



The Planning Inspectorate

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: EastYorkshireSolarFarm@planninginspectorate.gov.uk

Ms Helen Standing,
East Yorkshire Solar Farm Limited
(By email)

Your Ref:

Our Ref: EN010143

Date: 19 December 2023

Dear Ms. Standing,

Planning Act 2008 (as amended) – Section 51

Application by East Yorkshire Solar Farm Limited for an Order Granting Development Consent for the East Yorkshire Solar Farm

Advice following issue of decision to accept the application for examination

On 15 December 2023 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

Submission of updated documents

With regard to items 1, 2, 3, 4, 6 and 7 in Box 30 of the Acceptance Checklist, it is suggested that you revise the documents or submit information requested before the commencement of the Relevant Representation period. This will assist Interested Parties (IP) by allowing all parties the opportunity to understand more clearly the effects of the Proposed Development.

With regard to matters addressed below, we would encourage the Applicant to consider this advice and/or observations, as it would be helpful and assist the examination process if the information or amendments to the relevant application documents were submitted to the Inspectorate no later than 10 working days before the Preliminary Meeting (PM), to enable them to be published on the project webpage of the National Infrastructure Planning website, before the PM.

Draft Development Consent Order

Articles 2 and 20

Article 20 identifies the land to be acquired as the 'Order land'. Article 2 defines the Order land by reference to the Book of Reference. However, the Book of Reference (**Doc EN010143/APP/4.3**) does not include a straightforward definition of the Order land. It is advised that the draft Development Consent Order (**Doc EN010143/APP/3.1**) (dDCO) be amended to provide a simple definition of the 'Order land'.

Article 7

Having regard to the findings of the **Statutory Nuisance Statement (Doc EN010143/APP/7.6)** it is advised that the Applicant consider providing further clarity of the need for Article 7 of the dDCO (statutory defence against proceedings in respect of noise) is required.

Requirements

Requirement 11 seeks to secure the provision of a construction environmental management plan, based on the provisions of the Framework Construction Environmental Management Plan (FCEMP). The FCEMP acknowledges the need for biosecurity, travel and dust management plans, but is not clear about how they would be secured. It is advised that clarification be provided on how these documents would be approved and secured through the DCO.

The Framework Site Waste Management Plan (ES App 16-4) refers to the production of a Site Waste Management Plan (SWMP) to be secured through a DCO requirement. However, a SWMP is not referred to specifically in dDCO requirements. Requirement 11 refers to a construction resource management plan. It is not clear whether this is intended to refer to the SWMP. If it is, the requirement should refer explicitly to the SWMP. If it is not, the requirements should be amended to secure the provision of a SWMP.

Many of the requirements include the phrase '*No part of the authorised development...*' Clarification is needed regarding what is meant by 'part' and how the works would be phased.

Consents and Agreements Position Statement

The Applicant's responses to the statutory consultation (for example page 107 of Consultation Report Appendix P1 (**Doc EN010143/APP/5.2**)) indicate that it is considering the use of a community fund. If the Applicant wishes the community fund to be taken into account in the examination, details of the fund and how it would be secured should be provided.

Book of Reference

The hereditament of the Manor of Hemingbrough is entered as a Category 2 person in Part 1 and Category 3 person in Part 2 of the Book of Reference (**Doc EN010143/APP/4.3**) (BoR) for Plots 19/124 and 19/127. Whilst this may be correct the Applicant, as part of its ongoing due diligence to ensure accuracy may wish to review the Book of Reference to ensure the category status of persons during the Examination of the East Yorkshire Solar Farm is consistent.

An inconsistency has been identified for Plot 9/58 between Parts 2 and 3 of the BoR, when compared to the Land Plan (**Doc EN010143/APP/2.1**) and **Table 1** of the Schedule of Negotiations and Powers Sought (**Doc EN010143/APP/4.4**). Whilst this plot is described as permanent acquisition of new rights in Parts 2 and 3 of the BoR, the Land Plan and

Table 1 of the Schedule of Negotiations and powers Sought, describes the plot as being subject to temporary possession in Part 1.

Environmental Statement

The Environmental Statement, Chapter 9, Appendix 9-3: Flood Risk Assessment (**Doc EN010143/APP/6.2**) has reference. Paragraphs ES11 to ES12, and para 5.3.2 of the Flood Risk Assessment state that the grid connection corridor site and associated accesses are located within Flood Zones 2 and 3. It is not specified whether the infrastructure in the grid connection corridor site located within Flood Zone 3 would be in Flood Zone 3a or 3b, or both and we would advise the Applicant to review this matter.

Please pay close attention to the advice set out in this letter and act on it accordingly. It is requested that you action these points before the commencement of the Relevant Representation period. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters, please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Simon Raywood

Simon Raywood
Case Manager

This communication does not constitute legal advice.

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