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**By email**

Your Ref:

Our Ref: EN010085

Date: 14 December 2018

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Dear Mr Bird

## **Planning Act 2008 – Section 51**

### **Application by Cleve Hill Solar Park Ltd for an Order Granting Development Consent for the Cleve Hill Solar Park**

#### **Advice Following the Issue of Decision to Accept the Application for Examination**

On 14 December 2018 the Secretary of State decided that the application for the proposed Cleve Hill Solar Park satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008).

The Planning Inspectorate's (the Inspectorate's) [Acceptance Checklist](#) and the Applicant's application documents have been published and made available on the Cleve Hill Solar Park project page of the National Infrastructure Planning website;

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/cleve-hill-solar-park/>

In undertaking checks at the Acceptance Stage, the Inspectorate made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 to be read in conjunction with the Acceptance checklist issued alongside it. The Applicant should pay attention to its content, and consider how appropriate action might be taken in response.

In order to proceed to the Examination stage, the Inspectorate requests written submissions from the Applicant to address the points in this letter by **Thursday 31 January 2019**

#### **Environmental Statement**

1. The Climate Change aspect chapter of the Environmental Statement (ES) (**Doc 6.1.15**) and the modelling in the Flood Risk Assessment (FRA) (**Doc 6.4.10.1**) have been based on the UKCP09 Climate Projections. The Inspectorate notes that

the UKCP18 Climate Projections were published on 26 November 2018, after submission of the application.

As advised in the Planning Inspectorate's Scoping Opinion, the assessment of potential impacts of climate change should use the latest UK Climate Projections as required by the relevant National Policy Statement. Accordingly, the Applicant should re-evaluate the relevant assessments in light of the most recent UKCP18 Climate Projections. The Applicant should respond confirming whether this presents any implications for the design of the Proposed Development and the findings of the relevant assessments.

2. The ES (**Docs 6.1 – 6.5**) and the Report to Inform Appropriate Assessment (RIAA) (**Doc 5.2**) state that no development is proposed in the Freshwater Grazing Marsh Habitat Management Area (FGM HMA). However Work No.8 in the draft Development Consent Order (dDCO) (**Doc 3.1**) would allow "*works to create and maintain a habitat management area, comprising a) earth works, b) means of access and c) drainage*" to be undertaken in the Habitat Management Areas. As shown on the Works Plan (**Doc 2.2**), the areas covered by Work No.8 also include the FGM HMA.

The Applicant should explain the extent to which the works specified in the dDCO are consistent with what has been assessed in the ES and RIAA. In doing so the Applicant must address the following points:

- a) The inconsistency between the proposed works in Schedule 1 of the dDCO, the Works Plans and commitments made in the ES and RIAA in relation to the FGM HMA - specifically that "no development is proposed in this area"; and
- b) The extent to which the existing baseline (including any relevant sensitive receptors) within the FGM HMA have been considered. The Applicant should address the anticipated impacts (both beneficial and/or adverse) resultant from delivery of the "enhanced management" measures and activities specified in Work No.8. If required the Applicant should explain how this information affects the assessments made in the ES and RIAA.

## **Works and Land Plans**

The Inspectorate has noted that Works plans (Doc Ref 2.2) are indicative, showing only areas for works and no specific detail. and that Work No.2 & 3 overlap completely. Please can the Applicant clarify all the Works specifically.

## **Plans showing Public Rights of Way (PRoW) and Streets and Access Plans**

The Inspectorate has noted that there are a number of discrepancies between the PRoW Plans and the dDCO. Please can the Applicant provide clarity on the comments below:

- On the Streets and Access plans (**Doc Ref 2.8**) there appear to be three new tracks that are to be created which are not identified separately

- Rights of Way plans (**Doc Ref 2.3**) show the existing routes of footpaths/rights of way, but do not contain information on which parts of the routes are to be stopped up (some of the paths fall outside of the order limits).
- Distinction between start and end of given paths is unclear. Figure 3 shows paths ZR692 & CW90 as one complete footpath but there is no point at which one becomes the other (same for ZR484 & CW55).
- 'Proposed Permissible Footpath' (as shown on **Figure 3** of the **Rights of Way plans (Doc Ref 2.3)**) does not appear to be cited in the dDCO.

## **Crown Land Plans**

The Inspectorate has noted that the inset sections detailing the smaller plots (used on the land plans (**Doc Ref 2.1**)) are missing from the Crown Land plans. This can make seeing the affected plot difficult without also viewing the land plans. Please can the Applicant provide clarity on this.

## **Section 42(1)(a) persons prescribed**

The Inspectorate has identified the following parties based on a precautionary interpretation of the regulations that have not been consulted under s42:

- Harlaxton Gas Networks Limited
- Murphy Gas Networks limited
- Eclipse Power Network

Unless there is a good reason in each case on the basis of which the Applicant is confident that these bodies are not relevant to the proposed development, the Applicant is advised to include these bodies, or their appropriate successors, in its s56 notification exercise.

I trust that this advice is useful to you and that it will aid your preparation for the Examination of the scheme.

If you have any questions about the content of this letter, please do not hesitate to contact me.

Yours sincerely

*Tracey Williams*

**Tracey Williams**  
**Case Manager**

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