



**East Yorkshire Solar Farm
Limited**

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Simon Warder
Examining Authority for East Yorkshire Solar Farm
Development Consent Order Application
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PM

SENT BY EMAIL

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18 September 2024

Dear Mr Warder,

Applicant Letter for Examination Submission between Deadline 5 and Deadline 6, East Yorkshire Solar Farm Limited

Application Ref: EN010143

This letter accompanies the submission of a suite of documents by East Yorkshire Solar Farm Limited (the Applicant) for the Examination of the Development Consent Order Application (the Application) for East Yorkshire Solar Farm. The suite of documents has been submitted via the Planning Inspectorate's portal on 18 September 2024.

The submission is made in order to update the Examining Authority about agreement reached regarding the outstanding "amber" issues set out in Natural England's Deadline 3 submission **[REP3-048]** with respect to the Applicant's Habitat Regulations Assessment, following recent discussions and correspondence with Natural England. The Applicant is aware Natural England submitted to the Examining Authority on 17 September 2024 their representations reflecting this position.

The submission is also made to provide updated documents and plans following the agreement reached with respect to proposed passing places resulting from further discussions and correspondence with East Riding of Yorkshire Council (ERYC).

The table below lists the suite of documents submitted by the Applicant with this cover letter, with further information provided in the remainder of the letter. An updated Guide to the Application (Revision 07) will be submitted at Deadline 6.

Given the importance of this documentation to resolve the two key remaining issues in Examination, the Applicant strongly encourages the Examining Authority to use its discretion to accept these documents into Examination as soon as possible, and in advance of Deadline 6.

Doc. No.	Title
New Documents	
EN010143/APP/8.49	Cover Letter for Examination Submission between Deadline 5 and Deadline 6
Updated documents:	
EN010143/APP/2.4	Streets, Rights of Way and Access Plan - Part 1 of 2
EN010143/APP/2.4	Streets, Rights of Way and Access Plan - Part 2 of 2
EN010143/APP/2.5	Traffic Regulation Measures Plan - Part 1 of 3
EN010143/APP/2.5	Traffic Regulation Measures Plan - Part 2 of 3
EN010143/APP/2.5	Traffic Regulation Measures Plan - Part 3 of 3
EN010143/APP/3.1	Draft Development Consent Order
EN010143/APP/6.2	ES Appendix 13-5 Framework Construction Traffic Management Plan
EN010143/APP/7.8	Framework Operational Environmental Management Plan
EN010143/APP/7.12	Habitats Regulations Assessment
EN010143/APP/7.14	Framework Landscape and Ecological Management Plan
EN010143/APP/8.20	Schedule of Changes to the draft DCO
EN010143/APP/8.48	ES Appendix 13-5: Framework Construction Traffic Management Plan, Annex B - Proposed Passing Places on East Riding of Yorkshire Council Adopted Highways

Further Detail on Documents Submitted

Draft Development Consent Order (Revision 05) and Schedule of Changes to the Draft Development Consent Order (Revision 03)

The Draft Development Consent Order has been updated to include details of the proposed passing places on Rowlandhall Lane, which represent the final agreement with ERYC. Both clean and tracked versions of this document have been submitted.

The Schedule of Changes to the Draft Development Consent Order is an ongoing document which shows the changes made to the Draft Development Consent Order throughout the

Examination. Only a clean version of this document has been submitted which includes reference to the changes made for this submission.

ES Appendix 13-5 Framework Construction Traffic Management Plan (Revision 04), the Streets, Rights of Way and Access Plan (Revision 03) and Traffic Regulation Measures Plan (Revision 03)

ES Appendix 13-5 Framework Construction Traffic Management Plan (Framework CTMP), the Streets, Rights of Way and Access (SAROW) Plan and the Traffic Regulation Measures (TRM) Plan have been updated to include the passing places on Rowlandhall Lane, which represent the final agreement with ERYC.

Both clean and tracked versions of the Framework CTMP have been submitted. Only clean versions of the SAROW and TRM plans have been submitted.

ES Appendix 13-5: Framework Construction Traffic Management Plan, Annex B – Proposed Passing Places on East Riding of Yorkshire Council Adopted Highways (Revision 01)

Annex B to the Framework CTMP (Annex B) has been updated to include an additional drawing which illustrates the locations and proposed design for the agreed passing places on Rowlandhall Lane. Only a clean version of this document has been submitted.

Habitats Regulations Assessment (Revision 03)

This document has been updated to include information provided by the Applicant in its Technical Note to Natural England [REP4-037] to resolve the outstanding “amber” matters in Natural England’s Deadline 3 submission [REP3-048] related to the assessment and proposed mitigation and monitoring. Both tracked and clean versions of this document have been submitted.

Framework Operational Environmental Management Plan (Revision 03)

This document has been updated to include monitoring measures specifically for the Ecology Mitigation Area as set out in the updated Habitats Regulation Assessment and agreed with Natural England. Both tracked and clean versions of this document have been submitted.

Framework Landscape and Ecological Management Plan (Revision 03)

This document has been updated to include monitoring measures specifically for the Ecology Mitigation Area as set out in the updated Habitats Regulation Assessment and agreed with Natural England. Both tracked and clean versions of this document have been submitted.

Report on Implications for European Sites

As discussed above, the Applicant has been able to resolve the “amber” issues set out in Natural England’s Deadline 3 submission [REP3-048] and it can therefore be concluded that there is no risk of adverse effects on integrity on any European site from the Scheme (alone or in-combination) based on the current Scheme. Natural England also submitted to the Examining Authority on 17 September 2024 their representations reflecting this position.

As such, the Applicant considers that the publication of a Report on Implications for European Sites (RIES) is unnecessary. The documentation provided by the Applicant and Natural England contains the information which the Secretary of State will require to carry out an appropriate assessment for the purposes of a Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The Applicant considers that repackaging the documents submitted on 18 September 2024 into a RIES would serve no useful purpose, given the role of Natural England as statutory nature conservation body and the only party to have any

substantive comments on HRA related matters during this Examination. It is the Applicant's view that the publication of the RIES would cause unnecessary delay to an early close of Examination and wishes to highlight to the Examining Authority, as it will be aware, that the publication of a RIES is discretionary, as reflected in the Planning Inspectorate's Advice Note 10 on HRA. This notes "*the Planning Inspectorate on behalf of the ExA may produce a Report on the Implications of European sites (RIES)*" and this is reflected in the Examination timetable set out in the Rule 8 letter [PD-003], which states that a RIES will only be published "*if required*". As set out above, the Applicant is firmly of the view that the publication of a RIES is not required.

Documents to be submitted at Deadline 6 and closure of Examination

The Applicant will submit the following documents at Deadline 6 of the Examination:

- Guide to the Application [EN010143/APP/1.2]
- Schedule of Negotiations and Powers Sought [EN010143/APP/4.4]
- Statement of Commonality for Statements of Common Ground [EN010143/APP/8.4]
- East Riding of Yorkshire Council - Statement of Common Ground [EN010143/APP/8.5]
- North Yorkshire Council - Statement of Common Ground [EN010143/APP/8.6]
- Forestry Commission - Statement of Common Ground [EN010143/APP/8.8]
- Natural England - Statement of Common Ground [EN010143/APP/8.12]

The Applicant is also working closely with relevant statutory undertakers and The Crown Estate to come to a final position on all protective provisions and section 135 consent. Given the limited nature of the outstanding matters remaining for the Examination, the Applicant also intends to submit its closing submissions at Deadline 6 on 1 October 2024, which will include the final position regarding these matters.

The Applicant is strongly of the view that the Examination of the Application can and should be concluded prior to the end of the six-month Examination period. The Scheme is critical national priority infrastructure, and there is an urgent need for the deployment of renewable energy infrastructure, as supported in Government policy. This is set out in detail in the Applicant's Statement of Need [REP5-015], but notably the Overarching National Policy Statement for Energy (NPS EN-1) and the National Policy Statement Renewable Energy Infrastructure (NPS EN-3) set out the importance of the role of solar generation in the UK's generation mix. NPS EN-1 states, at paragraphs 3.3.20 and 3.3.21:

"Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.

As part of delivering this, UK government announced in the British Energy Security Strategy an ambition to deliver up to 50 gigawatts (GW) of offshore wind by 2030, including up to 5GW of floating wind, and the requirement in the Energy White Paper for sustained growth in the capacity of onshore wind and solar in the next decade."

Further, NPS EN-3 states (amongst numerous other references to the urgent need for the critical national priority infrastructure that solar generation satisfies), at paragraph 2.10.9, 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. As such, solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector*".

The resolution of the issues detailed above means there are no substantive matters remaining to be examined. This is reflected by the lack of submissions at recent Examination deadlines, with the few submissions which are made simply repeating points already made and responded to by the Applicant at previous deadlines.

The Applicant strongly encourages the Examining Authority to utilise the authority he has pursuant to section 87(1) of the Planning Act 2008 to examine the Application as he sees fit and to decide that the maximum six-month period under section 98(1) of that Act is not required for this Application.

Should you require any further information or have any questions regarding this submission please do not hesitate to contact the project team.

Yours sincerely,

Helen Standing

Helen Standing
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