



Report Reference Number: (E/22/35)

To:	Executive
Date:	5 January 2023
Status:	Non-Key Decision
Ward(s) Affected:	Camblesforth and Carlton, Derwent
Author:	Jenny Tyreman, Assistant Principal Planning Officer
Lead Executive Member:	Councillor Mark Crane, Leader of the Council and Lead Executive Member for Leisure, Strategic Matters, Place Shaping and External Relations and Partnerships
Lead Officer:	Martin Grainger, Head of Planning and Interim Head of Regulatory Services

Title: East Yorkshire Solar Farm – Nationally Significant Infrastructure Project

Summary:

This report sets out the legislative background to Nationally Significant Infrastructure Projects (NSIPs) and how these are dealt with. The Executive have considered similar NSIP reports recently in respect of the Drax Bioenergy and Carbon Capture Project in April 2021, the Yorkshire GREEN Project in February 2022, the Humber Low Carbon Pipelines Project in July 2022 and the Helios Renewable Energy Project in September 2022. Essentially applicants for infrastructure projects need to make an application to the Planning Inspectorate (PINS) for a Development Consent Order (DCO). The final decision is made by the Secretary of State on the recommendation of PINS, but Local Planning Authorities are statutory consultees in the process.

East Yorkshire Solar Farm Limited are proposing to submit an application for a DCO for the installation of solar photovoltaic panels, associated electrical equipment, cabling, on-site energy storage facilities and grid connection infrastructure across a proposed site which lies between Selby and East Riding of Yorkshire. The proposed development would allow for an anticipated export of approximately 400 megawatts (MW) electrical capacity. Due to its proposed generating capacity being over 50MW, the proposed development is classified as a Nationally Significant Infrastructure Project (NSIP).

Two rounds of public consultation are taking place – non-statutory consultation took place in Q2 2022; statutory consultation is anticipated to take place in Q1/Q2 2023. It

is anticipated that East Yorkshire Solar Farm Limited will submit their DCO application to PINS during Q3 2023.

Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

This report outlines the project. Selby District Council (SDC) is a statutory consultee and authorisation is sought for the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the relevant Executive Member to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Recommendations:

- i. That the contents of this report are noted.**
- ii That authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the relevant Executive Member to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.**

Reasons for recommendation:

Timescales for commenting on the DCO application once it is submitted are embedded in statute and it is important that appropriate delegation arrangements are in place so that the Council is able to meet the deadlines which are set by PINS.

1. Introduction and Background

- 1.1 On 1 April 2012, under the Localism Act of 2011, PINS became the agency responsible for operating the planning process for NSIPs.
- 1.2 NSIPs are large scale developments such as new harbours, power generating stations (including wind farms), and electricity transmission lines which require a type of consent known as a DCO under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011). This is not a 'planning application' under the Town and Country Planning Act 1990 and the status of the development plan is different in that the principal guidance for

their determination is contained within the suite of Energy National Policy Statements (NSPs). The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be 'nationally significant' and require the granting of a consent order. NSIPs were introduced as a fast-track method and alternative way of dealing with nationally important infrastructure after the much-publicised delays in the consenting of Heathrow's last major expansion proposal for a fifth terminal.

- 1.3 In England, PINS examines applications for DCOs from the energy, transport, waste, waste water and water sectors. For such projects, PINS undertakes an examination of the application and makes a recommendation to the relevant Secretary of State, who makes the final decision on whether to grant or to refuse the DCO. Energy NSPs introduce a presumption in favour of granting DCOs.

2. The Project

- 2.1 East Yorkshire Solar Farm Limited are proposing the installation of solar photovoltaic panels, associated electrical equipment, cabling, on-site energy storage facilities and grid connection infrastructure across a proposed site which lies between Selby and East Riding of Yorkshire. The proposed development would allow for an anticipated export of approximately 400 megawatts (MW) electrical capacity.

- 2.2 The site location plan can be found in Appendix 1. The site comprises the following areas:

- The solar photovoltaic site (comprising the solar photovoltaic panels, associated electrical equipment, cabling, on-site energy storage facilities) which extends to approximately 1,173 hectares (ha) and is located approximately 1.4 kilometres (km) northwest of the market town of Howden at the closest point. Denoted by a solid red line on the site location plan.
- The grid connection corridor which runs from the solar photovoltaic site to the National Grid substation at Drax Power Station, which is shown as an approximately 500m search area at this point of the project. The grid connection point at Drax Power Station is located approximately 6.2 km southwest of the solar photovoltaic site. Denoted by a dashed red line on the site location plan.

- 2.3 It is important to note that at this stage, the site location plan shows the expected maximum extent of land that would be included within the application for a DCO. It is likely to be refined following consultation and as the design of the development progresses.

- 2.4 The solar photovoltaic site will comprise the following infrastructure:

- Solar photovoltaic modules;
- Solar photovoltaic module mounting structures;
- Inverters (either string or central type);
- Transformers (Low Voltage/Medium Voltage/High Voltage)

- Low Voltage/Medium Voltage/High Voltage switchgear, protection, and control equipment
- Medium Voltage substations distributed throughout the solar photovoltaic plots;
- Onsite underground cabling;
- Interconnecting offsite underground cabling between the solar photovoltaic plots;
- One or more battery energy storage system (expected to be formed of lithium-ion batteries storing electrical energy generated by the proposed development);
- Two 132/33 kV substations;
- Operations and maintenance hub with welfare facilities;
- Fencing and security measures;
- Access tracks; and
- Landscaping and biodiversity enhancement.

2.5 The proposed development will also include two 132 kV export circuits connecting the 132/33 kV substations to the National Grid substation at Drax Power Station.

Construction Programme

2.6 The construction of the proposed development is anticipated to commence in Q4 2024 and span a period of approximately 18-24 months. During the construction phase, temporary access tracks and construction compounds will serve the proposed development, and these will be located within the site boundary.

Operation and Maintenance

2.7 Operation of the proposed development is anticipated to commence around 2027. The proposed development will have an anticipated lifespan of up to 40 years.

2.8 During the operational phase, the activities on-site are expected to be limited to vegetation management, equipment maintenance and servicing, replacement of any components that fail, periodic fence inspection, and monitoring to ensure the continued effective operation of the development.

2.9 It is anticipated that there will be one to three permanent staff on-site at any one time during the operational phase. In addition, there will be up to 10 to 20 visitors per week (equating to two to four visitors per day) for deliveries and servicing of equipment.

Decommissioning Phase

2.10 Following cessation of energy generation and exportation at the site, the development will be removed. The decommissioning of the development is anticipated to take approximately 12-24 months.

3. The Process

- 3.1 The Planning Act 2008 process was introduced to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicants alike. The six stages in the process are: pre-application; acceptance; pre-examination; examination; recommendation and decision; and post decision.
- 3.2 The East Yorkshire Solar Farm is presently at the pre-application stage with PINS. The applicants have a statutory duty to carry out consultation on their proposals before submitting an application. Two rounds of public consultation are taking place– non-statutory consultation took place in Q2 2022; statutory consultation is anticipated to take place in Q1/Q2 2023.
- 3.3 The applicants submitted a Scoping Report to PINS on 12 September 2022. SDC and NYCC provided comments to PINS on the Scoping Report on 10 October 2022. PINS, on behalf of the Secretary of State, issued a Scoping Opinion on 20 October 2022. This sets out the required extent and content of the Environmental Statement to be submitted with the application for a DCO. Those areas that may be examined in detail come under the headings:
- Climate Change
 - Cultural Heritage
 - Ecology
 - Flood Risk, Drainage and Surface Water
 - Landscape and Visual Amenity
 - Noise and Vibration
 - Socioeconomics and Land Use
 - Transport and Access
 - Human Health
 - Soils and Agricultural Land
 - Cumulative Effects
- 3.4 East Yorkshire Solar Farm Limited have notified PINS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the proposed development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the proposed development is EIA development.
- 3.5 It is anticipated that East Yorkshire Solar Farm Limited will submit their DCO application to PINS during Q3 2023.
- 3.6 Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of

structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

- 3.7 The Council is working in association with the County Council as part of Better Together to, where possible make co-ordinated responses. This approach is favourable to the applicant and probably to the Examining Authority. It is how the two councils have worked together on other NSIPs. Together the two Authorities have the necessary technical specialists to respond to the application fully.
- 3.8 To date council staff have attended the briefings together and have already submitted the local authorities' response to the applicants Scoping Report.
- 3.9 NYCC and SDC have set up monthly meetings to manage the application, which will be attended by key planning officers and technical officers. Senior management will be invited if required.
- 3.10 Submission of the Local Impact Report, Statement of Common Ground, input into the Draft DCO and any written representations will be required in accordance with deadlines set by PINS, and once the examination commences, these deadlines are likely to be tight. Therefore, authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the relevant Executive Member to agree the Local Impact Report, Statement(s) of Common Ground, the content of the Draft DCO and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

4. Implications

4.1 Legal Implications

- 4.1.1 The District Council is an interested party and support for the scheme is subject to agreeing the requirements in the DCO.
- 4.1.2 The District Council will have further involvement following submission of the application and during the examination period, including attendance at issue specific, and DCO public hearings. It is also possible that appropriate planning obligations, in conjunction with the County Council may be required to address any impacts and if considered necessary in planning terms. Both of these may require some input from the Council's legal team.

4.2 Financial Implications

- 4.2.1 The District Council, jointly with the County Council, intend to enter into a Planning Performance Agreement (PPA) with East Yorkshire Solar Farm Limited. The PPA will establish a project framework and will give greater clarity

to all parties as to their roles and responsibilities. The PPA will also establish a fund set aside against which both this Council and the County Council can claim for work carried out by its service areas which is in excess of their normal working practices.

5. Conclusion

5.1 Members are asked to note the contents of this report.

5.2 Members are asked to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the relevant Executive Member to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

6. Background Documents

The National Infrastructure Planning website of the Planning Inspectorate is at the link:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/east-yorkshire-solar-farm/?ipcsection=overview>

7. Appendices

Appendix 1 – Site Location Plan

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