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Planning
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To the applicant
(By email only)

Case Ref: EN010168
Date: **27 March 2025**

Dear Mr Boyd,

Planning Act 2008 – section 51

Application by One Earth Solar Farm Ltd for an order granting development consent for the One Earth Solar Farm

Advice following issue of decision to accept the application for examination

On **27 March 2025** the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the applicant provided under section 51 of the PA2008 in respect of these initial observations. The applicant should pay attention to its content and consider how appropriate action might be taken in response.

Marine Management Organisation

The Inspectorate notes that the applicant consulted the Marine Management Organisation. Paragraph 6.2.2 Of the Consultation Report states "Consultation with the Marine Management Organisation took place under s42(1)(a)" and the MMO are listed as providing a response (see 7.2.3) to "Section 42(1)(a) and (b) consultation". However, it appears at appendix J-1 a response from the MMO has not been provided. The Inspectorate advises that a copy of this response should be provided prior to the commencement of the relevant representations stage.

Flood Risk Assessment (FRA) and Outline Drainage Strategy (Doc 6.21)

A figure in the FRA distinguishing which areas of the proposed development's order limits are within Flood Zone 3a and Flood Zone 3b is required.

The Environment Agency published new flood and coastal erosion risk data on 28 January 2025 with further data planned for release on 25 March 2025. Once this further data has been released by the Environment Agency, the applicant should provide updated versions of the relevant assessments, including the FRA, based upon the updated Environment Agency data.

The Inspectorate advises that this response should be provided as soon as possible and, at least, before the date of the Preliminary Meeting.

Section 56, Planning Act 2008: Notification of Acceptance

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the examination of the application. On this basis, the applicant is advised to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

The proposed development site includes the River Trent at a point where the river is tidal. On a precautionary basis the Inspectorate advises that when the applicant serves notice of the accepted application under s56(2)(a) of the PA2008 it should also place notices once in Lloyds List; and once in an appropriate fishing trade journal, as required by Regulation 4(2)(d) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

Documentation

Some documents, such as the Environmental Statement Non-Technical Summary and the Design Approach Document, are in a format that does not make them easily read on a smaller screen, or easily printed. This may provide a barrier to those interested in reading the DCO documentation.

The applicant is advised to provide the Inspectorate with unredacted documentation. The documents will be redacted as appropriate prior to publication. The applicant may wish to highlight documents or text they believe should be redacted in a separate email to the case team.

Minor errors and omissions

There are minor errors and omissions, as reflected in Box 30 of the acceptance checklist.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Deborah Allen

Deborah Allen, Case Manager

This communication does not constitute legal advice.

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