



## East Yorkshire Solar Farm

### North Yorkshire Council Responses to Written Questions 1

1.0 Policy Context			
Q1.0.1		<p>The Overarching National Policy Statement for energy (EN-1) and National Policy Statement for renewable energy (EN-3) were published in January 2024. They update the 2011 versions of EN-1 and EN-3 referenced in the application submissions. Please set out any implications for the consideration of the proposal arising from the updated NPSs.</p>	<p>The relevant National Policy Statements (NPSs) include the Overarching National Policy Statement for Energy (EN-1) (Department for Energy Security and Net Zero, published January 2024) and the National Policy Statement for Renewable Energy and Infrastructure (EN-3) Department for Energy Security and Net Zero, published January 2024). This represents the primary policy basis for the determination of the Application.</p> <p>EN-1 and EN-3 set out government policy on the need for energy related nationally significant infrastructure projects (NSIPs); how applications for energy infrastructure will be assessed; and the way in which impacts and mitigations will be judged. EN-3 introduces a specific section on solar photovoltaic generation, setting out that the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. It sets out that solar is a key part of the government’s strategy for low-cost decarbonisation of the energy sector and has an important role in delivering the government’s goals for greater energy independence.</p>

Q1.0.2		<p>On 15 May 2024 the Secretary of State for Energy Security and Net Zero made a written ministerial statement (WMS) entitled ‘Solar and protecting our Food Security and Best and Most Versatile (BMV) Land’. Please set out any implications for the consideration of the proposal arising from this WMS.</p>	<p>The WMS entitled ‘Solar and protecting our Food Security and Best and Most Versatile (BMV) Land’ is a material planning consideration in the determination of the application.</p> <p>The WMS acknowledges food security is an essential part of national security, while at the same time solar power is a key part of the government’s strategy for energy security, net zero and clean growth. These factors need to be balanced. The WMS sets out that the starting point for developers is to minimise impacts on Best and Most Versatile agricultural land and preferably use land in areas of poorer quality. This is broadly consistent with the NPPF and Local Plan policy. Due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. The onus is on the Applicant to demonstrate the use of Best and Most Versatile land is necessary, where it is used. Cumulative impacts should also be considered.</p> <p>It is noted that the majority of the Solar PV site within the East Yorkshire Solar Farm is not located on Best and Most Versatile agricultural land.</p>
Q1.0.4	The LPAs	<p>Please comment on the Applicant’s review of development plan policies applicable to the proposal as set out in its Planning Statement [APP-233].</p>	<p>The development plan for the Selby area of North Yorkshire Council comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013); those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy; and the Minerals and Waste Joint Plan (adopted 16 February 2022, not April 2022 as set out on at paragraph 2.6.3 of the Applicant’s Planning Statement).</p> <p>The Applicant’s Planning Statement does not contain a full list of development plan policies against which the proposal has been assessed but does pick up on some development plan policies under the ‘planning policy context’ sections of each of the topic headings. The LPA’s Local Impact Report identifies specific</p>

			<p>development plan policies which are relevant to the proposal, as a full list under the 'planning policy' section and in the 'planning policy context' sections of each of the topic headings.</p> <p>The Applicant's commentary on emerging planning policy in relation to the Selby area of North Yorkshire Council needs to be clarified as follows.</p> <p>On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. A further round of consultation on a revised Regulation 19 Publication Local Plan was undertaken in March 2024 and the responses are now being considered. Following any necessary minor modifications being made it is intended that the plan will be submitted to the Secretary of State for Examination.</p> <p>Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.</p> <p>The North Yorkshire Local Plan is at an early stage of preparation and no weight can be applied in respect of this document.</p>
2. Biodiversity (including Habitats Regulations Assessment (HRA))			

Q2.0.2	The Applicant, Natural England (NE) and local planning authorities (LPAs)	ES Table 8-1 page 8-25/26. Has there been any on-going consultation with NE and the LPAs to align habitat enhancement proposals with any Local Nature Recovery Strategies (see EN-1(24) paragraph 4.6.14)? If so, please provide further details.	Not as far as NYC is aware, the LNRS is still under development and there is no ability at present for the applicant to align with the strategy at this stage.
Q2.0.4	The Applicant and LPAs	ES8.3.17. Please provide an update on works and mitigation measures within the Wressle Verge and Tottering Lane, Gribthorpe Local Wildlife Sites.	NYC defer to EYRC on this point
Q2.0.7	The Applicant, NE and LPAs	ES8.4.2 appears to discount the effect on fauna of a longer construction period based on the likelihood of it occurring, rather than what the effect may be. (a) Applicant Please clarify your approach. (b) NE and LPAs Please comment on the Applicant's approach to this matter.	No specific comment.
Q2.0.8	NE and LPAs	ES8.4.5. Please comment on the absence of an assessment of the air quality effects of construction traffic on ecological features.	For the NY aspects of the construction – no specific concerns in relation to the impacts of construction traffic on ecological features. NE would comments on the specific aspect of European sites.
Q2.0.12	The Applicant, NE and LPAs	The effect of the proposal on the local deer population has been raised in a number of RRs. Please comment on concerns about impacts arising from changes to deer movements in the area as a result of the Proposed Development, particularly arising from the perimeter fencing around the solar	NYC defer to EYRC on this point as concern relates specifically to solar farm perimeter fence.

		PV panel areas (see also EN-1(24) paragraph 5.4.22).	
Q2.0.15	The Applicant, NE and LPAs	ES Table 8.12 finds a considerable number of minor adverse effects which, considered individually, would not be significant as defined in the ES methodology. Please comment on the combined effect of this number of minor adverse effects.	I've no major concern in relation to this aspect on the NYs side of things. Overall, the applicant could seek to address non-significant effects through the CEMP and LEMP.
<b>5. Draft Development Consent Order (DCO)</b>			
Q5.0.6	The Applicant and the LPAs	Art 11 Should the power under Art 11(1) be limited to public rights of way (PRoW) within the Order Limits?	NYC would be happy with the DCO as drafted on this point. It may be prudent and practical to effect a PROW outside of the order limits.
Q5.0.13	The LPAs	Art 46 Please comment on the 8-week deemed consent provision in Art 46(4)	NYC is used to such 'guillotine' clauses in the DCO and are happy with the 8 week time period. The Authority will seek to control the submission of discharge documentation to the planning authority through service level agreements or some other form if appropriate.
Q5.3.1	The LPAs	Please comment on the procedure for discharging requirements and the appeals process including the provisions for deemed consent.	The LPA are content with the procedure for discharging requirements and the appeals process including the provision for deemed consent.  The LPA understand the Applicant is removing sub-paragraph (3) for the next iteration of the draft DCO as it is a drafting error.  The LPA would note that the heading above sub-paragraph (5) should read 'Fees' as opposed to 'Appeals'.
<b>6. Human Health</b>			
Q6.0.2	North Yorkshire Council (NYC)	ES Table 14-1 pages 14-7 to 11. Please comment on the Applicant's approach to more sensitive population groups, including the	We think the question may refer to ES Table 14-2 which includes the councils response to the statutory consultation. This raised points which the applicant has sought to address. A full response to the applicants responses forms the basis of the Local Impact Report submission.

		classification of the construction phase as a short term effect and the effect on GP services.	
<b>7. Historic Environment</b>			
Q7.0.3	HE, ERYC and NYC	ES7.4.13 and ES Appendix 7-2 Cultural Heritage Desk Based Assessment [APP-080]. Please comment on the scope of this Assessment, the evaluation of heritage assets and their settings and the assessment of archaeological potential and potential research themes. It would be helpful if your response had regard to the Applicant's response to Q7.0.2 above.	<p>Please refer to the Historic Environment Section of North Yorkshire Councils Local Impact Report for a full response.</p> <p>This chapter is supported by an archaeological desk-based assessment (Appendix 7.2) and the results of archaeological geophysical survey (Appendix 7.3). There is a report on archaeological trial trenching (Appendix 7.4) but this falls outside of the North Yorkshire Council area. Together, these documents represent an adequate assessment of the proposal on heritage assets of archaeological interest.</p>
<b>9. Landscape and Visual</b>			
Q9.0.1	The LPAs	ES Table 10-1 page 10-11 and ES 10.3.6-10. Please comment on the selection of representative viewpoints.	<p>The Applicant has not provided an additional viewpoint on New Road / Wren Hall Lane to explain potential vegetation loss, which is contrary to our previous request. This would have potential for a corresponding photomontage. Given the wide scope and parameter for work currently set within the Grid Connection Corridor we are not confident that the Applicant is being clear and assessing and illustrating the worst-case scenario.</p> <p>The Applicant has excluded this viewpoint on the basis that no vegetation will be lost, but this seems unlikely to be the case.</p> <p>For example, the LVIA includes statements that no vegetation will be lost as a result of the scheme (e.g. paragraph 10.5.83 of the LVIA). However, trees and hedgerows are shown for removal on the Tree Protection Plans within the Arboricultural Impact Assessment (Application Document ref. APP-102, APP-103, APP-104).</p>

			<p>Additionally, these impacts are not fixed to specific cable route alignment within the Grid Connection Corridor, with impacts to be reassessed and included as part of the detailed CEMP, Table 6 page 73 (CEMP DCO Requirement 11).</p> <p>We are not confident that tree protection will be an active part of the future design development for the main connecting cables, temporary access and compounds within the Grid Connection Corridor and a requirement of the Detailed design approval (Requirement 5 of the DCO).</p>
Q9.0.2	The LPAs and NE	ES Table 10-1 page 10-12. Please comment on the Applicant's approach to the tranquillity assessment and its finding of no significant noise effects.	The Applicant has not agreed a methodology for assessment of tranquillity which is contrary to our previous request. We would typically expect tranquillity to be considered within Chapter 10 Landscape and Visual Amenity Assessment whether or not it is identified as a significant affect within the Chapter 11 Noise and Vibration, since these consider different parameters and that tranquillity is not solely a measure of noise impacts. Tranquillity is explained as a perceptual aspect within GLVIA3. Given that the scheme is predominantly a rural landscape there is potential for adverse effects to local landscape character and setting during construction, operational and decommissioning phases.
Q9.0.3	The LPAs and NE	ES Table 10-1 page 10-13. Please comment on the content of the LEMP, including whether it gives adequate consideration to wider landscape character opportunities to enhance green infrastructure and the provisions for long term maintenance.	<p>We are not confident that the Application sufficiently considers provision of Green Infrastructure within the Grid Connection Corridor, as set out and explained within the content of the LEMP.</p> <p>All existing vegetation and trees to be retained within the Grid Connection Corridor should be clearly shown on Framework Landscape Masterplan Drawings in the LEMP. Where tree loss may be unavoidable within the Grid Connection Corridor, the provision for reinstatement, tree replacement and compensatory mitigation is insufficiently explained or allowed for in the</p>

			<p>Framework Landscape Masterplan, or how this might be linked to the wider requirements and provision of green infrastructure within the Grid Connection Corridor.</p> <p>For a development of this scale we would also expect to see clear provision of green infrastructure actively applied within the whole of the application area, in accordance with principles of Natural England's GI Framework. Specific areas for this should be identified on a plan within the Grid Connection Corridor and secured through the DCO. This would also give confidence that further landscape and arboricultural impacts could be sufficiently mitigated at detailed design stage.</p>
<b>10. Noise and Vibration</b>			
Q10.0.5	The LPAs	ES11.4.53 and Table 11-6. Please comment on LOAEL and SOAEL thresholds used.	Existing background sound levels are well defined and support the alignments of BS5228-1:2009+a1:2014 with the LOAEL and SOAL threshold values.
Q10.0.10	The LPAs	ES11.4.44 to 11.4.73. Do you have any comments on the assumptions and assessment criteria set out in these paragraphs?	I have no comments on the assumption and assessment criteria used and I note the conflict with construction hours has been addressed by applying an additional stricter construction hours criterion for noisy activities.
Q10.0.11	The Applicant and the LPAs	ES11.6.4. (a) The LPAs Please comment on the approach to noise generating activities (NGAs) in the first and last working hours of the day. Would the restriction be enforceable? (b) Applicant and the LPAs How would the restriction on NGAs operate with regard to the construction compounds which may be the focal point for workers arriving and leaving the site in the first and last hours of the day?	<p>See above. Environmental Health would leave enforceable to the local planning authority as the enforcing body however it must be made clear what is defined as a noisy construction activity. Note : noise is defined as unwanted sound and so is very much a subjective assessment.</p> <p>Construction workers arriving would be more than likely be before 07:00 hours which then moves into the more residential sensitive nighttime period so suitable mitigation controls and monitoring will need to be identified within the detailed Construction Environmental Management to address any conflict.</p>



			Examples : workers vehicle radios, idling vehicles or machinery and prevention of activities starting early.
Q10.0.19	The Applicant and LPAs	ES11.7.21, ES11.7.25 and ES11.7.26. Please comment on whether the use of communication with affected receptors would be sufficient to mitigate the effect such that it would be not significant.	Effective communication by itself provides no mitigation to the actual level of noise breakout but will give noise sensitive receptors confidence in the contractors and the processes being followed and if done well will identify and address issues at a very early stage so preventing an escalation.
Q10.0.22	The LPAs	ES11.7.36. Please comment on whether all reasonable steps have been taken to minimise adverse noise effects.	A detailed construction management plan is not yet available, but the process and the measures identified are so far reasonable.
Q10.0.23	The LPAs	ES11.10.3 states that professional judgement has been used to conclude that there would be no cumulative noise effects at distances of more than 500m. Do you have any comments on this approach?	500m is a reasonable distance to apply.
<b>12. Transportation and Traffic</b>			
Q12.0.1	The Applicant, National Highways (NH) and the LPAs	Please provide an update on discussions with NH and the local highway authorities and whether any agreement has been reached regarding the need for junction capacity assessments to support any conclusions reached in the assessment of transport effects.	No. We defer to ERYC
Q12.0.4	The Applicant and LPAs	ES13.4.30 and ES Tables 13-5 and 13-14 Transport Assessment Appendix 13-4 paragraph 4.3.3 [APP-113] state that the ATC locations are considered to provide representative traffic flows. The ATC locations are also	The location of the ATC in NY are on New Road, A645, A1041 & A163. These link to the grid corridor and do provide the traffic flows information to capture a range of flows for this use. The more minor from New Road have nt been surveyed from the information I can see. However due to the low numbers of existing traffic and proposed I do not see a problem here. Also not aware of any properties here.

		used for the measurement of receptor sensitivity. Please comment on whether locations selected to provide representative traffic flows necessarily capture an appropriate range of locations to measure receptor sensitivity which is likely to be related to the nature of nearby land uses.	
Q12.0.5	The Applicant and LPAs	ES Table 13-6. (a) Please comment on whether the criteria set out in this Table capture the full extent of matters referred to in the cited IEMA Guidelines. (b) Are the thresholds set at reasonable levels.	Yes that is NYC understanding of the criteria.  Looking at NMU & Severance targets these could have be set at a more challenging target especially for NMUs. What are ER thoughts on this as it likely to affect there residents more.
Q12.0.7	The Applicant and the LPAs	Transport Assessment (TA) ES Appendix 13-4 [APP-112] paragraph 5.8.1 refers to informal parking, and paragraph 9.5.5 c and u refers to minimum and limited levels of parking at the compounds, but does not appear to specify the minimum number of spaces to be provided. The Construction Traffic Management Plan (CTMP) ES Appendix 13-5 [APP-113] paragraph 5.4.2 specifies the maximum numbers of spaces at each compound and appears to be based on TA Table 19. (a) Applicant Please clarify the arrangements for construction worker parking, including the minimum number and	NYC is not concerned as the minibus if managed correctly will reduce vehicles on the network. NYC has assume it may travel around the sites and will park up at one of the compounds either during the day or at night.  No parking will be allowed on the highway

		distribution of spaces and the capacity of the compounds to accommodate them. (b) Applicant Would the minibuses used to transport construction workers remain at the compounds during the working day and therefore require space to park? If not, should their movements off site be added to the trip generation figures used in the TA? (c) <b>LPAs Please comment on the assumptions used for construction worker minibus use and car sharing in TA paragraphs 7.2.2 to 7.2.4.</b>	
Q12.0.15	The Applicant and the LPAs	What consideration has been given to the use of a planning agreement or similar mechanism to co- ordinate and control the cumulative effect of the construction traffic movements generated by the application proposal and other schemes in the area (see EN-3(24) paragraphs 2.10.139 to 2.10.143).	Agreement to co-ordinate the control of the construction traffic will be required as the development continues. An appropriate mechanism for that control will be agreed but should be secured through the CTMP.
<b>13. Water Environment</b>			
Q13.0.5	EA, Lead Local Flood Authorities	ES Table 9-12. Do you have any comments on the assumptions used to determine flood extents in Areas 2a and 1e.	No Comments. We defer to EYRC and internal drainage boards on this point.
<b>14.0 Air Quality</b>			
Q14.0.1	The Applicant, NE and LPAs	ES Table 16.1 page 16-6. Has the need for further air quality monitoring been discussed and, if so, what was the outcome?	We defer to ERYC.

<b>14.4 Materials and Waste</b>			
Q14.4.6	Minerals Planning Authority	ES16.7.71. Please comment on the Applicant's assumptions regarding the consideration given to cumulative material use and waste generation in the region.	NYC agree with the assumptions regarding cumulative material use and waste generation. Drax is already an area of previously developed land and the site for the installation of the solar panels is within East Riding. Any excavation in the NYC area would be for the installation of cables and the land above the cables would be reinstated so minimal waste would be produced.
<b>15. Cumulative Effects and Interactions</b>			
Q15.0.4	The LPAs	ES Appendix 17-1. Please provide an update on the status of the identified shortlisted schemes within your area.	<p>ID3 - The status of this application has evolved since the document was prepared. Planning permission was granted for both parts of the hybrid planning application on 11.08.2023. A reserved matters application for the construction of the convertor station has since been submitted and is pending consideration – reference ZG2024/0241/REMM.</p> <p>ID4 – The Secretary of State issued a decision letter on 16<sup>th</sup> January 2024 granting the Development Consent Order.</p> <p>ID5 – This application has been withdrawn.</p> <p>ID64 – it is correct that this application was refused, however a resubmission has been made, planning reference ZG2023/0720/FULM, which should be included within the short list.</p> <p>ID74 – The status of this application has evolved since the document was prepared. Planning permission was granted on 17.04.2024.</p>