
STATUTORY INSTRUMENTS

2022 No. 436

INFRASTRUCTURE PLANNING

The Little Crow Solar Park Order 2022

Made - - - - *5th April 2022*

Coming into force - - *27th April 2022*

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An application has been made to the Secretary of State under section 37 of the Planning Act 2008^(a) (“the 2008 Act”) in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009^(b) for an Order granting development consent.

The application was examined by a single appointed person (appointed by the Secretary of State) pursuant to Chapter 3 of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010^(c).

^(a) 2008 c. 29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of and Schedule 13 to the Localism Act 2011 (c. 20).
^(b) S.I. 2009/2264.
^(c) S.I. 2010/103, amended by S.I. 2012/635.

The single appointed person having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 83 of the 2008 Act, has submitted a report and recommendation to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the recommendations and report of the single appointed person, and taken into account the environmental information in accordance with regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017^(a) has decided to make an Order granting development consent for the development described in the application with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application.

The Secretary of State, in exercise of the powers conferred by sections 114, 115 and 120 of the 2008 Act, makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Little Crow Solar Park Order 2022 and comes into force on 27th April 2022.

Interpretation

2.—(1) In this Order except where provided otherwise—

“the 1961 Act” means the Land Compensation Act 1961^(b);

“the 1980 Act” means the Highways Act 1980^(c);

“the 1989 Act” means the Electricity Act 1989^(d);

“the 1990 Act” means the Town and Country Planning Act 1990^(e);

“the 1991 Act” means the New Roads and Street Works Act 1991^(f);

“the 2008 Act” means the Planning Act 2008^(g);

“address” includes any number or address for the purposes of electronic transmission;

“apparatus” has the same meaning as in section 105(1) of the 1991 Act;

“archaeological management plan” means the document certified as the archaeological management plan for the purposes of this Order under article 14 (certification of plans, etc);

“authorised development” means the development and associated development described in Schedule 1 (authorised development) which is development within the meaning of section 32 of the 2008 Act;

“battery energy storage” means equipment used for the storage of electrical energy by battery;

“building” includes any structure or erection or any part of a building, structure or erection;

(a) S.I. 2017/572.

(b) 1961 c. 33

(c) 1980 c. 66.

(d) 1989 c. 29.

(e) 1990 c. 8.

(f) 1991 c. 22.

(g) 2008 c. 29.

part of public footpath 214 shown to be temporarily closed and diverted on the temporary diversion of public footpath plan has been submitted to and, approved by the local planning authority.

(2) The public rights of way management plan must include details of—

- (a) measures to minimise the distance of any sections of the public right of way to be temporarily closed; and
- (b) advance publicity and signage in respect of any sections of public rights of way to be temporarily closed.

(3) Prior to the commencement of any phase of the authorised development and of any decommissioning the public rights of way management plan must be implemented as approved.

Requirement for written approval

17. Where the approval, agreement or confirmation of the Secretary of State, local planning authority or another person is required under a requirement that approval or confirmation must be given in writing.

Amendments to approved details

18.—(1) With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved by the local planning authority, the approved details must be carried out as approved unless an amendment or variation has previously been approved in writing by the local planning authority in accordance with sub-paragraph (2).

(2) Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the local planning authority that the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effect from those assessed in the environmental statement.

(3) The approved details must be taken to include any amendments that may subsequently be approved in writing by the local planning authority.

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

19.—(1) Where an application has been made to the local planning authority for any consent, agreement or approval required by a requirement contained in Part 1 of this Schedule, or for any consent, agreement or approval further to any document referred to in any such requirement, the local planning authority must give notice to the undertaker of its decision on the application within a period of eight weeks beginning with—

- (a) the day immediately following that on which the application is received by the local planning authority; or
- (b) where further information is requested under paragraph 20 the day immediately following that on which the further information has been supplied by the undertaker, or such longer period as may be agreed in writing by the undertaker and the local planning authority.

(2) In determining any application made to the local planning authority for any consent, agreement or approval required by a requirement contained in Part 1 of this Schedule, the local planning authority may—

- (a) give or refuse its consent, agreement or approval; or

(b) give its consent, agreement or approval subject to reasonable conditions,

and where consent, agreement or approval is refused or granted subject to conditions the local planning authority must provide its reasons for that decision with the notice of the decision.

Further information regarding requirements

20.—(1) In relation to any application referred to in paragraph 19, the local planning authority may request such further information from the undertaker as it considers necessary to enable it to consider the application.

(2) If the local planning authority considers that further information is necessary and the requirement concerned contained in Part 1 of this Schedule does not specify that consultation with a consultee is required, the local planning authority must, within fourteen days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the requirement concerned contained in Part 1 of this Schedule specifies that consultation with a consultee is required, the local planning authority must issue the application to the consultee within seven days of receipt of the application, and notify the undertaker in writing specifying any further information requested by the consultee within seven days of receipt of such a request.

(4) If the local planning authority does not give the notification within the period specified in sub-paragraph (2) or (3) it (and the consultee, as the case may be) is deemed to have sufficient information to consider the application and is not entitled to request further information without the prior agreement of the undertaker.

Appeals

21.—(1) Where the undertaker makes an application to a local planning authority, the undertaker may appeal to the Secretary of State in the event that—

- (a) the local planning authority refuses an application for any consent, agreement or approval required by—
 - (i) a requirement contained in Part 1 of this Schedule; or
 - (ii) a document referred to in any requirement contained in Part 1 of this Schedule;
- (b) the local planning authority does not determine such an application within the time period set out in paragraph 19(1), or grants it subject to conditions;
- (c) on receipt of a request for further information pursuant to paragraph 20 of this Part of this Schedule, the undertaker considers that either the whole or part of the specified information requested by the local planning authority is not necessary for consideration of the application; or
- (d) on receipt of any further information requested, the local planning authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.

(2) The appeal process is as follows—

- (a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision or determination, or (where no determination has been made) the expiry of the time period set out in paragraph 19(1), giving rise to the appeal referred to in sub-paragraph (1);
- (b) the undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the local planning authority and any consultee specified under the relevant requirement contained in Part 1 of this Schedule;
- (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to consider the appeal (“the appointed person”) and must notify the

appeal parties of the identity of the appointed person and the address to which all correspondence for the attention of the appointed person should be sent;

- (d) the local planning authority and any consultee (if applicable) must submit their written representations together with any other representations to the appointed person in respect of the appeal within ten business days of the start date specified by the appointed person and must ensure that copies of their written representations and any other representations as sent to the appointed person are sent to each other and to the applicant on the day on which they are submitted to the appointed person;
- (e) the undertaker must make any counter-submissions to the appointed person within ten business days of receipt of written representations pursuant to sub-paragraph (d) above; and
- (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable after the end of the ten day period for counter-submissions under sub-paragraph (e).

(3) The appointment of the appointed person pursuant to sub-paragraph (2)(c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(4) In the event that the appointed person considers that further information is necessary to enable the appointed person to consider the appeal the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

(5) Any further information required pursuant to sub-paragraph (4) must be provided by the party from whom the information is sought to the appointed person and to the other appeal parties by the date specified by the appointed person. The appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal must require submission of written representations to the appointed person within ten business days of the date specified by the appointed person, but must otherwise be in accordance with the process and time limits set out in sub-paragraphs (2)(c) to (e).

(6) On an appeal under this paragraph, the appointed person may—

- (a) allow or dismiss the appeal; or
- (b) reverse or vary any part of the decision of the local planning authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to the appointed person in the first instance.

(7) The appointed person may proceed to a decision on an appeal taking into account such written representations as have been sent within the relevant time limits and in the sole discretion of the appointed person such written representations as have been sent outside of the relevant time limits.

(8) The appointed person may proceed to a decision even though no written representations have been made within the relevant time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(9) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for a judicial review.

(10) Save where a direction is given pursuant to sub-paragraph (11) requiring the costs of the appointed person to be paid by the local planning authority, the reasonable costs of the appointed person are to be met by the applicant.

(11) On application by the local planning authority or the undertaker, the appointed person may give directions as to the costs of the appeal and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to

be made, the appointed person must have regard to the guidance on costs in the Planning Practice Guidance or any official circular or guidance which may from time to time replace it.

SCHEDULE 3

Article 8

PUBLIC FOOTPATH TO BE TEMPORARILY CLOSED AND DIVERTED

Table 1

<i>(1) Area</i>	<i>(2) Plan</i>	<i>(3) Public footpath to be temporarily closed and diverted</i>	<i>(4) Period of diversion</i>	<i>(5) Extent of temporary closure</i>	<i>(6) Extent of temporary diversion</i>
North Lincolnshire	As shown indicatively on Drawing P17-0718-30 REV: G1 – PROW (document reference 2.39 LC DRW)	Public Footpath 214	During construction and decommissioning	Between the points marked A-B as shown with a solid black line on the proposed temporary diversion to public footpath 214 plan	From A-C-D-B as shown with a dashed black line on the proposed temporary diversion to public footpath 214 plan

SCHEDULE 4

Article 16

HEDGEROWS

PART 1

REMOVAL OF IMPORTANT HEDGEROWS

Table 2

<i>(1) Plan</i>	<i>(2) Important Hedgerow</i>	<i>(3) Work</i>
Hedgerow Plan ref 2.40 LC DRW	H12	Removal of section 16 as shown with a purple circle on the hedgerow plan
Hedgerow Plan ref 2.40 LC DRW	H11	Removal of section 17 as shown with a purple circle on the hedgerow plan
Hedgerow Plan ref 2.40 LC DRW	H11	Removal of section 18 as shown with a purple circle on the hedgerow plan
Hedgerow Plan ref 2.40 LC DRW	H5	Removal of section 19 as shown with a purple circle on