Gate Burton Energy Park

Written Representation - DRAFT

EN-010131

West Lindsey District Council (GABE-ISP002)

August 2023

Contents

1. Introduction

1.1. This document forms the Written Representation (WR) of West Lindsey District Council (WLDC) to the examination of the Gate Burton Energy Park Nationally Significant Infrastructure Project (NSIP) application.

1.2. This written representation is based on the Council's current understanding of the information comprised in the DCO application for the Scheme at the time of writing. The Council's position on individual topics may therefore change and/or be supplemented as the Examination progresses particularly if there is meaningful engagement with the Applicant on key topics of concern.

Purpose and scope of the Written Representation

1.3. This WR set out WLDC's case in terms of the merits of the Gate Burton Energy Park project. It sets out the statutory decision making requirements, and the relevant planning policy framework upon which the application is to be assessed to determine whether development consent should be granted under the Planning Act 2008 (PA2008).

1.4. This WR focusses on the key matters of concern for WLDC and provides an assessment of the overall project against policy, balancing its benefits and disbenefits to reach an overall conclusion about the acceptability of the application.

Relationship with the Local Impact Report

1.5. WLDC have submitted a Local Impact Report (LIR) under the provision of section xx of the PA2008, in accordance with Advice Note 1, into the examination process. The LIR was submitted at Deadline 1 of the examination is accordance with the Examining Authority's (ExA) timetable.

1.6. The purpose of the LIR is to set out WLDC's view on the local impacts of the project. Following an assessment of the application documents, the LIR identifies these key impacts and provides reasoning as to why they have been identified. The LIR does not calibrate any weighting to the impacts identified, and nor does it carry out an assessment against policy with a 'planning balance' exercise to reach a conclusion on the overall acceptability of the Gate Burton Energy Park application.

1.7. This WR is therefore to be read alongside the LIR as a document that goes beyond solely identifying impacts serves as an assessment of the merits of the application against policy as required by the PA2008.

2. West Lindsey District - Local Context

Central Lincolnshire and the West Lindsey district

2.1. West Lindsey is a district council located in Central Lincolnshire, a collective area that encompasses the City of Lincoln, North Kesteven and West Lindsey. The West Lindsey district covers an area of over 1,150km^2 and is located within Lincolnshire County Council who are the county council and are also impacted by the proposed solar farms.

2.2. Central Lincolnshire is characterised by a population that lives in a range of settlements that vary in size and character. Lincoln is the largest settlement with a population of approximately 110,000 living in the principle urban area. Lincoln acts as a service centre over a wide geographical area, with villages sourcing most services and employment requirements in the city, effectively extending its catchment population to around 165,000.

2.3. West Lindsey borders North Lincolnshire and North East Lincolnshire to the north; East Lindsey in the east; North Kesteven and the city of Lincoln in the south. The River Trent forms a natural boundary to the west where the district meets Bassetlaw District Council and Nottinghamshire County Council, both of which are affected by the proposed Cottam solar farm and the grid connection.

2.4. The West Lindsey district hosts main towns such as Gainsborough, Caistor and Market Rasen, which serve the northern and southern parts of the wider Central Lincolnshire area. Gainsborough experienced significant growth during the 19th century as an industrial and engineering centre, with a shift of focus to manufacturing on the 20th century. It now provides a thriving manufacturing/engineering sector with national and international companies headquartered in the town.

2.5. WLDC is predominantly rural and interspersed with settlements across the area. The district provides an attractive setting for its three market towns of Caistor, Gainsborough and Market Rasen. The district is the 13th most sparsely populated area in England with a population of 95,153 and a density of 82 people per km^2 based on 2021 census data from the Office of National Statistics (ONS). The population has increased by 6% since the last census in 2011. Over 23% of the population of West Lindsey in the census are over the retirement age compared to 19% in the rest of the United Kingdom

2.6. The remainder of Central Lincolnshire and the West Lindsey district is predominantly rural, characterised by a settlement pattern of villages as well as the smaller towns of Market Rasen and Caistor. The average population density is amongst the lowest in lowland England, with the majority of settlements not exceeding a few hundred people.

2.7. Collectively, the rural area nonetheless accounts for over half of Central Lincolnshire's population. Functionally, the rural villages typically operate as clusters that share key services, with larger villages acting as local service centres upon which communities rely for basic facilities and as social hubs.

2.8. The Ministry of Defence (MoD) has a strong presence in the West Lindsey District and the wider Central Lincolnshire area. Active Royal Air Force (RAF) bases at Waddington, Cranwell and Digby make a significant contribution to the area's demographic and economic make up. Former bases have been utilised to deliver new housing and employment development. Central Lincolnshire is home to the Red Arrows and its RAF heritage (including Lincolnshire's historic role as the centre of Bomber Command and the neighbouring base for the Battle of Britain Memorial Flight in East Lindsey) support the expansion for the area's existing visitor economy.

Landscape character

2.9. Central Lincolnshire's natural environment is varied and contrasting, characterised by gentle chalk and limestone uplands with low lying fens and fenland. The Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) falls partly in Central Lincolnshire, with its distinctive landscape of rolling hills and nestling villages.

2.10. The wider rural landscape of Central Lincolnshire comprises a sweeping character with big skies, and is a highly valued asset, making a significant contribution to local distinctiveness and attractiveness.

2.11. The escarpment of the Jurassic Lincolnshire Limestone, known locally as the Lincoln Edge, runs the full length of Central Lincolnshire, forming a unifying topographic feature and, as a key factor in the origins and historic development of Lincoln, makes a strong contribution to its present quality and character.

2.12. Outside of the urban areas, land use in Central Lincolnshire and West Lindsey in particular is predominantly agricultural with intensive arable crops dominating. Soils are typically fertile and of high quality for agriculture.

2.13. West Lindsey and the wider Central Lincolnshire area hosts a wide range of natural habitats, including wetland, woodland, calcareous grassland and remnants of heathland fen, which together provide ecological networks and nodes of sufficient scale to support wildlife adaptation and environmental resilience to climate change.

2.14. Biodiversity in the area is experiencing pressure from factors including climate change, habitat fragmentation, development and large scale intensive agriculture. Major landscape-scale initiation are proposed to restore and enhance the areas ecological networks and corridors.

Socio-Economic

2.15. As set out in the Central Lincolnshire Local Plan, which is the Local Plan adopted by West Lindsey, Central Lincolnshire is located within the Greater Lincolnshire Local Enterprise Partnership (GLLEP) area and represents roughly 30% of the GLLEP area's population, employment and business base. The draft Local Industrial Strategy (LIS) notes that Greater Lincolnshire has an economy of £20.7bn with an ambition to grow the Gross Value Added (GVA) by £3.2bn by 2030. The GLLEP area boasts a mix of traditional manufacturing, a comprehensive agri-food sector, energy and services, and is strong in health and care and the visitor economy. In these sectors and others the area benefits from a large number of small businesses – a distinctive feature of the economy.

2.16. The GLLEP's priority sectors include; agri-foods, energy and water, health and care, visitor economy and ports and logistics, but this should not diminish the important roles of other sectors, including manufacturing and engineering, to the local economy. The Central Lincolnshire Authorities will play a key role in the delivery of the vision for most of these sectors.

2.17. The Economic Needs Assessment (ENA) (2020) projects the economic growth and job growth to 2040, which in turn was influenced by the LIS and other work being produced by the GLLEP. The ENA highlights that there has been strong growth in recent years, outstripping anticipated growth, and projects forward a growth of approximately 992 jobs per year.

Hydrology

2.18. Water is an important aspect of Central Lincolnshire's environment. The area has a long history of land drainage and flood management, and significant areas of low-lying land are maintained for agriculture by pumped drainage. River flooding is closely controlled through embankments and washlands as part of wider management plans for the main river

catchments. Conversely, Lincolnshire is already experiencing pressure on its water resources from increasing trends in consumer and commercial demand, coupled with predicted increases in the frequency and severity of drought due to climate change. Major new infrastructure to supply the Lincoln area with water abstracted from the Trent was completed in July 2014.

2.19. Due to its topographical characteristics, the area has a history of land drainage and flood management, and significant areas of low-lying land are maintained for agriculture by pumped drainage. River flooding is closely controlled through embankments and washlands as part of wider management plans for the main river catchments.

Site description and surroundings

2.20. The majority of the proposed Gate Burton Energy Project (hereafter referred to as 'the Scheme') is located within West Lindsey District Council (WLDC). The application site is characterised by a rural setting surrounded by agricultural land, with scattered villages and farmsteads located across the landscape. The Site comprises approximately 824 hectares (ha) of land for solar PV, battery storage, a grid connection and associated infrastructure and landscaping and biodiversity measures.

2.21. The land within the Solar and Energy Storage Park mainly consists of agricultural fields interspersed with individual trees, woodlands, hedgerows, linear tree belts, farm access tracks, and local transport roads.

2.22. The land is predominantly Grade 3b (moderate quality agricultural land) with some 3a (good quality agricultural land). The hedgerows within the Order Limits are predominantly low and intermittent. The arable fields are large and generally of regular shape. Woodland is more prevalent in the north of the Solar and Energy Storage Park.

2.23. 2.3 Villages in proximity to the Solar and Energy Storage Park comprise:

- Gate Burton approximately 50m to the west;
- Knaith approximately 200m to the west;
- Marton approximately 500m to the south west;
- Willingham by Stow 700m to the east; and
- Kexby 1.8km to the east.

2.24. The Scheme will connect to the National Grid at Cottam Power Station. Cottam Power Station was a coal fired power station on a site extending over 250 hectares to the west of the River Trent at Cottam, near Retford.

2.25. The Grid Connection Corridor passes from the Solar and Energy Storage Park to Cottam Power Station through largely agricultural land, to the immediate south and east of Marton, 400m to the north of Brampton in Lincolnshire, then 50m to the north of Cottam and 300m east of Rampton to connect with Cottam Power Station in Nottinghamshire.

Key challenges

2.26. West Lindsey District and the wider Central Lincolnshire area is facing a range of challenges. These include the requirement to improve social and economic conditions, including health, housing, jobs and the range and quality of facilities, whilst also ensuring that the environment is improved and that growth does not erode the area's environmental and heritage assets, or increase pressure on natural resources.

3. The scheme

3.1. The Written Representation (WR) does not describe the proposed development any further, relying on the applicant's description as set out Volume 1, Chapter 1 of the Environmental Statement (ES) (Doc. Ref. EN010131/APP/3.1). The extract set out below is taken from section 1.2 of the aforementioned document and provides an overview of the project:

> *"1.2.1 The Scheme comprises the installation of solar PV panels, on-site battery storage (referred to as the Battery Energy Storage System (BESS)), and associated infrastructure including access provision and an underground 7.5km 400kV electrical connection to the National Grid Substation at Cottam Power Station. Subject to obtaining the necessary consents, construction is anticipated to commence in Q1 2025 and be completed ready for operation in Q1 2028. It is anticipated that the Scheme will have an operational lifetime of approximately 60 years, with decommissioning in 2088, however, if equipment is still operating successfully and safely, the Applicant may choose to operate beyond the Scheme's originally anticipated design life.*
>
> *1.2.2 The location of the Scheme is shown in ES Volume 2: Figure 1-1, with the Order limits shown on ES Volume 2: Figure 1-2 [EN010131/APP/3.2]. The land within the Order limits and its surroundings are described in Chapter 2: The Scheme [EN010131/APP/3.1], with the consideration of alternatives and progression of the site layout described in Chapter 3: Alternatives and Design Evolution [EN010131/APP/3.1]. The Site comprises approximately 824 hectares (ha) of land for solar PV, battery storage, a grid connection and associated infrastructure and landscaping and biodiversity measures"*

3.2. Section 2.4 of the Volume 1, Chapter 1 of the ES (Doc. Ref. EN010131/APP/3.1) also sets out key components of the Scheme which include

- PV tables (mounting structures) and panels;
- Inverters;
- Transformers;
- An on-site Substation;
- Onsite cabling;
- A Battery and Energy Storage System (BESS);
- An underground 7.5km 400kV electrical connection to the National Grid
- Substation at Cottam Power Station;
- Fencing and security measures;
- Access tracks; and
- Landscaping and biodiversity enhancement.

4. Decision Making and Policy Framework

Legislation

4.1. WLDC recognises the application as one made under the Planning Act 2008 (PA2008) for a Development Consent Order (DCO) for development that falls within the definition of energy generating stations set out in section 15 of the PA2008.

4.2. The proposed development comprises the construction, operation and decommissioning of solar arrays for the generation of electricity, also including a Battery and Energy Storage System (BESS), the import/export connection to the National grid and onsite converter stations.

4.3. The PA2008 provides for two different decision making procedures for NSIP applications;

i) Sec. 104 - where a relevant National Policy Statement (NPS) has been designated and has effect; and

ii) Sec.105 – where there is no designated NPS or there is a designated NPS but which does not have effect.

4.4. The application will be determined under section 105 of PA2008 due to electricity generation by solar generating stations being excluded from the scope of NPS' EN-1 and EN-3. Energy storage infrastructure also does not fall within the scope of NPS' EN-1 and EN-3. There is therefore no designated NPS that has effect in relation to the proposed development.

4.5. Section 105 of the PA2008 states that in determining the proposed development, the decision maker must have regard to:

a. Any local impact report (within the meaning given by section 60(3)) submitted to the Secretary of State before the deadline specified in a notice under section 60(2);

b. Any matters prescribed in relation to development of the description to which the application relates, and

c. Any other matters which the Secretary of State (SoS) thinks are both important and relevant to the SoS's decision.

Any local impact report (within the meaning given by section 60(3)) submitted to the Secretary of State before the deadline specified

4.6. WLDC have submitted a Local Impact Report (LIR) to the Gate Burton Energy Park examination in accordance with the deadline specified (Deadline 1 – 18/07/2023). The LIR sets out what WLDC consider to be the key impacts of the scheme that should be given due consideration in the determination of the DCO application as being 'important and relevant' factors.

4.7. The content of the LIR is not repeated in this WR. As a summary, the key impacts identified are summarised as follows:

Landscape and visual

- Adverse effects impacts ion the landscape character setting in West Lindsey throughout all stages of the development.

- Cumulative impacts with other projects will result in significant adverse impact on the entire landscape of West Lindsey.

Socio-economic and land use

- The scheme will impact 147 hectares of Best Most Versatile (BMV) land during construction.
- The ES as not adopted an established methodology for either the ACL assessment or the socio-economic impacts to identify the impacts upon affected farms (displaced tenants, worker, agricultural supply chain etc).
- During constriction, the scheme will result in approximately 86% of accommodation being occupied during the peak period within a 30 minute drive time. The impact on existing businesses will therefore be significant due to the displacement of existing customers, and the capacity in the area is only sufficient to accommodate one solar farm project. The cumulative impacts of other projects being implemented concurrently has not been adequately assessed.

Construction traffic

- Cumulative impacts of construction traffic with other projects will cause significant harm.
- The proposed control mechanisms do not adequately provide measures to manage and minimise cumulative construction traffic within the West Lindsey District.

Ecology

- During construction, the scheme will result in the loss, degradation and fragmentation of habitats, and will cause disturbance to flora and fauna.
- There is a potential risk of the introduction of invasive species.
- Operational impacts include light disturbance to bats and birds.
- There is potential that the Battery Energy Storage System (BESS) will generate noise disturbance.

Water

- There is potential for several impacts where the cable corridor crosses the River Trent, Seymour Drain, Marton Drain and several unnamed watercourses.
- The ES states that the Grid Connection Corridor will be constructed beneath the channels of the watercourses via HDD techniques, however this results in a potential impact upon water quality.
- Whilst the applicant states an intention to work collaboratively with the developers of other projects, there are insufficient mechanisms proposed to minimise these impacts. This includes the expression and reporting of the likely impacts should different constriction phasing scenarios arise (e.g. the construction of projects concurrently or in sequence, which could increase the risk).

Air quality

- During the construction phase, the scheme has the potential to produce significant amount of dust, predominantly caused through the use of earth-moving vehicles.
- 10-100 sensitive receptors are identified within 20m of the site.

Any other matters which the Secretary of State (SoS) thinks are both important and relevant to the SoS's decision.

Policy framework

4.8. The relevant policy framework against which the scheme will be assessed is an 'important and relevant' matter for the Secretary of State to give due consideration in determining the application.

4.9. As stated above, there is no 'relevant' NPS that applies to the proposed development, it is for the decision maker to weight policy accordingly. Under the scope of section 105, WLDC content that the starting approach is to consider each policy document on its merits, with no pre-ordained weighting applied at the outset. In practice, this means that both local and national planning policy should be considered on an equal basis.

4.10. The approach under section 105 should also be that there is no 'presumption in favour' of granting development consent and the need case for the project requires robust justification.

Central Lincolnshire Local Plan (April 2023)

4.11. The Central Lincolnshire Local Plan (Local Plan) forms the adopted development plan for the West Lindsey district. The Local Plan was adopted on 24th April 2023 and therefore represents a wholly 'up to date' statutory development plan. WLDC considers that the Local Plan should be considered 'important and relevant' for the purposes of section 105 and should be afforded significant weight in the decision making process as statutory policy.

4.12. The Central Lincolnshire Local Plan (CLLP) forms part of the development plan for West Lindsey (replacing the previous Central Lincolnshire Local Plan, adopted in 2017). The Local Plan was adopted on 13th April 2023 and therefore represents an 'up to date' statutory development plan to which significant weight should be afforded in decision making under section 105 of the PA 2008. The key policies relevant to the development are listed below.

- Policy S1: The Spatial Strategy and Settlement Hierarchy
- Policy S2: Level and Distribution of Growth
- Policy S10: Supporting a Circular Economy
- Policy S11: Embodied Carbon
- Policy S14: Renewable energy
- Policy S15: Protecting Renewable Energy Infrastructure
- Policy S16: Wider Energy Infrastructure
- Policy S17: Carbon Sinks
- Policy S20: Resilient and Adaptable Design
- Policy S21: Flood Risk and Water Resources
- Policy S28: Spatial Strategy for Employment

- Policy S29: Strategic Employment Sites (SES)
- Policy S31: Important Established Employment Areas (IEEA)
- Policy S43: Sustainable Rural Tourism
- Policy S45: Strategic Infrastructure Requirements
- Policy S47: Accessibility and Transport
- Policy S53: Design and Amenity
- Policy S54: Health and Wellbeing
- Policy S56: Development on Land Affected by Contamination
- Policy S57: The Historic Environment
- Policy S58: Protecting Lincoln, Gainsborough and Sleaford's Setting and Character
- Policy S59: Green and Blue Infrastructure Network
- Policy S60: Protecting Biodiversity and Geodiversity
- Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains
- Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value
- Policy S66: Trees, Woodland and Hedgerows
- Policy S67: Best and Most Versatile Agricultural Land

Lincolnshire County Council

4.13. Lincolnshire County Council (LCC) is the county council that governs the non-metropolitan county of Lincolnshire, apart from the areas governed by the unitary authorities of North Lincolnshire and North East Lincolnshire. The council is responsible for public services such as education, transport, highways, heritage, social care, libraries, trading standards, and waste management.

4.14. The council has several policies, strategies and plans which cover planning and the environment. Those which are relevant to the solar DCOs are set out below.

Table 4-1 – Lincolnshire County Council Policy Documents

Policy Document	Summary
Carbon Management Plan (Jan 2019)	The Carbon Management Plan (CMP) sets out their strategy and action plan for continuing to reduce carbon emissions over the next 5 years.
Joint Lincolnshire Flood Risk and Water Management Strategy 2019-2050	LCC is the Lead Local Flood Authority (LLFA) for the administrative county of Lincolnshire. Because of this role, since 2010 the Council has been responsible for implementing and monitoring a local flood risk management strategy. The purpose of the strategy is to manage the impact of flood risk to people, businesses and the environment across Lincolnshire.
Green Masterplan	The Green Masterplan is a multi-year programme running until 2050 to ensure that LCC meet the national carbon reduction targets of being net zero by 2050. The Green Masterplan is backed up by an Initial Action Plan and has three guiding principles: Don't waste anything; consider wider opportunities; and take responsibility and pride.

Policy Document	Summary
Local Enforcement Plan (Nov 2020)	This plan sets out our priorities for investigation, explains what will be investigated and what will not, and the priorities for responses to complaints and the timescales for these responses. Although this is plan does not refer to Nationally Significant Infrastructure Projects, it is likely to be a material consideration during the construction phase of the development.
Local Transport Plan 5	This plan is designed to cover the short, medium, and longer-term time horizons for transport and highways for the whole of Lincolnshire. The plan does not cover the impacts of construction traffic, but it is likely to be a material consideration in LLC's stance on the DCOs, particularly during construction and how this could impact the plan.
Statement of Community Involvement (Sep 2019)	The statement of community involvement outlines how the council plans to involve and consult the public and stakeholders in relation to the minerals and waste local plan. This may be used to inform LCC's approach to consultation during the DCO examination.
Travel plan guidance (Dec 2021)	This guidance sets out the highways authority requirements for development travel plans and identifies when they are required in support of a planning application.
Minerals and waste local plan	The minerals and waste development scheme identifies the documents that make up the minerals and waste local plan and sets out the timetable for preparation and review. Part of the Grid Connection Corridor is also located within a Mineral Safeguarding Area for Sand and Gravel. However it was confirmed with NCC and LCC that there is not a need for a standalone Mineral Safeguarding Assessment to accompany the DCO Application.

Neighbourhood Plans

4.15. Thirteen Neighbourhood Plans within the WLDC administrative area are either being prepared or adopted in close proximity to the Order Limits of the DCO application and/or are likely to experience impacts from the proposed development.

4.16. The following Neighbourhood Plans are adopted:

- Corringham;
- Gainsborough;
- Hemswell and Harpswell;
- Lea;
- Morton;
- Saxilby with Ingleby;
- Sturton by Stow; and
- Willoughton.

4.17. All of the adopted Neighbourhood Plans have been appended to this report (Appendix D – K).

4.18. The following Neighbourhood Plans are being prepared (at draft stage):

- Blyton;
- Ingham;
- Laughton; and

- Upton and Kexby.

4.19. The adopted Lea Neighbourhood Plan (NH) covers a plan period of 2017 – 2036. Lea is located to the north of the Gate Burton site, covering the village of Lea and its surroundings to the end of Knaith Park. The NP provides 8 'Community Objectives' which include, inter alia, 'to protect and, where possible, enhance the natural environment and open countryside and avoid coalescence with nearby settlements'.

National Policy Framework

NPS EN-1 – Overarching Policy Statement for Energy

4.20. NPS EN-1 sets out the government's commitment to increasing renewable generation capacity, with a recognition that much of the short-term delivery will derive from onshore and offshore wind.

4.21. The generation of energy from other sources, including solar, is not included in the scope of NPS EN-1. WLDC acknowledge that the solar generating station such as this application comprise a development that comprises an NSIP and that some policies within EN-1 are relevant to the determination of such applications.

NPS EN-3 – National Policy Statement for Renewable Energy Infrastructure

4.22. NPS EN-1 provides further policy specific to renewable electricity generating technologies. As with EN-1, it expressly only relates to energy from biomass, onshore wind and offshore wind.

4.23. Due to solar being expressly excluded from NPS EN-3, WLDC hold the view that it cannot be considered either 'important or relevant' for the determination of the application.

NPS EN-5 – National Policy Statement for Networks

4.24. Whilst providing policy for long-distance transmission systems (400kv and 275kv lines), NPS EN-5 also covers associated infrastructure such as substations and converter stations.

4.25. Due to the scope of the proposed development, WLDC consider NPS EN-5 to be an important and relevant matter with regard to the relevant associated development of the proposed application.

Draft National Policy Statements for Energy

4.26. The government have published consultation drafts of revisions to NPSs EN-1 to EN-5 inclusive.

4.27. WLDC consider that as the draft NPSs have not been designated, they do not have effect for decision making under section 104 the PA2008. Their publication does not change the decision making requirement under section 105.

4.28. WLDC acknowledge that the emerging NPSs provide an indication of the government's future approach to the delivery of electricity generation technologies with the objective of

meeting the UKs net-zero commitments. As consequence, WLDC consider that there may be element within the emerging NPSs that may be considered to be important and relevant under the provision of section 105, however the weight that should be afforded to it should be lower than that of the adopted NPSs and the adopted statutory development plans.

The National Planning Policy Framework

4.29. The National Planning Policy Framework (NPPF) sets out the governments planning policies for England. The NPPF does not include policies specific to NSIPs.

4.30. The NPPF nonetheless provides guidance on the requirement for good design, promoting healthier communities, conserving the historic environment, conserving the natural environment, sustainable transport and meeting the challenges of climate change. With due regard to the scope of the policy at a national level, WLDC consider the NPPF to be an important and relevant matter for the determination of the application under section 105 of the PA2008.

Other relevant policy.

4.31. In addition to the above, WLDC consider the following policy to also be relevant and important for the determination of the application under section 105:

- Powering up Britain (March 2023)
- The British Energy Security Strategy (2022)
- The National Infrastructure Strategy (2020)
- The Energy White Paper: Powering our Net Zero Future (2020)
- A Green Future: Our 25 year Plan to Improve the Environment (2018)
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5. Key issues

5.1. West Lindsey District Council (WLDC) has identified that the key impacts of the Scheme can be categorised into five key areas. These a set out below:

5.2.

1) The approach to considering alternatives for the scheme.
2) The impacts of the development on the main site.
3) The combined Grid connection corridor.
4) The impact of the scheme on West Lindsey alongside other projects.

5.3. The applicant has submitted an 'Outline Design Principles' as a submitted application document (EN010131/APP/2.3). The document sets out the guiding principles for the detailed design of the Scheme and is secured through 'requirement' number 5 in the draft Development Consent Order (dDCO).

5.4. The Outline Design Principles document serves to reiterate the Scheme description and the application documents within which they are expressed, lists the control documents in respect of operation and decommissioning phases, and includes a table listing each element of the Scheme ('authorised development) and its 'Design Principle' as a specification and/or parameter.

5.5. The applicant has set out the process applied to identify the site within Chapter 3 of the ES. A 4-stage methodology has been applied, resulting in the narrowing down of potential sites within a defined study area.

5.6. WLDC are content with the general approach the applicant has adopted in selecting a proposed. The methodology is clear and transparent, and based upon a clear set of design constraints and/or objectives.

5.7. The Applicant has provided clarity on the viability of the solar electricity generating station being within a distance of 8km from the connection point with the National Grid substation. This is made even clear when considering that the site is located closer to the substation than any of the other proposed scheme in the area, namely Cottam and West Burton.

5.8. The Applicant has also ensured that by minimising the cable connection length that this will also minimise environmental impacts of the Scheme. This is also true of the scheme in that it has minimised the substations on site, by having the solar located in one area.

5.9. In addition to the above, the design of the Scheme has sought to ensure that there is a 'contiguous' nature to the Scheme and the Applicant has viewed the site as a whole, rather than several separate applications which have been pieced together. WLDC recognise that thought has been given to the design of the Scheme by removing outlier sections which are included in the Order Schemes. There are also buffer zones around sensitive areas which demonstrate the Applicant's understanding of the sites character.

5.10. The Scheme has also clearly considered access to the site and ensured that these are only found on two-way highways which minimises impacts on the local road network both from a traffic perspective as well as a amenity.

5.11. There are elements of the applicant's approach which do demonstrate shortfalls in the design approach.

5.12. The applicant did not provide the assessments that it carried out during stage 4 of the design approach. This means that the assessments cannot be assessed by the decision maker.

5.13. The site is largely 'contiguous'; however, there are two outliers which contradict this with areas to the north and to the north-west of the site which is contrary to this.

5.14. The project has failed to avoid Best and Most Versatile Land (BMV) and with a 60 year life cycle, it is not clear how the land would be improved, or able to be used for agriculture post-decommissioning. This could be because the published and established methodology when it comes to agricultural land classification.

5.15. The assessment of landscape assets does no appear to show regard for the local landscape character, including the impact on the designated Area Of Great Landscape Value (AGLV), and visual effects.

5.16. The use of construction access points from single lane minor roads despite also proposing two from two-way highways. The justification for the inclusion of these access points is not provided.

5.17. Lack of detailed consideration of cumulative transport impacts during the construction phase within the grid corridor. A commitment to work collaboratively is expressed, however it appears that limited consideration was given to the potential impact (5-7 years in sequence or 2-3 years concurrently) at the site selection stage.

Main Site

5.18. Following the applicant's approach to site selection, WLDC understand the reasoning behind the general location of the proposed application.

5.19. The principles of delivering a project on a site in close proximity to the grid connection at Cottam, that is also self-contained to avoid fragmentation and achieve a contiguous design is understood and supported. The use of large fields with regular patterns to minimise impacts such as ecology and visual effects is supported in principle. The use of major classification highways to serve as primary construction access points is also recognised as an appropriate site selection and design principles. The location of associated development within central areas of the site to minimise visual effects from public vantage points and residential properties is also recognised.

5.20. Notwithstanding the strategic identification of the main site at a strategic level, WLDC maintain the following residual concerns.

Impact upon the Area of Great Landscape Value

5.21. Having identified the designated Area of Great Landscape Value as part of the site selection and alternatives process (as protected under policy S62 of the statutory development plan), WLDC are unclear as to why the applicant has continued to promote a project that had direct negative impacts upon it. WLDC consider this policy to be a 'hard' constraint, in that the project should have been designed to avoid such impacts.

5.22. It appears from the application documents that justification for this harm is based solely on the policy contained in paragraph 5.9.14 of NPS EN-1, which states that '…local landscape designations should not be used in themselves to refuse consent, as this may unduly restrict acceptable development'. WLDC consider that this justification is weak. The purpose of paragraph 5.9.14 is to facilitate development that benefits from a 'relevant' NPS; that is development that benefits from a 'presumption in favour'. The proposed development does not benefit from such policy support and therefore is unable to also draw upon policy that allows it to override local landscape designation as a matter of principle.

5.23. WLDC consider the application to fail to accord with Policy S62 of the adopted local plan and this must be afforded significant weight in the decision making process. The inherent harm to this long adopted and valued landscape designation weighs heavily against the proposal, especially as harm could readily have been avoided through project design.

5.24. WLDC maintains an objection to the proposal due to its failure to accord with statutory policy CS62. Were components of the project within the AGLV removed, WLDC would be prepared to revisit its judgement on this matter.

Impact on best and most versatile land / agriculture

5.25. WLDC consider that the applicant has failed to apply any established methodology for the assessment of the impacts upon soils and Best and Most Versatile Land (BMV). The methodology applied is based upon a one borehole per hectare density which is lower than is typically applied. The effect of this inadequacy is that the level of soil detail is insufficient for an ALC assessment and production of a Soil Handling and Management Plan.

5.26. This inadequacy results in uncertainty for the decision maker with regard to baseline and subsequent assessed magnitude of impacts. The avoidance of adopting an established methodology results in an underestimation of the effect of the loss of agricultural land than if other methodologies of IEMA or DMRB were applied.

5.27. PINS requested in the Scoping Opinion that all affected agricultural land should be subject to an ALC survey. The application however has only carried out desktop assessment for the 13.3 hectares of land within the solar farm itself (and the grid corridor). The assessment methodology applied is non-compliant with the requirements of the 'competent authority'.

5.28. Its is also not clear to WLDC why the applicant has separated grade 3a land from the BMV assessment (ES Vol.3, Appendix 12-C). National and local policy is clear in that all grade 3a land is to be treated as BMV.

5.29. Furthermore, the application provides an inadequate assessment of the impact on individual farms and nor does it consider the displacement of tenants. The Agricultural Circumstances Report also does not consider the likelihood of the socio-economic impact on the land use and affected farm holdings.

5.30. The above inadequacies result in significant uncertainties regarding the likely impacts upon agricultural land and the socio-economic of the agricultural sector. These matters should be afforded significant weight in the decision making process and WLDC are therefore unsatisfied with the approach taken and question the reported impacts.

5.31. WLDC maintain an objection to the project on these grounds and contend that these inadequacies require addressing to enable an assessment against policy to inform decision making.

Transport and access

5.32. WLDC acknowledges that the key traffic impacts will be experienced during the construction phase. Notwithstanding the temporal nature of construction impacts, WLDC consider that the magnitude of these impacts requires all impacts to be identified and careful control exerted upon them to protect the highway safety and amenity for local communities.

5.33. The LIR details inadequacies identified in the ES with regard to traffic and transport (LIR section 11). Whilst uncertainties and shortfalls have been identified, it is hoped that these will be explained and/or rectified during the course of the examination.

5.34. The key traffic and highway concerns that weight negatively in the planning balance are:

i) Construction access – whilst WLDC supports the use of principle construction access direct from A156, it is not understood why the additional secondary accesses from minor roads are wholly necessary to deliver the project. WLDC requests further consideration over whether all secondary accesses are necessary and seek controls over the use if such accesses (vehicle types and frequency) would assist in alleviating these concerns.

ii) Cumulative – detailed commentary on the potential cumulative traffic impact is discussed in relation to the cable corridor below. In summary, the potential impacts of several cumulative NSIP-scale solar project being constructed either concurrently, or in sequence (5-7 years for 3 projects) would have significant impacts on communities. Although temporal in nature, communities will face such impacts for a potential period spanning a decade and therefore require to afforded significant weight in the decision making process.

Cable Corridor

5.35. WLDC consider the identified cable corridor to the south of Marton as an area that will experience significant impacts during the construction phase.

5.36. The proposed application correctly assess the impact of the scheme in solus, however WLDC maintain residual concerns regarding the potential cumulative impact with the West Burton and Cottam solar NSIP project with whom the project will share the same corridor.

Traffic and highways

5.37. In determining this application, WLDC contend that the Secretary of State must consider the cumulative construction traffic impact and carry out an assessment against the relevant policy framework.

5.38. The 'worst-case' scenario could range from all three projects (and more) being constructed concurrently, or they could be constructed in sequence. The scale of impact could vary from a multiplication of impacts or could be experienced for a 5-7 year construction period.

5.39. The level of information provided in the ES and sought to be controlled through the Construction Environmental Management Plan (CEMP) and the Construction Traffic Management Plan (CTMP) is inadequate in explaining how activities will be co-ordinated and mitigation implemented. Due to the lack of rigour in assessing the cumulative scenarios, the likely impacts upon communities and the environment have not been identified or calibrated to a sufficient detail. WLC consider that the impacts of just two project being constructed wither concurrently or in sequence could result in unacceptable impacts that fail to comply with policy.

5.40. To address this uncertainty, WLDC request that more detail be provided in the draft 'Plans' cited above to explain how concurrent projects will be co-ordinated. For example, the gate Burton application is silent on the actual number of Abnormal Indivisible Loads (AILs) that will be required to deliver project components. Whilst such movements will be controlled by the Police, in the event that multiple AIL movements occur in close proximity could result in significant traffic impacts that are not currently identified. A mechanism to control such movements could be through the adoption of a traffic co-ordinator that manages the frequency of AIL movements, and the general movement of other construction traffic in the area.

5.41. WLDC concern stems from a currently un-calibrated impact on local communities as they travel through the district on strategic roads such as the A156. A1500, A15 and A631. The cable corridor is a particular focus due to the condensed activity that could occur over a

significant timescale and the extent to which this affects local residents in Marton, and wider travel throughout the district.

Noise and vibration

5.42. As with traffic and highways above, a key requirement for WLDC is to exert appropriate control on vehicle movements and construction activity to ensure that the potential cumulative impacts are adequately controlled over what could be a significant time period.

5.43. Including a co-ordination mechanism on control documents (e.g CEMP/CTMP) will assist in controlling these impacts and allowing communities to carry-out day to day activities with knowledge of traffic controls, AIL movements and working pattern on sites.

5.44. Such a mechanism will allow for the consideration of measures to minimise impacts at a point in time and communicate effectively with WLDC and communities.

West Lindsey – cumulative impacts

5.45. A key concern for WLDC relates to the cumulative impact of the solar NSIP projects upon the district. The three applications currently 'accepted' for examination are this Gate Burton proposal, alongside the West Burton (pre-examination phase) and Cottam (pre-examination phase, Rule 6 published).

5.46. Whilst WLDC acknowledge that each application is to be examined and determined on its own merits, the potential cumulative impacts two or more of the applications being constructed and operated cannot be ignored. To determine each application solely on the basis that it is isolated, without considering the likely combination of impacts with the other applications, would be inadequate. Such an approach could lead to a conclusion that each scheme is acceptable in its own merits without considering how they relate to each other and whether this results in a conclusion that such impacts become unacceptable.

5.47. The cumulative impact of all three current DCO projects would result in unacceptable significant adverse harm to the landscape character of West Lindsey to which WLDC objects to in the strongest manner. The geographical coverage of the three project would span approximately over 13 miles from the southern-most point to the northern-most. The landscape would be transformed from a predominantly large scale agricultural character, to one that is characterised by solar electricity generating stations.

5.48. WLDC consider that these wider impacts must be adequately assessed during the examination (including site visits where necessary) and must be weighed in the planning balance.

5.49. The cumulative traffic impacts are discussed in detail above but bear repeating again here. WLDC are very concerned about the potential cumulative construction timescales, which will result in significant impacts on communities and the socio-economic dynamic of West Lindsey, which could last for 5 to 7 years (as assessed by the applicant).

5.50. To dismiss these impacts as temporal and insignificant is inadequate. WLDCs contend that they should be considered as long term impacts and must be given significant weight in the decision making process.

5.51. WLDC maintain an objection to the project on the basis of cumulative impacts, however commit to engage with potential solutions suggested in the above sections of this representation. It is essential in WLDCs view, that detailed control mechanisms are developed during the examination phase to ensure that the application is determined with these in place.

6. The draft Development Consent Order

6.1. WLDC submitted a Post Hearing Submission at Deadline 1 which set out its comments on the draft Development Consent Order (dDCO). This section provide further analysis of the

Article 16

6.2. WLDC strongly objects to the Schedule 16 as currently drafted.

6.3. The 6 week approval period currently required by Article 46.2 does not adequately reflect the usual timescale for EIA development which is 16 weeks. It is submitted this time period should apply given some of the requirements include the need to assess complex material, may require the need to procure external expertise to review material, and there may be the requirement for approvals to be determined by WLDC committee(s) therefore requiring the alignment with meeting calendars and processes. It is noted that the Longfield DCO allowed a period of 10 weeks, however discharge applications under this DCO are likely to be made concurrently with West Burton, Cottam and Tillbridge applications if they are granted consent. It is also noted that there is no mechanism in the dDCO restricting the number of discharge applications that could be simultaneously submitted. In this context a 16 week determination period is entirely reasonable. Subject to the submissions made above in respect of consultation requirements, WLDC consider that a provision should be added allowing agreements for a reasonable extension of time, with such an agreement not being unreasonably withheld, particularly if the relevant determining authority is required to consult other bodies.

6.4. WLDC object to the deemed approval provision. The justification relied on the by the Appellant is one of efficiency (Explanatory Memorandum at 6.16.1) do not cite any unique or specific reason why such a provision should be included. This is especially relevant whether other DCOs, including those cited in the Explanatory Memorandum itself, do not provide for deemed approval or only do so in relation to certain requirements, rather than all of them. Indeed, the Applicant describes the Schedule 16 process as ‘bespoke’ (Explanatory Memorandum at 6.16.1). Given the importance and significance of the substantive areas governed by the requirements WLDC submits that it is unacceptable for any of the requirements to be subject to deemed approval.

6.5. WLDC object to the requirement under Article 46.3.(2) that further information must be requested in 10 working days. The relevant determining authority will need to sufficiently assess the information in order to identify whether further information is required. This essentially requires that the WLDC all but procedurally determine the application in 10 working days. Similarly, WLDC object to the time periods in 3.(3), in particular, it is unreasonable to require the relevant determining authority to request further information within 15 working days where they have consultation requirements, as the response period of such consultees is not within their control.

6.6. WLDC submit that the usual fee provision (see the Longfield DCO), which has been excluded without any justification given by the Appellant, is reinstated in Schedule 16.

7. Planning balance

7.1. WLDC recognises that the Scheme would help meet a national need for additional electricity generating capacity, and this accords with the UK's energy policy to decarbonise electricity generation and deliver security of supply.

7.2. Whilst it is recognised that there is an urgent need for energy generation of all types and this is established through the NPSs and is carried forward into the draft NPS; however, there are elements of the Scheme which require further assessment and justification.

7.3. WLDC consider that matters identified above all require addressing through the submission of further information. Should such information not be provided, or be deemed insufficient, WLDC maintain the position that the application fails to accord with the relevant policy framework, that the disbenefits outweigh the benefits, and that the application remains unacceptable in planning terms.

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