



**Tillbridge Solar Project – EN010142**

**Section 51 advice regarding draft application documents submitted by Tillbridge Solar Limited**

On 23/01/2024 Tillbridge Solar Limited submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service<sup>1</sup>:

1. Tillbridge Solar – Crown Plan
2. Tillbridge Solar – Land Plan
3. TS\_ES\_Chapter 3\_scheme\_Draft+For\_PINS\_review - Draft Scheme Description
4. Draft SROWA Plans (23)
5. The Tillbridge Solar Order – CLEAN MASTER 22.01.2024 - Draft DCO
6. Draft TRO Plans (27)
7. Draft Work Plans (25)

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/>



Tillbridge Solar - Crown Plan		
Ref No.	Plan ref	Comment/Question
1.	Key Plan	<p><a href="#">It is noted that there is only one plot and/or land parcel earmarked as Crown Land being plot 20/11. The Applicant may wish to review other submitted DCO Solar Farm applications, with similar features, such as Gate Burton Crown Land Plan.</a></p> <p><a href="#">Permanent acquisition of rights 20/11</a></p> <p>Heavy overlap of area in Sheets 19-24. To avoid unnecessary documents, Applicant should endeavour to reduce the number of sheets.</p>
	Sheet 20 of 24	<p><a href="#">The Key on Sheet 20 of 24 states for land earmarked as Crown Land being plot 20/11 is:</a></p> <p><i>"Crown Land within Order Land – new rights to be compulsory acquired and restrictive covenants to be imposed and land in relation to which existing easements, servitudes and other private rights the exercise of which is inconsistent with the rights and restrictions acquired pursuant to the Order are to be extinguished. <b>Land to be possessed temporarily</b> and during any period of temporary possession the exercise of easements, servitudes, and other private rights, are to be suspended."</i></p> <p>Sheet 20 of 24 of the Land Plan, notes that plot 20/11 is land where the Applicant intends to make permanent acquisition of rights over this land. Should the Land Plan not also reflect "Temporary possession" of this parcel of land?</p>
2.	All Plans	<p>The Applicant is reminded to have regard to <a href="#">The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, in particular regulation 5(3)</a>. It is noted that there is no North arrow represented on any of the plans.</p> <p><a href="#">The Applicant may wish to consider whether it is necessary to include the colours within the "Key" of the plan, especially where these features are not represented on the respective sheet/s.</a></p> <p>For ease of clarity the Applicant may wish to include within the legend of the sheet a "Location plan" reflecting the position of "x" sheet in relation to the overall scheme, please refer to the suggested Crown plan referenced above.</p>



Tillbridge Solar - Land Plan		
Ref No.	Plan ref	Comment/Question
3.	Sheet 20 of 24	See comments made at item 2 above regarding Crown Land feedback.
4.	General	Article 29 and Schedule 11 of the draft Development Consent Order (dDCO) has reference, which relates to the temporary possession and/or temporary use of land. Schedule 11 is presently empty, however in accordance with the Land Plan there is no land that is intended to be Temporarily possessed.
5.	All plans	The Applicant is reminded to have regard to <a href="#">The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, in particular regulation 5(3)</a> . It is noted that there is no North arrow represented on any of the plans.
6.	Key Plan	Heavy overlap of area in Sheets 19-24. To avoid unnecessary documents, Applicant should endeavour to reduce the number of sheets

TS_ES_Chapter 3_scheme_Draft+For_PINS_review - Scheme Description		
Ref No.	Paragraph/ Section	Comment/Question
7.	Table 3-2	Table 3-2 does not describe all of the works listed within the dDCO. Works missing include: <ul style="list-style-type: none"> <li>• 2(c), (d), (e), (g) and (h)</li> <li>• 5 Including (a), (b), (c), (d), (e), (f) and (g)</li> <li>• 6 Including (a), (b), (c), (d), (e), (f), (g), (h), (j), (k), (l) and (m)</li> <li>• 7(a), (b), (c), (d), (e), (f) and (g)</li> <li>• 9 Including (a), (b), (c), (d) and (e)</li> <li>• 10 Including (a) and (b)</li> </ul>



TS_ES_Chapter 3_scheme_Draft+For_PINS_review - Scheme Description		
Ref No.	Paragraph/ Section	Comment/Question
		We advise that where works have been excluded intentionally, this should be justified. All other works should be included within Table 3-2 to that the Scheme Description set out in the ES is consistent with the dDCO.
8.	Table 3-2	Works are listed non-sequentially whereas dDCO is sequential. We advise consistent presentation throughout all application documents to aid cross-referencing.
9.	Table 3-2, Equipment Storage	This is labelled as Work No. 7. The dDCO reads 'Work No. 8 – works to develop a solar farm control centre and equipment storage' whereas Works No.7 in the dDCO refers to 'construction and decommissioning compounds'. Works numbering should be consistent throughout all application documents.
10.	Table 3-2	Descriptions of Work No. 2(a) and 2(b) are included under Work No. 2 in Table 3-2, however the description of 2(b) omits details of the structures intended to house ancillary equipment, which are included within the dDCO. We advise that Table 3-2 should also provide a description of the structures intended to house this ancillary equipment.
11.	Table 3-2, Fencing and Storage	This is labelled as Work No. 6l whereas in the dDCO, 6l relates to 'electricity, water, waste water and telecommunications connections. Works numbering should be consistent throughout all application documents.
12.	3.4.6 and Table 3-2	Paragraph 3.4.6 states that the DCO will secure the maximum parameters for both the solar PV panels and associated development, however the maximum parameters provided in Table 3-2 (1.5 million PV panels) are not stated within the dDCO. The dDCO should include the maximum parameters required for each work, and these should also be reflected in ES Chapter 3.
13.	Table 3-2 Work No. 3	There are a number of inconsistencies between the description of Work No. 3 (a) and (b) provided within Table 3-2 and the dDCO, these include: <ul style="list-style-type: none"> <li>• Table 3-2, Work No. 3 states that each substation will require two 400/33 kV, 150/75/75 MVA Transformers, however the dDCO only specifies one.</li> <li>• Table 3-2 states that substation A will require a 400 kV shunt reactor, however this is not listed in the dDCO.</li> </ul>



TS_ES_Chapter 3_scheme_Draft+For_PINS_review - Scheme Description		
Ref No.	Paragraph/Section	Comment/Question
		<ul style="list-style-type: none"> <li>A 400 kV gas insulated bus duct is listed as a substation component in Table 3-2 but is not included within the dDCO.</li> </ul> <p>The scheme description should be consistent between the two documents.</p>
14.	<b>Table 3-2 and Paragraphs 3.5.33 and 3.5.34</b>	It is stated that five construction compounds will be required for Work No. 7 and 6 for Work No. 4, however this is not reflected within the dDCO. We advise that the number of required construction compounds should also be included within the dDCO.
15.	<b>Throughout chapter</b>	The chapter refers to the 'worst-case scenarios' and 'worst-case assumptions.' Aside from paragraph 3.2.3 which sets out the rationale for the worst-case assumptions used during the construction period, no other justification is provided as how the worst-case is derived. The basis for every worst-case should be explained within the ES.

Draft SRoWA Plans		
Ref No.	Plan ref	Comment/Question
16.	<b>All Plans</b>	The File Name is difficult to comprehend (currently relates to the Sheet Number). To promote accessibility for the public, rename each File to the Sheet Title. The Applicant is reminded to have regard to <a href="#">Advice Note Six: Preparation and submission of application documents</a>
17.	<b>All Plans</b>	Consistency across plan types would be appreciated. As with the Land and Crown Plans, could the SRoWA Plans be compressed into one file, rather than across twenty-five individual ones, with the Key Plan included as page 1?



Draft SROWA Plans		
Ref No.	Plan ref	Comment/Question
18.	All Plans	Schedules 4-8 in dDCO are currently blank. Applicant should ensure these plans are consistent with <a href="#">APFP Reg (5)(2)(k)</a> when submitted at the Application stage
19.	Sheet 22 and 23	Both sheets had been submitted with the draft TRO plans, instead of with the SROWA bundle

Draft TRO Plans		
Ref No.	Plan ref	Comment/Question
20.	All plans	The file names are difficult to navigate, referring to the plan/sheet number. To promote accessibility for the public, files should be renamed to reflect their content e.g., to the sheet title.
21.	All plans	As with other plan sets, could the TRO Plans be compressed into a single, multi-page file rather than 25 individual ones? The Key Plan should be included as page 1.
22.	Sheets 22 and 23	The SROWA plans for these sheets have been included with the TRO Plans.
1.	All plans	A number of sheets are overlaid with the statement 'SHEET NOT USED AS PART OF THIS DRAWING SERIES' (e.g., Sheet 9). To avoid confusion or misunderstanding, as the sheet is still included in the package, the Applicant may wish to consider amending the wording. For example, 'NO RELEVANT WORKS ON THIS SHEET' would be a clearer indication for members of the public and others viewing the plans.



Draft Works Plans		
Ref No.	Plan ref	Comment/Question
23.	All Sheets	There are some issues with, or misalignments of, the continuation / cut lines between plans, noted in several places (e.g., sheets 03, 05, 06 and 07). The Applicant should review the continuation lines and ensure consistency with each other and with the overall key plan.
24.	Works 1(a) and 1(b)	It is noted within the Ddco under Schedule 1, that there is only Works 1, should this not be described as Works No. 1(a) and Works No. 1(b) as distinguished within Work No. 3?
25.	Sheets 03 & 04	An area of shading that seems to correspond to Work 4(a) is shown outside of the red line boundary. This should be checked and corrected as appropriate.
26.	Sheet 06	Two different shading patterns are shown on the plan labelled as Work 4(a). One matches the notation in the key, the second is used on various other sheets for Work 4(b).
27.	Sheet 08	Work 4(c) is shown with a different shading pattern on the plan than in the key.
28.	Sheet 09	A small area of what appears to be Work 1(a) & 6 is shown on this plan but the notation is not included in the key.
29.	All sheets	The notation for Works 1(a) & 6 is a different colour on the plan to that shown in the key.
30.	All sheets	The colour and notation used for Work 4(a) is quite faint and very difficult to read where it overlaps with other Works. Can this be changed to make the plans clearer to read?
31.	All sheets	The shading used for 'Land not included in order limits' changes partway through the plans (in the earlier plans it is a bright yellow and in the later plans a darker colour). To ensure the plans are clear and easy to read, particularly for members of the public, we recommend this is updated to remain consistent throughout.
32.	Key plan	Heavy overlap of area in Sheets 19-24. To avoid unnecessary documents and make the plans easier to follow for members of the public etc, the Applicant should endeavour to reduce the number of sheets and/or simplify the overlap in this area where possible.



The Tillbridge Solar Order – CLEAN MASTER 22.01.2024 Draft Development Consent Order			
Q No.	Article/ Requirement/Schedule	Extract from DCO (for ease of reference)	Comment/Question
33.	<b>General: Drafting</b>		<p>The DCO should be:</p> <ul style="list-style-type: none"> <li>• in the Statutory Instrument (SI) template</li> <li>• follow guidance and best practice for SI drafting (for example avoiding “shall/should”) in accordance with the latest version of guidance from the Office of the Parliamentary Counsel</li> <li>• follow best practice drafting guidance from the Planning Inspectorate and the Departments in <a href="#">Advice Note 15 – Drafting development consent orders</a> (and see specific references to Advice Note 15 below)</li> <li>• fully audited to ensure that there are no inconsistencies within the DCO and its constituent parts such as definitions or expressions in the articles, requirements, protective provisions, other schedules and any book of reference and/or any deemed marine licence, that all legislative references in the DCO are to extant provisions and all schedules refer to the correct articles.</li> </ul>
34.	<b>General: Precedent</b>		<p>Notwithstanding that drafting precedent has been set by previous DCOs, full justification should be provided for each power/provision taking account of the facts of this particular DCO application.</p> <p>Where drafting precedents in previous made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed in the most recent DCOs so that the DCO provisions reflect the Secretary of State’s current policy preferences. If any general provisions (other than works descriptions and other drafting bespoke to the facts of this particular application and DCO) actually differ in any way from corresponding provisions in the Secretary of State’s most recent made DCOs, an explanation should be provided as to how and why they differ (including but not</p>





			limited to changes to statutory provisions made by or related to the Housing and Planning Act 2016).
35.	<b>General: Novel drafting</b>		<p>The purpose of and necessity for any provision which uses novel drafting, and which does not have precedent in a made DCO or similar statutory order should be explained. The drafting should</p> <ul style="list-style-type: none"><li>• be unambiguous</li><li>• achieve what the applicant wants it to achieve</li><li>• be consistent with any definitions or expressions in other provisions of the DCO and the PA2008 power on which the provision is based should also be identified.</li></ul>
36.	<b>General: Flexibility</b>		<p>The extent of any flexibility provided by the DCO should be fully explained, such as the scope of maintenance works and ancillary works, limits of deviation and the ability (through tailpieces in requirements) of discharging authorities to authorise subsequent amendments.</p> <p>The preferred approach to limiting this flexibility is to limit the works (or amendments) to those that would not give rise to any <u>materially new or materially different</u> environmental effects to those identified in the environmental statement.</p> <p>The drafting which gives rise to an element of flexibility (or alternatives) should provide clearly for unforeseen circumstances and define the scope of what is being authorised with sufficient precision.</p> <p>In relation to the flexibility to carry out advance works, any “carve out” from the definition of “commencement” should be fully justified and it should be demonstrated that such works are de minimis and do not have environmental impacts which would need to be controlled by requirement. See section 21 of Advice Note 15.</p> <p>The drafting of the requirements should reflect Advice Note 15, sections 17 and 19</p>



<p>37.</p>	<p><b>General: Disapplication or amendment of legislation/statutory provisions</b></p>		<p>The guidance in section 25 of Advice Note 15 should be followed and additional information sought such as</p> <ul style="list-style-type: none"><li>• the purpose of the legislation/statutory provision</li><li>• the persons/body having the power being disapplied</li><li>• an explanation as to the effect of disapplication and whether any protective provisions or requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls</li><li>• (by reference to section 120 and schedule 5) how each disapplied provision constitutes a matter for which provision may be made in the DCO.</li></ul> <p>Where the consent falls within a schedule to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 evidence will be required that the regulator has consented to removing the need for the consent.</p>
<p>38.</p>	<p><b>General</b></p>		<p>The Applicant is reminded to have regard to the <a href="#">DCLG: Application form Guidance, in particular paragraph 3, which states</a></p> <p><i>"The Application must be of a standard which the Secretary of State considers satisfactory..."</i></p> <p>Furthermore paragraph 22 of the Application form guidance, states:</p> <p><i>"A draft Development Consent Order is to be prepared by the applicant. This is to contain provisions relating to all the development work for which development consent is required, any associated development, any ancillary matters and any powers sought under the Planning Act regime which the applicant considers are necessary to construct and operate the proposed development..."</i></p> <p>It is noted that the dDCO has various incomplete schedules namely, 2, 4-9 and 11-13.</p>



## 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.*”