



**Prosperous Communities
Committee**

Tuesday, 5 December 2023

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

RECOMMENDATION(S):

- To accept the invitation and approve the submission of Written Representations (WR) to be made on the West Burton Solar Project DCO examination; and
- To review the draft Written representations (WR) 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 WR to the Examination, having taken into consideration the committee's comments

IMPLICATIONS

Legal:

At a meeting of this committee on 1st 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/108/24/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 Written Representations set out how we consider the West Burton 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 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 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 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 8th 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 8th May 2024.
5. As an Interested Party (IP), West Lindsey District Council is invited to submit “Written Representations” (WR). It is recommended that West Lindsey DC accepts the invitation, and provides written representations to the Examination.
6. 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 to the examination, having incorporated the feedback of the Committee.

1 Introduction

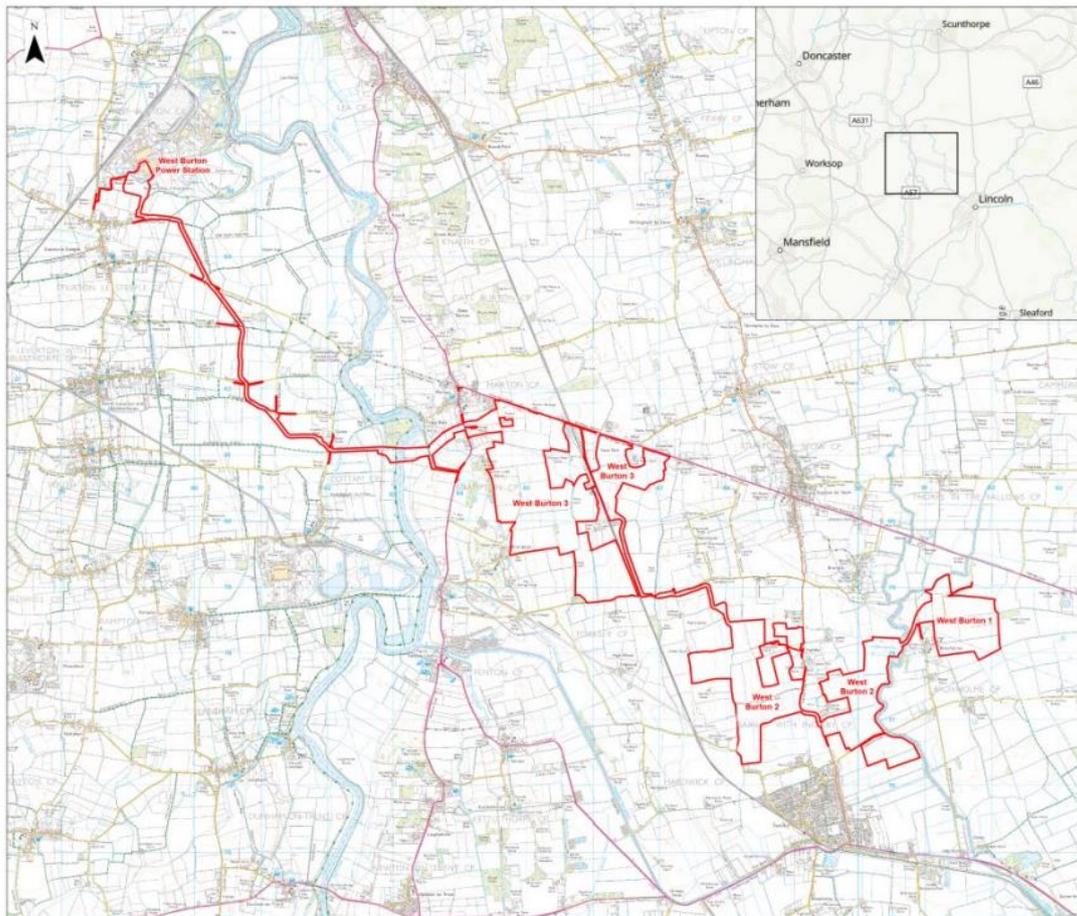
- 1.1 The West Burton Solar Project is a development proposal made by Island Green Power (IGP) applying to the Government for a Development Consent Order (DCO).
- 1.2 As an energy generating station that would have a capacity that exceeds 50 megawatts (MW), it qualifies as a Nationally Significant infrastructure 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 8th November 2023, the ExA recommenced the Preliminary Meeting, having initially delayed it from 7th 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 8th May 2024.
- 1.6 The 11th October "Rule 6" letter invites Interested parties (IP) to make Written Representations on the application.
- 1.7 On the 17th November, the ExA published their "Rule 8" letter including the final examination timetable. The letter acknowledges representations made at the Preliminary meeting, 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

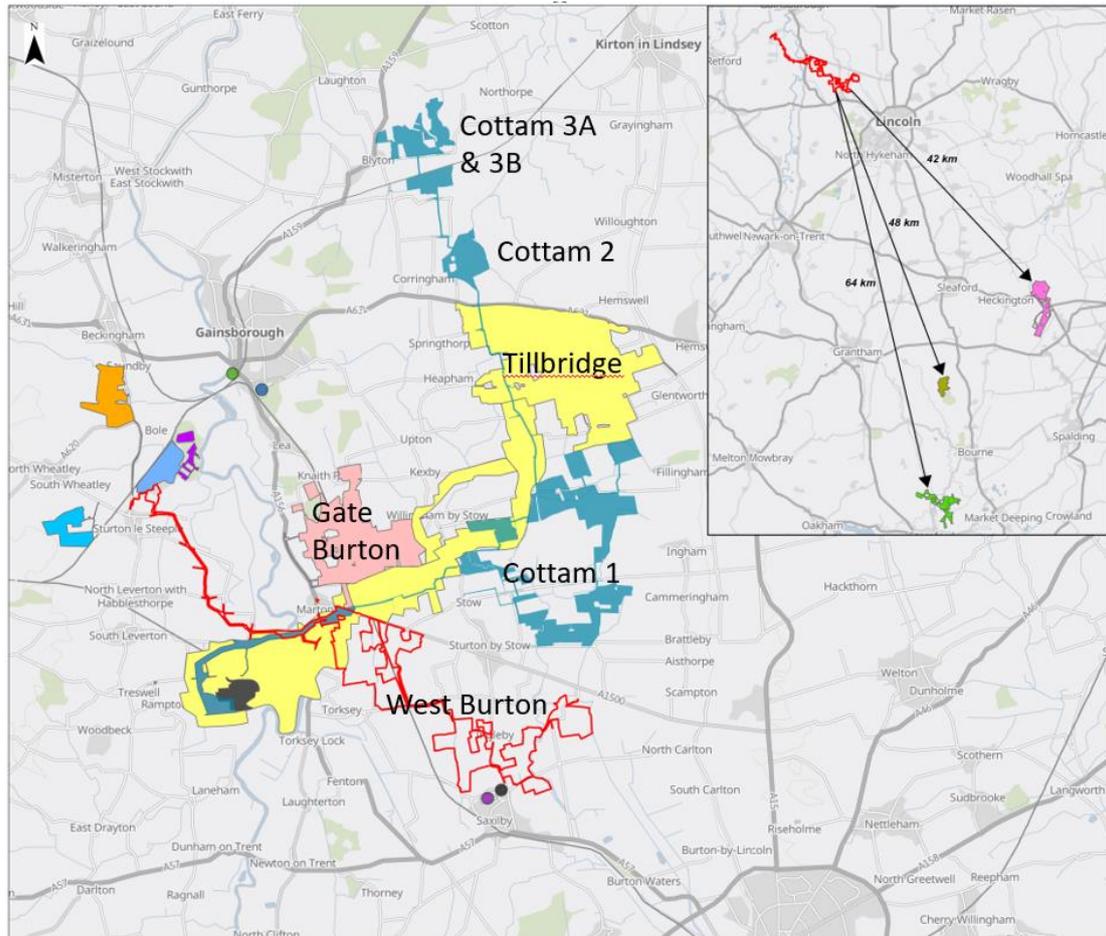


(Extract from Environmental Statement)

- 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 4th July 2023 and is due to close on 4th 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 10th 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 18th April 2023 that this project has been accepted for examination.
- 4.3 The Preliminary meeting was held on Thursday 7th September, and reconvened on Wednesday 8th November officially commencing the six month examination period. The final examination timetable states that it will formally close on 8th May 2024, and the weeks commencing 22nd January and 5th 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 “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.”

5 Written Representations (WR)

- 5.1 National Infrastructure Planning Advice Note 2 sets out the distinction between written representations, and a Local Impact Report. It states:

“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. The deadline for the submission of a written representation is usually near the start of the examination, often at the same time as the deadlines for the LIR and SoCG.”

- 5.2 National Infrastructure Planning Advice Note 8.4¹ sets out 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.

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

- 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 to the examination.
- 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 (see appendix 2).
- 6.3 It is recommended that the Committee review the draft Written Representations (WR) prepared for the West Burton Solar Project examination, and delegate authority to the Director of Planning, Regeneration and Communities to complete, finalise and submit the final WR to the examination, taking into consideration committee’s comments, and having consulted with the Chair of this Committee.