



**Application by East Yorkshire Solar Farm Limited for East Yorkshire Solar Farm
The Examining Authority's third written questions and requests for information (ExQ3)
Issued on 15 October 2024**

The following table sets out the Examining Authority's (ExA's) third round of written questions and requests for information – ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe C of the Rule 6 letter of 23 April 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number. When you are answering a question, please start your answer by quoting the unique reference number.

References in square brackets [] are to documents in the [Examination Library](#)

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact EastYorkshireSolarFarm@planninginspectorate.gov.uk and include 'East Yorkshire Solar Farm' in the subject line of your email.

Responses are due by Deadline 7 on 5 November 2024.



Abbreviations used:

Art	Article	PA2008	Planning Act 2008
CEMP	Construction Environmental Management Plan	PP	Protective Provisions
CTMP	Construction Traffic Management Plan	PRoW	Public rights of way
DCO	Development Consent Order	PS	Planning Statement
EA	Environment Agency	R	Requirement
ExA	Examining Authority	SoN	Statement of Need
NGT	National Gas Transmission	SoR	Statement of Reasons
NSIP	Nationally Significant Infrastructure Project	SoS	Secretary of State
OEMP	Operational Environmental Management Plan		



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ExQ3	Question to:	Question:
1. General and Cross-topic Questions		
Q1.0.1	The Applicant	<p>Statement of Need (SoN) [REP5-015], Efficiency Note [REP3-038], Submissions by Mr Field [REP4-036] and the Applicant [REP5-021]</p> <p>The SoN advises that the 'optimum' overplanting ratio is in the range 1.3 to 1.5. The scheme would have a ratio of 1.2. The justification for this ratio is based primarily on an interpretation of the graphs at Figures 6.5 and 6.6 of the SoN, supplemented by information in the Efficiency Note. However, it is not clear how the graphs have been interpreted to arrive at a ratio of 1.2. Nor does the supplementary information make it clear why a less than 'optimum' ratio has been adopted. Please provide further justification for the use of the 1.2 ratio, including reference to the data used to produce SoN Figures 6.5 and 6.6.</p>
Q1.0.2	The Applicant	<p>Statement of Reasons (SoR) [APP-021], Planning Statement (PS) [APP-233], Efficiency Note [REP3-038,] Submissions by Mr Field [REP4-036] and the Applicant [REP5-021]</p> <p>The Efficiency Note sets out a calculation of the land use efficiency ratio. It defines the 'maximum area' of the solar PV area as 749ha solar PV plus 2ha for the sub stations. The SoR and PS give the solar PV area as 966ha. (a) Please explain the difference between these areas. (b) How are interconnecting corridors taken into account in the land use efficiency calculation?</p>
2. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
Q2.0.1	The Applicant	<p>Book of Reference [REP4-004], Schedule of Negotiations and Powers Sought [REP6-005].</p> <p>Plots 5/17 (Parkin). Please provide an update on the situation with this landowner having regard to the latest position reached with Natural England.</p>
Q2.0.2	The Applicant	<p>Plot 14/72 (Robert Axup and Matthew Axup). Please provide an update on the situation with these landowners.</p>

ExQ2: 15 October 2024**Responses due by Deadline 7 on 5 November 2024**

ExQ3	Question to:	Question:
Q2.0.3	The Applicant	Plots 18/97, 18/101 and 18/106 (David Hunt and Robert Hunt). Please provide an update on the situation with these landowners.
Q2.0.4	The Applicant	Plot 18/98 and 18/102 (Leak). Please provide an update on the situation with this landowner and explain the implications for the scheme in the event that an agreement cannot be reached.
Q2.0.5	The Applicant	Plots 19/119 and 19/120 (Bruce Hare and Sylvia Hare). Please provide an update on the situation with these landowners.
Q2.0.6	The Applicant	Plots 21/145, 21/148, 21/149, 21/152, 22/155, 22/159, 22/163, 22/164, 22/166, 22/167 and 22/168 (Drax Power). Please provide an update on the situation with each of these plots including their interactions with National Grid interests.
Q2.0.7	The Applicant	Plot 22/171 (Susan Atkinson and John Atkinson / TagEnergy). Please provide an update on negotiations with TagEnergy.
3. Draft Development Consent Order (DCO)		
3.0 Articles		
Q3.0.1	The Applicant and the EA	Article 6 Application and modification of statutory provisions. a) The Applicant and the Environment Agency (EA) Please provide an update on the EAs concern over the disapplication of Flood Risk Environmental Permitting regulations and whether this matter will be resolved before the end of the Examination through the use of Protective Provisions (PP).

ExQ3	Question to:	Question:
		b) The Applicant Please provide an update on any agreements reached with the Ouse and Humber Drainage Board regarding the disapplication of the statutory provisions relevant to that body.
Q3.0.2	The Applicant	<p>Articles 34 and 35 Transfer of the Benefit of the Order. Applicant's response to ExQ1 Q4.0.2. [REP1-081].</p> <p>The Applicant considers that it is not necessary to amend the DCO as suggested in ExQ1 Q4.0.2 since any new entity receiving the transfer of the benefit of the Order would become the undertaker as defined in Art 2 and the requirement to secure a guarantee from the SoS under Art 47(1) would bind on it in the same way as it would on the original undertaker. However, Art 35(4)b draws a distinction between the transferee / lessee and the undertaker with regard to enforcing the transferred benefit. This suggests that the transferee/lessee and the undertaker could be different entities following any transfer. As such, my initial concern remains that the guarantee / security given by the original undertaker under Art 47(1) may not bind following the transfer of the benefit of the DCO to a transferee / lessee. Please consider amending the DCO to make explicit that any transferee / lessee would be required to obtain the consent of the SoS for any guarantee / security before exercising the powers defined in Art 47(2).</p>
Q3.0.3	The Applicant	<p>Article 49 Crown Rights. Schedule of Negotiations and Powers Sought [REP6-005].</p> <p>Please provide an update on discussions with the Crown authority regarding the requirement for consent under s135(1) of the PA2008.</p>
3.1 Schedule 14		
Q3.1.1	The Applicant and National Gas Transmission	Applicant's Closing Submissions [REP6-023]. PP Part 9 National Gas Transmission. Please provide an update of discussions on the bespoke Protective Provisions for NGT. Please clarify the nature of the outstanding drafting points and explain why they would not affect the protection of NGT's interests.

ExQ2: 15 October 2024

Responses due by Deadline 7 on 5 November 2024

ExQ3	Question to:	Question:
Q3.1.2	The Applicant and Ouse and Humber Drainage Board	Applicant's Closing Submissions. [REP6-023]. PP Part 3 Ouse and Humber Drainage Board. Please provide an update of discussions on the Protective Provisions for the Board.
4. Public Rights of Way		
Q4.0.1	The Applicant	EQ2 Q9.0.1 [PD-008] sought clarification of the proposals for the maintenance and reinstatement of the surfacing of PRowS. The Applicant's response [REP4-030] added text to paragraph 5.2.3 of the CTMP [REP4-009] to include PRowS in the conditions surveys. However, that still does not provide an enforceable commitment to undertaking any works necessary to ensure the reinstatement and ongoing maintenance of the PRowS. Such a commitment may be more appropriately located in the CEMP/OEMP. Please consider this matter further.