



The Planning Inspectorate

**Byers Gill Solar**

**EN010139**

**s51 Advice Log**

**Updated: October 2023**

A new approach to the recording of s51 advice is being trialled on the Byers Gill Solar project under the [NSIP Reform Early Adopters Programme](#).

This document contains the advice that has been provided by the Planning Inspectorate at meetings with the applicant (JBM Solar Ltd) and their consultants. The format used should be considered as transitional at this time as the approach is developed.

This log is a record of advice we have provided for this project.

There is a statutory duty under [section 51 of the Planning Act 2008](#) to record the advice that is given in relation to an application or potential application and to make this publicly available.

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Date of meeting	Meeting overview
<a href="#">10/02/2022</a>	<p>Please note information regarding these two meetings is within the same Meeting Note, and so the meetings have been summarised together.</p> <p>Agenda:</p> <ol style="list-style-type: none"> <li>1. Applicant</li> <li>2. Introduction to the Project</li> <li>3. Environmental Impact Assessment (EIA)</li> <li>4. Scoping</li> <li>5. Other – importance of community engagement, example Statement of Common Ground, issues raised in other solar NSIP examinations, Solar Advice Note for NSIPs</li> <li>6. Anticipated Programme</li> <li>7. Specific decisions / follow-up required?</li> </ol>
<a href="#">18/08/2022</a>	<p>Agenda:</p> <ol style="list-style-type: none"> <li>1. Introduction</li> <li>2. Project update</li> <li>3. Scoping Opinion feedback and clarification</li> <li>4. Any other business – approach taken to the 2023 Local Government Re-Organisation in North Yorkshire and Cumbria, date of next project update meeting</li> <li>5. Specific decisions / follow-up required?</li> <li>6. Post meeting note</li> </ol>
<a href="#">12/12/2022</a>	<p>Agenda:</p> <ol style="list-style-type: none"> <li>1. Project and Programme Update</li> <li>2. Early Adopters components initiation</li> <li>3. Any other business</li> </ol>
<a href="#">03/07/2023</a>	<p>Agenda:</p> <ol style="list-style-type: none"> <li>1. Project Update</li> <li>2. Update on progress with Principal Areas of Disagreement Summary Statement (PADSS)</li> <li>3. Update on PIMIE</li> <li>4. PINS Comments on Policy Compliance Document and Design Approach Document</li> </ol>
<a href="#">18/09/2023</a>	<p>Agenda:</p> <ol style="list-style-type: none"> <li>1. Project Update</li> <li>2. Update on progress with Principal Areas of Disagreement Summary Statement (PADSS)</li> <li>3. Update on PIMIE</li> <li>4. PINS Comments on Policy Compliance Document and Design Approach Document</li> </ol>

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Topic	Meeting date: 10/02/2022 and 18/08/2022
Geophysical surveys	The Inspectorate noted that it expected desk-based assessments to inform the need for geophysical surveys and that this in turn should inform the need for trial trenching.
Waste at decommissioning (EIA)	The Inspectorate advised that waste at decommissioning should be considered in the Environmental Impact Assessment scoping report and that a preliminary risk assessment should inform the ground conditions chapter in the scoping report.
Scoping Request	The Inspectorate encouraged the Applicant to provide a detailed Scoping Request.
Scoping Request	The Inspectorate advised the Applicant that the shape file will need to be submitted with 10 working days' notice.
Consultation period timings	The Inspectorate advised the Applicant to be aware of scheduling the consultation period and where the 42 days fall, particularly with regard to days lost due to public holidays.
Community engagement	The Inspectorate highlighted the importance of community engagement during statutory and non-statutory consultation, noting the benefit of including collaborative design elements in draft documents to ensure they are communicated effectively in the DCO Application.
Statement of Common Ground example	The Inspectorate referred to documents used in the Hornsea Four Offshore Wind Farm DCO application which may be useful to the Applicant, in relation to the Statements of Common Ground.
Issues raised in other solar NSIP examinations	The Inspectorate referred to issues being raised in other solar NSIP examinations, including risks associated with fire hazard from battery storage and the use of agricultural land. It advised the Applicant to prepare evidence on these issues prior to engagement with stakeholders.
Solar Advice Note for NSIPs	The Inspectorate informed the Applicant that work was ongoing to develop a Solar Advice Note for Nationally Significant Infrastructure Projects and that it would be informed when it is published.

<b>Topic</b>	<b>Meeting date: 12/12/2022</b>
Changes in Project programme	The Applicant was encouraged to keep the Inspectorate informed of changes in the programme of the Project to assist resource planning.
Supporting information	The Inspectorate clarified that supporting information may be provided as separate assessments or appendices with the application where appropriate and this should be cross-referenced in the Environmental Statement to the information it is supporting.
Approach taken to the 2023 Local Government Re-Organisation in North Yorkshire and Cumbria	The Inspectorate raised the need for the Applicant to consider the approach to be taken with respect to the 2023 Local Government Re-Organisation in North Yorkshire and Cumbria. Although the host authorities for this scheme are unaffected, thought needed to be given to how this may need to be reflected regarding consultees.
Clarification on Scoping Opinion reference 3.5.5	The Inspectorate provided a clarification regarding Scoping Opinion reference 3.5.5. This clarified that further evidence is required to confirm that landowners in the Site Area have voluntarily agreed to give up their land for the Proposed Development and that the full range of potential significant effects have been considered. As an example, such evidence could include a short statement to confirm that no compulsory acquisition will be required as part of the Proposed Development.
<b>Topic</b>	<b>Meeting date: 03/07/2023</b>
Programme Plan	The Inspectorate explained that the Applicant must prepare a Programme Plan for publication on its website in order that stakeholders may understand, and where relevant contribute towards, key milestones in the build up to the submission of the application. All requested interactions associated with the EAP components engaged must be agreed in the detailed Programme Plan. The Inspectorate requested for the public Programme Plan to be published on the Applicant's website within two weeks.
Issues Tracker	The Inspectorate would provide the Applicant with a template for issues tracking. The Inspectorate established that this template could be refined by the Applicant to suit the individual circumstances of the project. The issues tracker should be proactively shared by the Applicant with the Inspectorate and relevant consultees prior to interactions.
PADSS	The Inspectorate reiterated that PADSS are consultee owned and authored. The Inspectorate

	would provide the Applicant with a PADSS template for distribution to relevant consultees to prepare and maintain. The Applicant would be required to retrieve final versions of pre-application PADSS from relevant consultees in order for them to accompany the DCO application submission
Policy Compliance Document	The Inspectorate explained the scope and purpose of the Policy Compliance Document. It is for the Applicant to respond to the brief in terms of how to develop this product, with input from relevant consultees as appropriate. The Inspectorate confirmed that it would be able to review and feedback on draft iterations of this document as they become available within the remainder of the pre-application stage.
Demonstrating regard to s51 advice	The Applicant will be required to demonstrate how it has had regard to all s51 advice issued by the Inspectorate in a discrete location within the submitted application. The Inspectorate would be able to advise on the format in which the Applicant proposed to discharge this component within the application.
Advice log	This is an optimised way to record interactions with the Applicant and any advice issued by the Inspectorate. A similar approach had been trialled previously on the A66 North Trans Pennine Project case. The log would be maintained by the Inspectorate and a copy of the template shared with the Applicant for information.
Design Approach Document	The Inspectorate explained the scope and purpose of the Design Approach Document. It is for the Applicant to respond to the brief in terms of how to develop this product, with input from relevant consultees as appropriate. The Inspectorate confirmed that it would be able to review and feedback draft iterations of this document as they become available within the remainder of the pre-application stage.
Outline control documents	The Inspectorate would provide the Applicant with a template CEMP developed for the onshore elements of offshore wind farms. The Inspectorate established that it may seek to develop equivalent templates for different sectors. On this basis it would be for the Applicant to prepare well-developed outline control documents to accompany its application. The Inspectorate confirmed that it would be able to review and feedback on draft iterations of these documents as they become available within the remainder of the pre-application stage.
Multiparty meetings	The Inspectorate summarised its offer under this component and requested for the Applicant to confirm (i) any multiparty meetings that it would wish to engage as soon as possible

	following the meeting and (ii) the requested role of the Inspectorate in any meetings.
<b>Topic</b>	<b>Meeting date: 18/09/2023</b>
Issues Tracker	The Applicant shared with the Inspectorate the current Pre-application Issues Tracker with regards to the Early Adopters Programme. Clarification was requested on whether consultation matters should be included. The Inspectorate advised that whilst it is for the Applicant to decide what was captured within its Issue Tracker, it sounded like an appropriate step to include matters raised at consultation.
Issues Tracker	The Inspectorate confirmed it would clarify when the Pre-application tracker should be published by the Applicant.
Policy Compliance Document and Design Approach Document	<p>The Applicant stated the Policy Compliance Document and Design Approach Document was issued in August 2023 to the Inspectorate and Statutory Consultees. The Applicant advised that sharing the Design Approach Document with Councils at this stage has been beneficial to provide further context surrounding the Scheme. Some responses have been received.</p> <p>The Inspectorate requested to see a more mature version of these documents which would then be shared with a specialist Inspector who would then be able to provide specific feedback.</p>
Draft Document Review	The Applicant confirmed that it was their intention for Draft Documents to be submitted for review in late October 2023. The Inspectorate confirmed that 6 to 8 weeks would be required to provide feedback on the draft documents. Whilst some documents related to the Early Adopters Programme might be able to be reviewed within two weeks, the Inspectorate advised that generally it could only work to the standard targeted timescales at the moment for regular draft documents review documents.