



**East Yorkshire Solar Farm
Limited**

Unit 5e Park Farm | Chichester Road |
Arundel | West Sussex | BN18 0AG

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

FAO:
eastyorkshiresolarfarm@planninginspectorate.gov.uk

14 November 2024

Dear Mr Warder,

Applicant Letter Examination Submission for Deadline 8, East Yorkshire Solar Farm Limited

Application Ref: EN010143

This letter accompanies the submission of documents by East Yorkshire Solar Farm Limited (the Applicant) for the Examination of the Development Consent Order Application for East Yorkshire Solar Farm (the Application). This letter and documents referred to have been submitted via the Planning Inspectorate's portal on 14 November 2024, at Deadline 8 of the Examination. The Applicant's Closing Submissions **[REP6-023]** were submitted at Deadline 6 of the Examination.

This letter provides a response to submissions made by Interested Parties at Deadline 7 and provides an update on outstanding matters with other Interested Parties.

The table below lists the documents submitted by the Applicant for publication:

Doc. No.	Title
New Documents	
EN010143/APP/8.54	Cover Lettering for Deadline 8
Updated documents:	
EN010143/APP/1.2	Guide to the Application (tracked and clean version provided)

The Applicant also provides the Examining Authority with a final word version of the draft DCO, which remains in the same form as submitted at Deadline 6 of the Examination **[REP6-003]** and is compliant with the Statutory Instrument template, and confirmation of the validity of this

document via email. These documents are not new documents for Examination and are provided for administrative purposes only.

Comments on submissions made at Deadline 7

A total of 10 submissions were submitted to the Examination at Deadline 7. Four of these were from the Applicant, with six being from Interested Parties. To avoid repetition, the Applicant has not provided a response to the submission from Beckett and Macmillan **[REP7-010]**, as the points made in this submission have been addressed in the Applicant's previous responses to Interested Parties, including **[REP3-038]**, **[REP4-029]**, **[REP5-021]** and **[REP6-023]**.

The submission received from Natural England **[REP7-008]** sets out Natural England's comments on the Report on the Implications for European Sites (RIES), with these comments providing points of clarity on aspects of the RIES. Natural England's comments do not dispute the RIES' conclusion that there will be no adverse effects on the integrity of any European Site as a result of the Scheme alone or in-combination with other projects.

The submission received from the Environment Agency **[REP7-005]** confirms that they have no outstanding representations or objections to the Scheme; therefore, a response to this submission is not necessary.

The submission provided by Alison Taylor **[REP7-009]** comments on the changes to Table 5 of the Framework Operational Management Plan (OEMP) **[REP6-007]**, which comprise the mitigation and monitoring measures for noise and vibration during operation. Table 5 of the Framework OEMP **[REP6-007]** was updated at Deadline 6 in response to comments received by East Riding of Yorkshire Council's (ERYC) Environment Health Officer (EHO) (see paragraph 7.183 of ERYC's Local Impact Report **[REP2-022]**). Following further discussion with the EHO, documented in the ERYC Statement of Common Ground (see row 2.8.7 in **[REP6-011]**), the Applicant amended the Framework OEMP to commit to designing, constructing, operating and maintaining fixed plant with the objective that the $L_{A_r,Tr}$ rating level of fixed plant at affected residential receptors is not more than 30 dB, where practicable. This is an additional commitment to that which was stated in the previous version of the Framework OEMP. Where it is not reasonably practicable to achieve a $L_{A_r,Tr}$ rating level of 30 dB at these affected residential receptors, the commitment at page 22 in Table 5 of the Framework OEMP **[REP6-007]** states that, under all reasonably foreseeable circumstances, the noise from all fixed plant operation will not exceed the predicted $L_{A_r,Tr}$ rating levels in Table 11-17 of Chapter 11 of the Environmental Statement (ES) **[REP1-016]**.

The revisions set out in Table 5 of the Framework OEMP **[REP6-007]** therefore provide a commitment by the Applicant to achieve operational noise levels at affected residential receptors which are quieter than those committed to in Table 11-17 of Chapter 11 of the ES **[REP1-016]**, where this is practicable.

Requirement 14, Schedule 2 of the draft DCO **[REP6-003]** also requires an operational noise assessment to be submitted to the relevant local authorities for approval post consent. This assessment must contain details of how the design of the authorised development has incorporated mitigation to ensure the operational noise rating levels as set out in the ES are to be complied with. Requirement 14 requires the Applicant to implement the approved mitigation measures set out in the assessment and therefore will deliver acceptable mitigation of operational noise for affected residential receptors.

Update on outstanding matters with Interested Parties

National Gas Transmission

The Applicant notes the submissions of National Gas Transmission (NGT) at Deadline 7 of the Examination, comprising its preferred form of protective provisions [REP7-006] and its arguments in relation to the two unresolved points between NGT and the Applicant [REP7-007]. In response to NGT's points, the Applicant deals with these two points in turn.

Intrusive Surveys

The insertion of "intrusive" before monitoring into the definition of "commence" is a necessary clarification and reflects what has been agreed on this Scheme with other statutory undertakers, including National Grid Electricity Transmission plc. It is disproportionate for walkover monitoring to trigger the definition of "commence" and thus the substance of the protective provisions in respect of NGT's **subsoil** assets.

Scope of Insurance and Security Provisions

The wording added to the protective provisions at paragraph 127(7)(a) and (b) referred to here is simply an administrative cross-reference back to the introductory part of sub-paragraph 127(7) which ensures it is clear that the insurance and security must be in place for NGT's benefit only where works are on land owned by NGT, or in respect of which they have an easement or wayleave or other interest or are otherwise within 15m of NGT's apparatus. This is clearly the intention of the protections offered and indeed what is envisaged as the operative part of paragraph 127(7) refers to this spatial extent in both the Applicant and NGT's form of provisions.

Finally, the Applicant agrees that the reference in paragraph 125(11) of the protective provisions is an error and should read "the undertaker must comply with National Gas's policies for safe working in proximity to gas apparatus".

Ouse and Humber Drainage Board

On 31 October 2024, the Applicant received confirmation from the Ouse and Humber Drainage Board's solicitors that they were instructed to act on behalf of the Board, in connection with the protective provisions for the protection of drainage authorities set out in Part 3 of Schedule 14 to the draft DCO [REP6-003] and the terms of the relevant disapplications sought, both of which the Board has provided an in-principle agreement to.

The Applicant has engaged with the Board's solicitors on a bespoke set of protective provisions for the protection of the Board and to secure the Board's consent to the relevant disapplications required by the Applicant. The Applicant does not propose to amend the existing protective provisions for the protection of drainage authorities at Part 3 of Schedule 14 to the draft DCO, as these have been agreed with other Internal Drainage Boards.

The Applicant provided its latest mark-up of this proposed set of bespoke protective provisions to the Board, which followed the approach agreed by Internal Drainage Boards (and approved by the Secretary of State via the making of this DCO) in the Cottam Solar Project Order 2024 as the most recently-granted solar DCO precedent, on 8 November 2024. The Applicant awaits a response from the Board's solicitors and, when these are in agreed form, will write directly to the Secretary of State with these and the Board's consent to the relevant disapplications required by the Applicant.

Crown Estate

The Applicant continues to engage with solicitors acting for the Crown Estate in relation to the Applicant's request for Crown consents pursuant to s135(1) and (2) of the Planning Act 2008. On 9 October 2024, the Applicant returned its comments on the draft s135 consent documents received from the Crown Estate's solicitors. After further engagement with the Crown Estate's solicitors, the Applicant received confirmation from the Crown Estate's solicitors on 14

November 2024 that these documents have been sent for final engrossment preparation by the Crown Estate, and the Applicant therefore awaits engrossment versions of these documents for signing. When signed, the Applicant and the Crown Estate will submit the s135 consent documents directly to the Secretary of State (noting that it is a common occurrence that final consent is received following close of Examination). The Applicant understands that there is no reason why this consent should not be forthcoming and it is simply a matter of timing.

Finally, the Applicant wishes to take this opportunity to thank the Examining Authority, and the Planning Inspectorate's case team, and all those individuals and organisations who have participated in the consultation and examination of the 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
NSIP Development Manager
Boom Power, on behalf of East Yorkshire Solar Farm Limited
EastYorkshireSolarFarm@boom-power.co.uk