

Inspector's Inquiry Note – 14 June 2024

As announced at the Inquiry on Friday 14 June the Inquiry has been adjourned to resume at 0930 on Thursday 1 August 2024. It will resume online, with RBC arranging an MSTeams meeting. Anyone who wishes to attend this virtual meeting, either to observe or participate in the proceedings, may do so by contacting the Inquiry's Administrative Officer, Ms Greenwood at RBC [contact details are included in RBC's appeal website] to obtain joining instructions. The resumed Inquiry will not be an opportunity to revisit matters that have already been considered in the proceedings during the Inquiry's sitting from 10-14 June. The parties have agreed the following:

1. A further ZTV and visualisations will be prepared by the appellant to include the details shown on Figures 12a and 12b concerning grid connection infrastructure. These will be sent to PINS and the other parties by 21 June.
2. The main parties will submit written statements about the effects of the development shown on Figures 12a and 12b. These will be sent to PINS and the other parties by 12 July.
3. The resumed Inquiry will proceed as a round table discussion.
4. The resumed Inquiry will discuss suggested planning conditions.
5. The Inspector will hear any other matters at the resumed Inquiry, which will then be adjourned for closing submissions in writing from the main parties.
6. RBC and HTAG are to submit their closing statements to PINS and the appellant at 1000 on Monday 5 August and the appellant would submit its closing statement to PINS and the other parties at 1600 the same day.
7. The Inspector will then decide whether to close the Inquiry in writing.
8. If RBC's emerging solar farm capacity study is published prior to 1 August the parties will submit a written statement setting out any considerations relevant to this appeal. These statements should be sent to PINS and the other parties no later than 7 days after the publication of the study. If the study is published after 25 July the parties should, if possible, submit a written statement, or alternatively present their case orally to the resumed Inquiry. The study and written representations about it would be matters to be considered at a round table discussion at the resumed Inquiry.
9. The resumed Inquiry will also provide an opportunity for the parties to raise any queries about the written submissions dealing with the following without-prejudice questions, which were outlined by the Inspector at the Inquiry on Friday 14 June.
10. As the WMS was published on 15 May after Proofs of Evidence had been drafted the Inspector also asked the appellant, RBC and HTAG to each submit a written statement setting out how the WMS applies to this appeal. These statements should be submitted to PINS and copied to the other parties by 12 July.

John Woolcock

Inspector

14 June 2024

Inspector's without-prejudice questions on various scenarios

In deciding this appeal, the Inspector will need at various points to choose between options. To do so he will need your views on a series of 'what if questions'. The adjournment provides an opportunity for the Inspector to ask the following questions – and for the parties to provide a written statement in response. Any written responses to these questions should have regard to relevant policy and Court judgments - and be submitted to PINS by 12 July.

The Inspector will need to decide the appropriate approach to distinguishing, on the basis of capacity, between an NSIP scheme and one which is not. The first question is whether this could be achieved by means of a suitably worded planning condition?

IF the answer is no - would the proposed development then meet the criteria for an NSIP scheme that would require development consent, and if so would that preclude granting planning permission?

IF the answer is yes - would it be the case that 'overplanting'¹ would no longer be a consideration that was relevant to answering the NSIP question - irrespective of the dc/MEC ratio for a scheme?

IF that is correct whether overplanting should nonetheless be taken into account in considering the planning merits of the proposal?

IF so would the extent of overplanting be a consider likely to affect the area of land occupied by PV panels?

IF the PV panels in the local context would be likely to result in some harm to relevant planning considerations would there be more harm with more overplanting?

IF so would additional overplanting increase the quantum of harm in the planning balance?

IF overplanting would be likely to utilise the available grid connection more effectively by exporting at the MEC for a greater proportion of the time, would that increase the MWhr / year of renewably generated electricity exported to the grid above that which would be exported from a scheme with less overplanting?

IF so would that increase the quantum of benefit in the planning balance?

In that scenario would the appropriate planning balance weigh any overall harm from the scheme over the duration of the development, along with any legacy harm, against the overall benefits of the scheme, including the addition to the grid of x MWhr / year of renewably generated electricity for the duration of the development, along with any legacy benefit?

IF so how would that approach to the assessment of overplanting square with Footnote 92 of EN-3?

John Woolcock Inspector

¹ 'overplanting' is defined in EN-3 as the situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator's grid connection.