
EAST YORKSHIRE SOLAR FARM

East Yorkshire Solar Farm
EN010143

Covering Letter

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Prepared for:

East Yorkshire Solar Farm Limited

Prepared by:

AECOM Limited

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East Yorkshire Solar Farm Limited

Unit 5e Park Farm | Chichester Road |
Arundel | West Sussex | BN18 0AG

Simon Raywood
Case Manager
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PM

FAO:
eastyorkshiresolarfarm@boom-
power.co.uk

21 November 2023

Dear Mr Raywood

Planning Act 2008 – Application for a Development Consent Order for East Yorkshire Solar Farm

Application Ref: EN010143

On behalf of East Yorkshire Solar Farm Limited (the Applicant) I am pleased to enclose an application for a Development Consent Order (DCO) (the Application) pursuant to section 37 of the Planning Act 2008 (PA 2008) for the proposed East Yorkshire Solar Farm (the Scheme).

1. Subject of the Application

- 1.1. The Application is for a DCO to construct, operate (including maintenance), and decommission ground-mounted solar photovoltaic (PV) panel arrays and associated infrastructure. Associated infrastructure includes, but is not limited to, underground cabling to connect to the national electricity transmission network at National Grid's Drax Substation; underground cabling between the different areas where solar PV panel arrays are proposed to be located; and areas of landscaping and biodiversity enhancement.
- 1.2. The Scheme will generate a significant amount of renewable energy with an anticipated export capacity of 400 megawatts (MW). The Application is accompanied by a **Statement of Need [EN010143/APP/7.1]** which provides



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further detail on the need for the Scheme. The **Statement of Need [EN010143/APP/7.1]** concludes:

“The Scheme will be a substantial infrastructure asset, which if consented will deliver large amounts of cheap, secure and low-carbon electricity both during and beyond the critical 2020s timeframe. Maximising the capacity of generation in the resource-rich, well-connected and technically deliverable proposed location for the Scheme, represents a significant and economically rational step forwards in the fight against the global climate emergency.”

- 1.3. The Application is required because the Scheme is classified as a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(a) and 15(1) and (2) of the PA 2008, as an onshore generating station in England with a capacity exceeding 50 MW. As such, the decision whether to grant development consent will be made by the Secretary of State for Energy Security and Net Zero (the Secretary of State). The NSIP and associated development are formally described in Schedule 1 of the **Draft DCO [EN010143/APP/3.1]**.

2. Application Fee and Documentation Enclosed

- 2.1. A fee of £8,244 has been submitted by BACS Transfer to the account of the Planning Inspectorate on 8 November 2023. The Planning Inspectorate confirmed on 20 November 2023 that the fee had been received.
- 2.2. The Application has been submitted electronically using Microsoft OneDrive as agreed with the Planning Inspectorate in advance of submission.
- 2.3. In accordance with Advice Note 6: Preparation and submission of application documents, a GIS shapefile showing the Order limits for the Scheme was issued to the Planning Inspectorate via email on 1 November 2023 more than 10 working days before the Application was submitted. The **Electronic Application Index [EN010143/APP/1.5]** was submitted to the Planning Inspectorate via email on 9 November 2023. The final version is submitted alongside this Application.
- 2.4. A selection of draft application documents was also shared with the Planning Inspectorate on 14 September 2023, which comprised a working draft of the DCO, the draft Works Plans and draft DCO Schedule 1, a sample Book of Reference, and a draft Habitat Regulations Assessment Report. The Applicant has taken account of the feedback from the Planning Inspectorate in finalising its Application.
- 2.5. A completed **Section 55 Checklist [EN010143/APP/1.4]** has been included with the Application to assist with the Planning Inspectorate’s compliance check of the Application.



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3. Application Formalities

- 3.1. This Application is made in the form required by section 37(3)(b) of the PA 2008 and the application documents comply with the requirements in section 37 of the PA 2008 and those set out in:
- a. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the APFP Regulations);
 - b. The Infrastructure Planning (Environmental Impact Assessment) regulations 2017 (the EIA Regulations);
 - c. The Department for Communities and Local Government Guidance 'Planning Act 2008: guidance on the pre-application process' (March 2015);
 - d. The Department for Communities and Local Government's (now called the Department for Levelling Up, Housing and Communities (DLUHC)) 'Planning Act 2008: Nationally significant infrastructure projects – Application form guidance' (June 2013); and
 - e. The Planning Inspectorate's 'Advice Note Six: Preparation and submission of application documents' (September 2021).
- 3.2. The Scheme is an Environmental Impact Assessment (EIA) development and therefore the Application is accompanied by an **Environmental Statement (ES) [EN010143/APP/6.1]**, in accordance with the EIA Regulations.
- 3.3. It was agreed with the Planning Inspectorate in an email on 9 November 2023 that the Application will be published (with any necessary redactions and excluding any confidential documents) as soon as practicable after submission, on the project page of the National Infrastructure Planning Scheme's webpage.
- 3.4. The following Application documents within **ES Volume 2 [EN010143/APP/6.2]** contain confidential information and therefore redacted versions are also provided:
- a. **Appendix 8-4 Hedgerow Report** (partially redacted for public use);
 - b. **Appendix 8-5: Survey Report for Breeding Birds** (including a Confidential Annex)
 - c. **Appendix 8-8: Badger Survey Report** (including a Confidential Annex); and
 - d. **Appendix 8-10: Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate** (Confidential)
- 3.5. These documents have been marked as red in the **Electronic Application Index [EN010143/APP/1.5]** and the **Guide to the Application [EN010143/APP/1.2]** to highlight their confidentiality.



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4. Scheme Description

- 4.1. A non-technical description of the Scheme is included within the **Guide to the Application [EN010143/APP/1.2]** and the **Non-technical Summary** of the Environmental Statement **[EN010143/APP/6.4]**. A more detailed technical description of the Scheme is included within **Chapter 2: The Scheme of the ES [EN010143/APP/6.1]** and the **Design and Access Statement [EN010143/APP/7.3]**.

5. Consent Flexibility

- 5.1. The Scheme will use ground mounted solar PV panels to generate electricity from the sun. Solar PV is a rapidly evolving technology and as a result, the **Draft DCO [EN010143/APP/3.1]** and supporting **Works Plans [EN010143/APP/2.3]** propose a degree of flexibility to allow the latest technology to be utilised and incorporated at the time of construction.
- 5.2. A number of the design aspects and features of the Scheme cannot be confirmed until the tendering process for the design and construction of the Scheme has been completed. The **Outline Design Principles Statement [EN010143/APP/7.4]** therefore sets out the design parameters within which the Scheme is proposed to be constructed and operated, presenting a likely worst-case assessment of potential environmental effects of the Scheme that cannot yet be fixed. The EIA undertaken in support of the DCO Application has considered and reflected the flexibility sought in the **Draft DCO [EN010143/APP/3.1]**. The maximum design parameters and principles set out in the **Design and Access Statement [EN010143/APP/7.3]** and **Outline Design Principles Statement [EN010143/APP/7.4]** have been assessed in the ES, reporting likely worst-case impacts wherever an element of flexibility is maintained, and are secured by the **Draft DCO [EN010143/APP/3.1]**.
- 5.3. The EIA has therefore been undertaken adopting the principles of the 'Rochdale Envelope', as described in the Planning Inspectorate's Advice Note 9: Rochdale Envelope (July 2018). The involves assessing the maximum (and, where relevant, minimum) parameters for the Scheme where flexibility needs to be maintained.

6. Habitats Regulations Assessment

- 6.1. The DCO Application includes a **Habitats Regulations Assessment (HRA) [EN010143/APP/7.12]**. It identifies all relevant European sites potentially affected by the Scheme and provides the Secretary of State with sufficient information to undertake an appropriate assessment to determine whether the Scheme would have an adverse effect on the integrity of any site with European designation.
- 6.2. The Applicant's appropriate assessment, set out in the **HRA [EN010143/APP/7.12]** concludes that the Scheme has the potential to result in the loss of arable land that is functionally linked to the Lower Derwent Valley Special Protection Area (SPA)/Ramsar and Humber Estuary SPA/Ramsar. Therefore, mitigation will be delivered to offset the permanent



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loss of supporting habitat for golden plover and pink-footed goose under the operational footprint of the Scheme. A total of 30 ha of mitigation habitat will be provided: 15 ha of wet grassland will be delivered in the Golden Plover Mitigation Zone adjoining the River Foulness, and 15 ha of arable land maintained under a suitable cropping regime and management practices will be provided in the Goose Mitigation Zone on a rotational basis. Overall, given the adequate mitigation framework that is in place, the **HRA [EN010143/APP/7.12]** concludes that the Scheme would not result in adverse effects on the integrity of the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar.

- 6.3. The **HRA [EN010143/APP/7.12]** has been prepared in accordance with the Planning Inspectorate's Advice Note 10: Habitats Regulations Assessments' and Regulation 5(2)(g) of the APFP Regulations.

7. Compulsory Acquisition

- 7.1. The land over which the Applicant is seeking powers of compulsory acquisition of land, rights and interests and powers of temporary possession in the **Draft DCO [EN010143/APP/3.1]** for the purposes of the Scheme is listed in the **Book of Reference [EN010143/APP/4.3]** and shown on the **Land Plan [EN0101043/APP/2.1]**. The **Statement of Reasons [EN010143/APP/4.1]** also provides details of the powers sought and the **Schedule of Negotiations and Powers Sought [EN010143/APP/4.4]** provides an update on negotiations to date.
- 7.2. The **Book of Reference [EN010143/APP/4.3]** has been prepared and submitted in compliance with Regulation 5(2)(d) of the APFP Regulations, and in accordance with DLUHC's guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition of land' (September 2013).
- 7.3. Details of the adequacy of the funding for compensation are provided in the **Funding Statement [EN010143/APP/4.2]**. The Statement of Reasons and Funding Statement are submitted in compliance with Regulation 5(2)(h) of the APFP Regulations.

8. Other Consents and Licenses

- 8.1. A summary of other consents and licences likely to be required in addition to those being requested as part of the **Draft DCO [EN010143/APP/3.1]** is provided in the **Consents and Agreements Position Statement [EN010143/APP/3.3]**.

9. Pre-application Consultation

- 9.1. The Applicant has had careful regard to the pre-application consultation requirements of the PA 2008, the guidance on pre-application consultation issued by the DLUHC and the Planning Inspectorate, and its pre-application discussions held with the Planning Inspectorate, as required by Section 50(3) and 55(4) of the PA 2008.



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- 9.2. As required by Section 37(3)(c) of the PA 2008, the Application is accompanied by a **Consultation Report [EN010143/APP/5.1]** and **Supporting Appendices [EN010143/APP/5.2]**, which provides details of the Applicant's compliance with sections 42, 46, 47, 48 and 49 of the PA 2008, the APFP Regulations, the EIA Regulations, and the relevant guidance.
- 9.3. The responses of statutory and non-statutory consultees are listed and summarised in the **Consultation Report [EN010143/APP/5.1]** and these have informed the design evolution of the Application and the Scheme.
- 10. Other Matters**
- 10.1. In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all responses to the consultation carried out under Part 5 of the PA 2008 and can make them available at the request of the Planning Inspectorate and/or the Secretary of State.
- 10.2. The Applicant will keep all application documents under review and will endeavour to provide updates (where it considers it necessary to do so) during the examination of the Application considering questions and comments received from the Examining Authority and Interested Parties.

We look forward to hearing from you in relation to a formal acceptance of this Application. If we can be of any assistance, please do not hesitate to contact us using the details provided below.

Yours sincerely,

Helen Standing

Helen Standing

Project Manager, Boom Power

On behalf of East Yorkshire Solar Farm Limited | Unit 5e Park Farm | Chichester Road | Arundel | West Sussex | BN18 0AG