun's movement from east to west. The panels will be positioned horizontally overnight. Consequently, this means there will no single 'drip track' from the panels and so there will be no concentration of water in channels beneath the panels. Furthermore, the ground will be raked in line with contours to encourage the retention and infiltration of rainfall until vegetation is established. Maintenance visits will check for signs of developing flow paths and mitigate where necessary. Specific drainage arrangements for these areas was not deemed necessary given that following installation, drainage would largely be consistent with the existing conditions, and this was agreed with the Ouse and Humber Drainage Board. Furthermore, a detailed Surface Water Drainage Strategy will be developed post-consent (following detailed design and the results of infiltration testing) and this is secured by requirement 9 in Schedule 2 of the draft DCO [REP1-006].</p> |
| REP1-137 | Joanne Roebuck | <p>We have recently had our house valued and the Estate Agent confirmed that if this proposal goes ahead, the value of our property is likely to be reduced significantly and if we made the decision to move, it would be difficult to sell it while surrounded by 3.5 metre high solar panels causing noise and light pollution in addition to ruining the rural landscape. Our home is arguably one of, if not the most likely to be adversely affected by the proposed development of the East Yorkshire Solar Farm in terms of the proximity to our house and garden but also it will be on three sides of our property and practically surrounding the hamlet of Gribthorpe. The roads accessing our village will all be occupied by the panels, from all directions for at least 2 miles. We are not against solar but firmly believe that there are more appropriate places for it than productive farm fields.</p> <p>Boom have carried out noise/sound tests throughout the proposed site, in Gribthorpe, they carried out their noise/sound test during a week of RAF training, they later published their findings and the decibels in Gribthorpe are likely to double. When asked, Boom employees admitted this and explained that the sound would not be above normal suburbia at night!! They also admitted that this was estimated as the panels that they intend to install have never been used in the UK.</p> | <p>Noise is assessed using guidance from BS 4142:2014+A1:2019. This guidance requires noise criteria to be defined against the LA90 background noise level, which is the noise level that is exceeded for 90% of the time or, to put it another way, the sound level is only lower than the LA90 for 10% of the time. Use of this metric ensures that noise criteria is representative of quiet periods and is not influenced by events such as RAF training.</p> <p>Chapter 11: Noise and Vibration, ES Volume 1 [REP1-016], provides information on how noise will impact residents at Gribthorpe, which are represented by receptors R3 and R4. Operational noise has been predicted with all plant being in maximum operation at all times of day. Cooling fans on inverters will operate dependent on ambient temperatures and would not be in a full mode of operation during cooler temperatures. Consequently, noise predictions represent a reasonable worst-case and are likely to overestimate actual impacts.</p> <p>Noise from the proposed development is predicted to be, at worst, 34 dB LAr,Tr. This is lower than the ambient noise level for day, evening and night periods but above the background noise level. As such, there may be some perceptible noise, equivalent to a very quiet room fan, from the development during quiet periods. This level of noise impact is not considered to be significant.</p> |
| REP1-147 | Jennifer Tiplady | <p>I fully object to the Boom Power Solar Farm application - I attended two of the consultations that Boom held, and they failed to adequately address the questions and issues I raised. They had no knowledge of the types of panels they would be using, stating just that they would be around 4metres high. This leads to a further query I had, about the way the site would eventually be decommissioned and cleared - again they did not provide an answer to this. They did however say that the panels would need concrete supports - and that (point of consultation) 900,000 panels were proposed, so that's 1,800,000 deep piles of concrete that would need removing, along with the panels.</p> | <p>The Applicant responded to as many questions as possible at consultation events, with a dedicated project team with technical specialists available to answer questions at each event. Any questions which were unable to be answered at the event were taken away and responded to at a later date.</p> <p>The Applicant also welcomed and responded to enquiries received via the contact details shared during statutory and targeted consultations on the Scheme webpage and brochure. Consultees were able to share feedback via an online and hard copy feedback form; freepost; to a project email address; and via telephone, including voicemail. All enquiries received during the consultation period were responded to.</p> |

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| REP1-144 | Mr Paul Taylor and Mrs Alison Taylor | <p>Executive Summary for Response REP1-144: 1.1 This representation has been prepared by Golby + Luck Landscape Architects in relation to the East Yorkshire Solar Farm Nationally Significant Infrastructure Project (the proposed scheme) following instruction by Mr & Mrs Taylor of (REDCATED), near Spaldington; see GLY0042 LV01.</p> <p>1.2 It considers the documents submitted for the proposed scheme's Development Consent Order, in particular those pertinent to the landscape and visual effects of the proposal. The submitted landscape and visual baseline and landscape and visual impact assessment have been reviewed, along with proposals for mitigation.</p> <p>1.3 A series of main issues have been highlighted. These include:</p> <p>1) A deficient landscape baseline that does not consider the immediate setting of each area of the array, in particular where this concerns local settlement. In addition, an apparent underassessment of landscape sensitivity that is contrary to the local landscape evidence base;</p> <p>2) A deficient landscape assessment that does not assess change against landscape receptors at an immediate setting scale, contrary to the Guidelines for Landscape and Visual Impact Assessment (GLVIA3);</p> <p>3) A deficient visual assessment that does not identify all visual receptors relevant to areas 2e and 2f and underestimates magnitude, contrary to the ES LVIA methodology, resulting in an underassessment of the number and magnitude of likely significant visual effects relevant to areas 2e and 2f; 4) An inconsistent approach to landscape and visual mitigation, particularly in the case of local settlement near to areas 2e and 2f, that is over reliant on 'cosmetic' screen planting, contrary to guidance laid out in GLVIA3 and discordant with the objectives of relevant national and local character area</p> | <p>Chapter 2: The Scheme, ES Volume 1 [APP-054] at Table 2-1 explains that the solar PV mounting structures which the solar PV panels are placed upon are metal, typically galvanised steel. The poles are directly driven into the ground. There is no requirement for the excavation of foundations or disturbance to the surrounding land surface (soils).</p> <p>The galvanised metal appearance is referred to as a design principle in Table 1 of the Outline Design Principles Statement [REP1-051]. The detailed design for the Scheme, which will need to be approved post consent prior to construction by the relevant local authorities, must be in accordance with the design principles set out in the Outline Design Principles Statement [REP1-051] and this is secured by requirement 5 in Schedule 2 to the Draft DCO [REP1-006].</p> <p>At decommissioning stage, the ground-driven poles will be extracted, and the land returned to the landowner. A Framework Decommissioning Environmental Management Plan (DEMP) [REP1-057] provides details on the decommissioning of the Scheme. A detailed DEMP(s) will be produced in line with this Framework DEMP following the grant of the DCO when the Scheme is due to be decommissioned. It will then be submitted to the appropriate Local Planning Authorities (LPA) for approval, in accordance with Requirement 18 of the draft DCO [REP1-006].</p> <p>The Applicant acknowledges that REP1-144 is a detailed response from Golby + Luck Landscape Architects detailing their review of the Applicant's Landscape and Visual Amenity Assessment (LVAA).</p> <p>The Applicant acknowledges that the operation of the Scheme will result in residual significant adverse effects upon the local landscape character and a small number of visual receptors, as presented in the Landscape and Visual Amenity Assessment within the Environmental Statement [REP1-014]. However, the Applicant has carefully designed the Scheme to ensure landscape and visual impacts are minimised as far as practicable by proposing a comprehensive landscape and ecological design and increased connectivity and local access through the landscape as discussed in the Design and Access Statement [APP-234] and in the Framework Landscape and Ecological Management Plan (LEMP) [REP1-063]. Both documents include the Framework Landscape Masterplan illustrating the indicative Scheme design.</p> <p>A detailed Landscape and Ecological Management Plan will be prepared post consent which will need to be in substantial accordance with the Framework LEMP [REP1-063] and approved by East Riding of Yorkshire Council and North Yorkshire Council.</p> <p>One of the Scheme's design objectives is to ensure the design responds sensitively to residential properties in proximity to the Scheme regarding visual impact, noise, and lighting. This design approach is in accordance with paragraph 5.10.21 of NPS EN-1 and NPS EN-3. To achieve this, the Scheme design retains existing vegetation as far as practicable and proposes carefully designed planting to provide screening. The design also incorporates buffers from residential</p> |

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| | | <p>assessments that highlight the importance of respecting the open character and long views in the landscape.</p> <p>1.4 This representation sets out a revised approach for landscape mitigation and encourages a review of the Indicative Site layout to ensure the balance of land set aside for mitigation is proportionate, in turn promoting a consistent approach of a 'one field buffer' to local settlement that restores and respects local landscape character.</p> | <p>properties to the solar PV infrastructure which are shown on the Framework Landscape Masterplan. The Applicant has designed location-specific buffers to mitigate for visual effects associated with the solar PV panels upon residential properties. These buffers vary depending on the local context hence the differences between other settlements and the properties along Spaldington Road. The design also commits to positioning noise emitting Field Stations 250 metres (m) or further from residential properties. The two Grid Connection Substations proposed as part of the Scheme are also greater than 250 m from residential properties. The Scheme is also not proposing any visible lighting from CCTV or artificial lighting for security purposes. These design principles are set out in the Outline Design Principles Statement [REP1-051]. The detailed design for the Scheme, which will need to be approved post consent prior to construction by East Riding of Yorkshire Council and North Yorkshire Council (the relevant local authorities), must be in accordance with the design principles set out in the Outline Design Principles Statement [REP1-051] and this is secured by a requirement in Schedule 2 to the Draft Development Consent Order [REP1-006].</p> <p>The landscape assessment presented in Chapter 10: Landscape and Visual Amenity, ES Volume 1 [REP1-014] is considered by the Applicant to be robust and has utilised the published East Riding of Yorkshire Landscape Character Assessment that has been produced as part of the evidence base for the East Riding of Yorkshire Council Local Plan. The LCA 5A Howden to Bubwith Farmland description within the East Riding of Yorkshire Landscape Character Assessment is considered to be representative of the landscape character around Spaldington. Within paragraph 10.5.32 [AS-014] the landscape value is considered to be low as a result of the presence of human elements (development), detracting features (overhead cables and industrial structures), no notable elements that are rare or of notable cultural heritage or historical association. It would not be a proportionate approach to produce finer grained LCA.</p> <p>The local setting in proximity to Sandwood House includes an arable landscape with some degraded field boundaries, medium distance views across fields with mature vegetation restricting longer distance views. There are industrial structures to the rear of Sandwood House which increase the sense of built development in the immediate area. There is a low cultural value associated with the area surrounding Sandwood House and there are no locally designated features or listed structures.</p> <p>The value of the landscape is consistent with the value of the landscape for LCA 5A Howden to Bubwith Farmland as a whole. The susceptibility to the Scheme is assessed to be low resulting in low sensitivity, see Table 10-11. Assessment of landscape effects – local [REP1-014]. The impacts to the LCA are as set out above and landscape mitigation includes the enhancement of the existing hedgerow along Spaldington Road as set out in the Framework LEMP [REP1-063] which includes other landscape enhancements.</p> |

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| | | | <p>As set out in Chapter 10: Landscape and Visual Amenity, ES Volume 1 [REP1-014]. Viewpoint 5: Sandwood House, Spaldington Road lies in close proximity to Sandwood House and is therefore considered representative of this residential receptor. Impacts on residential receptors at Viewpoint 5 are assessed at construction and operation year 1 to result in medium magnitude of impact and moderate adverse (significant) effect as a result of the visibility of the Scheme in views from gaps in the boundary hedgerow. It is acknowledged that there is the potential for views from upper storey windows from properties located along Spaldington Lane, although the majority of these properties, including Sandwood House have mature vegetation within their gardens to the south of the properties which provide some intermittent filtering of views further south. It is acknowledged within Table 10-12. Viewpoint Assessment within Chapter 10: Landscape and Visual Amenity, ES Volume 1 [REP1-014] that the properties along Spaldington Lane, including Sandwood House would experience filtering of views. It is acknowledged that Sandwood House will experience intermittent filtering of views, although this would not result in any change to the assessed impacts for Viewpoint 5.</p> <p>Mitigation is proposed to the north boundary of Solar PV Area 2f to assist in reducing these assessed impacts. The extent of planting and buffer between the existing hedgerow which borders Spaldington Road has been increased as a result of feedback received during the Statutory Consultation Period. A buffer of species rich grassland at an approximate width of 18 m has resulted in the proposed native woodland planting being located further from the existing boundary hedgerow. This proposed native woodland planting is an approximate width of 10 m. This mitigation planting is shown within the Framework LEMP [REP1-063] on the Framework Landscape Masterplan Sheet 6 of 11 and is considered appropriate.</p> <p>The impact at this location for operation year 15 has been assessed to reduce to low magnitude of impact and minor adverse effect that is not significant. This is as a result of the growth of the mitigation planting and the assessment acknowledges that there will be a shortening to the view. A cross section illustrating the typical section of the landscape mitigation buffer to the south of Spaldington Road is provided within the Framework LEMP [REP1-063] Indicative Landscape Sections Sheet 1 of 2.</p> <p>With regards to the mitigation planting adjacent to SPALF18 and EASTB17, a buffer of 15 m has been provided adjacent to PRoW SPALF18. This buffer includes proposed flower rich grassland and proposed woodland edge planting. Proposed mitigation for EASTB17, includes enhancement to the existing linear features (hedgerow and mature trees) and would include managing the hedgerow, increasing the width and species. As set out in the Framework LEMP [REP1-063] boundary hedgerows will be managed to a height of between 2.5 m and 3.5 m. A species rich grassland buffer is also provided either side of the vegetation bounding Featherbed Lane.</p> |

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| REP1-101 and REP1-102 | Andrew Belk | <p>You need to look at the 'Circular' pattern of Solar Panel Field Stations which surround Cottage Farm off Ings Lane, Spaldington. When you actually read section 16 of the attached document? you will see that much of the potential health hazards are 'UNKNOWN!' The 'ELV' (exposure limit values) is quoted and exploited and 'Action Levels' etc etc . It the most documented application I have seen on shoving something under the carpet!</p> <p>How many 'Microteslas' will the Sheep grazing under Acres of Solar Panels be exposed to? The 32kv threshold? the developer seems to be placing all his bets on this parameter? WHAT when several Field Stations are close together and their footprints overlap each other? Public Rights of Way? The developers initiative to construct 'Permissive Footpaths' raises many questions? Directly walking alongside or on top of cable infrastructure, restricting Agricultural Pest Control by allowing Public Access to the adjacent WORKING farms and also lowers the privacy and security of residents. i.e. Poachers will no doubt exploit ANY new land access in the area. Hare Coursing and Deer Poaching the main two concerns. Can you ask the HSE and OEP for their opinions and recommendations regarding EMF from this and any other existing and planned Solar Panel Developments?</p> <p>Please consider on your visit to Spaldington area the difference of habitat in summer versus winter and the large numbers of waders and fowl that move inland in late autumn both resident and migratory birds? The Humber catchment area is huge and birds have travelled on their seasonal routes for literally centuries. The other consideration is the latest legislation on Hedgerows the developer needs to evaluate in their plans? New hedgerow regulations: what you need to know - Game and Wildlife Conservation Trust (gwct.org.uk)</p> | <p>Regarding the mitigation proposed on the southern boundary of Solar PV 2e, which is to the north of the Sandwood Business Park and equestrian paddock, receptors within businesses generally have less of an appreciation of the landscape and taking into consideration their susceptibility to the Scheme would be assessed to be of low sensitivity. This therefore did not form part of the LVAA.</p> <p>The equestrian use to the south of Solar PV Area 2e is noted however it is understood by the Applicant to be a paddock where horses are kept and may be pastured or exercised rather than used like a bridleway where horse riders would be sensitive to changes in the landscape. This therefore did not form part of the LVAA.</p> <p>Potential impacts of electromagnetic fields are presented in section 16.8 of Chapter 16: Other Environmental Topics, ES Volume 1 [AS-016] and this concludes that no likely significant effects to residential receptors or users of PRoW. from electromagnetic fields.</p> <p>The Applicant also notes that the UKHSA/OHID is satisfied with the methodology used to undertake the in section 16.8 Electric and Electromagnetic Fields in Chapter 16: Other Environmental Topics, ES Volume 1 [AS-016].</p> <p>Non-breeding (passage and wintering) bird surveys have been undertaken to inform the EIA.</p> <p>The new Management of Hedgerows (England) Regulations 2024 make provision for the protection of hedgerows on agricultural land. The existing retained hedgerows and new hedgerows will be suitably buffered and managed appropriately, as detailed in the Framework LEMP, Volume 1 [REP1-063].</p> <p>Chapter 12: Socio-Economics and Land Use, ES Volume 1 [APP-064] outlines how permissive paths have been provided as a means to enhance the PRoW network. Permissive paths have been designed in partnership with, and with agreement from, landowners. A Framework PRoW Management Plan [APP-245] submitted with the DCO Application outlines a series of measures taken to ensure that PRoW, including the new permissive paths, can be used safely.</p> |

Appendix A Applicants Response to Natural England Submission

A.1 Natural England's detailed advice

Table 2-4 Applicants Response to Natural England's Detailed Advice

| NE key issue ref | Topic | Issue summary. (C) – construction phase (O) – operational phase | Natural England commentary and advice on the further information required to enable assessment. | Natural England comment on the mechanism for securing mitigation / compensation measures in the DCO. | Risk (Red/ Amber/Green) | The Applicant's Comments |
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| NE1 | International designated sites • Humber Estuary SPA • Humber Estuary Ramsar • Lower Derwent Valley SPA • Lower Derwent Valley Ramsar | Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA / Ramsar sites. (C) and (O) | <u>Habitats Regulations Assessment (HRA) comments:</u> SPAs are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary (referred to as 'functionally linked land' (FLL)). These supporting habitats may be used by SPA bird populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the designated site. Natural England concur with 6.3.2 of the Stage 1 screening assessment of the HRA, that likely significant effects (LSE) on the Humber Estuary SPA / Ramsar and Lower Derwent Valley SPA / Ramsar cannot be ruled out, due to the potential loss of FLL during construction and operation for passage/wintering bird species associated with these sites. As stated in 6.3.2: "The Order limits are approximately 1.3km from the Lower Derwent Valley SPA/Ramsar and 3km from the Humber Estuary SPA/Ramsar, placing it within the core foraging ranges for some of the qualifying species." Section 8.4 of the appropriate assessment (AA) further assesses potential loss of FLL for both the Humber Estuary SPA / Ramsar and Lower Derwent Valley SPA / Ramsar. To conclude that LSE cannot be ruled out, and to inform the appropriate assessment (AA), the Applicant has carried out a desk -based study (including a records search), and wintering bird surveys (2022/2023) within the Survey Report for Non -Breeding Birds (Volume 2, Appendix 8 -6) [APP -089]. The results of the surveys demonstrate | Natural England advises that the comments provided below on the proposed mitigation measures for loss of FLL cannot yet be finalised. The Applicant is currently carrying out an additional year of wintering bird surveys following advice we provided during the pre-application stage. As the full additional bird survey data for the 2023/2024 passage/wintering period will not be submitted until after the relevant representations deadline, we cannot comment on whether the mitigation measures detailed in the HRA / framework Landscape and Ecological Management Plan (LEMP) [APP -246] (termed "Ecology Mitigation Area" and detailed from 6.1.72 to 6.1.86 in this document) will be sufficient to avoid adverse effects on integrity of the Humber Estuary SPA / Ramsar and the Lower Derwent Valley SPA / Ramsar. Therefore, detailed advice on the proposed mitigation measures will follow later in the Examination period, including more specific advice around the size, carrying capacity, habitat management, and any remediation measures. Subject to the Applicant submitting the additional surveys (and any required updates to the HRA / LEMP as a result) in sufficient time, we will aim to include this detailed advice at the Written Representations deadline. Please refer to the below sections for our initial comments on the mitigation measures. <u>General comments on mitigation measures for loss of FLL</u> Section 8.4.12 of the HRA appropriate assessment (AA) concludes that "...mitigation will be needed to | 'Amber' | The Applicant provided a full response in the Deadline 1 submission: 8.3 Applicant's Responses to Relevant Representations [REP1-066]. The updated Habitats Regulations Assessment submitted at Deadline 2 provides further details to address Natural England's comments submitted in their Relevant Representation [RR-266], and repeated here in their Deadline 1 Written Representation [REP1-094], on the loss of functionally linked land (FLL) for the relevant qualifying bird species of the Humber Estuary SPA/Ramsar and Lower Derwent Valley SPA/Ramsar. |

| NE key issue ref | Topic | Issue summary. (C) – construction phase (O) – operational phase | Natural England commentary and advice on the further information required to enable assessment. | Natural England comment on the mechanism for securing mitigation / compensation measures in the DCO. | Risk (Red/ Amber/Green) | The Applicant's Comments |
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| | | | <p>peak counts within Order limits of 100 greylag geese, 80 pink -footed geese, and 51 lapwing. The peak count of pink -footed goose was recorded in Field 1a of the solar photovoltaic (PV) area. Winter wheat was planted at the time of the survey, and soils are described as “Slowly permeable, seasonally waterlogged”.</p> <p>The peak count of golden plover was recorded in field 3b of the solar PV area, with cropping data demonstrating that winter wheat and oil seed rape were planted at time of the survey, with soils also described as “slowly permeable, seasonally waterlogged”. Following our previous advice, we welcome the inclusion of the cropping data, with 8.4.9 noting that: “2022/2023 did not represent an unusual or ‘less suitable’ year for non-breeding birds in terms of its cropping pattern (see Table 13)”. This also notes that the cropping forecast predicts this was due to also apply to 2023/2024. We welcome that this data has been provided and used to inform the conclusion that the Site could support significant numbers of pink-footed goose and golden plover, and “...constitute functionally linked habitat” based on “...the 1% population threshold”. We note however that this remains deemed a “...precautionary measure”. As advised in our S42 response, the 1% threshold is only one metric, and therefore it is not always appropriate to apply it strictly when assessing FLL. We consider, based on all evidence provided, that parts of the application Site are likely functionally linked, despite numbers not necessarily reaching a 1% threshold.</p> <p>We note that the peak count of greylag goose is 5.6% of the Humber Estuary population, with impacts on greylag geese associated with this designated site ruled out in section 8.4.8 of the HRA. However, we have previously confirmed agreement with the justifications provided in the HRA for why greylags should not be the drivers of mitigation, as detailed in paragraph 8.4.13. We</p> | <p>offset the loss of functionally linked habitat associated with the Scheme”. Natural England agree that mitigation measures will need to be provided to avoid adverse effects on integrity of the Humber Estuary SPA / Ramsar and Lower Derwent Valley SPA / Ramsar.</p> <p>We note that mitigation requirements are to be delivered “as a package” due to both sites falling within the Zone of Influence (Zol) of the scheme. We can confirm that we agree with this approach. As above, although we are unable to make full comments on the sufficiency of the mitigation measures at present, we can advise on the following principles:</p> <ul style="list-style-type: none"> • We advise that the final version of the LEMP (following any updates required throughout Examination) is secured within the DCO. • As detailed in 8.4.17 of the HRA, we advise that habitat must be established prior to commencement of construction works in the closest parts of the Scheme. We advise this is also specifically secured within the DCO. • We advise that the mitigation area is secured in-perpetuity, and at least for the lifetime of the development. • We agree with detail included in 8.4.15 of the HRA around limiting surrounding hedgerows and woodland, along with roads and built-up areas, to facilitate long-distance views for birds and reduce disturbance. We advise that to ensure this is the case, an undeveloped / undisturbed 150m buffer around the mitigation area is secured. <p>We also note in the conclusions section of this part of the HRA (8.4.29), it is stated that “This proposal has been discussed with and agreed to in principle by Natural England.” We note that we have engaged with the Applicant pre-application and have agreed with some aspects, such as the habitat types, however, we are unable to provide</p> | | |

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| | | | <p>have also noted previously that the mitigation to be provided for pink-footed goose is also likely to provide some suitable habitat for greylag goose.</p> <p>Section 8.4.10 rules out impacts on little egret and mallard associated with the Humber Estuary, as the Site lies beyond the “core foraging ranges” reported for these species. We have previously concurred with the reasoning provided, and agree it is unlikely that those found in these surveys are linked with the Humber Estuary population.</p> <p>We advised in our S42 response that as the land has been identified as having potential suitability as FLL, the survey results should be considered at appropriate assessment stage, and if the development is demonstrated to lead to loss of functionally linked land for designated bird species, then the suitability of proposed mitigation should also be assessed in the HRA. We confirm that the results have been considered at the correct stage and agree that mitigation measures are required for loss of FLL. However, we advise that full conclusions cannot yet be drawn until we have sight of the 2023/2024 wintering bird survey results (please refer to below section entitled ‘Previous survey advice and additional survey effort 2023/2024’). We are also unable to provide full comments on the proposed mitigation area for this reason, however, please refer to the column to the right for general comments.</p> <p><u>Previous survey advice and additional survey effort 2023/2024</u></p> <p>Natural England have previously provided advice on the 2022/2023 wintering bird surveys (summarised in Table 12 of the shadow HRA) carried out by the Applicant, throughout the pre-application process through our Discretionary Advice Service (DAS), and within our Section 42 response (dated 16 June 2023).</p> | <p>full agreement until we see the results of the 2023/2024 wintering bird surveys, and any subsequent required changes to the mitigation design.</p> | | |

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| | | | <p>We noted in our advice provided through DAS that two years' worth of surveys would provide a more robust understanding of the bird use on site and better inform the HRA. This advice was provided for the following reasons:</p> <ul style="list-style-type: none"> • There are limitations in the survey methodology and frequency used in the 2022/2023 surveys. • The proposed development has a very large footprint, and therefore has potential for a significant loss of land in proximity to both Humber Estuary and Lower Derwent Valley. • To help with determination of suitable design and extent of mitigation for loss of functionally linked land, based on potential year on year variation of bird use. <p>We have been informed by the Applicant that an additional year of wintering bird surveys is now underway, following the above advice. We welcome this additional survey effort. However, as the additional bird survey data for the 2023/2024 passage/wintering period will not be submitted until after the first examination deadline, our advice in relation to FLL is currently limited to the results of the 2022/2023 surveys only and is therefore incomplete.</p> <p>We would like to also reiterate previous advice in that vantage point surveys should be undertaken when assessing whether a development site may constitute functionally linked land for wintering and passage birds. We note that this is the preferred methodology as it prevents flushing of birds which may occur when transect surveys are undertaken.</p> <p>In addition, if the redline boundary of the development is altered throughout the examination, then we advise that the suitability of new fields to act as FLL would need to be assessed. Including undertaking surveys of wintering and passage</p> | | | |

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| | | | birds where there is determined to be potential suitability. | | | |
| NE2 | International designated sites • Humber Estuary SPA • Humber Estuary Ramsar • Lower Derwent Valley SPA • Lower Derwent Valley Ramsar | Noise and visual disturbance during construction to FLL for the relevant qualifying bird features of the listed SPA / Ramsar sites. (C) | <p>Potential noise and visual disturbance during construction is taken through to the appropriate assessment stage, due to LSE on FLL, with the following noted in 6.2.2 of the HRA (screening stage): "The Site comprises extensive tracts of agricultural land, which lie within the maximum foraging ranges of some of the qualifying species in the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar". We agree with these impact pathways being taken through to the appropriate assessment stage (section 8.1). However, we are unable to concur with the conclusion of no adverse effects on integrity at present. Please refer to the below sections for further detail.</p> <p><u>Noise disturbance</u></p> <p>The appropriate assessment provides further detail around noise disturbance in sections 8.1.1 to 8.1.11. It is concluded in 8.1.19 that there will be no adverse effects on the integrity on the listed designated sites from noise disturbance on functionally linked habitats. Having considered the assessment it is our advice that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. The assessment does not currently provide enough information and/or certainty to justify the assessment conclusion, and further assessment / consideration of mitigation options is required.</p> <p>We advise that the following additional information and / or amendments are required:</p> <ul style="list-style-type: none"> • Natural England does not support the use of IECS 2013 'Waterbird disturbance mitigation toolkit' as we do not consider the evidence to have been collected in a rigorous way, and the results have not been peer reviewed. Therefore, any assessment that relies on the toolkit may be | <p><u>Noise disturbance</u></p> <p><u>N/a</u> – Further information required.</p> <p><u>Visual disturbance</u></p> <p>As stated above for NE1, we advise that the mitigation area is secured prior to commencement of construction works.</p> | Amber | <p>The Applicant provided a full response in the Deadline 1 submission: 8.3 Applicant's Responses to Relevant Representations [REP1-066].</p> <p>The updated Habitats Regulations Assessment submitted at Deadline 2 provides further details to address Natural England's comments submitted in their Relevant Representation [RR-266], and repeated here in their Deadline 1 Written Representation [REP1-094], on noise and visual disturbance during construction to FLL for the relevant qualifying bird species of the Humber Estuary SPA/Ramsar and Lower Derwent Valley SPA/Ramsar.</p> |

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| | | | <p>inaccurate. Section 8.1.3 refers to the IECS 2013 toolkit, in relation to setting a disturbance distance for bird species.</p> <p>We note that 8.1.3 concludes that a noise disturbance distance / zone of 200m is proposed (based on the IECS 2013 toolkit). However, we advocate a precautionary approach to assessing disturbance to birds, using a 300m as an initial disturbance zone and then reducing this where mitigation measures allow.</p> <ul style="list-style-type: none"> • We welcome the inclusion of Figure 6 in the HRA which demonstrates modelled LAeq construction noise contours across the site, and how noise is predicted to attenuate. Based on the information provided in this Figure, and in the Noise and Vibration assessment (Volume 1, Chapter 11, Table 11-4. Sensitive receptors) [APP-063] and the Baseline Noise Survey (Volume 2, Appendix 11-3, results section) [APP-106], it appears that construction noise will result in potentially significant exceedances of the recorded baseline levels (these range from 43-58dB), at many of the receptor points. • Despite the potential suitability of adjacent arable fields to the site as habitat for SPA / Ramsar birds, Figure 6 does not yet put exceedances into context of the birds present or utilising the area, or provide detail about timings of works / type of works planned at any given time. For instance, it is noted in 8.1.5 that tracked excavators will be used in construction and are associated with the highest sound pressure at source (LAmax of 89dB at 10m). As these are required for several construction / decommissioning activities, mapping the timings, and anticipated time lengths of these works, would be useful. • We note that section 8.1.7 states that noise is anticipated to “decay to acceptable levels” within 400m. Additionally, section 8.1.8 provides various justifications around the reasons that areas with | | | |

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| | | | <p>higher construction noise levels will not cause disturbance, including field size and existing built-up areas. However, we require the above information to further determine if noise levels are likely to be disturbing to SPA / Ramsar birds. We advise that the further information would be best provided through provision of an overlay map containing the above detail, to help determine which birds are likely to be impacted by increased noise during construction.</p> <ul style="list-style-type: none"> • Considering the above, we note there is no discussion around possible mitigation options for noise disturbance, despite potentially significant increases in comparison to background noise levels. Further assessment of how mitigation might reduce noise impacts, including measures such as noise fencing, is required. • As detailed for the NE1 section, we note that additional wintering bird surveys (2023/2024) are in the process of being completed. We advise that these results could also affect the outcome of the noise assessment and should also be considered in this context once available. <p>Although the above information is outstanding, we advise that construction noise impacts to the proposed FLL mitigation area can be ruled out, subject to the mitigation measures being secured prior to the commencement of construction works for the main application site. Please refer to NE1 for our full comments in relation to mitigation measures for loss of FLL.</p> <p><u>Visual disturbance</u></p> <p>The appropriate assessment further assesses visual disturbance in sections 8.1.12 to 8.1.18. As per our comments above, the IECS 2013 Toolkit is referenced in relation to setting a buffer for visual disturbance. Please refer to our comments above around the use of this toolkit. However, we advise</p> | | | |

| NE key issue ref | Topic | Issue summary. (C) – construction phase (O) – operational phase | Natural England commentary and advice on the further information required to enable assessment. | Natural England comment on the mechanism for securing mitigation / compensation measures in the DCO. | Risk (Red/ Amber/Green) | The Applicant's Comments |
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| | | | <p>that a 300m buffer for visual disturbance is likely sufficient.</p> <p>It is then concluded in 8.1.19 that there will be no adverse effects on the integrity on the listed designated sites from visual disturbance on functionally linked habitats. In relation to visual disturbance only (refer to comments above in relation to the further information required for noise disturbance), based on the information provided, Natural England agree with this conclusion, subject to appropriate mitigation being secured. Please refer to the column to the right for further detail.</p> | | | |
| NE5 | <p>International designated sites</p> <ul style="list-style-type: none"> • River Derwent SAC • Lower Derwent Valley SAC | <p>Potential impacts to otter (<i>Lutra lutra</i>) during construction, including horizontal directional drilling (HDD)</p> <p>(C)</p> | <p>Natural England welcomes the inclusion of a buffer for HDD to minimise disturbance to SAC species, though notes inconsistencies with the distance of buffering used between different documents. It must be ensured that HDD buffering distances are standardised across documents (30m for the River Derwent, River Ouse, and Watercourse DE53; 10m for all other watercourses).</p> <p>See examples below:</p> <p>Chapter 8, page 169 'of Environmental Statement – “The Scheme incorporates minimum 10m stand-off buffers from watercourses/ditches (bank top). This buffer is extended to a minimum of 30m for the River Derwent, River Ouse, and Watercourse DE53”.</p> <p>9.3.2 of HRA – “Potential negative water quality impacts from HDD operations are minimised by delivering precautionary drill depth, undertaking pre-works hydrogeological assessments (including a site-specific hydraulic fracture risk assessment) and distancing HDD pits a minimum of 30 m from the edge of watercourses”.</p> <p>Page 63 of Framework CEMP – “The sections of the cables that will be installed via trenchless approaches will require launch and reception pits to be installed at each crossing point. These are identified in Figure 9-3, ES Volume 3</p> | <p>The buffers which are to be used for HDD in relation to specific watercourses should be established within the CEMP. Specific details regarding where HDD is to occur in relation to SAC boundaries should also be detailed in the CEMP, following completion of the Hydraulic Fracture Risk Assessment. These measures should be secured within the DCO.</p> <p>All noise mitigation measures relating to, for instance, HDD and the timing of works, should be included in the CEMP and secured in the DCO</p> | Amber | <p>The Applicant provided a full response in the Deadline 1 submission: 8.3 Applicant's Responses to Relevant Representations [REP1-066].</p> <p>The updated Habitats Regulations Assessment submitted at Deadline 2 provides further details to address Natural England's comments submitted in their Relevant Representation [RR-266], and repeated here in their Deadline 1 Written Representation [REP1-094], on the potential impacts to otter during construction, including horizontal directional drilling (HDD).</p> |

| NE key issue ref | Topic | Issue summary. (C) – construction phase (O) – operational phase | Natural England commentary and advice on the further information required to enable assessment. | Natural England comment on the mechanism for securing mitigation / compensation measures in the DCO. | Risk (Red/ Amber/Green) | The Applicant's Comments |
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| | | | <p>[EN010143/APP/6.3]. The send and receive pit excavations for drilling/boring will be located at least 10 m from the watercourse edge, as measured from the top of bank”.</p> <p>We have based our advice on the understanding that the 30m buffer will be utilised to prevent impacts to the River Derwent SAC, and the CEMP (and all other documents) should be consistent in the reflection of this.</p> <p>Natural England welcomes HDD as a means of mitigating impacts on waterways in which there could potentially be otter presence. However, further information should be provided as to why DE52, DE03, and OU24 have not been considered for HDD rather than open trenching methods. Each of these waterways has been scoped in for suitability as otter habitat (as stated in the Riparian Mammal Survey Report [APP-093]) and will be directly crossed by the grid connection corridor, resulting in significant disturbance. Natural England notes that the Riparian Mammal Survey Report states that DE52, DE03, and OU24 have not been deemed as suitable for otter as the River Ouse, the River Derwent, and DE53 - nor have they displayed evidence of otter presence. Given the suitability of these habitats for otter, and proximity to waterways in which otter have been recorded, Natural England advises that further justification should be provided as to why HDD is not necessary for crossing these habitats with a view to minimising any adverse effect on otter.</p> <p>Natural England notes the screening in of ‘noise and visual disturbance in the construction period’ on the Lower Derwent Valley SAC and River Derwent SAC. Natural England welcomes this conclusion and the mitigation proposed of the use of noise barriers around HDD send and receive pits to mitigate for noise impacts on otter. Due to the suitability of OU20, OU24, and OU13 for otter, Natural England advises that noise barriers should</p> | | | |

| NE key issue ref | Topic | Issue summary. (C) – construction phase (O) – operational phase | Natural England commentary and advice on the further information required to enable assessment. | Natural England comment on the mechanism for securing mitigation / compensation measures in the DCO. | Risk (Red/ Amber/Green) | The Applicant's Comments |
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| | | | <p>be used to avoid disturbance of these waterways during any adjacent construction phase activities.</p> <p>Point 11.7.16 of the Environmental Statement states that 'it should be noted that this identification of a likely significant effect is precautionary as it is expected that HDD activities outside of the daytime period would only be required if there is a clear and obvious benefit'. Natural England concurs that generally nighttime working, in particularly with regard to HDD, should be minimised and only occur in instances when 24/hour working is unavoidable, to avoid disturbance to the nocturnal activities of otter.</p> | | | |
| NE6 | <p>International designated sites</p> <ul style="list-style-type: none"> • River Derwent SAC • Humber Estuary SAC | <p>Potential impacts to river lamprey, sea lamprey (River Derwent SAC; and Humber Estuary SAC); and bullhead (River Derwent SAC) during construction, including noise disturbance.</p> <p>(C)</p> | <p>Both river lamprey (<i>Lampetra fluviatilis</i>) and sea lamprey (<i>Petromyzon marinus</i>) are designated fish features of the River Derwent SAC, along with bullhead (<i>Cottus gobio</i>). Additionally, the Humber Estuary SAC features include river lamprey and sea lamprey, with migratory routes (FLL for lamprey) extending from the estuary into various adjoining watercourses, including the Derwent and the Ouse.</p> <p>As noted above, the project intends to cross the river Derwent and the river Ouse using HDD methods, and potential impacts on the fish features of the above designated sites are assessed at the HRA screening stage in 6.2.3, 6.2.5 and 6.2.6. Section 6.2.7 then rules out LSE on the qualifying fish features of the River Derwent SAC and Humber Estuary SAC in both the construction and de-commissioning phase.</p> <p>On the basis of the information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. We advise that the following additional information and / or amendments are required:</p> <ul style="list-style-type: none"> • The River Derwent SAC bullhead (<i>Cottus gobio</i>) feature is not assessed within this section. We advise that impacts on this feature are also | <p><u>N/a</u>: Further information required.</p> | <p>Amber'</p> | <p>The Applicant provided a full response in the Deadline 1 submission: 8.3 Applicant's Responses to Relevant Representations [REP1-066].</p> <p>The updated Habitats Regulations Assessment submitted at Deadline 2 provides further details to address Natural England's comments submitted in their Relevant Representation [RR-266], and repeated here in their Deadline 1 Written Representation [REP1-094].</p> <p>Bullhead are most at risk of impacts during their spawning periods (February to June). There is currently limited species-specific information available on how they react to noise and vibrational disturbances. On this basis a precautionary approach would be taken and HDD activities beneath the River Ouse and River Derwent will avoid the core fish migration season of September to February and May where practicable.</p> <p>Sensitivity of bullhead is now further discussed in paragraph 6.2.5 of the updated HRA submitted at Deadline 2.</p> |

| NE key issue ref | Topic | Issue summary. (C) – construction phase (O) – operational phase | Natural England commentary and advice on the further information required to enable assessment. | Natural England comment on the mechanism for securing mitigation / compensation measures in the DCO. | Risk (Red/ Amber/Green) | The Applicant's Comments |
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| | | | <p>assessed, as they will not necessarily be the same as for lamprey.</p> <ul style="list-style-type: none"> The HRA notes in 6.2.6 that there will not be any works within the river, as “trenchless technologies (i.e., HDD) will be used for crossing the Featherbed Drain, River Derwent and River Ouse”. It is also noted in 6.2.6 that the cables will be 5m below the bed of both the River Ouse and River Derwent, with the send and receive pits at a minimum of 30m from the edge of the watercourse. We welcome confirmation of distance buffers to be used, however, we advise that further justification is required as to whether these distances will allow noise/vibration from HDD to attenuate to acceptable levels for the relevant fish species. Detail is also provided around the migration timings for the lamprey species in 6.2.5, noting the following: “<i>The return of reproductively active river lamprey to upstream spawning migrations occurs between October and December, whereas upstream movement of sea lamprey takes place in April and May</i>”. However, there is currently no comparison made with migration periods and the timings of any potentially disturbing works. There is also no detail of how long any of the most disturbing works are anticipated to last. We note however that the following is presented in Table 8 – 12 (pg183) of 6.1 Chapter 8 – Ecology [APP-060]: “<i>The core fish migration season of September to February and May will be avoided for HDD beneath the River Ouse and River Derwent, unless the depth of the HDD is confirmed to be of a sufficient minimum distance of approximately 10m below the riverbed to avoid noise and vibration effects</i>”. This information is not included in the HRA in relation to the River Derwent SAC. Further justification around whether these measures are sufficient should be provided, including consideration around whether these are mitigation | | | <p>Both bullhead and the lamprey species are of low sensitivity to vibration impacts other than those arising within the water column since they lack swim bladders. Moreover, with the HDD 30m back from the banks and 5m deep there will be a large volume (c. 1500m³) of substrate and rock between the HDD and the river laterally and approximately 1000m³ above the drill. This will provide considerable damping and the duration of the drill is short being approximately several days. Therefore, within the HRA it is concluded that there is no potential for the Scheme to result in LSEs on the River Derwent SAC and Humber Estuary SAC regarding noise disturbance to qualifying fish in the construction or decommissioning phases.</p> |

| NE key issue ref | Topic | Issue summary. (C) – construction phase (O) – operational phase | Natural England commentary and advice on the further information required to enable assessment. | Natural England comment on the mechanism for securing mitigation / compensation measures in the DCO. | Risk (Red/ Amber/Green) | The Applicant's Comments |
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| | | | measures (and therefore should be included at the appropriate assessment stage). | | | |
| NE7 | International designated sites • River Derwent SAC | Potential physical damage to River Derwent SAC habitat during construction (C) | <p>We note that section 6.2.25 states: "...temporary access into the field to the north in the form of a bell mouth would require the temporary removal of a section of verge habitat within the designated site boundary." We agree with the conclusion that is then made in 6.2.26 of the HRA; that LSE on the River Derwent SAC cannot be ruled out due to the potential for temporary loss / damage to habitat during vegetation clearance required for temporary access.</p> <p>Section 8.5.2 of the HRA notes that the access track does not impact the habitat feature "water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation", as this habitat is aquatic and not dependent directly on the terrestrial vegetation in this location. It is then stated that "The vegetation that would be temporarily removed is considered to be part of the wider site fabric, which is not essential for the SAC to achieve its Conservation Objectives." However, as the vegetated banks are supporting habitat for designated otter, we advise that there is potential for adverse effect on integrity, if the habitat is not fully restored. Therefore, the HRA must state that a restoration plan for the removed vegetation will be undertaken, and this restoration plan must be developed prior to commencement of development.</p> <p>We also note that page 61 of the Framework CEMP states 'a site-specific Hydraulic Fracture Risk Assessment would be developed prior to construction following further investigation of specific ground conditions at the crossing locations, and appropriate mitigation developed in line with best construction practice'. Natural England welcomes the inclusion of HFRA prior to commencement of HDD. However, we advise that if there is potential for use of an alternate water crossing methodology, in the case of HDD being</p> | <p>The restoration plan for the removed vegetation within the River Derwent SAC must be secured within the DCO. The plan could be included within the final LEMP.</p> <p>The buffers which are to be used for HDD in relation to specific watercourses should be established within the CEMP. Specific details regarding where HDD is to occur in relation to SAC should be included within the CEMP and secured within the DCO.</p> | Amber | <p>The Applicant provided a full response in the Deadline 1 submission: 8.3 Applicant's Responses to Relevant Representations [REP1-066].</p> <p>The updated Habitats Regulations Assessment submitted at Deadline 2 provides further details to address Natural England's comments submitted in their Relevant Representation [RR-266], and repeated here in their Deadline 1 Written Representation [REP1-094].</p> <p>The Applicant wishes to clarify that the affected area is not part of the watercourse banks but comprises a grass verge and is essentially path-side verge on the southern boundary of the field, and is not the bankside verge to the south of the path. In addition, the Phase 1 otter survey recorded no evidence of otter along ditch DE21 in any event. Notwithstanding this, the affected area of vegetation will be restored following works.</p> <p>A separate habitat restoration plan for the area impacted by vegetation removal is not anticipated to be necessary, however details of how the verge habitat will be restored are now included within the Framework LEMP, submitted at Deadline 1 [REP1-063]. This includes measures undertaken to reinstate full ecological functionality to this area of habitat within the River Derwent SAC.</p> <p>The Applicant notes the need to secure buffers for HDD activities in relation to specific watercourses. These are</p> |

| NE key issue ref | Topic | Issue summary. (C) – construction phase (O) – operational phase | Natural England commentary and advice on the further information required to enable assessment. | Natural England comment on the mechanism for securing mitigation / compensation measures in the DCO. | Risk (Red/ Amber/Green) | The Applicant's Comments |
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| | | | unviable, Natural England advise that the impacts are also assessed upfront. | | | <p>discussed in Tables 3 and 4 of the Framework CEMP [REP1-053] and have been updated to provide further clarity regarding buffer distances. This confirms there will be a 30 m buffer to prevent impacts to the River Derwent SAC.</p> <p>The Framework CEMP [REP1-053] has also been updated to include the need for details regarding where HDD is to occur in relation to SAC boundaries to be presented in the detailed CEMP, following completion of the Hydraulic Fracture Risk Assessment.</p> <p>The updated CEMP was submitted at Deadline 1 [REP1-053].</p> |
| NE9 | International designated sites In-combination impacts on all relevant international designated sites | Potential incombination impacts on international designated sites. (C) and (O) | <p>We advise that the developments scoped in for potential impacts in-combination in Table 10 is comprehensive, in terms of inclusion of the correct types of development. However, the current HRA does not provide a sufficient incombination assessment, which requires further details to address the outstanding issues. We advise that the HRA should identify where impacts have been fully avoided through mitigation and where there is still a potential residual impact that could act in combination (i.e. loss of openness on functionally linked land due to multiple developments). This assessment should consider the residual effects of developments together. If mitigation or compensation has completely avoided or removed the effect that this would not act in combination with other projects. Natural England will review the assessment in more detail after further information is provided about impacts (and associated mitigation) as detailed above.</p> <p>Further in-combination assessment is therefore required for the following identified impact pathways:</p> | <u>N/a</u> : Further information required. | Amber' | <p>The Applicant provided a full response in the Deadline 1 submission: 8.3 Applicant's Responses to Relevant Representations [REP1-066].</p> <p>The updated Habitats Regulations Assessment submitted at Deadline 2 provides further details to address Natural England's comments submitted in their Relevant Representation [RR-266], and repeated here in their Deadline 1 Written Representation [REP1-094].</p> <p>The updated HRA, submitted at Deadline 2, provides further explanation of the 'in combination' decisions made. Further in-combination assessment is provided in relation to</p> <ul style="list-style-type: none"> • Impacts to FLL, including loss of openness in the landscape, and noise / visual disturbance (Section 8.1). |

| NE key issue ref | Topic | Issue summary. (C) – construction phase (O) – operational phase | Natural England commentary and advice on the further information required to enable assessment. | Natural England comment on the mechanism for securing mitigation / compensation measures in the DCO. | Risk (Red/ Amber/Green) | The Applicant's Comments |
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| | | | <ul style="list-style-type: none"> • Impacts to FLL, including loss of openness in the landscape, and noise / visual disturbance (Humber Estuary SPA / Ramsar and Lower Derwent Valley SPA / Ramsar) • Noise impacts to any designated sites if there is potential for timing overlap during construction. • Water quality (River Derwent SAC) • Atmospheric pollution (dust) (River Derwent SAC) <p>Please refer to the sections below for any specific in-combination comments on specific designated sites/impact pathways.</p> <p><u>River Derwent SAC</u></p> <p><i>Temporary habitat loss in-combination</i></p> <p>Section 8.5.4 of the HRA notes that although several NSIPs overlap with the Grid Connection Corridor, it is considered there will be no in-combination impacts from temporary habitat loss to the River Derwent SAC, due to the localised nature of the impact. This also notes the following: "Specifically, no other project will require vegetation removal in this location and over the same timescale as the Scheme". Based on this information provided, it is therefore likely that impacts can be ruled out in-combination. However, please refer to our advice around River Derwent SAC habitat loss for further information about impacts alone, and the restoration plan required [NE7].</p> | | | <ul style="list-style-type: none"> • Noise impacts to any designated sites if there is potential for timing overlap during construction (Section 8.1). • Water quality (Section 8.2). • Atmospheric pollution (dust) (Section 8.3). <p>The Applicant notes Natural England agrees with the conclusion of the HRA on matters relating to Temporary habitat loss in-combination.</p> <p>A separate habitat restoration plan for the area impacted by vegetation removal is not anticipated to be necessary, however details of how the verge habitat will be restored are now included within the Framework LEMP, submitted at Deadline 1 [REP1-063]. This includes measures undertaken to reinstate full ecological functionality to this area of habitat within the River Derwent SAC.</p> |
| NE13 | National designated sites • Humber Estuary SSSI | Potential impacts on Humber Estuary SSSI designated features (C) and (O) | Our advice regarding impacts on the Humber Estuary SSSI coincides with our advice regarding the potential impacts upon the Humber Estuary SPA / Ramsar, as detailed above. | N/a: Further information required | Amber | <p>The Applicant provided a full response in the Deadline 1 submission: 8.3 Applicant's Responses to Relevant Representations [REP1-066].</p> <p>It should be noted that an updated Habitats Regulations Assessment has been submitted at Deadline 2 which provides further details to address Natural England's comments submitted</p> |

| NE key issue ref | Topic | Issue summary. (C) – construction phase (O) – operational phase | Natural England commentary and advice on the further information required to enable assessment. | Natural England comment on the mechanism for securing mitigation / compensation measures in the DCO. | Risk (Red/ Amber/Green) | The Applicant's Comments |
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| | | | | | | in their Relevant Representation [RR-266], and repeated here in their Deadline 1 Written Representation [REP1-094], in relation to potential impacts upon the Humber Estuary SPA / Ramsar. |
| NE14 | National designated sites • Brighton Meadows SSSI • Derwent Ings SSSI | Potential impacts on Brighton Meadows SSSI and Derwent Ings SSSI designated features (C) and (O) | Our advice regarding impacts on Brighton Meadows SSSI and Derwent Ings SSSI coincide with our advice regarding the potential impacts upon the Lower Derwent Valley SPA / Ramsar, as detailed above. | N/a: Further information required | Amber' | The Applicant provided a full response in the Deadline 1 submission: 8.3 Applicant's Responses to Relevant Representations [REP1-066]. It should be noted that an updated Habitats Regulations Assessment has been submitted at Deadline 2 which provides further details to address Natural England's comments submitted in their Relevant Representation [RR-266], and repeated here in their Deadline 1 Written Representation [REP1-094], in relation to potential impacts upon the Lower Derwent Valley SPA / Ramsar. |
| NE15 | National designated sites • River Derwent SSSI | Potential impacts on River Derwent SSSI designated features (C) and (O) | Our advice regarding impacts on the River Derwent SSSI coincides with our advice regarding the potential impacts upon the River Derwent SAC, as detailed above. However, for features which do not overlap, please refer to the below sections [NE16] [NE17] [NE18]. | N/a: Further information required | 'Amber' | The Applicant provided a full response in the Deadline 1 submission: 8.3 Applicant's Responses to Relevant Representations [REP1-066]. It should be noted that an updated Habitats Regulations Assessment has been submitted at Deadline 2 which provides further details to address Natural England's comments submitted in their Relevant Representation [RR-266], and repeated here in their Deadline 1 Written Representation [REP1-094], in relation to potential impacts upon the River Derwent SAC. |
| NE17 | National designated sites | Potential impacts on River Derwent SSSI bird assemblages during construction | We advise that it is currently unclear from the information provided in 6.1 Chapter 8 – Ecology [APP-060] whether there has been any direct assessment on the 'Assemblages of breeding birds' and 'Aggregations of nonbreeding birds - | N/a: Further information required | Amber' | The Applicant provided a full response in the Deadline 1 submission: 8.3 Applicant's Responses to Relevant Representations [REP1-066]. |

| NE key issue ref | Topic | Issue summary. (C) – construction phase (O) – operational phase | Natural England commentary and advice on the further information required to enable assessment. | Natural England comment on the mechanism for securing mitigation / compensation measures in the DCO. | Risk (Red/ Amber/Green) | The Applicant's Comments |
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| | • River Derwent SSSI | (C) | Bewick's Swan, <i>Cygnus columbianus bewickii</i> features of the River Derwent SSSI. These features do not overlap with those of the River Derwent SAC. We therefore advise that further information is provided in relation to potential construction phase impacts on these features. Please refer to the River Derwent SSSI Designated Sites View page for further details, including the SSSI citation | | | |
| NE18 | National designated sites • River Derwent SSSI | Potential impacts on the River Derwent SSSI fish assemblage during construction (C) | <p>We advise that it is currently unclear from the information provided in 6.1 Chapter 8 – Ecology [APP-060] whether there has been any direct assessment on the River Derwent SSSI 'Outstanding assemblage of native fish' feature. Aspects of this feature do not overlap with the River Derwent SAC designated fish features.</p> <p>As detailed in [NE6], we note that the following is presented in Table 8 – 12 (pg183) of 6.1 Chapter 8 – Ecology [APP-060] in relation to mitigation of noise/vibration impacts from HDD: "The core fish migration season of September to February and May will be avoided for HDD beneath the River Ouse and River Derwent, unless the depth of the HDD is confirmed to be of a sufficient minimum distance of approximately 10m below the riverbed to avoid noise and vibration effects". We advise that further justification is provided around why this is considered sufficient to mitigation impacts for the species within the SSSI assemblage.</p> <p>We therefore advise that further information is provided in relation to potential construction phase impacts on these features. Please refer to the River Derwent SSSI Designated Sites View page for further details, including the SSSI citation.</p> | <u>N/a</u> : Further information required. | Amber | The Applicant provided a full response in the Deadline 1 submission: 8.3 Applicant's Responses to Relevant Representations [REP1-066] . |

Table 2-5. PART IV: Natural England's detailed comments on the Development Consent Order (DCO) and associated documents.

| Page | DCO or omission ref | Natural England's comments | Risk (Red/Amber/Green) | Applicants Comments |
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| 38 | Schedule 2, requirement 5 | We welcome that Schedule 2, requirement 5 sets out how the final detailed design should be adhered to, including the following: "(2) The details submitted must accord with the outline design principles statement", and "(3) The authorised development must be carried out in accordance with the approved details." However, as there are outstanding matters as detailed in Table 1 (all 'amber' issues), we cannot yet provide agreement with the final detailed design. Therefore, this also remains an 'amber' issue at present. | Amber' | The Framework LEMP [REP1-063] submitted at Deadline 1 has been updated as required as a result of the 2023/24 wintering bird survey results. Please refer to response to NE7 above. The Applicant looks forward to continued engagement with Natural England to address the outstanding 'amber' issues. |
| 38 | Schedule 2, requirement 6 | We advise that the securing of the Landscape and Ecological Management Plan (LEMP), with this being "...substantially in accordance with..." the framework LEMP (fLEMP), is an essential requirement. However, we advise that we do not consider that the current fLEMP sufficient, as updates will be required as detailed in NE1 and NE7 in Part II, Table 1. Please refer to the below for a summary of the advice in these sections. <u>Summary of relevant advice in NE1 and NE7 NE1:</u> As we are currently awaiting the results of the 2023-2024 wintering bird surveys from the Applicant, we cannot yet comment on whether mitigation measures detailed in the Landscape and Ecological Management Plan (LEMP) (termed "Ecology Mitigation Area" and detailed from 6.1.72 to 6.1.86 in this document) will be sufficient to avoid adverse effects on integrity of the Humber Estuary SPA / Ramsar and the Lower Derwent Valley SPA / Ramsar designated sites. Once we have received this survey data, and any subsequent updates to the fLEMP, we will be able to provide further commentary. Please refer to NE1 (Part II, Table 1) for further details. NE7: We advise that the LEMP should be updated to include a restoration plan for the removed vegetation within the River Derwent SAC. Please refer to NE7 (Part II, Table 1) for further details | Amber' | The Applicant notes this comment. The Framework LEMP [REP1-063] submitted at Deadline 1 has been updated as required as a result of the 2023/24 wintering bird survey results. Please refer to response NE7 above. A separate habitat restoration plan for the area impacted by vegetation removal is not anticipated to be necessary, however details of how the verge habitat will be restored are now included within the Framework LEMP, submitted at Deadline 1 [REP1-063]. This includes measures undertaken to reinstate full ecological functionality to this area of habitat within the River Derwent SAC. |
| 39 – 40 | Schedule 2, requirement 11 | We welcome that the measures in the Construction Environmental Management Plan (CEMP) will be secured through requirement 11, and that approval will be required from Natural England (as detailed in 11(1)). As per Part II, Table 1, we have advised several aspects should be secured within the CEMP using more specific wording, and the framework CEMP may require updates. Therefore, this remains as 'amber' at present. However, we can provide agreement with the inclusion of this requirement more generally, subject to the final CEMP containing all elements Natural England have advised on. A summary of all aspects we have advised should be secured in the CEMP / through the DCO is provided below (refer to Part II, Table 1 for full advice). <u>Summary of relevant CEMP advice (NE4, NE5, NE7, NE8, NE11, NE16, NE19)</u> NE4: We advise all water quality mitigation measures relating to HDD should be included in the CEMP and secured in the DCO. The water management plan within the CEMP should also be secured within the DCO. | Amber' | The Applicant provided a full response in the Deadline 1 submission: 8.3 Applicant's Responses to Relevant Representations [REP1-066]. NE4: The water quality mitigation measures outlined in Chapter 9 Flood Risk, Drainage and Water Environment, ES Volume 1 [APP-061] are secured in the DCO via Table 4 of the Framework CEMP [REP1-053]. The Final CEMP would need to be substantially in accordance with the Framework CEMP as per DCO |

| Page | DCO or omission ref | Natural England's comments | Risk (Red/Amber/Green) | Applicants Comments |
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| | | <p>NE5: The buffers for HDD in relation to specific watercourses should be established within the CEMP. Where HDD may occur within the SAC, alongside any noise mitigation measures, should be detailed in the CEMP and secured within the DCO.</p> <p>NE7: The buffers for HDD in relation to specific watercourses should be established within the CEMP. Where HDD may occur within the SAC should be detailed in the CEMP and secured within the DCO.</p> <p>NE8: All dust mitigation measures included in the CEMP should be secured in the DCO, Including the dust management plan.</p> <p>NE11: We advise the INNS biosecurity measures should be included within the final CEMP and secured in this section of the DCO.</p> <p>NE16 and NE17: Water quality mitigation measures should be included within the CEMP and secured within the DCO. We note that Schedule 2, requirement 9 includes a statement that any foul water drainage plan must be submitted to the relevant planning authority prior to development. We advise that if the foul water plan is changed at a later stage, and will no longer be removed from site for treatment, then impacts to designated sites from discharges will need to be addressed.</p> | | <p>[REP1-008] Schedule 2, requirement 11.</p> <p>NE5: With regard to HDD, the measures in the Framework CEMP [REP1-053] include requirements for site specific groundwater risk assessment prior to commencing work, application of stated buffers around watercourses and flood defences, the need for Hydraulic Fracture (frac-out) Risk Assessment, monitoring of the drilling path and use of water based drilling fluids. These measures would be expanded upon in the detailed CEMP to be produced by the Contractor post-consent as specified in the Framework CEMP [REP1-053], and thus secured in the DCO.</p> <p>NE7: The Applicant notes the need to secure buffers for HDD activities in relation to specific watercourses. These are discussed in Tables 3 and 4 of the Framework CEMP [REP1-053] and have been updated to provide further clarity regarding buffer distances. This confirms there will be a 30 m buffer to prevent impacts to the River Derwent SAC.</p> <p>The Framework CEMP has also been updated to include the need for details regarding where HDD is to occur in relation to SAC boundaries to be presented in the detailed CEMP, following completion of the Hydraulic Fracture Risk Assessment.</p> <p>The updated CEMP was submitted at Deadline 1 [REP1-053].</p> <p>NE8: The Dust Management Plan is secured in the DCO via Table 12 of the Framework CEMP [REP1-053]. The Final CEMP would need to be substantially in accordance with the Framework CEMP as per DCO</p> |

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| | | | | <p>[REP1-008] Schedule 2, requirement 11.</p> <p>NE9: A Biosecurity Plan for invasive non-native species is secured in the DCO via Table 3 of the Framework CEMP [REP1-053]. The Final CEMP would need to be substantially in accordance with the Framework CEMP as per DCO [REP1-008] Schedule 2, requirement 11.</p> <p>NE16 and NE17: The comment regarding a foul water drainage plan is noted. As outlined in Chapter 9 Flood Risk, Drainage and Water Environment, ES Volume 1 [APP-061], foul water from the operations and maintenance hub at Johnson's Farm and from the operations building at the Grid Connection Substations will be drained to a septic tank which will be emptied regularly under contract with a registered recycling and waste management contractor. This will be captured in the foul water drainage plan, which is secured via requirement 9 of the DCO Schedule 2 and must be in accordance with the Framework Surface Water Drainage Strategy [APP-098]. The framework surface water drainage strategy confirms that foul water will go to a septic tank and removed for treatment. In the very unlikely event that this changed, the Applicant would have to agree amended details with the relevant planning authority and demonstrate there are no materially new or materially different environmental effects under Requirement 3(2), or make an application to amend the DCO. In both circumstances any associated impacts to designated sites would be considered.</p> |