



Meeting note

Project name	Little Crow Solar Park
File reference	EN010101
Status	Final
Author	The Planning Inspectorate
Date	10 and 11 November 2020
Meeting with	Eversheds
Venue	Microsoft Teams
Meeting objectives	To discuss the impact of the Infrastructure Planning (Electricity Storage Facilities) Order 2020 on the submission of the Little Crow Solar Park project submission
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

The Applicant asked if any flexibility could be given if their application was submitted prior to the new Infrastructure Planning (Electricity Storage Facilities) Order 2020 legislation coming in to effect 2 December. PINS advised that we could not commit to making an acceptance decision prior to the new legislation coming into force on 2 December 2020. The 28-day Acceptance period includes time for document checks and important internal governance procedures and there was a limit to how much time could be shaved off the statutory maximum. In addition, once an Acceptance decision has been made it triggers other statutory requirements to take place by both PINS and the Applicant, e.g. allocation of an Examining Authority, s.56 actions, etc, and as such flexibility during the Acceptance period is limited.

If the Application were to be submitted that week, the Acceptance period would only have reached 21 days at most by the time the new legislation had come into effect and an Acceptance decision is unlikely to have been made by then. PINS advised that in this event, the application would not qualify for the conditions as set out in Provision 5 of the Infrastructure Planning (Electricity Storage Facilities) Order 2020's Transitional and Saving Provision. This requires applications to have been accepted by the time the legislation comes into force in order to benefit from the transitional provisions.

The Applicant was advised to re-consider their application to ensure that the battery storage facility was defined as Associated Development and to wait until after the legislation comes into force to submit the application.

PINS advised that in principle a battery storage facility could be considered as Associated Development as long as it met the tests as set out in the guidance (Planning Act Guidance on Associated Development Paragraph 5). The Applicant confirmed that the battery storage facility would not be constructed without the Little Crow Solar Park project, and was subordinate to the solar generating station, as well as having a storage capacity of over 50MW.

PINS advised that further information would be sought by them from BEIS in order to clarify the points of principle concerning when a battery storage facility might qualify as Associated Development and would advise the Applicant further.

Following discussions 10 November, on 11 November PINS advised the Applicant that as long as it included one qualifying NSIP, their application could be submitted as it is currently with two NSIPs for both the generating station and battery storage facility, however, it was still highly unlikely that an Acceptance decision could be made before 2 December and they would be required to amend their Application in advance of the start of the Examination, preferably before the Rule 6 was issued. This would subsequently result in PINS issuing s51 advice along with their acceptance decision advising the Applicant on the steps to take and the format in which their revised documents should be submitted, which may result in a delay to the start of the Examination.

PINS advised that their strong preference would be for the Applicant to delay submission until their application had been amended to include the battery storage facility as Associated Development.

The Applicant asked if any other documents apart from the Explanatory Memorandum and Development Consent Order would require revision (e.g. the Environmental Statement), or if a statement would suffice. PINS advised that until they had viewed the application documents, a definite response could not be given on this.

The Applicant stated that they would inform PINS of their decision on how they would proceed with their application within the next few days.

Specific decisions/ follow-up required?

The Applicant stated that they would inform PINS of their decision on how they would proceed with their application within the next few days.

Meeting attendees

Organisation	Name	Role
Eversheds	Kee Evans	Solicitor for the Applicant
Planning Inspectorate	Mark Wilson	Operations Manager
Planning Inspectorate	Louise Evans	Case Manager