



**Prosperous Communities  
Committee**

**Tuesday 5 December 2023**

**Subject: West 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 West Burton Solar Project Development Consent Order (DCO) examination

**RECOMMENDATION(S):**

- To accept the invitation and approve the submission of a Local Impact report (LIR) to be made on the West Burton Solar Project DCO examination; and
- To review the draft Local Impact report (LIR) prepared for the West Burton 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 LIR to the Examination, having taken 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/107/24/PC/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 Local Impact Report (LIR) seeks to identify those members of the Community that may be impacted by the development of the West Burton Solar Project.

### **Data Protection Implications :**

None expected to arise from this report.

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

The West Burton Solar Project is a Nationally Significant Infrastructure Project (NSIP) that is anticipated to generate up to 480MW of renewable energy, which the applicant estimates will generate energy to power 144,000 homes, and would replace around 24% of the generation capacity of the coal-fired West Burton Power Station.

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

This report considers the Council's Local Impact Report 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 Local Impact Report.

### **Health Implications:**

Anticipated 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:**

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/>

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 West Burton Solar Project:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/west-burton-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 480MW West Burton 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 Wednesday 8<sup>th</sup> November 2023, the Examining Authority (ExA) recommenced the Preliminary Meeting and formally commenced the Examination. The ExA is under a duty to complete the examination within six months – i.e. by Wednesday 8<sup>th</sup> May 2024.
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. It is recommended that the draft LIR appended to this report is 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 the final Local Impact Report to the examination, having incorporated the feedback of the Committee.

## 1 Introduction

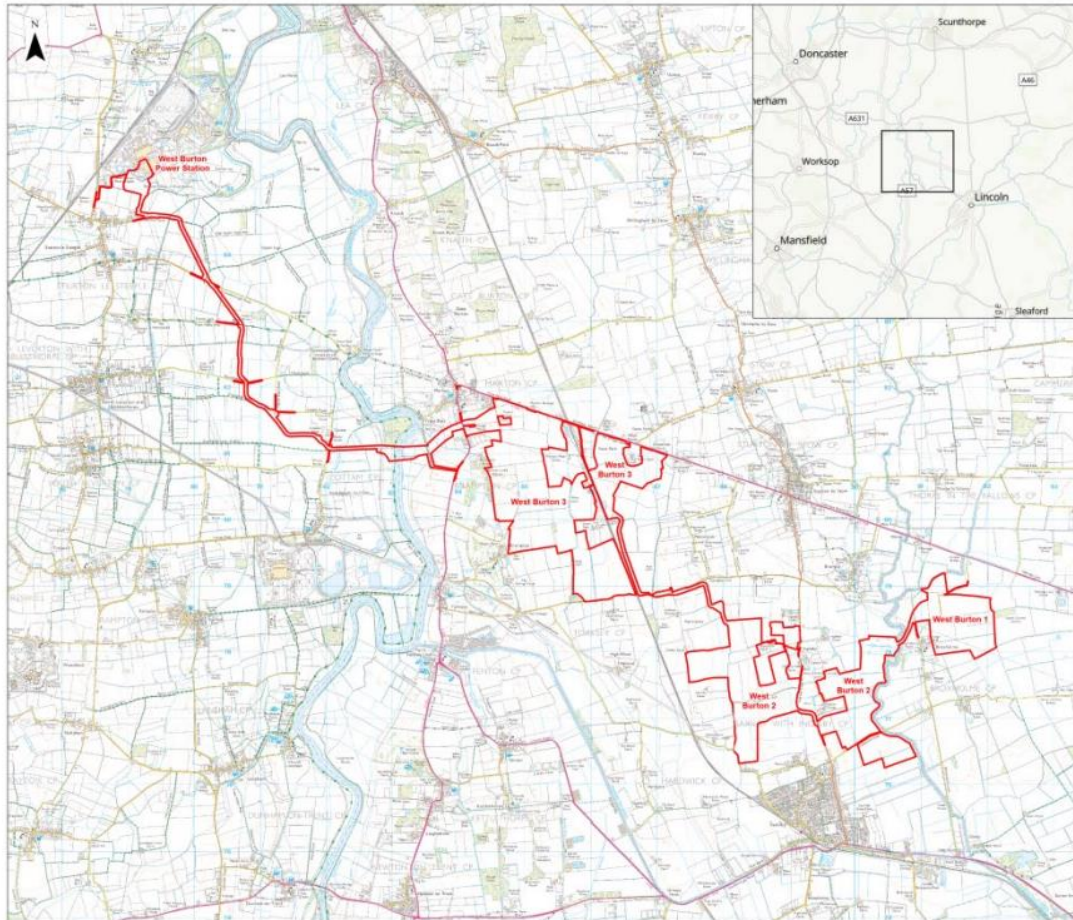
- 1.1 The West Burton Solar Project is a development proposal made by Island Green Power (IGP) applying to the Government for a Development Consent Order (DCO).
- 1.2 As an energy generating station that would have a capacity that exceeds 50 megawatts (MW), it qualifies as a Nationally Significant infrastructure 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 Wednesday 8<sup>th</sup> November 2023, the ExA recommenced the Preliminary Meeting, having initially delayed it from 7<sup>th</sup> September due to concerns with the examination timetable expressed at the Preliminary Meeting held that day. The Examination has now formally commenced and the ExA is placed under a duty to complete the examination within 6 months – i.e. by Wednesday 8<sup>th</sup> May 2024.
- 1.6 The "Rule 6" letters of 10<sup>th</sup> August and 11<sup>th</sup> October 2023, both state that *"local authorities can submit Local Impact Reports if they wish. Whilst these are voluntary, the Planning Act 2008 provides that if they are provided, they must be considered by the Secretary of State in reaching a decision. Consequently, Local Impact Reports are a very important method for local authorities to communicate issues of concern to the ExA, the Secretary of State and their residents."*
- 1.7 At the Preliminary Meeting (8<sup>th</sup> November) officers explained to the Examining Authority that WLDC would not be able to achieve the initial suggested deadline of 24<sup>th</sup> November on the draft timetable, as the Committee would not convene until 5<sup>th</sup> December.
- 1.8 On the 17<sup>th</sup> November, the ExA published their "Rule 8" letter including the final examination timetable. The letter acknowledges representations made, and states *"Representations were made by West Lindsey District Council requesting the extension of the deadline for the submission of LIRs and by Interested Parties regarding the degree of congestion*

*relating to the deadlines of other local NSIPs, including around the deadline for the submission of WR. The ExA has carefully considered these representations and has inserted a new deadline, Deadline 1A, which is Thursday 7 December 2023, for the submission of LIRs and WRs.”*

## **2 The West Burton 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 886.4Ha (see appendix 3).
- 2.2 The development area is separated into 3 distinct solar array sites; and a cable route corridor leading to the West Burton Power Station Site in Bassetlaw District.
- 2.3 West Burton 1 (WB1) covers 91.32Ha and is entirely in agricultural use. It is located to the north-east of Saxilby, and south-east of Sturton by Stow, approximately 1.1km to the east of Bransby village.
- 2.4 West Burton 2 (WB2) covers an area of 306.98Ha, that is entirely in agricultural use. It lies immediately (0.68km) to the north of Saxilby.
- 2.5 West Burton 3 (370.78ha) is also entirely in agricultural use. It would be located on both sides of the Gainsborough-Lincoln railway line, on land between Saxilby and Marton.
- 2.6 A cable route corridor will connect WB1 to WB2; and WB2 to WB3. The cable route corridor that connects WB3 to the point of connection at West Burton Power Station The Cable Route Corridor is to transect the A156 to the south of Marton before crossing the River Trent into Bassetlaw District.

Plate 3.1 The Order Limits



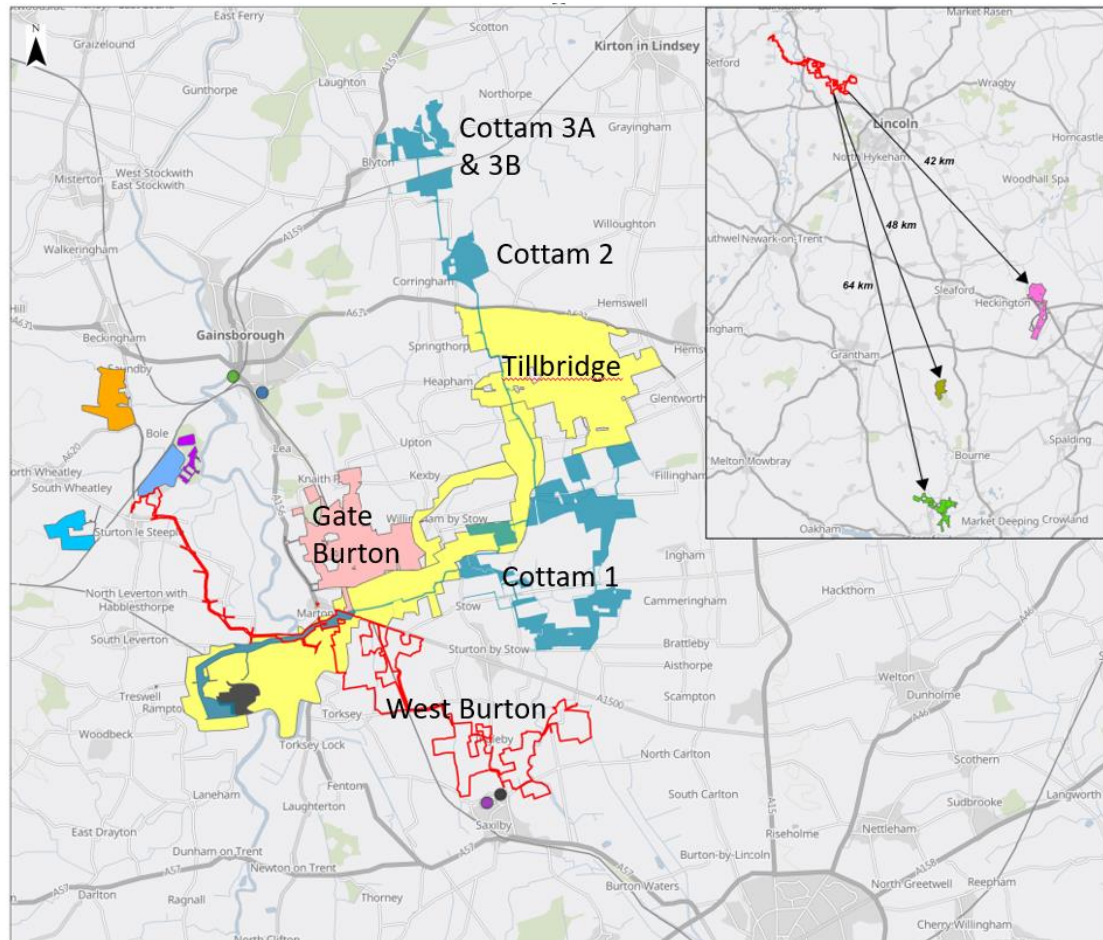
(Extract from Environmental Statement)

- 2.7 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.”
- 2.8 In terms of the solar photo-voltaic (PV) panels, the Environmental Statement states that “it is likely that the scheme will utilise tracker panels” (maximum height of 4.5m), but that “optionality is included within the application to be able to utilise fixed panels (maximum height of 3.5m).
- 2.9 The DCO Application proposes that the energy storage for the Scheme will be located within West Burton 3. The maximum footprint of the energy storage facility is up to 1.75ha.
- 2.10 The batteries will be housed within containers. The maximum dimensions of individual modular battery storage container and interconnector container within a BESS compound is 2.0m width by 3.0m length and up to 3.5m in height. The maximum dimensions of modular battery storage and interconnector container strings within a BESS compound is 24.0m by 3.0m footprint and up to 3.5m in height. This is based on strings consisting of up to 12no. modular containers. These containers may be modular and joined depending on equipment choice to be determined at detailed design stage.



### 3 Cumulative Solar NSIPs

3.1 The West Burton Solar Project 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 4).



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 600MW Cottam Solar Project (1451Ha) is also proposed by Island Green Power. 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 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. A cable route corridor will run between the sites before connecting to the Cottam substation in Bassetlaw District. 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).

- 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 has undertaken 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 10<sup>th</sup> August "Rule 6 letter" states that *"The Secretary of State has appointed the Examining Authority (ExA) for the West Burton 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 18<sup>th</sup> April 2023 that this project has been accepted for examination.
- 4.3 The Preliminary meeting was held on Thursday 7<sup>th</sup> September, and reconvened on Wednesday 8<sup>th</sup> November officially commencing the six

month examination period. The final examination timetable states that it will formally close on 8<sup>th</sup> May 2024, and the weeks commencing 22<sup>nd</sup> January and 5<sup>th</sup> February 2024, have been reserved for public hearings.

- 4.4 The Examiner's Rule 6 letter had explained that *"The Examination of Nationally Significant Infrastructure Projects 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 Nationally Significant Infrastructure Projects 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."*
- 4.5 It states that *"Local authorities can submit Local Impact Reports if they wish. Whilst these are voluntary, the Planning Act 2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, Local Impact Reports are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents."*

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

- 5.1 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)).
- 5.2 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."*
- 5.3 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."*
- 5.4 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."*

- 5.5 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."*

## **6 Recommendations**

- 6.1 It is recommended that a LIR is submitted on the behalf of West Lindsey DC, on the West Burton Solar Project examination, which will then need to be taken into account by the Secretary of State when determining the application to grant a DCO.
- 6.2 It is recommended that the Committee review the draft Local Impact Report prepared for the West Burton Solar Project examination (appendix 2), and delegate authority to the Director of Planning, Regeneration and Communities to complete, finalise and submit the final LIR to the examination, taking into consideration committee's comments, and having consulted with the Chair of this Committee.