
EAST YORKSHIRE SOLAR FARM

**East Yorkshire Solar Farm
EN010143**

Consultation Report Appendices

**Appendix P2 Section 42(1)(aa)
Document Reference: EN010143/APP/5.2**

Regulation 5(2)(q)
Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009

2023
Revision Number: 00

2009

BOOM-POWER.CO.UK

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Appendix P2: Section 42(1)(aa) Responses to Statutory Consultation and the Applicant's responses

A.1 Section 42(1)(aa) Responses to Statutory Consultation and the Applicant's responses

1.1.1 The tables provided below evidence the regard had to responses received to the Applicant's statutory consultation in accordance with Section 49 of PA 2008. Please note that respondent comments are featured here verbatim - spelling and grammar have not been amended. Personal details have been redacted.

Table 1. Section 42(1)(aa) Responses to Statutory Consultation and the Applicant's responses

Statutory consultation under Section 42(1)(aa) of the Planning Act 2008 with Prescribed Consultees				
Topic area and consultation response		Prescribed Consultee(s)	Change (Y/N)	The Applicant's response (including the regard had to the consultation response)
Flood Risk, Drainage and Water Environment				
Environmental Licenses	Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.	Marine Management Organisation	N	<p>The Applicant is seeking provision for a deemed marine licence to be granted in Article 44 of the draft DCO. This states that the marine licence set out in Schedule 16 (deemed marine licence under the 2009 Act) is deemed to have been issued under Part 4 of the 2009 Act (marine licensing) for the licensable marine activities (as defined in section 66 of the 2009 Act) set out in Part 1, and subject to the conditions set out in Part 2 of the licence.</p> <p>The MMO were contacted via email on 18/8/2022 regarding the potential trenchless crossing beneath the River Ouse. A response was received on 14/10/2022 stating, "As long as the tunnel boring is</p>

Statutory consultation under Section 42(1)(aa) of the Planning Act 2008 with Prescribed Consultees				
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				<p>done, so it at no point breaches the surface, while in the marine area; it would not require an MMO licence. As long as it remains below the surface, it would be considered to be beyond our remit & authority".</p> <p>The Applicant notes that the availability of a marine licence exemption is to be considered at the relevant point in time (i.e. construction of the Scheme) and that it is for the Applicant to satisfy itself on the availability of an exemption. Therefore, to provide certainty that the works can be carried out, and to ensure the delivery of an NSIP is not unnecessarily delayed by a separate licence application having to be made in the future, the Applicant has included a deemed marine licence which will authorise the marine licensable activities to the extent that they are not exempt.</p>
Environmental Licenses	<p>Response to your consultation</p> <p>The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine</p>	Marine Management Organisation	N	Noted. The MMO has been contacted as part of the EIA process.

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	emergencies, fisheries management and issuing European grants.		
Environmental Licenses	<p>Marine Licensing</p> <p>Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.</p> <p>Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.</p> <p>Applicants should be directed to the MMO's online portal to register for an application for marine licence</p> <p>https://www.gov.uk/guidance/make-a-marine-licence-application</p> <p>You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating</p>	Marine Management Organisation	<p>N</p> <p>The MMO were contacted via email on 18/8/2022 regarding the potential trenchless crossing beneath the River Ouse. A response was received on 14/10/2022 stating, <i>"As long as the tunnel boring is done, so it at no point breaches the surface, while in the marine area; it would not require an MMO licence. As long as it remains below the surface, it would be considered to be beyond our remit & authority"</i>.</p> <p>The Applicant is seeking provision deeming a marine licence to have been granted in Article 44 of the draft DCO. This states that the marine licence set out in Schedule 15 (deemed marine licence under the 2009 Act) is deemed to have been issued under Part 4 of the 2009 Act (marine licensing) for the licensable marine activities (as defined in section 66 of the 2009 Act) set out in Part 1, and subject to the conditions set out in Part 2 of the licence. The rationale for including this deemed marine licence is explained above.</p>

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	<p>stations between 1 and 100 megawatts in English waters.</p> <p>The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.</p> <p>A wildlife licence is also required for activities that that would affect a UK or European protected marine species.</p> <p>The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:</p> <ul style="list-style-type: none"> • local planning authority name, • planning officer name and contact details, • planning application reference. 			

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	Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.			
Environmental Impact Assessment	<p>Environmental Impact Assessment With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.</p> <p>In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations http://www.legislation.gov.uk/uksi/2017/571/contents/made may be applicable.</p> <p>If this consultation request relates to a</p>	Marine Management Organisation	N	<p>The MMO were contacted via email on 18/8/2022 regarding the potential trenchless crossing beneath the River Ouse. A response was received on 14/10/2022 stating, <i>“As long as the tunnel boring is done, so it at no point breaches the surface, while in the marine area; it would not require an MMO licence. As long as it remains below the surface, it would be considered to be beyond our remit & authority”</i>.</p> <p>The Applicant is seeking provision deeming a marine licence to have been granted in Article 44 of the draft DCO. This states that the marine licence set out in Schedule 15 (deemed marine licence under the 2009 Act) is deemed to have been issued under Part 4 of the 2009 Act (marine licensing) for the licensable marine activities (as defined in section 66 of the 2009 Act) set out in Part 1, and subject to the conditions set out in Part 2 of the licence.</p> <p>The Grid Connection Corridor crosses the River Ouse at a point where it is tidal. A deemed Marine License</p>

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<p>project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link</p> <p>https://www.gov.uk/guidance/make-a-marine-licence-application</p>			<p>for these works is sought as part of the DCO Application.</p> <p>The crossing of the River Ouse will be via horizontal directional drill (HDD) with no direct impacts to the River, or its banks. It is therefore not anticipated that the Scheme would have any significant effects on the marine environment. This is set out in Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1].</p>
<p>Marine planning</p>	<p>Marine Planning</p> <p>Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.</p> <p>Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant</p>	<p>Marine Management Organisation</p>	<p>N</p> <p>Marine plans apply up to the mean high water springs mark, which includes the tidal extent of any rivers. The only works required below the Mean High Water Springs for the Scheme would be the trenchless crossing of the River Ouse by HDD. This cable would be installed a minimum of 10-15 m below the bed of the River Ouse, and so would not affect the tidal River Ouse.</p>

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	<p>policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.</p> <p>At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.</p> <p>A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.</p> <p>Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine</p>			

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	plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.			
Waste				
Minerals	<p>Minerals and waste plans and local aggregate assessments</p> <p>If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;</p> <ul style="list-style-type: none"> • The Marine Policy Statement (MPS), 	Marine Management Organisation	N	<p>The Application does not constitute or comprise a minerals and waste plan or a local aggregate assessment. This is therefore noted but is not relevant to the DCO Application.</p> <p>The Applicant is seeking provision deeming a marine licence to have been granted in Article 44 of the draft DCO. This states that the marine licence set out in Schedule 15 (deemed marine licence under the 2009 Act) is deemed to have been issued under Part 4 of the 2009 Act (marine licensing) for the licensable</p>

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	<p>section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.</p> <ul style="list-style-type: none"> • The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply. • The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply. • The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply. <p>The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider</p>			<p>marine activities (as defined in section 66 of the 2009 Act) set out in Part 1, and subject to the conditions set out in Part 2 of the licence.</p>

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	<p>the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.</p> <p>If you require further guidance on the Marine Licencing process, please follow the link https://www.gov.uk/topic/planning-development/marine-licences</p>			

