



Inception Meeting note

Project name	Two Harts Solar & Energy Storage Project
Case reference	EN0110015
Status	Final
Author	The Planning Inspectorate
Date of meeting	19 November 2024
Meeting with	Meeting with SSE Cottered Solar Limited
Venue	Microsoft Teams
Circulation	All attendees

Summary of key points discussed, and advice given

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

The Inspectorate explained that the publication of the Inception Meeting note could be deferred by up to 6 months, if requested by the Applicant, or until a formal scoping request had been submitted.

The proposed development

The proposed Two Harts Solar and Energy Storage application is part of a further 1.3GW of prospective sites currently under development. The proposed project is a solar and Battery Energy Storage System (BESS) scheme located across the borders of North and East Hertfordshire districts. The Applicant is working with several landowners to assess the sustainability of land across approximately 1,000ha. The project will comprise of areas of solar photovoltaic (PV) modules, cable routing, and proposed environmental mitigation. The Applicant has secured 600MW of import and export capacity with National Grid.

In answer to questions from the Inspectorate, the Applicant advised that a new substation will be built and connect to the proposed development. The new substation is being sought under a separate consent by National Grid, or may be included in the DCO application if the location is confirmed by National Grid in sufficient time and National Grid agrees with that approach. The Applicant is currently reviewing various site options and potential cable route corridors until details of the new substation are known.

Consenting programme

Two Harts Solar Project will be a Nationally Significant Infrastructure Project (NSIP), requiring a Development Consent Order (DCO) from the Secretary of State. It is an Environmental Impact Assessment (EIA) development and consequently, a scoping request is due to be submitted to the Inspectorate in February 2025. The main activities to date have included early engagement with landowners and undertaking surveys as part of EIA to refine the site options, as well as carrying out initial discussions with statutory consultees. In addition, the first working group meetings with Parish Councils ahead of non-statutory consultation with communities and local stakeholders are expected in early 2025. A Preliminary Environmental Information Report (PEIR) is scheduled to be published in October 2025, with the Environmental Statement to be finalised in June 2026 and the DCO application to be submitted in October 2026. The Applicant confirmed to the Inspectorate the programme document will remain flexible to reflect any issues that could arise.

Early engagement with statutory bodies, local authorities and stakeholders

The Applicant confirmed meetings have been held (or are planned to be held) with relevant statutory bodies in October and November 2024 to introduce this scheme and before Scoping takes place. These meetings have currently been held individually, but the Applicant plans to create a working group ahead of non-statutory consultation and hold a two-hour meeting every two months. The Applicant advised that most of the meetings have been only introductory meetings at this stage. The Inspectorate asked the Applicant if any statutory bodies have raised any resourcing concerns. The Applicant told the Inspectorate that all the meetings to date have been positive and the idea of a working group was welcomed. The local authorities have requested a joint Planning Performance Agreement (PPA) which the Applicant is pursuing to ensure the councils are appropriately resourced to undertake their tasks in relation to the proposed application during the DCO process. The Inspectorate asked if the fees have been agreed with the consultation bodies, which the Applicant advised is currently being progressed. The Inspectorate prompted the Applicant to keep statutory parties up to date with relevant information during the pre-application stage, to ensure they are adequately informed of any significant changes to the application as well as the timetabling of milestones to be met.

Environmental constraints and issues

The Inspectorate asked the Applicant if there were any drivers for the chosen location of the sites and if it faced any environmental constraints. The Applicant confirmed there are environmental constraints to be expected but these will be effectively mitigated, where possible, and part of the reason for the chosen location(s) is to minimise environmental impacts. The Applicant advised it will be assessing environmental impacts through screening and surveys and as it completes these it will propose mitigation measures where necessary. The Applicant also told the Inspectorate that it is using as much grade 3 land as possible to reduce impacts on the Best and Most Versatile Land. The Applicant further explained that in planning the project, some sensitive areas have already been removed. The Inspectorate highlighted to the Applicant that the design evolution of the proposed development will be important to show during consultation through to the examination and how the NSIP has met the design criteria in the National Policy Statements and referred to the recently published Advice on Good Design. The Applicant

highlighted the issues as being landscape and visual impact, construction traffic and transport, cultural heritage, archaeology and agricultural land classification (ALC).

EIA Scoping

The Inspectorate questioned if any European sites will be affected, which the Applicant confirmed from its initial findings that there are no such sites in the vicinity of the proposed development. The Inspectorate further asked if wintering bird surveys were being conducted to ensure this could be enabled by its pre-application programme timetable, which the Applicant said were being undertaken currently by onsite ecologists. The Inspectorate guided the Applicant to its published Advice Note 7 and the submission of the GIS Shapefile which needs to be submitted to the Inspectorate at least 10 working days before the scoping request is made. The Inspectorate requested that the Applicant inform the Inspectorate should the Scoping request date change. The Inspectorate also noted that the Applicant was intending to run Scoping during the non-statutory phase, which could cause confusion to parties participating in the process. The Applicant noted this point and said it was working with the Parish Councils and others to ensure its consultation would be clearly defined. The Inspectorate also reminded the Applicant that the invoice will need to be paid before any work can start on the project.

Environmental surveys

The Applicant listed arboriculture, ALC, ecology, geophysical, hydrology, landscape and visual, noise and traffic surveys as being needed.

Preparing the draft Development Consent Order, including any novel approaches to drafting

The Applicant confirmed it was aware of the possibility of including any novel approaches in its draft DCO; however, this is unlikely to be needed. The Applicant stated that a decision has not yet been made on whether it will incorporate the rights of appeal to refusal of discharge of any requirements. The Inspectorate advised the Applicant to look at other consented NSIP solar applications when drafting its DCO, which can provide an indication as to what the Secretary of State expects to be included and what might be deemed acceptable in planning terms. The Inspectorate reminded the Applicant to keep a record to explain and justify what inspiration it has taken from other projects when drafting its DCO and why it is relevant to the construction and operation of the proposed development. The Explanatory Memorandum should explain the purpose and effect of each provision in a draft DCO and to help the Examining Authority and the Secretary of State understand what is being proposed in the draft DCO, why particular provisions have been included and from where the wording has been derived (see paragraph 19 of the government's guidance on the Content of the Development Consent Order). Employing a tracker of other made DCOs can assist with this process.

Land rights

The Applicant advised the Inspectorate they will be requesting powers for compulsory acquisition over the array areas and cable corridors as necessary to enable the construction and operation of the proposed development. The Inspectorate told the Applicant that this is a standard approach.

Consultation (statutory and non-statutory)

The Applicant told the Inspectorate the non-statutory consultation will start in February 2025. **Post meeting note:** Since the meeting the Applicant have advised that this is now due to start during the first week of March 2025, to avoid the school holidays.

The Applicant has advised it will be launching the project formally on its website as well as using other communication methods such as press notices and leaflet mailouts to notify and engage with different groups about the proposed development. The Applicant confirmed it will conduct both online and in person consultations. The Applicant highlighted its intention to create a community liaison group to keep open, ongoing dialogue with communities and stakeholders. The Inspectorate advised the Applicant to inform us when they begin non-statutory consultation, in order for it to publish a webpage for the project on the Find a National Infrastructure Project website.

The pre-application service offer

The service tier requested by the applicant, including justification

The Applicant has requested the 'standard' tier of service owing to the experience of the applicant's team with the DCO process, the level of complexity of the case and the other Solar projects referred to. The Inspectorate indicated to the Applicant that it agrees that the standard tier service will be appropriate for this case for the reasons outlined but would confirm the tier soon after the Inception Meeting.

The Applicant has held its initial meetings with the statutory bodies and has found no issues and the Applicant's early engagement with parties has been welcomed.

Primary service features (and availability of templates)

The Applicant has already issued the Inspectorate with the first iteration of its Programme Document and provided the statutory bodies with the indicative programme dates. The Applicant said it is planning to produce an Issues Tracker and outline who may be affected. The Applicant told the Inspectorate it will make this available to the Inspectorate and statutory bodies for regular review. The Applicant mentioned the adequacy of consultation milestone to allow early consideration to be made to the consultation it carries out to prior to the acceptance stage. The Inspectorate advised that in a later meeting, it may have advice to share with the Applicant on the adequacy of consultation milestone as other projects progress. The Applicant informed the Inspectorate that demonstrating regard to s51 advice will be submitted as part of the consultation report and DCO application.

Use of supplementary components (and availability of templates)

The Applicant noted whilst they are not choosing the fast-track service, they will be looking at producing possible supplementary components. The Inspectorate agreed with the Applicant that including relevant elements of supplementary components such as the

Design Approach Document and Policy Compliance Document will support a well-structured application. The Inspectorate advised the Applicant to raise any issues with the supplementary components with the Inspectorate and advised it keeps the Inspectorate informed.

Draft Documents review service

The Applicant highlighted to the Inspectorate that it is aware of the document review service.

Risks, including change requests

The Inspectorate outlined that they are hoping for applicants to develop a risk tracker within their Programme Documents to outline relevant risks to projects and the proposed mitigation for resolving these issues. This can assist in identifying issues during the pre-application process. The Inspectorate told the Applicant that change requests can be made during the application process, but that these can cause significant issues for the examination and whether it can be assessed in the statutory timescale, depending on whether the change amounts to a different scheme and the amount of compulsory acquisition involved. The Inspectorate explained that outlining the risks, including the possibility of change requests during pre-application, will avoid risk to the application and make the examination more efficient as well as allowing the Inspectorate to offer more advice on specific issues.

Practical Arrangements

With regards to invoicing, the Inspectorate directed the Applicant to the government's cost recovery guidance and 2024 Pre-application Prospectus, specifically paragraph 15 which sets out the invoicing cycle, the daily rate for its fees, and that charges are made in advance of services provided.

The Applicant will need to agree with the Inspectorate when the project page can be published along with this note, which needs to occur before scoping takes place. The Inspectorate would notify the Applicant about the appointment of the Case Manager and the project email address in due course. The Inspectorate also explained that a link to the statutory instrument template can be found in the published Advice for the Preparation and Submission of Application Documents.

Feedback on applicant's initial Programme Document (post meeting note)

The applicant supplied the Inspectorate with its initial Programme Document before the Inception Meeting in line with our request under the 2024 Pre-application Prospectus, which set out a draft programme timetable. In updating its Programme Document, the applicant should:

- set out its view on the main issues for resolution and activities they will undertake to address those

- set out its proposals for engaging with statutory consultees and local authorities during the pre-application period and any intended financial support agreements, such as Planning Performance Agreements (PPAs)
- set out the identification of risks to achievement of the pre-application stage and the process by which these risks are tracked and managed
- cross references to the SoCC required by section 47 of the Planning Act
- include dates in its programme timetable for the Adequacy of Consultation Milestone, any Evidence Plan meetings and any multiparty meetings (if scheduling these), obtaining other consents or permissions (if required), draft documents for review by the Inspectorate (if anticipating to submit these), and for any project update meetings to be held with the Inspectorate
- indicate whether other licences or consents will be sought
- check whether the SoCC publication date is correct (as this needs to occur before statutory consultation takes place)
- check the scoping dates, if they intend to submit on the 17 February, the scoping opinion will be due on 30 March not 16 June
- make reference to whether its Programme Document has been shared with local authorities, statutory consultees and others and whether they are content with the proposed programme
- explain whether the applicant will include an Issues Tracker and if this will be shared with local authorities, statutory consultees and others and indicate whether these parties agree with the status of the issues raised and any possible mitigation.

It would also be helpful if the Programme Document explained how the design approach will be managed and communicated during pre-application as well as any relevant information about the development of the draft DCO and Explanatory Memorandum. The applicant will need to publish its Programme Document on its website as soon as practicable, when the project is formally launched.