The Planning Inspectorate
Yr Arolygiaeth Gynllunio

SCOPING OPINION:

Proposed Peartree Hill Solar Farm

Case Reference: EN010157

Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

20 December 2023

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1. INTRODUCTION

1.1.1 On 09 November 2023, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from JBM Solar Ltd (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Peartree Hill Solar Farm (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a) the Proposed Development is 'EIA development'.

1.1.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from:

http://infrastructure.planninginspectorate.gov.uk/document/EN010157-000015

1.1.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.

1.1.4 The Inspectorate has set out in the following sections of this Opinion where it has/has not agreed to scope out certain aspects/matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects/matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

1.1.5 Before adopting this Opinion the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1, in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.

1.1.6 The Inspectorate has published a series of Advice Notes on the National Infrastructure Planning website, including Advice Note 7: *Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping* (AN7). AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.

1.1.7 Applicants should have particular regard to the standing advice in AN7, alongside other Advice Notes on the Planning Act 2008 (PA2008) process, available from:

https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/

1.1.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg, on formal submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Sections 2 - 3)

ID	Ref	Description	Inspectorate's comments
2.1.1	Paragraph 2.2.3	Flexibility	It is stated that in order to maintain flexibility in the design the Applicant intends to apply the 'Rochdale Envelope' approach to the DCO application. There are a number of references in the Scoping Report to various options being refined and selected as the project design progresses, and the location of many elements of the Proposed Development within the application site is not yet decided. The Inspectorate expects that at the point an application is made, the description of the Proposed Development will be sufficiently detailed to include the design, size, capacity, technology and locations of the different elements of the Proposed Development. This should include the footprint and maximum heights of structures (relevant to existing ground levels), as well as land-use requirements for all elements and phases of the development. The description should be supported (as necessary) by figures, cross-sections, and drawings which should be clearly and appropriately referenced. Where flexibility is sought, the ES should clearly set out the design parameters that would apply and how these have been used to inform an adequate assessment in the ES.
2.1.2	Paragraph 2.4.1	Location of application site	Paragraph 2.4.1 states that the application site comprises solar photovoltaic (PV) module areas and cable corridors located within the administrative boundary of East Riding of Yorkshire Council (ERYC). However, paragraph 2.4.3 notes that part of the cable corridor required to connect the solar PV module areas to the Creyke Beck Substation is yet to be determined but could be located within the

ID	Ref	Description	Inspectorate's comments
			administrative area of Hull City Council (HCC). The location and jurisdiction of the application site should be clearly and consistently identified in the ES.
2.1.3	Paragraph 2.4.3 and Appendix C	Clarity of plans and figures	It is stated that a number of cable corridor options are currently included within the application site boundary and are shown on a figure contained in Appendix C. In addition to the depiction therein of 'Cable Corridor' locations, four other options are listed in the Legend under 'Proposed Cable Route Options', and appear to relate to the substation connection but this is not clear from the overarching title. No reference is made to these option titles in the Scoping Report. One of the four options is titled 'Highways option' and represented as hatched black in the Legend but there is no such option shown on the figure. What appears to be a route along highways connecting into another route option ('Mixed Option') is shown in red. Features shown on ES plans and figures should be clearly identifiable and able to be easily cross-referenced from the text in the main body of the report.
2.1.4	Paragraph 2.5.2	Highway works	It is stated that additional minor highway widening or adjustments may be needed in limited parts of the public highway in the vicinity of the application site to facilitate construction access, which will be identified at the statutory consultation stage. The ES should include a description of these works and provide an assessment where significant effects are likely to occur such as, for example, from dust generation or construction vehicle exhaust emissions.
2.1.5	Table 2-1, paragraph 2.5.15 & 2.5.27.	Parameters	In Table 2-1 the anticipated height of the 'Hybrid pack', containing inverters, transformers and a Battery Energy Storage System (BESS), is shown as 3 metres (m); and the Grid Connection cable route working width and depth are shown as 50m (total) and 1.2m, respectively. However, paragraph 2.5.15 states that a typical BESS

ID	Ref	Description	Inspectorate's comments
			unit is approximately 3.2m high; and paragraph 2.5.27 describes the Grid Connection cable trench as a maximum of 2m wide and 1.6m deep. The proposed minimum and maximum parameters of each of the elements of the Proposed Development must be presented accurately and consistently in the ES and must represent the worst case on which to base the assessments.
2.1.6	Paragraphs 2.6.22 – 2.6.23	Site reinstatement and habitat creation	It is stated that management of landscape and ecological features would be undertaken in accordance with a Landscape and Ecological Management Plan (LEMP) (that would be based on an outline LEMP (oLEMP) submitted with the DCO application) that would be secured by a DCO requirement. The description of habitat creation measures should include the location, extent, type of habitat creation, timeframe for establishment, ongoing maintenance and monitoring requirements and any accompanying plans. Should habitat creation be proposed offsite, the area should be included within the Order Limits.
2.1.7	Section 2.7	Operational maintenance	The ES should describe the maintenance works, including any animal grazing, that would be required during the operational phase of the Proposed Development. This should include predicted vehicle movements and staffing numbers, based on a worst case scenario. Any potential adverse impacts of maintenance activities should be assessed where significant effects are likely to occur.
2.1.8	Section 2.8	Decommissioning	The ES should provide a description of the activities and works which are likely to be required during decommissioning of the Proposed Development, including the anticipated duration. Where significant effects are likely to occur as a result of decommissioning these should be described and assessed in the ES. Any proposals for restoration of the site to agricultural or other use should also be described. This

ID	Ref	Description	Inspectorate's comments
			should include the extent to which foundations and other materials would need to be removed to allow future use of the site. The Inspectorate notes that an Outline Decommissioning Environmental Management Plan (oDEMP) is to be submitted with the DCO application.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 4)

ID	Ref	Description	Inspectorate's comments
2.2.1	Section 4.2	Consultation	The Scoping Report contains a (non-exhaustive) list of bodies which the Applicant intends to consult as part of the EIA process, which includes EYRC. Paragraph 2.4.3 of the Report explains that part of the cable route connection to Creyke Beck Substation could be located within HCC's administrative area; however HCC is not identified as a consultee. It is recommended that the Applicant undertake consultation with HCC in addition to EYRC.
2.2.2	Paragraph 4.3.1	Post-scoping changes	The Inspectorate notes that the detailed design of the Proposed Development is still evolving and subject to post-scoping change. The Inspectorate recommends the use of a table in the ES to set out key changes in parameters of/options for the Proposed Development presented in the Scoping Report to those subsequently presented in the ES. It is also recommended that a table is provided to demonstrate how the matters raised in the Scoping Opinion have been addressed in the ES and/or associated documents.
2.2.3	4.3.1 and 4.5.5	Baseline data	It should be ensured that the data used to inform the assessments in the ES is up to date and representative. Data obtained from third parties should be demonstrated to be relevant and reflective of the baseline of the Proposed Development.
2.2.4	Section 4.8	Mitigation	The Inspectorate notes that various outline management plans, which will contain proposed mitigation measures, will be submitted with the DCO application. These plans should be sufficiently detailed to demonstrate how significant effects will be avoided or minimised. Mitigation measures should be clearly identified and justified in the ES with an explanation provided on how they would be secured through

ID	Ref	Description	Inspectorate's comments
			the DCO process. Where the ES relies upon mitigation measures which would be secured through a management plan clear cross-referencing should be made to where each measure is set out in the outline documents. Any measures identified to minimise likely significant effects (LSE) should be consulted on with relevant consultation bodies.
2.2.5	Section 4.9	Overarching methodology	The Scoping Report does not contain an overarching EIA methodology. The ES should contain a chapter/section describing the broad principles of the methodology that will be adopted in the ES, including the approach that will be used to identify, evaluate and mitigate LSE. Details should be provided of how the significance of an effect is determined, based on an assessment of magnitude of effect and sensitivity of the receptor.
2.2.6	Section 4.10	Enhancement	The Inspectorate welcomes that the Applicant intends to seek opportunities for enhancement as part of the EIA. Enhancement measures should be clearly differentiated from mitigation measures within the ES.
2.2.7	N/A	Referencing	There are a number of references in the Scoping Report to information contained in "Section 0". There is no such section in the Report and the Inspectorate assumes that this is a textual error and the references are to other sections of the Report. Care should be taken to ensure that cross-referencing in the ES is accurate and consistent.
2.2.8	Section 5.10	Transboundary	The Inspectorate notes that Section 5.10 of the Scoping Report addresses potential for transboundary effects and anticipates that the Proposed Development would not lead to transboundary effects due to its nature and location.

ID	Ref	Description	Inspectorate's comments
			The Inspectorate on behalf of the SoS has considered the Proposed Development and concludes that the Proposed Development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. In reaching this conclusion the Inspectorate has identified and considered the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts. The Inspectorate considers that the likelihood of transboundary effects resulting from the Proposed Development is so low that it does not warrant the issue of a detailed transboundary screening. However, this position will remain under review and will have regard to any new or materially different information coming to light which may alter that decision. Note: The SoS' duty under Regulation 32 of the 2017 EIA Regulations continues throughout the application process. The Inspectorate's screening of transboundary issues is based on the relevant considerations specified in the Annex to its Advice Note Twelve, available on our website at http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/

2.3 Environmental aspects proposed to be scoped out

(Scoping Report Chapter 5)

ID	Ref	Description	Inspectorate's comments
2.3.1	Section 5.2	Flood risk - all phases	The Applicant proposes to scope out an assessment of flood risk for all phases of the Proposed Development. The Inspectorate notes that the DCO application will include an Outline Construction Environmental Management Plan (oCEMP) containing measures to address construction surface water runoff, a Flood Risk Assessment (FRA) that will contain details of the proposed operational sustainable drainage strategy and an oDEMP containing relevant mitigation measures. It is stated that the approach to mitigation, ie raising the solar modules and vulnerable infrastructure above the design flood level, has been agreed with the Environment Agency (EA), and would avoid flood risk. However, large parts of the application site fall within Flood Zones (FZs) 2 and 3. In relation to flood risk to the Proposed Development the Inspectorate notes that the EA requested that breach modelling was undertaken (which will inform the embedded mitigation) but that this is pending the provision of the model by the EA. Paragraph 5.2.8 of the Scoping Report identifies uncertainty about the risk of flooding. The Inspectorate considers that the ES should include an assessment of significant effects to/from flooding where they are likely to occur or evidence demonstrating agreement with the relevant consultation bodies and the absence of a LSE. Design and mitigation measures should be agreed with the EA, Lead Local Flood Authority (LLFA) and relevant Internal Drainage Board (IDB). Cross-reference should be made to relevant information contained within the FRA, as appropriate.

ID	Ref	Description	Inspectorate's comments
			Potential impacts from groundwater flooding are not referenced in the Scoping Report, For the avoidance of doubt the Inspectorate is content that groundwater flooding may be scoped out. However, Impacts on groundwater flow and infiltration rates should be assessed in the ES where significant effects are likely to occur. The Applicant's attention is drawn to the comments of the EA (in Appendix 2 of this Scoping Opinion) in relation to flood risk.
2.3.2	Section 5.2	Water quality - all phases	It is considered in the Scoping Report that the change of use of the application site from agricultural activities would lead to beneficial effects in respect of soil compaction and a reduction in surface water pollution as a result of reduced application of herbicides and fertilisers. Mitigation measures would be contained in the oCEMP, the drainage strategy and the oDEMP. The Inspectorate notes that impacts from herbicide and pesticide mobilisation have not been discussed in the Scoping Report; and that horizontal directional drilling (HDD) may be required but a breakout plan is not proposed. The Inspectorate does not consider enough evidence regarding the final design and control measures has been provided to scope impacts to water quality out during construction or decommissioning. The ES should identify relevant receptors and pathways of effect, pollutant sources, the measures required to mitigate such effects and any monitoring required; this should include a drilling fluid breakout plan which should also be submitted with the application if trenchless techniques are employed. Therefore, in the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope these matters out at this stage. Accordingly, the ES should include an assessment of significant effects where they are likely to occur or evidence demonstrating

ID	Ref	Description	Inspectorate's comments
			agreement with the relevant consultation bodies and the absence of a LSE. The Scoping Report does not make any reference to a Water Framework Directive (WFD) assessment, although paragraphs 5.2.14 and 5.2.15 identify WFD waterbodies. The EA identify additional WFD bodies in their consultation response (in Appendix 2 of this Opinion). If the Proposed Development has the potential to impact any WFD waterbodies a WFD assessment should also be submitted with the DCO application and used to inform the ES assessment.
2.3.3	Section 5.3	Electric, magnetic and electromagnetic fields (EMF)	The Scoping Report seeks to scope out EMF. The Proposed Development proposes to use underground cables with a maximum voltage up to and including 132 kilovolts (kV). As such it is considered that this meets guidelines published by the International Commission on Non–Ionizing Radiation Protection (ICNIRP) in 1998. On the basis that the proposed cable and infrastructure does not exceed 132kV, the Inspectorate is content that an assessment of LSE from EMF from cables up to and including 132kV can be scoped out of the ES. However, if the design of the Proposed Development changes and voltages of over 132kV are proposed, this matter must be assessed.
2.3.4	Section 5.4	Glint and glare	The Scoping Report proposes to scope out Glint and Glare from the ES, however a detailed stand-alone glint and glare assessment will be appended to the ES, which will inform the development design and landscape mitigation plan. A description of any relevant mitigation measures and safety considerations will be included in the Proposed Development chapter in the ES. The Inspectorate is content with this approach. The stand-alone glint and glare assessment should assess the worse-case scenario. In the event that glint and glare effects are identified, it should be used to

ID	Ref	Description	Inspectorate's comments
			inform the relevant chapters in the ES, in particular the Landscape and Visual chapter.
2.3.5	Section 5.5	Heat and radiation	The Scoping Report proposes to scope out an assessment of impacts from heat and radiation during construction, operation and decommissioning as no significant sources of heat and radiation are anticipated. The Inspectorate agrees that this matter may be scoped out from further consideration on the basis that the ES clearly signposts any identified sources of heat and radiation and how this has been considered with respect to site selection, site layout and mitigation design.
2.3.6	Section 5.6	Human health	The Scoping Report proposes to scope out a dedicated assessment of impacts to human health on the basis that it will be considered in other relevant ES chapters including Air Quality, Landscape and Visual, Noise and Vibration, Traffic and Access and Population; and in the stand-alone glint and glare assessment. The Inspectorate is content with this approach, however the ES should clearly set out potential impacts to human health from the Proposed Development during construction, operation and decommissioning and cross-reference to where impacts, including combined impacts on receptors, are assessed within the ES; this may extend beyond the chapters proposed above. The Applicant's attention is drawn to the UK Health Security Agency's comments contained in Appendix 2 of this Opinion.
2.3.7	Section 5.7	Major accidents and disasters	The Scoping Report proposes to scope out major accidents and disasters on the basis that the construction, operation and decommissioning of the Proposed Development are not considered to give rise to any risk of major accidents or disasters that could affect

ID	Ref	Description	Inspectorate's comments
			existing or future receptors which are not already considered through proposed design mitigation and existing regulatory regimes. The risk of major accidents and disasters will be considered throughout the design process, including siting the potentially hazardous equipment, eg the BESS and grid infrastructure, at a suitable distance from sensitive receptors in accordance with BESS standards (UL9540). In relation to the vulnerability of the Proposed Development it is highlighted that the UK already has a structured framework of risk management legislation in place. Scoping Report Table 5-1 presents a list of possible major accidents and disasters that will require consideration, ie flooding, fire, aircraft disasters and plant disease. It is stated that these will be covered in the FRA, an Outline Battery Safety Management Plan, the glint and glare assessment, the planting design and the oLEMP, and will include proposed mitigation, as necessary. The Inspectorate has considered the characteristics of the Proposed Development and agrees with this approach. However, the ES should clearly signpost where these impacts are assessed in other relevant chapters and documents and where any relevant mitigation measures are secured, if required.
2.3.8	Section 5.8	Material assets (and waste)	The Scoping Report proposes to include a description of the potential streams and volumes of construction and operational materials and waste within the Project Description chapter of the ES, in lieu of a standalone chapter. It is stated that the indirect impacts associated with materials consumption and waste disposal, eg greenhouse gas emissions, water consumption, amenity impacts, ecological impacts, will be assessed "..elsewhere within the EIA". Table 5-2 presents what the Applicant considers would be the main impacts and effects of the Proposed Development; predicted to occur in the construction and decommissioning phases.

ID	Ref	Description	Inspectorate's comments
			The oCEMP to be submitted with the DCO application will set out how construction materials and waste would be managed onsite and there would be a requirement in the detailed CEMP to develop and implement a Site Waste Management Plan and Materials Management Plan (MMP) in advance of the construction works. It is not intended to remove significant quantities of excavated arisings from the site during construction. Where possible, they would be balanced through a cut and fill exercise to retain volumes onsite. However, it is stated that there may be a need to remove some soils for treatment or disposal if found to be contaminated and not practical to treat onsite. This should be confirmed in the ES. The Inspectorate notes that there is no reference to the potential use of borrow pits. These should be considered within the ES and the cut and fill balance should be confirmed. It is considered in the Scoping Report that there would be relatively little waste produced during the operational phase and the requirement for material assets will be limited to maintenance and replacement parts, as required. The ES should include an assessment of the likely impact of component replacement, eg batteries and panels, and outline what measures, if any, would be put in place to ensure that these components are able to be diverted from the waste chain. The ES should include estimates, by type and quantity, of expected residues and emissions and quantities and types of waste produced during the construction and operational phases in line with Schedule 4 of the EIA Regulations. During decommissioning, the removal of any material assets and waste would be recycled (preferred option) or disposed of in accordance with good practice and market conditions at that time. An oDEMP will be submitted with the DCO application which will set out how the waste would be managed and opportunities for re-use and

ID	Ref	Description	Inspectorate's comments
			recycling. The ES should assess the LSE from decommissioning waste to the extent possible at the time. As such, the Inspectorate does not agree that material assets and waste may be scoped out as a standalone ES chapter.
2.3.9	Section 5.9	Utilities	The Scoping Report proposes to scope out a utilities chapter from the ES. A utilities search identified several assets within the application site. Further consultation will be carried out with the relevant utility companies and advice sought regarding separation distances and methods of construction in close proximity to each utility to avoid any risk of impact during construction. This will inform the layout of the Proposed Development and be reported within the ES as embedded mitigation. The oCEMP will include additional mitigation measures to protect against interference with below-ground utilities during construction. The Inspectorate is content that a standalone ES utilities chapter is not required. However, the ES should set out the findings of the desk-based study and signpost to where any required mitigation measures are embedded within the design or secured through the DCO.

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Air Quality

(Scoping Report Section 6.1)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	6.1.9	Dust and particulate emissions from demolition works – construction	The Scoping Report proposes to scope out dust and particulate emissions resulting from demolition works as there are no demolition activities proposed during the construction phase. The Inspectorate agrees therefore that this matter can be scoped out of the ES.
3.1.2	6.1.9	Dust and particulate matter emissions and road traffic exhaust emissions - operation	The Scoping Report proposes to scope out dust and particulate emissions resulting from operation and maintenance of the site, and road traffic exhaust emissions during operation. This is on the basis of the nature of the Proposed Development, that no site activities resulting in significant emissions to air are anticipated and that there would only be limited movement of vehicles to the application site for maintenance purposes. The Inspectorate agrees that it is unlikely that the operation of the Proposed Development would generate significant emissions to air or significant operational traffic and that these matters can be scoped out of the assessment. The ES must however provide information on the nature of vehicle movements during the operational phase (alone and cumulatively) and confirm that these projections fall below the relevant thresholds set out in guidance. The ES project description should also confirm that there would be no emissions from operational plant that require further assessment.

ID	Ref	Description	Inspectorate's comments
3.1.3	6.1.5	Baseline conditions	Paragraph 6.1.5 states that the Proposed Development is located within EYRC's administrative area, in which there are no declared Air Quality Management Areas (AQMAs), however paragraph 2.4.3 explains that part of the cable route connection to Creyke Beck Substation could be located within HCC's administrative area. The Applicant's attention is drawn to HCC's response contained in Appendix 2 of this Opinion, which identifies a AQMA within its area. It is recommended that the Applicant undertake consultation in relation to air quality impacts with HCC in addition to EYRC.
3.1.4	6.1.5	Baseline data	The Inspectorate notes that there is potential for air quality impacts on ecological receptors during construction and decommissioning. Information from the Air Pollution Information System (APIS) may be of relevance to this assessment.
3.1.5	6.1.4	Baseline surveys	Paragraph 6.1.4 of the Scoping Report refers to "Section 0" for information that establishes that existing air quality in the local area is "good". As there is no such section of the Report, the Inspectorate assumes that this is an error and the intension was to refer to information contained in paragraph 6.1.5.

3.2 Biodiversity

(Scoping Report Section 6.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	6.2.9	Humber Estuary Special Area of Conservation (SAC) - all phases	The Scoping Report proposes to scope out this receptor due to the intervening distance and mitigation measures to be included in the outline Construction, Operation and Decommissioning Environmental Management Plans. The Scoping Report does not confirm whether the Proposed Development is hydrologically connected to the SAC. In the absence of this information the Inspectorate is unable to scope out this receptor at this stage. Accordingly, the ES should include an assessment of significant effects where they are likely to occur or evidence demonstrating agreement with the relevant consultation bodies and the absence of a LSE. The Applicant's attention is drawn to the scoping consultation response from Natural England (NE) (in Appendix 2 of this Opinion) in relation to potential effects on the SAC (and other European site) features.
3.2.2	6.2.9	Tophill Low Site of Special Scientific Interest (SSSI) - operation	This SSSI (located 365 m north of Land Area A) is proposed to be scoped out on the basis that operational noise is continuous and unlikely to lead to disturbance of wintering wildfowl (for which the site is designated). No other impact pathways are referred to (eg, impacts to functionally linked land), and the Scoping Report does not indicate the extent to which the wildfowl species use the site of the Proposed Development, or their sensitivity to noise. In the absence of this information, the Inspectorate is unable to scope this receptor out of the ES.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.3	6.2.9	All phases: • Leven Canal SSSI • Cote Wood Local Wildlife Site (LWS) (semi-natural ancient woodland) • Meaux LWS • Tophill Low LWS • Arnold Drain LWS • Watton Carr LWS • Easingwold Farm LWS • Figham Pastures LWS	The Scoping Report states that these sites are outside the application site boundary of the Proposed Development and will be protected by mitigation measures to be included in the outline Construction, Operation and Decommissioning Environmental Management Plans. In the absence of information about potential impact pathways which would extend beyond the site boundary (eg, deposition of pollutants, emissions to water, noise, etc) and potential mitigation measures the Inspectorate is unable to scope these receptors out at this time. No reference is made to veteran trees in the Scoping Report. The ES should also identify any veteran and/or ancient trees that could be affected by the Proposed Development and assess any significant effects where they are likely to occur and propose suitable mitigation as required. In addition NE, in their consultation response (contained in Appendix 2 of this Opinion), highlight that Appendix C of the Scoping Report indicates that the Leven Canal SSSI is situated within the site boundary, in an area marked as a cable corridor.
3.2.4	6.2.9	Habitat features - all phases: • Hedgerows and hedgerow trees • Ditches/ponds • Grassland • Woodland • Scrub • Reedbed	The Scoping Report seeks to scope out a series of habitat features, stating that the Proposed Development will be designed to retain these features, and that measures will be included in the oCEMP and oLEMP to protect retained areas of habitat during construction and compensate for any minor habitat loss. In the absence of information about the extent of potential habitat loss, potential impact pathways other than habitat loss and specific mitigation measures (eg, size of proposed buffer areas) the Inspectorate is unable to scope these receptors out at this time.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.5	6.2.9	Invasive species - all phases	The Scoping Report states that no invasive species were identified during the Preliminary Ecological Appraisal (PEA) survey and if any are found during further survey, then an invasive species method statement will be implemented to prevent the spread of this species during construction. On this basis the Inspectorate agrees this matter can be scoped out of the assessment.
3.2.6	6.2.9	Invertebrates - all phases	Invertebrates are proposed to be scoped out due to a lack of records together with the lack of high quality habitat within the site that could support an important invertebrate assemblage. The Inspectorate notes that the cable route option corridors have yet to be surveyed. In light of this evidence the Inspectorate agrees this matter can be scoped out of the assessment for the areas of the Proposed Development covered by the PEA (Appendix F of the Scoping Report). Further evidence is required to support scoping out this matter for the remaining areas of the application site and therefore the Inspectorate does not agree at this stage that the entirety of the site may be scoped out. Accordingly, the ES should include an assessment of significant effects where they are likely to occur or evidence demonstrating agreement with the relevant consultation bodies and the absence of a LSE.
3.2.7	6.2.9	Amphibians - all phases	The PEA states that great crested newt (GCN) habitat suitability index (HSI) assessments and environmental DNA (eDNA) surveys of ponds and ditches were undertaken within the site and a 500m buffer. It concluded that the likelihood of great crested newts on the site is low. In light of this evidence the Inspectorate agrees this matter can be scoped out of the assessment for the areas of the Proposed Development covered by the PEA. Given the incomplete coverage of the surveys, further information is required to scope this matter out of the cable route corridors.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Other amphibian species are proposed to be scoped out on the basis that there will be no direct loss of waterbody breeding habitat, combined with precautionary measures detailed in the oCEMP, oOEMP and oDEMP. The Inspectorate considers that significant effects are unlikely to occur during operation, however in the absence of information about the extent of potential habitat loss, other potential impact pathways and mitigation measures the Inspectorate is unable to scope this matter out during the construction and decommissioning phases.
3.2.8	6.2.9	Ground nesting birds - operation	The Scoping Report argues that biodiversity enhancement measures will sufficiently support ground nesting birds to ensure there are no LSE during operation. In the absence of information about the extent of potential habitat loss, other potential impact pathways and mitigation and enhancement measures the Inspectorate is unable to scope this matter out.
3.2.9	6.2.9	Various species - all phases: • Reptiles • Non-ground nesting birds • Wintering birds not associated with Special Protection Areas or Ramsar sites • Barn owl • Marsh harrier • Bats – roosting • Water vole	These species are proposed to be scoped out on the basis that the design of the development will aim to retain habitats; and precautionary measures will be secured in the construction, operation and decommissioning Environmental Management Plans (eg buffer zones, pollution prevention measures, fish rescue, etc). The Inspectorate considers that significant effects are unlikely to occur during operation, however in the absence of information about the extent of potential habitat loss, other potential impact pathways and mitigation measures the Inspectorate is unable to scope these receptors out during the construction and decommissioning phases.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		• Otter • Fish • Badger	
3.2.10	6.2.9	Hazel dormice - all phases	Based on desk and field-based studies the Scoping Report considers that dormice are absent from the site. Considering this, the Inspectorate agrees this matter can be scoped out of the assessment for the areas of the Proposed Development covered by the PEA. Further evidence is required to support scoping out this matter for the entirety of the application site, however.

ID	Ref	Description	Inspectorate's comments
3.2.11	6.2.1	Consultation	It is stated in the Scoping Report that consultation will be undertaken with ERYC to agree the assessment methodology and receptors to be considered in the EIA. Paragraph 2.4.3 explains that part of the cable route connection to Creyke Beck Substation could be located within HCC's administrative area. It is recommended that the Applicant undertake consultation in relation to biodiversity impacts with HCC in addition to EYRC. The Applicant's attention is drawn to HCC's response contained in Appendix 2 of this Opinion.
3.2.12	6.2.2	Study areas	The Scoping Report sets study areas for statutory and non-statutory designated sites based on fixed distances. The ES should ensure that the study area reflects the Proposed Development's Zone of Influence (ZOI) rather than being based on a fixed distance. The ES should consider the potential for effects to occur beyond these fixed distances, particularly where sites are designated for mobile species such as birds and bats, or where there is hydrological connectivity. Effort should be made to agree the study area(s) with relevant

ID	Ref	Description	Inspectorate's comments
			consultation bodies. The Applicant's attention is drawn to the scoping consultation response from Natural England (NE) (in Appendix 2 of this Opinion).
3.2.13	6.2.6 and 6.2.10	Mitigation and enhancement	The ES should distinguish clearly between measures intended to avoid or reduce the potential for LSE, or those which have been identified for enhancement only. The principles of the mitigation hierarchy should be followed and clearly demonstrated within the ES.
3.2.14	6.2.7	Potential impacts	The Scoping Report refers to habitat loss degradation and displacement of foraging/commuting bats but fails to describe any other impact pathways, eg disturbance from noise/lighting, habitat fragmentation/severance, deposition of pollutants, contamination. The Proposed Development would involve a range of activities with the potential to generate ecological impacts. The ES Biodiversity chapter should consider all potential impact pathways and assess any impacts arising from the Proposed Development which are likely to result in significant effects on ecological receptors. Justification for scoping out any ecological impact should be provided.

3.3 Climate

(Scoping Report Section 6.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	6.3.9	In-combination assessment – all phases	The Scoping Report proposes to scope this matter out on the basis that the nature of the Proposed Development means it is unlikely to exacerbate the impacts of climate change, with the exception of flood risk, which is to be assessed within the FRA. The Applicant is referred to the Inspectorate's comments in relation to flood risk in Section 2.3 above. The Inspectorate agrees that the Proposed Development is unlikely to result in or be susceptible to impacts from temperature change, sea level rise, precipitation change, and wind. Significant effects associated with these matters are not anticipated and they can be scoped out from assessment in the ES.
3.3.2	6.3.9	Climate resilience – all phases	The Scoping Report proposes to scope this matter out on the basis that solar PV modules have embedded resilience to high heat and wind speeds and that although the site is located in Flood Zone 3, the effects of flooding are to be assessed within the FRA (notwithstanding the Inspectorate's comments in Section 2.3 above). The Inspectorate agrees that climate resilience may be scoped out in relation to the solar panels. Whilst the Inspectorate accepts that the solar PV modules have a degree of resilience towards the effects of climate change, this rationale does not extend to the associated equipment such as inverters, transformers, substations and the BESS. On the basis of the information provided at this stage the Inspectorate is therefore not in a position the scope this matter out in relation to elements of the Proposed Development other than the solar PV modules.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Accordingly, the ES should include an assessment of these matters or evidence demonstrating agreement with the relevant consultation bodies and the absence of a LSE.

ID	Ref	Description	Inspectorate's comments
3.3.3	NA	Greenhouse gas (GHG) emissions	It is noted that the Scoping Report does not provide the calculation methods for GHG emissions. For the avoidance of doubt, the ES should specify the methods used to quantify GHG emissions relating to the Proposed Development.
3.3.4	6.3.1	Consultation	The Scoping Report states that no consultation has been undertaken or is envisaged for the climate change assessment. It is the Inspectorate's opinion that the ES should seek to agree the approach to the climate change assessment with the Local Authority and relevant consultation bodies.
3.3.5	Appendix D, page 162	Carbon Budgets	The Scoping Report states that "Where carbon budgets are not available for certain assessment periods, a qualitative approach will be taken". Any assumptions made around future carbon budgets should be clearly set out and justified in the ES.

3.4 Cultural Heritage

(Scoping Report Section 6.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	6.4.9	Effects on Meaux Abbey and Meaux duck decoy scheduled monuments - construction	The Scoping Report proposes to scope these matters out on the basis that effects on these assets can be suitably avoided and mitigated using buffer zones, archaeological investigations and the oCEMP. The Inspectorate considers that insufficient evidence has been provided to rule out effects on these receptors, given their proximity to the Proposed Development site. The ES should fully assess the impacts from construction activities on these receptors and the likelihood of a LSE.
3.4.2	6.4.9	Impacts to grade II listed K8 telephone kiosk – construction and operation	The Scoping Report proposes to scope this matter out on the basis that although this asset lies within a potential cable routing corridor, direct construction impacts would be avoided using a suitable buffer zone (to be agreed with the relevant statutory consultees) and physical protection; and the operational phase of the Proposed Development would not result in a change of setting. Whilst the Inspectorate agrees that impacts to this asset may be avoided with the use of a buffer zone and physical protection, limited information has been provided on these measures. The ES should provide further information on these measures in order to confirm that direct and indirect effects may be sufficiently avoided. Subject to these methods being clearly described in the ES, the Inspectorate is content to scope this matter out.
3.4.3	6.4.9	Setting effects on all heritage assets beyond the site boundary but within the 3 km study area, excluding Meaux Abbey and Meaux	This matter is proposed to be scoped out on the basis that the effects of the construction phase on setting are temporary and expected to be no worse than that of the operational phase and the generation of construction noise and dust will be managed through the CEMP. The

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		duck decoy scheduled monuments - construction	Inspectorate does not agree with the assumption that the construction phase effects would be no worse than the operational phase effects and at this stage does not have sufficient information about the potential noise, dust and visual impacts, or the proposed mitigation, to exclude the possibility of significant effects. An assessment of setting effects during construction should be made in the ES for those heritage assets that are scoped in for a setting effects assessment for the operational phase of the Proposed Development.
3.4.4	6.4.9	Heritage assets at greater than 50m distance from centre line of cable route - construction	This matter is proposed to be scoped out on the basis that, although it has not yet been determined, the anticipated maximum width of the cable excavation is unlikely to be wider than 30m. The use of the word "unlikely" suggests that there is the potential for the excavation to be wider. Limited information has been provided on the nature and sensitivity of potentially affected receptors and also the potential impact pathways from excavating activities. The Inspectorate is therefore unable to scope this matter out of the ES. The ES should establish the study area with reference to the extent of the likely impacts and informed by the ZOI.
3.4.5	6.4.9	Findspots recorded by Humber Historic Environment Record (HER) within the site – construction and operation	This matter is proposed to be scoped out on the basis that findspots have already been removed from the site and the Proposed Development is not anticipated to harm the heritage significance of their former locations. The Inspectorate agrees that the Proposed Development is unlikely to significantly impact on findspots already recorded by the Humber HER. This matter can be scoped out of further assessment.
3.4.6	6.4.9	Listed dwellings within the settlements of Beverley, Sutton, Cottingham, Brandesburton,	The Scoping Report proposes to scope this matter out on the basis that the positive contribution made by setting to the significance of residential listed buildings within settlements is generally confined to

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		Skirlaugh, Catwick, Burshill, Aike and Tickton - operation	their immediate street scene. The Inspectorate agrees that the Proposed Development is unlikely to significantly impact on the setting of listed dwellings situated within settlements. This matter can be scoped out from further assessment.
3.4.7	6.4.9	Isolated listed buildings over 1km from the site - operation	This matter is proposed to be scoped out on the basis that all isolated listed buildings over 1km from the Proposed Development site (with the exception of Hull Bridge Mills) are dwellings and of a nature whereby the positive contribution made by setting to their significance is confined to their immediate vicinity. Insufficient information has been provided on the nature and setting of these receptors to support the claim that the positive contribution made by their setting would be confined to their immediate vicinity. The Inspectorate is therefore not in a position to scope this matter out. The ES should assess all isolated heritage receptors within the ZOI of the Proposed Development.
3.4.8	6.4.9	Conservation areas over 1 km from the site - operation	The Scoping Report proposes to scope out operational impacts to conservation areas on the basis that the positive contribution made by setting to their significance is confined to their immediate vicinity. Insufficient information has been provided on the nature and setting of these receptors to support the claim that the positive contribution made by their setting would be confined to their immediate vicinity. The Inspectorate is therefore not in a position to scope this matter out. The ES should assess all conservation areas within the ZOI of the Proposed Development.
3.4.9	6.4.9	All heritage assets within the study area – decommissioning	The Scoping Report proposes to scope this matter out on the basis that the decommissioning phase is not anticipated to result in any additional heritage assets not affected during construction; and

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			operation and effects on setting will be no worse than the construction or operational phase effects. The Inspectorate considers that there remains a potential for impacts during the decommissioning phase, particularly to buried archaeology as a result of the removal of piles and soil compaction. In addition, given that the potential effects on setting during decommissioning are likely to be similar to those experienced during construction the Inspectorate is of the opinion that this matter cannot be scoped out at this stage. Decommissioning impacts on cultural heritage assets should be assessed within the ES.
3.4.10	N/A	Non-designated heritage assets	For the avoidance of doubt, the ES should also consider the impact to non-designated heritage assets in proximity to the Proposed Development.

ID	Ref	Description	Inspectorate's comments
3.4.11	6.4.2	Study area	The Scoping Report proposes that the cultural heritage study area will extend for approximately 3km from the solar areas. However, the Zone of Theoretical Visibility (ZTV) mapping provided at Appendix G Figures 3a-3f and 4 identify potential visibility beyond these extents. The ES should establish the study area with reference to the extent of the likely impacts and informed by fieldwork and the ZOI. The Applicant should agree this study area with relevant consultation bodies where possible. The Inspectorate draws the Applicant's attention to the consultation response received from Historic England (contained in Appendix 2 of this Opinion), in which they suggest a 5km study area. Any receptors outside of this study area but within the ZOI of the project should also be included within the assessment.

ID	Ref	Description	Inspectorate's comments
3.4.12	6.4.6	Archaeological investigations	It is not clear from the Scoping Report in which areas archaeological investigations are proposed. For the avoidance of doubt, archaeological investigations should not be limited to the solar areas, and should be undertaken wherever there is a potential for significant effects on buried archaeology. They should be established with reference to the relevant guidance and agreed with the relevant consultees.

3.5 Land, Soils and Groundwater

(Scoping Report Section 6.5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	6.5.9	Land (geological units) – all phases	The Applicant proposes this matter be scoped out due to there being no sensitive geological units identified within the study area, which includes the application site and a 250m buffer. The information has been gathered via a geological map database. The Inspectorate agrees that this matter can be scoped out based on these findings.
3.5.2	6.5.9	Land (geological conservation review sites) – all phases	The Inspectorate agrees that this matter can be scoped out based on the information provided in the Scoping Report that there are no geological sites of scientific interest within the application site or within 250m of it.
3.5.3	6.5.9	Land (mineral safeguarding) – all phases	There are historical mineral extraction sites and mineral safeguarding areas within the site and within 250m of the site. The Applicant has proposed that this matter is assessed within the Planning Statement outwith the EIA, that will be submitted with the DCO application. The Inspectorate does not have sufficient information at this stage to exclude the possibility of significant effects on mineral resource. The ES should include an assessment of the potential impact of loss of access to mineral resources during the lifetime of the Proposed Development where there is potential for LSE to occur, unless evidence is provided in the ES demonstrating agreement with the relevant consultation bodies and the absence of a LSE. Evidence of consultation with EYRC and HCC, as the Mineral Planning Authorities, should be presented in the ES.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.4	6.5.9	Land (geological hazards) – all phases	The Scoping Report states that the baseline review has not identified any geological hazards that require consideration and therefore proposes to scope this matter out. However, the Inspectorate notes that paragraph 6.5.5 of the Scoping Report states that there is potential for low to moderate risks from geological hazards within some sections of the application site. It is not explained how the design of the Proposed Development will take account of these hazards. The Inspectorate does not have sufficient information at this stage to exclude the possibility of significant effects arising from geological hazards. The ES should include an assessment where there is potential for LSE to occur, unless evidence is provided in the ES demonstrating agreement with the relevant consultation bodies and the absence of a LSE.
3.5.5	6.5.9	Land (potential contamination) – operation and decommissioning	It is proposed that this matter be scoped out for the operational and decommissioning phases. This is on the basis that LSE from existing land contamination would be addressed during construction; and contamination issues arising from Proposed Development activities during operation and decommissioning would be controlled by the requirements of the oOEMP and the oDEMP. The Inspectorate considers it unlikely that there would be significant land contamination effects arising from the Proposed Development, ie from activities such as storage and use of fuels, during operation and decommissioning as the activities would be controlled through the OEMP and DEMP. However, the Inspectorate notes that a Preliminary Risk Assessment (PRA) has not yet been undertaken so the potential sources and extent of contamination are not yet known; and limited information has been provided at this stage about the measures proposed to be included within the Management Plans. Therefore, this

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			matter should be assessed in the ES where significant effects are likely to occur or it should otherwise be explained how potential impacts would be managed, with measures clearly described in the oOEMP and oDEMP, secured through the DCO. Measures should include protection for groundwater receptors and a remediation strategy in the event of accidental leaks or spills. The Applicant's attention is drawn to the scoping consultation response from the EA (in Appendix 2 of this Opinion) in relation to potential land contamination issues within and near to the application site.
3.5.6	6.5.9	Groundwater (quality) – all phases	The Scoping Report Proposes to scope this matter out for all phases based on groundwater quality being protected by mitigation measures included in the proposed oCEMP, Surface Water Management Plan (SWMP) (due to the connection between surface water quality and groundwater quality), oOEMP and the oDEMP, to be submitted in support of the DCO application. It is stated that a piling risk assessment would be undertaken prior to construction if necessary, to ensure that potential risks to groundwater from piling operations are managed appropriately. It is identified that large sections of the site lie within a large Source Protection Zone (SPZ) and also that the catchment zone for a small abstraction extends across some areas of the site. The Applicant is referred to the comments made by the EA in their consultation response (in Appendix 2) in respect of SPZs and a drinking water safeguard zone for groundwater in the area that are not identified in the Scoping Report. In the absence of a PRA and information on potential sources and extent of contamination, the Inspectorate does not agree that this matter may be scoped out. Accordingly, the ES should include an

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			assessment of significant effects where they are likely to occur or evidence demonstrating agreement with the relevant consultation bodies and the absence of a LSE. The relevant mitigation measures contained within the management plans and the SWMP should be identified within and cross-referenced from the ES and secured in the DCO. The Applicant's attention is drawn to the EA's comments in their consultation response (in Appendix 2 of this Opinion) in relation to groundwater protection.

ID	Ref	Description	Inspectorate's comments
3.5.7	6.5.2	Study area	The Scoping Report states that a study area comprising the application site plus a 250m buffer will be used for this assessment. No justification is presented for the selection of this area. The ES should explain the basis on which the final study area has been selected. This should be informed by an understanding of the predicted ZOI of the Proposed Development rather than a generic geographical distance.
3.5.8	6.5.3	Baseline data sources	The Scoping Report refers to various data sources that have been used to characterise the baseline conditions at the site and it is also stated that a PRA will be submitted with the DCO application. Copies of reports used to establish the baseline conditions at the Proposed Development site should be submitted as part of the ES, which could be in the form of technical appendices.
3.5.9	6.5.5 and 6.5.7	Baseline conditions	Paragraph 6.5.5 of the Scoping Report states that based on publicly available historical mapping there is no information to suggest that potential contaminative uses of the application site have occurred

ID	Ref	Description	Inspectorate's comments
			other than those associated with agriculture. However, paragraph 6.5.7 identifies that contamination issues could arise from the recorded presence of historical landfill sites within the site boundary. Care should be taken to ensure that the baseline information in the ES is accurate and consistently presented.
3.5.10	6.5.11	Ground investigation surveys	Effort should be made to agree the scope and method of the proposed ground investigation works with relevant consultation bodies. Copies of any ground investigation reports should be submitted as part of the ES, which could be in the form of technical appendices.

3.6 Landscape and Visual

(Scoping Report Section 6.6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	6.6.9	Impacts to National Character Area (NCA) Profile 40 – Holderness – all phases	The Scoping Report Proposes to scope this matter out on the basis that the assessment of landscape character will reference the district scale Landscape Character Assessments (LCAs) rather than the NCA as they provide a more detailed scale of baseline environment. The Inspectorate considers NCAs to be sensitive receptors within their own right and considers that the ES should identify, locate and assess impacts to NCAs where there is the potential for significant effects to occur.
3.6.2	6.6.9	Impacts to Lincolnshire Wolds AONB (Area of Outstanding Natural Beauty) and Howardian Hills AONB (now National Landscapes) – all phases	Impacts to these National Landscapes are proposed to be scoped out on the basis that they are both over 30km away from the Proposed Development site. On this basis, the Inspectorate agrees that this matter can be scoped out of the ES.
3.6.3	6.6.9	Impacts to Thwaite Hall, Risby Hall and Burton Constable Registered Parks and Gardens – all phases	Impacts to these receptors are proposed to be scoped out on the basis that they are all over 6km away from the Proposed Development site. The Inspectorate agrees that impacts to these receptors are unlikely to be significant. This matter can therefore be scoped out of the ES.
3.6.4	6.6.9	Impacts to Yorkshire Wolds Important Landscape Area – all phases	The Scoping Report proposes to scope out impacts to this receptor on the basis that it is over 5km away from the Proposed Development site. The Inspectorate agrees that impacts to this receptor are unlikely to be significant. This matter can therefore be scoped out of the ES.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.5		Impacts to East Riding LCAs: • 18B • 16E • 18C • 17A • 19A • 19C - all phases	The Scoping Report proposes to scope these receptors out on the basis that although they are within the study area the potential impacts would be indirect and would not affect the landscape elements and patterns of the LCAs. Insufficient evidence has been provided to support the claim that the indirect impacts to these LCAs would not be significant. The Inspectorate is therefore unable to scope out impacts on these receptors at this stage. The ES should assess impacts on all LCAs within the study area and identify any LSE and required mitigation measures as necessary, or provide evidence demonstrating agreement with the relevant consultation bodies and the absence of a LSE.
3.6.6	6.6.9	Impacts to Wilfholme, Beverly and Kingswood – all phases	The Scoping Report proposes to scope out impacts to these settlements on the basis that their distance from the solar array areas and the intervening topography would mean impacts to visual amenity would be no greater than negligible. Whilst the Inspectorate agrees that the Proposed Development is unlikely to result in any significant visual effects on the settlements of Wilfholme and Kingswood, it is noted that the ZTVs provided show visibility of the Proposed Development from Beverly. As such, whilst the Inspectorate is content to scope out impacts to Wilfholme and Kingswood, it considers that there is still the potential for impacts on Beverly. The ES should therefore assess any potential impacts to Beverly.
3.6.7	6.6.9	Lighting impacts on landscape character and visual amenity – all phases	This matter is proposed to be scoped out on the basis that the only lighting required would be sensor-triggered security lighting around key electrical infrastructure, and so the Proposed Development would not be continuously lit.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Limited information is presented regarding the proposed lighting during construction and operation or the receptors that could be affected. In addition, the location of the electrical infrastructure elements within the Order Limits has not yet been decided. As such the Inspectorate is not in a position to scope this matter out at this stage. The ES should clearly explain the construction and operational lighting strategy and any measures necessary to avoid or mitigate lighting effects. This should also include consideration of effects relating to intermittent lighting sources such as sensor-triggered security lighting.
3.6.8	6.6.9	Vistas of Beverley Minster identified in the East Riding of Yorkshire Landscape Character Assessment – all phases	This matter is proposed to be scoped out on the basis that the "low-level solar development" would not affect these vistas. Little evidence has been provided to support the claim that these vistas would not be affected by the Proposed Development. As such, the Inspectorate is not in a position to scope this matter out. The ES should consider the impact of the Proposed Development on these receptors.
3.6.9	6.6.11	Residential Visual Amenity Assessment (RVAA)	The Scoping report proposes to provide a RVAA as an appendix to the ES. The Inspectorate is of the opinion that effects to residential amenity should also be covered within the ES Landscape and Visual chapter.

ID	Ref	Description	Inspectorate's comments
3.6.10	6.6.6 and 6.6.10	Landscaping and planting	The ES should cover the establishment period of any landscaping scheme, monitoring plans and any long-term management needs. Any assumptions made with regards to the height that proposed mitigation planting would have reached by the assessment years

ID	Ref	Description	Inspectorate's comments
			should be clearly presented and justified for the purposes of generating photomontages and reaching the assessment conclusions.
3.6.11	6.6.7	Study Area	The Scoping Report proposes that the LVIA study area will extend for approximately 3km from the areas in which the solar PV modules will be located. However, the ZTV mapping provided at Appendix G Figures 3a-3f and 4, identifies potential visibility beyond these extents. The ES should evidence how the study area has been derived to ensure it is representative and it should be agreed with relevant consultation bodies where possible.

3.7 Noise and vibration

(Scoping Report Section 6.7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.7.1	6.7.9	Vibration from fixed plant – operation	The Scoping Report proposes to scope out this matter as the electrical plant used is expected to generate negligible levels of vibration during operation. Considering the nature and characteristics of the operational phase of the Proposed Development, the Inspectorate is content to scope this matter out. However, the ES should describe the potential sources of vibration arising from the operation of relevant components, including the substations, as well as any measures to control emissions and confirmation of how these are secured through the dDCO or other legal mechanism.
3.7.2	6.7.9	Noise from road traffic – operation	The Scoping Report proposes to scope out operational road traffic noise effects as the increase in road traffic is likely to be negligible during the operational phase. The Inspectorate agrees that the number of vehicle trips generated by the operation and maintenance of the Proposed Development are unlikely to result in significant effects. It is therefore considered acceptable to scope this matter out.
3.7.3	6.7.9	Noise effects on Tophill Low SSSI – operation	The Scoping Report proposes to scope out noise effects on the Tophill Low SSSI on the basis that any noise emitted from the Proposed Development during the operational phase would cause minimal disturbance to wintering wildfowl. The Scoping Report does not indicate the extent to which wildfowl features of the SSSI use the land within the Order Limits or their sensitivity to noise. In the absence of sufficient information to justify the approach, the Inspectorate is unable to agree to scope this matter out at this stage. Accordingly, the ES should include an assessment of significant

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			effects where they are likely to occur or evidence demonstrating agreement with the relevant consultation bodies and the absence of a LSE.

ID	Ref	Description	Inspectorate's comments
3.7.4	6.7.4	Sensitive receptors and baseline survey	Paragraph 6.7.4 of the Scoping Report states that a baseline noise survey will be undertaken to "quantify and characterise the existing noise environment across the study area and at nearest sensitive receptors". The ES should explain the basis on which receptor locations are determined to be representative, and include a plan showing the location of all sensitive receptors identified for assessment to aid understanding of the potential for significant effects relating to noise. Effort should be made to agree the sensitive receptors and locations for the baseline noise survey with relevant consultation bodies.

3.8 Transport and access

(Scoping Report Section 6.8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.8.1	6.8.9	All receptors – operation	The Scoping Report proposes to scope out operational phase transport and access effects due to the low volume of traffic associated with the operational phase of the Proposed Development. The Inspectorate agrees that as the number of vehicle trips generated by the operation and maintenance of the Proposed Development are unlikely to result in significant effects, it is acceptable to scope this matter out, subject to confirmation in the ES that the frequency and type of maintenance visits and vehicles would not give rise to a significant effect.
3.8.2	6.8.9	All receptors – decommissioning	The Scoping Report proposes to scope out decommissioning transport and access effects according to an assumption that they may be mitigated by the beginning of the decommissioning phase (anticipated to be no earlier than the 2060s) due to the delivery of local and regional highway schemes at that time; and because the effects are predicted to be less than in the construction phase. No further information is provided and the Inspectorate considers that insufficient justification has been provided for scoping this matter out at this stage. Accordingly, the ES should include an assessment of this matter or evidence demonstrating agreement with the relevant consultation bodies and the absence of a LSE.

ID	Ref	Description	Inspectorate's comments
3.8.3	6.8.1	Potential impacts on the Strategic Road Network (SRN)	The Scoping Report states that it is not anticipated that the Proposed Development will have a material impact on the SRN. No further information has been provided to support this conclusion. The ES should identify likely construction traffic routes and numbers of movements, and describe how the Proposed Development is likely to impact the SRN. Significant effects on the SRN should be assessed where they are likely to occur. The Applicant's attention is drawn to the scoping consultation response from HCC (in Appendix 2 of this Opinion) in relation to increased vehicle movements during the construction phase.

3.9 Population

(Scoping Report Section 6.9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.1	6.9.9	Private property and housing – all phases	The Scoping Report proposes to scope this matter out on the basis that there are no properties at risk of demolition as a result of the Proposed Development and none of the land within the Order Limits is allocated for residential development. The Scoping Report does not state whether there are any existing private properties in proximity to or within the Order Limits. Impacts could still occur on properties in proximity as a result of impacts to access. As such, the Inspectorate is of the opinion that insufficient evidence has been provided to scope this matter out. Accordingly, the ES should include an assessment of these matters or evidence demonstrating agreement with the relevant consultation bodies and the absence of a LSE.
3.9.2	6.9.9	Impacts to community land and assets – all phases	This matter is proposed to be scoped out on the basis that the site is almost entirely made up of privately owned agricultural land and so there are no community assets within the site boundary. The Inspectorate agrees that the Proposed Development is unlikely to result in significant effects on community land. This matter can be scoped out from further assessment. The Inspectorate notes that impacts on Public Rights of Way (PRoW) are proposed to be assessed within the Transport and Access ES chapter.
3.9.3	6.9.9	Impacts to agricultural land holdings, development land and businesses – all phases	The Scoping Report proposes to scope out impacts to agricultural land holdings, considering that the loss of these agricultural operations is not expected to lead to a significant effect in relation to employment in the local area. It is anticipated that there would be various socio-economic benefits as a result of the Proposed Development and

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			stated that a Socio-Economic Statement will be submitted with the DCO application, outwith the ES, to highlight the positive and negative impacts on the local and regional area. The Inspectorate does not agree that this matter can be scoped out and considers that such an assessment should form part of a specific chapter of the ES which considers both the positive and negative socio-economic impacts of the development, including the cumulative loss of agricultural operations within the region.
3.9.4	6.9.9	Employment – all phases	This matter is proposed to be scoped out of the ES on the basis that employment will generally only bring positive economic effects. The Scoping Report does not consider the potential impact of construction workers on capacity of accommodation and local services. The Inspectorate does not agree that this matter can be scoped out. The ES should define a worst-case scenario of construction worker numbers and assess impacts on the availability of local accommodation and services where significant effects are likely to occur. The Applicant is referred to the Inspectorate's comments in relation to cumulative impacts in Section 3.10 below.

ID	Ref	Description	Inspectorate's comments
3.9.5	6.9.2	Study area	The Scoping Report states that the selected study area for population and human health will extend to 500m beyond the application site boundary, as outlined in DMRB LA 112. Whilst the Inspectorate accepts that the methodology outlined within this guidance is broadly applicable, it is ultimately intended for highways developments. As such, the Inspectorate is of the opinion that the study area selected may not be entirely appropriate for this development type. The study area should instead be defined by the likely extent of potential

ID	Ref	Description	Inspectorate's comments
			socio-economic, recreation and land use effects, and agreed with the relevant consultees. This should be set out in the ES, supported by an appropriate explanation of how the study area has been defined, with appropriate figures provided.
3.9.6	6.9.4	PRoW usage surveys	The Proposed Development site will affect a number of PRoW but no surveys are proposed to understand their baseline use. It is therefore unclear how the baseline will be established for these PRoW. The Inspectorate considers that surveys should be undertaken to provide baseline data in relation to the use of the PRoW affected by the Proposed Development.

3.10 Cumulative Effects

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.10.2	N/A	Location of cumulative developments	The ES should include a figure depicting the locations and extent of the identified cumulative developments in relation to the Proposed Development.
3.10.3	N/A	Long List	The Applicant is directed to responses from NE, HCC and National Grid in relation to details of projects that should be included in the long list of sites for the cumulative and in-combination effects assessments.
3.10.4	N/A	Construction workers	It is understood that a number of developments are due to begin construction within the region in the next 5 years, which may require a considerable number of construction workers. It is the Inspectorate's opinion that the cumulative effects assessment should consider the cumulative impact on local accommodation as a result of the ingress of construction workers.

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES[1]

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Integrated Care Board	NHS Humber and North Yorkshire Intergrated Care Board
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	Humberside Fire and Rescue
The relevant police and crime commissioner	Humberside Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Brandesburton Parish Council
	Leven Parish Council
	Tickton and Routh Parish Council
	Riston Parish Council
	Beverly Town Council
	Wawne Parish Council
	Swine Parish Council
	Woodmansey Parish Council
	Skidby Parish Council
	Cottingham Parish Council
The Environment Agency	The Environment Agency

[1] Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Relevant Highways Authority	East Riding of Yorkshire Highways
	City of Hull Highways
The relevant strategic highways company	National Highways
The relevant internal drainage board	Beverly and North Holderness Internal Drainage Board
	South Holderness Internal Drainage Board
	North East Lindsey Drainage Board
The Canal and River Trust	The Canal and River Trust
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	United Kingdom Health Security Agency
Relevant statutory undertakers	See Table A2 below
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Forestry Commission Yorkshire & North East
The Secretary of State for Defence	Ministry of Defence

TABLE A2: RELEVANT STATUTORY UNDERTAKERS[2]

STATUTORY UNDERTAKER	ORGANISATION
The relevant Integrated Care Board	NHS Humber and North Yorkshire Intergrated Care Board
The National Health Service Commissioning Board	NHS England
The relevant NHS Trust	Yorkshire and the Humber Ambulance Service NHS Trust

[2] 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
Railways	Network Rail Infrastructure Ltd
	National Highways Historical Railways Estate
Road Transport	The Humber Bridge Board
Canal Or Inland Navigation Authorities	The Canal and River Trust
Dock and Harbour authority	Associated British Ports
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Yorkshire Water
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Last Mile Gas Ltd

STATUTORY UNDERTAKER	ORGANISATION
	Leep Gas Networks Limited
	Mua Gas Limited
	Quadrant Pipelines Limited
	Squire Energy Limited
	National Gas
The relevant electricity generator with CPO Powers	SSE Generation Limited
The relevant electricity distributor with CPO Powers	Northern Powergrid (Northeast) Limited
	Northern Powergrid (Yorkshire) plc
	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited

STATUTORY UNDERTAKER	ORGANISATION
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operation Limited

TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))[3]

LOCAL AUTHORITY[4]
East Riding Of Yorkshire Council
Hull City Council
North Lincolnshire Council
Doncaster Metropolitan Borough Council
City of York Council
North Yorkshire Council

[3] Sections 43 and 42(B) of the PA2008

[4] As defined in Section 43(3) of the PA2008

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Canal and River Trust
Environment Agency
Historic England
Hull City Council
Natural England
National Grid Electricity Transmission (NGET)
National Grid Interconnector Holdings (NGIH)
Network Rail
North Lincolnshire Council
Tickton and Routh Parish Council
UK Health Security Agency

From: [redacted]
To: Peartree Hill Solar Farm
Subject: RE: EN010157 – Peartree Hill Solar Farm – EIA Scoping Notification and Consultation / Reg 11 Notification
Date: 14 November 2023 14:21:15
Attachments: image006.png
image007.png
image008.png
image009.png
image010.png
image011.png

Thank you for your consultation non the EIA Scoping Notification for EN010157 – Peartree Hill Solar Farm.

Having reviewed the location of the proposals relative to the Trust's assets, we can confirm that the Canal & River Trust do not wish to make any comment on the proposals.

Kind Regards

Simon Tucker MSc MRTPI
Area Planner North East, Canal and River Trust

T [redacted]
E [redacted]

Canal & River Trust
1st Floor, 21 The Calls, Leeds, LS2 7EH

From: Peartree Hill Solar Farm <PeartreeHillSolarFarm@planninginspectorate.gov.uk>
Sent: Friday, November 10, 2023 10:33 AM
To: National Planning Function <NationalPlanning.Function@canalrivertrust.org.uk>
Cc: Heather Clarke [redacted]
Subject: EN010157 – Peartree Hill Solar Farm – EIA Scoping Notification and Consultation / Reg 11 Notification

Dear Sir/Madam

Please see attached correspondence on the proposed Peartree Hill Solar Farm

Please note the deadline for consultation responses is **08 December 2023**, which is a statutory requirement that cannot be extended.

Kind regards
Joseph Jones

Joseph Jones | Associate EIA Advisor
The Planning Inspectorate

@PINSgov The Planning Inspectorate planninginspectorate.gov.uk

Ensuring fairness, openness and impartiality across all our services

Keep in touch
Sign up for the Canal & River Trust e-newsletter https://canalrivertrust.org.uk/newsletter
Become a fan on https://www.facebook.com/canalrivertrust
Follow us on https://twitter.com/canalrivertrust and
https://www.instagram.com/canalrivertrust

Cadw mewn cysylltiad
Cofrestrwch i dderbyn e-gylchlythyr Glandŵr Cymru
https://canalrivertrust.org.uk/newsletter
Cefnogwch ni ar https://www.facebook.com/canalrivertrust
Dilynwch ni ar https://twitter.com/canalrivertrust ac
https://www.instagram.com/canalrivertrust

Via email:
Planning Inspectorate

Our ref: XA/2023/100047/01-L01
Your ref: EN010157

Date: 08 December 2023

Dear Sir/Madam

EIA SCOPING OPINION CONSULTATION. PEARTREE HILL SOLAR FARM, EAST RIDING OF YORKSHIRE.

Thank you for your consultation on the EIA Scoping Report by RSK, dated November 2023. We have reviewed this report and have the following advice:

In general, we agree with the topics to be scoped in and out of further assessment, with the exception of certain aspects of the 'water' topic, which the applicant intends to scope out. Further detail on this is provided below.

Water

The Applicant intends to scope out this topic, which includes flood risk and water quality. Groundwater quality is to scoped in and considered within 'Land, soils and groundwater'.

Flood Risk

Overall, we have concerns about the decision to scope out flood risk from further assessment within the Environmental Statement (ES). Although we appreciate that there would still be a flood risk assessment (FRA) submitted in support of the Development Consent Order Application (DCO), we consider the flood risks associated with the proposed development to be significant enough to warrant being scoped into the ES, which would ensure that flood risks are given the necessary consideration at this early stage in the project, so that risks can be minimised, and flood risk benefits maximised. The reasons we feel certain flood risk matters should be scoped into the EIA are outlined below.

Fluvial and tidal flood risk

Current and future flood risk, accounting for climate change

As acknowledged within the Scoping Report, the site is predominantly located within Flood Zones 2 and 3, associated with both tidal and fluvial flooding. Although the flood zones may overestimate the present-day flood extent, as they do not account for the presence of any flood defences, they do not account for future flood risk accounting for climate change. The assessment of future flood risk must be assessed, using the appropriate climate change allowance for the lifetime of the development, as set out in Flood risk assessments: climate change allowances. Considering that most of the project boundary falls within an area of high fluvial or tidal flood risk according to the Flood Maps for Planning, we consider the risk, likely increased once climate change has been accounted for, to be significant enough to warrant being scoped into the ES.

Residual flood risk

As acknowledged by the Scoping Report, there are flood defences affecting the site's flood risk. We are pleased to see that the Scoping Report has acknowledged the need to assess the residual risk of flooding should flood defences be breached or overtopped. Despite residual flood risk being low likelihood, we feel the high consequence, especially from a breach flood event with little/no warning and resulting in rapid onset flooding, to be significant enough to justify it being scoped into the ES. By addressing residual flood risk within the ES, this would allow for early consideration of how residual risks might be managed and mitigated, which may include opportunities to contribute to the maintenance and upgrading of the flood defence infrastructure from which the development itself would also benefit.

Proximity to flood defence assets and main rivers

As acknowledged within the Scoping Report, there are several flood defences in and around the site, as well as five main rivers traversing the site. It is also acknowledged that there is a need for cable crossings over or under the main rivers. Although drainage infrastructure, other than outlets, are planned to be at least 10m away from the main rivers, it is not clear what the intended setback the other aspects of the development are intended to have from the main rivers. Unless all structures / ground works are to take place further than 8m from any flood defence asset, or any of the main rivers, we would recommend that the impact on flood defence assets / main rivers be scoped into the assessment. In accordance with paragraph 5.8.17 of National Policy Statement (NPS) EN-1, development (including construction works) should account for any existing watercourses and flood management structures or features, or any land likely to be needed for future structures or features to ensure development does not restrict essential maintenance and emergency access to the river channels. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and/or improvement works. Works near a main river channel or flood defence asset may adversely affect their stability or compromise its function, potentially resulting in an increase in flood risk to the development and to surrounding areas. Early consideration of these risks within the ES will facilitate better decision-making in terms of site layout to ensure main river channels and flood assets can be protected.

Water Quality

While we have no objection to water quality being scoped out of the ES, the project will need to be supported by a Water Environment Regulations compliance assessment, which includes the catchments listed above. The proposed cable corridor is likely to cross a number of watercourses and we currently have no information in regard to how those waterbodies will be crossed. Previous solar farms consented through the Development Consent Order (DCO) process have completed a Water Framework

Directive compliance assessment. We believe that this should be standard practice and consistent across applications. This approach is supported by section 5.16.3 of NPS EN-1.

We believe that small aspects of the proposed development will fall within three additional catchments which are not listed in the report. These are:

- High Hunsley to Woodmansy Area
- Holderness Drain from Foredyke Stream to Humber
- Hull from West Beck to Arram Beck

This last catchment falls within the Hull Upper Operational Catchment area, which is also not referenced within the report.

If these catchments are not included, then the likely significant effects of the proposed development on these waterbodies cannot be understood and no assessment of the risk to Water Framework Directive (WFD) status can be completed.

Major accidents and disasters

We have no concerns with this topic being scoped out. Battery Energy Storage Systems (BESS) have the potential to pollute the environment. Table 5-1 acknowledges the risk of fire from the Battery Energy Storage System (BESS) and confirms an Outline Battery Safety Management Plan will be produced. Management procedures for fires could result in the production of high volumes of firefighting water if used.

The Applicant should consider the impact to all environmental receptors during each phase of development. Particular attention should be applied in advance to the impacts on groundwater and surface water from the escape of firewater/foam and any contaminants that it may contain. Suitable environmental protection measures should be provided including systems for containing and managing water run-off. The applicant should ensure that there are multiple ‘layers of protection’ to prevent the source-pathway-receptor pollution route occurring. Failure to plan for the fate of firewater produced because of fire management procedures at the BESS could result in pollution of surface or groundwater.

We would expect risks to groundwater to be included in this management plan as groundwater is particularly vulnerable to pollution at this location.

Mitigation to manage the impacts of firewater should be included in either the Outline Battery Safety Management Plan or the Outline Operational Environmental Management Plan.

Material assets (and waste)

We have no objection to this topic being scoped out. The following comments are made in respect of waste management to ensure the environmental statement addresses the key environmental issues for this proposal. Even though the report states that the contractor for the project will have a waste management plan in place, the applicant should consider the waste informatives included at the end of this letter.

<u>Landfill capacity</u>

The Applicant will need to review which landfill sites in East Yorkshire are open and accepting waste. Of the list provided in the Scoping Report, the only landfills currently

accepting waste for deposit are Wilberfoss Quarry, Milegate Extension and Ripplingham Cutting. This will drastically reduce the volume of waste that can go to landfills in East Yorkshire and could in turn, put pressure on the remaining active landfills across Yorkshire. The landfills that are currently not accepting waste may start accepting waste in the future, but this is not certain. The transport of waste to landfills outside of East Yorkshire will also impact the carbon emissions of the project, as well as possible amenity issues associated with the increased number of vehicles coming onto and off the site. The Applicant must therefore apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf

Air Quality

We note this matter has been scoped into the ES. Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This should apply to the point that the machinery arrives on site, regardless of it being hired or purchased.

Use of low emission technology will improve or maintain air quality and support local authorities and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery should also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

Biodiversity

We are pleased to see that this topic has been scoped in for further assessment. We welcome the Applicant's landscaping and biodiversity mitigation and enhancement commitments, including delivering a minimum of 10% Biodiversity Net Gain (BNG). We advise the applicant to consider opportunities in Local Nature Recovery Strategies, any mitigation measures listed for the affected waterbodies under WFD and contribute to the delivery of the River Basin Management Plans.

We welcome the proposed additional (secondary and tertiary) mitigation and look forward to reviewing more details as the plans develop. We will be particularly interested in eels, water voles, otters, bats (using the watercourses for foraging/commuting) and marginal habitats.

We note consultation with Natural England has begun, and that a Habitats Regulation Assessment and Countryside and Rights of Way assessment will be completed.

Cont/d..

We note the receptors/matters to be scoped out of further assessment. Amphibians, water vole, otter, and fish are listed as receptors to be scoped out. We would like to see amphibians and otters scoped in for likely entrapment in construction sites.

Culverting

We note that the cable route has not yet been finalised or surveyed. We look forward to seeing the final route and will be particularly interested in where the route crosses watercourses. We note that no watercourses will be lost to the proposed development, although small sections may be affected.

In regard to culverts, the Environment Agency is opposed to the culverting of any watercourse because of the adverse ecological, flood risk, geomorphological, human safety, and aesthetic impacts. Watercourses are important linear features of the landscape and should be maintained as continuous corridors to maximise their benefits to society.

Applicants will be expected to demonstrate why culverting is both necessary and the only reasonable and practicable alternative. Alternatives could include open span bridges. Where it has been robustly demonstrated that the culverting is both necessary and the only reasonably practicable alternative, the length of any culvert should be restricted to the minimum necessary to meet the applicant's objective.

When designing the culvert, the applicant should consider the predicted impacts of climate change (using an allowance for climate change), natural channel geomorphology, and any future development planned in the catchment. All mitigation measures should be incorporated within the design and the work should be carried out using best working practices to minimise environmental impacts.

We would expect to see trenchless techniques, such as HDD, used for all watercourses to avoid any impact.

Although BNG is not yet mandatory for Nationally Significant Infrastructure Projects, NPS EN-1 (paragraph 4.5.1) states that 'proposals should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity where possible'. Any enhancements to the ditches would be welcome (in particular eels, water voles, otter, and Great-Crested Newts, SuDs, Invasive Non-Native Species).

Land, soils and groundwater

We are pleased to see this topic has been scoped in. The bedrock geology beneath the site consists of the Flamborough Chalk Formation, which is classified as a principal aquifer. Superficial deposits at the site include alluvium, till, sand & gravels and tidal flat deposits. These deposits are classified as secondary A aquifers or secondary aquifers (undifferentiated).

There are several abstractions from the chalk in the vicinity of the proposed development, particularly to the south in Cottingham. There is a large Source Protection Zone (SPZ) 1 that relates to these abstractions, and much of the site lies within this SPZ1, 2 or 3 associated with the chalk abstractions.

Cont/d..

There are 3 permitted groundwater abstractions from the chalk to the south of Beverley that have an associated SPZ1 that have not been mentioned in the scoping report. It is important that all abstractions are considered in the PEIR, including small abstractions and private water supplies.

The report does not mention that the site also lies within a drinking water safeguard zone for groundwater. This corresponds with the extent of the SPZ 1, 2 & 3 associated with the Cottingham abstractions. Safeguard zones are established around public water supplies where additional pollution control measures are needed. When the scheme details get finalised it will be important to ensure that the proposed activities are compliant with our groundwater protection policies, in particular, in relation to SPZs.

We note that there is no reference to the 'Environment Agency's approach to groundwater protection, Groundwater protection - GOV.UK (www.gov.uk); The Environment Agency's approach to groundwater protection (publishing.service.gov.uk). This is a useful document that provides an overview of the activities that are acceptable in SPZs. The following document may also be useful when producing the ES: Protect groundwater and prevent groundwater pollution - GOV.UK (www.gov.uk)

We are largely satisfied with the matters that are proposed to be scoped in and out of the ES and provide further comments in relation to section 6.5 below and general environmental considerations of the scheme below with some general informatives about the scheme at the end.

Cables for the new scheme will be laid in trenches. Where the placement of these cables takes place in land affected by contamination the management of the waste material will need to be carefully managed.

Paragraph 2.5.25 states that horizontal directional drilling may be used at some locations where traditional trenching methods are not feasible. This work could involve the use of drilling muds and their use may require risk assessment to ensure they do not pose a risk to controlled waters. The proposed use of directional drilling techniques will therefore be assessed with the Preliminary Environmental Impact Report and the Environmental Statement, which we welcome.

Section 6.5: Land, soils and groundwater

A preliminary risk assessment (PRA) report will be completed to assess the contamination potential of the historic landfill sites that have been identified within the site.

There is a permitted landfill site adjacent to the southern site boundary. Construction works near this landfill must not impact on any landfill leachate or groundwater quality monitoring boreholes that may be associated with the permitted site. It would therefore be prudent to include this site within the PRA. We have no further information regarding this landfill site, as it not on the list of sites that we regulate.

Section 6.5.11 states that this report will, *"assesses the potential risks on the existing land, soil and groundwater baseline, including contamination issues. The Preliminary Risk Assessment report conclusions and results of ground investigations will determine necessary mitigation measures to ensure that the construction, operation and decommissioning of the Proposed Development do not result in significant effects on the receiving land, soil and groundwater environment."*

Cont/d..

We welcome this proposal but would like to ensure that all groundwater receptors are considered. We note that private water supplies have not been mentioned within the scoping report, but they should be assessed. As mentioned above, groundwater is particularly vulnerable to pollution at this location.

We are satisfied with the guidance that has been listed in section 6.5.11 in relation to the proposed assessment methodology.

Groundwater has (apart from the land contamination aspect mentioned above) been scoped out of further assessment. Instead, pollution prevention is mentioned as a means of protecting groundwater from contamination. Pollution prevention measures will be included in the Outline CEMP and Outline Decommissioning Environmental Management Plan. These measures should include all groundwater receptors and include a requirement for a remediation strategy if, for instance, any leaks or spills occur.

If contamination is identified as part of the land contamination assessment works a foundation works risk assessment may be required. In relation to this, please note that the EA guidance 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' is currently being updated, so please ensure that the most up to date version is used.

Additional advice to the Applicant

Flood risk avoidance – the Sequential Test

Avoiding flood risk through the Sequential Test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences. In line with paragraph 162 of the National Planning Policy Framework (NPPF), development 'should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from flooding'.

The application of the Sequential Test is not mentioned within the Scoping Report. Although it's not necessary to include as part of the scoping stage of the application, we take this opportunity to emphasis its importance and ensure it is sufficiently applied and evidenced within the flood risk chapter of the ES.

As the proposal is for a solar farm, which is considered to be 'Essential Infrastructure' as defined in Annex 3 of the NPPF, should the Sequential Test be satisfied, the Applicant must also demonstrate that the Exception Test is passed.

Strategic Flood Risk Assessment

East Riding of Yorkshire Council have undertaken a Level 1 Strategic Flood Risk Assessment (SFRA) which includes local flood risk information to inform the assessment of flood risk for the proposed development. This has not been identified as a source of information within the Scoping Report. The SFRA will also identify any areas of Flood Zone 3b (functional floodplain), which have also not been mentioned within the Scoping Report.

Environment Agency flood models

Cont/d..

Please be aware that Environment Agency flood models are not designed to assess third party developments, so the Applicant should not assume that they are suitable for assessing the flood risk associated with the proposal. It is always the Applicant's responsibility to assess the suitability of an existing model on their project. Although Environment Agency flood modelling is often seen as the 'best available' flood modelling, these are created for our own purposes and usually at a catchment-scale. Although they are made available for third parties to use, it is up to the Applicant to review the modelling and determine whether it appropriately represents flood risk on a site-specific basis or whether any updates or modifications need to be made to improve its usefulness in informing the assessment of flood risk. The Applicant should also provide evidence of any modelling checks and subsequent updates carried out and document these in the FRA model reporting.

Flood Risk Activity Permits

Please note that the Environmental Permitting (England and Wales) Regulations 2016 require a flood risk activity permit (FRAP) or exemption to be obtained for any activities which will take place:

- On or within 8m of a main river (16 metres if tidal)
- On or within 8m of a flood defence structure or culverted main river (16m if tidal)
- On or within 16m of a sea defence
- Involving quarrying or excavation within 16m of any main river, flood defence (including a remote defence) or culvert
- In the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.

If any of the works are likely to require a FRAP under the Environmental Permitting Regulations (EPR), we recommend the Applicant deliberates early on whether they are considering the disapplication of the EPR and matters pertaining to FRAPs to be considered as Protective Provisions within the DCO.

Water Quality – intense rainfall

In paragraph 5.2.19, the Applicant makes the assumption that the solar modules will protect the ground from intense rainfall whilst vegetation becomes re-established post-installation.

Without supporting evidence, care must be taken with this assumption. Rainwater will need to drain off the solar modules and this could result in intense rainfall hitting the ground across a reduced surface area. This could result in the opposite of the predicted effect, with increased soil compaction and the formation of ruts and gullies during the temporary period between installation and vegetation establishment.

The Outline Construction Environmental Management Plan (CEMP) should consider all likely events to ensure that mitigation measures are in place for worst-case scenarios. This will reduce the likelihood that the development will cause sediment pollution or breach the conditions of any water discharge permits that may be granted for the works.

Pollution prevention

Within the Scoping Report the applicant confirms that an Outline CEMP will be included within the DCO application, which will mitigate and prevent pollution impacts during construction. Large construction sites of this nature often cause pollution due to the

Cont/d..

production of an insufficient CEMP or the failure of contractors to follow the CEMP. To reduce this risk, we recommend ensuring that the Outline CEMP includes pollution prevention measures that can withstand significant heavy rainfall events. Additionally, we recommend the inclusion of monitoring, reporting, and reviewing procedures to ensure the project team and principal contractor have sufficient oversight of employed contractors.

Discharge consents

A water discharge activity permit is required to carry out discharges of sewage and trade effluent. Given the size of the development it is unlikely that the Regulatory Position Statement on Temporary dewatering from excavations to surface water can be met and a permit will therefore likely be required to discharge dewatering effluent or surface water run-off generated from areas of exposed soil during construction.

If you don't meet the exemption and require a full abstraction licence you should be aware that some aquifer units may be closed for new consumptive abstractions in this area. More information can be found here: Hull and East Riding abstraction licensing strategy.

Please note that the typical timescale to process a licence application is 9-12 months. The applicant may wish to consider whether a scheme-wide dewatering application rather than individual applications would be beneficial. Given current timescales for determination of environmental permits, we encourage the applicant to engage with us on permit requirements at the earliest possible stage.

Waste moving off site

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to applicants if they produce, carry, keep, dispose of, treat, import, or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf.

If the Applicant needs to register as a carrier of waste, they should follow the instructions here: https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales

Where a development involves any significant construction or related activities, we would recommend using a management and reporting system to minimise and track the fate of construction wastes, such as that set out in PAS402: 2013, or an appropriate equivalent assurance methodology. This should ensure that any waste contractors employed are suitably responsible in ensuring waste only goes to legitimate destinations.

Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice.

Cont/d..

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.gov.uk/government/organisations/environment-agency for more information.

Use of waste on-site

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc…' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us. Please be aware that changes to the use of exemptions are expected to be implemented in 2024.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of the Waste Framework Directive as "any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy."
We have produced guidance on the recovery test which can be viewed at https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits#how-to-apply-for-an-environmental-permit-to-permanently-deposit-waste-on-land-as-a-recovery-activity.

You can find more information on the Waste Framework Directive here:
https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive

More information on the definition of waste can be found here:
https://www.gov.uk/government/publications/legal-definition-of-waste-guidance

More information on the use of waste in exempt activities can be found here:
https://www.gov.uk/government/collections/waste-exemptions-using-waste

Cont/d..

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice). However, you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here: https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests

This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:
- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at https://www.gov.uk/government/organisations/environment-agency for further guidance

If you require any local advice or guidance, please contact your local Environment Agency waste team at YorkshireWaste@environment-agency.gov.uk.

Battery Storage

Battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. Operators' of battery storage facilities should be aware of the Producer Responsibility Regulations. When a battery within a battery storage unit ceases to operate, it will need to be removed from the site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place. The Waste Batteries and Accumulators Regulations 2009 also apply.

We trust this advice is useful.

Yours faithfully

Miss Lizzie Griffiths
Planning Specialist – National Infrastructure Team

Direct dial [redacted]
Direct e-mail [redacted]

End

Historic England

Sir/Madam Communications Team
JBM Solar

Direct Dial: 01904 601988

Our ref: PL00794572
27 November 2023

Dear Sir/Madam Team

Peartree Hill Solar Farm, East Yorkshire.
Request for a Scoping Opinion.

Thank you for your email and attachments of 10th November 2023 notifying Historic England about the request for a Scoping Opinion for this DCO scheme.

While Historic England broadly welcomes measures to mitigate and adapt to the effects of climate change, we are aware that such developments have the potential to harm the significance of heritage assets and their settings. With this in mind Historic England has drawn up guidance for planners and developers on climate change and renewable energy technologies **https://historicengland.org.uk/whats-new/features/climate-change/.**

To assist in the implementation of national planning policy Historic England has produced guidance on managing change within the settings of heritage assets. The guidance offers a framework for the consideration of setting, applicable to designated and non-designated heritage assets, and for assessing the implications of development affecting the setting of a heritage asset. It provides the principal Historic England advice on the issue of setting and should be used in conjunction with other relevant guidance. The *Setting of Heritage Assets* is available at https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/

Our initial review indicates that the proposed development could, potentially, have an impact upon a number of designated heritage assets and their settings in the area. In line with the National Planning Policy Framework (NPPF, paragraph 194), we would expect any impact assessment produced by 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 sufficient to understand the potential impact of the proposal on their significance.

We would draw your, and the applicant's attention in particular, to the following designated heritage assets:

Scheduled Monuments:
Site of Meaux Cistercian Abbey, NHLE 1007843
Meaux Duck Decoy, 420m west of Meaux Decoy Farm, NHLE 1015305
Medieval moated tile kiln 250m north east of North Grange Farm, NHLE 1008039

Historic England

Heyholme moated site, NHLE 1008043

Listed Buildings:
The Minster Church of St John, Beverley, NHLE 1084028

Conservation Areas:
Long Riston, designated 2009
.
Registered Park and Garden:
Burton Constable gr II*, NHLE 1000921

This is **not** an exhaustive list and other heritage assets may also be identified as part of the assessment process which would require appropriate consideration.

In particular, we would expect the assessment to be robust and clearly demonstrate that the extent of the proposed study area is of the appropriate size to ensure that all heritage assets likely to be affected by this development have been included and can be properly assessed. Methodologies that can help to inform the extent of the study area include a Visual Impact Assessment and the production of a Zone of Theoretical Visibility (ZTV) in line with current guidance. The ZTV of the proposed development should initially be based on topographical data before the impact of existing trees and buildings etc. on lines of sight is assessed**.**

Our initial assessment of the proposal suggests that the applicant should employ a 5km radius of the application site for an appropriately sized study area. The assessment should also include those sites outside of this area where there is intervisibility between heritage assets and the application sites, and a relationship between sites.

We would also expect any heritage impact assessment to consider the potential impacts which the proposals might have upon those heritage assets which are not designated. The NPPF defines a heritage asset as “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”. This includes designated heritage assets and assets identified by the local planning authority (including local listing). This information is available via the local authority Historic Environment Record (www.heritagegateway.org.uk <http://www.heritagegateway.org.uk>) and relevant local authority staff.

We recommend that the applicant involve the Conservation Officer of East Riding of Yorkshire Council and the archaeological staff at Humber Archaoeology Partnership in the development of this assessment. They are best placed to advise on: local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets, and possible uses of the Community Benefit Fund.

37 TANNER ROW YORK YO1 6WP
Telephone 01904 601948
HistoricEngland.org.uk

In general terms, Historic England advises that a number of considerations will need to be taken into account when proposals for solar energy are assessed. This includes consideration of the impact of ancillary infrastructure, such as tracks and grid connections, as well as the solar panels themselves: section drawings and techniques such as photomontages are a useful part of this.

• The potential impact upon the historic character of the landscape, including landscape features which positively contribute to character.
• Direct impacts on heritage assets (buildings, monuments, sites, places, areas, landscapes), whether designated or not.
• Impacts on the settings of heritage assets since elements of setting can contribute to the significance of a heritage asset. An assessment of the impact on setting will be proportionate to the significance of the asset and the degree to which the proposed changes enhance or detract from its significance and the ability to appreciate the asset. In the consideration of setting a variety of views may make a contribution to significance to varying degrees. These can include long-distance views as well as the inter-visibility between heritage assets or between heritage assets and natural features. Views should include dynamic or kinetic assessments rather than being entirely from fixed points in the landscape. Viewpoints should not be taken solely from public access or public rights of way locatons. Similarly we would expect the setting assessment to characterise 'experience' - being the manner in which a place is enjoyed and understood. It is often the case that impact assessments refer to the published setting guidance, but only assess visual impacts, when the guidance clearly states that 'setting' also relates to how a place is 'experienced'.
For further advice see *The Setting of Heritage Assets*.
• The potential for archaeological remains.
• Effects on landscape amenity from public and private land.
• The cumulative impacts of the proposal, which are particularly significant in the Holderness area

Of particular importance is the possible impact on views from and to Beverley Minster, and from third locations looking at the application site and Beverley Minster in the same view.

We would also advise that the applicant discuss their proposal with the Albanwise Estate. This latter estate (centred on Leven Carrs) adjoins the area of the proposed Peartree Hill Solar Farm, and is about to embark on a Landscape Recovery Project in partnership with Natural England, the Environment Agency and Forestry Commission (amongst other partners). The aim is to deliver landscape-scale dynamic wetlands, which will provide for nature, farming and people. It will be essential therefore that the landscape options identified for the Peartree Hill site work in concert with the proposed Leven Carrs Landscape Recovery Project, but it is also the case that the two projects working together could generate opportunities to explore the historical depth of this particular landscape.

It is important that the assessment is robust, comprehensive and designed to ensure that

all impacts are fully understood.

Yours sincerely,

Keith Emerick

Keith Emerick
Ancient Monuments Inspector
[redacted]

cc: James Goodyear, Humber Archaeology Partnership
Emma Ings, Headland Archaeology
JBM Solar Ltd, Communications Team
Sarah Aitken, Albanwise Environment Manager

The Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol
BS1 6PN

FAO: Alison Down

Your Ref:
Our Ref: JC/SM
Contact Officer: Simon Mounce
Telephone: [redacted]
Email: [redacted]
Textphone: [redacted]
Date: 8th December 2023

Dear Sir/Madam,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by JBM Solar Ltd (the Applicant) for an Order granting Development Consent for the Peartree Hill Solar Farm (the Proposed Development)

Thank you for consulting Hull City Council and inviting comments on the request for a scoping opinion in connection with the above.

6.1 Air Quality:

There is a designated Air Quality Management Area (AQMA) within the city of Hull, and given that part of the proposed cable route could be located within the administrative area of Hull City Council, and that both strategic and local road networks in the city could be affected by increased vehicular traffic / HGV movements during the construction period, there is clear scope for the proposed development to generate emissions which could impact upon air quality both within and without the AQMA. Consequently, consultation should be undertaken with Environmental Health officers at Hull City Council, in addition to the East Riding of Yorkshire Council.

6.2 Biodiversity:

Given that part of the proposed cable route could be located within the administrative area of Hull City Council, it would be appropriate for Hull City council to be consulted on survey and assessment methodology, and habitats in close proximity to the potential cable route, including local wildlife sites.

6.3 Climate:

Given that part of the proposed cable route could be located within the administrative area of Hull City Council, it would be appropriate for the assessment to consider Hull City Council's carbon neutral strategy and net zero target.

Hull City Council's Strategic Flood Risk Assessment holds finer grain modelled data on flood risk zones at the local level.

6.4 Cultural Heritage:

in addition to the resources listed in the table *Data sources to inform the EIA baseline characterisation,* it is recommended that Google earth imagery is utilised alongside the other remote imagery listed, and that tithe maps are looked at in order to recognise historic hedgerows, as defined under the Hedgerow Regulations 1997. A metal detection survey can also be useful in identifying the potential for early medieval remains.

The programme of archaeological surveys and subsequent on-site evaluation works will be required to take place not only on the areas of solar panels themselves, but also on ancillary infrastructure such as compounds, grid connections, roads etc.

A strategy to provide information to the public should be considered at an early stage due to the likely interest that large scale archaeological works will generate due to their visibility in the landscape.

6.5 Land, Soils and Groundwater:

Given that part of the proposed cable route could be located within the administrative area of Hull City Council, it would be appropriate for Hull City council to be consulted in addition to the organisations listed, especially as the areas of the city in question are situated within groundwater source protection zones.

6.6 Landscape and Visual:

Given that part of the proposed cable route could be located within the administrative area of Hull City Council, and that there is potential for impacts to register with receptors from within both the Kingswood and Orchard Park areas of the city, it would be appropriate for Hull City Council to be consulted on selection of assessment viewpoints in addition to the organisations listed.

6.7 Noise and Vibration

Given that part of the proposed cable route could be located within the administrative area of Hull City Council, and that both strategic and local road networks in the city could be affected by increased vehicular traffic / HGV movements during the construction period, there is clear scope for noise and vibration impacts to register with sensitive receptors within the city, and it would therefore be appropriate for Hull City Council to be consulted on selection of assessment viewpoints in addition to the organisations listed.

6.8 Transport and Access

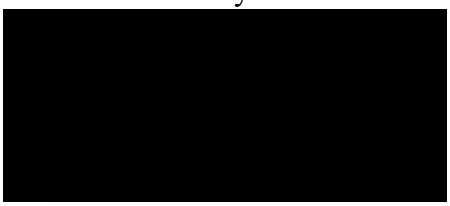
Given that part of the proposed cable route could be located within the administrative area of Hull City Council with potential impacts for the free flow of traffic along that route, and that both strategic and local road networks in the city (absent from the study area list) could be affected by increased vehicular traffic / HGV movements associated with both site staff and materials sourcing during the construction period, it would be appropriate for Hull City Council to be consulted in addition to the organisations listed.

Such consultation should involve, as a minimum, levels and routing of construction traffic, especially at peak times, the role of the Port of Hull as a source of materials for the project and associated routing and junction impacts, and Construction Traffic Management Plan content.

7 Cumulative Effects

Given that part of the proposed cable route could be located within the administrative area of Hull City Council with potential impacts for the free flow of traffic along that route, and that both strategic and local road networks in the city (absent from the study area list) could be affected by increased vehicular traffic / HGV movements, it would be appropriate for Hull City Council to be consulted in addition to the organisations listed, particularly in respect of cumulative traffic impacts from other developments which are programmed to be delivered over the same timeframe, including other NSIP developments sourcing materials via the Port of Hull, or generating construction staff traffic from within the City of Hull.

Yours sincerely



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Date: 08 December 2023
Our ref: 456411
Your ref: EN010157

Consultations
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T 0300 060 900

The Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol
BS1 6PN
PeartreeHillSolarFarm@planninginspectorate.gov.uk

BY EMAIL ONLY

Dear Sir/Madam

Environmental Impact Assessment Scoping consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11

Proposal: Peartree Hill Solar Farm
Location: North West of Leven and between the villages of Tickton, Riston, Wawne, Weel and Woodmansey

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 10 November 2023, received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Detailed advice on scoping the Environmental Statement is available in the attached Annexes.

Natural England notes that it has provided the applicant with brief pre-application advice.

For any further advice on this consultation please contact consultations@naturalengland.org.uk.

Yours sincerely

Elen Squires
Yorkshire and Northern Lincolnshire Area Team
Natural England

Annex A – Natural England Advice on EIA Scoping

1. General Principles

1.1 Regulation 11 of the Infrastructure Planning Regulations 2017 - (The EIA Regulations) sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Appropriately scaled and referenced plans which clearly show the information and features associated with the development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects and matters requested to be scoped out of further assessment with adequate justification provided.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development.
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- An outline of the structure of the proposed ES.

2. Cumulative and in-combination effects

2.1 It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments an current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2.2 The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

a. existing completed projects;
b. approved but uncompleted projects;
c. ongoing activities;
d. plans or projects for which an application has been made and which are under

consideration by the consenting authorities; and

e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

2.3 Table 1 includes a non-comprehensive list of other projects that are proposed in close proximity to this proposal. The ES should consider potential impacts from the Project both alone and in-combination with all other relevant plans or projects.

Table 1: Non-comprehensive list of plans or projects that Natural England are aware of that might need to be considered in the ES
Project /Plan
20/00758/STPREP – Tickton Bridge, Tickton.
21/02335/STPLF – Land South of Creyke Beck, Cottingham.
22/01199/PLF – Land near Carr Plantation, Ferry Road, Wawne.
22/03648/STPLF – Carr Farm, Tickton.

3. Environmental Data

3.1 Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at http://www.naturalengland.org.uk/publications/data/default.aspx.

3.2 Detailed information on the natural environment is available at www.magic.gov.uk. This includes Marine Conservation Zone GIS shapefiles.

3.3 Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

3.4 Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

4. Biodiversity and Geodiversity

4.1 The assessment will need to include potential impacts of the proposal upon sites and features of nature conservation interest as well as opportunities for nature recovery through biodiversity net gain (BNG). There might also be strategic approaches to take into account.

4.2 Ecological Impact Assessment (EcIA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other

forms of environmental assessment or appraisal. Guidelines have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

4.3 For additional information relating to Solar Parks, it may be helpful to refer to the Technical Information Note at the link below, which provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment. Solar parks: maximising environmental benefits (TIN101).

4.4 For additional information regarding this impact of solar farms on birds, bats and general ecology, please refer to the report below, which provides an evidence review of relevant scientific and grey literature. Evidence review of the impact of solar farms on birds, bats and general ecology 2016 - NEER012 (naturalengland.org.uk).

5. International and European sites

5.1 The development site is within or may impact on the following **European/internationally designated nature conservation site(s):**

- Humber Estuary Special Protection Area (SPA).
- Humber Estuary Special Area of Conservation (SAC).
- Humber Estuary Ramsar.

5.2 The ES should thoroughly assess the potential for the proposal to affect internationally designated sites of nature conservation importance / European sites, including marine sites where relevant. This includes Special Protection Areas (SPA), Special Areas of Conservation (SAC), listed Ramsar sites, candidate SAC and proposed SPA.

5.3 Article 6 (3) of the Habitats Directive requires an appropriate assessment where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other plans or projects.

5.4 Table 2 provides advice on potential impacts where further information is required to assess the potential impacts on internationally designated sites. This advice is based on the information provided at this stage. Natural England may have more detailed comments to make once further information is provided.

Table 2: Potential risk to International designated sites: the development is within or may impact on the following European/Internationally designated site(s)	
Site name with link to conservation objective	**Potential impact pathways where further information/assessment is required.**
1. Humber Estuary Special Protection Area (SPA) European Site Conservation Objectives for Humber Estuary SPA -	Potential impacts to functionally linked land Potential impacts that may arise from the proposal relate to the presence of mobile SPA interest features both within and outside of the site boundary. Natural England advises that the potential for onsite and offsite impacts should be considered in assessing what, if any, potential impacts the proposal may have on European sites.

UK9006111 (naturalengland.org.uk)	Natural England advises the HRA should consider: • any impacts due to potential direct loss of functionally linked feeding habitat for Humber Estuary SPA bird species; • the potential for loss of functionally linked land which is adjacent to the project due to disruption of open vistas; • the potential for noise and visual disturbance impacts (including lighting) on functionally linked land during construction and operation. Natural England notes that 6.2.4 of the *Peartree Hill Solar Farm EIA Scoping Report* (November 2023) states that *'ornithology surveys (breeding and non-breeding season) of the Site (excluding the cable route/corridor)'* were *'undertaken between 2021 and 2023'.* Additionally, *'further targeted non-breeding bird surveys including nocturnal surveys'* are *'anticipated to be undertaken in 2023/2024'.* It is additionally stated in 6.2.7 that *'the bird survey data is currently being reviewed… with additional wintering survey ongoing to aid assessment'*. We welcome that wintering bird surveys are underway and will provide detailed advice once the results are available to review. We note that the methodology for these surveys was not included in the documents provided, so we are unable to advise on their suitability at this stage. Please refer to Annex C (attached) for Natural England's guidance on passage and wintering bird surveys for functionally linked land associated with the Humber Estuary designated sites. The Humber Estuary SPA qualifies under article 4.2 of the European Commission Bird Directive (79/409/EEC) in that it supports an internationally important assemblage of waterbirds. Natural England note that 6.2.5 of the *Peartree Hill Solar Farm EIA Scoping Report* (November 2023) provides a list of Humber qualifying species. Natural England advise that the applicant refer to Annex B for further guidance on the 'main component species' of the assemblage. Please note that the HRA likely significant effect test identifies whether there is a credible risk that the project might undermine the conservation objectives for a European site. In this case, we advise that likely significant effect from loss of functionally linked land cannot be ruled out at the screening stage due to potential habitat suitability and the presence of SPA species recorded at the site. Therefore, we advise that the bird survey results, and other relevant data, should be considered at the appropriate assessment stage of the HRA. We note from section 6.2.5 of the *EIA Scoping Report* (November 2023) that 800 golden plover were recorded within the site boundary. This represents 3.84% of the Humber Estuary population (based on

	the Humber Estuary WeBS 5-year average count). We therefore advise that these results should be assessed in more detail. Natural England has generally advised that if ≥1% of a Humber Estuary bird species population could be affected by a proposal, alone or in combination with other plans or projects, then further consideration is required. However, where species are particularly vulnerable due to declines in the Humber population, then it may not be appropriate to rely on the 1% of the estuary population as the critical threshold. Mitigation measures may be required where lower numbers of vulnerable species are using a site that is proposed for development.
2. Humber Estuary Special Area of Conservation (SAC) European Site Conservation Objectives for Humber Estuary SAC - UK00300170 (naturalengland.org.uk)	Potential air quality impacts Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Natural England welcomes the commitment to assess air quality impacts resulting from *'dust and particulate matter emissions'* and *'traffic exhaust emissions'*. We advise that air quality impacts from machinery and generators are also included in the air quality assessment. Impacts during both construction and operation should be considered. Natural England has produced guidance for public bodies to help assess the impacts of road traffic emissions to air quality capable of affecting European Sites - Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations - NEA001 – which should be referred to in the assessment. We note that currently ecological receptors within 50m of the development site have been scoped in for further assessment. However, as detailed in guidance document NEA001, we advise that designated sites within 200m of a road which will experience a significant increase in traffic movements from the proposal should be assessed for impacts due to air pollution from traffic. In addition, ammonia can be emitted from vehicle exhaust emissions as a by-produce of the catalytic conversion process designed to reduce emissions of nitrogen oxide. Natural England therefore advises that ammonia sourced from traffic emissions should be included for assessment within the HRA. For further information please see this report from Air Quality Consultants (AQC) that looks at ammonia emissions from roads for assessing impacts on nitrogen-sensitive habitats. The current CREAM model created by AQC used to assess ammonia emissions from road traffic has not been peer

	reviewed, however, at this time it has been recognised as a Best Available Tool and we deem it appropriate to be used where any caveats associated with this model are also considered within the assessment. <u>Impacts on lamprey migration routes during construction and operation</u> We note that *Appendix C: Proposed Development Layout* of the *EIA Scoping Report* (November 2023) indicates that the River Hull passes through areas of land within the site boundary, labelled as the *'Western land option'* and *'Eastern land option'*. Natural England advises that the River Hull is a lamprey migration route. We therefore advise that potential construction and operation impacts to lamprey migration routes should be assessed, including potential impacts resulting from noise and vibration and habitat loss/degradation. Consideration should also be given to potential water quality impacts.
3. Humber Estuary Ramsar Designated Sites View (naturalengland.org.uk)	Our advice regarding the Humber Estuary Ramsar broadly coincides with the above advice for the relevant features of the Humber Estuary SPA and Humber Estuary SAC.

6. Nationally designated sites - Sites of Special Scientific Interest

6.1 Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 (as amended). Further information on the SSSI and its special interest features can be found at www.magic.gov .

6.2 The development site is within or may impact on the following Sites of Special Scientific Interest:

- Tophill Low SSSI
- Level Canal SSSI
- Humber Estuary SSSI

6.3 The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within Tophill Low SSSI and the Leven Canal SSSI. Appropriate mitigation measures to avoid, minimise or reduce and significant adverse effects should be identified where required.

6.4 Our advice regarding the Humber Estuary SSSI broadly coincides with that set out in section 5 above for the corresponding European sites. However, we highlight that Humber Estuary SSSI is designated for additional features. Therefore, potential impacts on these features should also be considered in the relevant assessment and appropriate justification provided where impacts are ruled out.

6.5 Natural England notes that 6.2.9 of the *EIA Scoping Report* (November 2023) states that Leven Canal SSSI does *'not lie within the site boundary'*. However, Natural

England highlights that *Appendix C: Proposed Development Layout*, of the *EIA Scoping Report* (November 2023) currently indicates that the Leven Canal SSSI is situated within the site boundary, in an area marked as a cable corridor. Natural England therefore advises that potential impact pathways need to be assessed such as direct habitat loss and impacts to water quality, water supply and air quality.

6.6 We note that 6.2.9 of the *EIA Scoping Report* (November 2023) states that wintering wildfowl at Tophill Low SSSI would *'habituate to any noise emissions'* during the operational phase of the project. However, Natural England advise that further information is required to assess noise impacts on Tophill Low SSSI and all operational impacts should be assessed in the Environmental Statement.

6.7 For advice on potential air quality impacts on the relevant nationally designated sites, please refer to the advice in Table 2.

7. Protected Species

7.1 The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

7.2 The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

7.3 Natural England has adopted standing advice for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required. Applicants can make use of Natural England's charged Pre Submission Screening Service for a review of a draft wildlife licence application.

8. District Level Licensing for Great Crested Newts

8.1 Where strategic approaches such as district level licensing (DLL) for great crested newts (GCN) are used, a letter of no impediment (LONI) will not be required. Instead, the developer will need to provide evidence to the Examining Authority (ExA) on how and where this approach has been used in relation to the proposal, which must include a counter-signed Impact Assessment and Conservation Payment Certificate (IACPC) from Natural England, or a similar approval from an alternative DLL provider.

8.2 The DLL approach is underpinned by a strategic area assessment which includes the identification of risk zones, strategic opportunity area maps and a mechanism to ensure adequate compensation is provided regardless of the level of impact. In addition, Natural England (or an alternative DLL provider) will undertake an impact

assessment, the outcome of which will be documented in the IACPC (or equivalent).

8.3 If no GCN surveys have been undertaken, Natural England's risk zone modelling may be relied upon. During the impact assessment, Natural England will inform the Applicant whether their scheme is within one of the amber risk zones and therefore whether the Proposed Development is likely to have a significant effect on GCN.

8.4 The IACPC will also provide additional detail including information on the Proposed Development's impact on GCN and the appropriate compensation required.

8.5 By demonstrating that the DLL scheme for GCN will be used, consideration of GCN in the ES can be restricted to cross-referring to the Natural England (or alternative provider) IACPC as a justification as to why significant effects on GCN populations as a result of the Proposed Development would be avoided.

9. Priority Habitats and Species

9.1 Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found here. Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

9.2 Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to download. Further information is also available here.

9.3 An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

9.4 The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys).
- Additional surveys carried out as part of this proposal.
- The habitats and species present.
- The status of these habitats and species (e.g. whether priority species or habitat).
- The direct and indirect effects of the development upon those habitats and species.
- Full details of any mitigation or compensation measures.
- Opportunities for biodiversity net gain or other environmental enhancement.

10. Ancient Woodland, ancient and veteran trees

10.1 The ES should assess the impacts of the proposal on any ancient and veteran trees, and the scope to avoid and mitigation for adverse impacts. It should also consider

opportunities for enhancement.

10.2 Ancient woodland and ancient and veteran trees are irreplaceable habitats of great importance for its wildlife, its history, and the contribution it makes to our diverse landscapes. Paragraph 180 of the NPPF sets out the highest level of protection for irreplaceable habitats and development should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

10.3 We note that ancient woodland has been identified directly adjacent to the study area in Cote Wood Local Wildlife Site. Natural England welcome the recommendation that the CEMP will include measures to minimise potential impacts to adjacent ancient woodland at this site.

10.4 Natural England and the Forestry Commission have prepared standing advice on ancient woodland, ancient and veteran trees. In particular, Natural England recommends that the assessment guide is used to focus the assessment of potential impacts within the ES.

11. Biodiversity net gain

11.1 Natural England notes and supports the applicant's aspiration to deliver over 10% Biodiversity Net Gain (BNG) measured using Defra Metric 4.0 (or the most up to date metric at the time). However, given the scale of the project and a history of successful delivery of BNG for solar projects, Natural England encourages the applicant to commit to delivery of 10% BNG in all habitat types identified within the order limits, in accordance with the Environment Act 2021.

11.2 Natural England considers that major infrastructure developments should set the highest environmental standard. They should lead by example in showing how investment in sustainable infrastructure can better serve communities, including through the delivery of environmental goals, such as flood resilience, expanding natural habitats and contributing toward Net Zero greenhouse gas emissions. Nature-based solutions built into infrastructure schemes provide one means for setting in place the government's 25 Year Environment Plan.

11.3 Natural England recognises the high opportunity for the development to deliver BNG on-site and it is recommended that the following guidance is applied in order to achieve this:

- Biodiversity Net Gain: Good Practice Principles for Development
- BS 8683: 2021 Process for designing and implementing Biodiversity Net Gain Specification

11.4 In addition, the applicant should be aware of forthcoming guidance and legislation in relation to the Environment Act 2021, which may be released in the interim prior to submission of the DCO application.

11.5 In order to maximise nature recovery and target habitat enhancement where it will have the greatest local benefit it is recommended that locally identified opportunities should be acknowledged and incorporated into the design of BNG (both on and off-site). This should include any locally mapped ecological networks and priority habitats identified by East Riding of Yorkshire Council. In addition, Local Nature Recovery Strategies (LNRS) are a new mandatory system of spatial strategies for

nature established by the Environment Act 2021 which will contribute to the national Nature Recovery Network (NRN). Work is currently underway to develop these strategies, which will identify strategic priorities for nature protection, recovery, and enhancement. Given the size, scale and opportunities afforded by the application is therefore recommended that engagement with relevant local planning authorities, responsible authorities and statutory consultees (including Natural England) is undertaken to align habitat enhancement through the development with any emerging plans and policies in relation to LNRS.

12. Connecting People with nature

12.1 The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100 and there will be reference in the relevant National Policy Statement. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

12.2 Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

13. Soils and Agricultural Land Quality

13.1 Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line paragraphs 5.168, 5.167 and 5.179 of the NPS for National Networks. Further guidance is set out in the Natural England Guide to assessing development proposals on agricultural land.

13.2 The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development.
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

13.3 This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

13.4 Further information is available in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction.

14. Climate Change

14.1 The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 174), which should be demonstrated through the ES.

Annex B: Humber Estuary Special Protection Area: non-breeding waterbird assemblage (Version 1.2, June 2023)

The Humber Estuary Special Protection Area (SPA) qualifies under article 4.2 of the European Commission Bird Directive (79/409/EEC) in that it supports an internationally important assemblage of waterbirds. Confusion can arise concerning which species to consider when assessing the Humber Estuary SPA non-breeding, waterbird assemblage feature.

Natural England recommends focusing on what are referred to as the 'main component species' of the assemblage. Main component species are defined as:

a) All species listed individually under the assemblage feature on the SPA citation (i.e the species that qualified in 2007 when the site was designated).
b) Species which might not be listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count (currently 2017/18 - 2021/22).
c) Species where more than 2000 individuals are present according to the most recent Humber Estuary WeBS count.

The assemblage qualification is therefore subject to change as species' populations change. It should be noted that species listed on the citation under the assemblage features, whose populations have fallen to less than 1% of the national population, retain their status as a main component species and should be considered when assessing the impacts of a project or plan on the Humber Estuary SPA.

Natural England advises that the main component species of the Humber Estuary SPA non-breeding waterbird assemblage include (June 2023):

a) Species listed individually under the assemblage feature on the SPA citation:

- Avocet, *Recurvirostra avosetta* (non-breeding)
- Bar-tailed godwit*, Limosa lapponica* (non-breeding)
- Bittern, *Botaurus stellaris* (non-breeding)
- **Black-tailed godwit*, Limosa limosa islandica* (non-breeding)[1]**
- **Brent goose, *Branta bernicla* (non-breeding)[1]**
- **Curlew, *N. arquata* (non-breeding)[1]**
- **Dunlin, *Calidris alpina alpina* (non-breeding)[1]**
- **Golden plover, *Pluvialis apricaria* (non-breeding)[1]**
- Goldeneye, *Bucephala clangula* (non-breeding)
- Greenshank, *T. nebularia* (non-breeding)
- Grey plover, *P. squatarola* (non-breeding)
- Knot, *Calidris canutus* (non-breeding)
- **Lapwing, *Vanellus vanellus* (non-breeding)[1]**
- **Mallard, *Anas platyrhynchos* (non-breeding[1]**
- Oystercatcher, *Haematopus ostralegus* (non-breeding)
- Pochard, *Aythya farina* (non-breeding)
- **Redshank, *Tringa totanus* (non-breeding[1]**
- Ringed plover, *Charadrius hiaticula* (non-breeding)
- **Ruff, *Philomachus pugnax* (non-breeding)[1]**
- Sanderling, *Calidris alba* (non-breeding)

- Scaup, *Aythya marila* (non-breeding)
- **Shelduck, *Tadorna tadorna* (non-breeding) [1]**
- **Teal, *Anas crecca* (non-breeding)[1]**
- Turnstone, *Arenaria interpres* (non-breeding)
- **Whimbrel, *Numenius phaeopus* (non-breeding)[1]**
- **Wigeon, *Anas Penelope* (non-breeding)[1]**

And

b) Species which are not listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count:

- Green sandpiper, *Tringa ochropus* (non-breeding)
- **Greylag goose, *Anser anser* (non-breeding)[1]**
- **Little egret, *Egretta garzetta* (non-breeding)[1]**
- **Pink-footed goose, *Anser brachyrhynchus* (non-breeding)[1]**
- Shoveler, *Anas clypeata* (non-breeding)
- **Crane, *Grus grus* (non-breeding)[1]**

As stated above, the assemblage qualification is subject to change as species' populations change; therefore, the appropriate WeBS data should be considered in any assessment and the above list should be used as a guide only.

Please note, the advice set out above should be considered when assessing potential impacts on the waterbird assemblage feature. You will also need to consider potential impacts on species which are not considered to be non-breeding waterbirds but are listed on the citation qualifying under article 4.1 and 4.2 of the Directive. These include:

- **Hen harrier, *Circus cyaneus* (non-breeding)[1]**
- **Marsh Harrier, *Circus aeruginosus* (breeding)[1]**
- Little tern, *Sterna albifrons* (breeding)
- Avocet*, Recurvirostra avosetta* (breeding)
- Bittern, *Botaurus stellaris* (breeding)

The species marked **[1] in bold text** are known to use off-site supporting habitat / functionally linked land (FLL) (e.g. arable farmland, grassland/pasture, and/or non-estuarine waterbodies) in the non-breeding season and may therefore be the most relevant for assessing potential impacts of a proposed plan/project on birds using FLL associated with the Humber Estuary SPA. However, please note that this list should be used as a guide only; usage may depend on factors such as the habitats available on the site and distance to the Humber Estuary etc. Therefore, assessments of potential impacts on birds using functionally linked land should consider all relevant species and clear justification should be provided if any species are excluded from the assessment.

Annex C: Passage and wintering bird surveys for functionally linked land associated with the Humber Estuary and/or Lower Derwent Valley designated sites (Version 1, December 2021)

Background

The below guidance is intended to inform assessments of proposed development sites in proximity to the Humber Estuary and/or the Lower Derwent Valley designated sites only, where potential impacts from loss of/disturbance to functionally linked land (FLL) have been identified, for example due to presence of suitable habitat (such as arable land/grassland or open waterbodies) and/or relevant bird records and/or local knowledge.

Natural England recommends that surveys are undertaken of the site and surrounding fields to provide an overview of bird usage during wintering and spring/autumn passage periods.

We recommend that the surveys are carried out in line with the following best practice guidance. Where alternative approaches are used, clear justification should be provided.

A detailed methodology should be included in the relevant report/s, including key information such as number of visits, date and time of visits, viewpoint locations and/or transect routes walked.

Please note that recommended survey periods, frequency and design may differ for sites located within the boundaries of Humber Estuary or Lower Derwent Valley designated sites, or in proximity to other designated sites. Please contact Natural England in such cases.

Survey periods and frequency

Natural England recommends that surveys are completed at the following frequency:

- Autumn Passage – two surveys per month between August to October inclusive. Weekly visits during the Autumn passage period are recommended where birds are likely to be present in the migration period only, due to high turnover of birds during migration;
- Winter - two surveys per month between October to March inclusive;
- Spring Passage – two surveys per month between March - Mid-May inclusive. Weekly visits during the Spring passage period are recommended where birds are likely to be present in the migration period only, due to high turnover of birds during migration.

We advise that spring and autumn passage surveys are completed (in addition to winter surveys) as the Humber Estuary and Lower Derwent Valley SPAs are important for species migrating between breeding and wintering sites.

Note that certain passage species, such as whimbrel associated with the Lower Derwent Valley SPA, may have specific survey requirements due to their migration behaviour. Please discuss such cases with Natural England.

Natural England recommends that two years of wintering and passage surveys should be completed in certain cases to provide a more robust understanding of SPA bird usage on the site and inform design of suitable mitigation, where relevant. This will depend on site-specific factors, for example where proposed development sites:

- are in very close proximity to the designated site/s; and/or
- have a large development footprint; and/or

- are expected/shown to have high bird sensitivity, especially where activity varies significantly between years; and/or
- existing bird records / expert advice demonstrates usage of the site by high numbers of SPA birds.

We will confirm whether two years of wintering and passage surveys are recommended for this proposed development site via email or letter.

Survey design

Wintering/passage surveys should be designed to ensure that results are sufficient to provide a robust picture of distribution, abundance and regularity of use by waterbirds associated with the Humber Estuary and/or Lower Derwent Valley SPAs across the full extent of the proposed development site. Please refer to Annex B and Annex B1 for the non-breeding waterbird assemblage list for the Humber Estuary and/or Lower Derwent Valley SPA, respectively.

The survey results should provide some understanding of how the birds use the site (for example, for roosting or foraging) as well as presence/ absence. We would expect to see commentary of birds landing and taking off within and outwith the development site. We also recommend recording birds in flight, particularly if the application may have the potential to affect bird flight lines.

For sites in close proximity to the Humber Estuary, the surveys should cover different tidal states. Use of sites closer to the estuary are more likely to be tidally influenced. For sites which may potentially affect high tide roosts, observations should be conducted from two hours before high tide to two hours after high tide. For sites where there are high tide roosts, it may be beneficial to have a series of counts at different heights of tides, as some sites are only used on Spring tides and others are only used on Neap and low tides.

For sites in proximity to the Lower Derwent Valley, the surveys should cover different times of day and different flooding states in the valley. For example, during certain winter periods, the designated site may be extensively flooded and therefore usage of surrounding functionally linked land will be higher for wading birds.

Weather conditions during the surveys should be recorded and consideration should be given to potential effects of poor weather/ visibility conditions on results.

The surveys should cover open arable land/grassland and any waterbodies within the proposed site boundary, as well as land adjacent to the development that could be affected and provides the potential to support designated site species. Where a site is adjacent to the Humber Estuary designated site, additional considerations may be required, for example ensuring adequate surveys of intertidal habitats. Please contact Natural England in such cases.

Survey design may also need to take account of surveys at dusk and dawn, depending upon the bird species (i.e. geese and swans). If geese and swans have the potential to use the development site or surrounding area, we would expect to see surveys 1 hour before and 1 hour after, dusk and dawn during the respective bird survey season (i.e. winter, spring and autumn passage (as above)). These surveys should be in addition to the standard daytime survey but can be carried out on the same day. For example, a dawn survey to count geese or swans at their night-time roost could then extend into a survey of daytime use of fields for foraging.

Natural England generally recommends that observations from vantage points (VP) are used. VP surveys are considered preferable to walkover surveys for observing behaviour of

birds on the ground (i.e., whether they are foraging/loafing etc.), and to minimise the risk of flushing birds due to movement of a surveyor during a walkover survey. Also, birds which may otherwise have landed in the field during the survey period may be unlikely to do so with the presence of a moving surveyor. If landscape features mean it is not possible to avoid walking through part of the survey area to get from one point count to another, this should be noted and the reaction of any birds present recorded, including any that are flushed.

Further guidance on vantage point (VP) surveys can be found at Recommended bird survey methods to inform impact assessment of onshore windfarms | NatureScot. Natural England recognises that the NatureScot VP guidance is written for impacts associated with wind turbines. However, Natural England considers that the survey guidance detailed in Section 3.7 provides an appropriate methodology to identify distribution and abundance of birds to inform the assessment of other developments. We acknowledge that some of the information regarding the required watch hours and height considerations etc will not be relevant in the context of other developments. Therefore, site-specific considerations should be taken into account when designing the survey methods.

Where VP surveys are not considered appropriate for a particular site, clear reasoning and justification regarding the alternative survey methods undertaken should be provided.

Natural England has generally advised that if ≥1% of a Humber Estuary bird species population could be affected by a proposal, alone or in combination with other plans or projects, then further consideration is required. However, where species are particularly vulnerable due to declines in the Humber population, then it may not be appropriate to rely on the 1% of the estuary population as the critical threshold. Mitigation measures may be required where lower numbers of vulnerable species are using a site that is proposed for development.

Nocturnal surveys

Wader and waterfowl usage of arable land/grassland outside designated sites can be substantially different at night. Therefore, Natural England recommends nocturnal surveys are also carried out if waders and/or waterfowl have the potential to use the development site. We recommend that several visits should be completed to determine if the site and/or surrounding areas play a regular role in supporting SPA species at night. Night vision/infra-red equipment and survey on moonlit nights can establish presence of nocturnal species or presence and direction of feeding/migration movements both by calls and by sight[1].

Guidance on nocturnal surveys can be found at Nocturnal bird surveys | Bird Survey Guidelines. The nocturnal survey design should take this guidance into account, and the approach should be justifiable in the assessment. It should be noted that for most species nocturnal activity is likely to be underestimated in any attempted survey[1].

[1] Scottish Natural Heritage: Recommended bird survey methods to inform impact assessment of onshore wind farms (March 2017- Version 2).

From: [redacted] on behalf of Town Planning LNE
To: Peartree Hill Solar Farm
Subject: EN010157 - Peartree Hill Solar Farm Scoping Opinion
Date: 06 December 2023 14:58:44
Attachments: image001.png

OFFICIAL

Network Rail Consultation Response

FAO:	Planning Inspectorate
Date:	06/12/2023
Application reference:	EN010157
Proposal:	Peartree Hill Solar Farm Scoping Opinion
Location:	Peartree Hill Solar Farm

Thank you for your recent correspondence relating to the above scoping consultation.

Network Rail is a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests, will need to be carefully considered.

Impact on Network Rail Infrastructure
With reference to the protection of the railway, the Environmental Statement should consider any impact of the scheme upon the railway infrastructure and upon operational railway safety. In particular, it should include a Transport Assessment to identify any HGV traffic/haulage routes associated with the construction and operation of the site that may utilise railway assets such as bridges and level crossings during the construction and operation of the site.

Please note that if the intention is to install cabling/network connections through railway land, the developer will be need an easement from Network Rail and we would recommend that they engage with us early in the planning of their scheme in order to discuss and agree this element of the proposals.

Summary
Network Rail would be grateful if the comments above are considered by The Planning Inspectorate. Network Rail would welcome further discussion and negotiation with The Planning Inspectorate and JBM Solar Ltd (the Applicant) in relation to the proposed development as required going forward. If you have any questions or require more information in relation to the above please let me know.

Kind regards

Aaron Walsh
Graduate
Network Rail Property (Eastern Region)
George Stephenson House, Toft Green, York, YO1 6JT

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

Tiffany Bate
Development Liaison Officer
UK Land and Property
[redacted]

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:
PeartreeHillSolarFarm@planninginspectorate.gov.uk

08 December 2023

Dear Sir/Madam

APPLICATION BY JBM SOLAR LTD (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE PEARTREE HILL SOLAR FARM (THE PROPOSED DEVELOPMENT)

SCOPING CONSULTATION RESPONSE

I refer to your letter dated 10 November 2023 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET).

Having reviewed the scoping report, I would like to make the following comments regarding NGET existing or future infrastructure within or in close proximity to the current red line boundary.

NGET has high voltage electricity overhead transmission lines, underground cables and a high voltage substation within the scoping area. The overhead lines and substation forms an essential part of the electricity transmission network in England and Wales.

Existing Infrastructure

Substation

- Creyke Beck 132 kV Substation
- Creyke Beck 400 kV Substation
- Associated overhead and underground apparatus including cables

Overhead Lines

YYW 400 kV OHL	Creyke Beck – Salt End North Creyke Beck- Hedon
4ZR 400 kV OHL	Creyke Beck – Thornton 1 Creyke Beck- Thornton 2

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4ZQ 400 kV OHL Creyke Beck – Humber Refinery– Keadby
Creyke Beck- Keadby- Killinghome

Cable Apparatus

- Cable Fibre- 6872

New infrastructure

Please refer to the Holistic Network Design (HND) and the National Grid ESO website to view the strategic vision for the UK's ever growing electricity transmission network. https://www.nationalgrideso.com/future-energy/the-pathway-2030-holistic-network-design/hnd'

NGET requests that all existing and future assets are given due consideration given their criticality to distribution of energy across the UK. We remain committed to working with the promoter in a proactive manner, enabling both parties to deliver successful projects wherever reasonably possible. As such we encourage that ongoing discussion and consultation between both parties is maintained on interactions with existing or future assets, land interests, connections or consents and any other NGET interests which have the potential to be impacted prior to submission of the Proposed DCO.

The Great Grid Upgrade is the largest overhaul of the electricity grid in generations, we are in the middle of a transformation, with the energy we use increasingly coming from cleaner greener sources. Our infrastructure projects across England and Wales are helping to connect more renewable energy to homes and businesses. To find out more about our current projects please refer to our network and infrastructure webpage. https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects. Where it has been identified that your project interacts with or is in close proximity to one of NGET's infrastructure projects, we would welcome further discussion at the earliest opportunity.

These projects are all essential to increase the overall network capability to connect the numerous new offshore wind farms that are being developed, and transport new clean green energy to the homes and businesses where it is needed.

I enclose a plan showing the location of NGET's apparatus in the scoping area.

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Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

Specific Comments – Electricity Infrastructure:

- NGET's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset

- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. NGET recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for "overhead line clearances Issue 3 (2004)".

- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.

- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.

- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum "sag" and "swing" and overhead line profile (maximum "sag" and "swing") drawings should be obtained using the contact details above.

- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.

- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation ("pillar of support") drawings can be obtained using the contact details above.

- NGET high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide NGET full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with NGET prior to any works taking place.

- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

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To download a copy of the HSE Guidance HS(G)47, please use the following link:
http://www.hse.gov.uk/pubns/books/hsg47.htm

Further Advice

We would request that the potential impact of the proposed scheme on NGET's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, NGET is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

NGET requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: **box.landandacquisitions@nationalgrid.com**

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

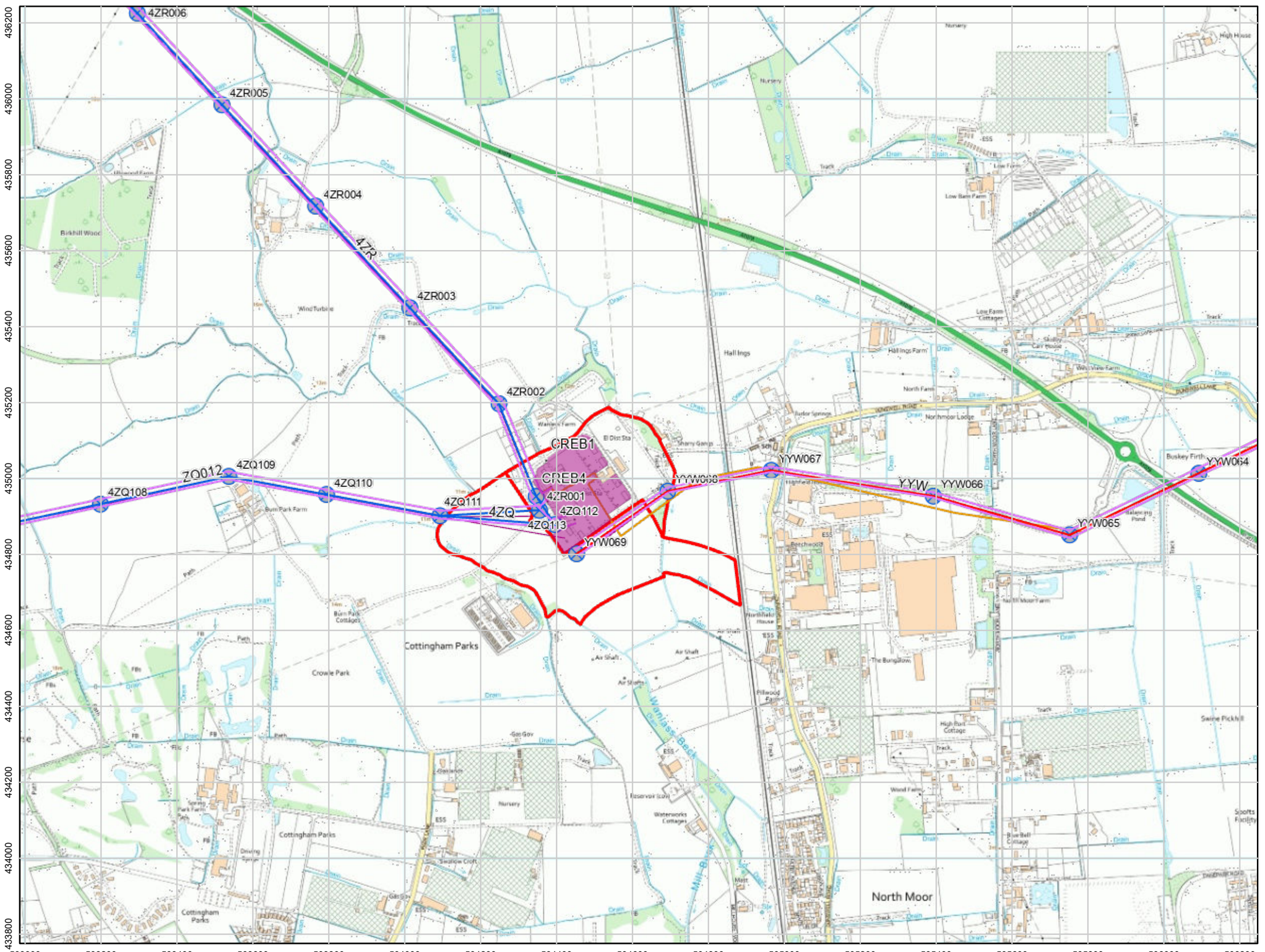
The information in this letter is provided not withstanding any discussions taking place in relation to connections with electricity customer services.

Yours faithfully

[redacted]

Tiffany Bate
Development Liaison Officer
Commercial and Customer Connections
Electricity Transmission Property Land and Property

nationalgrid | National Grid Web Map



Legend

ET ASSETS

Overhead Transmission Line

Electric Land Ownership

Electric Land Ownership - Freehold

Telecoms

RAMM

Fibre Cable

Fibre Cable Commissioned

Towers

Towers Commissioned

OHL 275Kv

OHL 275Kv Commissioned

OHL 400Kv

OHL 400Kv Commissioned

OHL Circuits

Commissioned

Substations

Substations Commissioned

Notes

0 0.13 0.25 0.5 0.75 1 km

OS Disclaimer: Background Mapping information has been reproduced from the Ordnance Survey map by permission of Ordnance Survey on behalf of The controller of His Majesty's Stationery Office. ©Crown Copyright Ordnance Survey National Grid Electricity Transmission (100024241) & National Gas Transmission (100024886)

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Time: 5:08 PM

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Note: Any sketches on the map are approximate and not captured to any particular level of precision.

nationalgrid | National Grid Web Map

Legend

ET ASSETS

- Overhead Transmission Line

Fibre Cable

- Fibre Cable Commissioned

Towers

- Towers Commissioned

OHL 275Kv

- OHL 275Kv Commissioned

OHL 400Kv

- OHL 400Kv Commissioned

Substations

- Substations Commissioned

Notes

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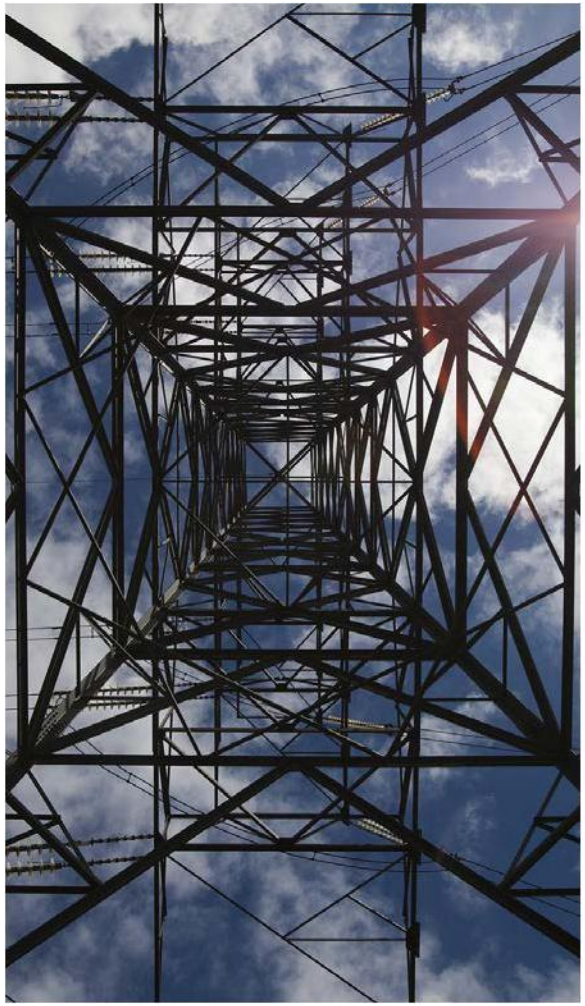
Technical Guidance Note 287

Third-party guidance for working near National Grid Electricity Transmission equipment



Purpose and scope

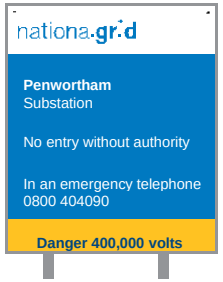
The purpose of this document is to give guidance and information to third parties who are proposing, scheduling or designing developments close to National Grid Electricity Transmission assets.

The scope of the report covers information on basic safety and the location of our assets – and also highlights key issues around particular types of development and risk areas.

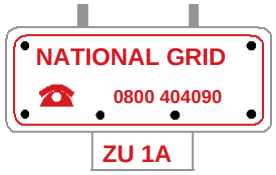
In the case of electrical assets, National Grid does not authorise or agree safe systems of work with developers and contractors. However, we will advise on issues such as electrical safety clearances and the location of towers and cables. We also work with developers to minimise the impact of any National Grid assets that are nearby.

How to identify specific National Grid sites

Substations
The name of the Substation and emergency contact number will be on the site sign.



Overhead Lines
The reference number of the tower and the emergency contact number will be on this type of sign.



Contact National Grid

Plant protection

For routine enquiries regarding planned or scheduled works, contact the Asset Protection team online, by email or phone.

www.lsbud.co.uk

Email: assetprotection@nationalgrid.com

Phone: 0800 001 4282

Emergencies

In the event of occurrences such as a cable strike, coming into contact with an overhead line conductor or identifying any hazards or problems with National Grid's equipment, phone our emergency number 0800 404 090 (option 1).

If you have apparatus within 30m of a National Grid asset, please ensure that the emergency number is included in your site's emergency procedures.

Consider safety

Consider the hazards identified in this document when working near electrical equipment

Part 1

Electricity transmission infrastructure

National Grid owns and maintains the high-voltage electricity transmission network in England and Wales (Scotland has its own networks). It's responsible for balancing supply with demand on a minute-by-minute basis across the network.

Overhead lines

Overhead lines consist of two main parts – pylons (also called towers) and conductors (or wires). Pylons are typically steel lattice structures mounted on concrete foundations. A pylon's design can vary due to factors such as voltage, conductor type and the strength of structure required.

Conductors, which are the 'live' part of the overhead line, hang from pylons on insulators. Conductors come in several different designs depending on the amount of power that is transmitted on the circuit.

In addition to the two main components, some Overhead Line Routes carry a Fibre Optic cable between the towers with an final underground connection to the Substations.

In most cases, National Grid's overhead lines operate at 275kV or 400kV.

Underground cables

Underground cables are a growing feature of National Grid's network. They consist of a conducting core surrounded by layers of insulation and armour. Cables can be laid in the road, across open land or in tunnels. They operate at a range of voltages, up to 400kV.

Substations

Substations are found at points on the network where circuits come together or where a rise or fall in voltage is required. Transmission substations tend to be large facilities containing equipment such as power transformers, circuit breakers, reactors and capacitors. In addition Diesel generators and compressed air systems can be located there.

Part 2

Statutory requirements for working near high-voltage electricity

The legal framework that regulates electrical safety in the UK is *The Electricity Safety, Quality and Continuity Regulations (ESQCR) 2002*. This also details the minimum electrical safety clearances, which are used as a basis for the Energy Networks Association (ENA) TS 43-8. These standards have been agreed by CENELEC (European Committee for Electrotechnical Standardisation) and also form part of the *British Standard BS EN 50341-1:2012 Overhead Electrical Lines exceeding AC 1kV*. All electricity companies are bound by these rules, standards and technical specifications. They are required to uphold them by their operator's licence.

Electrical safety clearances

It is essential that a safe distance is kept between the exposed conductors and people and objects when working near National Grid's electrical assets. A person does not have to touch an exposed conductor to get a life-threatening electric shock. At the voltages National Grid operates at, it is possible for electricity to jump up to several metres from an exposed conductor and kill or cause serious injury to anyone who is nearby. For this reason, there are several legal requirements and safety standards that must be met.

Any breach of legal safety clearances will be enforced in the courts. This can and has resulted in the removal of an infringement, which is normally at the cost of the developer or whoever caused it to be there. Breaching safety clearances, even temporarily, risks a serious incident that could cause serious injury or death.

National Grid will, on request, advise planning authorities, developers or third parties on any safety clearances and associated issues. We can supply detailed drawings of all our overhead line assets marked up with relevant safe areas.

« Section continued from previous page

Your Responsibilities - Overhead lines

Work which takes place near overhead power lines carries a significant risk of coming into proximity with the wires. If any person, object or material gets too close to the wires, electricity could ‘flashover’ and be conducted to earth, causing death or serious injury. You do not need to touch the wires for this to happen. The law requires that work is carried out in close proximity to live overhead power lines only when there is no alternative, and only when the risks are acceptable and can be properly controlled. Statutory clearances exist which must be maintained, as prescribed by the Electricity Safety, Quality and Continuity Regulations 2002.

Under the Health and Safety at Work etc. Act 1974 and Management of Health and Safety at Work Regulations 1999, you are responsible for preparing a suitable and sufficient risk assessment and safe systems of work, to ensure that risks are managed properly and the safety of your workforce and others is maintained. Your risk assessment must consider and manage all of the significant risks and put in place suitable precautions/controls in order to manage the work safely. You are also responsible for ensuring that the precautions identified are properly implemented and stay in place throughout the work.

Work near overhead power lines must always be conducted in accordance with GS6, ‘avoiding danger from overhead power lines’, and any legislation which is relevant to the work you are completing.

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What National Grid will provide

National Grid can supply profile drawings in PDF and CAD format showing tower locations and relevant clearances to assist you in the risk assessment process.

What National Grid will not provide

National Grid will not approve safe systems of work or approve design proposals

Part 3

What National Grid will do for you and your development

Provision of information

National Grid should be notified during the planning stage of any works or developments taking place near our electrical assets, ideally a minimum notification period of 8 weeks to allow National Grid to provide the following services:

Drawings

National Grid will provide relevant drawings of overhead lines or underground cables to make sure the presence and location of our services are known. Once a third party or developer has contacted us, we will supply the drawings for free.

Risk or impact identification

National Grid can help identify any hazards or risks that the presence of our assets might bring to any works or developments. This includes both the risk to safety from high-voltage electricity and longer-term issues, such as induced currents, noise and maintenance access that may affect the outcome of the development. National Grid will not authorise specific working procedures, but we can provide advice on best practice.

400kV

The maximum nominal voltage of the underground cables in National Grid's network

Risks or hazards to be aware of

This section includes a brief description of some of the hazards and issues that a third party or developer might face when working or developing close to our electrical infrastructure.

Land and access

National Grid has land rights in place with landowners and occupiers, which cover our existing overhead lines and underground cable network. These agreements, together with legislation set out under the *Electricity Act 1989*, allow us to access our assets to maintain, repair and renew them. The agreements also lay down restrictions and covenants to protect the integrity of our assets and meet safety regulations. Anyone proposing a development close to our assets should carefully examine these agreements.

Our agreements often affect land both inside and outside the immediate vicinity of an asset. Rights will include the provision of access, along with restrictions that ban the development of land through building, changing levels, planting and other operations. Anyone looking to develop close to our assets must consult with National Grid first.

For further information, contact Asset Protection:

Email: assetprotection@nationalgrid.com
Phone: 0800 001 4282

Electrical clearance from overhead lines

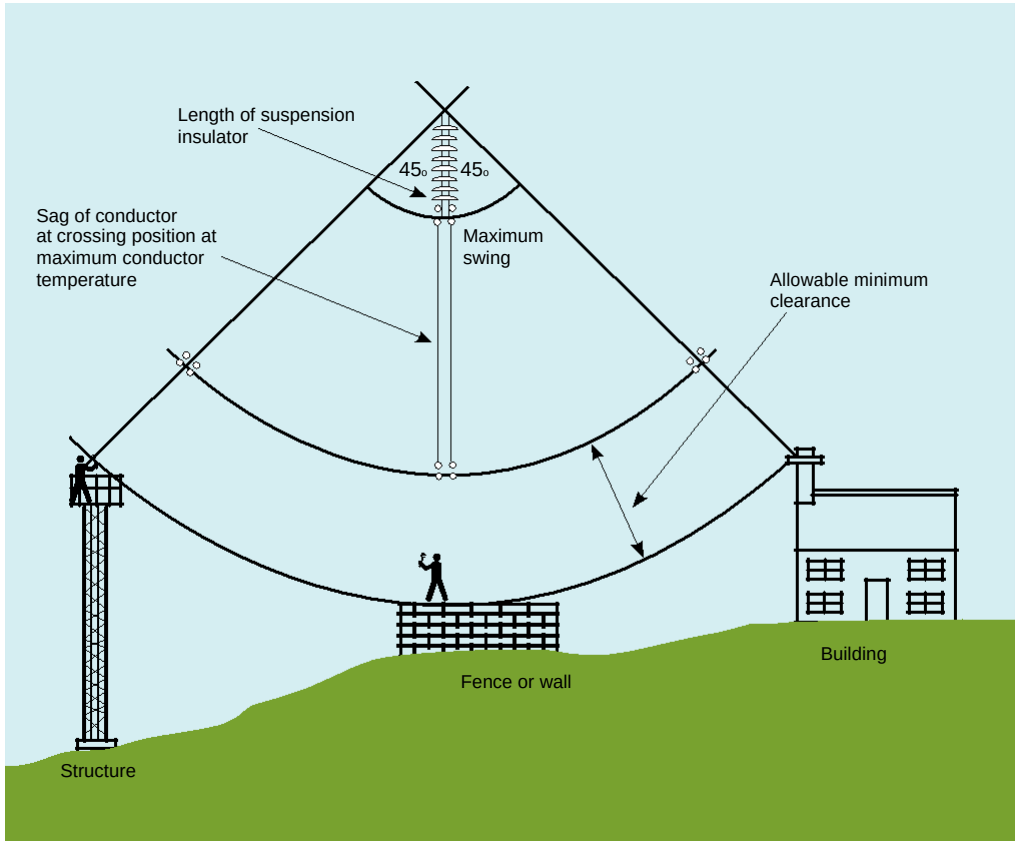
The clearance distances referred to in this section are specific to 400kV overhead lines. National Grid can advise on the distances required around different voltages i.e. 132kV and 275kV.

As we explained earlier, *Electrical Networks Association TS 43-8* details the legal clearances to our overhead lines. The minimum clearance between the conductors of an overhead line and the ground is 7.3m at maximum sag. The sag is the vertical distance between the wire's highest and lowest point. Certain conditions, such as power flow, wind speed and air temperature can cause conductors to move and allowances should be made for this.

The required clearance from the point where a person can stand to the conductors is 5.3m. To be clear, this means there should be at least 5.3m from where someone could stand on any structure (i.e. mobile and construction equipment) to the conductors. Available clearances will be assessed by National Grid on an individual basis.

National Grid expects third parties to implement a safe system of work whenever they are near Overhead Lines.

Diagram not to scale



There should be at least 5.3m between the conductors and any structure someone could stand on

We recommend that guidance such as *HSE Guidance Note GS6 (Avoiding Danger from Overhead Power Lines)* is followed, which provides advice on how to avoid danger from all overhead lines, at all voltages. If you are carrying out work near overhead lines you must contact National Grid, who will provide the relevant profile drawings.

7.3m

The required minimum clearance between the conductors of an overhead line, at maximum sag, and the ground

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The undergrounding of electricity cables at Ross-on-Wye

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Underground cables Underground cables operating at up to 400kV are a significant part of the National Grid Electricity Transmission network. When your works will involve any ground disturbance it is expected that a safe system of work is put in place and that you follow guidance such as *HSG 47 (Avoiding Danger from Underground Services)*.

You must contact National Grid to find out if there are any underground cables near your proposed works. If there are, we will provide cable profiles and location drawings and, if required, on-site supervision of the works. Cables can be laid under roads or across industrial or agricultural land. They can even be layed in canal towpaths and other areas that you would not expect.

Cables crossing any National Grid high-voltage (HV) cables directly buried in the ground are required to maintain a minimum seperation that will be determined by National Grid on a case-by-case basis. National Grid will need to do a rating study on the existing cable to work out if there are any adverse effects on either cable rating. We will only allow a cable to cross such an area once we know the results of the re-rating. As a result, the clearance distance may need to be increased or alternative methods of crossing found.

For other cables and services crossing the path of our HV cables, National Grid will need confirmation that published standards and clearances are met.

Impressed voltage

Any conducting materials installed near high-voltage equipment could be raised to an elevated voltage compared to the local earth, even when there is no direct contact with the high-voltage equipment. These impressed voltages are caused by inductive or capacitive coupling between the high-voltage equipment and nearby conducting materials and can occur at distances of several metres away from the equipment. Impressed voltages may damage your equipment and could potentially injure people and animals, depending on their severity. Third parties should take impressed voltages into account during the early stages and initial design of any development, ensuring that all structures and equipment are adequately earthed at all times.

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Earth potential rise

Under certain system fault conditions – and during lightning storms – a rise in the earth potential from the base of an overhead line tower or substation is possible. This is a rare phenomenon that occurs when large amounts of electricity enter the earth. This can pose a serious hazard to people or equipment that are close by.

We advise that developments and works are not carried out close to our tower bases, particularly during lightning storms.

Noise

Noise is a by-product of National Grid's operations and is carefully assessed during the planning and construction of any of our equipment. Developers should consider the noise emitted from National Grid's sites or overhead lines when planning any developments, particularly housing. Low-frequency hum from substations can, in some circumstances, be heard up to 1km or more from the site, so it is essential that developers find adequate solutions for this in their design. Further information about likely noise levels can be provided by National Grid.

Maintenance access

National Grid needs to have safe access for vehicles around its assets and work that restricts this will not be allowed.
In terms of our overhead lines, we wouldn't want to see any excavations made, or permanent structures built, that might affect the foundations of our towers. The size of the foundations around a tower base depends on the type of tower that is built there. If you wish to carry out works within 30m of the tower base, contact National Grid for more information. Our business has to maintain access routes to tower bases with land owners. For that reason, a route wide enough for an HGV must be permanently available. We may need to access our sites, towers, conductors and underground cables at short notice.

30m

If you wish to carry out work within this distance of the tower base, you must contact National Grid for more information

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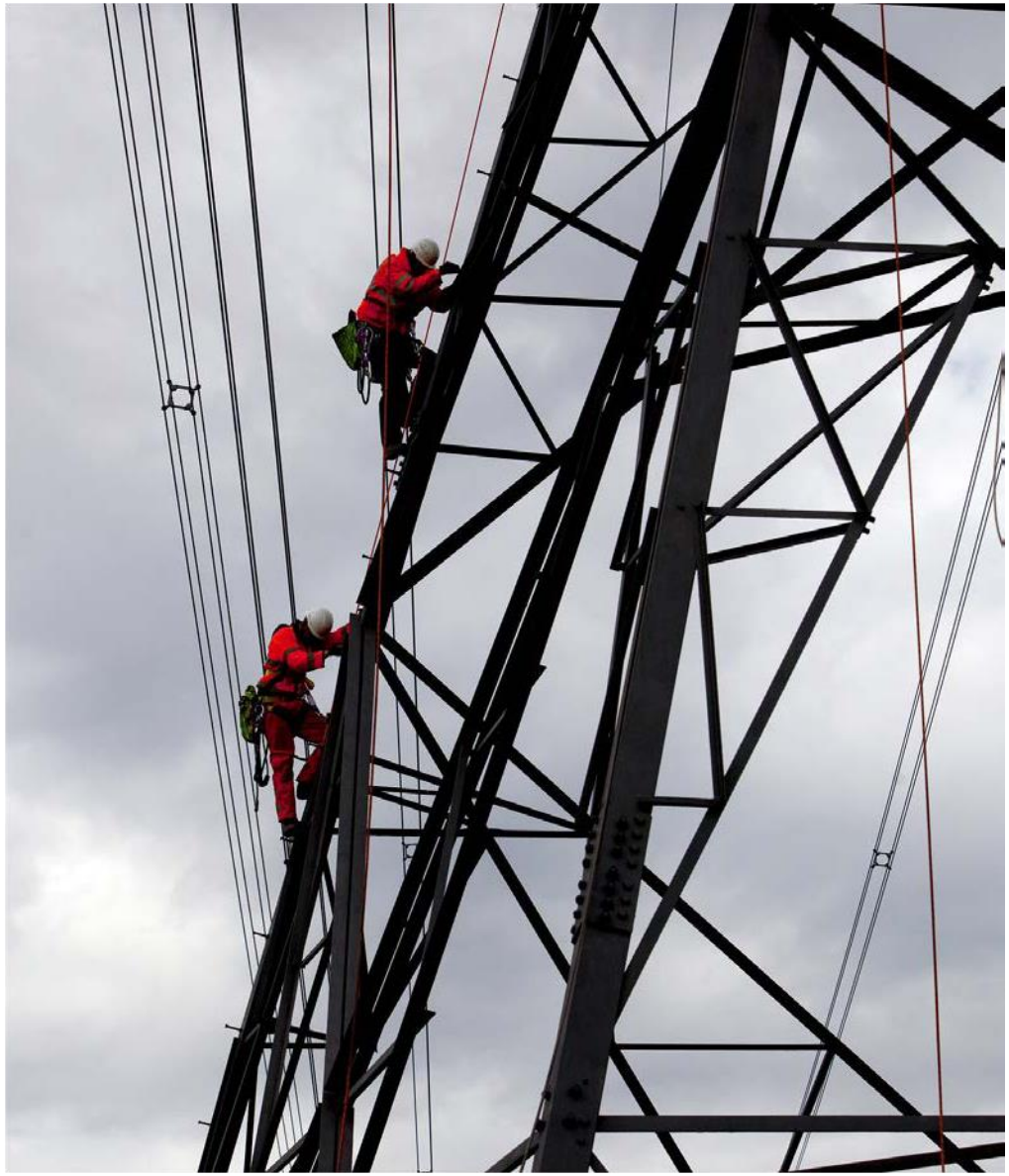

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Fires and firefighting

National Grid does not recommend that any type of flammable material is stored under overhead lines. Developers should be aware that in certain cases the local fire authority will not use water hoses to put out a fire if there are live, high-voltage conductors within 30m of the seat of the fire *(as outlined in ENA TS 43-8)*.

In these situations, National Grid would have to be notified and reconfigure the system – to allow staff to switch out the overhead line – before any firefighting could take place. This could take several hours.

We recommend that any site which has a specific hazard relating to fire or flammable material should include National Grid's emergency contact details (found at the beginning and end of this document) in its fire plan information, so any incidents can be reported.

Developers should also make sure their insurance cover takes into account the challenge of putting out fires near our overhead lines.

Excavations, piling or tunnelling

You must inform National Grid of any works that have the potential to disturb the foundations of our substations or overhead line towers. This will have to be assessed by National Grid engineers before any work begins.

BS ISO 4866:2010 states that a minimum distance of 200m should be maintained when carrying out quarry blasting near our assets. However, this can be reduced with specific site surveys and changes to the maximum instantaneous charge (the amount of explosive detonated at a particular time).

All activities should observe guidance layed out in *BS 5228-2:2009*.

Microshocks

High-voltage overhead power lines produce an electric field. Any person or object inside this field that isn't earthed picks up an electrical charge. When two conducting objects – one that is grounded and one that isn't – touch, the charge can equalise and cause a small shock, known as a microshock. While they are not harmful, they can be disturbing for the person or animal that suffers the shock.

For these reasons, metal-framed and metal-clad buildings which are close to existing overhead lines should be earthed to minimise the risk of microshocks. Anything that isn't earthed, is conductive and sits close to the lines is likely to pick up a charge. Items such as deer fences, metal palisade fencing, chain-link fences and metal gates underneath overhead lines all need to be earthed.

For further information on microshocks please visit **www.emfs.info.**

200m

The minimum distance that should be maintained from National Grid assets when quarry blasting

Specific development guidance

Wind farms

National Grid's policy towards wind farm development is closely connected to the *Electricity Networks Association Engineering Recommendation L44 Separation between Wind Turbines and Overhead Lines, Principles of Good Practice.* The advice is based on national guidelines and global research. It may be adjusted to suit specific local applications.

There are two main criteria in the document:

(i) The turbine shall be far enough away to avoid the possibility of toppling onto the overhead line

(ii) The turbine shall be far enough away to avoid damage to the overhead line from downward wake effects, also known as turbulence

The toppling distance is the minimum horizontal distance between the worst-case pivot point of the wind turbine and the conductors hanging in still air. It is the greater of:

- the tip height of the turbine plus 10%
- or, the tip height of the turbine plus the electrical safety distance that applies to the voltage of the overhead line.

To minimise the downward wake effect on an overhead line, the wind turbine should be three times the rotor distance away from the centre of the overhead line.

Wake effects can prematurely age conductors and fittings, significantly reducing the life of the asset. For that reason, careful consideration should be taken if a wind turbine needs to be sited within the above limits. Agreement from National Grid will be required.

Commercial and housing developments

National Grid has developed a document called *Design guidelines for development near pylons and HVO power lines*, which gives advice to anyone involved in planning or designing large-scale developments that are crossed by, or close to, overhead lines.

The document focuses on existing 275kV and 400kV overhead lines on steel lattice towers, but can equally apply to 132kV and below. The document explains how to design large-scale developments close to high-voltage lines, while respecting clearances and the development's visual and environmental impact.

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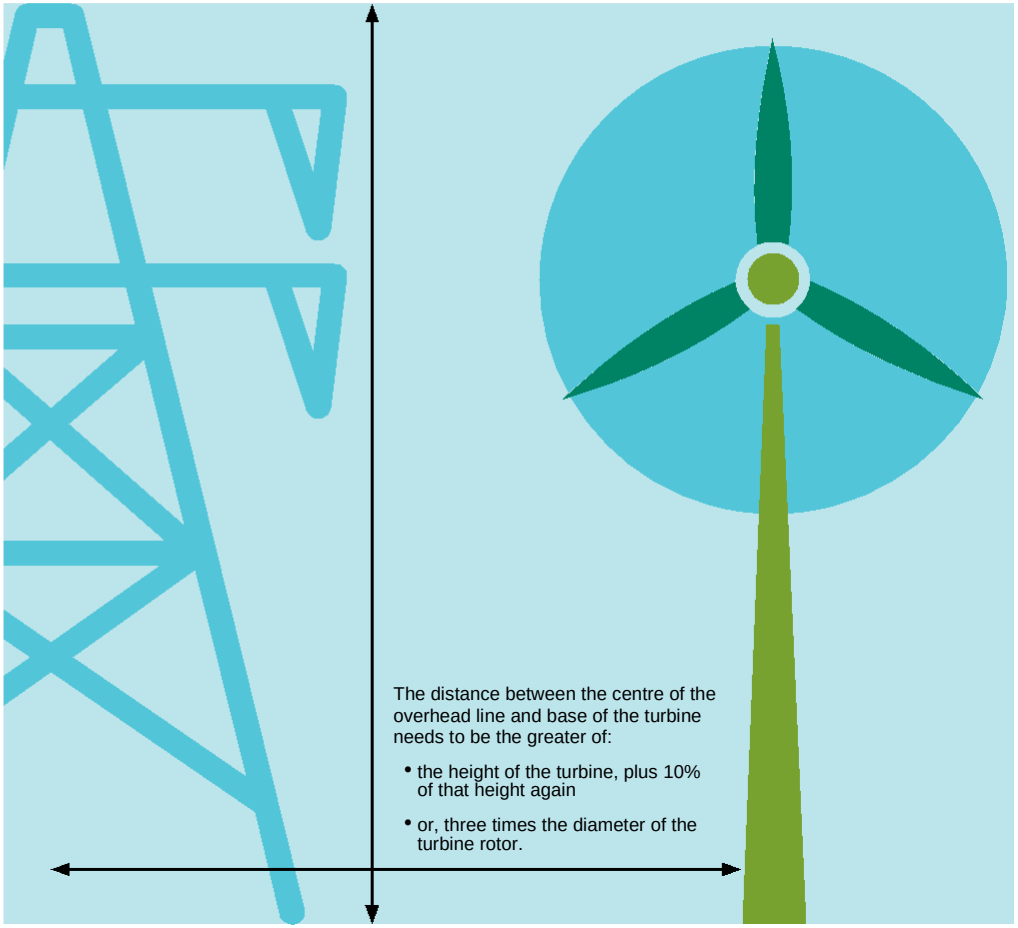
Diagram not to scale



Turbines should be far enough away to avoid the possibility of toppling onto the overhead line

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The advice is intended for developers, designers, landowners, local authorities and communities, but is not limited to those organisations.

Overall, developers should be aware of all the hazards and issues relating to the electrical equipment that we have discussed when designing new housing.

As we explored earlier, National Grid's assets have the potential to create noise. This can be low frequency and tonal, which makes it quite noticeable. It is the responsibility of developers to take this into account during the design stage and find an appropriate solution.

Solar farms

While there is limited research and recommendations available, there are several key factors to consider when designing Solar Farms in the vicinity of Overhead Power Lines.

Developers may be looking to build on arable land close to National Grid's assets. In keeping with the safety clearance limits that we outlined earlier for solar panels directly underneath overhead line conductors, the highest point on the solar panels must be no more than 5.3m from the lowest conductors.

This means that the maximum height of any structure will need to be determined to make sure safety clearance limits aren't breached. This could be as low as 2m. National Grid will supply profile drawings to aid the planning of solar farms and determine the maximum height of panels and equipment.

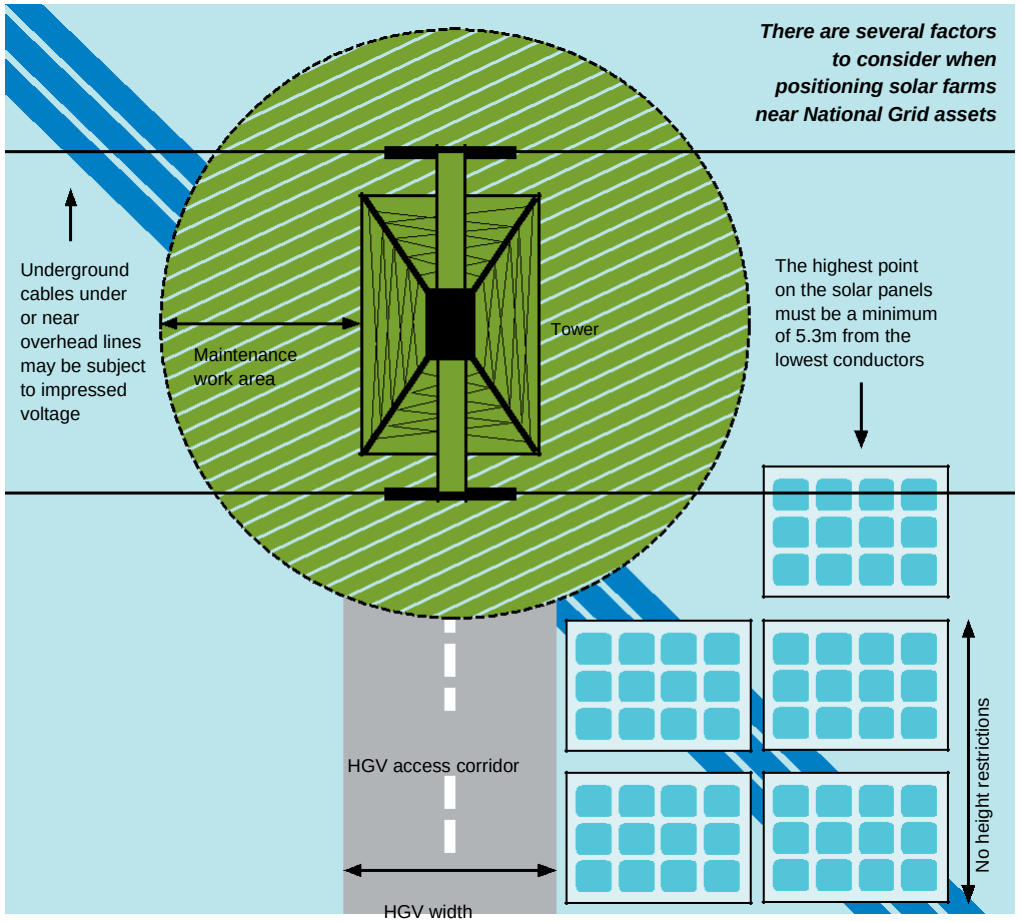
Solar panels that are directly underneath power lines risk being damaged on the rare occasion that a conductor or fitting falls to the ground. A more likely risk is ice falling from conductors or towers in winter and damaging solar panels.

There is also a risk of damage during adverse weather conditions, such as lightning storms, and system faults. As all our towers are earthed, a weather event such as lightning can cause a rise in the earth potential around the base of a tower. Solar panel support structures and supply cables should be adequately earthed and bonded together to minimise the effects of this temporary rise in earth potential.

Any metallic fencing that is located under an overhead line will pick up an electrical charge. For this reason, it will need to be adequately earthed to minimise microshocks to the public.

For normal, routine maintenance and in an emergency National Grid requires unrestricted access to its assets. So if a tower is enclosed in a solar farm compound, we will need full access for our vehicles, including access through any compound gates. During maintenance – and especially re-conductoring – National Grid would need enough space near our towers for winches and cable drums. If enough space is not available, we would require solar panels to be temporarily removed.

Diagram not to scale



Asset protection agreements

In some cases, where there is a risk that development will impact on National Grid's assets, we will insist on an asset protection agreement being put in place. The cost of this will be the responsibility of the developer or third party.

Contact details

Emergency situations

If you spot a potential hazard on or near an overhead electricity line, do not approach it, even at ground level. Keep as far away as possible and follow the six steps below:

- Warn anyone close by to evacuate the area
- Call our 24-hour electricity emergency number: 0800 404 090 (Option 1)[1]
- Give your name and contact phone number
- Explain the nature of the issue or hazard
- Give as much information as possible so we can identify the location – i.e. the name of the town or village, numbers of nearby roads, postcode and (ONLY if it can be observed without putting you or others in danger) the tower number of an adjacent pylon
- Await further contact from a National Grid engineer

[1] It is critically important that you don't use this phone number for any other purpose. If you need to contact National Grid for another reason please use our Contact Centre at www2.nationalgrid.com/contact-us to find the appropriate information or call 0800 0014282.

Routine enquiries

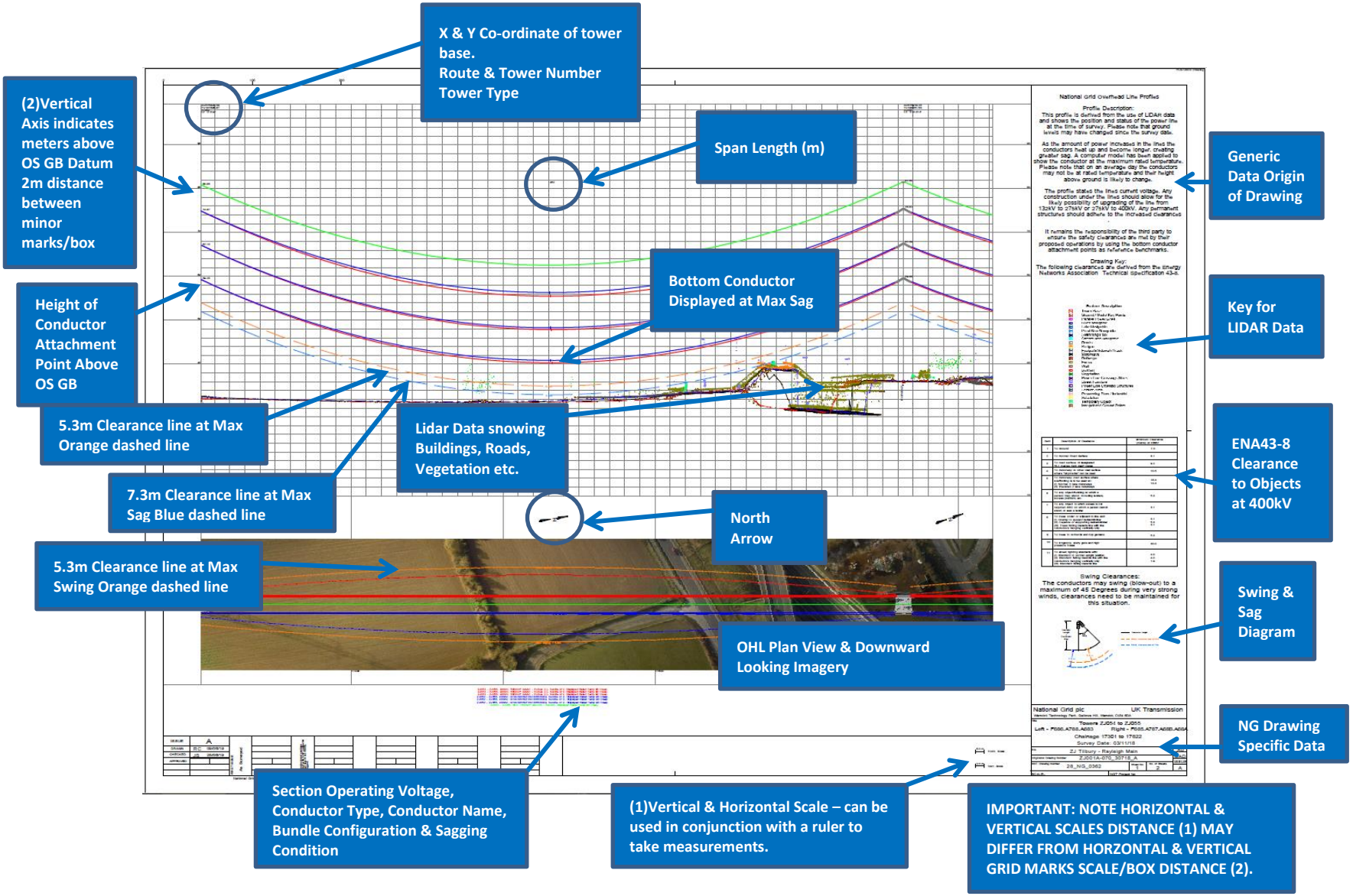
Email:
assetprotection@nationalgrid.com

Call Asset Protection on:
0800 0014282

Opening hours:
Monday to Friday 08:00-16:00

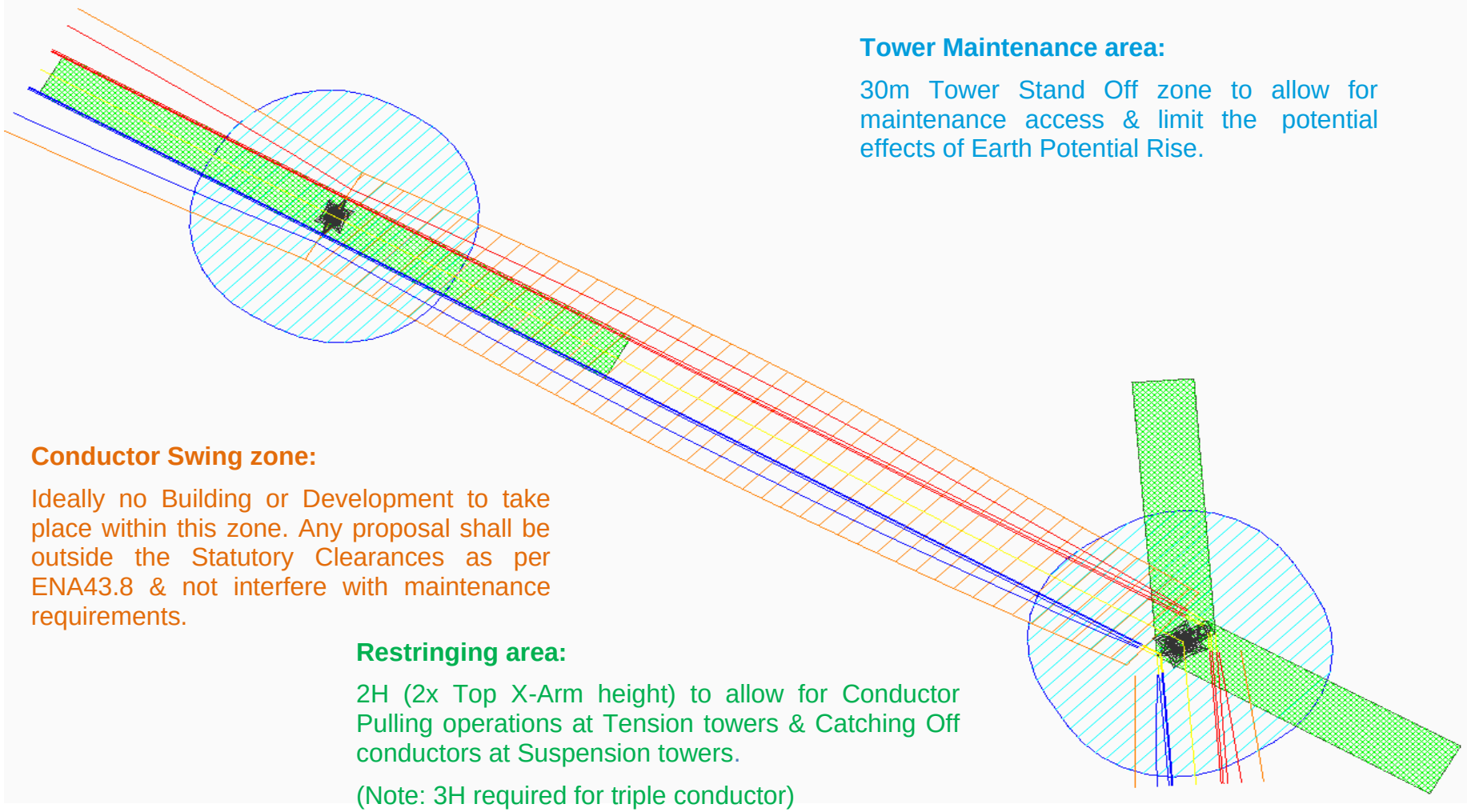
14 APPENDIX A

OHL Profile Drawing Guide



15 APPENDIX B

OHL Tower Stand Off & Reconductoring Area



Tower Maintenance area:

30m Tower Stand Off zone to allow for maintenance access & limit the potential effects of Earth Potential Rise.

Conductor Swing zone:

Ideally no Building or Development to take place within this zone. Any proposal shall be outside the Statutory Clearances as per ENA43.8 & not interfere with maintenance requirements.

Restringing area:

2H (2x Top X-Arm height) to allow for Conductor Pulling operations at Tension towers & Catching Off conductors at Suspension towers.

(Note: 3H required for triple conductor)

1-3 Strand
London WC2N 5EH www.nationalgrid.com

The Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol
BS1 6PN

Via email: PeartreeHillSolarFarm@planninginspectorate.gov.uk

8 December 2023

Dear Sir/Madam,

PEARTREE HILL SOLAR FARM
ENVIRONMENTAL STATEMENT SCOPING CONSULTATION – 10 NOVEMBER – 8 DECEMBER 2023
NGIH REPRESENTATION

National Grid Interconnector Holdings (NGIH) welcomes the opportunity to respond to the Planning Inspectorate's Environmental Statement (ES) Scoping Opinion consultation of JBM Solar Ltd's Peartree Hill Solar Farm scheme (PHSF), as an identified consultation body in accordance with the Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations') Regulations 10 and 11.

Background

NGIH, as part of National Grid Ventures (NGV), is a division of National Grid plc, responsible for both developing and operating businesses in U.K. and U.S. territories. NGIH has entered into a connection agreement with National Grid Electricity System Operator Limited (ESO) for a 1.8 GW interconnector connection, currently known as the Continental Link Offshore Hybrid Asset (OHA) ('Continental Link').

Continental Link is a proposed high voltage direct current (HVDC) electricity link between the GB transmission system (connecting from Birkhill Wood substation) and that of a Nordic partner nation. NGIH is developing Continental Link to be capable of connecting offshore windfarm(s) to the National Transmission System (NTS) in each nation. Further details on OHAs can be found here: https://www.nationalgrid.com/document/150691/download

Continental Link is in the pre-application stage of the Development Consent Order (DCO) process, with siting and routing well progressed and targeted stakeholder engagement expected to commence in 2024. This includes dialogue with statutory organisations, the Planning Inspectorate and relevant third-party developers over the potential form and content of a future DCO application for Continental Link. The DCO extent is expected to be inclusive of the terrestrial and marine environments.

National Policy and Objectives

NGIH participated in the Offshore Transmission Network Review (OTNR), the findings of which are being implemented by the Department for Energy Security and Net Zero (DESNZ). NGIH recognises the objective of the OTNR to encourage developers to work together to co-ordinate and develop transmission infrastructure, understanding the ability to optimise the delivery of inflight projects and minimising impacts on local communities and stakeholders.

NGIH notes that the recently published National Policy Statements (NPS) for energy infrastructure recognise nationally significant low carbon infrastructure, including both interconnectors and OHAs, as a 'Critical National Priority' (CNP) with interconnection playing an essential role in the electricity system. NPS EN-1 further states that *'…coordination of onshore transmission, offshore transmission, and offshore generation*

and interconnector developments should be considered at both the strategic and more detailed project design levels. This coordinated approach is likely to provide the highest degree of consumer, environmental and community benefits[1].'

Response

NGIH have reviewed the PHSF EIA Scoping Report and welcomes the development of PHSF as a government supported infrastructure project and the contribution it would make to national renewable energy generation capacity, in line with the U.K government's net zero commitments.

NGIH notes that the consultation seeks feedback on information NGIH considers should be provided in the ES, and provide the following response:

Approach to assessing alternatives

1. Paragraph 3.2.2 refers to site selection criteria in the Draft NPS EN-3 for large scale solar developments, one of which being availability and capacity of a suitable Point of Connection to the National Electricity Transmission System (NETS). The recently published EN-3[2] provides further guidance on site selection considerations, including network capacity, distance to chosen network connection point, and notably, cumulative impacts of situating a solar farm in proximity to other energy generating stations and infrastructure. These factors are currently not addressed in the PHSF EIA Scoping Report and considerations in Table 3-1 only relate to detailed environmental constraints immediately surrounding Creyke Beck substation.

   In line with the NPS, NGIH requests further information is provided on the rationale of selecting Creyke Beck substation as the chosen Point of Connection in the context of suitable alternatives. This is particularly important given the land, environmental and technical constraints in the area and the number of other NSIPs (Nationally Significant Infrastructure Projects) in the region. This assessment should include Continental Link.

2. Table 3-1 of the EIA Scoping Report outlines environmental and spatial considerations as part of the site selection process. NGIH suggest that additional information in relation to the spatial considerations is required to be included in Table 3-1, as set out in Table 1 below.

Table 1: Additional information recommended for PHSF EIA Scoping Report, Table 3-1

Consideration	Discussion
Future NSIP developments which are geographically proximate	There is a large number of energy NSIP developments at varying stages of DCO process, with their separate infrastructural requirements and land-take. This poses a significant constraint on future proximate developments to form their respective connections to the NETS. Coordination with nearby energy infrastructure will ensure other developments contributing to national objectives are not precluded, and that multiple developments can proceed in the most efficient and environmentally responsible way. The published NPS for energy infrastructure make clear an expectation for coordination between onshore and offshore generation and transmission infrastructure. Discussions are ongoing or due to commence with nearby NSIP project promoters on overcoming spatial constraints in a coordinated manner.

[1] NPS EN-1, Paragraph 3.3.80
[2] Published 22 November 2023, Paragraphs 2.10.21-2.10.26

There is potential for overlap between Continental Link's cable routing options and some of the PHSF's options[3]. Linked to the additional information recommended in Table 1, early consideration of Continental Link's spatial requirements in the assessment of alternatives may minimise the impacts of, and maximise benefits to be brought by, both schemes as CNPs.

Cumulative effects

NGIH has reviewed the proposed methodology in assessing cumulative impacts arising from other developments (7.1-7.3), and notes that the methodology excludes 'Tier 3' developments in Table 2 of the Planning Inspectorate's Advice Note Seventeen, which encompasses projects on the Planning Inspectorate's programme of Projects where a scoping report has not been submitted.

The published NPS EN-1 states the government's strong support for CNP infrastructure and the need for them to be progressed as quickly as possible[4]. In particular, the Secretary of State (SoS) will take as a starting point for CNP decision-making that relevant policy tests of harm, exceptionality or very special circumstances have been met[5]. In light of this, identified CNPs across all stages of scheme maturity ought to be given a greater level of importance than other schemes, and therefore NGIH request the exclusion of Tier 3 developments be revisited and suggest NSIPs that comprise a CNP on the Planning Inspectorate's Programme of Projects[6] to be included in the longlist. This would include Continental Link, and it is expected that there will be more detailed information available as the PHSF scheme progresses to the preparation of its Preliminary Environmental Information Report (PEIR) and ES.

NGIH draws attention to the potential for future cumulative effects to arise from both the PSHF and Continental Link project being progressed in the same local geography. Due to the two projects' geographical proximity and potential overlap in an area which has technical, environmental and land constraints, the potential for cumulative impacts arising will need to be explored and addressed at an early stage. Therefore, we recommend that Continental Link is scoped into the cumulative effects assessment for PHSF.

Additional Comments

Further to NGIH's representations above, NGIH would welcome further discussion with JBM Solar on the Continental Link and PHSF schemes, to explore opportunities for coordination, and to ensure that neither scheme precludes the other from securing a connection and coming forwards. We would expect any emerging design principles for the PHSF scheme to include the accommodation of Continental Link as a fundamental design principle.

Should you have any questions on our response or require any further information please contact me via email: [redacted]

Yours faithfully,

Tom Watson

Consents Manager - National Grid Ventures

[3] Options referred are as in Appendix B: Environmental and Planning Features (Proposed Cable Route Options) of the PHSF EIA Scoping Report.
[4] NPS EN-1, 3.3.62-3.3.63.
[5] NPS EN-1 Figure 2: Application of CNP in decisions relating to Environmental Impact Assessments
[6] Full Programme of Projects - https://infrastructure.planninginspectorate.gov.uk/projects/

From: [redacted]
To: Peartree Hill Solar Farm
Subject: EN010157 - Scoping Response NLC
Date: 07 December 2023 14:57:23

> You don't often get email from andrew.law@northlincs.gov.uk. Learn why this is important

Good afternoon,

Thank you for giving North Lincolnshire Council the opportunity to comment on the Scoping Request in respect of the Peartree Hill Solar Farm Project.

Having reviewed the Scoping Report and giving due regard to the location and nature of the proposed development I can confirm that North Lincolnshire Council have no comments to make in this instance.

Kind Regards

Andrew Law
Development Management Specialist | Development Management | Economy and Environment

@ [redacted]
☎ [redacted]
✉ North Lincolnshire Council, Church Square House, 30 – 40 High Street, Scunthorpe, DN15 6NL

From:	Tickton & Routh Parish Clerk
To:	Peartree Hill Solar Farm
Subject:	EN010157 – Peartree Hill Solar Farm – EIA Scoping Notification and Consultation / Reg 11 Notification
Date:	08 December 2023 16:57:34

Dear Sir/Madam

Further to your email dated 10 November please find consultee comments relating to the above consultation.

The Parish Council considered this matter at the meeting held on 20 November and it was resolved that the proposal raised initial concerns regarding industrialisation of the landscape, the loss of valuable agricultural land and the burden on local infrastructure.

The Parish Council is very concerned about the potential loss of large swathes of very productive agricultural land currently farmed by locals, employing local people, and providing crops into the local market. The area is flat, and the majority of the solar array would be visible from a) the main tourist routes and b) the Ancient Church at Routh. This would represent industrialisation of the landscape which is traditionally arable farmland. There are already at least 4 x 49MW solar farms within the local planning system within 3 miles of Tickton Parish boundary. Any addition to what is already approved would adversely impact parishioners' quality of life, visual amenity and sense of community which would most keenly be felt in Weel which would become a hamlet cut off from the countryside. Industrialisation of the area would have significant detrimental effects upon wildlife as vast swathes of the landscape would be fenced in by high security fencing making the normal passage of wildlife impossible. The construction of the planned development would place an unsustainable burden on the local infrastructure including the A1035 and link roads.

Kind regards
Michelle

Michelle Middleton
Clerk to Tickton & Routh Parish Council
Tel: [redacted]
Email: info@ticktonandrouth.org.uk
Website: www.ticktonandrouth.org.uk

Please note that the Clerk works part time (15 hours a week) and there may be a delay in responding to your message.

UK Health Security Agency

Environmental Hazards and Emergencies Department
Seaton House, City Link
London Road
Nottingham, NG2 4LA

nsipconsultations@ukhsa.gov.uk
www.gov.uk/ukhsa

Your Ref: EN010157
Our Ref: 64774

Ms Alison Down
EIA Advisor, Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol, BS1 6PN

29th November 2023

Dear Ms Down

Nationally Significant Infrastructure Project
Peartree Hill Solar Farm (Ref: EN010157)
Scoping Consultation Stage

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided below is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up, to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report we wish to make the following specific comments and recommendations:

Environmental Public Health

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*', setting out aspects to be addressed within the Environmental Statement[1]. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

The applicant has acknowledged and begun to assess the potential impacts the project may have on local air quality. The applicant has outlined mitigation measures and proposed assessment methods in accordance with sector guidance and best practice. The applicant also states what will be scoped in and out of further assessment. We agree that particulate matter and traffic related emissions should be scoped in for further assessment during the construction and decommissioning phases, as these project phases are when these emissions are most likely. We also agree that particulate matter and traffic related emissions do not need to be assessed further for during the operational phase as these emission sources are not likely to be significant, therefore, they can be scoped out.

Recommendation

Our position is that pollutants associated with road traffic or combustion, particularly particulate matter and oxides of nitrogen are non-threshold; i.e, an exposed population is likely to be subject to potential harm at any level and that reducing public exposure to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards will have potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure) and maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.

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1 https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658

The applicant has acknowledged the potential risks to ground and surface waters in their scoping report and has provided justification for the scoping out of these matters. We agree that no further assessment of potential ground and surface water impacts are required in the EIA as the risks have been identified and will be managed through the application of environmental management plans during the construction and decommissioning phases of the project which will be subject to approval prior to commencement of the project.

Recommendation

We welcome the submission of a Preliminary Risk Assessment report for land condition as part of the DCO application. The applicant has noted that there are landfills within and outside the site boundary that need further assessment prior to construction commencing. The applicant stated that environmental management measures will be put in place for these landfill sites in the CEMP. However, it was also acknowledged by the applicant that there may be land contamination relating to previous agricultural activities (e.g., foot and mouth pits, asbestos) but there is no mention of measures being put in place to reduce the risks of effects on human health from agricultural land contamination sources. Therefore, it is recommended that the applicant considers the potential risks to nearby human receptors from such contamination sources and puts appropriate measures in place to protect human health.

Recommendation

The applicant has considered the potential risk of fire originating from the operation of the BESS and we note that the Fire and Rescue Service will be consulted by the applicant. The applicant has not considered chemical and raw material storage/spills during the construction and decommissioning phases. Therefore, it is recommended that incidents and accidents, including fires and the storage and spillage of chemicals/raw materials, is scoped in for further assessment in the ES.

Human Health and Wellbeing - OHID

This section of OHID's response, identifies the wider determinants of health and wellbeing we expect the ES to address, to demonstrate whether they are likely to give rise to significant effects. OHID has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements. The four themes are:

- Access
- Traffic and Transport
- Socioeconomic
- Land Use

Having considered the submitted scoping report OHID wish to make the following specific comments and recommendations:

Methodology

We note the proposal to not have a separate human health chapter within the ES and do not object provided that sufficient detail and consideration is provided within the other individual chapters on matters of population and human health.

We reserve the right to require separate considering of population and human health should any other chapters within the ES identify significant effects.

Socio-economics chapter

The scoping report indicates that demands on local accommodation will be considered and reported. It should be noted that the region has a considerable number of infrastructure projects due to commence construction over the next 5 years. The cumulative effects from these schemes and local developments may impact on the availability of tourist accommodation and low costs rental sector accommodation.

Recommendation

The cumulative effects assessment should consider the impacts from the ingress of non-home-based workers during the course of the construction period, on the availability of local accommodation, including the affordable private rented sector.

Yours sincerely

On behalf of UK Health Security Agency

Please mark any correspondence for the attention of National Infrastructure Planning Administration.