



**Prosperous Communities
Committee**

Tuesday, 1 August 2023

Subject: Gate Burton Solar Project - Written Representations

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 Written Representations (WR) prepared for the Gate Burton Energy Park DCO application

RECOMMENDATION(S):

- To accept the invitation and approve the submission of Written Representations (WR) to be made on the Gate Burton Energy Park DCO application; and
- To review the draft Written Representations (WR) prepared for the Gate Burton Energy Park examination, and to delegate authority to the Director of Planning, Regeneration and Communities following consultation with the Chair of this committee, to complete, finalise and submit the WR by Deadline 2 (8th August) as set by the Examining Authority, taking into consideration committee's comments.

IMPLICATIONS

Legal:

At a meeting of this committee on 2nd 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 :

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 Written Representations set out how we consider the Gate Burton energy Park will affect the communities of West Lindsey District.

Data Protection Implications :

None expected to arise from this report.

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 Council’s “Written Representations” – how we consider this development will affect the District of West Lindsey.

Section 17 Crime and Disorder Considerations :

Any potential crime and disorder considerations will be addressed as part of the Written Representations

Health Implications:

Health implications for the local community are considered as part of the Written Representations.

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

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/>

National Infrastructure Planning Advice Note 8.4: The Examination:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-4-the-examination/>

Prosperous Communities Committee 2nd 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 \(west-lindsey.gov.uk\)](#)

National Infrastructure Planning: Development Consent Order Application by Low Carbon for the Gate Burton Energy Park:

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

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. On the 12th July 2023, the ExA published his “Rule 8” letter setting out the examination of the Gate Burton Energy Park. The programme confirms that examination commenced on 4th July 2023, and will close on 4th January 2024.
5. As an Interested Party (IP), West Lindsey District Council is invited to submit “Written Representations” (WR). These are required to be submitted by Deadline 2 (8th August), set by the Examiner.
6. It is recommended that West Lindsey DC accepts the invitation, and provides written representations to the Examination.
7. It is recommended that the draft WR are reviewed, and responsibility is delegated to the Director of Planning, Regeneration and Communities in consultation with the Chair of this committee, to complete and submit Written Representations by the 8th August 2023 deadline.

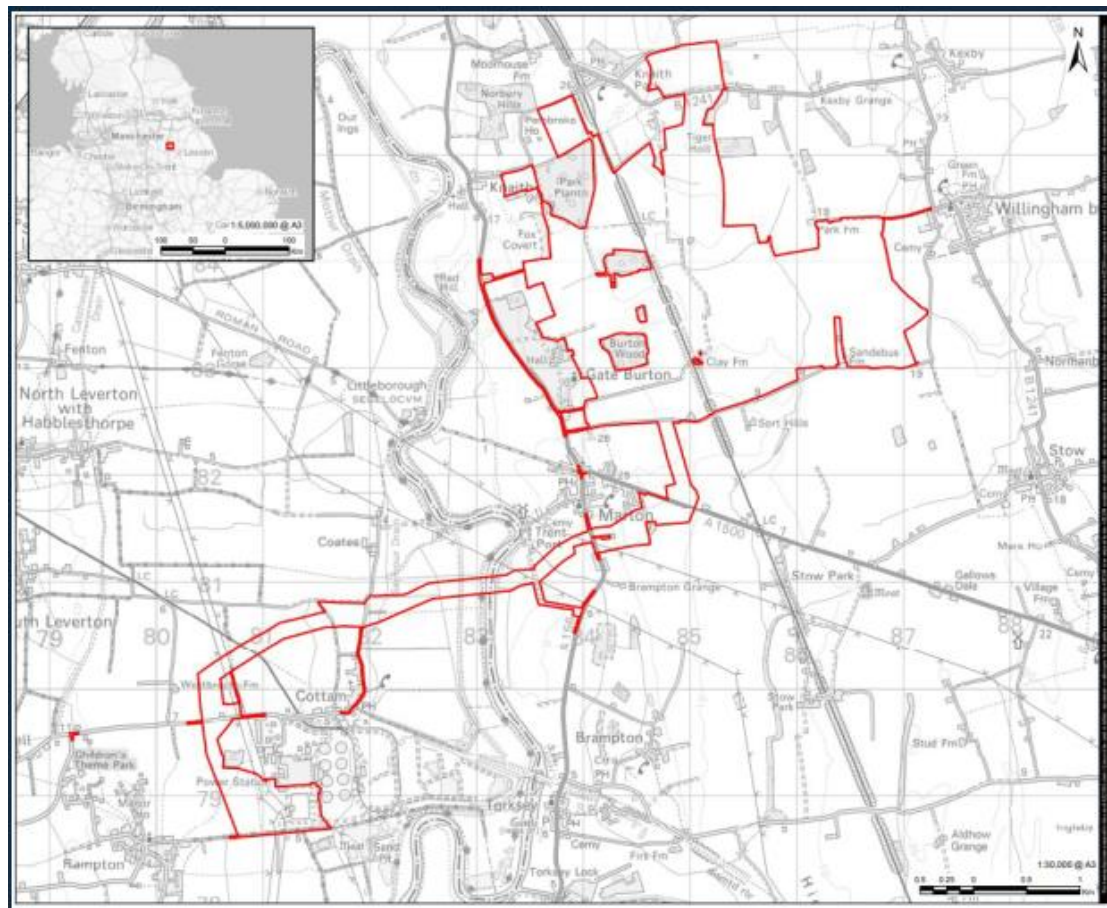
1 Introduction

- 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). 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.
- 1.3. Since 1st April 2012, the Planning Inspectorate (PINS) are the Government Agency responsible for examining applications for NSIPs, known as the Examining Authority (ExA). 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).
- 1.4. The Local Authority does not therefore determine the application. However, local authorities are strongly encouraged to participate in the NSIP process, and examination.
- 1.5. On the 12th July 2023, the ExA published his "Rule 8" letter setting out the examination of the Gate Burton Energy Park. The programme confirms that examination commenced on 4th July 2023, and will close on 4th January 2024.
- 1.6. The "Rule 8" letter invites all Interested Parties (IP), including West Lindsey District Council, to submit "Written Representations". These are required to be submitted by Deadline 2 (Tuesday 8th August 2023).

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.

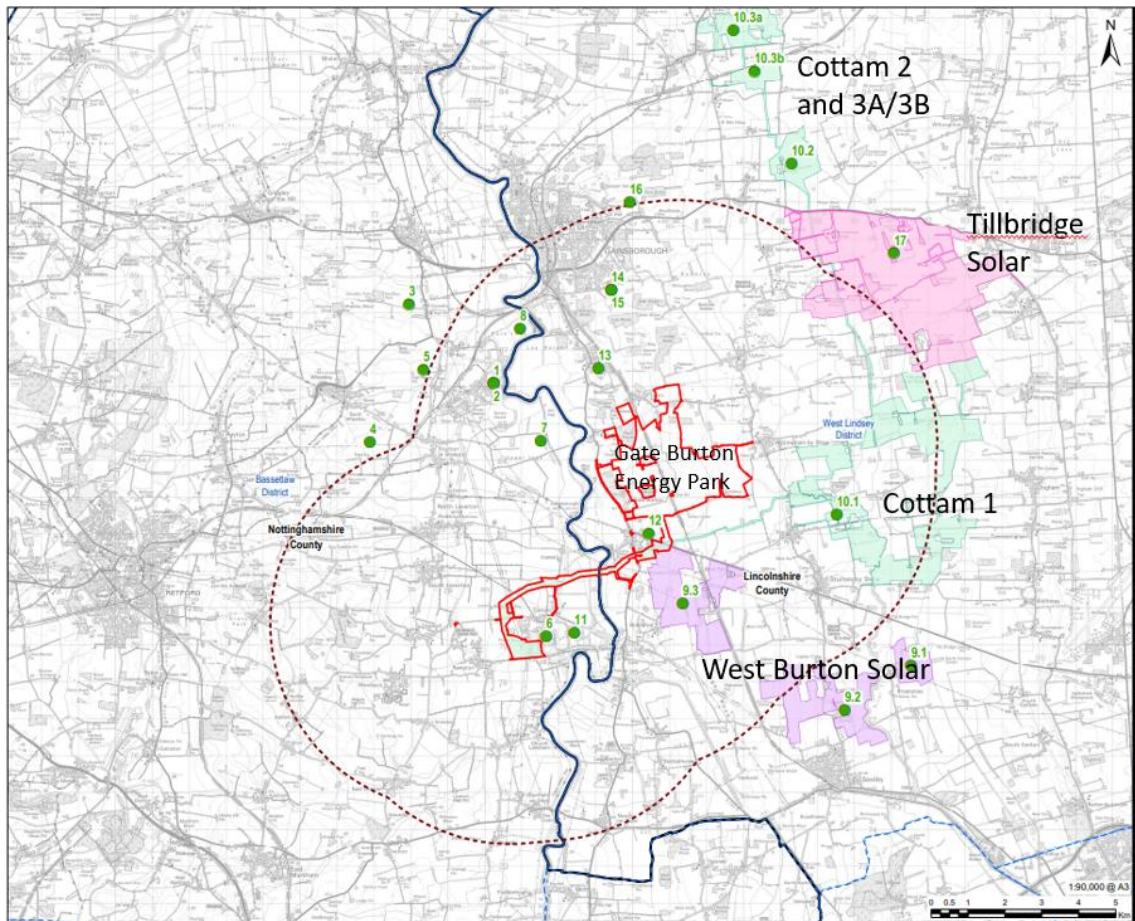
- 2.4 The solar and energy park would be a single site located to the south of Gainsborough, by around 4km. It would be located on land south of Knaith Park, west of Willingham by Stow, and north of Marton.
- 2.5 The grid connection corridor route would run south, crossing the A1500 (Tillbridge Lane) 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 9th February 2023.

2.12 On 10th July 2023, the ExA for the Cottam Solar Project published his “rule 6” letter. This sets a provisional timetable, with the examination expected to commence on Tuesday 5th September 2023 and will close on Tuesday 5th March 2023. A Preliminary Meeting, which will discuss the proposed timetable, has been scheduled for Tuesday 5th September (at the Lincolnshire Showground).

- 2.13 The 480MW West Burton Solar Project (also Island Green Power) application was submitted in March and accepted for examination on 18th 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.
- 2.14 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 has just concluded undertaking their mandatory public consultation, which ran until 11th July 2023.
- 2.15 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 22nd February 2023.
- 3.3 A Preliminary Meeting was held on Tuesday 4th July in Lincoln, to discuss procedural issues and a timetable for the examination. On the 12th July 2023, the Examiner published his “rule 8” letter. This sets out the formal timetable for the examination. A copy is attached at appendix 1.

- 3.4 The formal examination stage began on 4th July, following closure of the Preliminary Meeting. The Examining Authority is under a duty to complete the Examination of the application by the end of the period of six months, and will close on Thursday 4th January 2023.
- 3.5 The Examiner’s earlier Rule 6 letter had explained 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.”*
- 3.6 As part of his rule 8 letter, the ExA has now invited all Interested Parties to submit Written Representations by Deadline 2 on Tuesday 8th August 2023.

4. Written Representations (WR)

- 4.1 The Examiner’s invitation states:

“Written Representations can cover any relevant matter and are not restricted to the matters set out in my Initial Assessment of Principal Issues or to the content of my written questions [...]. Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why. Interested Parties should also provide with their Written Representations any data, methodology and assumptions used to support their submissions to avoid delays in the Examination...”

- 4.2 National Infrastructure Planning Advice¹ that there is not a specific template for making Written Representations (WR). The advice does say:

“Written comments may support the application, object to the application, or be neutral. Comments and views can relate to the application as a whole or only address specific parts. It is also possible to support one aspect of the application and object to another. For example, a comment may support the location of a development, but object to the design of it. Comments may be about any aspect of the development or its impacts. It is very important that you explain the reasoning behind your views. The

¹ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-4-the-examination/>

Examining Authority must have regard to any representations submitted by an Interested Party by the deadline set.”

- 4.3 It is not mandatory for West Lindsey District Council to make written representations. However, this is the opportunity to set out the Council’s position and views on the development – to set out those aspects which we may wish to support, have a neutral view, or have objections to.
- 4.4 The Examining Authority must have regard to any WR submitted by the deadline. However, the Advice Note does say:

“Please note that once a representation is submitted it cannot be withdrawn. However, it is possible to provide further written and oral representations during the course of the examination, which can inform the ExA and interested parties if the local authority’s view or policy position changes, for example, due to a change in political leadership.”

- 4.5 Draft representations have been prepared for Members’ comment, should Members wish to accept the invitation to submit representations, as recommended. The draft representations are appended to this report.