



**Prosperous Communities  
Committee**

**Tuesday, 11 July 2023**

**Subject: Gate Burton Solar Project - Local Impact Report (LIR)**

Report by:	Director of Planning, Regeneration & Communities
Contact Officer:	Russell Clarkson Development Management Team Manager  russell.clarkson@west-lindsey.gov.uk
Purpose / Summary:	To consider the Local Impact Report (LIR) prepared for the Gate Burton Solar Project

**RECOMMENDATION(S):**

- To approve the submission of a Local Impact Report (LIR) in relation to the 500MW Gate Burton Energy Park Nationally Significant Infrastructure Project (DCO application);
- To review the draft Local Impact Report (LIR) prepared for the Gate Burton Solar Project, and to delegate to officers in consultation with the Chair of this committee, to finalise and submit the LIR by Deadline 1 (18<sup>th</sup> July) set by the Examining Authority.

## IMPLICATIONS

### **Legal:**

At a meeting of this committee on 2<sup>nd</sup> November 2021 the scheme of decision and delegation protocols was approved. This report is aligned with the approved process.

Legal Services Lincolnshire have instructed a Barrister from Kings Chambers to provide legal oversight of the process.

**(N.B.) Where there are legal implications the report MUST be seen by the MO**

### **Financial : FIN/40/24**

Resourcing of the NSIP process has been subject to a separate decision from this paper.

**(N.B.) All committee reports MUST have a Fin Ref**

### **Staffing :**

Resourcing implications for the NSIP projects has been subject to a separate decision from this paper.

**(N.B.) Where there are staffing implications the report MUST have a HR Ref**

### **Equality and Diversity including Human Rights :**

The Local Impact Report (LIR) seeks to identify those members of the Community that may be impacted by the development of the Gate Burton Energy Park.

### **Data Protection Implications :**

None expected to arise from this report.

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**Climate Related Risks and Opportunities :**

If consented, the Gate Burton Energy Park is anticipated to have a generation capacity of around 500 Megawatts (MW). The developer claims that this *“is equivalent to providing enough clean energy to power over 160,000 homes and avoid more than 100,000 tonnes of CO2 emissions every year.”*

The electricity generated by the energy park is expected to be exported into the existing national electricity transmission system at National Grid’s 400kV Cottam substation (Bassetlaw District).

This report considers the Local Impact Report (LIR) – which sets out the local impacts that would be expected to arise from such a development.

**Section 17 Crime and Disorder Considerations :**

Any potential crime and disorder considerations will be addressed as part of the Local Impact Report.

**Health Implications:**

Health implications for the local community are considered as part of the Local Impact Report.

**Title and Location of any Background Papers used in the preparation of this report:**

The Gate Burton Solar Energy Park DCO application, including the Environmental Statement and drawings, can be viewed on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/gate-burton-energy-park/>

National Infrastructure Planning Advice Note One: Local Impact Reports:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-one-local-impact-reports/>

National Infrastructure Planning Advice Note Two: The role of local authorities in the development consent process:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-one-local-impact-reports/>

Prosperous Communities Committee 2<sup>nd</sup> November 2021 Decision / delegation protocols Nationally Significant Infrastructure Projects

[Agenda for Prosperous Communities Committee on Tuesday, 2nd November, 2021, 6.30 pm | West Lindsey District Council \(west-lindsey.gov.uk\)](#)

**Risk Assessment :**

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

☐

**No**

☐

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

☒

**No**

☐

## **Executive Summary**

1. The 500MW Gate Burton Energy Park, proposed by Low Carbon, qualifies as a Nationally Significant Infrastructure Project (NSIP). It therefore falls to be determined by the Government under the provisions of the Planning Act 2008 (PA2008).
2. Nationally significant infrastructure projects are examined by the Planning Inspectorate, a Government Agency. The Examining Authority will make recommendations to the Secretary of State who will then determine the application.
3. However, host authorities are expected to have an important role to play in the PA2008 process.
4. Examination of the Gate Burton Energy Park is expected to commence in July 2023, and run until January 2023. The Secretary of State will be expected to have determined the application within 6 months of the examination ending.
5. As part of the examination process, West Lindsey DC has been invited to submit a Local Impact Report (LIR). A LIR is defined in legislation as *'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area).'*' (Planning Act 2008 Section 60(3)).
6. It is not a requirement for West Lindsey DC to submit an LIR. However, where one is submitted, the SoS is placed under a statutory duty to have regard to any Local Impact Report when making his decision. The National Infrastructure Planning advice note states that *"as such local authorities should not underestimate the potential importance of this document in the context of the wider examination."*
7. West Lindsey District Council has been invited to submit an LIR in relation to the Gate Burton Energy Park. All LIRs are requested to be submitted into the Examination no later than by Deadline 1 (Tuesday 18 July 2023) *"in order to front-load the Examination and maximise the available time."*
8. It is recommended that West Lindsey DC submit a LIR in relation to the Gate Burton Energy Park.
9. It is recommended that the draft LIR is reviewed and responsibility is delegated to officer's in consultation with the Chair of this committee, to complete the LIR, and submit by the set deadline of 18<sup>th</sup> July 2023 ("Deadline 1").

## **1 Introduction**

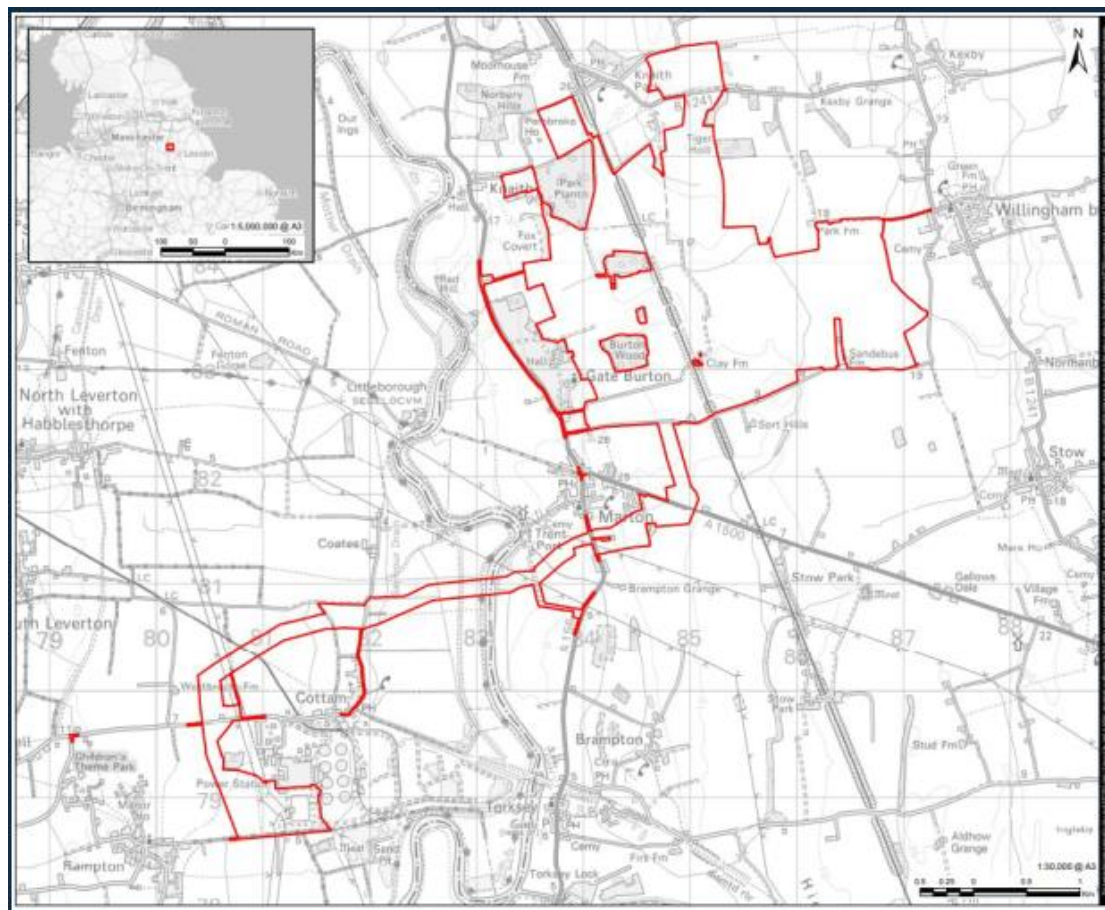
- 1.1. The Gate Burton Energy Park is a development proposal made by Gate Burton Energy Park Ltd (Low Carbon) for a Development Consent Order (DCO).
- 1.2. As an energy generating station that would have a capacity that exceeds 50 megawatts (MW), it qualifies as a Nationally Significant infrastructure Project (NSIP).
- 1.3. The Planning Act 2008 ('PA2008') introduced a new process intended to "streamline the decision-making process for major infrastructure projects". An NSIP therefore follows a different process to those planning applications that are typically considered by West Lindsey, as the Local Planning Authority.
- 1.4. Since 1<sup>st</sup> April 2012, the Planning Inspectorate (PINS) are the Government Agency responsible for examining applications for NSIPs, known as the Examining Authority (ExA)
- 1.5. Following examination, the ExA will make a recommendation to the relevant Secretary of State (SoS) who will ultimately take the decision whether or not to grant a DCO. For an energy proposal such as the Gate Burton Energy Park, the relevant SoS will be the Secretary of State for Energy Security and Net Zero (current role holder: The Rt Hon Grant Shapps MP).
- 1.6. The Local Authority does not therefore determine the application. However, local authorities are strongly encouraged to participate in the NSIP process, and examination.
- 1.7. One such role of the Local Authority is to prepare and submit a Local Impact Report (LIR). A LIR is defined as '*a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area).*' (Planning Act 2008 Section 60(3)).
- 1.8. The ExA and SoS is obligated to have regard to any LIR submitted by a relevant planning authority (Planning Act 2008 section 104(2)(b)).
- 1.9. The ExA for the Gate Burton Energy Park has requested that all LIRs are submitted to the examination no later than by Deadline 1 (Tuesday 18<sup>th</sup> July 2023) "in order to front-load the Examination and maximise the available time".

## **2 The Gate Burton Energy Park**

- 2.1 The land for which DCO consent is being sought is referred to as the "order limits" and comprises approximately 824 hectares (Ha).
- 2.2 The Order Limits include the 500MW "Solar and Energy Park" itself which has a 652Ha area, which is proposed for solar photovoltaics

(“solar PV”) and a battery storage energy park (“BESS”) with associated infrastructure.

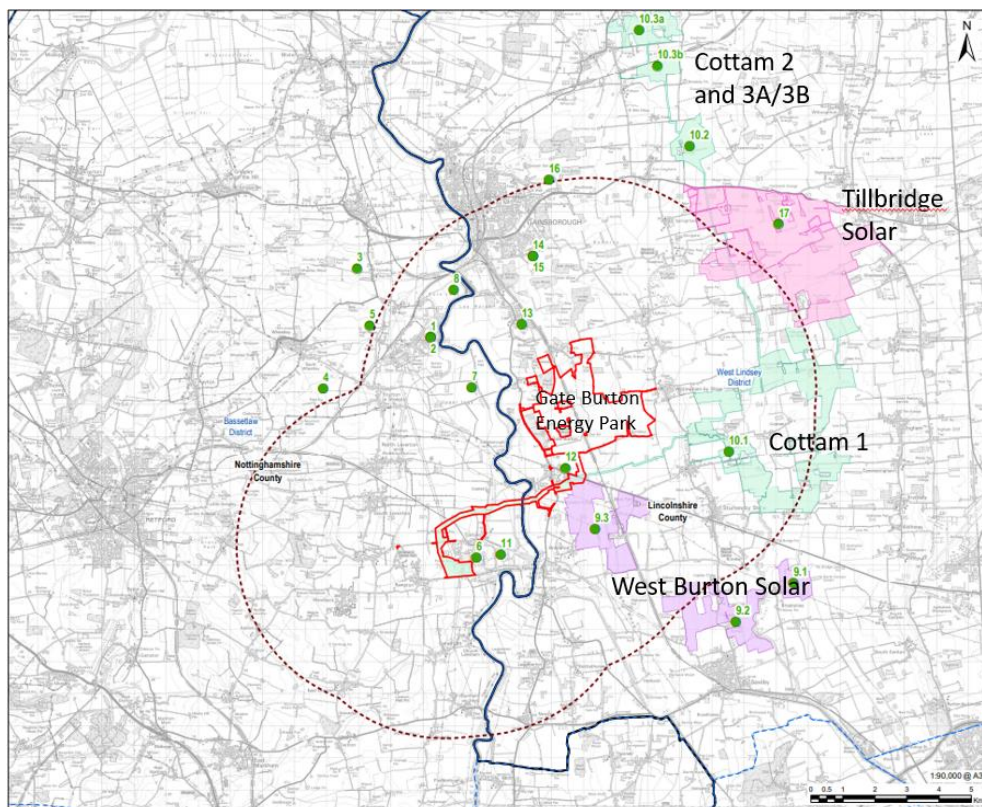
- 2.3 The Grid connection corridor covers 172Ha and connects the proposed solar and energy park to the existing substation at Cottam Power Station in Bassetlaw District.
- 2.4 The solar and energy park would be a single site located to the south of Gainsborough, by around 4km. It would be located on land south of Knaith Park, west of Willingham by Stow, and north of Marton.
- 2.5 The grid connection corridor route would run south, crossing the A1500 (Tillbridge Lane) and running to the east and south of Marton, crossing the A156 (Gainsborough Road). It would then cross the River Trent into Bassetlaw District and would connect to the substation at Cottam Power Station.



- 2.6 The application’s Environmental Statement (ES) advises that “A number of the design aspects and features of the Scheme cannot be confirmed until the tendering process for design and construction has been completed.”. It therefore assumes a likely “worst-case scenario” for the effects of development.
- 2.7 It assumes the solar PV tables will slope towards the south at a fixed angle of 5 to 45 degrees from horizontal. It assumes they will have a maximum height of 3.5m.



- 2.8 It assumes the Battery Energy Storage System (BESS) will house up to a maximum of 156 battery storage containers, battery inverters, transformers and switchgear and access tracks. Battery Storage containers would have maximum dimensions: Up to 4.5m in height, and a 12.5m by 2.5m footprint.
- 2.9 It states that the design life of the Scheme is expected to be at least 60 years, although the operational life could be longer than this; the condition of equipment will be reviewed at the end of the anticipated design life to determine whether it remains in a viable condition to continue operation after that time.
- 2.10 The Gate Burton Energy Park is one of four energy NSIPs currently within the National Infrastructure Planning process, being proposed within West Lindsey District.



- 2.11 The 600MW Cottam Solar Project (by Island Green Power) would cover approximately 1270Ha across 3 distinct sites. Cottam 1 (894Ha) would be located on land between Sturton by Stow and Ingham; Cottam 2 (132Ha) on land to the north-east of Corringham; and Cottam 3 (244Ha) to the east of Blyton and Pilham. The application for a DCO was submitted in January 2023, and accepted for examination on 9<sup>th</sup> February 2023. It is currently within the “pre-examination” stage – we are awaiting the examining authority to produce a draft timetable and date for a Preliminary Meeting.
- 2.12 The 480MW West Burton Solar Project (also Island Green Power) application was submitted in March and accepted for examination on 18<sup>th</sup>



April 2023. It is proposed across three sites totalling approximately 788Ha in area. West Burton 1 (90Ha), 2 (328ha) and 3 (370Ha) are clustered within a circa 8.5km stretch of countryside located east of the River Trent, south of the A1500 and north of Saxilby. It is currently within the “pre-examination” stage – we are awaiting the examining authority to produce a draft timetable and date for a Preliminary Meeting.

- 2.13 The 500MW Tillbridge Solar Project (by Tribus Energy / Canadian Solar) is proposed on a site of approximately 1,400Ha, broadly between the settlements of Corringham / Springthorpe, and Hemswell / Glentworth. It is currently at the pre-application stage, and anticipates submitting their application in Q4 2023. The developer is presently undertaking their mandatory public consultation, which is scheduled until 11<sup>th</sup> July 2023.
- 2.14 The Planning Inspectorate has made clear that *“The Secretary of State for the Department of Energy Security and Net Zero, has appointed the Examining Authority (ExA) for the Gate Burton Energy Park Project for this project alone. The Examinations of the other projects will be conducted by other ExA, as separately appointed by the Secretary of State. Therefore, the ExA for this Proposed Development will carry out the Examination for this Proposed Development and will have no responsibility for the Examination of those other projects. Similarly, the ExA for the other projects will have no responsibility for the Examination of the Gate Burton Energy Park application.”*

### **3 The Examination Process**

- 3.1 There are six stages to the Development Consent Order process undertaken by NSIP projects:
- Pre-application (no time limit)
  - Acceptance (up to 28 days)
  - Pre-examination (typically 2-3 months)
  - The Examination (Up to six months)
  - Recommendation and Decision (Up to 6 months, in total: The ExA has 3 months to make their recommendations to the SoS; the SoS then has 3 months to determine the application)
  - Post-decision (6 weeks)
- 3.2 The pre-application phase, including mandatory public consultation by the developer, took place in 2021/22. The application for a DCO was submitted in January 2023, and was accepted by PINS for examination on 22<sup>nd</sup> February 2023.
- 3.3 On the 31<sup>st</sup> May, the ExA released their “Rule 6” letter. This confirms that a Preliminary Meeting will be held on Tuesday 4<sup>th</sup> July to discuss procedural issues and a timetable for the examination.
- 3.4 Closure of the Preliminary Meeting marks the end of the Pre-examination stage, and the formal examination stage will begin. The Examining Authority is under a duty to complete the Examination of the application

by the end of the period of six months beginning with the day after the close of the preliminary Meeting (i.e. by Thursday 4<sup>th</sup> January 2024).

- 3.5 The examination timetable will be issued as soon as practicable after the preliminary meeting. Nonetheless, a draft Examination Timetable was issued along with the rule 6 letter.
- 3.6 The letter explains that *“The Examination of NSIPs follows different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the Examination of NSIPs are primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one. This means that the ExA will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from the ExA. Questioning or cross-examination of witnesses by other parties will not generally be allowed.”*
- 3.7 The draft timetable envisages the full six month period will be required and that the examination will run from July 2023 to January 2024, with a week for hearings provisionally scheduled in August; and another week provisionally scheduled in October.
- 3.8 The letter states that:

*“Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.”*

- 3.9 The letter further sets out:

*“A Local Impact Report (LIR) is a report in writing giving details of the likely impact of a Proposed Development on a local authority’s area (or any part of that area). For more information about the importance and content of LIRs, see our Advice Note One: Local Impact Reports.*

*The ExA requests LIRs from the host local authorities, and welcomes LIRs from any other relevant local authorities defined in section 56A of the Planning Act 2008 who may wish to submit one. All LIRs are requested to be submitted into the Examination no later than by Deadline 1 (Tuesday 18 July 2023) in order to front-load the Examination and maximise the available time.”*

## **4 Local Impact Report (LIR)**

- 4.1 A LIR is defined in legislation as ‘a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area).’ (Planning Act 2008 Section 60(3)).

- 4.2 It is not a requirement for West Lindsey DC to submit an LIR. However, where one is submitted, the SoS is placed under a statutory duty to have regard to any Local Impact Report when making his decision. The National Infrastructure Planning advice note states that *“as such local authorities should not underestimate the potential importance of this document in the context of the wider examination.”*
- 4.3 The Advice note states that *“Local authorities should cover any topics they consider relevant to the impact of the proposed development on their area. The LIR should be used by local authorities as the means by which their existing body of local knowledge and evidence on local issues can be reported to the ExA.”*
- 4.4 In terms of its content, the guidance is clear that the LIR should cover any topics that they consider are relevant to the impact of the proposed development on their area. It does say:

*“In producing a LIR, the local authority is not required to carry out its own consultation with the community. The report should consist of a statement of positive, neutral and negative local impacts, but it does not need to contain a balancing exercise between positives and negatives; nor does it need to take the form of a formal committee report. The Examining Authority will carry out a balancing exercise of relevant impacts, and these will include those local impacts specifically reported in the LIR.*

*By setting out clearly evaluated impacts in a structured document, local authorities will assist the Examining Authority by identifying local issues which might not otherwise come to its attention in the examination process. It will also be very helpful to have the local authority’s appraisal of the proposed development’s compliance with local policy and guidance.”*

- 4.5 The Advice Note does, however, make clear there is a distinction between LIRs and “written representations” – another key document that the local authority is invited to make:

*“Written representations and LIRs are distinct documents giving a local authority the opportunity to express information differently. The LIR is usually a technical document setting out an evidence based assessment of the impacts of a proposal on the communities affected. A written representation is the most appropriate document for a local authority to set out its view on the application i.e. whether or not it supports the application and its reasons.”*

- 4.6 Consequently, the LIR is an evidence-based document, where the local authority may set out what it considers the local impacts of the development will be upon the District and its community. Whereas, the “Written representations” will set out WLDC’s overall position and views

on the Gate Burton Energy Park, and will be likely to cross-reference the LIR. The Rule 6 letter has set a deadline of Tuesday 8<sup>th</sup> August (“Deadline 2”) for the submission of written representations. This will be considered at a separate committee meeting.

## **5 Recommendations**

5.1 It is recommended that a LIR is submitted on the behalf of West Lindsey DC, on the Gate Burton Energy Park DCO, which will then need to be taken into account by the Secretary of State when determining the application to grant Gate Burton Energy Park a DCO.

5.2 A draft LIR for the Gate Burton Energy Park has been prepared for anticipated submission, in order to meet the set deadline given in the examination timetable. It is recommended that the Committee review the draft LIR, included with these papers. It is recommended that finalising the LIR is then delegated to Officers to complete, taking into account the Committee’s feedback, and in consultation with the Chair of this committee, and submitted by the set deadline of 18<sup>th</sup> July 2023 (Deadline 1).