EAST YORKSHIRE SOLAR FARM

East Yorkshire Solar Farm

EN010143

DRAFT Statement of Common Ground between East Yorkshire Solar Farm Limited and the Forestry Commission

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The Infrastructure Planning (Examination Procedure) Rules 2010

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Statement of Common Ground

Signatures FINAL VERSION TO BE SIGNED

This Statement of Common Ground has been prepared and agreed by East Yorkshire Solar Farm Limited and the Forestry Commission

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

Date:……..

Signed:……..

Name, Position, on behalf of the Forestry Commission

Date:……..

Signed:……..

1. Introduction and Purpose

1.1 Purpose of this Statement of Common Ground

1.1.1 This Statement of Common Ground (SoCG) has been prepared to support an application (the Application) made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (PA 2008) for the proposed East Yorkshire Solar Farm (the Scheme). The Application is submitted by East Yorkshire Solar Farm Limited (the Applicant).

1.1.2 This SoCG has been prepared between the (1) Applicant and the (2) Forestry Commission (jointly referred to as the Parties).

1.1.3 The Forestry Commission works to increase the value of woodlands to society and the environment. It is a non-ministerial department, supported by Forest Research and Forestry England. The Forestry Commission is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and so has been consulted during the preparation of the Application and following acceptance.

1.1.4 The Examining Authority has requested that this SoCG includes the following matters as set out in the Rule 6 Letter **[PD-002]:**

a. Effects on trees and woodland, including buffer zones, mitigation and maintenance.

1.1.5 It can be taken that any matters not specifically referred to in sections 2 and 3 of this SoCG are not of material interest or relevance to Forestry Commissions representations and therefore have not been considered in this document.

1.1.6 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Parties, where agreement has not been reached (and that is the Parties' final position) and where discussions are still ongoing. This SoCG will be revised and updated as discussions between the Parties progress during the Examination.

1.2 Description of the Scheme

1.2.1 The Scheme comprises the construction, operation (including maintenance) and decommissioning of a solar photovoltaic electricity generating facility with a total capacity exceeding 50 megawatts and export connection to the national grid, at National Grid's Drax Substation. A detailed description of the Scheme is included in Chapter 2: The Scheme, Environmental Statement Volume 1 which was submitted with the DCO Application **[APP-054]** and a description of the development to be authorised is set out in Schedule 1 of the draft DCO **[AS-008]**.

1.3 Format of Document and Terminology

1.3.1 Section 2 of this SoCG summarises the engagement the Parties have had with regard to the Scheme.

1.3.2 Section 3 of this SoCG summarises the issues that are 'agreed', 'not agreed' or are 'under discussion'. 'Not agreed' indicates a final position where the

Parties have agreed to disagree, whilst ‘Agreed’ indicates where the issue has been resolved. The Parties have also indicated the likelihood that agreement will be reached on each item.

1.3.3 Abbreviations used within the SoCG are provided in Table 1-1 below.

Table 1-1. Abbreviations

Abbreviation/Term	Definition
AIA	Arboricultural Impact Assessment
CEMP	Construction Environmental Management Plan
DCO	Development Consent Order
ES	Environmental Statement
LEMP	Landscape and Ecological Management Plan
PA	Planning Act 2009
RPA	Root Protection Area
SoCG	Statement of Common Ground

2. Record of Engagement

2.1 Record of Engagement

2.1.1 Table 2-1 below sets out a summary of the meetings and correspondence between the Parties in relation to the Scheme.

Table 2-1. Schedule of Meetings and Correspondence

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
3 May 2023	Letter	Letter from the Applicant to the Forestry Commission notifying them of the dates of the Section 42 Statutory Consultation.
9 May 2023	Email	Email from the Applicant to the Forestry Commission notifying them of the dates of the Section 42 Statutory Consultation.
31 August 2023	Letter	Letter from the Applicant to the Forestry Commission informing them of the Targeted Consultation period following minor changes made to the Order limits since Statutory Consultation.
1 September 2023	Email	Email from the Applicant to the Forestry Commission informing them of the Targeted Consultation period following minor changes made to the Order limits since Statutory Consultation.
24 January 2024	Letter	Letter from the Applicant notifying the Forestry Commission of the relevant representation period.
25 January 2024	Email	Email from the Applicant notifying the Forestry Commission of the relevant representation period.
26 February 2024	Relevant Representation	Relevant Representation from the Forestry Commission with their comments on the Scheme.

3. Areas of Discussion Between the Parties

3.1 Effects on Trees and Woodland, Including Buffer Zones, Mitigation and Maintenance

Table 3-1. Effects on trees and woodland, including buffer zones, mitigation and maintenance

Ref	Relevant Application Document	Summary of Description of Matter	Forestry Commission Current Position	Applicant Current Position	Status
3.1.1	Relevant Representation	Ancient woodland	The Forestry Commission agrees that there are no ancient woodland within the site boundary.	The Applicant agrees that there are no ancient woodland within the Order limits, as set out in Chapter 8: Ecology, ES Volume 1 **[APP-060]** and identified in the AIA **[APP-102]**.	Agreed
3.1.2	Relevant Representation	Access to and management of existing woodlands	The Forestry Commission states that there are numerous small woodlands, including lowland mixed deciduous woodlands within the site boundary. It states that lowland mixed deciduous woodland is on the Priority Habitat Inventory (England). The Forestry Commission states that some of the woodlands within the proposal footprint remain under Obligation of Farm Woodland Premium Scheme grant support, and other woodlands	The Applicant agrees with the Forestry Commission's comments with regards to the existing small areas of woodland, including Priority woodland being present within and adjacent to the Solar PV Site. The Applicant commits to enabling access to existing woodland within or abutting the Order limits where relevant during construction, operation and decommissioning.	Under discussion

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			have woodland management plans with approved Felling Licences (Felling Licences may be conditional on restocking and maintaining replanted trees for 10 years). The Forestry Commission states that measures should be taken to ensure that the Scheme design and management do not prevent the future access to and management of woodlands. Woodlands habitat value generally increases as a result of sustainable woodland management. The Forestry Commission states that as farm woodland management can be reliant on (seasonal) access from adjacent farm land, proposals should ensure woodland management access is maintained or enhanced to allow delivery of management	Sections 5 and 6 of the Framework LEMP **[APP-246]** explain the management of existing vegetation and proposed planting as part of the Scheme, including long term management. In response to the Forestry Commission's relevant representation, the Framework LEMP has been updated to include a specific commitment to enabling access to existing adjacent woodland. The updated Framework LEMP is submitted at Deadline 1 of the Examination. The detailed LEMP, which will need to be approved post consent prior to construction by East Riding of Yorkshire Council and North Yorkshire Council (the relevant local authorities) and must be in accordance with Framework LEMP **[APP-246],** will secure the management measures for existing woodland	

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			objectives, which may include biodiversity value and ecosystem services.	and access to adjacent existing woodland. The detailed LEMP is secured by requirement 6 in Schedule 2 to the Draft Development Consent Order **[AS-008].**	
3.1.3	Relevant Representation	Retention of existing woodland	The Forestry Commission welcomes the proposals that seek to retain existing woodland, noting the exception of an area of short rotation energy crop plantation.	The Applicant agrees that the Scheme will retain existing woodland. This is set out in the Framework LEMP **[APP-246]** and will be secured through a detailed LEMP to be approved post consent prior to construction, as required by requirement 6 in Schedule 2 of the draft DCO **[AS-008].**	Agreed
3.1.4	Relevant Representation	Link and buffer existing woodland, trees and hedges	The Forestry Commission seeks opportunities where possible to link and buffer existing woodlands, trees and hedges, which normally increases their ecological value.	The Scheme has been designed with impact avoidance measures, including buffers to existing woodlands, trees and hedges. These include minimum buffers of: • 15 m from woodlands, individual trees and hedgerows with trees (with few exceptions for some cabling); and	Agreed

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				• 10 m from hedgerows without trees. The minimum buffers proposed as part of the Scheme design are detailed in Table 3 of the Framework CEMP **[APP-238]** and the Framework LEMP **[APP-246]**. This will secure the working space for works close to woodlands. Table 6 also includes other arboricultural mitigation measures to avoid and minimise impacts on trees and their root protection areas. Paragraph 4.1.18 of the Framework LEMP **[APP-246]** explains that the Scheme will increase the connectivity of woodland habitats by linking existing areas of woodland with new areas of planting. This is illustrated on the Framework Landscape Masterplan at Appendix A of the Framework LEMP **[APP-246]**.	
3.1.5	Relevant Representation	Cumulative impacts	The Forestry Commission states that while not specific to	The Government has identified through its energy policy, most	Agreed

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			this proposal, the cumulative impact of multiple extensive developments on availability of land for other uses, including woodland creation or farming should be considered.	recently in the Overarching National Policy Statement for Energy EN-1 and National Policy Statement for Renewable Energy EN-3, that there is an urgent need for large scale capacity low-carbon energy generation in the UK. As discussed in the Applicant's Statement of Need **[APP-232]**, this includes low carbon energy generation using solar technology. Developing the Scheme at its proposed size will therefore be an important contribution to meeting this need. In accordance with NPS EN-1 paragraph 5.11.3 and NPS EN-3 paragraph 3.10.14 the Applicant considered the use of previously developed land and did not identify any available land within its area of search of an appropriate size to locate the Scheme. The Scheme is located mostly on lower quality agricultural land, with the majority of the Scheme	

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				being on land not classed as Best and Most Versatile (BMV). For the Solar PV Site, 92.8% of the land used is non BMV land. The Applicant's discussions with farmers who farm areas of the Solar PV Site have also identified that this land is difficult to farm. The Scheme design will increase the overall woodland cover with 8.1 ha of native woodland planting and shrub planting with trees and woodland edge planting, and further 1.95 ha of native traditional orchard (Chapter 8: Ecology, Environmental Statement Volume 1 **[APP-060]**). Furthermore, the proposed planting will improve connectivity of woodland habitats by linking existing areas with woodland with new areas of planting. The vast majority of agricultural land within the Order limits would also be available for return to its existing agricultural use following	

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				decommissioning of the Scheme. The conversion of arable land to grassland during the 40 year operational period has the potential to accrue improvement to soil function over a large area. The Applicant has assessed the cumulative effects of the Scheme. The assessment of cumulative effects of the Scheme with other existing and proposed energy developments as well as other developments in the locality is set out in chapters 6–16 of the ES **[APP-058** to **APP-061, AS-014, APP-064** to **APP-067,** and **AS-016]** and is summarised in Chapter 17: Cumulative Effects and Interactions, ES Volume 1 **[APP-069].** No new likely significant adverse effects are anticipated to arise from the Scheme when considered alongside those effects generated by nearby developments. The Scheme is	

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				anticipated to have a significant beneficial effect upon the functional improvement of soil resources that would follow with the conversion of arable land to grassland when considered with the other solar farm proposals in the area. Mitigation measures to minimise adverse effects on soil resources are set out in the Framework Soil Management Plan **[APP-241]** which is secured by a requirement in Schedule 2 of the draft DCO **[AS-008]**.	
3.1.6	Relevant Representation	New native woodland	The Forestry Commission states that the creation of 8.1ha native new woodland should be designed and managed in order to mitigate potential negative impacts of development, and designed to facilitate future sustainable management.	As set out in Section 5 of the Framework LEMP **[APP-246]** new woodland and shelter belts are proposed and in some cases are provided as mitigation to help screen sensitive receptors and soften views, but also to provide increased structure, ecological connectivity, and interest within the landscape. The Framework LEMP has been updated to commit to the principles of UK Forestry	Agreed

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				Standard being applied to all woodland planting. The updated Framework LEMP is submitted at Deadline 1 of the Examination. Specific management measures for new woodland are explained in sections 5 and 6 of the Framework LEMP **[APP-246]** and demonstrate that the Scheme will facilitate future sustainable management of proposed woodland. An update has been made to the Framework LEMP to ensure that the Scheme commits to adhering to the principles of the UK Forestry Standard for any new woodland planting and management. The updated Framework LEMP is submitted at Deadline 1 of the Examination.	
3.1.7	Relevant Representation	Issues to be considered when proposing significant planting schemes	The Forestry Commission states that there are a number of issues that need to be	The Applicant has considered ecological and cultural (historic environment) features that may	

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			considered when proposing significant planting schemes: • Ecological and cultural (historic environment) features that may be affected by woodland creation should be considered; • Biosecurity of all planting stock needs to be considered to avoid the introduction of pests and diseases; • Woodlands should be designed to be climate and pest and disease resilient; • The ecosystem services benefits of all new woodland should be maximised wherever possible e.g. for flood reduction, and it should be ensured that the planting contributes to a resilient treescape by maximising connectivity across the landscape; and	be affected by woodland creation and sets out an assessment of how the Scheme interacts with these features within Chapter 8: Ecology, ES Volume 1 **[APP-060]** and Chapter 7: Cultural Heritage, ES Volume 1 **[APP-059].** The Applicant is committed to preparing a Biosecurity Management Plan which will set out procedures to ensure any imported building/landscaping materials are free from invasive non-native species and diseases (see Table 3 and Table 15 of the Framework CEMP **[APP-246]**). Table 6 Arboriculture of the Framework CEMP specifically commits to biosecurity measures in accordance with the Arboricultural Association Guidance Note 2 (which relates to pruning/felling/access rather than planting). Proposed woodland planting will be species which will be appropriate to the particular requirements of the geographical	

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			• Plans should be in place to ensure long term management and maintenance of woodland.	area, but also take account of climate change and potential pest and pathogen threats, as set out in section 5 of the Framework LEMP **[APP-246]**. The Applicant commits to maximising the ecosystem benefits of all new woodland within the Framework LEMP **[APP-246]** by managing them to facilitate longevity, increased species diversity, enhanced habitat value and connectivity and greater resilience to climate change. The Framework LEMP **[APP-246]** sets out the plans in place to ensure long term management and maintenance of woodland. An update has been made to the Framework LEMP to ensure that the Scheme commits to adhering to the principles of the UK Forestry Standard for any new woodland planting and management. The updated	

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				Framework LEMP is submitted at Deadline 1 of the Examination. A detailed LEMP and a detailed CEMP, which will need to be approved post consent prior to construction by East Riding of Yorkshire Council and North Yorkshire Council (the relevant local authorities) and must be in accordance with the Framework LEMP and Framework CEMP, will secure the above-mentioned measures. The detailed LEMP is secured by requirement 6 and detailed CEMP is secured by requirement 11 in Schedule 2 to the Draft Development Consent Order **[AS-008].**	
3.1.8	Relevant Representation	15m minimum buffer distance from existing woodland	The Forestry Commission welcome the inclusion of the minimum buffer distance of 15m from existing woodland as a minimum, however it should be noted that while a 15m buffer limits the impact of the development proposals on existing woodland, once	The Applicant has considered shading as part of the design process. This is explained in section 4.6 of the AIA **[APP-102]**. Trees groups and woodlands have been assigned specific buffers based on their actual RPAs in accordance with British Standard 5837:2012. The AIA	

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			implemented this buffer distance may not adequately mitigate the ongoing shading impact of woodland / trees on solar panels, thereby creating potential conflict between the interests of solar farm management and the retained woodland and trees. The Forestry Commission state that a 15m buffer from the stems of adjacent woodland is effectively reduced by the overhang of branches (which can often be 5-10m overhang). Increasing buffer width particularly on north, east and west side of woodlands would reduce shading on the development and help mitigate potential future management conflict, and maintain or enhances ecological value of trees and woodlands. For the purposes of a 50 year project the Forestry Commission would encourage	states that the Tree Constraints Plan **[APP-103]** and the Tree Protection Plan **[APP-104]** illustrate that no solar PV panels will be subject to significant shading at the time of construction. The AIA **[APP-102]** states shading impacts are '*typically slight and are generally associated with mature trees which will not increase significantly in size'*. It is generally the height of trees rather than the extent of overhanging branches that results in the greatest volume of shading and this is reflected in the guidance in British Standard 5837: 2012 section 5.2 Note 1. The Applicant therefore considers the buffer distances from trees and woodland to be appropriate with regard to shading. For clarification, the design life of the Scheme is 40 years.	

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			decisions to reflect the maximum tree size within the project lifespan.	Requirement 18 in Schedule 2 of the Draft Development Consent Order **[AS-008]** sets out that the final date of decommissioning of the Scheme must commence no later than 40 years after the final commissioning.	
3.1.9	Relevant Representation	Inclusion of cables within buffer zones of trees, and consideration of root protection zones	The Forestry Commission outlines that the proposals indicate the proposed (15m) buffer from woodlands does not inhibit placement of cables within this woodland buffer zone. The Forestry Commission states that the inclusion of cables within this zone has potential to undermine the purpose and integrity of such buffers. It notes that this is particularly important if cabling is to be installed below ground, or is on the ground and allowed to become incorporated in vegetation over time. The Forestry Commission states that the woodland/ tree buffer should seek to secure	The Applicant provides an explanation, at Section 4.5 of the AIA report **[APP-102],** of how the design for the Scheme will avoid, where practicable, cable routes or access routes incurring within the RPA of retained tree features (including woodlands), and where avoidance is not practicable – how it will be managed in principle. The final extent of incursions and the methodology for any such work will be detailed as part of an Arboricultural Method Statement secured as part of the detailed CEMP as per Table 6 of the Framework CEMP **[APP-238].** Retained trees will be periodically inspected by an arboriculturist	

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			protection of the adjacent habitat, through exclusion of development activity including within the critical root protection zone of woodlands and trees. The Forestry Commission encourages further consideration of the activity undertaken within tree and woodland protection buffers.	during construction as set out in the Framework LEMP **[APP-246].** Where excavation works are within the RPA of retained trees, works will be undertaken under a watching brief by an arboriculturist to ensure agreed methodologies are fully implemented, to record any root pruning and to recommend further arboricultural remedial works where required. The Applicant considers that with the measures described above and secured through the detailed LEMP, and the limited activity within the buffers proposed, this will, where possible, avoid impact on existing tree and woodland RPAs.	