



Little Crow

Solar Park

Little Crow Solar Park, Scunthorpe

APPLICANT'S RESPONSE TO S51 ADVICE

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11 January 2021

Louise Evans
Case Manager
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The Planning Inspectorate
Major Applications and Plans Directorate
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Dear Louise

Application by INRG Solar (Little Crow) Limited for an Order Granting Development Consent for the Little Crow Solar Park Project

Applicant's Response to Section 51 Advice

We write on behalf of INRG Solar (Little Crow) Limited ("the Applicant") in respect of the accepted application for an order granting development consent for Little Crow Solar Park. The purpose of this letter and associated enclosures is to respond to the advice received from the Planning Inspectorate ("PINS") on behalf of the Secretary of State in its letter dated 23 December 2020 pursuant to Section 51 of the Planning Act 2008 (as amended) ("the Section 51 Advice).

The matters raised in the Section 51 Advice are set out in italics below for ease of reference and the Applicant's response follows.

Generating capacity for the proposed development

At paragraph 4.3.3 of Chapter 4 of the Environmental Statement (ES) [Doc Ref 6.4 LC ES CH4; paragraph 3.4 of the ES Non-technical Summary [Doc Ref 5.1 LC ES NTS]; and paragraph 3.7 of the Planning Statement [Doc Ref 9.1 LC OTH]; the generating capacity for the proposed development has been referred to as being the potential maximum range of between 150 megawatts peak (MWp) and 200MWp.

With the exception of the draft Statement of Common Ground with Highways England, in section 2, of the remaining nine draft Statements of Common Ground that have been submitted, the 'maximum design capacity' for the development has been identified as being 150MWp.

In the draft Development Consent Order [Doc Ref 3.1 LC DCO], the Explanatory Memorandum [Doc Ref 3.2 LC DCO] and the Grid Connection Statement [Doc Ref 4.4 LC REP] the phrase ‘... intended design capacity of over 50MWp ...’ has been used when the proposed development is being described in for example Work No.1.

In the consultation documentation issued for the purposes of Part 5, Chapter 2 of the PA2008 and included in Doc Ref 4.2, the development was described as having a ‘maximum design capacity of 150MWp’ or ‘a maximum design capacity of up to 150MWp’.

Please clarify what the maximum design capacity for the proposed development is and explain why different maximum generating capacity figures have been used in the draft DCO, Consultation Report (consultation materials) and Environmental Statement.

The Application Form (Document Reference 1.3 LC APP) confirms in the description of the proposed development¹ that the intended designed capacity is over 50MWp. This is also confirmed in the Application Guide² and is reflected in Schedule 1 of the draft Development Consent Order (dDCO)³ which specifies that the generating station comprises arrays of ground-mounted solar panels with a gross electrical output of over 50 megawatts peak. This is also explained in the Explanatory Memorandum⁴.

Paragraph 4.2.1 of the Environmental Statement⁵, which summarises the proposed development, confirms that the intended design capacity is over 50MWp. Chapter 4 of the Environmental Statement contains the description of the development upon which the various elements of the environmental assessment are based. The Planning Statement also defines the development proposal⁶ and confirms at paragraph 3.2 that the intended design capacity is over 50MWp. This is also reflected in other Application documentation, such as the Design and Access Statement⁷.

The Applicant does not place a maximum design capacity on the proposed development within the application. This approach is consistent with other recent Development Consent Orders for renewable energy development, such as The Cleve Hill Solar Park Order 2020 (S.I. 2020 No. 547) and The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020 No. 1656) which both refer to a gross electrical output of “over” a certain capacity.

This approach has been taken due to the rapid pace with which technology advances within the renewable energy sector which enables greater efficiency, and potentially greater capacity generators to be fitted and used within the same physical parameters as noted in the Application (e.g. paragraph 4.3 of the Environmental Statement).

Notwithstanding the above, and in common with other renewable energy developments, candidate generators that are currently available and that fit within the assessment

1 See Box 5 of the Application Form
2 Paragraph 2.1 (Document Reference 1.2 LC APP)
3 Works No. 1 (Document Reference 3.1 LC DCO)
4 Paragraph 2.10 (Document Reference 3.2 LC DCO)
5 Document Reference 6.4 LC ES CH 4
6 Document Reference 9.1 LC OTH
7 Document Reference 9.2 LC OTH

parameters have been used for the purposes of the Environmental Impact Assessment. For the proposed development, the candidate generators are described in Chapter 4 of the Environmental Statement and are based upon existing technology. The candidate generators have been used to inform the assessment of likely carbon savings⁸, the likely amount of electricity generated⁹ and socio-economic impacts¹⁰, however, capacity itself is not an environmental parameter.

The Environmental Statement at paragraph 4.3.3 discusses the maximum design scenarios referring to the maximum development footprint, the height of the substation compound and the total area covered by the solar panels and highlights that the panels may become more efficient meaning their rated maximum capacity could also increase. Within that context, the reference to the range of output is based on the candidate design and it therefore follows that the output range within Works No. 1 and Works No. 2 increases with an increase in efficiency and capacity.

The Planning Statement at paragraph 3.7 refers to a maximum energy generation range but this is specified to be subject to the output of the particular solar panel selected for construction and it is therefore only providing a 'potential' maximum range unlike the specifications for maximum and minimum height of the modules which are clearly confirmed. Paragraph 3.51 refers to this range again and clarifies this is "*Based on the candidate design*".

The Applicant therefore does not propose a maximum capacity for the purposes of the development, and this is consistent with the general approach of flexibility in design acknowledged in the Energy National Policy Statements, and is in line with the Rochdale Envelope principle. In that regard, requirement 6(2) of the dDCO ensures that the detailed design of the development must accord with the parameters assessed in the Environmental Statement and this is also confirmed in paragraph 4.3 of the Environmental Statement.

The draft Statements of Common Ground which refer to the megawatt range are in draft form and, again, were based on the candidate design. The Applicant proposes to clarify the drafting in the next iterations of those drafts to refer to the intended capacity of over 50 MWp.

Book of Reference (BoR) (Doc Ref 3.3 LC DCO BOR)

Part 3 (Easements, or other private rights proposed to be interfered with, suspended or extinguished) of the Book of Reference (Doc 3.3) includes landowner information in plots 1/12 and 1/14, however it is stated in Parts 1 and 2: 'number not used'. Those two plots are also not included in the Land Plans.

Plots 1/12 and 1/14 appeared in the initial draft of the Book of Reference. Upon further examination it was ascertained that they were included in the access route title (which comprised Plot 1/7) and it was not necessary that they be specified separately. These plots were therefore removed from Parts 1 and 2 and also from the Land Plans. They should

⁸ See paragraph 4.15 of Chapter 4 and paragraph 6 of the Air Quality and Carbon Assessment (Appendix 4.5 Document Reference 7.12 LC TA4.5)

⁹ See paragraph 4.15 of Chapter 4

¹⁰ See Chapter 11

also have been removed from Part 3 and this has now been corrected and an updated Book of Reference (Document Reference 3.3A LC DCO) is enclosed with this submission.

The Land Plans appended to the BoR also do not include the hatched area in the top righthand side of the boundary that is identified as being 'excluded from the Order limits' in the other plans included in the application.

Please provide clarification on the above or updated versions of the documents with corrections provided.

It is noted that the Land Plans appended to the BoR did not show the area of land which is excluded from the Order Limits. These have been updated and are now consistent with the Order Limits. Amended plans showing the excluded area are appended to the updated BoR enclosed with this submission (Document Reference 3.3A LC DCO).

Confidentiality Statement

7.4 LC TA3.2 Phase 1 Ground Conditions Desk Study and 7.5 LC TA3.3

Geotechnical and Phase II Contamination Report

Both documents referred to above include a confidentiality statement on page 3 which states that the report has been prepared by Integrale Limited for the sole use of INRG Solar (Little Crow) Limited, and that any parties wishing to use or rely upon the contents must seek written approval from Integrale Limited. Before they can be published on our website, we will require written confirmation from yourselves that you have permission to use these documents, and that they can be published as part of the application. Please refer to paragraph 15 of our Advice Note 6 (revised November 2020) which states that Applicants must ensure they have permission to include all documents, plans and drawings in their application.

The Applicant confirms that it has permission from Integrale Limited to use these documents as part of the DCO Application and Examination and that they can be published.

We also note reference in the Section 51 Advice to the commentary in the Section 55 checklist. Please find attached at Appendix 1 the Applicant's response to the s55 checklist.

Application Index

Finally, we enclose an updated Application Index based upon that contained in the Application Guide which includes the revised document references for the updated documentation submitted with this response. The Applicant envisages this being a 'live' document to be updated with all documentation submitted to the end of the Examination. To summarise, the additions to the Application Index as part of this submission are: -

- Doc Ref 1.2A LC APP Application Index Revision A dated 11 January 2021
- Doc Ref 3.3A LC DCO Book of Reference Revision A
- Doc Ref 7.35A LC TA9.1 Transport Statement Revision A
- Doc Ref 9.14 LC OTH Applicant's Response to Section 51 Advice [this letter]

The notification of the decision to accept an application for examination for an order granting development consent received by the Applicant on 23 December 2020 highlights the Applicant's duties under sections 56, 58 and 59 of the Planning Act 2008. As section 59 relates to compulsory acquisition, and no compulsory acquisition is required for this project, the Applicant confirms that compliance with this provision is not required and it will not be issuing notices pursuant to section 59.

Your faithfully

A handwritten signature in black ink, appearing to read 'G Roberts', with a long horizontal stroke extending to the right.

Gareth Roberts
Director
e-mail: gareth.roberts@pegasusgroup.co.uk

Encs

The Little Crow Solar Park - Applicant's Response to Section 55 Checklist

Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments	Applicant's Response
Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)			
6	Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	<p>Section 42(1)(a) persons prescribed? Yes</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 15 January and 26 January 2019 at paragraph 5.23 of the Consultation Report (Doc 4.1).</p> <p>A sample of the generic letter sent to all consultees is provided at Appendix 5.6 of the Consultation Report Technical Appendices (Doc 4.2). Sample letters dated 15 and 26 January 2019 have not been provided.</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> • Harlaxton Gas Networks Limited • Harlaxton Energy Networks Limited • Energy Assets Networks Limited • ESP Electricity Limited <p>The Applicant's Consultation Report (Doc 4.1) does not explain why the bodies identified above have not been consulted. However, it is noted that the licences held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the Book of Reference (Doc 3.3).</p> <p>It is noted that Natural England are not included in the list of prescribed consultees that were consulted under s42(1)(a). However, this omission appears to be erroneous as NE's response to statutory consultation is included in the unnumbered table in paragraph 6.6 of the Consultation Report (Doc 4.1).</p>	<p>The companies named were not consulted because they were not identified as having any interest in the Order limits. However, the Applicant has now added the named companies to its s56 notification list and can confirm that they will be included in any relevant notifications going forward.</p> <p>The Applicant confirms the Natural England have been consulted and that this was an erroneous omission in the Consultation Report</p>
s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)			
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?	<p>There are some discrepancies between Application documents when describing the maximum generating capacity of the Proposed Development. For example: Paragraph 4.3.3, Chapter 4, Environmental Statement (Doc Ref 6.4) and Paragraph 3.7, Planning Statement (Doc Ref 9.1) state a maximum generating capacity of 'between 150MWp & 200MWp'.</p> <p>The draft Development Consent Order (Doc 3.1), Explanatory Memorandum (Doc 3.2) and Grid Connection Statement (Doc 4.4) do not refer to a maximum capacity and instead state the intended design capacity is 'over 50MWp'; and</p> <p>Consultation materials as provided in the Consultation Report Technical Appendices (Doc 4.2) for the purposes of Part 5, Chapter 2 of the PA2008 and the draft Statements of Common Ground (excluding the draft SoCG with Highways England) (Docs 9.4 - 9.6 and 9.8 - 9.12) refer to a maximum generating capacity of 150MWp or a generating capacity of up to 150MWp.</p> <p>Environmental Statement</p> <p>The Environmental Statement (ES) and No Significant Effects Report (NSER) submitted by the Applicant, whilst deemed to be sufficient for the purposes of the s55 acceptance process provide limited detail in some assessment areas. This has been considered in the context of the nature of the proposed development, the characteristics of the impacts, and the receiving environment and considerations of proportionate EIA. As a result of the approach adopted by the Applicant, a number of issues have been highlighted in relation to the ES, NSER and Flood Risk Assessment (FRA) which will require further consideration during examination.</p> <p>Figures 6.1, 6.2, 6.4 and 6.5 (Doc Ref 6.5)</p> <p>These figures do not appear to have been updated whereby the Screened ZTV does not reflect the maximum design scenario (i.e., maximum height of solar panels of 3.5m). These figures state 'Screened ZTV – 3m Development height'.</p> <p>Para 6.4.6 (Doc Ref 6.6)</p> <p>There appears to be an inconsistency when providing the height of the security fencing. The Landscape and Visual Assessment states a height of 2m whilst Para 4.6.5, ES (Doc Ref 6.4) states security fencing will be 3m in height.</p>	<p>Please see the Applicant's response to the s51 advice.</p> <p>The applicant proposes to provide an updated version of ES Chapter 6 Figures before the Examination commences.</p> <p>Paragraph 6.4.6 refers to the height of fence surrounding the arrays which is under 2m (see paragraph 4.5.9 Doc Ref 6.4). There are different fence types & heights for various Works areas and as part of the update to Chapter 6, clarification will be given to fence heights for each relevant Works areas.</p>

	<p>Para 3.2.1 (Doc Ref.6.3) Unclear why the ES states the temporary construction compound has not been included in the overall area for the proposed development site (e.g., 225ha). It appears that this is referring to the area within the temporary construction compound excluded from the order limits.</p> <p>Socio Economic Issues (Doc Ref 6.11) Unlike other aspect chapters in the ES, this aspect chapter does not include a table outlining how the Applicant has responded to the Planning Inspectorate's comments in Table 4.6, Scoping Opinion (Doc Ref 7.1). At paragraph 11.4.2 the capital cost for the Proposed Development has been estimated as being £160 million using a capital investment cost of around £800,000 for building one megawatt and based on 150MW of solar generation and 50MW of battery storage. Battery storage of 50MW is inconsistent with the 90MW that has been referred to in other application documents, for example paragraph, 4.6.2 of Chapter 4 of the ES (Doc Ref 6.4 LC ES CH4). At paragraph 11.4.4 a six month build phase is referred to, which is inconsistent with the eleven months/47 weeks referred to elsewhere in the ES, for example paragraph 9.8.2 of Chapter 9 (Doc Ref 6.9 LC ES CH9).</p> <p>Table 2.1 B1207 Ermine Street/ B1208 p.24 (Doc Ref 7.35) Information appears to be missing from this table where: 'Error! Not a valid link' has been entered</p>	<p>The temporary construction and decommissioning compound is not included within the 225 hectares. However, it is located within the Order Limits as shown on Document Ref 2.8 LC DRW and explained in paragraph 3.2.3 of the ES (Chapter 3 Doc Ref 6.3 LC ES).</p> <p>The observations are noted in relation to the Socio Economic Chapter and the Applicant proposes to provide an updated version of this before the Examination commences.</p> <p>The observations are noted in relation to the Socio Economic Chapter and the Applicant proposes to provide an updated version of this before the Examination commences.</p> <p>The Applicant has corrected this error and an updated version of this document is enclosed with this response (see Document Reference 7.35A LC TA9.1).</p>
	<p>Development Consent Order (Doc 3.1) and Explanatory Memorandum (Doc 3.2)</p> <ul style="list-style-type: none"> • Works 4(d) listed in DCO (Doc 3.1) as 'gantry with voltage and current transformers' – Explanatory Memorandum (Doc 3.2) only lists this as 'gantry' • Works 6 (c) in DCO (Doc 3.1): 'temporary diversion of public footpath during deconstruction and decommissioning', Explanatory Memorandum (Doc 3.2) does not include 'during deconstruction and decommissioning' • Works 6(j) in DCO (Doc 3.1): 'planting and ecological works incorporating the biodiversity objectives and management prescriptions set out in the LEMP' – Explanatory Memorandum (Doc 3.2) has not included this. • Site Wide Works c in DCO (Doc 3.1): Explanatory Memorandum (Doc 3.2) has not included 'construction of crossing structure' and 'lighting' • Site Wide Works f in DCO (Doc 3.1): Explanatory Memorandum (Doc 3.2) has not included 'ramps' or 'hardstanding' 	<p>The Applicant will update the Explanatory Memorandum in the next version of the Explanatory Memorandum to be submitted during the Examination.</p>
	<p>Book of Reference (Doc 3.3)</p> <p>Part 3 of the Book of Reference (Easements etc) (Doc 3.3) includes landowner information plots 1/12 and 1/14 despite the previous Parts stating 'number not used'. Those two plots are also not included in the Land Plans.</p> <p>The Land Plans appended to the BoR also do not include the hatched area in the top righthand side of the boundary that is identified as being '<i>excluded from the Order limits</i>' in the other plans included in the application.</p> <p>Plans</p> <p>29 (o)</p> <p>'Any other plans, drawings and sections necessary to describe the proposals for which development consent is sought, showing details of design, external appearance, and the preferred layout of buildings or structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking to be provided, and means of landscaping'</p> <p>The following plans which meet the above description do not have a north arrow (APFP Regs 5(3)):</p> <p>2.29 LC DRW Customer Switchroom Plan – Layout and Elevations</p> <p>2.30 LC DRW Battery Compound Layout and Elevations</p> <p>2.31 LC DRW 53ft Battery Container Plan and 3D View</p> <p>2.32 LC DRW Transformer and Inverter Skid Plan and Elevations</p> <p>2.33 LC DRW 53ft Battery Container Elevations</p> <p>2.34 LC DRW 40ft Client Switchroom Container Elevations</p> <p>2.35 LC DRW 132kV Substation and Battery Storage Cable Trench Details</p>	<p>Please see the Applicant's response to the s51 advice.</p> <p>Regulation 5(3) of the APFP Regulations is clear that a north point is required only in respect of "plans". In the case of drawings and sections, the regulation deals only with size and scale. Each of these drawing references depict detail and elevations. The Applicant therefore considers that the plans do not require a north arrow. For Document Reference 2.31, the "layout" part of that document does show a north point.</p>
<p>31 Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation</p>	<p>Yes (with minor discrepancies as noted below)</p> <p>A No Significant Effects Report (NSER) is provided at Appendix 7.9 of the Environmental Statement (Doc 7.29).</p> <p>The NSER identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p>	<p>The observations in Box 31 are noted in relation to the NSER and the Applicant proposes to provide an updated version of this before the Examination commences.</p>

<p>Environmental Statement: Technical Appendix 7.9, Habitats Regulations Statement – No Significant Effects Report (NSER) (Doc Ref 7.29).</p> <p>Figure 1: Ordnance Survey Map Showing Location of Order Limits (OS Licence 100050456) – This figure is of poor resolution which makes distinguishing it difficult. Figure 2: International Designations within 10km of Order Limits – Due to the scale of this figure the true extent of European sites (e.g., Humber Estuary SPA, SAC, Ramsar) are not represented. In addition, the legend has been cropped out and is illegible.</p>	<p>A higher resolution plan showing the locations of the Humber Estuary SPA, SAC & Ramsar site will be provided.</p>
<p>Plan identifying European Designated Sites – The Plan titled 'Statutory and Non- statutory Sites of Ecological Importance' (Doc ref 2.3) only identifies ecological sites of up to national importance (e.g., SSSI) and does not show the location of European sites.</p>	<p>This is due to distance of the European Sites from the application area. A larger scale map to illustrate sites within 10km to be provided prior to examination.</p>
<p>Para 1.1.17– states that "The qualifying features for each of the European Sites are detailed in Appendix B of this NSER along with impact matrices (in Section 2 of this report) and information in Appendix A which assess potential LSE's...". The NSER lists qualifying features and impacts for each of the European sites identified within the HRA Screening Matrices and the report has not been divided into appendices A and B as stated by the Applicant. Therefore, the above statement is confusing, and it is unclear if Appendix A and B have been incorrectly omitted from the NSER.</p>	<p>This is noted and the report will be corrected. Appendix A and B were included within an earlier draft version of the report but were removed. The paragraph will be corrected within an updated version of this report before the examination commences</p>
<p>Para 1.1.22 – The NSER incorrectly refers to Chapter 7, Section 7.8 (Doc Ref 6.7) when referencing "Other Developments' established within the EIA". This should reference Chapter 7, Section 7.9 titled Cumulative Impacts.</p>	<p>This is noted and the referencing will be corrected with the updated version of the NSER.</p>
<p>HRA Screening Matrix 03: Humber Estuary Ramsar – Section b, 'Evidence supporting conclusions' beneath the matrix incorrectly refers to the SPA when discussing Humber Estuary Ramsar.</p>	<p>This is noted and the referencing will be corrected with the updated version of the NSER.</p>
<p>Approach taken to NSER – The NSER includes very little evidence or cross-referencing of documentation to support conclusions of no Likely Significant Effects (LSE) on European designated sites.</p>	<p>Suitable cross referencing to relevant sections of environmental statement will be provided within updated version of the NSER.</p>

