



**Byers Gill Solar – EN010139**

**Section 51 advice regarding draft application documents submitted by JBM Solar**

On 8 December 2023 JBM Solar submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service<sup>1</sup>:

1. Consultation Report (Document Reference 5.2)
2. Draft Development Consent Order
3. Environmental Statement Chapter 2

On 11 January 2024 JBM Solar submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service<sup>1</sup>:

1. Land Plan
2. Work Plan

The advice recorded in the table below relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents listed above. The advice is limited by the maturity of the documentation provided by the Applicant and the time available for consideration and is raised without prejudice to the acceptance decision or the final decision about whether development consent should be granted.

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<sup>1</sup> See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>



<b>Consultation Report</b>		
<b>Ref No.</b>	<b>Paragraph/ Section</b>	<b>Comment/Question</b>
1.	<b>General</b>	<p>Due to the skeleton nature of the document as provided for review, there are limited comments that can be provided in relation to substantive content. Therefore, further content is clearly required and anticipated to be required to populate this document.</p> <p>The Applicant may wish to ensure that care is taken to data entry and consistency so that this document and others are consistent at submission and that cross-referencing does not relate to intended information that may not be reflected in the final document.</p>
2.	<b>General</b>	<p>It is not clear what evidence will be provided to support the information provided in the Consultation report as the content as provided is still at an early stage and provides an outline of sections to be provided.</p> <p>The Applicant may wish to ensure that all information on work undertaken is fully evidenced in order to provide clarity and certainty in respect to the nature, approach and effectiveness of consultation undertaken at the Pre-Application stage.</p>

<b>Draft Development Consent Order</b>		
<b>Ref No.</b>	<b>Article/ Requirement/ Schedule</b>	<b>Comment/Question</b>
3.	<b>General</b>	<p>As this is a document which is has not been finalised and it has been noticed at there are some placeholders which will presumably be updated to reflect the position at the point of submission.</p> <p>The Applicant may wish to ensure they thoroughly review this document and ensure that all required information is available. For example, if there is intended that a local authority area is to be referenced, that the submitted draft Development Consent Order includes this information.</p>



<b>Draft Development Consent Order</b>		
<b>Ref No.</b>	<b>Article/ Requirement/ Schedule</b>	<b>Comment/Question</b>
<b>4.</b>	<b>Article 2</b>	<p>There does not appear to be a clear definition provided for Generating Station which is a term used in Article 5, Schedule 1, and the Explanatory Note. As far as can be seen this draft Development Consent Order neither provides its own definition or points to an existing definition in other legislation.</p> <p>The Applicant may wish to review their approach and give consideration as to which definitions should be included in the Draft Development Consent Order.</p>
<b>5.</b>	<b>Part 5</b>	<p>It has been noticed that the draft Development Consent Order refers to all land within the order limits being within the scope of Compulsory Acquisition powers, but this is not what is shown in the Land Plan, which most of the land appears to have been shaded in conformity with the legend entry for land that is not subject to compulsory acquisition. This could cause confusion as this does not appear to be consistent.</p> <p>The Applicant may wish to review this point and ensure that there is consistency between different documents and clarify the position in relation to Compulsory Acquisition powers.</p>
<b>6.</b>	<b>Schedules 2, 3, 4, 5, 6, 7 and 8</b>	<p>These schedules appear to be missing content and so will need completing as appropriate prior to submission.</p> <p>The Applicant may wish to review these schedules and populate as required.</p>
<b>7.</b>	<b>Schedule 10 Article 22 (1)</b>	<p>There is a single reference to limits of deviation is provided in Schedule 10 as part of protective provisions for the protection of the Drainage Authorities. However, there does not appear to be any other references in the draft Development Consent Order to limits of deviation including in the form of a definition of these limits. It is also noticed that these limits do not appear to be reflected on the provided plans.</p> <p>The Applicant may wish to review this and reflect on the need for documents to be well defined and consistent between different documentation.</p>



<b>Environmental Statement Chapter 2</b>		
<b>Ref No.</b>	<b>Paragraph/ Section</b>	<b>Comment/Question</b>
8.	<b>Table of Contents</b>	The Table of Contents doesn't match up to the correct sections. Management Plans are described in Section 2.7, not Section 2.9, as set out on the contents page.
9.	<b>Paragraph 2.3.12</b>	Paragraph 2.3.12 describes the low voltage cabling between solar PV modules and inverters and states that a small section of this cabling would be placed underground where it leaves the solar PV modules and connects to the inverters. However, the installation method and depth of these cables is not provided. If this information is set out somewhere else in the ES or in another relevant application document there should be appropriate cross referencing to the location of that information in ES Chapter 2.
10.	<b>Paragraphs 2.3.17 to 2.3.20</b>	Paragraphs 2.3.17 to 2.3.20 provide a description of the higher voltage underground cabling between panel areas and the on-site substation. Paragraph 2.3.19 states that the underground cables would be installed using a cable plough, but the depth of these cables is not set out. As above, if this information is set out somewhere else in the ES or in another relevant application document there should be appropriate cross referencing to the location of that information in ES Chapter 2.
11.	<b>Paragraphs 2.6.8</b>	Paragraph 2.6.8 states that there will be an 8m easement around all mapped watercourses but paragraph 2.6.12 states that 10m buffers will be maintained between solar PV modules and riparian boundaries and watercourses. Paragraph 2.6.33 also mentions an 8m buffer around watercourses in relation to pollution and erosion control. As such it is not clear what the easement/buffers represent. For example, are they intended to differentiate between the siting of infrastructure or the location of relevant construction/operational activities. More information is required to clearly distinguish between the 8m easement and 10m buffer around watercourses.
12.	<b>Paragraphs 2.8.35 to 2.8.37</b>	Operational activities are described in paragraphs 2.8.35 to 2.8.37. However, the frequency of maintenance activities and the number of staff required during the operational phase are not outlined.



Environmental Statement Chapter 2		
Ref No.	Paragraph/ Section	Comment/Question
13.	<b>Paragraphs 2.3.28, 2.6.14, 2.6.25 and 2.6.31</b>	<p>A few spelling and grammar errors have been identified. These include:</p> <ul style="list-style-type: none"> <li>• Paragraph 2.3.28, second bullet point “on3m” may need additional spacing.</li> <li>• Paragraph 2.6.14 is written as “prevent or reduce any adverse effects the landscape”. It is assumed that this should read as “prevent or reduce any adverse effects on the landscape”.</li> <li>• Paragraph 2.6.25 “remain.For” may need an additional space.</li> <li>• Paragraph 2.6.31 the last bullet point may need a full stop.</li> </ul> <p>The Applicant may wish to review this document to pick up spelling and grammar errors.</p>
14.	<b>Paragraph 2.9.5</b>	<p>Paragraph 2.9.5 is written as “decommissioning is expected to take between of 6 to 12 months and could be undertaken in phases” assume this should be written as “decommissioning is expected to take between 6 to 12 months and could be undertaken in phases”.</p>
15.	<b>Paragraph 2.9.10</b>	<p>It has been noticed that paragraph 2.9.10 is blank.</p> <p>The Applicant may wish to populate this paragraph or remove the paragraph should it not be required.</p>

Land Plan		
Ref No.	Plan ref	Comment/Question
16.	<b>General</b>	<p>It has been noticed that the chosen legend shows that the order limits, plot boundaries and principal authority boundaries will all be marked with similar shades of red. This may be undesirable for the understanding of the plans in some locations on the plan by all parties to a potential examination.</p>



Land Plan		
Ref No.	Plan ref	Comment/Question
		The Applicant may wish to reflect on this and consider how the content of the plan can be as distinctive and easily understood by all parties should this case progress to Examination. Ideally all parties should be given the best opportunity to understand the provided information and participate in the process.
17.	<b>General</b>	<p>It is noticed that the Applicant is utilising Ordnance Survey Mapping Data as background mapping but that the included mapping data is incomplete and is missing information on sheets including within the order limits. This could cause confusion as the information provided on the sheets of this plan is not provided in the available context.</p> <p>The Applicant may wish to reflect on the background mapping provided and the value of providing as full a context to parties to a future Examination, should an application for this project be Accepted for Examination. It may be desirable for the Applicant to consider whether it is worth providing additional background mapping data within these plans.</p>
18.	<b>Key plan</b>	<p>The Applicant is reminded that The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP 2009) Regulation 5 (4) requires a plan comprising three or more sheets must be provided with a key plan showing the relationships between the different sheets. It is recognised that a key plan highlighting the current sheet is shown on each sheet and that there is also an overarching sheet provided. This does not appear to be consistent approach with that taken with the Works Plan.</p> <p>The Applicant may wish to reflect on its approach and consider if there is value to a consistent approach to plans in seeking to meet the requirements of Regulation 5 (4).</p>
19.	<b>Key plan and Sheets 1-13</b>	It is noticed that both the overall key plan and the associated individual sheets state their scale as being 1:2500 at A1. The Land Plan Sheets and the Key Plan are clearly at different scales, and this brings into question the scale of the Land Plan and compliance with The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP 2009) Regulation 5 (4A). It appears likely the Key Plan is incorrect in its quoted scale. The Inspectorate would like to remind the Applicant that such inaccuracies reduce confidence that any or all stated information is accurate.



Land Plan		
Ref No.	Plan ref	Comment/Question
		The Applicant may wish to check the scales of the sheets of the plan provided and ensure that the scale is correctly stated on each sheet.
20.	<b>General and Part 5 of the dDCO</b>	<p>It has been noticed that the draft Development Consent Order refers to all land within the order limits being within the scope of Compulsory Acquisition powers, but this is not what is shown in the Land Plan, which most of the land appears to have been shaded in conformity with the legend entry for land that is not subject to compulsory acquisition. This could cause confusion as this does not appear to be consistent.</p> <p>The Applicant may wish to review this point and ensure that there is consistency between different documents and clarify the position in relation to Compulsory Acquisition powers.</p>

Work Plan		
Ref No.	Plan ref	Comment/Question
21.	<b>General</b>	<p>It is noticed that the Applicant is utilising Ordnance Survey Mapping Data as background mapping but that the included mapping data is incomplete and is missing information on sheets away from the order limits. This could result in missing mapping data closer to the order limits and may also cause confusion as the information provided on the sheets of this plan is not provided in the available context.</p> <p>The Applicant may wish to reflect on the background mapping provided and the value of providing as full a context to parties to a future Examination, should an application for this project be Accepted for Examination. It may be desirable for the Applicant to consider whether it is worth providing additional background mapping data within these plans.</p>
22.	<b>Key plan</b>	The Applicant is reminded that The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP 2009) Regulation 5 (4) requires a plan comprising three or more sheets must be provided with a key plan showing the relationships between the different sheets. It is recognised that a key plan



Work Plan		
Ref No.	Plan ref	Comment/Question
		highlighting the current sheet is shown on each sheet, but an overarching sheet is not provided. This does not appear to be consistent approach with that taken with the Land Plan. The Applicant may wish to reflect on its approach and consider if there is value to a consistent approach to plans in seeking to meet the requirements of Regulation 5 (4).
23.	<b>General – cut lines and labelling</b>	Not all labelling of features or cut lines appear to be as clear to read as may be desirable in the context of shading, background mapping. For example, the blue hatching of Work No. 5 on Sheet 11 of 13 could be seen to make the labelling of Cut Line – Sheet 12 less readable at some zoom settings for some parties. The Applicant may wish to review and reassure themselves that their approach will not lead to confusion or difficulty for some parties.

### General

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: “*The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.*”