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Our Ref : GIP/KB/324055/0001
Date : 1 July 2021

Via email LittleCrowSolarPark@planninginspectorate.gov.uk

Dear Sirs

Little Crow Solar Park
Open Floor Hearing 29 June 2021 – Post Hearing Submission
Reference: 20027039

Following the Open Floor Hearing on Tuesday 29 June 2021, we now, on behalf of our clients Infocus ID Ltd, Fenswood Motors Ltd, ManDown Support Ltd, Richard Fenwick Johnson and Katie Teresa Holmes submit as follows:-

Site Selection and Alternatives

North Lincolnshire and North East Lincolnshire (the former South Humberside) is an area where there are numerous solar projects in various stages of development. It is the equivalent of the historic railway mania or the 1990s Dash for Gas. Some form of selection amongst the possible PV schemes has to be made. They are not all going to be carried into effect and so it is unrealistic to look at this scheme in isolation from other schemes that have been or may be advanced. The Applicant (paragraphs 1.1.7 and 1.1.8 of REP2 – 022) refers extensively to the Cleve Hill Solar Park examination. Document APP – 201 in the Cleve Hill Solar Park documents library is a sequential test analysis. Contrary to the speculation of the Applicant at the OFH the sequential test analysis was not due to flooding concerns nor, as suggested as a possibility by the examining authority, was it due to wildlife concerns. Rather, as indicated in paragraph 9 of the sequential test analysis, the sequential test analysis was undertaken in fulfilment of Government planning guidance “Renewable and Low Carbon Energy”. As the Cleve Hill’s sequential test analysis postdates the July 2018 changes to the NPPF and as “Renewable and Low Carbon Energy” remains in force, we struggle to see that there has been any material change in planning methodology relating to solar farm developments since the Cleve Hill examination and we would respectfully submit that a similar analysis to that undertaken for Cleve Hill is undertaken in respect of the Little Crow Solar Park.

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Accessway Surface

Our clients note the mitigation steps proposed in the Outline Construction Environmental Management Plan (REP3 – 007) but with all respect the Applicant is not proposing to adopt the single most effective method of reducing both noise and dust to our clients' property which is the laying of a low noise (Highways Agency Level 3) hard tarmac surface. At best our clients will be subjected to weeks of disturbance from construction deliveries and it is reasonable that the effect on our clients is ameliorated as far as practicable.

Hours of Work

The current draft DCO (REP3 – 003) does not include any limitation on working hours in the operation of the generating station (paragraph 11). One would expect a planning permission granted by a local authority for industrial development of this kind to have restrictions on activities at anti-social hours. Indeed, the interested party's own commercial planning permission (North Lincolnshire Council planning permission PA/2018/148) contains a condition:

"The opening and delivery hours shall be limited to:

Monday – Friday 7am to 6pm;

With no opening or deliveries on Saturdays, Sundays or Public Holidays".

The stated reason for that condition was *"in the interests of residential amenity"*.

We submit that after the conclusion of the construction phase the operators of this solar farm should not have carte blanche to carry out site operations, at any time of the day or night. Equipment, maintenance, cleaning and other operations should be carried out at reasonable hours Monday to Friday only. It is accepted that works will have to be carried out outwith those hours in cases of genuine emergency but routine work should not be scheduled in anti-social hours.

The DCO contains a limit on hours of work during the construction phase. This is set out in paragraph 11 of the current draft DCO. The permitted hours include half day working on a Saturday. It is submitted that it is inappropriate for half day working to be permitted on a Saturday. The benefit to the Applicant of a half day's construction operations on a Saturday is vastly outweighed by the disturbance to our clients' weekend. It is submitted that works should be limited to Mondays to Fridays only.

Paragraph 11(2)(b) should, we submit, be removed. Construction workers will have to drive up and down the accessway to get to the solar park. Notwithstanding all the mitigation in the world, those vehicle movements are going to be audible from within our clients' property. Accordingly, as there will be no work capable of satisfying paragraph 11(2)(b) the paragraph is otiose and should be removed.

Paragraph 11(3) relating to the notification of emergency works should, be extended to operational emergency works as well as construction emergency works. This will ensure that emergency works are only undertaken in genuine emergencies.

Site Security

The key issue with site security for our clients' property is that at the moment, our clients' property is extremely quiet. This development both during the construction and operational phases will mean that people with a legitimate purpose will be present and so anyone in the vicinity cannot be presumed to have no legitimate purpose. That makes it easier for those up to no good to hide in plain sight.

The accessway is not used by our clients' property and is used, except at harvest time, very rarely by farmers. It would seem to be appropriate to require the east end of the accessway adjoining the public highway to be gated with a gate that is kept locked except when actually required for ingress and egress of staff and/or construction materials. We appreciate that the operation of the gate may have to be different during those parts of the construction phase where numerous vehicles are arriving each day. However, at other times during the operational phase and when only workers are arriving and departing during the construction phase one would expect that staff attending the site would open the gate, enter, lock the gate behind them and only open the gate again when leaving at the end of their shift.

Duration of the Construction Phase

The Applicant in the Outline Construction Environmental Management Plan refers to phasing in various places as a mitigation of the effects of construction (see particularly paragraphs 3.5 and 3.6). However phasing also potentially has the effect of extending the misery caused to our clients from the construction of the solar farm for months or possibly years. One is well aware of developments extending over many years not because of the necessities of construction but because of the commercial imperatives of the developer. The only reference to the duration of the construction phase we have seen appears in the Outline Construction Traffic Management Plan (APP – 105) which refers to 47 weeks. That in turn has been picked up by the consultants in the revised Air Quality and Carbon Assessment (REP2 – 013) at paragraph 4.1.2. We ask that the key phasing dates (by week numbers from project commencement) are scheduled to the DCO rather than being something subsequently approved by the local planning authority. We also ask that an overall time limit on the construction phase be imposed (obviously with permission for the local planning authority to extend the duration in the event of unforeseen circumstances) so that our clients have the certainty of the duration of the disturbance they must experience.

Re-Working the Project

The Applicants confirmed at the OFH that they regarded the ODC as authorising a single development of the solar farm and that any re-equipping of the solar farm eg such as the installation of new PV cells or new batteries would be a further development outside of the present proposed consent.

Footpath

In the light of documents APP – 043 and REP2 – 024 there are no longer any concerns about the route of the diverted footpath. If any future changes are proposed to the route of the diversion we may wish to re-visit this issue.

Book of Reference

Since the OFH we have noted that the Applicant's latest edition of the Book of Reference (AS-002) fails to include the property of our clients Richard Fenwick Johnson and Katie Teresa Holmes registered at HM Land Registry under title number HS296734.

The shared occupation of Fennswood Motors Limited and ManDown Support Limited (along with the landowner Infocus ID Limited) of title number HS392936 is also omitted.

Yours faithfully

01/07/2021

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