



East Yorkshire Solar Farm
Limited

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19 January 2024

Dear Mr Raywood,

Planning Act 2008 – Application for a Development Consent Order for East Yorkshire Solar Farm
Applicant Response to Section 51 Advice Letter Dated 19 December 2023
Application Ref: EN010143

Thank you for the advice provided under section 51 of the Planning Act 2008, alongside the decision on 19 December 2023 to accept the application for the East Yorkshire Solar Farm Development Consent Order (DCO) for examination.

This letter sets out East Yorkshire Solar Farm Limited's (the Applicant) response to the points identified in the section 51 advice letter provided by the Planning Inspectorate on 19 December 2023.

1. Submission of Updated Documents
 - 1.1. The following documents and plans, which are provided with this letter (submitted electronically using Microsoft OneDrive), have been updated to respond to the minor omissions and errors identified as items 1, 3, 4, 6 and 7 in Box 30 of the Acceptance Checklist supplied with the acceptance decision.

- a) Item 1 – Land Plan [EN010143/APP/2.1] (January 2024, Revision 01). The specifics of the changes made are discussed in section 2 below.
 - b) Item 3 – Traffic Regulation Measures Plan Part 1 of 3 [EN010143/APP/2.5] (January 2024, Revision 01); Traffic Regulation Measures Plan Part 2 of 3 [EN010143/APP/2.5] (January 2024, Revision 01) and Traffic Regulation Measures Plan Part 3 of 3 [EN010143/APP/2.5] (January 2024, Revision 01). The specifics of the changes made are discussed in section 3 below.
 - c) Item 4 – Draft Development Consent Order [EN010143/APP/3.1] (January 2024, Revision 01) clean and tracked versions. Other changes made are discussed in section 4 below.
 - d) Item 6 – Book of Reference [EN010143/APP/4.3] (January 2024, Revision 01) clean and tracked versions. The specifics of the changes made are discussed in section 6 below.
 - e) Item 7 - Environmental Statement Volume 1 [EN010143/APP/6.1] (January 2024, Revision 01):
 - i) 6.1 Chapter 10 Landscape and Visual Amenity Rev01 (clean and tracked versions);
 - ii) 6.1 Chapter 16 Other Environmental Topics Rev01 (clean and tracked versions); and
 - iii) 6.1 Chapter 18 Summary of Environmental Effects Rev01 (clean and tracked versions).
- 1.2. In response to advice received and discussed in the section 4 below, tracked and clean versions of the Explanatory Memorandum [EN010143/APP/3.2] (January 2024, Revision 01) are provided. The Guide to the Application [EN010143/APP/1.2] (January 2024, Revision 01) clean and tracked versions are also provided to reflect the above document and plan revisions. These documents are submitted electronically via Microsoft OneDrive.
2. Land Plan
- 2.1. Presentational changes have been made to the Land Plan [EN010143/APP/2.1] to address the advice received. The Applicant has reviewed all sheets to make cut lines clearer, included references to identify adjoining sheets, and provided names of roads and locations used to identify plots. Additional labels have been added to ensure that plots located on multiple sheets are properly identified on each sheet. The Applicant has also provided larger scale presentation of Plots 20/137, 22/161, 22/162 and 22/163 shown on sheets 20 and 22. The presentation of Plot 8/66 on sheet 8 has been reviewed and the Applicant confirms that there is no background information contained on the OS mapping within the boundary of this plot, and no features are obscured.
3. Traffic Regulation Measures Plan
- 3.1. Presentational changes have been made to the Traffic Regulation Measures Plan [EN010143/APP/2.5] to address the advice received. The changes focus on rationalising the naming conventions that have currently been applied. Where a sheet only illustrates one work additional notes or labels have not been added. Changes have therefore only been made to sheets 1, 2, 3, 4, 6, 7, 8, 9, 12, 13, 14, 18, 19, 21 and 22. All parts of the TRM plans have been issued again as Revision 01.
- 3.2. In respect of the specific advice, the labels within boxes on sheets 9, 13 and 14 showing 'B1228 Street Lane' twice have been updated and the repeated reference removed. Descriptions are now included for all temporary traffic signal and banksman control areas.

4. Draft Development Consent Order
 - 4.1. The errors identified in Box 30 of the Acceptance Checklist have been addressed.
 - 4.2. In response to advice provided in relation to articles 2 and 20 of the draft DCO [EN010143/APP/3.1], regarding the definition of the “Order land”, the Applicant notes that this is defined by reference to both the Book of Reference and the Land Plan. The definition is consistent with other DCOs which have been applied for and made. We have therefore not updated the definition of the “Order land” within article 2 and have instead updated the Book of Reference to confirm the Order land is the land described in the second column of Part 1 of the Book of Reference. The Explanatory Memorandum has also been updated at paragraph 5.2.2 (g) to provide further information about the interpretation of this definition to assist the reader. An updated version of the Book of Reference [EN010143/APP/4.3] is provided with this letter (see section 1 above).
 - 4.3. In response to advice regarding the need for Article 7 (defence to statutory nuisance) of the draft DCO given the findings of the Statutory Nuisance Statement [EN010143/APP/7.6], the Explanatory Memorandum has been updated to provide further justification for Article 7 and explain its requirement for inclusion in the draft DCO, noting that this is a model provision which has been included in DCOs since the Planning Act 2008 came into force, including all made Solar DCOs to date.
 - 4.4. With regard to the advice in relation to the draft DCO Requirements, the Applicant can confirm that the biosecurity, travel and dust management plans cited in the Framework Construction Environmental Management Plan (CEMP) [EN010143/APP/7.7], are secured by DCO Requirement 11. This Requirement secures the approval and implementation of a detailed CEMP and the biosecurity, travel and dust management plan, being appendices to the CEMP, fall within the application of this Requirement. Any CEMP that did not also include these plans would not meet the standard of being substantially in accordance with the Framework CEMP. The Applicant therefore does not propose any changes to the draft DCO as the plan is already secured. Regarding the Framework Site Waste Management Plan and how a Site Waste Management Plan (SWMP) will be secured, part 3 of DCO Requirement 11 has been amended to reflect the need for a SWMP which will be substantially in accordance with the Framework SWMP submitted and therefore replacing reference to the construction resource management plan.
 - 4.5. The use of the phrase “no part of the authorised development” is well precedented in made DCOs and the Applicant is satisfied that its meaning is clear and workable. The Applicant has updated the Explanatory Memorandum at paragraph 6.2.6 to provide further information on the interpretation to assist the reader and to signpost precedent in recently made DCOs.
 - 4.6. Changes have also been made to draft DCO Schedules 4 to 8 to reflect updates to information shown on the Traffic Regulation Measures Plans (see section 3 above) and for naming consistencies with other application plans.
 - 4.7. An updated version (tracked and clean) of the draft DCO [EN010143/APP/3.1] is provided with this letter (see section 1 above).
 - 4.8. Regarding Item 2, Street, Rights of Way and Access Plan in Box 30 of the Acceptance Checklist, which relates to reference to access points on this plan within the relevant schedules of the draft DCO, the Applicant has sought to identify all existing accesses within the confines of the Order Limits from the Local and Strategic Highway Network. Those existing access points that

are to be retained, and therefore not affected by the Scheme, have been highlighted on the Street, Rights of Way and Access Plan but, because no works are proposed to these access points, are therefore not referred to in the relevant schedules of the draft DCO. This approach has been implemented to provide full transparency and provide clarity for existing landowners whose access may reside within the proposed Order limits. This presentational strategy was implemented on the Gate Burton Energy Park Scheme which closed its examination on the 5 January 2024. The draft DCO has not therefore been amended to include these existing accesses which are not affected by the Scheme.

5. Consents and Agreements Position Statement

5.1. Reference is made as to whether the Applicant wishes the community fund, referenced in the Consultation Report Appendix P1 [EN010143/APP/5.2], to be taken into account in the examination and if so, the advice suggests details of this and how it would be secured to be provided. The Applicant confirms that it does not wish for the community fund to be taken into consideration in the examination as it is not a matter to weigh into the planning balance. Details of the Fund are provided so as to provide interested parties with a complete picture of the Scheme and the local benefits, but are not intended to form any part of the Secretary of State's decision making process. The planning balance weighs in favour of the Scheme for the reasons described in the Planning Statement [EN010143/APP/7.2] and Statement of Need [EN010143/APP/7.1].

6. Book of Reference

6.1. In addition to the updates referred to in section 4 above, the Book of Reference [EN010143/APP/4.3] has also been checked to ensure the category status of persons is consistent and correct. In respect of the Manor of Hemingbrough, the Applicant confirms that this party has a category 2 land interest (i.e. an easement) and also falls within Category 3 as they may have a claim to compensation from impacts caused through implementation of the Scheme. Amendments to address the inconsistencies with the Land Plan [EN010143/APP/2.1] and Table 1 of the Schedule of Negotiations and Powers Sought [EN010143/APP/4.4] regarding rights for Plot 9/58 have been made. The presentation of rows on page 283 for plot 5/18 has also been amended.

6.2. A check of the land registry was undertaken on 12 January 2024 to ensure the Section 56 process is based on up to date information on land interests.

6.3. An updated version (tracked and clean) of the Book of Reference [EN010143/APP/4.3] is provided with this letter (see section 1 above).

7. Environmental Statement

7.1. Changes have been made to Chapters 10, 16 and 18 of the Environmental Statement (ES) Volume 1 [EN010143/APP/6.1] where omissions and errors have been identified (see section 1 above). In addition, the Applicant has considered the advice regarding specifying whether the infrastructure in the Grid Connection Corridor is within Flood Zone 3a and of Flood Zone 3b. The Applicant has reviewed the data received from the Environment Agency for the Scheme and with this data the Applicant is not able to distinguish whether the infrastructure in the Grid Connection Corridor is in Flood Zone 3a or 3b, only that it is within Flood Zone 3. No updates have therefore been made to ES Appendix 9-3 Flood Risk Assessment, ES Volume 2, [EN010143/APP/6.2] submitted with the DCO application.

I trust this letter and the enclosures address the advice provided by the Planning Inspectorate in the letter dated 19 December 2023. If further information is required, please do not hesitate to contact us.

Yours sincerely

Helen Standing

Helen Standing
NSIP Development Manager
Boom Power, on behalf of East Yorkshire Solar Farm Limited

Enc:

Provided on one drive

- Land Plan [EN010143/APP/2.1] (January 2024, Revision 01)
- Traffic Regulation Measures Plan Part 1 of 3 [EN010143/APP/2.5] (January 2024, Revision 01)
- Traffic Regulation Measures Plan Part 2 of 3 [EN010143/APP/2.5] (January 2024, Revision 01)
- Traffic Regulation Measures Plan Part 3 of 3 [EN010143/APP/2.5] (January 2024, Revision 01)
- Draft Development Consent Order [EN010143/APP/3.1] (January 2024, Revision 01) clean
- Draft Development Consent Order [EN010143/APP/3.1] (January 2024, Revision 01) tracked
- Book of Reference [EN010143/APP/4.3] (January 2024, Revision 01) clean
- Book of Reference [EN010143/APP/4.3] (January 2024, Revision 01) tracked
- Environmental Statement Volume 1 [EN010143/APP/6.1] (January 2024, Revision 01): 6.1 Chapter 10 Landscape and Visual Amenity clean
- Environmental Statement Volume 1 [EN010143/APP/6.1] (January 2024, Revision 01): 6.1 Chapter 10 Landscape and Visual Amenity tracked
- Environmental Statement Volume 1 [EN010143/APP/6.1] (January 2024, Revision 01): 6.1 Chapter 16 Other Environmental Topics clean
- Environmental Statement Volume 1 [EN010143/APP/6.1] (January 2024, Revision 01): 6.1 Chapter 16 Other Environmental Topics tracked
- Environmental Statement Volume 1 [EN010143/APP/6.1] (January 2024, Revision 01): 6.1 Chapter 18 Summary of Environmental Effects clean
- Environmental Statement Volume 1 [EN010143/APP/6.1] (January 2024, Revision 01): 6.1 Chapter 18 Summary of Environmental Effects tracked
- Explanatory Memorandum [EN010143/APP/3.2] (January 2024, Revision 01) clean
- Explanatory Memorandum [EN010143/APP/3.2] (January 2024, Revision 01) tracked
- The Guide to the Application [EN010143/APP/1.2] (January 2024, Revision 01) clean
- The Guide to the Application [EN010143/APP/1.2] (January 2024, Revision 01) tracked