



**Prosperous Communities  
Committee**

**Wednesday 11 October  
2023**

**Subject: Cottam 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 Cottam Solar Project DCO examination

**RECOMMENDATION(S):**

- To accept the invitation and approve the submission of Written Representations (WR) to be made on the Cottam Solar Project DCO application; and
- To review the draft Written Representations (WR) prepared for the Cottam Solar Project 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 1 (17<sup>th</sup> October) as set by the Examining Authority, taking into consideration the committee's comments.

## IMPLICATIONS

### **Legal:**

At a meeting of this committee on 1<sup>st</sup> August 2023 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/84/24/SST**

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 Cottam Solar Project will affect the communities of West Lindsey District.

### **Data Protection Implications :**

None expected to arise from this report.

### **Climate Related Risks and Opportunities :**

The Cottam Solar Project is a Nationally Significant Infrastructure Project (NSIP) that is anticipated to generate 600MW of renewable energy. The developer estimates this could power up to 180,000 homes.

The development proposal is the subject of an Examination being undertaken by the Government's Planning Inspectorate.

This report considers the Council's Written Representations to be submitted as part of the examination into the project.

**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 1st August 2023 Delegation of Responsibility for Participation in NSIP examinations

[Prosperous Communities Committee - Tuesday, 1st August, 2023 6.30 pm](#)

National Infrastructure Planning: Development Consent Order Application by Island Green Power (IGP) for the Cottam Solar Project:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/cottam-solar-project/>

**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 600MW Cottam Solar Project, proposed by Island Green Power, 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 19<sup>th</sup> September 2023, the ExA published his “Rule 8” letter setting out the examination of the Cottam Solar Project. The programme confirms that examination commenced on 5<sup>th</sup> September 2023, and will close on 5<sup>th</sup> March 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 1 (17<sup>th</sup> October), set by the Examining Authority.
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 appended to this report 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 17<sup>th</sup> October 2023 deadline, having incorporated the feedback of the Committee.

## **1 Introduction**

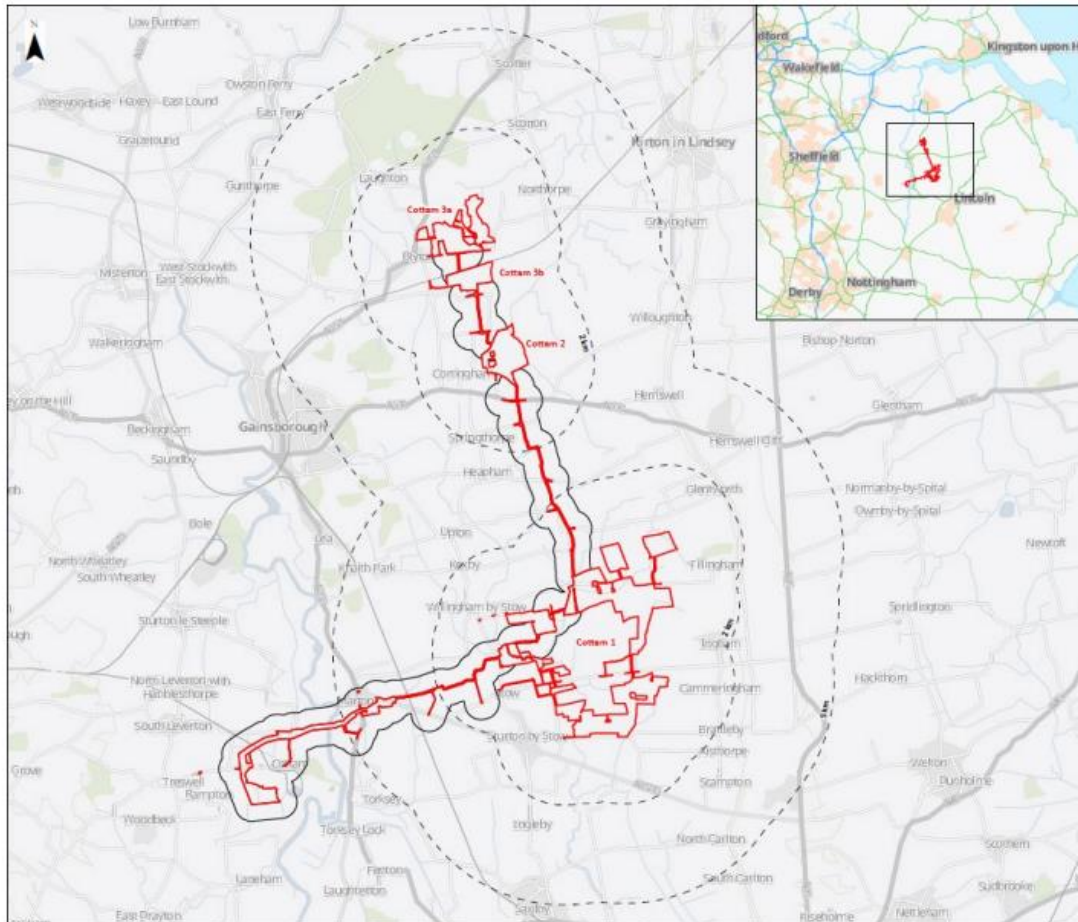
- 1.1 The Cottam Solar Project is a development proposal made by Island Green Power (IGP) applying to the Government for a Development Consent Order (DCO).
- 1.2 As an energy generating station that would have a capacity that exceeds 50 megawatts (MW), it qualifies as a Nationally Significant infrastructure 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 Cottam Solar Park, the relevant SoS will be the Secretary of State for Energy Security and Net Zero (current role holder: The Rt Hon Claire Coutinho 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 Tuesday 5<sup>th</sup> September 2023, the ExA held the Preliminary Meeting and officially commenced the six-month Examination. On the 19<sup>th</sup> September 2023, the ExA published its "Rule 8" letter which includes the final examination timetable. It confirms that the examination will close on Tuesday 5<sup>th</sup> March 2024.
- 1.6 The "Rule 8" letter invites all Interested Parties (IP), including West Lindsey District Council, to submit "Written Representations". It requests that any Written Representations are submitted by Deadline 1 – Tuesday 17<sup>th</sup> October 2023.

## **2 The Cottam Solar Project**

- 2.1 The land for which DCO consent is being sought is referred to as the "order limits" and has a total extent of 1451.23Ha (see appendix 2).
- 2.2 The development area is separated into 4 distinct sites. Cottam 1 (894Ha) comprises a number of sites and fields to the north east of Sturton by Stow, surrounding the small hamlet settlement of Coates. Cottam 2 (132Ha) is situated to the north east of Corringham. Cottam 3A (168Ha) is to the north east of Blyton, in proximity of the Blyton race track. Cottam 3B (73Ha) is 400m to the east of the village of Pilham.
- 2.3 A cable route corridor will run between the sites before connecting to the Cottam substation in Bassetlaw District.

- 2.4 From Cottam 3A to Cottam 1, the corridor will measure approximately 14.2km. The corridor route will then run in a westerly direction, pass the village of Marton and across the River Trent in order to connect to the Cottam Substation in Bassetlaw District (13.3km).

**Plate 3.1 Order Limits**



(Extract from Environmental Statement)

- 2.5 The Environmental Statement (ES) says that “The operational life of the Scheme is anticipated to be 40 years. Once the Scheme ceases to operate, it will be decommissioned.”
- 2.6 In terms of the solar photo-voltaic (PV) panels, whilst the developer envisages using “tracker panels” (maximum height of 4.5m) they also assess the use of “fixed panels” (maximum height of 3.5m).
- 2.7 A battery energy storage system (BESS) is proposed at Cottam 1. The batteries will be housed in containers (max. 2m wide x 3m long x 3.5m high). The ES states “The precise number of individual battery storage containers will depend upon the level of power capacity and duration of energy storage that the Scheme will require.”

### 3 Cumulative Solar NSIPs

- 3.1 The Cottam Solar Project (1451ha) is one of a number of solar projects that are currently being proposed within the district of West Lindsey, and are at varying stages of the process (see appendix 3).
- 3.2 The 500MW Gate Burton Energy Park (824Ha), located to the south-west of Gainsborough, commenced its examination on 4<sup>th</sup> July 2023 and is due to close on 4<sup>th</sup> January 2024. The examination is underway with Hearings having taken place in August 2023.
- 3.3 The 480MW West Burton Solar Project (also Island Green Power) 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. On Thursday 7<sup>th</sup> September, the ExA took the procedural decision to adjourn the Preliminary Meeting and delay the start of the examination. We are now awaiting a further “rule 6” letter, that will provide a new draft examination timetable, and date to recommence the Preliminary meeting and formally commence the examination.
- 3.4 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 late 2023. The developer undertook statutory public consultation in May – July 2023.
- 3.5 In September 2023, the 740MW One Earth Solar Project was launched by developers PS Renewables and Ørsted. The site is proposed on land to the south of Newton on Trent, and would fall within the Districts of West Lindsey, Bassetlaw, and Newark & Sherwood. It would lie within both Lincolnshire and Nottinghamshire counties. The developer intends to undertake non-statutory public consultation between 27 September and 8 November 2023.
- 3.6 The developer has indicated that formal statutory consultation will be likely to take place in Spring 2024, and that they intend to submit their application for a Development Consent Order to the Government’s Planning Inspectorate in winter 2024.
- 3.7 The Examiner’s rule 6 letter states that *“The Secretary of State has appointed the Examining Authority (ExA) for the Cottam Solar 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 project will carry out the Examination for this project only 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 this one.”*

## 4 The Examination Process

4.1 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)

4.2 The pre-application phase, including statutory public consultation, took place in 2021-22. The application for a DCO was submitted in January 2023, and The Planning Inspectorate confirmed on 9 February 2023 that this project has been accepted for examination.

4.3 The Preliminary meeting, which officially starts the 6 month examination period, was held on Tuesday 5<sup>th</sup> September. The examination timetable states that it will formally close on 5<sup>th</sup> March 2024, and a week has been reserved for public hearings in the week commencing 4<sup>th</sup> December.

4.4 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. In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:... Interested Parties can make Written Representations and comment on Written Representations made by other parties."*

4.5 As part of his rule 8 letter, the ExA has now invited all Interested Parties to submit Written Representations by Deadline 1 on Tuesday 17<sup>th</sup> October 2023.

## 5 Written Representations (WR)

5.1 The Examiner's invitation states:

*"Written Representations can cover any relevant matter and are not restricted to the matters set out in our Initial Assessment of Principal Issues... When submitting a Written Representation*



*please identify those parts of the application with which you agree and those parts with which you do not agree, explaining the reasons why. Please also provide with your Written Representations any data, methodology and assumptions used to support your submission to avoid delays in the Examination..”*

- 5.2 National Infrastructure Planning Advice<sup>1</sup> 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 Examining Authority must have regard to any representations submitted by an Interested Party by the deadline set.”*

- 5.3 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.
- 5.4 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.”*

## **6 Recommendations**

- 6.1 It is recommended that West Lindsey District Council accepts the ExA invitation and submits written representations by Deadline 1 (17<sup>th</sup> October 2023).
- 6.2 In order to achieve this, draft Written Representations have been prepared in advance for Members’ comment. The draft representations are appended to this report.
- 6.3 It is recommended that the Committee review the draft Written Representations (WR) prepared for the Cottam Solar Project examination, and delegate authority to the Director of Planning,

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

Regeneration and Communities to complete, finalise and submit the final WR by Deadline 1 (17th October), taking into consideration committee's comments, and having consulted with the Chair of this Committee.