



Planning Inspectorate Light Valley Solar Limited
Secretary Of State For Business, Energy And
Industrial Strategy

Planning Services (Selby Area)
North Yorkshire Council
Civic Centre
Doncaster Road
Selby
North Yorkshire
YO8 9FT
Email: ppu.sel@northyorks.gov.uk
Tel: 0300 1312131
Web: www.northyorks.gov.uk

Our Ref ZG2026/0307/GOV (attn of [REDACTED])
Your Ref EN0110012 Light Valley Solar
Date 6 September 2026

Dear Sirs

**Light Valley Solar
Procedural Deadline 3 Submissions**

Responses to the ExA's first written questions (ExQ1)
The Council's responses to ExQ1 have been uploaded.

The following documents have been uploaded in response to specific questions:

Q1.9.3 - NYC Strategic Planning Committee 10022026 - Agenda Item 4

Q1.14.12 - South-Milford-Conf-Order

Comments on any information received at deadlines 1 and 2 and accepted by the ExA
Following submission of the Council's Local Impact Report (LIR) at Deadline 1, the Ecology section (section 9) was found to contain inaccurate and incomplete comments. Section 9 has now been updated and the revised version of the LIR uploaded as part of the Council's submission for deadline 3.

Following discovery of the error, the Council's Ecology officer provided the correct copy of their comments direct to the applicant's Ecology team, enabling both parties to continue to work together on the project.

Uploaded document:
EN0110012 - Light Valley Solar - North Yorkshire Council Local Impact Report V2 26082026

Statement of Common Ground between the applicant and North Yorkshire Council
Both parties have been working together on the Statement of Common Ground, Version 1 to be submitted for this deadline which reflects the current position.

Both parties continue to work together on the outstanding matters to be agreed throughout the remainder of the Examination period.

Yours faithfully



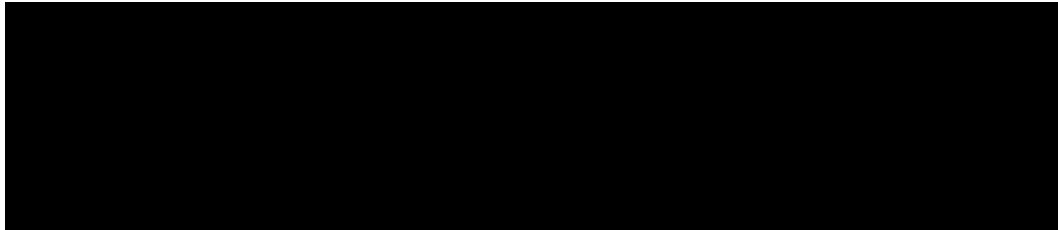
Head Of Development Management



Agenda

Meeting **Strategic Planning Committee**

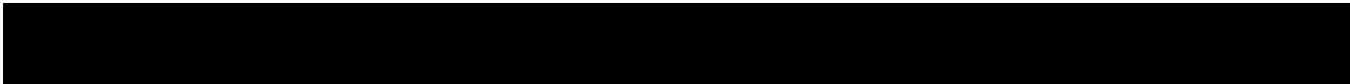
To:



Date: **Tuesday, 10 February 2026**

Time: **10.00 am**

Venue: **The Grand - County Hall**



Business

1. **Apologies for absence**
2. **Minutes of the meeting held on 9 December 2025** (Pages 3 - 8)
3. **Declarations of interest**
4. **Light Valley Solar - Nationally Significant Infrastructure Project** (Pages 9 - 40)
5. **Planning application for extraction of sand and gravel from a new quarry and restoration of the site to agriculture and nature conservation using imported infill materials, together with the construction of a new site access road, site offices and weighbridge on land at Broach Road, Hensall, DN14 0BU** (Pages 41 - 122)
6. **NY/2025/0048/ENV Proposed anaerobic digestion facility associated access, infrastructure, landscaping and engineering works at former Skipton on Swale Airfield, Sandhutton, Thirsk, YO7 4EG on behalf of Advanced Fuel Partners** (Pages 123 - 192)
7. **Any other items**
8. **Date of next meeting**
Tuesday, 10 March 2026 at 10am.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. You may be interested in [REDACTED] about this or any other North Yorkshire Council committee.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

Anyone wishing to record is asked to contact the Democratic Services Officer (details below) prior to the start of the meeting.

Contact Details

For enquiries relating to this agenda and meeting please contact:

Nicki Lishman, Senior Democratic Services Officer

E-mail: [REDACTED]@northyorks.gov.uk

E-mail: democraticservices.east@northyorks.gov.uk

Tel: 01653 638476

Website: www.northyorks.gov.uk

[REDACTED]
Assistant Chief Executive
Legal and Democratic Services
County Hall
Northallerton

2 February 2026

North Yorkshire Council

Strategic Planning Committee

Minutes of the remote meeting held on Tuesday, 9 December 2025 commencing at 10.00 am.

Councillor Andy Paraskos in the Chair and Councillors Bob Packham, Andy Brown, Caroline Goodrick, Hannah Gostlow, David Hugill, Tom Jones, Andrew Lee, John McCartney, Yvonne Peacock, Neil Swannick, Roberta Swiers and Andrew Timothy.

Officers present: Alan Goforth - Principal Planning Officer, Martin Grainger, Head of Development Management, Stephen Loach (Democratic Services), Glenn Sharpe (Legal Services), Amy Taylor (Planning Services) and David Walker (Planning Services).

There were 14 members of the public.

Copies of all documents considered are in the Minute Book

126 Apologies for absence

Apologies for absence were received from Councillors John Cattnach, John Mann and Robert Windass

127 Minutes of the meeting held on 9 September 2025

That the minutes of the meeting of Strategic Planning Committee, held on 9 September 2025, be confirmed by Members and signed by the Chair as a correct record.

128 Declarations of interest

There were no declarations of interest.

129 21/01115/MOUTE- Hybrid Planning Application comprising: 1) Full planning permission for the erection of 645 no. dwellings comprising of 12 no. one bedroom dwellings, 142 no. two bedroom dwellings, 272 no. three bedroom dwellings, 219 no. four bedroom dwellings with parking and landscaping, new link road from Beverley Road to Hugden Way, open space, surface water drainage basins, infrastructure and site access. 2) Outline planning permission for the erection of a primary school (site area 2.1 ha). (Total site area 31.96 ha) - on land adjacent to Norton Lodge Beverley Road Norton Malton

Considered

The report of the Assistant Director of Planning – Community Development Services requesting Members to determine a hybrid Planning Application comprising: 1) Full planning permission for the erection of 645 no. dwellings comprising of 12 no. one bedroom dwellings, 142 no. two bedroom dwellings, 272 no. three bedroom dwellings, 219 no. four bedroom dwellings with parking and landscaping, new link road from Beverley Road to Hugden Way, open space, surface water drainage basins, infrastructure and site access. 2)

Outline planning permission for the erection of a primary school (site area 2.1 ha). (Total site area 31.96 ha) - on land adjacent to Norton Lodge Beverley Road Norton Malton

The application was reported to the Strategic Planning Committee due this being an application for more than 500 houses accompanied by an Environmental Impact Statement where it is intended to recommend approval.

The Planning Officer presented the Committee report highlighting the proposal; context to the application; site location, outline and description; details regarding the changes to the conditions; and the planning policy considerations. The Officer recommendation was highlighted.

The Planning Officer highlighted a number of updates to the report as follows:-

- A further response from the Environmental Health Officer
- A response from the meat processing factory in relation to the improvements the application would bring to their facilities.
- A further technical response from the highways' consultant working for the meat processing factory
- Details from a member of the public relating to their concerns of the sewerage capacity in the area and alleged inaccuracies within the published report
- A response from Yorkshire Water relating to the sewerage capacity concerns and a request for consideration to be given to a Grampian Condition.

Councillor Caroline Goodrick declared a non-financial interest in respect of her raising concerns regarding the proposal at a meeting of the local Internal Drainage Board. She emphasised that she had not predetermined the application and would make her decision based on the details provided at today's meeting.

Paul Butler, representing the applicant, addressed the Committee highlighting the following:

- He welcomed the comprehensive report of the Planning Case Officer.
- He considered that the project would bring significant benefits to the local area.
- The link road would divert HGVs away from the Town Centres.
- A new Primary School would be provided.
- Enhanced drainage and water systems were being considered in conjunction with Yorkshire Water
- Enhanced healthcare facilities and flood alleviation could be provided through the CIL funding
- The development would be enhanced with a number of sustainable, carbon reducing elements, which would be further enhanced going forward when new legislation became live.
- The project was broadly supported by the local Town Council and local residents.
- There would be benefits for the factory site and the industrial estate.
- In respect of concerns regarding the proximity of the proposed school site to the factory it was noted that many existing properties were located nearer to the factory with no problems reported. The boundary between the school and the factory would be enhanced and would be of a significant distance.
- The proposals accorded with the appropriate national and local plans and policies.
- Affordable housing would be provided with 20% of the site devoted to that, which was a high percentage compared to other developments in the area.

Members discussed the application and the following issues were highlighted:

- Clarification was sought in respect of whether the designate rental properties would be affordable rents or social rents. It was stated in response that the rental products

would be determined through the Section 106 agreement and ultimately they would be managed by the registered provider and they would determine the rents.

- In terms of the use of local employment it was noted that the contractors involved predominantly recruited from the local area and this was likely to be the case again.
- Clarification was provided as to how the new link road would connect to the industrial estate.
- A Member expressed disappointment that the affordable housing levels set in the local plan had not been adhered to. In response it was stated that the situation had been the subject of extensive negotiations and the position outlined was the best that could be achieved and was in line with national guidance.
- The repositioning of the school from the original plan was queried, particularly as there had been reservations expressed by CYPS and Environmental Health, relating to the potential for noise and odour from the meat packing factory. In response it was stated that the school would be positioned a significant distance from the factory with an acoustic bund provided in between which would be landscaped. A public open space would be located there also. It was noted that existing properties were situated nearer to the factories and there had been no complaints arising in relation to noise and odour.
- Concern was raised in respect of the potential impact on the current sewerage and water systems with such a significant residential development in that area. The suggestion of Grampian Conditions in relation to this issue, put forward by Yorkshire Water appeared to be a necessary step in relation to this.
- Clarification was provided in relation to when the link road would be built and how this would be determined by the Section 106 agreement.
- It was requested that during the construction phase the routing of HGVs be away from the villages of Settrington and Scagglethorpe. In relation to this it was noted that condition 32 required the details for the construction traffic routing to be determined and this issue would be considered at that time.
- It was asked whether the access road outside of the school would have the 20mph speed limit that was being sought for all school access roads. It was stated that the speed limits would be determined by the Highways Authority but it was expected that they would take account of the speed restrictions around schools.
- A member asked why it had been thought better to have the school nearer to the factory rather than residential development. In response it was stated that the factory had a continuous operation, and the school had distinct start and finish times and times when it was closed, cutting down the potential for complaints regarding noise and odour.
- It was noted that surfacing would be provided to try and ensure surface water drainage was appropriate.
- In terms of the school it was noted that there were still concerns that had not been addressed from a number of consultees and it was asked how these were to be addressed. In response it was stated that further statements had been submitted in relation to this with consideration of those concerns set to be further examined.
- A Member referred to the potential CIL funding for improvements to be made to health services in the area as considered by the ICB. He suggested that this would be better included in the Section 106 agreement to guarantee the development. It was noted that the ICB had referred specifically to CIL funding in their response to the consultation and were happy to utilise that.

Members debated the proposals and the following issues were highlighted:

- The report not referring to 'Net Zero' and failing to highlight the sustainable features within the development proposals and the need for a sustainability statement
- The limited number of affordable housing proposed
- The unacceptable relocation of the school site and the need for the proposals to meet the needs of the various representatives that have voiced concerns.

- The impact of the new housing on the sewerage network and the need for a Grampian Condition
- The need to ensure that local recruitment takes place for the development
- Ensure that the construction traffic plan avoids local communities
- The advantages of the scheme in providing much needed housing, a new school, a link road, affordable housing and diverting traffic away from the various town centres
- Clarify the funding source for the improvements for health services to come from Section 106 or CIL

Following an extensive discussion of the application Members considered that the following issues were required to be addressed through additional conditions or informatives

- A Sustainability Statement agreed between Planning Officers and the applicant
- A Grampian Condition to take account of the water infrastructure required to take account of the additional residential dwellings provided
- A plan for the employment of local labour – this could be included as an informative if it is unable to be included in the conditions
- Ensure that the construction traffic does not pass through Settrington and Scagglethorpe through the development of an appropriate site traffic management plan
- Include the contribution to the ICBs plans for improvements to health services within the Section 106 agreement rather than the CIL contributions
- Utilise the Section 106 agreement to provide appropriate TROs and signage for a 20mph Zone outside the school and add as an informative.

Resolved

That, subject to the following being addressed through additional conditions or informatives

- A Sustainability Statement agreed between Planning Officers and the applicant
- A Grampian Condition to take account of the water infrastructure required to take account of the additional residential dwellings provided
- A plan for the employment of local labour – this could be included as an informative if it is unable to be included in the conditions
- Ensure that the construction traffic does not pass through Settrington and Scagglethorpe through the development of an appropriate site traffic management plan
- Include the contribution to the ICBs plans for improvements to health services within the Section 106 agreement rather than the CIL contributions
- Utilise the Section 106 agreement to provide appropriate TROs and signage for a 20mph Zone outside the school and add as an informative.

planning permission be **GRANTED** subject to conditions listed in Section 12 of the report and the completion of a Section 106 legal agreement with terms as detailed in Table 1 of the report.

Voting record

12 for

1 abstention

- 130 **NY/2024/0081/ENV - Planning application for extraction of sand and gravel from a new quarry and restoration of the site to agriculture and nature conservation using imported infill materials, together with the construction of a new site access road, site offices and weighbridge on land at Broach Road, Hensall**

Considered

The report of the Assistant Director of Planning – Community Development Services requesting Members to determine a planning application for extraction of sand and gravel from a new quarry and restoration of the site to agriculture and nature conservation using imported infill materials, together with the construction of a new site access road, site offices and weighbridge on land at Broach Road, Hensall.

The application was subject to two objections, with a third added and circulated to Members just prior to the meeting, having been raised in respect of the proposal on the grounds of a number of amenity and environmental concerns and was, therefore, reported to this Committee for determination.

The Planning Officer presented the Committee report highlighting the proposal; context to the application; site location, outline and description; details regarding the changes to the conditions; and the planning policy considerations. The Officer recommendation was highlighted.

Richard Kendall, a local resident objecting to the application, addressed the Committee highlighting the following:

- There had been 3 objections to the proposals from nearby properties
- He had bought the property in 1992 but his enjoyment of this had been affected by the quarrying adjacent
- He struggled to get in and out of the entrance to his property due to HGVs accessing the quarry
- The spoil heap created next to his property was affecting his amenity as the dwelling was located 2 metres below this, in a dip, and the natural light was diminished.
- Dust blew down from the spoil heap and affected his property and health.
- He enjoyed watching the wildlife in the area but this was being prevented by the adjacent works
- He required a dropped kerb putting in place on the opposite side of the property to ease the access problems he was encountering.

Sam Thistlethwaite representing the applicant, addressed the Committee highlighting the following:

- The sand and gravel to be extracted from the quarry were vital minerals for building in the area
- Land restoration would be undertaken in a phased scheme and would be sympathetic to the issues raised by the objectors
- It was considered that there were no unacceptable impacts on amenity from the proposals with planning conditions taking account of these.
- The conditions ensured that impacts upon on the surrounding area would be mitigated
- The shallow extraction process would limit the physical and hydrological impacts
- The process had been taking place previously and was clearly defined and closely monitored.
- Local employment would be supported through the application.

Members discussed the application and the following issues were highlighted:

- A Member asked whether the applicant was willing to address the issues raised by the objector during his address to the Committee. In response it was noted that moving the bund to a location further away from the property could affect the noise levels and be detrimental. It was also noted that the matter of undertaking work for

an objector was not a matter for the Committee to consider but was an issue to be resolved personally between the objector and the applicant, as this had no bearing on the determination of the application.

- It was clarified that access routes to and from the quarry did not impact on nearby local communities.
- Further clarification was provided in relation to the proximity of the bund to the objector's property and the location of the entrance driveway to that property.
- It was further emphasised that the issues raised by the objector were outside the consideration of the Committee, however, a number of Members disagreed as they considered that the residential amenity of the neighbour affected by the proposal was a planning consideration.
- An offer was submitted by the applicant to assist the objector with the provision of an alternative driveway by way of financial contribution but it was stated that this could not be included as part of the planning decision. It was emphasised that should Members wish to give further consideration to the issue of local amenity then deferral of the application would be the most appropriate course of action.

Resolved

That the application be **DEFERRED** for consideration at a subsequent meeting to allow further consideration to be given to local amenity issues.

Voting record

12 votes for.

1 against

131 Such other business as, in the opinion of the Chairman should, by reason of special circumstances, be considered as a matter of urgency

There were no other issues to consider.

132 Date of next meeting

Tuesday, 13 January 2026 at 10.00am at a venue to be confirmed.

The meeting concluded at 2.05 pm.

North Yorkshire Council

Community Development Services

Strategic Planning Committee

10 February 2026

Light Valley Solar – Nationally Significant Infrastructure Project

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1 That the contents of this report are noted.
- 1.2 That authorisation is sought from the Strategic Committee to delegate authority to the Head of Development Management, to approve and submit the Local Impact Report, enter into and finalise Statement(s) of Common Ground, agree the content of the draft Development Consent Order (DCO), and make all further necessary representations on behalf of North Yorkshire Council.

2.0 Summary

- 2.1 This report sets out the legislative background to Nationally Significant Infrastructure Projects (NSIPs) and how these are dealt with by North Yorkshire Council.
- 2.2 The NSIP process differs from planning applications submitted under the Town and Country Planning Act 1990. Applicants apply direct to the Planning Inspectorate (PINS) for a Development Consent Order (DCO) rather than the local planning authority and the application is determined by the Secretary of State on the recommendation of PINS. Local Planning Authorities are statutory consultees and the relevant planning authority for the discharge of the planning requirements within the DCO. The final decision however as to whether to grant permission lies with the Secretary of State.
- 2.3 Light Valley Solar is a solar farm with associated battery energy storage system (BESS) located near Selby, connecting to National Grid's Monk Fryston sub-station. The project comprises seven solar development sites over a large geographical area from Escrick to Monk Fryston, covering an area of approximately 1022ha, connecting between the site and with the National Grid's transmission network by approximately 30 km of underground cabling.
- 2.4 The application is expected to be submitted to PINS on 30 January 2026. Once accepted PINS have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings through both written submissions and orally at hearings. Council Officers from Development Management and other technical areas such as highways, landscape, ecology may need to attend the examination. During that time the Council is required to assess and respond to the proposal and prepare various documents for submission in accordance with a strict timetable.
- 2.5 As Timescales for commenting on the DCO application once it is submitted are embedded in statute it is important that appropriate delegation arrangements are in

place to ensure the Council can meet the deadlines set by PINS.

- 2.6 That authorisation is sought from the Strategic Committee to delegate authority to the Head of Development Management, to approve and submit the Local Impact Report, enter into and finalise Statement(s) of Common Ground, agree the content of the draft Development Consent Order (DCO), and make all further necessary representations on behalf of North Yorkshire Council.

3.0 Preliminary Matters

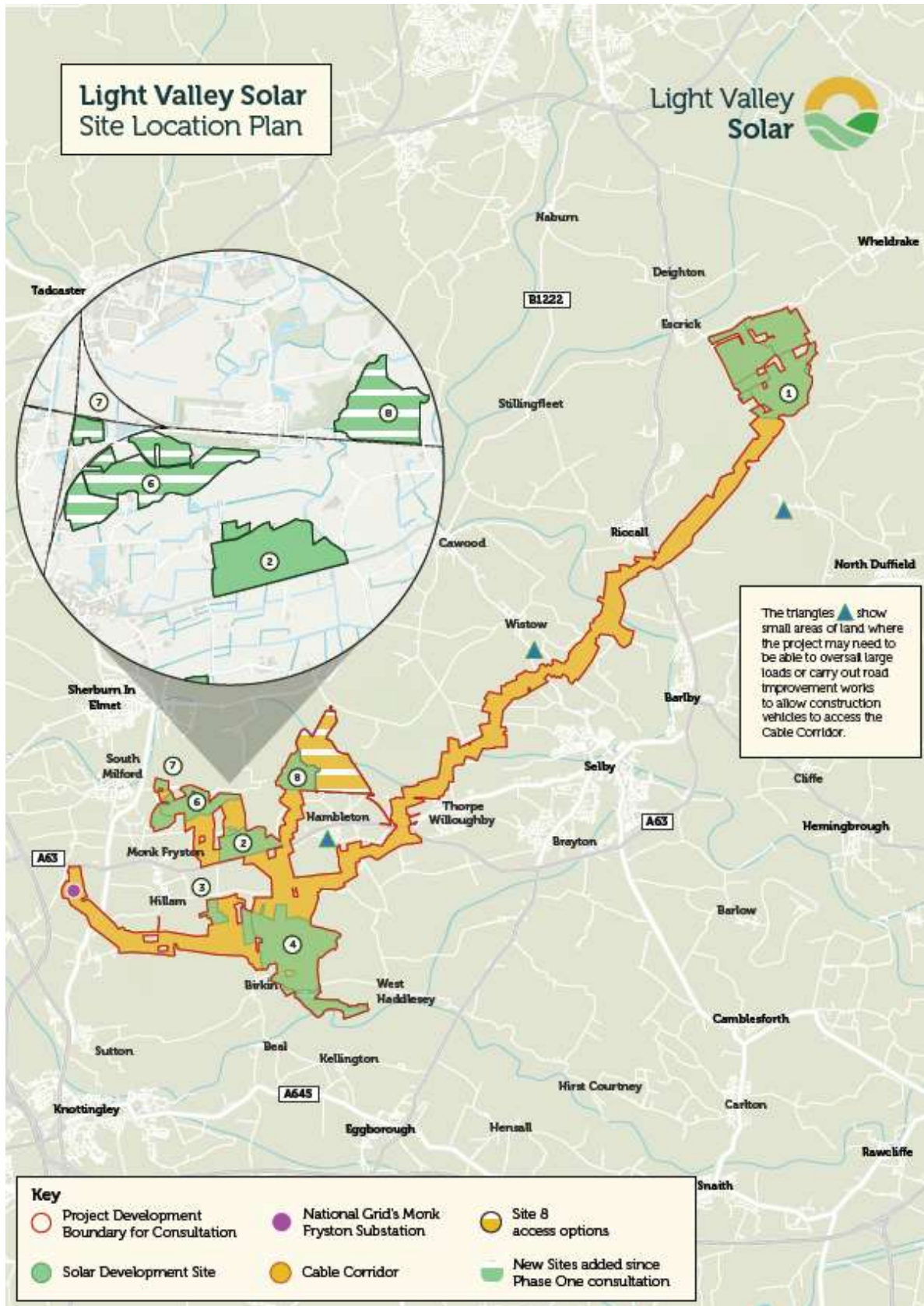
- 3.1 The application can be viewed on the Planning Inspectorate website here: [Light Valley Solar - Project information](#)

4.0 Introduction and Background

- 4.1 On 1 April 2012, following the Localism Act 2011, the Planning Inspectorate (PINS) became responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs). These are major developments—such as power stations, wind farms, and electricity transmission lines - that require a Development Consent Order (DCO) under the Planning Act 2008, as amended by the Localism Act 2011.
- 4.2 Unlike applications determined under the Town and Country Planning Act 1990, NSIPs are assessed primarily against the Energy National Policy Statements. The 2008 Act sets thresholds for when infrastructure becomes 'nationally significant'; for example, solar schemes over 50MW qualify as NSIPs.
- 4.3 In England, PINS examines DCO applications across the energy, transport, waste, wastewater and water sectors. It conducts the examination and then makes a recommendation to the relevant Secretary of State, who decides whether to grant or refuse the DCO.

5.0 The Project

- 5.1 The proposal is for solar development on land between Escrick, Monk Fryston, Hambleton, Chapel Haddlesey and South Milford. The project consists of seven solar development sites totalling approximately 1,020ha as well as land to be used for underground cabling which will connect to the National Grid substation at Monk Fryston. The plan below, taken from the project website, shows the extent of the proposed development.



5.2 A battery energy storage system (BESS) and associated infrastructure is proposed on site 2. The main substation will be located on site 4 with secondary substations on other sites. Fencing and CCTV will secure the site. Environmental mitigation and enhancement areas are also proposed. A cable corridor (shown in orange on the plan) links the solar sites together and to Monk Fryston substation.

Construction Programme

- 5.3 Subject to grant of a DCO construction is expected to start late in 2028. It is estimated that the construction period would be approximately 24-36 months in total. During the construction phase there will be temporary access tracks and construction compounds to serve the proposed development, these will be located within the site adjacent to the site entrances.

Operation and Maintenance

- 5.4 The proposed development will have an anticipated lifespan of up to 60 years.
- 5.5 During the operational phase, the activities on-site are expected to be limited to maintenance activities, including servicing of plant and equipment and vegetation management.

Decommissioning Phase

- 5.6 Following cessation of energy generation and exportation at the site, the development will be removed. No timeframe has been provided for the decommissioning of the development.

6.0 The Process

- 6.1. The Planning Act 2008 process was introduced to streamline decision-making for major infrastructure projects. The six stages in the process are: pre-application; acceptance; pre-examination; examination; recommendation and decision; and post decision.
- 6.2. *Pre-application* - Under pre-application the applicant's submitted a Scoping Report to PINS, its primary purpose being to support the request for a Scoping Opinion from the Planning Inspectorate (PINS) under the Infrastructure Planning (EIA) Regulations. The scoping report sets out the proposed scope and methodology for the Environmental Impact Assessment (EIA) that accompanies the DCO application. It identifies which environmental topics and potential impacts should be assessed in detail, and which can be scoped out.
- 6.3. The Council was consulted by PINS on the Scoping Report on 11 November 2024, providing comments on 9 December 2024. PINS, on behalf of the Secretary of State, issued a Scoping Opinion on 19 December 2024. The opinion sets out the required extent and content of the Environmental Statement that is to be submitted with the DCO application. Those areas that may be examined in detail come under the following headings:
- Agricultural land and soils
 - Air quality
 - Biodiversity
 - Greenhouse gas emissions
 - Cultural heritage & Archaeology
 - Electromagnetic fields
 - Ground Conditions
 - Human Health
 - Landscape and Visual
 - Major Accidents & Disasters
 - Noise & Vibration
 - Socioeconomics
 - Traffic & Movement

- Water Resources & Flood Risk
 - Cumulative & In-Combination Effects
- 6.4. In accordance with Regulation 6(2)(a) of the EIA Regulations the proposed development is EIA development and an Environmental Statement (ES) will be prepared by the applicant that assesses the above topics.
- 6.5. As part of pre-application the applicant provided a Preliminary Environmental Information Report (PEIR). The PEIR provides early-stage environmental information which is intended to support engagement and shape the project design. Council officers reviewed and responded to the PEIR in August 2025. This response is attached as Appendix A for context.
- 6.6. As part of pre-application phase Statutory Consultation was undertaken in Q3 2025 with a further Targeted Consultation (Minor Changes) taking place Q4 2025. Comments from the Council and interested parties have been sent to the applicant.
- 6.7. *Acceptance* - Light Valley Solar are expected to submit their application in Q1 of 2026. Following submission, PINS then have 28 days to decide whether or not to accept the application.
- 6.8. *Pre-examination* – Between the acceptance of the application and the start of examination is pre-examination. Within this stage a Planning Inspector is appointed. The NSIP process refers to the Inspector as the Examining Authority. Public and other stakeholders are invited to register as Interested Parties and submit Relevant Representations to PINS; An early procedural hearing, the Preliminary Meeting establishes the structure scope and timetable for the examination.
- 6.9. *Examination* – The Examination stage is the formal process where the application and submitted evidence is tested. By law this must be completed within 6 months. During Examination the Local Authority has to prepare and submit a Local Impact Report, participate in preparing a Statement of Common Ground and provide written representations if requested on particular topics. On-going discussions continue to take place between the Council and the applicant during Examination. Hearings are also held during Examination, which council officers will attend.
- 6.10. *Recommendation; Decision; Post-decision* –. Following a recommendation from the Examining Authority, the Secretary of State will make a decision on the application within six months of the close of the Examination. Once the decision has been issued, the Council will be responsible for discharging any relevant planning conditions and for enforcing the requirements and provisions of the Development Consent Order (DCO).
- 6.11. The Council's planning officers and technical specialists have been involved in the project since the inception meeting with the applicant. Briefings are attended jointly, and there are regular meetings between the parties. The local authority has also provided formal responses to the applicant's Scoping Report and the Preliminary Environmental Information Report (PEIR).
- 6.12. The submission of the Local Impact Report, Statement(s) of Common Ground, input into the draft Development Consent Order (DCO), and any written representations will

be required in accordance with deadlines set by the Planning Inspectorate (PINS). Unlike applications submitted under the Town and Country Planning Act (TCPA), where extensions of time may be requested, once the Examination has commenced the deadlines are fixed and cannot be extended. This results in tight timescales for officers to review information and prepare responses.

- 6.13. Authorisation is therefore sought for the Head of Development Management (Planning), to agree the Local Impact Report, Statement(s) of Common Ground, the content of the draft DCO, and all further necessary representations on behalf of North Yorkshire Council.

7.0 Legal Implications

- 7.1 North Yorkshire Council is a statutory consultee and is required to agree the requirements contained within the DCO.
- 7.2 The Council will have further involvement throughout the process in its role as a statutory consultee following submission of the application and during the examination period, including possible attendance at issue specific, and DCO public hearings.

8.0 Financial Implications

- 8.1 North Yorkshire Council intends to enter into a Planning Performance Agreement (PPA) with Light Valley Solar Limited. The PPA will establish an agreed project management framework and will also establish a fund against which the Council may recover costs incurred where work undertaken is above and beyond normal business activities.

9.0 Conclusion

- 9.1 Members are asked to note the contents of this report.
- 9.2 Authorisation is sought from the Strategic Committee to delegate authority to the Head of Development Management, to approve and submit the Local Impact Report, enter into and finalise Statement(s) of Common Ground, agree the content of the draft Development Consent Order (DCO), and make all further necessary representations on behalf of North Yorkshire Council.

Appendix A - North Yorkshire Council's response to the Preliminary Environmental Information Report (PEIR)

Case Officer: [REDACTED]



North Yorkshire Council

Response to PEIR

Light Valley Solar

1.0 Planning Policy and the Development Plan

- 1.1 The principle of the development in this location needs to be determined in accordance with National Policy Statements, Emerging National Policy Statements, the NPPF and the Development Plan for the area. The site falls within the Selby area of North Yorkshire Council.
- 1.2 The Adopted Development Plan for this area comprises:
- The Minerals and Waste Joint Plan (adopted 16 February 2022)- Policies S01, S02, S07, W01, W05
 - The Selby Core Strategy Local Plan 2013-Policies SP1, SP2, SP3, SP12, SP13, SP15, SP16, SP17, SP18 and SP19
 - The Selby District Local Plan 2005-Policies ENV1, ENV2, ENV3, ENV4, ENV9, ENV11, ENV12, ENV13, ENV16, ENV27, ENV28, T1, T2, T8 AND CS6.
- 1.3 The Emerging Development Plan for this site was the Selby Local Plan revised publication 2024 (Reg 19). Following reports to committees and finally to North Yorkshire Council's Full Council on 26 February, work on the ELP has ceased.
- 1.4 The North Yorkshire Local Plan is the emerging development plan for this site however no weight can be applied in respect of this document at the current time as it is at an early stage of preparation. As the emerging Local Plan progresses through the various stages, it can attract increasing weight in decision making. At the point of adoption, it is a statutory document to which Section 38(6) of the Planning and Compulsory Purchase Act 2004 can apply.

The Principle of Development

- 1.5 Policy SP1 of the Core Strategy outlines that "...when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework..." and sets out how this will be undertaken.
- 1.6 Policy SP2 of the Core Strategy outlines the Council's spatial development strategy. Specifically, SP2A (c) relates to development located within the open countryside and states:
- "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."
- 1.7 Although Policy SP2 would on the face of it preclude development of this nature in the countryside outside development limits, because the policy does not contemplate it

specifically, the Development Plan is to be read as a whole and Policy SP17 of the Core Strategy not only contemplates renewable energy projects but, subject to the satisfaction of criteria, positively encourages them in pursuit of wider objectives.

- 1.8 Policy SP17C of the Core Strategy specifically relates to ‘Low Carbon and Renewable Energy’ and states:

“All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must meet the following criteria:

- i. are designed and located to protect the environment and local amenity or;
- ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity; and
- iii. impacts on local communities are minimised”

- 1.9 Policies SP18 and SP19 of the Core Strategy, together with Policy ENV1 of the Selby District Local Plan are also relevant in this context as they are concerned with environmental and design quality.

- 1.10 Policy SP13 of the Core Strategy relates to ‘Scale and Distribution of Economic Growth’. Part C specifically relates to the rural economy and states: “In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example: 1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings; 2. The redevelopment of existing and former employment sites and commercial premises; 3. The diversification of agriculture and other land based rural businesses; 4. Rural tourism and leisure developments, small scale rural offices or other small scale rural development; and 5. The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy SP14.”

- 1.11 This accords with paragraph 88 of the NPPF which supports a prosperous rural economy through, amongst other things, the diversification of agricultural businesses. Whilst not specifically the diversification of agriculture, as the proposed development would be separate from the running of the farm holding(s) on which it would be sited, the proposed development could indirectly contribute to the vitality of the rural economy by provision a stable, long-term income for the farm holding(s) on which it would be sited. On many schemes it is common practice to use sheep to graze the grassland under the panels, such that the land would remain in some form of agricultural use – consideration should be given to this practice on this scheme.

- 1.12 Turning to National Policy and Guidance, the National Planning Policy Framework and Planning Practice Guidance, amongst other National Policy and Guidance documents, are supportive low carbon and renewable energy proposals in principle, subject to consideration of local environmental impacts.

- 1.13 Therefore, while national and local policies are broadly supportive of low carbon and renewable energy proposals in principle, the local environmental impacts of the proposals need to be given full and careful consideration.

Cumulative Effects

- 1.14 There are likely to be cumulative impacts in conjunction with other developments.
- 1.15 Chapter 17 of the PEIR is noted, which sets out the approach towards the cumulative impact assessment. At this stage, a list of other schemes has been prepared – this appears to include a range of relevant plans and projects, although this should be reviewed and updated prior to a final list being prepared. The Council welcomes early and ongoing discussions on the cumulative impact assessment, given the number of projects which are coming forward in the immediate area and the location of the proposed development.

2.0 Environmental Health

Noise and Vibration

- 2.1. The Preliminary Environmental Information Report (PEIR) Chapter 11 on Noise and Vibration presents a comprehensive and methodologically robust assessment of the potential impacts associated with the proposed Light Valley Solar development. The chapter demonstrates a clear understanding of the relevant legislative and policy framework, including the Control of Pollution Act 1974, the Environmental Protection Act 1990, and the Noise Policy Statement for England (NPSE). It also aligns with best practice guidance such as BS5228, BS4142, and WHO noise guidelines. The scope of the assessment is appropriate, covering construction, operation (including maintenance and replacement activities), and decommissioning phases, with a clear rationale provided for the scoping in and out of various noise and vibration sources.
- 2.2. From an environmental protection perspective, the baseline sound environment has been well-characterised through a combination of attended and unattended surveys at representative locations. The monitoring locations appear to be appropriately distributed across the Solar Development Sites and in proximity to potentially affected residential receptors. This provides confidence that the baseline data is representative.
- 2.3. However, it is recommended that the Environmental Statement (ES) includes further detail and justification for the representativeness of these locations, particularly in relation to the finalised layout and the inclusion of receptors along the Cable Corridor Options Area, which are currently deferred to the ES stage.
- 2.4. The methodology used to assess construction noise, vibration, and operational noise is sound, with appropriate use of the ABC method, LOAEL and SOAEL thresholds, and BS4142 rating level comparisons. The modelling assumptions are transparent, and the use of conservative worst-case scenarios is welcomed.

- 2.5. The Council welcomes the application of a +4 dB feature correction in the operational noise assessment to account for potential acoustic characteristics such as tonality, impulsivity, or intermittency. This is consistent with BS4142 and provides a precautionary approach in the absence of detailed operational data. The Council would expect this approach to be maintained and refined in the ES, with justification for any adjustments to the applied penalties based on further information about the acoustic character of the plant.
- 2.6. It is also noted that the operational noise assessment is based on indicative layouts and assumed plant locations. This is appropriate at the PEIR stage; however, we would expect the ES to provide updated modelling based on the finalised layout and plant specifications. This should include a reassessment of noise impacts and any necessary adjustments to penalties for acoustic characteristics, to ensure that the conclusions remain robust and that residential amenity is adequately protected.
- 2.7. The assessment concludes that construction noise may result in temporary adverse impacts at sensitive receptors, particularly during high-noise activities such as piling. However, these are expected to be short-term and mitigated through the implementation of best practicable means (BPM) as outlined in the draft Outline Construction Environmental Management Plan (oCEMP). The commitment to BPM, including the use of quieter plant, acoustic screening, and careful scheduling of works, is appropriate and should be secured through the DCO.
- 2.8. Construction traffic noise is generally predicted to have negligible impacts, with the exception of Fryston Common Lane, where a moderate adverse impact is identified. While this is not considered significant in EIA terms, it may still be perceptible to local residents. It is therefore recommended that the final ES considers additional mitigation or traffic management measures for this route to further reduce potential amenity impacts.
- 2.9. Operational noise from stationary sources, including transformers, BESS containers, and conversion units, has been assessed using a 3D noise model. The results indicate that most receptors will experience noise levels below or only marginally above background levels, with exceedances generally limited to less than 5 dB. Where exceedances of 5–10 dB are predicted, these are still below WHO guideline thresholds and are not expected to result in significant adverse effects. Nonetheless, the assessment would benefit from further contextualisation of these exceedances, particularly in relation to façade insulation, window orientation, and receptor sensitivity. The commitment to design mitigation, such as plant orientation, acoustic enclosures, and bunding, is welcomed and should be secured through the DCO to ensure operational noise remains within acceptable limits.
- 2.10. To further strengthen the approach in favour of residential amenity, it would be beneficial for the applicant to commit to a design criterion whereby operational noise emissions do not exceed the representative background sound level (LA90) at the nearest residential receptors. This would align with BS4142 guidance and provide a clear, enforceable benchmark for low impact.

- 2.11. In addition, a post-construction verification survey should be secured through a DCO requirement to confirm that operational noise levels remain within the predicted bounds and allow for remedial action if necessary. The applicant should also commit to an acoustic design review during detailed design, ensuring that plant layout, orientation, and mitigation measures such as bunds, barriers, or enclosures are optimised to minimise noise at source and at receptor locations.
- 2.12. Finally, both the Construction and Operational Environmental Management Plans should include a clear community liaison strategy, with a named contact for noise complaints, a transparent investigation protocol, and a commitment to take remedial action where noise exceeds agreed thresholds. These measures would provide additional assurance that residential amenity will be protected throughout the lifecycle of the development.
- 2.13. The assessment of decommissioning impacts appropriately mirrors the construction phase, and the conclusion that impacts will be similar or lesser is reasonable. However, it would be prudent to include a commitment to update the oCEMP at the decommissioning stage to reflect any changes in baseline conditions or receptor sensitivity. The cumulative assessment is thorough and considers a wide range of nearby developments, concluding that significant cumulative effects are unlikely due to the temporary nature of construction and the expectation that other developments will also adhere to BPM.
- 2.14. In summary, the PEIR presents a well-structured and evidence-based assessment of noise and vibration impacts. The engagement with the local authority and the use of established guidance and standards are commendable.

Recommendation

- 2.15. To strengthen the assessment further, it is recommended that the ES includes more detailed justification for operational noise exceedances, considers additional mitigation for construction traffic on Fryston Common Lane, and commits to monitoring during peak construction periods. These enhancements, alongside the recommendations above, would provide greater assurance that residential amenity will be protected throughout the lifecycle of the development.

3.0 Contamination

Land Contamination

- 3.1. The Council notes the comments made in section 16.5 Ground conditions – Preliminary risk assessment of the above report and appendix 16.3 and would advise the applicant as follows: the applicant has a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework, and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The

responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Air Quality

- 3.2. The Council has reviewed section 16.3 and appendix 16.1 relating to air quality construction dust. Please note that these comments do not relate to Ecological Receptors. The reports highlights that the dust potential is high risk to dust soiling and low risk to human health, and that dust emitting activities can be greatly reduced by the implementation of mitigation measures. A dust mitigation plan should be developed and implemented.

4.0 Landscape and Visual Effects

- 4.1. These comments principally relate to Chapter 10 Landscape and Visual in the Applicant's PEIR, but comments may overlap with other topic areas such as Alternatives and Design Iteration Cultural Heritage, Agricultural Land and Soils, Biodiversity, Noise and Vibration, [Human Health], Cumulative and In-Combination Effects.
- 4.2. These comments are mainly based on the current published details within the North Yorkshire administrative area but there may be potential for cross-boundary effects within the York City administrative area relating to Site 1. Some of the points covered below are similar to those raised by us at Scoping stage and we have referenced our previous comments to the Scoping Report where appropriate.

Summary

- 4.3. The scheme and LVIA are at a stage of development. The cumulative landscape and visual assessment remain to be completed. There have been some scheme changes since the Scoping Report (November 2024), including omission of Site 5, addition of Sites 6, 7 & 8, adjustment of the cable corridor option areas.
- 4.4. We do not agree the approach to site selection set out in Chapter 3 Alternatives and design iteration and Appendix 3.1 Site Selection Report and we would wish to see further information on site selection and extents of the proposed site including cable connection corridor.
- 4.5. This does not follow a sufficiently sequenced and progressive process where 'least constrained land' might be first considered before commencing open engagement with willing landowners within the search area. Further to this, the LVIA does not seem to have been used to inform or guide site selection and the cable corridor away from the relatively higher and more sensitive landscape locations (such as Site 1, or Hambleton Hough LILA).
- 4.6. While we broadly agree that the Landscape and Visual Assessment generally follows the guidance (GLVIA3), there are detailed aspects which we do not agree; particularly relating to method used to determine significance of landscape and visual effects because this seems to understate impacts, and selection of representative viewpoints due to lack of clarity and information provided (see further explanation below).

- 4.7. Additionally, it is unclear upon which site layout or maximum parameters the LVIA is based. Consequently, at this stage and until the LVIA is further developed we are unable to comment (to either agree or disagree) with the preliminary findings.
- 4.8. We have concern about the potential negative cumulative effects on local communities such as Escrick, Monk Fryston, Hillingham, Birkin, Hambleton; the transformative scale of the proposed development in combination with other major development; the significance of the grid connection point at Monk Fryston Substation; the pace of change and the erosion of the landscape and visual baseline around those settlement areas affected.
- 4.9. We would wish to agree the overall scope and method for the cumulative assessment within the LVIA.
- 4.10. We would also wish to see further ongoing consideration for Residential Visual Amenity Assessment (RVAA), given the proximity of the proposed development to residential dwellings and the potential to envelop settlement and individual properties (e.g. Birkin village (Site 4), Milford Lodge Cottages (Site 6)). This should run concurrent with agreement of representative viewpoints.
- 4.11. The overall density and lack of green infrastructure suggested on the indicative layouts are a concern. At this stage, there is limited supporting information to demonstrate that a robust green infrastructure strategy or landscape mitigation proposal are being developed and given the overall scale of the development, proximity to sensitive receptors and settlement, and potential for significant adverse cumulative effects, this is a concern.
- 4.12. Notwithstanding the criteria used by the Applicant within the EIA to determine 'significant effects', other adverse effects should not be ignored particularly where it is reasonable and possible to reduce these through 'good design'. Overarching National Planning Policy Statement for Energy (EN1) chapter 4.6 sets out criteria for 'good design' and acknowledges the benefits of 'good design' in mitigating the adverse impacts of a project.
- 4.13. Given the large landscape-scale of the proposed development, we would strongly encourage the Applicant to seek out opportunities to protect, enhance and better join up existing green infrastructure, to create new green infrastructure, in addition to incorporation of other measures to mitigate or minimise the consequences of development or through community mitigation schemes and agreements.
- 4.14. We would welcome the opportunity to work positively with the Applicant to discuss development and agreement of a robust and proportionate landscape and green infrastructure proposal to benefit those community areas likely to be affected, to help mitigate and offset the likely adverse effects including cumulative effects.

Other Supporting Comments:

- 4.15. Site Design, Landscape Proposals, Mitigation, Maintenance and Aftercare - comments as per Scoping response.
- 4.16. Green Belt (visual and spatial openness) - comments as per Scoping response.
- 4.17. Glint and Glare – the PEIR includes Appendix 16.4: Solar Photovoltaic Glint and Glare Assessment. The assessment has identified moderate impacts towards several receptors including roads, dwellings, railway. A high-level assessment has been undertaken for Public Rights of Way which confirms that reflections towards observers on PROW could be experienced under certain conditions. Although in the Assessment glint and glare effects alone were not considered significant due to the sensitivity of receptors in terms of amenity and safety, they may have contributing effects to views and landscape character and should be considered within the LVIA, including for PROW and waterways.
- 4.18. Further information on waterways in the Glint and Glare Assessment where the extent to which views are possible are yet to be confirmed (Table 6.6.2).
- 4.19. The Applicant should use the results to inform and guide landscape mitigation as appropriate and this may also influence design and layout of the panels.
- 4.20. Soil Management, Agricultural Land - comments as per Scoping response.
- 4.21. Landscape and Visual Methodology – We have concern how the proposed LVIA methodology has been set out to determine criteria and significance for landscape and visual effects (LVS PEIR Appendix 10.1: Landscape and Visual Methodology). This is different to the methodology and criteria set out in Chapter 4.4 overview of approach to assessment (See Table 4-5 Environmental Effects Matrix).
- 4.22. This particularly relates to how additional criteria categories have been included to determine sensitivity and magnitude (very high to very low) and how these are then used to determine ‘Significance of landscape and visual effects’ at Table 1.12., with a tendency to determine low impacts within the corresponding assessment tables.
- 4.23. For example, we would typically expect ‘Medium Sensitivity’ + ‘Medium Magnitude’ = Moderate Significance, not ‘Moderate or Minor’ as shown in Table 1-12, page 21 LVS PEIR Appendix 10.3 Visual Baseline and Effects. This is similarly reflected in the detailed assessment tables, for example Table 2.12 VP4 Assessment of Effects:
- Construction (winter) – High Magnitude + Medium Sensitivity = Moderate Adverse (significant)
- Year 1 operation (winter) – High Magnitude + Medium Sensitivity = Moderate Adverse (significant)
- Year 15 operation (summer) – Medium Magnitude + Medium Sensitivity = Minor Adverse.
- 4.24. Additionally in relation to timescale and duration, the LVIA should be cautious in using ‘temporary’ and ‘reversible’ as modifiers and a means to reduce impacts. The

proposed scheme is for up to 60 Years which for the purposes of the LVIA we would consider to be very long term / effectively permanent. With specific reference to paragraph 1.2.8.3, we might typically consider and suggest the following scale: short term (0-5 years), medium term (5-10 years), long-term (10-25 years), very long-term / effectively permanent (25 + Years).

- 4.25. Given the overall scale of this project and potential for cumulative effects we would encourage the Applicant to adopt a cautious approach to the assessment and in use of qualifiers, to avoid understating impacts, and to review the methodology for consistency.
- 4.26. The Landscape assessment should be careful not to understate effects by relating the development to a % of a much wider Landscape Character area (LCA). LCA's are areas with similar characteristics, not assessment units. We would typically expect the LVIA to consider the relevance of the area and care should be taken not to understate local effects in the assessment (See guidance on this LITGN-2024-01 paras 3(3), 5(11) and 6(7)).
- 4.27. For example, LCA2: York Fringe East – Construction (Winter) 'The medium magnitude of impact, assessed against the medium sensitivity of the receptor, would result in a minor effect during construction, across a small part of the LCA.', page 22 LVS PEIR Appendix 10.2 LVIA methodology.
- 4.28. Otherwise, comments as per Scoping response.
- 4.29. Study Area – We would support the proposal for an initial 3km radius study area for the LVIA, this could be subsequently reduced if appropriate to focus on likely significant effects. However, we would wish to agree a suitable study area for the cumulative landscape and visual assessment and would expect this to take account of the group of sites as a whole and other major projects up to 10km.
- 4.30. There are a number of major developments including NSIPs within 10km, some of which have extensive site areas that cross many km, are in proximity to and also intersect with the Light Valley Solar (e.g. Yorkshire Green Energy Enablement Development – crosses many km and terminates at Monk Fryston Substation; Ferrybridge Next Generation Power Station – generating station including a gas pipeline up to 10km (crosses solar Site 4 and cable corridor). See also Cumulative Effects below.
- 4.31. Night-Time Visual Effects - comments as per Scoping response.
- 4.32. Existing Trees and Vegetation – The PEIR includes a Preliminary Arboricultural Impact Assessment. This should be updated as details for the layout, access and temporary works develop. Further survey and assessment along the cable connection corridors are needed. Otherwise comments as per Scoping response.
- 4.33. Visual Assessment and Representative Viewpoints - The quantity and location of representative viewpoints are not agreed. Further clarification and information are

needed to inform and agree selection of viewpoints. This is because the ZTV plans are based on a former Outline Site Layout Plan OSLP v3 28.03.25 (not included in the PEIR submission) presumably different to the Indicative Site Layout Plans submitted in the PEIR. The ZTVs are also overlapping between sites and prevents clarity of what site is visible from where and how this relates to constraints thereby confusing viewpoint selection.

- 4.34. We would wish to see the LVIA and representative viewpoints which are relevant to the proposed scheme, and that represent worst-case and likely parameters to be secured through the DCO.
- 4.35. Our recommendation for information needed to agree viewpoints was sent to the Applicant following recent discussions, our email dated 11/7/2025. Otherwise, additional comments as per scoping response.
- 4.36. Photographs and Photomontages - comments as per Scoping response.
- 4.37. Assessment of Tranquillity - comments as per Scoping response.
- 4.38. Cumulative Effects- supporting plans should show the spatial layout of cumulative sites being considered rather than a single reference point as shown on Figure 17.7 Location of Short List Cumulative Schemes.
- 4.39. We would wish to agree the overall scope and method for the cumulative assessment within the LVIA and encourage to Applicant to discuss this with us further at this early stage and to ensure a more holistic approach.

Other Policy and Guidance

- 4.40. We would recommend reference to the following Policy and Guidance for Sustainable Development, Green Infrastructure and Good Design:
- EN1 Design and Green Infrastructure
- The National Planning Statements are intended to contribute to sustainable development, mitigating and adapting to climate change and achieving good design.
- 4.41. Overarching national Planning Policy statement for Energy (EN-1) para. 4.6.13 states: “In addition to delivering biodiversity net gain, developments may also deliver wider environmental gains and benefits to communities relevant to the local area, and to national policy priorities, such as:
- reductions in GHG emissions
 - reduced flood risk
 - improvements to air or water quality,
 - climate adaptation,
 - landscape enhancement
 - increased access to natural greenspace, or
 - the enhancement, expansion or provision of trees and woodlands

The scope of potential gains will be dependent on the type, scale, and location of

specific projects. Applicants should look for a holistic approach to delivering wider environmental gains and benefits through the use of nature-based solutions and Green Infrastructure.”

- 4.42. Paragraph 5.11.7 on EN-1 states:

“Green and blue infrastructure can also enable developments to provide positive environmental, social, health and economic benefits. Green infrastructure includes green space such as parks and woodlands but also other environmental features such as street trees, hedgerows and green walls and roofs. It also includes blue infrastructure such as canals, rivers, streams, ponds, lakes and their borders. Well designed and managed green and blue infrastructure provides multiple benefits at a range of scales. It can contribute to biodiversity recovery, sequester carbon, absorb surface water, cleanse pollutants, absorb noise and reduce high temperatures. The Green Infrastructure Framework – Principles and Standards for England can be used to consider green infrastructure in development and plan for good quality and targeted creation or improvement. “

National / local policy for Design / GI / Climate (NYC Climate Strategy)

- 4.43. In October 2024 the Planning Inspectorate published guidance ‘Nationally Significant Infrastructure Projects: Advice on Good Design’ Nationally Significant Infrastructure Projects: Advice on Good Design - GOV.UK. The guidance should be read alongside the Planning Act 2008.

- 4.44. This guidance tells is that:

“Given the scale and impact of NSIP developments, achieving well-designed project outcomes addressing sustainability and climate change is essential.”

“For climate these include carbon impact, environmental enhancement including nature recovery and climate resilience. Truly inclusive and accessible design that is sympathetic to the social and community context is important for people. Places should cover boosting a local sense of identity and stewarding the local landscape. For value, it is important to look beyond the site boundary, working with partners to unlock additional value.

The purpose of the design principles at a project level includes having an overarching vision with a locally contextual design narrative, being informed by affected people and groups, being inclusive and identifying opportunities for wider benefits and outcomes beyond the project itself. “

5.0 Ecology

- 5.1. We welcome the opportunity to provide feedback on the Preliminary Environmental Information Report (PEIR) for the proposed Light Valley Solar development. Our comments focus on Chapters 6 (Biodiversity), 12 (Ornithology), and 17 (Cumulative Assessment), as well as Appendices 6.1 (Habitats), 6.2 (Otter), 6.4 (Bat), 12.1, and 12.2.

- 5.2. The biodiversity chapter presents a detailed and methodologically sound assessment of potential ecological impacts. The ornithological chapter, whilst awaiting outstanding surveys, provides a thorough and precautionary assessment of potential impacts on bird species and habitats, including designated sites, functionally linked land (FLL), and breeding/non-breeding populations. We welcome the inclusion of cumulative and in-combination effects on biodiversity.
- 5.3. The following comments are intended to support the refinement of the Environmental Statement (ES) and ensure the robustness of biodiversity considerations throughout the planning process.

Chapter 6 – Biodiversity (including Appendices 6.1, 6.2 and 6.4)

- 5.4. The chapter effectively covers designated sites, priority habitats, and protected species, with clear delineation of terrestrial and aquatic biodiversity. The assessment is well-grounded in current UK legislation and planning policy. The use of eDNA, habitat condition assessments, and species-specific surveys reflects best practice in ecological assessment. The biodiversity assessment considers impacts during construction, operation, and decommissioning phases. The methodology follows CIEEM EclA guidance and includes desk-based studies, field surveys, and stakeholder consultation. The application of precaution in the face of incomplete data is appropriate and aligns with CIEEM guidance.

Designated Sites

- 5.5. We are supportive of the approach to statutory and non-statutory designated sites scoped into the assessment process. It is expected that the full submission will include a detailed Shadow HRA to provide a full assessment of the impacts upon the Habitats Sites scoped in.

Habitats and Species

- 5.6. Surveys have identified habitats of local to county importance including Species-rich and other native hedgerows, Treelines and wet ditches, Arable field margins, Neutral grassland, Mixed and willow scrub, Broadleaved woodland, Ponds and mature trees.
- 5.7. Confirmed species include badger, bats, brown hare, hedgehog, and otter. Further surveys are planned for amphibians, water vole, fish, and white-clawed crayfish.
- 5.8. Impacts – the PEIR sets out the likely impacts upon sites, habitats and species during the key phases of development. These are summarised as follows:
- 5.9. Designated Sites (International, National, Local)
- Potential indirect impacts from construction dust, pollution, and hydrological changes.
 - Risk to qualifying species such as otter, lamprey, and wetland invertebrates.
 - Air quality and water quality impacts are uncertain without mitigation.
 - Potential for habitat degradation and disturbance from construction activities.
 - Risk of dust deposition, sediment runoff, and noise/vibration effects.

5.10. Habitats & Species

- Risk of habitat loss, fragmentation, and degradation.
- Potential for long-term ecological value reduction if not buffered or retained.
- Ancient woodland and veteran trees particularly sensitive to root zone disturbance.
- Otter: Risk of disturbance, habitat fragmentation, and potential injury during construction.
- Badger: Potential sett disturbance or destruction, especially near construction zones.
- Bats: Loss of roosting trees, disruption of commuting routes, and lighting impacts.
- Water vole: Risk of habitat loss and direct harm during ditch works.
- Amphibians (e.g., great crested newt): Habitat loss and potential mortality during site clearance.
- Reptiles: Similar risks to amphibians, especially in unmanaged grassland.
- Brown hare & Hedgehog: Risk of injury or death during vegetation clearance.
- Fish: Potential impacts from noise, vibration, EMF, and water pollution.
- White-clawed crayfish: Sensitive to sediment, pollution, and vibration.
- Invertebrates: Loss of niche habitats and food sources.

5.11. Decommissioning Risks

- Potential for habitat reversion (e.g., grassland to cropland).
- Risk of disturbance to re-established habitats and species.

Mitigation and Enhancement Measures

5.12. Embedded avoidance and mitigation measures include environmentally led design to avoid high-value habitats, buffer zones around sensitive habitats and species, trenchless crossings for watercourses and designated sites.

5.13. We are supportive of the intention to provide the following management plans alongside the full submission to set out the key avoidance, mitigation and enhancement measures:

Outline Construction Environmental Management Plan (oCEMP)

Outline Landscape and Ecological Management Plan (oLEMP)

Outline Decommissioning Environmental Management Plan (oDEMP)

Chapter 12 – Ornithology (including Appendices 12.1 and 12.2)

5.14. We welcome the precautionary approach at this stage in response to incomplete survey data, ensuring alignment with CIEEM and Natural England guidance.

Breeding Birds (Appendix 12.1)

- Surveys identified 12 species of Conservation Concern as probable or confirmed breeders across Solar Development Sites 1–5.
- Red List species such as Skylark, Lapwing, Corn Bunting, and Yellowhammer were recorded with multiple breeding territories.

- Amber List species including Wren, Whitethroat, Willow Warbler, and Song Thrush were also widespread.
- Site 5, although removed from the PEIR boundary, provided valuable data due to its representative habitat.

Non-Breeding Birds (Appendix 12.2)

- Surveys recorded low to moderate usage of the site by SPA/Ramsar qualifying species.
- Golden Plover, Teal, and Wigeon were observed in small numbers, with peak counts well below national thresholds.
- Waterbird assemblage species such as Lapwing, Greylag Goose, and Black-headed Gull showed higher activity, particularly in Sites 1, 4, and 5.
- No Functionally Linked Land (FLL) was confirmed, but precautionary interpretation is advised due to incomplete seasonal data.

Key Comments

5.15. We note that several key surveys are pending, including spring and autumn passage surveys and breeding bird surveys for Solar Development Sites 6–8 and the Cable Corridor. The PEIR identifies Solar Development Sites 1, 4, 5, and 8 as potential FLL based on species thresholds. However, the ecological function of these areas remains uncertain pending further survey and assessment. While glint and glare are acknowledged, their potential influence on bird behaviour is deferred to the ES. The PEIR identifies several nearby solar and infrastructure projects with potential cumulative impacts on ornithological receptors.

5.16. *Recommendations:*

Completion of outstanding surveys prior to submission of the Environmental Statement (ES) and Habitats Regulations Assessment (HRA), with the results used to refine the assessment of Functionally Linked Land (FLL) and breeding bird impacts. We encourage the inclusion of behavioural data (e.g. foraging, roosting, flightlines) and habitat use analysis to strengthen the FLL assessment. This will be critical for determining potential impacts on SPA/Ramsar site integrity. We support a precautionary approach and request that the ES include a refined cumulative assessment incorporating shared survey data and design information from neighbouring developments. We recommend that post-construction monitoring include breeding and non-breeding bird surveys and adaptive management triggers based on monitoring outcomes.

Chapter 17 – Cumulative Assessment

5.17. The PEIR identifies potential adverse cumulative effects on mobile species due to habitat loss and fragmentation. Potential beneficial effects through increased habitat extent, quality, and connectivity. Localised adverse effects within Solar Development Sites 2, 3, 4, and 6. The need for further assessment in the Environmental Statement (ES) once survey data and design details are finalised.

5.18. It is noted that combined impacts with other nearby solar and infrastructure projects could:

- Increase habitat fragmentation.

- Exacerbate pressures on mobile species (e.g., bats, otters).
 - Lead to net biodiversity loss without coordinated mitigation.
- 5.19. The current assessment lacks species-specific data and does not quantify habitat loss or fragmentation. This limits the ability to assess the scale and significance of cumulative impacts. The significance of biodiversity impacts is not determined at this stage. While this is understandable for a PEIR, it is essential that the ES provides a clear and evidence-based conclusion on cumulative effects. There is no spatial modelling of how multiple developments may disrupt ecological corridors or affect species movement across the landscape. To strengthen the biodiversity cumulative assessment in the forthcoming Environmental Statement, we recommend the following:
- Use of spatial tools to assess habitat fragmentation and identify opportunities for corridor enhancement.
- Development of a coordinated biodiversity mitigation and enhancement plan across all solar sites and associated infrastructure.
- 5.20. Overall Recommendations and Next Steps
- Complete outstanding ecological surveys in 2025 in order to finalise the Environmental Statement (ES) with updated impact evaluations and mitigation strategies.
 - Completion and submission of the Shadow HRA incorporating the outstanding bird surveys.
 - Finalise Biodiversity Net Gain (BNG) assessment and confirm management and monitoring timescales. We would recommend a commitment to BNG for the lifetime of the project.
 - Clarify monitoring intentions for ecological features throughout the project phases.

Conclusion

- 5.21. We support the overall approach taken in Chapters 6, Chapter 12 and 17 and recognise the applicant's commitment to ecological protection and enhancement. The ecological assessments confirm the presence of valuable habitats and protected species across the proposed development area. The findings support the implementation of mitigation measures and habitat retention strategies to ensure compliance with environmental legislation and planning policy. Further surveys and refinements are needed to inform the final Environmental Statement and Development Consent Order (DCO) application.
- 5.22. We emphasise the importance of completing baseline surveys, refining the FLL assessment, and ensuring robust cumulative and operational impact evaluations in the ES and HRA. There is also a need to provide quantified summaries of habitat losses and gains, including BNG metrics.
- 5.23. We trust that our comments will support the refinement of the Environmental Statement and ensure robust biodiversity considerations throughout the planning

process. We look forward to reviewing the final Environmental Statement and continuing engagement on this important project.

6.0 Cultural Heritage

Archaeological Heritage Assets

- 6.1. The PEIR report includes a chapter relating to the Historic Environment (Chapter 8). This is supported by the results of a Cultural Heritage Baseline (Appendix 8.1) and associated gazetteer (Appendix 8.2). The PEIR is also supported by the emerging results of a geophysical survey (Figure 8.3), although the full report on this is not available at this stage as work is still progressing.
- 6.2. The PEIR report sets out a comprehensive summary of national and local planning policy, legislation and guidance relating to the historic environment (section 8.3), and I have no comments to make on this part of the submission.
- 6.3. Section 8.4 sets out the stakeholder engagement and consultation. I note that my comments on the Scoping Opinion have been addressed and I can confirm that I am continuing to work with the project in team in reviewing the results of the geophysical surveys and that initial trenching has taken place with appropriate feedback on results and a suitable method for signing off trenches once recorded.
- 6.4. The PEIR report sets out a range of desktop sources that will be reviewed to inform the baseline conditions. I agree with this range of sources and can see no notable omissions. I note that 8.5.4 mentions the review of publicly available aerial photographs and I would recommend that the collections held by North Yorkshire Archives are cross checked against the Historic Environment Record for cropmark features as these might not have been verified for some time.
- 6.5. The study area contains a number of records detailing aircraft crash sites. I would recommend that the project team check the information on [REDACTED] as this contains detailed research in to many crashes, over and above the level of basic information given in many of the high level gazetteers from which our Historic Environment Record data is derived.
- 6.6. Section 8.5.6 lists the archaeological surveys yet to be undertaken. I can confirm that the project team continue to consult with me over these requirements and that I look forward to seeing the results. As can be seen from the initial figures presented in the PEIR, the geophysical survey has been highly successful in identifying new sites, including a number of new and extensive settlements consistent with later prehistoric or Roman date.
- 6.7. The report discusses embedded mitigation, i.e. mitigation by design (section 8.8). I note that the identification of geophysical anomalies within Site 1 has led to a design option to avoid impact to a linear settlement along the northern edge of the area which appears to be Iron Age or Roman in date, with the potential for complex and significant deposits, including square barrows. I support this design option. I would

recommend that similar consideration is given to the complex anomalies noted at Site 4 (see Figure 8.3, Sheet 14 of 17), where a group of enclosures with internal features is present in a density that suggests that complex and significant deposits are present.

- 6.8. I note the final bullet point in 8.8.2 talks about using directional drilling of cables to avoid direct impacts to sensitive archaeological remains. I support this proposal.
- 6.9. 8.8.4 sets out a suite of Construction Environmental Management Plans including an Archaeological Mitigation Strategy/Overarching Written Scheme of Investigation. The local heritage sector, led by Historic England, have recently been discussing the opportunities for NSIP developments to deliver public benefit with relation to archaeology and heritage and I would recommend that the suite of Management Plans seeks to involve the public and to leave a legacy that helps people understand and play a role in the mitigation process.
- 6.10. 8.9.5 suggests that the results from the geophysical survey have identified sites of negligible to medium importance. I would suggest that this estimation is too low, and that in particular the medieval moated sites might be of much higher importance. There are many moated sites in the Selby area that are Scheduled Monuments and there is no reason to suspect that the moats within Site 4 are not of equivalent significance to these.
- 6.11. I look forward to working with the project team in delivering the next stage of assessment set out in section 8.15.

Built Heritage Assets

- 6.12. The Proposed Development consists of a proposed solar farm with battery energy storage system (BESS). The proposal shall also include cable corridors connecting solar panel areas with one another and the National Grid. The Solar Panel Areas have a combined areas of 1066 ha and shall include the solar PV modules, BESS, substations, inverters / transformers, access tracks, fencing, CCTV, and environmental mitigation. There will be underground electrical cable routes via cable corridors between the solar development sites 1-5 and the Monk Fryston Substation and shall be connected to the existing infrastructure. The entirety of the draft Order Limits is within the administrative area of North Yorkshire Council and falls within what was the Selby district.

Location

- 6.13. Site 1 is located approximately 430m east of Escrick village, and is approximately 20 km northeast of Monk Fryston Substation. Site 2 borders the east-bound carriageway of the A63 approximately 1.4 km east of the junction of Water Lane and the A63 in Monk Fryston and is located approximately 3.5km north-east of Monk Fryston Substation. Site 3 is located approximately 850 m to the south-east of the junction of Hillam Lane, Lumby Hill and Chapel Street in Hillam, and is

located approximately 3.1km east of Monk Fryston Substation. Site 4 is located approximately 280m north-east of the junction of Main Street, Roe Lane and Haddlesey Road in Birkin, and is located approximately 4 km east of Monk Fryston Substation. Site 5 is located approximately 500 m east of Chapel Haddersley at the junction with the A19 and approximately 388m north-west of the junction of Common Lane and Hirst Road in Temple Hirst., and is approximately 10.1 km east of Monk Fryston Substation.

Comments

- 6.14. Previous comments have been made on the EIA Scoping Report submitted to the council for consideration upon the setting of heritage assets including conservation areas surrounding the sites and cable corridors. The scoping report considers potential impacts which may cause significant environmental effects. The comments made on the scoping report are the same on this round of consultation, as the development proposed relates to above ground heritage assets and their setting it is considered that harm remains to the setting of the heritage assets so the comments remain as previously stated.

Setting and Planning Balance

- 6.15. The comments have been assessed using the National Planning Statement, National Planning Policy Framework and National Planning Guidance along with relevant local plan policies for North Yorkshire (former Selby District Council).
- 6.16. The NPPG references the NPPF regarding the historic environment and provides further clarification on the setting of a heritage asset. It states (Reference ID: 18a013-20190723) that: "The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places."

Study Area

- 6.17. The environmental statement comprises of two areas: the cable corridor options area and the solar development sites 1-5 as previously mentioned. The study area for designated heritage assets and conservation areas extends 2km from the from the sites and 500m from the cable corridor options area. Although data is limited for non designated heritage assets the study has a 1km extension from the sites and 500m from the cable corridor options area. In total 119 designated heritage assets and conservation areas have been identified throughout the study area, comprising: 5 scheduled monuments, 110 listed buildings, of which: four are

designated Grade I, seven are designated Grade II*, and 99 are designated Grade II, and 4 conservation areas.

Site 1

- 6.18. The noted listed buildings located within the vicinity of site 1 include Wheldrake Lodge, Gates, Piers and Railings at Wheldrake Lodge both of which are Grade II listed buildings, and Escrick Conservation Area. All three of these heritage assets are located approximately 90m from the site.
- 6.19. Further heritage assets have been screened which are in the proximity 2km of the site these are noted.

Site 2

- 6.20. The noted listed building located within the vicinity of site 2 includes a Milestone approximately 0.5 miles east of junction with Lowfield Road, which is designated a Grade II listed building and is located less than 10m from the site.
- 6.21. Further heritage assets have been screened which are in the proximity 2km of the site these are noted.

Site 3

- 6.22. The noted heritage asset within this area includes Hillum Conservation Area, which is located approximately 550m from the site.
- 6.23. Further heritage assets have been screened which are in the proximity 2km of the site these are noted.

Site 4

- 6.24. The noted listed building within the vicinity of the site is Birkin House which is designated a Grade II listed building and approximately is 80m from the site.
- 6.25. Further heritage assets have been screened which are in the proximity 2km of the site these are noted.

Site 5

- 6.26. The noted listed building within this area includes Temple Manor which is designated a Grade II listed building and is located less than 150m from the site.
- 6.27. Further heritage assets have been screened which are in the proximity 2km of the site these are noted.

Cable Corridor Options Area

- 6.28. It is noted that within 500m of the cable corridor options area includes one designated heritage asset the Gatepiers to Escrick Park which is designated a Grade II listed building. Church of St Helen Grade I listed building, The Manor House Grade II* listed building there are 26 Grade II listed buildings within 500m and the site and Riccall Conservation Area.

Construction Assessment

- 6.29. Potential impacts via construction would affect the cultural significance of built environment including the character of conservation areas, and the contribution made by setting.
- 6.30. The proposed development may result in permanent and irreversible impacts resulting from construction. This includes but may not be limited to changes to belowground environments. There may also be temporary, short-term, reversible impacts from the construction of the development and would potentially include, but are not limited to construction compounds, materials storage areas, temporary access routes, security lighting, welfare facilities, and other construction related infrastructure. Also included would be the setting of built heritage assets and conservation areas due to level changes and extent of artificial light, noise from construction, vehicle movement, and presence of construction personnel required and traffic to build the scheme. Furthermore, as the solar pv have a lifespan of 40 years and the batteries of 20 years may be replaced twice during the operational lifetime. Thus resulting in further disturbance to heritage assets.

Decommissioning

- 6.31. The process of decommissioning would involve the removal of all solar infrastructure, including the solar PV modules, and BESS and all associated infrastructure and is understood to be recycled or disposed of in accordance with good practice and processes at that time. Decommissioning of the Solar pv on sites 1-5 would also result in change to the setting of designated and non-designated heritage assets, conservation areas, in a positive manner given supporting infrastructure would be removed.
- 6.32. It is noted that any cable connections within the cable corridors would remain in place following decommissioning.

Conclusion

- 6.33. National Policy Statement for Energy (EN-1), 2024, National Policy Statement (NPS) EN-1 instructs the Secretary of State to consider the potential harm caused to the significance of a heritage asset by impact(s) resulting from a proposed development. Harm to significance can be assessed as 'substantial' – which also

includes the total loss of a heritage asset and less than substantial. NPS EN-1 advises that during decision making there should be a presumption in favour of the conservation of designated heritage assets and that loss affecting any designated assets should require clear and convincing justification. It also refers to considering impact on non-designated heritage assets on the basis that assets have a heritage significance that merits consideration in decision making.

- 6.34. The setting of the named heritage assets above would be affected through this development proposal. Their significance falls in various levels and for the most part it is the space which is around them or their agricultural setting which adds to their significance. The cable corridors would on a temporary basis create setting concerns along with the plant equipment and associated works to lay the cable and erect the solar pvs and battery storage.
- 6.35. The proposal would amount to less than substantial harm. It is recognised that national policy states that where harm has been identified a justification and a public benefit needs to be applied and be convincing to meet the tests which fall within it. There may be other benefits derived from this scheme but not on a heritage level.

7.0 Highways

- 7.1 The Council still considering the relevant chapters of the PEIR and will provide comments once these are available.

8.0 Lead Local Flood Authority

- 8.1 The following documents are noted:
- Light Valley Solar EIA Scoping Report, Ove Arup & Partners Limited, Reference EN0110012, Dated 05 November 2024.
- 8.2 In assessing the submitted proposals and reaching its recommendation the Authority would like to make the following comments:
- 8.3 Initially, the LLFA encourage the applicant to review the NYC SuDS Guidance, as this outlines what is required for each type of planning application and what the LLFA expectations are for design requirements. The SuDS guidance can be found here: <https://www.northyorks.gov.uk/environment-and-neighbourhoods/flooding/flood-and-water-management/sustainable-drainage-systems-guidance-2022-update>
- 8.4 Furthermore, to adhere to the Drainage Hierarchy, the LLFA have a guidance document for infiltration testing, which can be found here: <https://www.northyorks.gov.uk/environment-and-neighbourhoods/flooding/flood-and-water-management/supplementary-infiltration-guidance>

- 8.5 The application should address all of the following: Flood Risk, Runoff Destinations, Peak Flow Control, Volume Control, Designing for exceedance, Climate Change & Urban Creep and Maintenance Plan. Guidance on the requirements for each of the above can be found in the first link, the NYC SuDS Guidance.
- 8.6 All drainage schemes must comply with the standard design parameters detailed below:

Design Consideration	Design Parameter
Minimum Slope	1:500
Roughness Value (K) – manning “n” should only be used for open channels.	0.6mm
Minimum System Velocity	1.0 m/s
Climate change	Climate change allowances for England (data.gov.uk)
Additional Flows - Urban Creep (Where Applicable)	10%
Maximum Drained Area for Gullies	150m ²
Highway Drains Minimum Cover	1.2m
Minimum Pipe Diameter	150mm
Volumetric Runoff Coefficient Cv (Summer/Winter)	1. For both summer and winter. (In accordance with HR Wallingford recommendations and Sewers for Adoption)
Percentage Impermeable Area (PIMP)	100% for compliance with SfA
Margin for Flood Risk Warning	300mm
Area Reduction Factor	1
Time of Entry	3-8 minutes
Return Period	1, 30, 100 as a minimum

- Site Specific Observations:
- 8.7 North Yorkshire Council, in its capacity as Lead Local Flood Authority does not have any records of flooding within the proximity of the proposed 5 sites. This does not mean that flooding has not occurred, rather that it may not have been reported to the LLFA.
- 9.0 **Public Rights of Way**
- 9.1. The Public Rights of Way network has been correctly identified on the plans provided with in the PEIR report.
- 9.2. While a proposed DCO for the Proposed Development grants all necessary powers to temporarily stop up, alter or divert Public Rights of Way, (PRoWs) affected by the

Proposed Development, we welcome the development of the Public Rights of Way Management Plan. This will demonstrate a planned approach to the management of Public Rights of Way during construction and will also mitigate the impacts of the development on the PROWs, with the key aim of maintaining public safety while minimising disruption to users. We appreciate proposed management measures to ensure that PROWs will remain effectively open to users with Temporary Stopping Up, Management and the use of Diversions only used in identified locations and only where necessary to ensure continued safe use of the PROW.

- 9.3. The PEIR report considers the potential effect on the amenity value, as well as the visual and noise impact for users and appropriate mitigation measures that are going to be identified in due course by the applicants including a proposed 15m buffer zone creating the green corridor with screening creating a buffer between the solar panels and the Public Rights of Way. The design of the site retaining the PROW network on its legal alignment without the need to legal divert any of the routes. This is the Countryside Access Services' preferred approach.
- 9.4. We confirm that the PEIR report identifies the key issues on the impact and effect the development will have on the PROW networks and addresses these concerns through proposed and future mitigation measures discussed with officers.
- 9.5. We look forward to receiving the PROW Management Plan, in due course.

10.0 **Public Health**

- 10.1. While it is acknowledged that the Planning Inspectorate has accepted the scoping out of a standalone Human Health chapter, it is essential that mental health impacts are not overlooked. The inspector clearly stated in the Scoping report (EN0110012-000006-EN0110012 Scoping Opinion.pdf) that EIA methodology chapters should provide clear cross referencing to where relevant direct and indirect impacts on human health are considered in the ES, including the impacts upon mental health and wellbeing.
- 10.2. Upon assessing the PEIR it is not clear that this has been done. While there is cross referencing to other chapters where health impacts are likely to occur there does not appear to be a clear assessment on those subject matters upon human health as requested by the inspector, nor does there appear to be any consideration on mental or physical health and wellbeing.
- 10.3. The current approach—relying on indirect coverage through other chapters such as noise, landscape, and traffic—risks underestimating the impact upon the population. The area in which the project is being proposed is already experiencing significant and disproportionately amount of large scale development which can also impact up the population in terms of physical and mental health. This is particularly the case given that in terms of human impact the impacts will be experienced over many years, in the case of Light Valley Solar this could be 60 years; however, human health conditions can take time to reverse therefore the impact may be experienced in the population beyond this 60 year time frame. It would therefore be helpful to the public

and the Local Authority if a topic paper on human health impacts associated with other EIA chapters could be produced. This would ensure transparency that the impacts are not ignored or being down played.

- 10.4. When assessing the impacts over the life span of the development (60 years). The assessment methodology must ensure that the future anticipated population is considered. It not appropriate to utilise the same population cohort as a baseline for the entire 60 year period as North Yorkshire has a projected significantly ageing population (Chief Medical Officer's Annual Report 2023 – Health in an Ageing Society: Executive summary and recommendations (publishing.service.gov.uk)). It is vital that as people enter older age, they remain in good health. The PEIR states that "the older population is typically more reliant on public transport", however it does not acknowledge the likely higher dependency on health and social care services. The potential impact upon key health and social care workers and emergency vehicles needing to access the ageing population in the area should be considered and mitigated.
- 10.5. Furthermore the current UK Government's party Manifesto set out a 'bold new ambition to raise the healthiest generation of children in our history'. Given the life span of the proposed development, 60 years, the proposal has the opportunity to contribute to that ambition by ensuring that the health impacts of the development are appropriately considered, prevented and mitigated to enable every child to have the best start in life.
- 10.6. It is noted that the in relation to Public Rights of Way (PRoW) and recreational routes that the assessment of impact during operation is scoped out, stating that "potential effects on access to PRoW and recreational routes, such as PRoW diversions, would be felt most during construction."
- 10.7. Whilst this might be the case, it does not mean that there would necessarily be no impact during operation, and relevant impacts should therefore still be considered. For example, consideration of the potential for reduced use of PRoW and recreational space due to loss of enjoyment and degradation of high quality open spaces as a result of the long term visual change on the landscape. Lower physical activity in a population can lead to poorer mental and physical health; this potential impact must be adequately and impartially assessed in the ES.
- 10.8. In addition, it is not clear what mechanisms the developers are implementing to monitor the potential impacts on health and wellbeing over the 60 year life span of the site, and what mechanisms the developer is going to adopted to rectify and mitigate any real impacts during this time.

11.0 **Fire Safety**

- 11.1. It is noted that fire safety (Major accidents and disasters) has been scoped out however it is a topic we wish to raise as a query and give the applicant the opportunity to address either in written response or through meetings with the Council.

- 11.2. What is the potential for the BESS element of the proposal to catch fire and how will the emergency response team will react? Prevailing winds will blow the fumes over Hambleton and there is a concern that the fire service will let any fire burn out.

12.0 Community Benefit Contribution

- 12.1 There are several places throughout this response in which a Community Benefit Contribution could help mitigate the effects, not least the effects identified in the public health chapters. We would welcome the opportunity to discuss the process further with the applicant.

13.0 Best Most Versatile Land

- 13.1 Both in this response and at scoping there has been significant concern about the use of BMV land for this project and the Council would encourage further discussion to better understand the choices for land take including options appraisals and mechanisms used.

RAIL CROSSING EXTINGUISHMENT ORDER

HIGHWAYS ACT 1980, SECTION 118A

WILDLIFE AND COUNTRYSIDE ACT 1981

THE NORTH YORKSHIRE COUNCIL

PUBLIC FOOTPATH NO. 35/59/5 SOUTH MILFORD
RAIL CROSSING EXTINGUISHMENT ORDER 2023

The foregoing order is hereby confirmed



An Inspector appointed by The Secretary of
State for Environment, Food and
Rural Affairs

14 NOV 2025


Assistant Chief Executive
(Legal and Democratic Services)
County Hall
Northallerton
North Yorkshire
DL7 8AH

RAIL CROSSING EXTINGUISHMENT ORDER

HIGHWAYS ACT 1980, SECTION 118A

WILDLIFE AND COUNTRYSIDE ACT 1981

THE NORTH YORKSHIRE COUNCIL

PUBLIC FOOTPATH NO. 35/59/5 SOUTH MILFORD
RAIL CROSSING EXTINGUISHMENT ORDER 2023

This Order is made by The North Yorkshire Council ("the Authority") under Section 118A of the Highways Act 1980 ("the 1980 Act") (as amended by the Transport & Works Act 1992).

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the West Riding of Yorkshire (Area 2) Definitive Map and Statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this order) of a highway hitherto shown or required to be shown in the map and statement.

The Public Footpath as described in paragraph 1 of this order in the authority's area crosses a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said Public Footpath that it should be stopped up.

North Yorkshire Council has required the operator of the railway to enter into an agreement to defray any expenses which the authority may incur in connection with the erection or maintenance of barriers and signs.

Selby District Council and South Milford Parish Council have been consulted as required by Section 120(2) of the 1980 Act.

BY THIS ORDER:

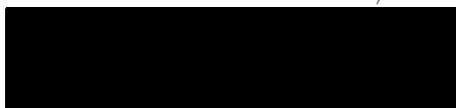
1. The public right of way over the land situated at South Milford and shown by a continuous bold line on the map attached to this Order and described in Part 1 of the Schedule to this Order shall be extinguished on confirmation of this Order, and thereupon the West Riding of Yorkshire (Area 2) Definitive Map shall be modified by deleting from it that public right of way, and the definitive statement shall be modified as described in part 2 of the Schedule to this order.

THE COMMON SEAL of THE NORTH YORKSHIRE COUNCIL)

was hereunto affixed this)

day of *September* 2023)

in the presence of:-)



SCHEDULE

PART 1

DESCRIPTION OF PUBLIC FOOTPATH TO BE EXTINGUISHED

<u>Section of Footpath as shown on the attached map</u>	<u>Position</u>	<u>Length</u>	<u>Width</u>
Marked by a bold continuous line shown as A-B-C-D-E on the attached map	Commences at GR 45030 43183 (Point A) and runs eastwards for approximately 230m to a railway level crossing at GR 45053 43183 (Point B) then continues eastwards for approximately 752m to GR 45127 43172 (Point C) then generally south for approximately 68 m to a railway level crossing at GR 45126 43166 (Point D), then continuing southwards for approximately 143 m to GR 45119 43153 (Point E) where it joins Common Lane.	1193m	

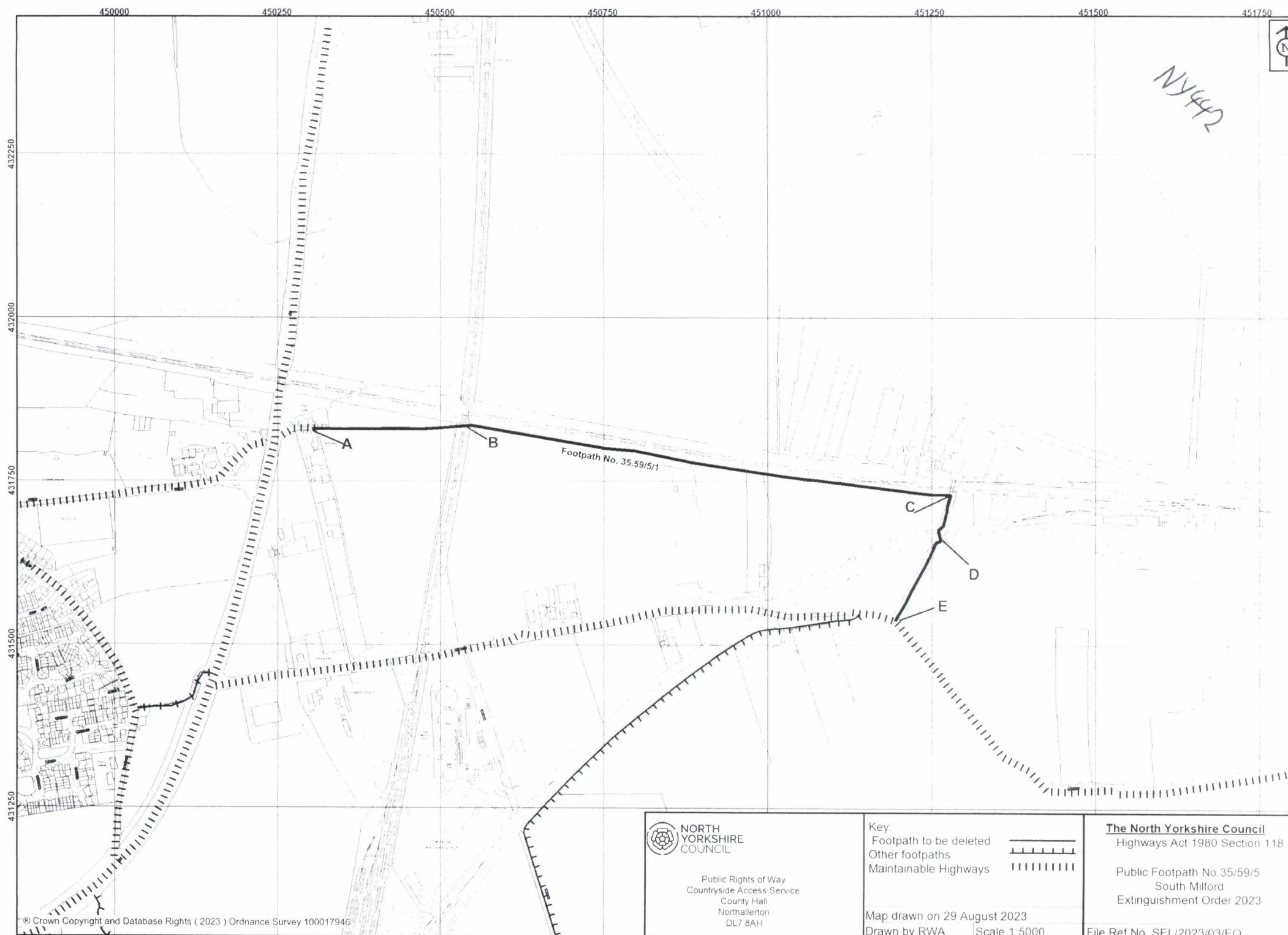
PART 2

Modification of Definitive Statement

Variation of Particulars of Path or Way

Path No.	Grid Reference End Points	Description	Nature of Surface	Length (Km)	Width (M)	Lawful Obstructions & Conditions
35.59/5	45030 43183 45119 43153	Path Extinguished.	~~Not Recorded~~	1.193km	~~Not Recorded~~	~~Not Recorded~~

[crossed-out text to be deleted from Statement]





**NORTH
YORKSHIRE
COUNCIL**

Public Rights of Way
Countryside Access Service
County Hall
Northallerton
DL7 8AH

Key:
Footpath to be deleted
Other footpaths
Maintainable Highways





Map drawn on 29 August 2023
Drawn by RWA Scale 1:5000

The North Yorkshire Council
Highways Act 1980 Section 118

Public Footpath No 35/59/5
South Milford
Extinguishment Order 2023

File Ref No. SEL/2023/03/EO

ExQ1	Question to:	Question:
Q1.2.10	The applicant NYC	Offset to public highways The DPC [REP2-021] does not specify any minimum offsets from public highways be incorporated into the proposed work no. 6 areas which includes fencing, lighting, acoustic barriers, and gates. The applicant is to: - explain and provide justification for the lack of a prescribed offset to the public highways in the Order limits - if offsets are not considered necessary: - explain how can the Examining Authority can be reassured that fencing, lighting, acoustic barriers, and gates would not be erected at the edge of the public highway and therefore not give rise to potential impacts on visual amenity and highway safety? - give details of other made solar DCO projects where the lack on minimum offsets from public highways has previously been found to be acceptable - NYC is to confirm its position on this matter as both the planning and highway authority.
	NYC response	The Local Highway Authority would require any gates at site accesses to be set back 15m from the carriageway in accordance with NYC Standard Detail E30 (E30 Rev C Rural Quarry and Major Industrial Concrete Verge Crossing) to allow HGVs to wait clear of the carriageway. All gates shall open inwards. The LHA would not require a developer to set back fencing or similar barriers to enable forward visibility above and beyond what can be achieved with the highway extents. For clarity, the intensified use of an existing access or the introduction of a new access will require visibility splays to be kept clear and available. The LPA needs to consider the impact that any proposed fencing, lighting, acoustic barriers and gates will have on the character and appearance of the surrounding area, landscape and visual amenity impacts. The LPA accepts that a single offset may not be appropriate as offsets may vary depending on local context. The Council as LPA would prefer that sufficient controls are secured through the DCO requirements to ensure that fencing, lighting, acoustic barriers and gates are designed and located to protect character and appearance, landscape and visual amenity. Further explanation should be provided by the applicant on how this will be controlled if no fixed offset is identified.
Q1.4.2	NYC	Green Belt Green Belt matters were discussed at ISH1 [EV5-004]. NYC agreed with the applicant that the cable corridor works constitute engineering operations and that the SDSs fall within the grey belt, meaning neither is inappropriate development in Green Belt terms. However, NYC reserved its position on the cable corridor compound at CRC 4-POC, pending submission of its LIR. NYC's LIR [REP1-006] does not address this issue, or Green Belt matters more generally, however, the applicant updated the Planning Statement [REP2-015] and Appendix 2: Grey Belt Assessment [REP2-019] at deadline 2. In light of this, NYC is to:

		a) confirm its position regarding Green Belt policy matters and whether it agrees with the applicant's assessment and conclusions b) if it disagrees, provide an explanation and reasoning.
	NYC response	NYC notes the applicant's updated Planning Statement (REP2-015) and Appendix 2: Grey Belt Assessment (REP2-019). NYC agrees that with the applicant's conclusion that the Green Belt land affected by the proposed development can be identified as Grey Belt. NYC notes that the applicant's assessment advances both Green Belt policy pathways. It concludes that the proposed development constitutes "not inappropriate" development by virtue of satisfying NPPF Policy GB7, however it then advances that the proposed development should instead be assessed as inappropriate development requiring justification through Very Special Circumstances (VSC). The Council considers these to be distinct policy routes and that the applicant should be clear which policy pathway is being pursued in order that the Council and ExA can reach a view on the application of Green Belt policy to the proposed development. The Council agrees that the Cable Route Corridors would be an exception under para 154 h) ii engineering operations. Assessment of above ground works/buildings associated with the CRCs within Green Belt and CRC 4-POC needs further consideration by the applicant. Where CRCs within the Green Belt necessitate the removal of existing landscape features, this should also form part of the assessment.
Q1.5.1	NYC	Setting of Heritage Assets Paragraph 10.16 of NYC's LIR [REP1-006] advised that discussions were ongoing between NYC and the applicant, regarding impacts on the setting of heritage assets. NYC is to provide a schedule summarising: • all designated heritage assets where disagreement remains • the nature of that disagreement • whether it relates to the magnitude of change, significance of effect, effectiveness of mitigation, or overall conclusion
	NYC response	With regards to the four Scheduled Monuments that are within proximity to the DCO area NYC have reached agreement with the applicant that there is no impact to setting or that impact is limited to the construction phase and therefore not significant. North Yorkshire Council have been working constructively with the applicants to ensure harm to the highest of significance assets has been avoided. It is considered that there are no substantive disagreements between the applicants and North

		Yorkshire Council in terms of the assessment of harm to heritage assets. The level of harm has been weighted as less than substantial prior to the 2026 NPPF publication. The cultural heritage assessment Appendix 8.5 Statement of Significance and Impact Assessment (EN110012/APP/LVS/06.03.08.05 February 2026) has made assessments of heritage assets within proximity of the DCO area. North Yorkshire Council agrees with the Applicant's assessment of the significance of the identified designated heritage assets, including the contribution made by their settings, and the effects of the Proposed Development upon that significance. The Council also agrees with the Applicant's conclusions as to the nature and degree of harm arising. The Council considers that the assessment is consistent with the approach to the historic environment set out in Chapter 20 of the National Planning Policy Framework (2026)
Q1.5.2	The applicant NYC Historic England	Level of harm For each heritage asset the applicant has assessed as experiencing 'less than substantial harm', the applicant should: a) update its assessment of that harm based on the updated NPPF (2026) assessment terms of positive effect, no effect, harm, substantial harm or total loss for heritage assets affected by the proposed development b) identify or signpost to where in the application documents that harm lies within the spectrum of 'less than substantial harm' and where it lies within the updated NPPF (2026) assessment terms. With reference to the updated NPPF (2026), the applicant, NYC and Historic England should: c) comment on the extent to which the proposed development may give rise to a positive effect, no effect, harm, substantial harm or total loss for heritage assets affected by the proposed development.
	NYC response	With respect to the level of harm North Yorkshire Council has reviewed the Applicant's assessment (Appendix 8.5 Statement of Significance and Impact Assessment (EN110012/APP/LVS/06.03.08.05 February 2026) of the above-ground designated heritage assets potentially affected by the Proposed Development including effects arising through changes within their settings. The Council is satisfied that the assessment appropriately considers the significance of the identified heritage assets, the contribution made by their settings to that significance, and the potential effects of the Proposed Development upon their significance Having regard to Policy HE5 of the National Planning Policy Framework (2026) and reviewed the assessment made by the applicants the Council is satisfied with that assessment. Proposed Development would give rise to either no effect, or harm in respect of significance identified above-ground heritage assets. Where harm has been identified, the Council is satisfied that the degree of harm has been appropriately identified and assessed.
Q1.5.3	The applicant NYC Historic England	Archaeological Mitigation Strategy The submitted AMS [REP2-101] identified a range of embedded mitigation measures including preservation in situ, the use of non-intrusive construction techniques in sensitive locations, targeted archaeological investigation and recording, and area-specific mitigation responses. NYC noted within its LIR, at paragraphs 11.10 to 11.13 [REP1-006] that the proposed

		archaeological mitigation is acceptable and supports the embedded mitigation approach incorporated into the scheme design. Historic England and NYC should each confirm its understanding of the status and purpose of the AMS and specifically: a) whether it is intended to function as a definitive mitigation strategy rather than an outline framework requiring substantial further development post-consent? b) confirm the extent to which it provides sufficient certainty regarding the archaeological mitigation measures to be implemented across the Order limits c) whether any significant elements of archaeological mitigation remain to be determined at a later stage d) whether the AMS, together with the draft DCO requirements and associated documents, provides an adequate basis for archaeological mitigation e) whether any additional approvals or mechanisms are necessary to secure implementation of the mitigation measures identified. The applicant is to: f) identify which elements of archaeological mitigation are fixed by the submitted AMS and which, if any, remain subject to further agreement, investigation or detailed design and how these would be secured.
	NYC response	Q1 5.3a The Archaeological Mitigation Strategy is intended to function as an outline framework (see paragraph 1.1.2). The parcel specific archaeological mitigation strategies are set out in Table 6.1 and each area of additional fieldwork mitigation will require its own Written Scheme of Investigation (WSI) to be agreed with the local authority post-consent (paragraph 6.1.5). Where mitigation is for physical preservation then this is covered by the Outline Construction Environmental Management Plan or agreed details of the scheme (see Section 7.3). Although further work is required post-consent to agree these additional documents and details the AMS itself should not require substantial further development. Q1 5.3b The Archaeological Mitigation Strategy sets out a proportionate and appropriate archaeological response to the expected impact of the proposal. The document provides sufficient certainty regarding the archaeological mitigation measures. Q1 5.3c The AMS indicates that design details for access to Site 8 will be agreed post-consent and may require additional mitigation (paragraph 6.1.8) and this will be agreed with NYC if needed (paragraph 6.1.9). NYC consider that this a minor matter and likely to be in keeping with the existing mitigation measures and not significant. Q1 5.3d The Archaeological Mitigation Strategy and subsequent agreement of area specific Written Schemes of Investigation and site specific CEMPs will provide an adequate basis for archaeological mitigation. NYC recommend that the agreement and implementation of these could be made specific requirements of the DCO. Q1 5.3e Please see answer to Q1.5.3d – the agreement of site-specific Written Schemes of Investigation and site specific CEMPs could be made a clearer requirement of the DCO.
Q1.5.4	The applicant NYC	Additional requirement for Archaeological Mitigation Strategy

	Historic England	Paragraphs 11.8 to 11.10 of NYC's LIR [REP1-006] confirmed that NYC is broadly supportive of the embedded mitigation, the use of non-intrusive mounting systems in certain locations, and the AMS. However, paragraph 11.12 of the LIR states that "The embedded mitigation is set out within the application and also within the oCEMP. The specific agreement of the embedded mitigation on an area by area basis could form an additional requirement of the DCO". Whilst ES Figure 2.6 Solar Panels Concrete Feet or Other Non-Ground Penetrative Techniques [APP-063] and ES Figure 8.4 Archaeological Mitigation Areas [APP-088] identify various mitigation proposals outlined in the AMS, these are not certified documents per schedule 13 of the draft DCO [REP2-004]. All parties should, therefore: a) explain whether there is a need for a separate approval mechanism requiring confirmation of the precise mitigation to be applied in each area before works commence and whether the oCEMP [REP2-089] could potentially be secured through an additional requirement within the DCO requiring agreement of mitigation measures on an area-by-area basis. NYC should explain the following: b) whether it considers the AMS and current drafting of requirement 11 in the draft DCO provide sufficient certainty regarding delivery of embedded archaeological mitigation c) if an additional requirement is needed, the purpose of such a requirement, how it would operate in practice and whether any proposed rafting can be provided d) which forms of embedded mitigation it considers would benefit from separate approval or verification. The applicant is to provide, or signpost to where in the application documents that the following can be found: e) whether the existing DCO framework would secure the embedded archaeological mitigation identified through the ES, AMS and oCEMP f) whether there would be any practical benefit in an additional requirement g) whether a location-specific approval process would provide any additional safeguards beyond those currently proposed. Historic England should provide: h) comments upon whether any additional DCO mechanism is necessary and proportionate.
	NYC response	Q1 5.4a The Schedule 2 requirements include Archaeology (Section 11, p. 46). This requires that the development must be carried out in accordance with the archaeological mitigation strategy. The Archaeological Mitigation Strategy is included in the list of certified plans in Schedule 13. As with the other methodological documents submitted, the Archaeological Mitigation Strategy is an overarching document and requires that separate Written Schemes of Investigation are provided and agreed for each specific piece of archaeological fieldwork mitigation fieldwork (paragraph 6.1.5 and table 6-1 of the AMS) and that any preservation by design solutions follow the agreed scheme details and site-specific CEMPs.

		NYC recommends that agreement and implementation of each site-specific Written Scheme of Investigation for archaeological fieldwork is specifically controlled by the requirement. Other requirements, such as Requirement 7– ‘Bird mitigation management plan’ provides a useful example as to how the archaeological requirement might be set out as a more robust, multi-part, requirement. Q1 5.4b The Archaeological Mitigation Strategy only details the proposed fieldwork mitigation and not embedded design mitigation including the use of less destructive building techniques in areas of archaeological sensitivity. There are several areas of solar arrays where surface mounting is proposed to preserve archaeological remains and these are set out in the Outline Construction Environment Management Plan (Table 3-5, page 29-30). The Outline CEMP requires that the exact location of where archaeological protection is required will be detailed in site specific CEMPs. NYC agree that this embedded mitigation could sit within the CEMP and that this has its own requirement which has benefits as it puts archaeological preservation at the heart of the CEMP process. The alternative would be to include the agreement of the archaeological preservation areas within the Archaeological requirement, and this has benefits in clearly grouping the archaeological mitigation into one requirement. Q1 5.4c The archaeology requirement could be amended as follows: 11 (1) The authorised development must be carried out in accordance with the archaeological mitigation strategy. 11(2) No parts of the authorised development set out in Table 6-1 of the Archaeological Mitigation Strategy may commence until written details of the embedded mitigation and/or an archaeological Written Scheme of Investigation have been submitted to and approved by the relevant planning authority. 11 (3) Any details submitted under this paragraph must be in accordance with the Archaeological Mitigation Strategy. 11 (4) Any details approved under this paragraph must be implemented as approved. Q1 5.4d Embedded mitigation that could be controlled by requirement would be the agreed methodology for setting out and preventing physical access to exclusion areas during the construction phase. In areas where surface mounting is required additional information on the exact construction method could be set out against the known depth of archaeological deposits (established during previous trial trenching) and maximum dig depths for each site established, for example if minor site levelling is necessary, or shallow concrete rafts.
Q1.5.7	The applicant NYC Historic England	SDS8 The archaeological mitigation approach for SDS8 appears different to the approach adopted elsewhere. Other SDSs contain defined mitigation areas, preservation in-situ measures, and prescribed archaeological responses. SDS8 is subject to comparatively limited constraints (excepting the identification of heritage assets and Romano-British archaeological remains). Paragraph 6.1.8 of the AMS [REP2-101] explains that access to SDS8 would be refined post-consent, and paragraph 6.1.9

		provides for archaeological mitigation associated with the Scalm Lane access option to be agreed at a later stage. The applicant is to: a) explain, or signpost to where in the application documents that it can be found, why SDS8 would be subject to a less prescriptive archaeological strategy than other SDSs and demonstrate that the archaeological resources within SDS8 have been sufficiently characterised to justify this. In responding to (a) above, the applicant should explain: b) what level of residual archaeological uncertainty remains within SDS8 following geophysical survey and trial trench evaluation, and the evidence supports this c) why it is appropriate for archaeological mitigation associated with the SDS8 access route to be determined post-consent d) the extent to which the approach relies on matters being addressed subsequently rather than through mitigation identified and assessed during the application. NYC and Historic England should also provide comments on the above approach, specifically: e) whether they consider the archaeological evidence base for SDS8 to be sufficiently complete f) whether they are satisfied that the significance of any archaeological remains within SDS8 has been adequately understood and assessed, and if the approach would provide certainty that likely significant archaeological effects have been appropriately assessed and secured.
	NYC response	Q1 5.7e With the exception of the access arrangement, the archaeological evidence base for SDS8 is complete and follows the procedure employed throughout the development of desk-based assessment, geophysical survey and trial trenching. Q1 5.7f NYC agree that the significance of archaeological deposits within SDS8 are adequately understood and that any mitigation associated with the preferred access arrangements can be agreed post-consent.
Q1.7.6	The applicant Natural England NYC	Data corruption Following discussion around data corruption of breeding survey data for SDS1 to SDS4 at ISH1 [EV5-007] the applicant shared a note with NYC on 7 August 2026 in response to Action Point ISH1-21 [EV5-010]. Paragraph 9.29 of NYC's LIR [REP1-006] explains the Council's view that "...whilst the applicant maintains that this correction does not alter the overall conclusions of the Environmental Statement, the Council considers that the revised baseline represents a materially different ornithological baseline to that assessed within the submitted ES". All parties are requested to confirm that the data corruption issue has been resolved satisfactorily, and set out what, if any, outstanding issues remain as a result
	NYC response	NYC considers that the data corruption issue itself has now been satisfactorily resolved and accepts the corrected breeding bird baseline. The Applicant has significantly strengthened the breeding bird case through the revised oLEMP and Technical Note, and NYC accepts that the BMA is intended to contribute to mitigation for breeding farmland birds. However, the

		ecological consequences arising from the corrected baseline remain unresolved. The Applicant's Technical Note and subsequent discussions have confirmed that the BMA is expected to provide capacity equivalent to approximately 40% of the impacted skylark territories. NYC does not consider that sufficient evidence has been provided to demonstrate that this level of provision adequately compensates for the substantially increased baseline. NYC therefore maintains that additional compensation is required in relation to the revised breeding bird numbers.
Q1.7.8	The applicant NYC Natural England	Great crested newt assessment The originally submitted great crested newt assessment [APP-156] was limited by lack of access to a number of ponds within the relevant survey area. An updated assessment was submitted at deadline 2 [REP2-074]. As this represents a limitation to the baseline, the applicant has adopted a precautionary approach by assuming presence in un-surveyed ponds where appropriate. The applicant should: a) confirm how this precautionary assumption is carried through into the detailed mitigation strategy, or signpost where in the application documentation this is set out. NYC should: b) provide updated comments on the great crested newt assessment, including the adequacy of the assessment in relation to access to ponds within the survey area. NE should explain whether it: c) has any reason to consider there being any impediment, at this stage, to a protected species licence being issued at the appropriate time.
	NYC response	NYC recognises the limitations the applicant faced in accessing ponds across the scheme area. NYC accepts the precautionary approach to assuming presence in the ponds not accessed and undertaking the impact assessment and mitigation on that basis. The precautionary working methods to be secured through the CEMP are considered appropriate to the risks identified. No further concerns exist in relation to GCN.
Q1.7.9	The applicant NYC Natural England	Mammal movement corridors The Design Approach Document [APP-216] refers to the retention of mammal movement corridors, and that the proposed fencing has been designed to minimise disturbance to mammal movement through the development. The locations of corridors, the mechanism by which connectivity would be maintained and the design standards that would be applied are not clearly secured within the DPC [REP2-021] or elsewhere. Requirement 9 of the draft DCO would require details of permanent means of enclosure to be submitted to and approved by the relevant planning authority. However, those details must be assessed against the parameters established through the draft DCO and certified documents. The applicant is to confirm: a) what are the parameters for fencing design in relation to mammals, against which the detailed submission that would be required under requirement 9, could be assessed at the post-consent stage.

		ES Chapter 6, updated at deadline 2 [REP2-033] explains that conclusions regarding badger, hedgehog, brown hare and other terrestrial mammal species rely, in part, upon the assumption that fencing would maintain ecological permeability and habitat connectivity across the SDSs. The application refers to deer mesh fencing and that small mammals would be able to pass through where practicable. The update to ES Chapter 6 [REP2-033] provides some additional information, for example within paragraphs. 6.9.158 and 6.9.314. The applicant is to: b) explain how this provides sufficient detail regarding ground clearance, mesh aperture sizes, wire spacing, treatment of fence bases, use of rabbit mesh, anti-dig measures, or the location and specification of mammal movement corridors c) provide a detailed explanation of how operational fencing would maintain habitat connectivity and facilitate the movement of badger, hedgehog, brown hare and other terrestrial mammals throughout the lifetime of the development d) identify the minimum design standards proposed for fencing, including ground clearance, mesh dimensions, wire spacing and any exclusions to those standards e) explain how retained mammal movement corridors have been identified, mapped and incorporated into the proposed scheme design f) demonstrate how the effectiveness of the proposed fencing design has been assessed and whether any evidence from comparable operational solar developments has informed the approach g) explain whether mammals would be excluded from any existing foraging habitat and, if so, how the resulting effects have been assessed h) identify how the relevant fencing specifications and connectivity measures would be secured through the draft DCO and associated certified documents. NYC and NE should i) comment on the long-term habitat connectivity and wildlife permeability, and what additional provisions, if any, may be required j) explain whether the oCEMP [REP2-089] submitted at deadline 2 provides sufficient mammal movement opportunity k) with reference to Work No.6 in table 2-5 of the DPC submitted at deadline 2 [REP2-021], explain if there is adequate allowance for small mammals. Are the provisions within the oCEMP [REP2-089] and oOEMP [REP2-091] sufficient?
	NYC response	NYC welcomes the clarification within the Design Parameters and Commitments (DPC) document in relation to fencing specifications. This provides a clear set of standards against which NYC can review detailed fencing designs as they are submitted. In relation to the opportunities for mammal movement and foraging, the mammal movement corridors set out on the updated OEMs provide confidence that there will be no long term adverse effect upon mammals as a result of fencing. On this basis, NYC considers that sufficient principles are now established against which the detailed fencing proposals can be assessed and does not consider that further provisions are required at this stage, provided those principles remain secured through the DCO and certified documents.

Q1.7.14	NYC	Compensation for wider farmland and ground-nesting bird assemblages Paragraph 9.11 of NYC's LIR [REP1-006] states that its "principal concern relates to the degree of certainty with which species compensation, mitigation and monitoring outcomes are secured". It explains NYC's view that whilst the BMA provides a dedicated mechanism for mitigating effects on functionally linked land associated with SPA/ Ramsar qualifying bird species, NYC seeks further clarification regarding compensation for wider farmland and ground-nesting bird assemblages across all SDSs. The applicant responded in LIR-NYC-99 [REP2-117] that it has updated the oLEMP at deadline 2, stating that it will take these points into consideration. NYC should further explain: a) what compensation for wider farmland and ground-nesting bird assemblages across all SDSs it considered should be provided.
	NYC response	NYC welcomes the strengthened breeding bird case through the revised oLEMP and Technical Note, and we accept that the BMA is intended to contribute to mitigation for breeding farmland birds. However, NYC remains unconvinced that the BMA alone can provide adequate compensation for the loss of skylark territories in particular. The BMA, if managed appropriately for ground nesting birds, will compensate for 40% of the lost territories. NYC considers that this leaves an inadequately compensated residual adverse effect. NYC also maintains that the BMA is geographically remote from the main impact on ground nesting birds at Site 4. NYC would expect to see the applicant provide additional compensatory habitat, either in the form of specifically managed habitat (as per the BMA) or the incorporation of measures such as skylark plots within farmland in proximity to Site 4. There would need to be an assessment of the existing ground nesting bird baseline, the ability to uplift the carrying capacity and assurance that the size and openness of the compensation areas are suitable for the intended species. NYC would expect to see the additional compensation areas secured through the DCO with outline objectives built into the oLEMP, with final details to be submitted through the DCO requirements.
Q1.8.1	The applicant Natural England NYC Yorkshire Wildlife Trust	Wintering Bird Survey NE's issue NE1, as explained in its representations [RR-1039] and [REP1-025], supports the applicant's approach to undertaking a single season of wintering bird surveys, subject to additional contextual information regarding flooding and land use. Paragraph 9.41 of NYC's LIR [REP1-006] considers that this introduces residual uncertainty concerning inter-annual variability in bird use. YWT [RR-1455] also considers that two years of field survey effort would have provided a more robust evidence base. In response to these concerns, the applicant submitted a technical note at deadline 2 [REP2-114], which it considers to be a more representative basis for considering the proposed development's contribution to breeding bird mitigation. The note was issued to NYC on 7th August 2026. The applicant's response to relevant representation reference YWT-14 [REP2-109] explained that the sHRA [REP2-023] relies on a single year of ornithological survey data supplemented by desk-based evidence and precautionary buffers. It stated that the approach has been accepted with close liaison with NE. In doing so, it sets out that a precautionary approach was adopted that goes beyond what is typically considered standard practice when a two-year approach is used. The applicant confirmed

		that inter annual variability is acknowledged throughout the documents and the examples provided within the sHRA using other comparable solar NSIP sites evidence that numbers can fluctuate significantly, both up and down per annum. The Examining Authority acknowledges NE's position on this matter outlined in its representation [RR-1039]. NE should provide comments on concerns raised by NYC and YWT regarding the adequacy of the wintering bird survey data as follows: a) does NE consider the wintering bird survey data to be sufficient to conclude no Adverse Effects on Integrity on the Lower Derwent Valley SPA and Ramsar and the Humber Estuary SPA and Ramsar? Given the above, NYC and YWT should: b) explicitly state whether they consider that a second year of surveys should have been undertaken, having regard to advice from NE c) confirm if each is satisfied that the current survey information provides sufficient evidence to assess the effects of the proposed development on wintering bird species d) whether a second year of wintering bird survey effort would be likely to have materially influenced the conclusions of the HRA. The applicant is to explain: e) why a single winter survey season, supplemented by desk-based evidence and flood-condition analysis, is or is not sufficient for the purposes of HRA f) any uncertainty that remains and how that uncertainty has been addressed or satisfied within the HRA conclusions.
	NYC response	NYC considers that two years of wintering bird survey would ordinarily have provided a more robust baseline. However, having regard to the precautionary approach adopted in the HRA and the position of Natural England, NYC does not consider that undertaking a second year would be likely to materially alter the conclusions of the HRA. NYC therefore considers that the available information is sufficient for assessment purposes. However, this places greater importance on the BMA Management Plan – ensuring that the proposals are capable of being delivered, they are legally secured, the objectives in terms of habitats and species are clear, monitoring and adaptive management frameworks are clear and in place. NYC would query the need for a more detailed management plan at this stage to ensure that the outcomes the HRA relies on are secured and therefore capable of supporting the HRA conclusions. NYC will be required to approve the detailed BMAMP and there is concern that the objectives are not currently clear enough and there is ambiguity between the oLEMP management objectives of the BMA and those set out within the BMAMP. The BMAMP leaves flexibility in relation to management and outcomes, which may be sensible at this early stage but a HRA related mitigation scheme is expected to be certain.

Q1.8.5	The applicant Natural England NYC	Bird Mitigation Area, functionally linked land and wider ornithological compensation The BMA is relied upon principally within the HRA as mitigation for the loss and disturbance of functionally linked land associated with qualifying species of the Lower Derwent Valley SPA/ Ramsar. Paragraph 9.34 of NYC's LIR [REP1-006] explains that the Council's concern regarding the extent to which the BMA is also relied upon, either explicitly or implicitly, in support of conclusions relating to breeding farmland and ground-nesting birds, including skylark, corn bunting, lapwing and yellow wagtail. Section 4.9 of the oBMAMP [APP-205] sets out the bird surveys that would be undertaken. This includes at paragraph 4.9.7 a reference to bird boxes: "Bird boxes, particularly tree sparrow colony boxes and A-frames to support nesting kestrel and barn owl. These will be monitored under the oLEMP. These will be monitored by a licensed person(s) and will be checked and cleaned out between September and February, annually". This would appear to contradict paragraph 4.4.2 of the oBMAMP [APP-205] which states that "The BMA will be managed exclusively for the benefit of non-breeding birds, including qualifying species and those that form part of the wider waterbird assemblage" as it seems to imply that the BMA is also intended to create habitat for species other than qualifying SPA and Ramsar species. The applicant is to: a) explain whether the BMA is intended solely as mitigation for effects on functionally linked land and qualifying SPA and Ramsar bird species, or whether it is also intended to mitigate for impacts upon breeding farmland and ground-nesting bird assemblage b) confirm whether the BMA has been sized and designed solely to address HRA related requirements or whether it includes additional provision beyond that necessary to conclude no adverse effect on site integrity c) explain if the BMA provides capacity beyond that required for HRA purposes, quantify that additional provision and explain whether it is relied upon within the ES d) explain whether the proposed development could proceed, and the relevant assessment conclusions [REP2-023] remain unchanged, if the BMA were to be reduced to the minimum area necessary to mitigate effects on functionally linked land e) provide a clear explanation of the relationship, if any, between the BMA and the mitigation, compensation and monitoring proposed for breeding farmland and ground nesting birds f) explain how any risks of double-counting ecological benefits have been avoided.
	NYC response	NYC remains concerned about the clarity of the objectives of the BMA for non breeding and ground nesting breeding birds. NYC welcomes the additional breeding bird objectives introduced through the revised oLEMP. However, these amendments have resulted in an unresolved inconsistency with the oBMAMP, which has not been correspondingly updated and continues to describe the BMA as being managed exclusively for non-breeding birds. NYC considers that the ecological objectives, management prescriptions, monitoring requirements and success criteria applying specifically to the BMA should be

		consolidated within an updated oBMAMP, with the oLEMP cross-referring consistently to that document. The current BMAMP provides too much flexibility in relation to grassland management (cutting and grazing). Greater clarity and consistency between the documents is necessary to provide a clear benchmark against which NYC can subsequently determine the detailed BMAMP and to avoid uncertainty where different certified outline documents contain differing management prescriptions. In addition, NYC maintains that where mitigation and/or compensation measures are required for specific species, those species requirements should be set out within the oLEMP and BMAMP with clear success criteria and monitoring which will be able to determine success and implement remedial measures as needed.
Q1.8.6	The applicant Natural England NYC	Long-term certainty and effectiveness of the Bird Mitigation Area Paragraphs 9.26 to 9.39 of NYC's LIR [REP1-006] explains NYC's view that further clarification is required regarding compensation and measurable outcomes for wider farmland and ground nesting bird assemblages across all SDSs. NYC considers that greater certainty is required regarding detailed design, hydrological feasibility, performance targets, monitoring arrangements and adaptive management. It considers that the oBMAMP should be strengthened by defining measurable success criteria, monitoring thresholds, remedial triggers and contingency measures. The applicant responded at deadline 2 [REP2-117] that it considers that the oBMAMP [APP-205] already establishes a clear framework for the development of measurable success criteria, monitoring requirements, reporting mechanisms and adaptive management measures, which would be agreed in consultation with NYC and NE. Section 4.9 of the oBMAMP [APP-205] provides for the agreement of measurable targets against which the success of the BMA would be assessed. Having regard to NYC's comments, as set out above, the applicant should explain: a) specifically, how success of the BMA would be measured, including the quantitative success criteria, monitoring thresholds and performance indicators b) what remedial triggers would be used if monitoring demonstrates that the intended outcomes are not being achieved c) what adaptive management or contingency measures would be implemented and secured With specific reference to the implementation and completion of the BMA, the applicant should also: d) provide, or signpost where in the application documents other than the Commitments Register, (for example the oBMAMP, oLEMP or oCEMP or DPC) confirmation that the BMA would be made functional prior to commencement of development

		In paragraph 9.36 of its LIR [REP1-006], NYC set out that “The Council is also concerned that the Bird Mitigation Area is located within an isolated part of the scheme and is spatially remote from many of the development areas where displacement of breeding territories will occur”. Given that paragraph 1.1.2 of the oBMAMP [APP-205] confirms that its purpose is “to outline how measures proposed will provide mitigation for the anticipated displacement of wetland birds associated with Lower Derwent Valley and the Humber Estuary SPA and Ramsar site” as a result of the proposed development, NYC is to: e) provide a view on whether the BMA should provide for other species (non-functionally linked land) affected by other parts of the Order limits, including development sites which are more remote from the SPA and Ramsar sites f) if NYC considers that the BMA should provide for species within the Order limits which are more remote from SDS1, it should summarise why this may be considered necessary and explain if provision of habitat for other species could result in any further consequences that would need to be assessed NYC and NE should also: g) provide comments on whether the BMA has been appropriately distinguished from mitigation and compensation proposed for wider farmland bird assemblages and whether sufficient certainty exists regarding its long-term delivery and effectiveness.
	NYC response	NYC considers that it is acceptable in principle for the BMA to provide mitigation and/or compensation for other non-SPA species such as ground-nesting birds, provided there is clear evidence that the size, habitat type and management regime are capable of delivering this function alongside the primary objective of mitigating the loss/disturbance of FLL, and that the respective objectives are ecologically compatible. This is particularly important because the Applicant's justification for the breeding bird capacity of the BMA depends upon improved habitat quality and associated productivity. The Council therefore considers that the management regime underpinning those assumptions must be clear and consistent across the certified documents. In addition, whilst NYC is satisfied that the BMA can provide compensation for impacts on ground nesting birds such as skylark from the area around Site 1, it is not satisfied that the BMA has sufficient carrying capacity to compensate for the loss of all breeding territories across the whole development area. The applicant has confirmed that the BMA could compensate for 40% of the lost skylark territories. NYC does not accept that this represents sufficient compensation to avoid a residual adverse effect. Further compensation should be sought in proximity to Site 4 where the majority of the skylark territories will be lost.
Q1.9.3	The applicant NYC	Cumulative landscape effects Monk Fryston Parish Council's relevant representation [RR-0991] draws attention to the remarks of NYC's landscape officer in their report to NYC's strategic planning committee on 10 February 2026. In it, paragraph 4.8 states: “We [NYC] have concerns about the potential negative cumulative effects on local communities such as Escrick, Monk Fryston, Hillam, Birkin, Hambleton:

		the major transformative scale of the proposed development in combination with other major development; the significance of the grid connection point at Monk Fryston Substation; the pace of change and the erosion of the landscape and visual baseline around those settlement areas affected.” The applicant should: a) provide comments, and a response, to the content of the landscape officer’s report to its strategic planning committee of 10 February 2026 NYC should: b) submit the report and provide an expansion and further explanation on the basis for these concerns.
	NYC response	We think the ExA has made an error referencing the NYC’s landscape officer report to NYC’s strategic planning committee on 10 February 2026. We have researched the matter and established that paragraph 4.8 (above) is quoted from Appendix A - Light Valley Solar - NYC PEIR response (the committee report and Appendix A is uploaded separately). In terms of the concerns about potential negative cumulative effects on local communities, these have been considered in the ES Chapter 17: Cumulative and In-Combination Effects (February 2026). Significant effects are reported for LCA 11 Sherburn Farmlands during construction, decommissioning and year 1 of operation. Significant effects are reported for LCA 13 Haddlesey Farmland during construction and decommissioning. The settlements of Monk Fryston, Hillam, Birkin, Hambleton are in either of these two landscape character areas (or very close to their respective boundaries). Furthermore, significant effects are reported during construction and decommissioning for viewpoints 14, 19, 20, 21, 27, 43 and 56 and for the majority of these receptors also at year 1 operation. These viewpoints are in either of the two landscape character areas LCA 11 and LCA 13 (or very close to their respective boundaries). As indicated previously, NYC remains concerned about the period about the period of time between construction and the assumed year of effectiveness of the mitigation. The reference below indicates that the effectiveness would not occur until at least year 10 of operation. (In the Issue Specific Hearing 1, the applicant advised that: hedgerow and woodland stock would typically be planted at an initial height of 0.6m with an assumed growth rate of 0.3m per year, reaching a height of 1.8m by year 5 and 3.3m year 10, however this assumes successful establishment, particularly during the first five years when failures are most likely to occur.)

		In that respect, NYC remains concerned about the negative cumulative effects, in terms of major transformative scale of the proposed development and erosion of landscape and visual baseline of the proposed development on local communities such as Monk Fryston, Hillam, Birkin, Hambleton and for public rights of way (PRoW) receptors for the period of construction and for the period of operation from year 1 to year 10. Furthermore, the Council's Landscape Architect does not consider that the current proposal to install the 275kV substation and battery energy storage system (BESS) in Site 2 forming a continuous 700m frontage onto the A63 (in the locality of Monk Fryston, Hillam and Hambleton) has not been sufficiently assessed as reported in Appendix 10.3 Visual Baseline and Effects, nor mitigated adequately for those adverse effects. These two elements of infrastructure would also contribute the negative cumulative effects on the local communities.
Q1.10.1	The applicant NYC Natural England	Construction noise (SPA and Ramsar Site) NE's written representation [REP1-025] identifies outstanding uncertainty regarding the assessment of noise effects on qualifying bird populations associated with the Lower Derwent Valley SPA and Ramsar site. Item NE2 of NE's relevant representation explains that it considers that this outstanding issue can be addressed through provision of further information to demonstrate the characteristics of the noise generated during construction of SDS1. The applicant's response submitted at deadline 2 [REP2-118] confirms that changes are proposed by the applicant to the sHRA, also submitted at deadline 2 [REP2-023]. The Examining Authority notes these proposed changes by the applicant to the sHRA. In response, NE and NYC should: a) set out whether they believe these proposed changes would be sufficient to rule out Adverse Effects on Integrity to the Lower Derwent Valley SPA and Ramsar site and the Humber Estuary SPA and Ramsar site from noise disturbance impacts to birds using functionally linked land Alongside this, the applicant is asked to provide a detailed explanation of: b) the construction activities relied upon in the assessment including piling methods and the sound power levels assumed. This should include the duration and frequency of works and a noise assessment that does not include time corrections to demonstrate the level of noise above baseline at source
	NYC response	NYC has no separate evidence indicating that the Applicant's revised assessment is inadequate but considers that Natural England, as the statutory nature conservation body, is best placed to advise the ExA on whether the revised assessment provides sufficient certainty to rule out adverse effects on integrity arising from construction noise. NYC would therefore defer to Natural England's conclusions on this specific matter.
Q1.10.3	The applicant NYC	Cumulative and in combination construction noise

		Construction activities would occur concurrently across multiple solar development sites, cable corridors and infrastructure compounds. The applicant should provide an explanation, or signpost where it can be found in the application documents: a) how the assessment has addressed simultaneous construction activities, mobile construction plant, multiple concurrent receptors and changing construction scenarios over the anticipated build programme b) how the findings of the Construction Noise and Vibration Assumptions and Results [APP-172] correlate with conclusions reached in the assessment of other effects in the ES such as public health; Landscape and Visual; Ecology; HRA; and living conditions c) how cumulative operational noise effects have been assessed in combination with existing energy infrastructure; and consented schemes under construction. This should include schemes currently within the TCPA system. NYC's LIR [REP1-006] confirms that the ES presents a comprehensive and robust assessment of noise and vibration impacts across all phases of development. NYC sets out key local issues at paragraph 7.7 of its LIR. Given this, NYC is asked to confirm: d) whether this view applies to cumulative construction noise, and that cumulative and in combination impacts are not considered to form part of the key local issues e) having regard to the number of solar, battery storage and electricity infrastructure projects proposed within the wider area, whether cumulative operational noise could materially alter background sound environments within nearby settlements.
	NYC response	NYC considers that the Environmental Statement presents a generally comprehensive and robust assessment of noise and vibration impacts across all phases of development, including the construction phase. The Council has not identified cumulative construction noise as a principal outstanding area of concern. Construction noise impacts are temporary in nature and are proposed to be controlled through the Construction Environmental Management Plan and associated mitigation measures. The Council notes that construction activities will move across the Order Limits over time rather than occur at maximum intensity across all areas simultaneously. NYC is satisfied that cumulative construction noise has been considered on a reasonable worst-case basis and that no significant adverse cumulative construction noise effects have been identified. The Council's principal remaining concern relates to the mechanism by which operational noise outcomes will be secured and enforced during the operational phase of the development. In relation to cumulative operational noise, NYC is not currently aware of evidence demonstrating that cumulative operational noise from nearby consented or proposed energy developments would materially alter the prevailing background sound environment within nearby settlements. NYC's principal concern remains ensuring that operational noise arising from the Proposed Development itself is appropriately controlled through a clear and enforceable mechanism secured by the DCO.
Q1.10.4	The applicant NYC	Operational noise

		Table 2-2 of ES Appendix 11.3 [APP-173] sets out operational noise rating levels by reference to the predicted operational noise rating levels at assessed receptors. Paragraph 2.2.2 notes that a +4dB feature correction has been applied to the specific sound level to determine the rating level as a BS4142 style assessment approach, comparing the operational rating level against background sound levels. ES Appendix 11.3 [APP-173] also identifies where receptors are more than +5dB above background (LOAEL) and less than +10dB above background (SOAEL). The applicant is to: a) confirm, or signpost to where in the application documents that it can be found, that none of the receptors are predicted to exceed the +10dB SOAEL threshold b) confirm that the levels in table 2-2 [APP-173] are the assessed maxima noise levels at the receptors which provide clear, enforceable noise limits c) comment on whether these could be secured through the draft DCO or, for example, through the oOEMP [REP2-091] Paragraph 7.7 to 7.9 of NYC's LIR [REP1-006] confirms NYC's view that the ES presents a comprehensive and robust assessment of noise and vibration impacts across all phases of development and its views on the adequacy of the draft DCO. It sets out that robust controls are required through the DCO including a clear operational noise design criterion relative to background sound levels at sensitive receptors, detailed management plans, post-construction noise monitoring and verification, and mechanisms for remedial action. Subject to these matters being secured, NYC has no objection in respect of noise and vibration. NYC and the applicant should therefore provide: d) further commentary on the need for the inclusion of absolute noise levels within a requirement, and the linking of this to a certified document.
	NYC response	NYC accepts that the Environmental Statement presents a comprehensive and robust assessment of operational noise effects and acknowledges the conclusion that no significant adverse operational noise effects are predicted. However, the Council's concern is not principally with the assessment methodology or conclusions. Rather, NYC remains concerned that a clear and enforceable operational noise control mechanism has not yet been secured through the draft DCO. The Environmental Statement predicts that a limited number of receptors may experience operational noise levels above existing background sound levels, particularly during night-time periods, albeit not at levels considered significant in EIA terms. The Council therefore considers it important that the operational noise outcomes relied upon in the assessment are secured through an objective and enforceable mechanism. NYC considers there is merit in including absolute operational noise levels within a DCO requirement and linking those levels to a certified document. In particular, the operational noise levels assessed within Table 2-2 of Appendix 11.3 of the Environmental Statement could provide an objective benchmark against which compliance, verification monitoring and any future enforcement action could be measured.

		Such an approach would provide greater certainty than the current requirement to demonstrate that operational effects are not materially new or materially different from those assessed. It would also ensure that the final installed scheme does not exceed the operational noise levels upon which the Environmental Statement conclusions are based, whilst allowing flexibility in the detailed design process.
Q1.10.5	The applicant NYC	The applicant has updated the oOEMP deadline 2 [REP2-091]. Rather than specifying operational noise limits, the approach would be to undertake a noise impact assessment of the final detailed design to demonstrate that operational noise effects would not result in materially new or materially different effects that are worse than those reported in the ES. NYC and the applicant should: a) comment on this approach, and the extent to which it secures those matters outlined in NYC's LIR [REP1-006] b) explain how the assessment demonstrates that operational noise limits can be achieved under the maximum assessed design scenario.
	NYC response	NYC acknowledges the Applicant's proposal that operational noise controls should be secured through a requirement to demonstrate that the final design would not result in materially new or materially different effects that are worse than those assessed within the Environmental Statement, together with verification monitoring and remedial action where necessary. Whilst the Council welcomes these commitments, it remains of the view that this approach does not provide the same degree of certainty or enforceability as a clearly defined operational noise control mechanism. The proposed approach relies upon future judgement as to whether effects are materially new or materially different, whereas a defined operational standard provides a clearer benchmark for both compliance and enforcement purposes. NYC therefore considers that further discussion remains necessary regarding the mechanism by which operational noise controls are secured through the DCO. Common ground has not yet been reached on this specific matter.
Q1.10.8	The applicant NYC	BESS noise Paragraph 7.6, 7.8 and 7.9 of NYC's LIR [REP1-006] explains its view that embedded mitigation measures, including plant siting, orientation, acoustic screening and selection of low-noise equipment, has been incorporated into the scheme design. It notes that mitigation measures are currently defined at an outline level and would be refined at detailed design stage. The applicant should provide, or signpost to where the following can be found: a) a clear and enforceable operational noise limit including whether it is considered necessary, and if not, why not NYC should confirm: b) whether or not a clear and enforceable operational noise limit has been sufficiently defined, and whether this is considered to be sufficient and enforceable.

	NYC response	NYC considers that the assessment of BESS noise is acceptable in principle and notes that embedded mitigation measures, including plant siting, orientation, acoustic screening and selection of low-noise equipment, have been incorporated into the scheme design. However, mitigation measures remain defined at an outline level and operational noise outcomes remain dependent upon the final specification and detailed design of the development. NYC therefore remains of the view that a clear and enforceable operational noise control mechanism should be secured through the DCO. Whilst detailed assessment, verification monitoring and remedial measures are welcomed, these are primarily reactive measures. The Council considers that greater certainty would be achieved by securing an objective operational noise standard against which compliance can be demonstrated and enforced throughout the operational life of the development.
Q1.10.11	The applicant NYC	Noise monitoring Table 3-9 of the oOEMP [REP2-091] confirms that detailed design of measures to be implemented, and noise impact assessment including noise monitoring would be agreed with NYC, with a verification survey undertaken 3 months from operation to demonstrate compliance. The applicant should provide, or signpost to where in the application documents that the following can be found: a) monitoring locations, monitoring frequency, trigger levels, exceedance procedures, reporting arrangements, corrective actions b) explain what mechanisms would be available to investigate and resolve future noise complaints from residents and other sensitive receptors throughout the operational life of the proposed development NYC should: c) confirm whether the noise monitoring measures including the verification survey would be sufficient.
	NYC response	NYC supports the principle of post-construction verification monitoring and welcomes the Applicant's commitment to undertake a verification exercise following commencement of operations. The Council considers that monitoring locations, monitoring methodology, reporting procedures, complaint investigation arrangements and corrective actions should be agreed with the relevant planning authority through the detailed Operational Environmental Management Plan. However, NYC considers that monitoring can only be fully effective where it is linked to a clearly defined operational benchmark. The Council therefore continues to seek greater certainty regarding the operational noise standard that the development must achieve and against which future verification monitoring would be assessed.
Q1.11.4	The applicant	Human mental health and well-being Section 17 of NYC's LIR [REP1-006] explains NYC's concerns regarding human health. Paragraph 17.9 requests that a separate assessment of the direct and indirect effects upon human health, encompassing mental and physical health in line

		with the IEMA 2022 guidance 'Determining Significance for Human Health in Environmental Impact Assessment' should be undertaken. Submissions were also made by numerous IPs on the potential effects of the proposed development on mental health and wellbeing. Whilst noting the approach set out in table 4-1 of ES Chapter 4 [APP-042] that the effect on human health is considered within individual topic chapters of the ES, given the concerns raised by NYC and other IPs the applicant is to provide a Health and Wellbeing Summary Statement. This should summarise, in a single document, the approach to the consideration and assessment of effects of the proposed development on human health and wellbeing (both physical and mental health). An example of such a document was submitted into the examination of the recent Springwell Solar Farm NSIP (see [REP1-067 of EN010149] Springwell Solar Farm). The applicant should prepare and submit a similar document covering the same issues specific to the proposed Light Valley Solar project.
	NYC comments on this question	NYC welcome the Examiner's request for the applicant to provide a Health and Wellbeing Summary Statement.
Q1.11.7	NYC	Minerals and waste safeguarding Matters relating to minerals and waste safeguarding are contained within the Minerals Assessment [APP-210]. This assessment confirms that designated safeguarded minerals of brick clay and sand are present within the Order limits and that there is an existing and safeguarded waste site (The Maltings) near to the proposed SDS7. NYC's LIR [REP1-006], submitted at deadline 1, does not set out NYC's position on these matters. Therefore, NYC is to: a) confirm its position and whether it agrees with the applicant's assessment and conclusions b) if it disagrees with the applicant, provide an explanation and reasoning.
	NYC response	The Minerals Resource Assessment (Document Reference: EN0110012/APP/LVS, dated 05.02.03 February 2026) has been considered by the authority and it is deemed that the proposed development is in compliance with the Minerals and Waste Joint Plan policies S01, S02 in regard to minerals as although would sterilise the mineral for a significant period of time the development is temporary and in this period of time be extracted elsewhere. It is also compliant with S04 as would not have an impact on the waste uses in proximity to the site with no mitigation considered to be required.
Q1.14.5	The applicant NYC	Swept path and junction analysis drawings The updated drawings contained in ES Appendix 14.1 [REP2-077] are noted and welcomed. However, the Examining Authority notes several of the drawings only show swept paths demonstrating access or egress from one direction despite those accesses lying along proposed construction routes which suggest traffic could approach and exit those sites from both directions. Examples include Drawing Nos EN0110012/APP/LVS/06.03.14.B.T001_3; EN0110012/APP/LVS/06.03.14.B.T002_1; EN0110012/APP/LVS/06.03.14.B.T002_2 and

		EN0110012/APP/LVS/06.03.14.B.T003_1. Additionally, some of the junction visibility analysis drawings submitted at deadline 2 are also in black and white and not colour. Therefore, the applicant should: a) provide swept path analysis drawings demonstrating access and egress can be achieved in both directions where accesses are located along construction routes that could allow such use and if such drawings are not considered necessary, explain why and how the Examining Authority can be satisfied access from only one direction (as shown) would be secured given the construction routes allow movement in both directions b) update and amend the junction visibility drawings that are in black and white so that these are shown in colour. The applicant's response to the LIR reference LIR-NYC-53 [REP2-117] explained that a swept path analysis drawing is not considered necessary for the Wheldrake Lane/ Main Street junction to the east of SDS1 given its existing arrangement and use. Therefore, NYC should: c) advise whether it is agreeable and content with the applicant's position and, if not, give its reasoning.
	NYC response	The Local Highway Authority accepts that HGVs already utilise the junction of Wheldrake Lane/ Main Street; however, the Local Highway Authority's position is that the proposed construction activities will result in an intensification of HGV use of the junction and an increased likelihood that two HGVs would need to pass. As part of ongoing collaboration between the Local Highway Authority and the Applicant, it was agreed in a meeting on 25 September 2026 that the applicant will provide swept path analysis of the junction.
Q1.14.6	The applicant NYC	Construction traffic routes and highway improvement works - SDS 3, SDS6 and SDS8 Section 12 of NYC's LIR [REP1-006] notes sections of the proposed construction routes serving SDS3 (Austfield Lane), SDS6 (Common Lane, South Milford) and SDS8 (Common Lane, Hambleton) could be less than 5.5m wide. Whilst the Order limits extend along some of these routes, they do not cover Austfield Lane or a section of highway between eastwards of the second railway bridge between SDS6 and SDS7. The applicant should, therefore: a) explain what measures would be adopted to manage traffic over the section of highway that crosses the railway bridge between SDS6 and SDS7 (or signpost where it can be found in the application documents) b) if improvement works are required outside the Order limits, including along Austfield Lane, explain how would they be secured. Additionally, NYC is to: c) confirm whether the broad locations for highway improvement works along the above routes (as identified on the Works Plan [AS-004]) are agreeable (accepting further details would be approved post-consent).
	NYC response	The broad locations for highway improvement works are agreeable.

Q1.14.8	The applicant NYC	Construction traffic route - SDS4 Appendix B of the applicant's written summary of oral submissions at ISH1 [REP1-004] contains a note in response to action point ISH1-15 [EV5-010] on why the construction route through West Haddelsey has been chosen over other alternatives. Whilst the conclusions of that note are acknowledged, the route via Gateforth considered in that note differs to that of a proposed construction route to SDS4 via Gateforth and along Hillam Road and Roe Lane shown on ES Figure 14.4 (Sheet 8) [APP-113]. Given that this route has already been identified as suitable for construction traffic the applicant should: a) comment whether the construction route via Gateforth and along Hillam Road and Roe Lane could be used for all construction traffic as an alternative to that through West Haddelsey. If this route is not considered preferable, explain why with reasoning b) explain, if this route were to be used instead of the route through West Haddelsey, what implications would this have on the findings of the assessment NYC is to provide: c) comments on the use of the route via Gateforth and along Hillam Road and Roe Lane for all construction traffic as an alternative to that through West Haddelsey.
	NYC response	The Local Highway Authority has reviewed the note contained in Appendix B of the applicant's written summary of oral submissions at ISH1. The principal of maximising directness to/from the SRN and higher classification roads, whilst reducing the distance travelled on lower classification local roads is supported. As part of ongoing collaboration between the Local Highway Authority and the Applicant, it was discussed in a meeting on 25 September 2026 that there may be merit in utilising the Gateforth route to access Site 3 and the northern two accesses of Site 2, which would remove the need for construction traffic to travel through Birkin. The Local Highway Authority's position is still that an internal haul road should be provided through Site 4. The ability of two HGVs to pass on the bend of Gateforth New Road and Hillam Road in Gateforth would require further investigation.
Q1.14.9	NYC	Cable Access Locations Cable route access locations are identified in table 14-23 of ES Chapter 14 [REP2-041] and whilst no visibility splay assessment has been undertaken of these junctions at this stage, these are located within the Order limits. Paragraphs 3.7.5 of the oCTMP [REP2-103] explains that details of these would be subject to agreement with the Local Highway Authority. With reference to the applicant's response to the LIR reference LIR-NYC-58 [REP2-117], NYC should: a) confirm whether this is an acceptable approach, and that it is satisfied that details could be agreed post-consent, noting the locations of these are within the Order limits

		b) identify any specific cable access locations where NYC consider further assessment is required at this stage to demonstrate feasibility.
	NYC response	As part of ongoing collaboration between the Local Highway Authority and the Applicant, it was agreed in a meeting on 25 September 2026 that DRMB visibility splays will be provided at the cable access junctions commensurate with the speed limit of the road. This approach is acceptable and no further assessment is required at this stage.
Q1.14.12	The applicant NYC	Footpath 35.59/6/1 Paragraph 13.3 of NYCs LIR [REP1-006] confirms that footpath 35.56/6/1 has been subject of a stopping up order but is still shown on the Figure 13.3 [APP-109]. Given this, NYC is to: a) confirm whether the stopping up order affects the whole route of footpath 35.56/6/1 or part of the route b) provide a plan showing which section of the route is affected and (if any) which remains intact. The applicant is to: c) provide updated figures and documents that reflect the correct status of this route d) confirm whether the proposed closure of this route alters any of the assessment findings such as increased use and potential increase risk and conflicts with users of Common Lane, South Milford as a result of displacement.
	NYC response	Please note that the Stopping Up Order relates to Public Footpath 35.59/5/1 and not 35.56/6/1 as stated in documents under Q1.14.12. NYC have uploaded the stopping up order and plan which indicates that the full Footpath was stopped up.
Q1.14.13	The applicant NYC	Permanent diversion of footpath 35.28/3/1 A section of footpath 35.28/3/1 (as shown on Sheet 2 of ES Figure 13.3 [APP-109]) is proposed to be permanently diverted where it passes through the BMA, resulting in the loss of the existing north-south connectivity currently enjoyed by users. The applicant is to: a) explain whether consideration has been given to retaining footpath 35.28/3/1 in-situ rather than its proposed closure (with appropriate fencing or other mitigation measures to minimise potential conflicts between public users and bird habitats) b) if this option has been considered and discounted, explain why it is not considered feasible to retain this route (or signpost to where this can be found in the application documents) NYC is to: c) provide comments and its views on this this matter.

	NYC response	Looking at Sheet 2 of ES Figure 13.3 [APP-109]) the plans have appeared to have altered since our last comments were made. The plan indicates that the footpath 35.28/3/1 starting at Mill Hill and proceeding eastwards to SE65624164 is to be retained and then the section of 35.28/3/1 to be diverted into the Bridleway which would provide improved value as the original section if retained on its current alignment is a Cul De Sac Route. The proposed diversion does improve the connectivity of the network and would enable members of the public to traverse from Mill Hill to Southmoor Road and Wheldrake Lane.
Q1.15.12	The applicant Lead Local Flood Authority Environment Agency Ouse and Derwent Internal Drainage Board The Selby Area Internal Drainage Board	Existing land drainage Paragraph 5.7.10 of the oDS states “Where land use changes from agricultural use to solar PV, existing agricultural land drainage systems would no longer be required. Where there is the potential for interaction with existing land drains that are required to be retained, their locations would be identified through pre-construction surveys and measures implemented to avoid, protect and/ or divert them where practicable”. This suggests that existing land drainage systems may be removed, or not protected, during the lifetime of the proposed development, unless identified as required to be retained. All parties are to provide a view on what extent this could affect the water environment and whether removal or alterations to agricultural land drainage systems should be included in drainage plans to be submitted and approved through requirement 10 of the draft DCO?
	LLFA response	Yes, any alterations, removals, or protection measures for agricultural land drainage must be explicitly included within the detailed drainage plans submitted under Requirement 10 of the draft DCO. Pre-commencement Surveys - surveys to locate these drains must be mandatory before any layout is finalised, not left as an afterthought. Catchment Mapping - The applicant must map how the site's current agricultural drainage connects to the wider local network and ordinary watercourses. Failing to maintain/remove/integrate these assets can result in localized increased surface water runoff rates and waterlogging. If any assets are removed because of the proposal, they should be replaced/integrated as part of any decommissioning of the site.
Q1.15.13	The applicant Lead Local Flood Authority Environment Agency Ouse and Derwent Internal Drainage Board	Planting near watercourses The updated DPC [REP2-021] submitted at deadline 2 states that “planting within the 10m buffer of Ouse and Derwent IDB watercourses will only be on one side of the watercourses and will be on the side that the IDB don’t work from”. Parties are to provide a view whether the same, or similar, commitment should be made for all other watercourses?

	The Selby Area Internal Drainage Board	
	LLFA response	The LLFA strongly advises that the commitment made in the updated Design Principles Document (DPC) [REP2-021] regarding one-sided planting should be extended to all ordinary watercourses within the order limits, not just those managed by the Ouse and Derwent IDB. This is to ensure that access is retained for maintenance purposes.
Q1.16.14	The applicant NYC	Article 9 - Application of the permit scheme The Explanatory Memorandum [REP2-007] explains that the intention of article 9 is “ensuring that the permit schemes are not an impediment to the delivery of the authorised development”. The applicant is to: - confirm if article 9 only applies to the streets identified in schedule 4 of the draft DCO - explain if the powers were limited to use prior to the date of final commissioning and during decommissioning, would this still achieve the aim of article 9? - review paragraph 4.3.2 in the Explanatory Memorandum [REP2-007] and revise to: - explain what is meant by “located across three administrative areas” - improve general clarity. NYC should: - provide its view on how article 9 would work in practice in its currently drafted form, and whether restricting the power to use only on certain roads, prior to the date of final commissioning and during decommissioning would be a more suitable outcome.
	NYC response	Preliminary discussions are underway within NYC Streetworks to progress this and a collaborative meeting with the applicant is planned for 14th October which should form a conclusion on this.
Q1.16.15	The applicant NYC	Article 10 - Power to alter layout, etc., of streets The power in article 10 authorises alteration etc. of any street within and beyond the Order limits. The Explanatory Memorandum [REP2-007] does not explain why this wide general power is needed and reliance on precedent is insufficient justification. The applicant should explain, in the particular circumstances of the proposed Light Valley Solar development: - why it requires power to alter any street, including ones outside the Order limits, rather than those streets identified in the relevant schedules? - would paragraph (2) enable the undertaker to fell, lop or remove hedgerows and trees? - under what circumstances paragraph (5) would be relevant?

		d) whether article 47 (Procedure in relation to certain approvals etc.) would be applicable to article 10 and if so, provide justification for this? NYC should: e) provide its view on how article 10 would work in practice in its currently drafted form and whether the deemed consent provision of article 47(4) is appropriate for article 10(2).
	NYC response	Preliminary discussions are underway within NYC Streetworks to progress this and a collaborative meeting with the applicant is planned for 14th October which should form a conclusion on this.
Q1.16.16	The applicant NYC	Article 11 - Construction and maintenance of altered streets The applicant is to explain: a) as construction is set to last up to 3 years, does article 11(1)(b)(ii) mean that a street altered in the early construction phase would need to be maintained at the Council's expense for the second and third years of the construction period and thereafter? b) what is the mechanism for the street authority to inspect and confirm any alteration is to its satisfaction? c) as the definition of "permitted preliminary works" in its currently drafted form includes Work No. 8, does article 11(1)(b)(ii) mean that a street altered prior to the commencement of construction would need to be maintained at the Council's expense prior and during the construction phase? d) whether article 11(1)(b)(ii) means that a street altered for the purposes of replacement works during the operation phase would need to be maintained at the Council's expense for the duration of the replacement works that last longer than 12 months? e) For the above three questions, provide justification for the associated financial liability that would be imposed by article 11 on the Council. Both parties should: f) provide its view on a potential amendment to article 11(1)(b)(i) that requires the undertaker to maintain the streets it alters for the entire duration of the construction phase and replacement works plus a subsequent 12 months.
	NYC response	NYC as LHA find that a potential amendment as proposed could be a suitable mechanism for ensuring that liability remains with the undertaker for the whole period of construction and the subsequent 12 months. Such an amendment would replicate existing developer S278 agreements and the responsibilities and protections these provide to both parties.
Q1.16.19	The applicant NYC	Article 14 - Access to works To explain whether the provision in paragraph (c) should be clarified to not authorise any access which is likely to give rise to any materially new or materially different effects in comparison with those assessed in the environmental statement?

	NYC response	The local highway authority would resist the formation or modification of any access that results in materially new or different effects. This is to ensure that there is no unacceptable impact on highway safety, the transport network or local communities.
Q1.16.20	NYC	Article 16 - Traffic regulation measures NYC is to provide its view on whether the minimum notice publication period of 7 days is sufficient, and whether the notice needs to be extended to digital publication and/ or site notifications.
	NYC response	The LHA considers that the proposed period of 7 days is insufficient to allow coordination with other key parties and other undertakers. Preliminary discussions are underway within NYC Streetworks to progress this and a collaborative meeting with the applicant is planned for 14th October which should form a conclusion on this.
Q1.16.21	The applicant North Yorkshire Council Lead Local Flood Authority Ouse and Derwent Internal Drainage Board The Selby Area Internal Drainage Board	Article 17 – Discharge of water All parties are to provide a view on whether article 17 should, for certainty and clarity, reference that any discharge of water should be in accordance with the approved surface water drainage scheme and foul water drainage scheme. The applicant should explain why article 17 does not include a reference to harbour authorities as there appears to be a harbour authority for the River Ouse under The Yorkshire Ouse (Pilotage Powers) Order 1998. Consider whether an update to the current drafting is required.
	NYC response	NYC and LLFA strongly agree that article 17 should for certainty and clarity, reference that any discharge of water should be in accordance with the approved surface water drainage scheme and foul water drainage scheme. As the for question regarding The Yorkshire Ouse (Pilotage Powers) Order 1998. The LLFA will not be making a comment on this as we feel it is not within our remit.
Q1.16.24	The applicant NYC	Article 20 – Authority to survey and investigate the land Article 20 includes the provision to “enter on any land shown within the Order limits or enter on any land which may be affected by the authorised development or enter on any land upon which entry is required in order to carry out monitoring or surveys in respect of the authorised development”. This is a broad power without time limits or control measures. The applicant is to: a) identify the land outside of the Order limits that may be affected by the proposed development b) identify the land outside of the Order limits that would be required to carry out monitoring or surveys in respect of the proposed development

		c) explain, if land outside of the Order limits is required for the authorised development or to facilitate, or as is incidental, to it, why has such land not been included in the Order limits or power to possess temporarily sought d) explain what surveys and monitoring would be needed on land outside of the Order limits e) consider and suggest how the power sought by article 20 could be better controlled than currently drafted NYC should: f) provide its view on how article 20 would work in practice in its currently drafted form.
	NYC response	As currently drafted Article 30 provides wide powers to enter, survey and investigate any third party land including vehicles and equipment for an unspecified duration so would apply indefinitely whilst the Order is in force. Powers also permit equipment to be placed on land, trial holes, boreholes or trenches for an unspecified period. These powers appear to be unnecessarily wide reaching and uncontrolled given that these relates to any third-party land outside of land identified in the Order Limits. The Order Limits should identify all the land that may be required to carry out the development to provide certainty and clarity.
Q1.16.26	The applicant NYC	Article 39 – Planning permission, etc. The applicant should: a) explain whether paragraph (1) would allow the undertaker to make changes to the authorised development without applying to the Secretary of State through section 153 of the Planning Act 2008, and if so, why this is justified? b) consider if paragraph (3)(a) should be amended to include a situation where a planning permission granted under the 1990 Act remains implementable, but the proposed Light Valley Solar development does not? c) provide justification for the broad provision of paragraph (3)(b) that would prevent enforcement action related to a planning permission granted under the 1990 Act outside of the Order limits. Consider if the drafting should be amended to limit the provision. d) confirm if paragraph (4) would apply if a planning permission granted under the 1990 Act sterilises land in the Order limits, occupies land subject to compulsory acquisition, or physically blocks or prevents the delivery of a proposed Work No.? e) explain why article 39 is required in relation to the Ferrybridge Next Generation Power Station, as stated in paragraph 4.6.14 of the Explanatory Memorandum [REP2-007], and how the current drafting achieves this. NYC is to: f) provide its view on how article 39 would work in practice in its currently drafted form and in context of the questions above to the applicant.
	NYC response	Article 39(b) should not apply to land outside of the Order limits.
Q1.16.28	The applicant NYC	Article 41 – Trees subject to trees preservation orders

		The inclusion of "decommissioning" in paragraph (1) may broaden the interference that may be undertaken to trees protected by a tree preservation order in the future. The applicant should explain: a) what justification is there for extending the power beyond construction, maintenance and operation, and how is it demonstrated that such an extension is reasonable, necessary and proportionate, particularly given the potentially significant period that may elapse before any decommissioning activities occur b) paragraph (2)(b) removes the application of section 206(1) of the 1990 Act (replacement of trees) in relation to an activity authorised by paragraph (1). If trees subject to preservation orders made after the date of the DCO, if made, were felled, how would this be mitigated and where is this mitigation secured? NYC should c) provide its view on how article 41 would work in practice in its currently drafted form.
	NYC response	As drafted, Article 41 (2)(b) disapples the requirement under Section 206(1)TCPA 1990 to plant replacement trees. In practice this could result in removal of trees subsequently identified by the LPA as have significant amenity value through the making of a TPO, without any secured mechanism for replacement planting. NYC considers that Article 41 provides a broader power than is necessary, and the practical consequences and mitigation measures are insufficiently justified.
Q1.16.31	The applicant NYC	Article 47 – Procedure in relation to certain approvals etc. and Schedule 16 – Procedure for discharge of requirements The applicant is to: a) provide, or signpost where it can be found in the application documents, that all organisations that would become requirement consultees agree with the drafting of article 47 and schedule 16 b) identify where the current drafting of schedule 16 does not align with the Planning Inspectorate's Advice Note Fifteen and justify each instance in the particular circumstances of the proposed Light Valley Solar development, for example paragraph (4)(2) does not include a timeline for an appeal to be made by the undertaker and has amended other stated timelines. NYC is to provide its view on: c) whether the provision of 10 working days to decide whether it needs further information, as stated in schedule 16, paragraph (3)(2), is sufficient and achievable d) whether the provision in paragraph (3)(3) of schedule 16 is achievable where it states "the relevant planning authority must issue the consultation to the requirement consultee within 5 working days of receipt of the application, and must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or that is requested by the requirement consultee within 5 working days of receipt of such a request"? The response should consider the

		Environment Agency's view on this matter and the applicant's response to relevant representations [REP2-109], reference EA58 e) the appropriateness of fees set in paragraph 5 of schedule 16 f) the provision of article 47 and schedule 16 that allow for a deemed approval of applications not responded to within 6 weeks, and any effect this might have considering such applications.
	NYC response	c) NYC does not consider 10 working days to be sufficient or consistently achievable, especially where applications require internal consultation with multiple specialist officers. NYC considers a period of 15 working days to be more realistic and would provide sufficient time to review the application submitted and determine if any further information is required. d) NYC agrees with the Environment Agency's concern that the timescales proposed within Schedule 16 may not provide sufficient opportunity for the review of complex applications by technical consultees and for them to request further information if necessary. The applicant suggests that the timescales proposed are reasonable however NYC considers that a requirement to consult within 5 working days and determination of applications within a 6-week period is unlikely to be achievable for applications requiring specialist technical assessment. NYC therefore considers that a minimum consultation period of 21 days should be provided for consultees and that the overall determination period should be 8 weeks, aligning with the 8-week period applicable to planning applications under the TCPA regime. e) Based on the information currently available, NYC cannot confirm that the appropriateness of the proposed fees as they may not reflect the scale, complexity and officer resources required to assess the applications. This is of particular relevance where multiple SDSs are submitted together or specialist input required. f) The Council does not consider deemed provision should be given within 10 working days. Standard consultation periods for consultee responses are 21 days, and a planning application target is 8 weeks. The Council's Ecology officer raises the following concern: A key concern relates to the detailed Bird Mitigation Area Management Plan (BMAMP), which is a critical document relied upon both as mitigation within the Habitats Regulations Assessment (HRA) and as compensation for impacts on ground-nesting birds. Given its importance, the BMAMP cannot be subject to deemed approval without appropriate scrutiny. The applicant has indicated that the document will be agreed jointly between NYC and Natural England, and there remains the potential for Natural England to request further information, clarification or amendments during the consultation process. It is therefore essential that sufficient time is built into the discharge of requirement process to enable formal consultation with Natural England and for any reasonable requests arising from that consultation to be addressed. Alternatively, the applicant could engage proactively with Natural England during the preparation of the BMAMP, prior to its formal submission to NYC, and provide evidence of that engagement and any agreed

		outcomes. This would help ensure that the BMAMP can be determined efficiently while still meeting the mitigation and compensation requirements necessary to satisfy the HRA process. The consequence of deemed approval could be that applications requiring important mitigation or compensation measures, such as the BMAMP, are approved without the benefit of full technical scrutiny by NYC and Natural England, or other relevant consultees. The Council considers that this would create a risk that the measures relied upon with the HRA and DCO assessment process are not fully resolved prior to approval.
Q1.16.36	NYC	Use of the word “substantially” Requirements 6 to 20 of schedule 2 require approval of detailed documents to “be substantially in accordance with...” the outline version of the said document. The Examining Authority is concerned that inclusion of the word “substantially” provides flexibility that is not justified and notes that the Environment Agency has also commented on this issue in its relevant representation [RR-0419] and written representation [REP1-019]. The applicant’s response to the Environment Agency’s comments is set out in its deadline 2 submission [REP2-118]. NYC is to provide a view on the inclusion of the term “substantially” in schedule 2 of the draft DCO, including the implications its use may have when determining applications to discharge requirements and when seeking to secure or enforce commitments in outline certified documents.
	NYC response	NYC prefers to use ‘in accordance with’ rather than ‘substantially’. The use of “substantially” could bring too much flexibility to the applicant & reduce the control of the planning authority.
Q1.16.37	The applicant NYC	Certainty of the authorised development Several of the requirements require the implementation of the relevant mitigation or management plan but would not expressly secure its ongoing maintenance throughout the lifetime of the proposed development. Parties are to comment on whether the inclusion of the underlined text in the example below, or comparable drafting, would provide greater certainty if applied to the relevant requirements within schedule 2: “Any bird mitigation area management plan approved under sub-paragraph (1) must be implemented as approved and <u>thereafter maintained and adhered to throughout the duration of the authorised development</u>”.
	NYC response	NYC welcomes the addition of the underlined text to provide greater certainty.
Q1.16.38	The applicant NYC	Permissive paths Requirements 6(4) and 16(5) provide that permission for the public to use permissive paths ceases on the date of decommissioning for that part of the authorised development. Parties are to comment on whether the drafting should clearly secure the continued availability of permissive paths for public use throughout the lifetime of the authorised development and

		until all affected streets and public rights of way would be open to the public. Your response may include suggested drafting for the draft DCO.
	NYC response	North Yorkshire Council supports the provision of permissive paths where these deliver additional recreational and access benefits. However, permissive paths do not have the same legal protection as recorded Public Rights of Way. The maintenance and control of these routes is mainly through the landowner, and do not routinely record these routes on our mapping network. We would expect where permissive paths are relied upon as part of the recreational, access or mitigation benefits of the Proposed Development, the draft DCO should provide sufficient certainty regarding their availability throughout the operational life of the development. Public Rights of Way would expect that either an alternative route or a permissive path would remain available for public use throughout the construction phase and operational phase of the development and until any affected Public Rights of Way are fully reopened and available for use.
Q1.16.39	The applicant NYC	Requirement 1 – Commencement of the authorised development Requirement 1 of schedule 2 includes for details of construction phasing to be submitted to the relevant planning authority. However, unlike phasing requirements in other made solar DCOs, it does not include a definition of phase or phasing (or parts thereof), does not require the submitted phasing scheme or timetable to be approved in writing by the local planning authority or implemented as submitted, and does not use terminology in requirement 1(4) consistent with that in requirement 1(2) and 1(3). Both the applicant and NYC should provide a view on requirement 1 in terms of: a) how the revised wording complies with the relevant section of the Planning Inspectorate’s Advice Note Fifteen b) a drafting amendment to include a definition of phasing (to include ‘part’ or ‘parts’ of phases) c) the need for the approval, in writing, of the local planning authority to phasing schemes and timetables d) a drafting amendment to secure implementation of the approved phasing schemes and timetables e) the use of consistent terminology throughout the requirement.
	NYC response	In reviewing draft Requirement 1, NYC has referred to the wording of Schedule 2, Requirement 3 of Mallard Pass Solar Farm Order 2024. a) As currently drafted Requirement 1 serves little practical purpose as there is no mechanism for approval and no requirement for implementation. NYC considers that the current drafting therefore does not fully accord with the principles of certainty, enforceability and effective monitoring as set out in Advice Note 15. The Requirement secures submission of a phasing scheme but does not require approval of a scheme by the relevant planning authority nor implementation of any approved scheme. b) NYC supports inclusion of the following definition: <i>“Phase” means a phase, part of phase, or combination of phases of the authorised development identified within an approved phasing scheme</i>

		c) NYC supports amendment of Requirement 1(2) to require submission and approval in writing by the relevant planning authority. d) NYC agrees that implementation should be secured and recommends the following sub-paragraph: <i>“The scheme submitted and approved pursuant to sub-paragraph (1) must be implemented as approved”</i>. e) NYC agrees consistent terminology should be used throughout Requirement 1. If a definition of phase is added, references to <i>“part or parts of the authorised development”</i> (para (4)) should be replaced with reference to “phase”, “part-phase” or “combination of phases”.
Q1.16.40	The applicant NYC	Requirement 2 – Approved details and amendment to them Both the applicant and NYC should: a) provide a view on adding the following text to requirement 2 for the purposes of certainty that any approval etc. is provided in writing: “Where under any of the requirements the approval, agreement or confirmation of the relevant planning authority is required, that approval, agreement or confirmation must be provided in writing” The applicant should explain whether: b) requirement 2(1) of schedule 2 allows for the amendment to any certified document under article 42 and to provide a view on including a specific exclusion for the Book of Reference and Land, Crown Land and Special Category Land Plan documents. The response can include proposed amended drafting for the draft DCO.
	NYC response	Agree that the inclusion of the proposed wording “where under any of the requirements the approval, agreement or confirmation of the relevant planning authority is required, that approval, agreement or confirmation must be provided in writing” would provide clarity and certainty.
Q1.16.43	The applicant North Yorkshire Council Lead Local Flood Authority Environment Agency Ouse and Derwent Internal Drainage Board The Selby Area Internal Drainage Board	Requirement 10 – Surface and foul water drainage The applicant’s response to relevant representation reference IDB-12 [REP2-109] explained that if a drainage strategy was deemed necessary by the Ouse and Derwent Internal Drainage Board due to the duration of the proposed temporary works, the protection provisions in part 3 of schedule 15 in draft DCO [REP2-004] would facilitate this. The Examining Authority’s understanding is these protective provisions would only apply to drainage works within 7m to 9m of a watercourse, as defined in paragraph 20, part 3 of schedule 15. Parties are to provide a view on: a) whether requirement 10 of schedule 2 in the draft DCO should explicitly require a drainage plan for the construction and operation phases of the proposed development, to be submitted and approved in writing by the planning authority b) whether the relevant planning authority must consult with the Lead Local Flood Authority, Internal Drainage Board and the Environment Agency before determining an application for approval of the final surface and foul water drainage details. An

		example of such drafting is contained in requirement 16 of schedule 2 in the Dogger Bank South East and West Offshore Wind Farms Order 2026.
	NYC response	a) The LLFA request that requirement 10 of Schedule 2 should be drafted to require distinct water drainage details for both the construction & operational phases of the project. b) The LLFA would require to be consulted before determining an application for approval of the final surface and foul water drainage details.
Q1.16.44	The applicant NYC Historic England	Requirement 11 – Archaeology Parties should provide a view on whether Historic England and NYC's lead archaeologist should be consulted on any amendments to the Archaeological Mitigation Strategy that may be submitted under requirement 2 of schedule 2.
	NYC response	NYC recommend their Principal Archaeologist is consulted on any amendments to the AMS that may be required under requirement 2 of schedule 2.
Q1.16.45	The applicant NYC response	Requirement 15 – Operational noise Parties should provide a view on whether the drafting should be amended as below, for the purpose of clarity: (1) No part of Work Nos 1, 2 or 3 may commence until an operational noise management ~~plan~~ <u>assessment</u> containing details of how the design of that part of that numbered work has incorporated the ~~operational~~ mitigation measures <u>to ensure the operational noise rating levels</u> set out in <u>table 2-2 of appendix 11.3</u> of the environmental statement and the outline operational environmental management plan <u>are complied with</u> for that part has been submitted to and approved by the relevant planning authority.
	NYC response	NYC supports the intention behind the proposed amendment to Requirement 15 in principle. The Council's principal concern throughout the examination has been the absence of a clear and enforceable operational noise control mechanism. NYC considers that linking Requirement 15 to the operational noise levels assessed within Table 2-2 of Appendix 11.3 of the Environmental Statement would provide a more objective and enforceable mechanism than the current drafting, which relies upon demonstrating that effects are not materially new or materially different from those assessed. Subject to detailed review of the final wording, NYC considers that a requirement securing compliance with the operational noise levels relied upon by the Environmental Statement would go a substantial way towards resolving the Council's outstanding concerns regarding operational noise control, monitoring and enforcement. The Council's concern is not the assessment methodology itself, which is accepted in principle, but ensuring that the operational noise outcomes relied upon by the Environmental Statement are secured through a clear and enforceable DCO mechanism.
Q1.16.47	The applicant	Requirement 17 – Soil management and Requirement 19 – Decommissioning and restoration

	NYC Natural England	Parties are to provide a view whether NE should be a consultee to an application for approval of a submitted soil management plan and/ or decommissioning environmental management plan.
	NYC response	NYC accepts the role as consultee for Requirement 17 and Requirement 19 and is also content to share the role with Natural England.