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12 June 2024

Dear Robert,

**Planning Act 2008 – Application for a Development Consent Order for the  
Tillbridge Solar Project  
Applicant Response to Section 51 Advice letter dated 8 May 2024  
Application Ref: EN010142**

Thank you for the advice provided under section 51 of the Planning Act 2008, alongside the decision to accept the Application for the Tillbridge Solar Project Development Consent Order (DCO) for examination on the 8 May 2024.

This letter sets out the Tillbridge Solar Limited's (the Applicant) response to those observations set out in the section 51 letter dated 8 May 2024.

**Consultees identified on a precautionary basis**

Advice in relation to taking a precautionary approach to consultation when the Applicant serves notice of the accepted Application under s56(2)(a) of the PA2008 is welcomed. It is confirmed that this is the approach that will be undertaken to ensure full participation in the Examination by affected parties or those with an interest in the Application.

**Draft Development Consent Order (Document 3.1)**

*Schedule 13 Certified Documents and Plans*

The Applicant has reviewed the references within Schedule 13 of the **draft DCO [EN010142/APP/3.1]** and can confirm that there has been a minor error during consistency checking where updated document references set out within the electronic index to Volume 1 had not been pulled through into Schedule 13. An updated version of the draft DCO has been submitted to correct the document references.

### *Referencing of ES*

The Applicant, having considered this request, intends to retain the referencing of the ES as submitted as a single document reference for chapters (6.1), a single document reference for appendices (6.2) and a single document reference for figures (6.3). If all of the chapters are split out, we consider the same approach would need to be taken for the appendices and figures which would make the schedule unwieldy. The approach taken also reflects that in other DCOs. Instead, we note that the examination library will provide an individual reference number for each chapter within the ES. It is proposed that an additional column (5) will be added to Schedule 13 (Documents and Plans to be certified) of the **draft DCO [EN010142/APP/3.1]** once the Examination is underway to refer to the Examination Library Reference of each certified document. Separate chapters, appendices or figures will be references in Schedule 13 where amendments are made to documents throughout Examination. This along with the existing column (3) and (4), will show the revision number and date of the revision which will provide further clarity on the version of the plan/document that is to be certified at the close of Examination.

### *Design and Access Statement*

The Applicant does not intend to seek the certification of the **Design and Access Statement [EN010142/APP/7.3]** as this document is not secured by any requirements in the DCO. Instead, matters of design are secured by way of the **Outline Design Principles Statement (ODPS) [EN010142/APP/7.4]** which is a certified document, which is secured through draft Requirement 5 whereby the detailed design of the Scheme must accord with the ODPS. The ODPS sets the design parameters for the detailed design.

### *Schedule 15 Protective Provisions*

The **draft DCO [EN010142/APP/3.1]** as submitted includes placeholders for Protective Provisions with Uniper (Part 14) and EDF (Part 15) as while the parties have agreed that protective provisions are required, draft protective provisions for those undertakers are not yet sufficiently advanced such that they can be included in the draft DCO. As already referenced, the draft DCO is a live, working document and will be updated during the course of the Examination. This will include updates relating to Protective Provisions with respect to Uniper (Part 14) and EDF Energy (Part 15) once negotiations have progressed.

### **Explanatory Memorandum (Doc 3.2)**

The Applicant will ensure that updates are made with respect to references to currently unmade DCOs should they be made during the course of the Examination. There are no updates to be made at this time in respect of those DCOs referred to in the Explanatory Memorandum.

### **Works Plans (Doc 2.3)**

The Planning Inspectorate is correct that the design of the Scheme is such that Battery Energy Storage Systems (BESS) are proposed to be dispersed across the

Principal Site rather than placed on one central location. This reflects that the Scheme is DC-coupled rather than AC-coupled. This means that the BESS is sited so that it adjoins the Solar Stations and PV to reduce the number of times in which electricity is inverted for improved efficiencies in storing energy before it is released to the grid. On this basis, the **Works Plans [EN010142/APP/2.3]** do seek flexibility with respect to the location of BESS units (**Work No.2**) within areas of PV (**Work No. 1**). However, the Application does include restrictions on locating BESS to ensure appropriate parameters (such as for noise or visual effects) are met and impacts appropriately controlled. For example, the **Outline Design Principles Statement [EN010142/APP/7.4]** would restrict the location of BESS in relation to residential properties by not allowing BESS within 250m of any residential property and the **Works Plans [EN010142/APP/2.3]** on Sheet 7 of 24 precludes the construction of both BESS and Solar Stations on land approximately 200m to the north of Northlands Road and to the east of the proposed southern sub-station within the Principal Site in response to engagement with stakeholders.

In terms of the number and locations of BESS stations co-located alongside Solar Stations, **Figure 3-1: Indicative Principal Site Layout Plan** of the Environmental Statement **[EN010142/APP/6.3]** indicatively shows the potential number and distribution of BESS and Solar Stations across the Scheme and how the DC-coupled scheme could be laid out at the detailed stage. **Figure 3-1: Indicative Principal Site Layout Plan** of the Environmental Statement **[EN010142/APP/6.3]** shows 140 BESS Stations co-located alongside Solar Stations dispersed across the Principal Site, positioned in up to 50 locations across the Principal Site in accordance with the recommendations of the **Framework Battery Safety Management Plan [EN010142/APP/7.13]**. The final location of the BESS would be established within the areas marked as **Work No. 2** on **Works Plans [EN010142/APP/2.3]** and in accordance with the **Outline Design Principles Statement [EN010142/APP/7.4]**.

**Figure 3-1: Indicative Principal Site Layout Plan** of the Environmental Statement **[EN010142/APP/6.3]** has been derived in conjunction with the **Framework Battery Safety Management Plan [EN010142/APP/7.13]**. Both of these documents have been drafted to account for the DC-coupled design of the Scheme with BESS dispersed across the Principal Site. The recommendations of the **Framework Battery Safety Management Plan [EN010142/APP/7.13]** are further reflected within the **Works Plans [EN010142/APP/2.3]** whereby two emergency access points are proposed along Common Lane and shown as Work No.10C on Sheet 6 of 24. In addition, the **Outline Drainage Strategy (Appendix 10-4** of the Environmental Statement **[EN010142/APP/6.2])** proposes mitigation measures associated with fire water runoff with the inclusion of a swale surrounding each BESS location.

Requirement 6 of the **draft DCO [EN010142/APP/3.1]** requires approval of a battery safety management plan prior to the commencement of **Work. No. 2** and that the battery safety management plan must be substantially in accordance with the **Framework Battery Safety Management Plan [EN010142/APP/7.13]**, In conjunction with this, is requirement 5, which requires detailed design approval prior

to the commencement of **Work No. 2**, including in respect of the final layout of BESS.

In essence, whilst Work No. 2 seeks flexibility upon the potential location of the BESS dispersed across the Principal Site, **Figure 3-1: Indicative Principal Site Layout Plan** of the Environmental Statement [EN010142/APP/6.3] and the **Works Plans [EN010142/APP/2.3]** have been derived in conjunction with the **Framework Battery Safety Management Plan [EN010142/APP/7.13]** to ensure that fire safety management has been considered as part of the Scheme with respect to a DC-coupled design solution and thereby these documents include parameters with respect to detailed design approval secured in accordance with draft requirements 5 and 6 of **draft DCO [EN010142/APP/3.1]**.

With respect to advice in relation to Work No. 6, this relates to site establishment and preparation works, minor associated infrastructure, elements that are secured by management plans or minor works that will not be defined until the detailed design stage. This is a common way in which to incorporate such elements within DCOs. This provides clarity on the full extent of works and ensures that the authorised development includes all elements that constitute development. None of these elements would give rise to significant environmental effects. Therefore, the Applicant considers that it would onerous and unnecessary to lock down and restrict the specific location of each these elements at this stage, and instead intends to retain the current flexibility. The only element that is specifically defined and secured within a limit of deviation as part of Work No. 6 are permissive paths. Two are proposed within the Scheme (Sheet 07 of 24 and Sheet 09 of 24 of the **Works Plans [EN010142/APP/2.3]** and are annotated with specific reference to their sub-set within Work No. 6 of Schedule 1 (authorised development) of the **draft DCO [EN010142/APP/3.1]** (Work No. 6 (c)).

In terms of areas of white land along local highways, the Applicant will similarly look to update if necessary and revert back to the Planning Inspectorate on this matter.

### **Land Plans (Doc 2.2)**

Thank-you for highlighting the minor discrepancy between the Land and Works Plans denoting land falling outside of the Order limits coloured yellow. The **Works Plans [EN010142/APP/2.3]** will be amended and submitted at Deadline 1 of the Examination to address any discrepancy between the Land and Works Plans in respect of this colouring.

In respect of the query as to whether the yellow colour is required at all, the Applicant considers that showing this land in yellow provides greater clarity to those viewing the Plans, rather than if these areas were shown in white. This aligns with a similar approach undertaken by other solar DCO schemes in the area (see for example, Gate Burton Energy Park EN10131).

### **Framework Landscape and Ecological Management Plan (LEMP) (Doc 7.17)**

Thank you for your comments on the Indicative Landscape Masterplan requesting that this forms a standalone document to the submission. The separation of this document from the Framework LEMP has been completed. The Indicative Landscape Masterplan also forms an appendix to the **Design and Access Statement [EN010142/APP/7.3]** and so it has been similarly extracted out of the Design and Access Statement.

Taking the Indicative Landscape Masterplan out of the Framework LEMP and Design and Access Statement means that revisions to these two documents are required. As such, amended documents have been produced and are submitted alongside this letter. The standalone Indicative Landscape Masterplan comprises a new reference number and an additional document to form part of the Examination library **[EN01042/APP/7.19]**.

### **Minor labelling and typographic errors in the Environmental Statement (ES) (Docs 6.1 to 6.3)**

Thank-you for noticing the above, these minor discrepancies have been rectified and we enclose updated figures and appendices as set out in the s51 letter received on 8 May 2024.

### **Book of Reference (Doc 4.3)**

The Applicant acknowledges the request to include an additional column setting out the acquisition type and rights sought to the Book of Reference. However we do not propose to include the additional column in the Book of Reference as this would require a significant amount of work to collate this information into the Book of Reference, which is considered to be disproportionate and not necessary when this information is already provided within the Application and can be easily referred to within the **Land and Crown Land Plans [EN010142/APP/2.2]**, the **Statement of Reasons [EN010142/APP/4.1]**, and the rights schedule included within the **draft DCO [EN010142/APP/3.1]**. The Book of Reference introduction refers readers to these documents to be read in conjunction with its contents.

The Applicant further considers this approach is appropriate as other developers (including Gate Burton Energy Park EN010131) have not included such information within their Book of References, reflecting that this approach is not a statutory requirement under the Planning Act 2008. It is considered appropriate that Tillbridge Solar Project aligns with the approach taken in other applications in the area to avoid confusion.

### **Correction of errors**

In addition to the above matters raised by the section 51 letter, the Applicant in making these amends has found an error in the operational noise modelling section of **Chapter 13: Noise and Vibration** of the Environmental Statement **[EN010142/APP/6.1]**, the associated **Appendix 13-4: Noise Modelling [EN010142/APP/6.2]** and **Figure 13-2: Operational Noise Contours**

[EN010142/APP/6.3]. As such, revised versions of these documents have been enclosed.

In addition, the Applicant has identified data that was missed out from **Appendix D: Minerals Policy Map** of the **Planning Statement [EN010142/APP/7.2]**. As such, a revised version of this document has also been provided, including an updated version of **Appendix D**. For clarity, the missing data does not amend the planning considerations of the Scheme with respect to the Scheme’s potential impacts upon safeguarded minerals as the missing data was considered as part of the planning appraisal within Section 6.15 of the submitted **Planning Statement [EN010142/APP/7.2]**.

**Guide to Application (Doc 1.2)**

Given the above updates to documents, the **Guide to Application [EN010142/APP/1.2]** has also been updated.

The table below sets out a list of documents that have been updated by the Applicant in response to the s51 advice letter received from the Planning Inspectorate on the 8 May 2024. The documents updated and referenced in the table below are enclosed with this letter. Both tracked changed and clean versions of each document are provided for clarity.

Doc. No.	Title	Summary of updates
1.2	Guide to Application (tracked change version)	Changes to Guide to Application to address comments from PINS received on 8 May 2024 requesting that the <b>Indicative Landscape Masterplan [EN01042/APP/7.19]</b> becomes a standalone document. References to the <b>Indicative Landscape Masterplan [EN010142/APP/7.19]</b> added. Appendix A updated to list the documents issued as part of this submission.
1.2	Guide to Application (clean version)	
3.1	Draft DCO (tracked change version)	Schedule 13 in response to comments from PINS received on 8 May 2024 updating to correct document references and list the certified documents issued as part of this submission.
3.1	Draft DCO (clean version)	
6.1	Chapter 13 Noise and Vibration (tracked change version)	Operational noise modelling results updated to correct errors identified by the Applicant.
6.1	Chapter 13 Noise and Vibration (clean version)	

<b>Doc. No.</b>	<b>Title</b>	<b>Summary of updates</b>
6.2	Appendix 8-5-1 – Principal Site Geophysical Report (Part 1 of 2)	Document updated to remove erroneous redactions in response to comments from PINS received on 8 May 2024.
6.2	Appendix 8-5-2 – Cable Route Corridor Geophysical Survey Report	Document updated to remove erroneous redactions in response to comments from PINS received on 8 May 2024.
6.2	Appendix 9-5 – Baseline Report for Great Crested Newts	Document updated to remove erroneous redactions in response to comments from PINS received on 8 May 2024.
6.2	Appendix 13-4 – Noise Modelling (tracked change version)	Document updated to correct the operational noise modelling assumption for inverters identified by the Applicant.
6.2	Appendix 13-4 – Noise Modelling (clean version)	
6.3	Figure 2-2 – Environmental Constraints Plan	Figure updated to change the colour scheme and add labels to designated sites and watercourses in response to comments received from PINS on 8 May 2024.
6.3	Figure 4-2 – Outcome of Planning and Environmental Constraints Mapping	Figure updated to change the colour scheme in response to comments received from PINS on 8 May 2024.
6.3	Figure 4-3 – Zones Suitable for Solar Development	Figure updated to change the colour scheme in response to comments received from PINS on 8 May 2024.
6.3	Figure 12-4 A-H - Zones of Theoretical Visibility	Zones of Theoretical Visibility (ZTV) have now been updated to display where this extends outside of the Study Area in response to comments received from PINS on 8 May 2024. However, it is noted that outside the Study Area, the Scheme is unlikely to be visible by naked eye within the ZTV areas due to the reduced visibility of the Scheme with distance from the Principal Site.
6.3	Figure 12-11 – Local Landscape Character Areas (Defined by the Applicant)	Cover page of the figure corrected to correct errors identified by the Applicant.

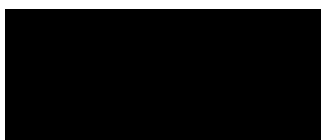
Doc. No.	Title	Summary of updates
6.3	Figure 12-13 – Q-V Reference Viewpoint Photography	The previous Figure 12-13: Q-CC has been replaced by two new figures for clarity identified by the Applicant, where the resolution of the images has been increased. It is noted that slight blurring on some of the Figure 12-13 images is visible due to the depth of field that the camera has used to capture the long-range view. However, these images are for the long-distance view and not for the foreground, and therefore, the slight blurring is not considered to hinder the understanding of the view.
6.3	Figure 12-13 – W-CC Reference Viewpoint Photography	
6.3	Figure 13-2 – Operational Noise Contours	Figure updated to reflect the updated operational noise modelling as identified by the Applicant.
6.3	Figure 16-3 – Proposed HGV Routes – Principal Site and Cable Route Corridor	Figures updated to include additional labelling for roads in response to comments received from PINS on 8 May 2024. It is noted that further labelling for minor roads is included as part of the OS background mapping.
6.3	Figure 16-4 – Local Highway Network	
6.3	Figure 16-8 – Selected Bus Stops and Routes Closest to the Scheme	
6.4	ES Non-Technical Summary (tracked change version)	Document has been updated to include references to the standalone <b>Indicative Landscape Masterplan [EN010142/APP/7.19]</b> and to replace Figures 2 and 4, where the colour scheme had been updated in response to comments received from PINS on 8 May 2024.
6.4	ES Non-Technical Summary (clean version)	
7.2	Planning Statement	Document has been updated to include missing data in Appendix D to correct errors identified by the Applicant.
7.3	Design and Access Statement (tracked change version)	Document has been updated to include references to the standalone <b>Indicative Landscape Masterplan [EN010142/APP/7.19]</b>
7.3	Design and Access Statement (clean version)	



<b>Doc. No.</b>	<b>Title</b>	<b>Summary of updates</b>
7.17	Framework Landscape and Ecological Management Plan (tracked change version)	in response to comments received from PINS on 8 May 2024.
7.17	Framework Landscape and Ecological Management Plan (clean version)	
7.19	Indicative Landscape Masterplan	New document provided as requested by PINS on 8 May 2024.

I trust that this letter and enclosures address the advice provided by the Planning Inspectorate in its letter dated 8 May 2024. If further clarification is required, please do not hesitate to contact us.

Yours sincerely,



Luke Murray  
Project Director, Tillbridge Solar Ltd