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To the Applicant
(By email only)

Your Ref:

Our Ref: EN010131

Date: 22 February 2023

Dear Ms Leeder,

Planning Act 2008 (as amended) – Section 51

Application by Gate Burton Energy Park Ltd for an Order Granting Development Consent for the Gate Burton Energy Park.

Advice following issue of decision to accept the application for examination

On 22 February 2023 the Secretary of State decided that the application for the above project satisfied/ d the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

Consultees identified on a precautionary basis

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary. In this list the Inspectorate would welcome you to include Tillbridge Solar Farm as its status within the Examination may change.

Minor errors and omissions

There are minor errors and omissions, as reflected in Box 30 of the acceptance checklist:
<https://infrastructure.planninginspectorate.gov.uk/document/EN010131-00446>

Flood Risk Assessment (Doc 3.3)

The Applicant is advised to review Figure 9.2 of the Flood Risk Assessment, as it is not clear from the legend which colour represents Flood Zone 2 and Flood Zone 3.

Explanatory Memorandum (Doc 6.2)

The Explanatory Memorandum (EM) includes elements of information which obscure the document. To assist the understanding and need for the provisions of the dDCO, section 5 of the EM and onwards should be drafted in such a format that includes an explanation for the need of the provision and all articles follow a similar format. It is advised that the Applicant considers using sub paragraph numbering, similar content for each of the articles, gives a brief description, a summary of the article, provides a detailed explanation why that article is specifically required for this scheme and sets out the precedent that is relied upon, the model provision, or the adaptation of the provision from other precedents and why that is necessary in this case.

Statement of Reasons (Doc 6.4)

It is advised that the Applicant provides clarification on the small area of white land referenced at paragraph 1.3.3. of Statement of Reasons. It is unclear what this plot relates to, and the reason behind its exclusion from the Order Land.

General comment for all plans

It is requested that the Applicant considers the file size of all plans. The current file size of the plans has caused the documents to delay in loading and lag between sheets. To aid the running of Examination it is advised that the plans are reduced to a more accessible file size.

Land Plans (Doc 5.6)

The Applicant is advised to undertake a cross-check of the Land Plans with the descriptions used in the BoR, to ensure clear and consistent read across both documents. Where geographical identifiers, such as road names and settlements, have been used in the BoR to help locate plot(s) on the Land Plan(s), these identifiers should be included on the relevant plan.

A consistency check of the colouring of the plots should be conducted, as well as labelling of inserts on plans, the Applicant should review all Legends on the Land Plans to ensure no typographical errors, as per the errors highlighted in Box 30 of the acceptance checklist.

Work Plans (Doc 5.3)

The Applicant is advised to conduct a consistency check between the Legend and the plan. For example, alphanumeric annotation is used on Works Plan but is not included in the Legend, and the colours used in the Legend do not collate well to the plan, for example, the yellow in the legend is much brighter to that used on the plan.

Streets, Rights of Way and Access Plans (Doc 5.3)

The Streets, Rights of Way and Access plan uses the colouring of land outside of the Order Limits inconsistently compared to other plans e.g. Land Plans and Works Plans. Information that is provided beyond a cut line on a sheet is also inconsistent. For example, Sheet 6, there are no works shown after the cut line to Sheet 8, however on Sheet 9, works from Sheet 11 have been shown after the cut line.

Geographical identifiers can be obscured on the plan, for example, 7/01, 7/02 and 7/03 are not easily identifiable. The Applicant should also look to provide clarification on 1/04, as it is hard to depict from the plans if this Westbound as referenced within the draft Development Consent Order.

The Applicant is advised to review the information above and ensure consistency across all documents.

Traffic Regulation Measures Plan (Doc 5.3)

The Applicant is advised to conduct a consistency check on the cut lines within the Traffic Regulation Measures Plan, for example A156 is mentioned as to being on sheets 9 and 10 but falls outside the cutlines for sheets 9 and 10. A review of geographical identifiers should also be conducted to ensure ease of navigation of the plan.

Please pay close attention to the advice set out in this letter and act on it accordingly. It is requested that you action these points before the commencement of the Preliminary Meeting. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Paige Hanlon

Paige Hanlon
Case Manager

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