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Your contact for this matter is:

Russell Clarkson
[REDACTED]@west-lindsey.gov.uk
01427 676641

12th May 2022

Alex Bullock MSc MRTPI
AECOM
3rd Floor, Portwall Place
Portwall Lane,
Bristol
BS1 6NA

By Email [REDACTED]@[aecom.com](mailto:[REDACTED]@aecom.com)

Dear Mr Bullock,

PINS REF: EN010131-000006

LPA REF: 144006

Planning Act 2008 (as amended) – s47 draft Statement of Community Consultation

Application by Gate Burton Energy Park Ltd (the Applicant) for an Order granting Development Consent for the Gate Burton Energy Park (the Proposed Development)

LOCATION: Gate Burton Energy Park

Thank you for your email dated 11th April 2022, which enclosed a copy of your draft Statement of Community Consultation ("draft SoCC"), in order to comply with your general duty to consult the local authority in accordance with s47(1) of the Planning Act 2008 (as amended).

We have now taken the opportunity to review the draft SoCC, and as a host authority, wish to make the following comments to be taken into consideration under s47(5).

Paragraph 1.10 – The final SoCC should set out in detail the feedback received from the host authorities and how this has been incorporated into the final statement.

Paragraph 1.11 – A 45 day consultation (exceeding the 28 day statutory requirement) is welcomed.

Paragraph 3.16 – "*In preparing this final version of the SoCC, Gate Burton Energy Park Ltd has had regard to the feedback submitted during this formal consultation.*". Again, this should be set out in the final SoCC, showing where comments have been incorporated. Where the developer does not intend to follow such advice, discussion on this would be welcome and encouraged.

Paragraph 6.8 – As a local paper, widely circulated in the locality, it is recommended that the Market Rasen Mail is also added to this list.

Paragraph 8.3 / Figure 8.1 – it is noted that a 2km core consultation zone (1km from the route corridor) is proposed, and is displayed at figure 8.1.

Unfortunately figure 8.1 is provided at such a small scale, that it is not possible to distinguish any landmarks or settlements. This needs to be provided at a much clearer, higher scale, and features such as settlements labelled. It should be provided on both an aerial base map and Ordnance Survey (or equivalent) base map.

It is noted that the zone has been extended further due to other influences such as the ZTV, although this is not clear as to where and how on the diagram.

It is noted for instance that the proposed assessment zone in the Landscape and Visual Impact Assessment (LVIA) would extend as far as 5km.

This should be clearly demonstrated.

Taking a 2km zone – I believe this would include the settlements of Lea, Gate Burton, Marton, Upton, Kexby, Willingham by Stow, Normanby by Stow and Stow – could this be made clear and confirmed?

However, I believe that it would exclude the settlement of Sturton by Stow – if this is the case, we consider that the zone should definitely be extended to include this settlement too.

Paragraph 8.8 – We would agree with the groups that you have identified as “*under represented and marginalised*”. Whilst it is noted that you will “*contact all those bodies and organisations representing these groups ahead of consultation starting*” it is not clear who these bodies are and how you will contact them. For instance, do you intend to directly contact schools and learning institutions, on behalf of “young people”? Will you be contacting care facilities on behalf of older and disabled residents? Lincolnshire Voluntary Centre Services may be a helpful contact on this aspect.

Paragraph 8.10 – The proposed freephone number is welcomed. Will this be made freely and widely available?

Paragraph 9.4 – Use of the website is noted. We would recommend other online “social media” options also be considered and pursued. In particular, I am mindful of some of the marginalised groups that you have identified, and whether such means would be more accessible to them.

Paragraph 9.7 – A direct mail drop to those addresses within the consultation zone is welcomed.

It would be beneficial to include a copy of the consultation invitations within the SoCC. It would be helpful for the SoCC to contain a list of “*local interest groups /organisations which are active within the consultation zone*”.

Will this only extend to those with addresses within the zone?

Or will it include groups from outside the zone that are active within it – such as local walking groups for example? We recommend that the latter are included.

Elected representatives should include all elected Ward Members and members of Parish Councils within the consultation zone.

Paragraph 9.19 onwards – it is noted that there will be three “in-person” events in West Lindsey, to the north (Knaith Park), east (Willingham by Stow) and south-west (Marton & Gate Burton) of the site, as well as two online events, and that these give options for both workdays and weekends.

We are generally agreeable to this approach.

Paragraph 9.30 – Posters (and documents?) should be provided to Parish Councils to display.

P18, footnote 5 – arrangements in the event of cancellation/rearrangement, are noted. In such an event, West Lindsey DC would wish to be notified immediately.

Table 9.3 – Document Inspection locations. We would agree to, and recommend, that the Council's office is added to the list of document inspection locations:

West Lindsey District Council
Guildhall
Marshall's Yard
Gainsborough
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DN21 2NA
Tel: 01427 676676

The Council offices are open Monday to Friday, 9am-5pm.

Paragraph 9.27 onward – the proposed media strategy is noted. As a widely circulated local newspaper, it is requested that the Market Rasen Mail is added to the list both for advertisements and press releases.

Paragraph 10.7 – this is not altogether clear. In the event that the scheme is amended, are you proposing a further 45 day consultation period? The SoCC needs to be clear as to what will happen in such a scenario.


Overall, West Lindsey DC consider that the proposed consultation strategy is proportionate. A 45-day consultation is welcomed. The proposed consultation zone appears to be appropriate, but it must be made clear through a more legible map – it must also be expanded to include the settlement of Sturton by Stow.

Recognition of harder to reach, under represented and marginalised groups is welcomed – but the draft SoCC remains unclear as to what measures will be put in place to engage with these groups. This must be expanded.

There seems a missed opportunity to use social media as an effective consultation tool.

It is trusted the above is of assistance, and it is requested that this is given regard to, in accordance with s47(5).

Yours Sincerely,



**Russell Clarkson BA(Hons) DipTP MRTPI
Development Management Team Manager**

On behalf of West Lindsey District Council

CC – gateburtonsolar@planninginspectorate.gov.uk

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01427 676641

Gate Burton Energy Park Limited
FREEPOST
GATE BURTON ENERGY PARK

5 August 2022

BY EMAIL:

info@gateburtonenergypark.co.uk

To whom it may concern,

APPLICATION REFERENCE NO: 145125

PROPOSAL: Consultation on Gate Burton Energy Park.

LOCATION: Gate Burton Energy Park

Thank you for your letter, comprising a formal s42 consultation on the Gate Burton Energy Park.

As you will be aware, West Lindsey District Council is at present in the process of commissioning technical consultants to assist with the technical analysis of your proposed development and to enable the Council to develop its understanding of the local impacts that may occur. Part of their brief will be to assess the environmental information and offer feedback and advice as appropriate.

We will therefore seek to continue negotiations and discussions as you prepare your Environmental Statement.

In the meantime we have taken the opportunity to review the preliminary layouts and Preliminary Environmental Information Report (PEIR), and would like to offer the following comments, and raise the following queries, at this stage:

Chapter 1 Introduction

Paragraph 1.2.3 – It is noted that a 60 year lifetime is anticipated, with decommissioning in 2088. We are aware that similar solar DCO projects being proposed within West Lindsey (namely Island Green Power's West Burton & Cottam Projects) anticipate a 40 year lifespan. Is 60 years a conservative estimate, applying a "Rochdale envelope" scenario? It would be helpful to explain this.

1.4.16 – It is noted that relevant policy includes the Lea Neighbourhood Plan, which was adopted in January 2018, and for which the neighbourhood area immediately adjoins the site to the north. It can be noted that the site also immediately adjoins the Sturton by Stow / Stow Neighbourhood area – along its south-eastern boundary. The Sturton by Stow and

Sturton Neighbourhood Plan was formally made in July 2022, and should also be considered as relevant local policy.

Chapter 2 The Scheme

The proposed parameters in table 2.1 are noted. It is noted that “fixed” panels are stated – is it safe to presume that “tracking” panels are not therefore part of the proposals?

This chapter is not clear as to the National Grid Connection to Cottam station, within the cable corridors. Will this be above or below ground? Or a combination of both? As this will be likely to have environmental implications – this needs to be clearly set out.

Chapter 3 Alternatives and Design Evolution

Section 3.3 – Alternative Sites. This section is not altogether clear. It is not clear how the DCO site was identified and what alternative sites were considered before selecting the DCO site. It mentions a “5km area of search” – 5km from where? What were the search parameters? Why could the development only be met within a 5km search area? Were any alternative sites identified and considered? They are not set out or demonstrated.

Section 3.6 – alongside chapter 2, this remains unclear – are overhead lines being considered, or not? If so, where are these identified?

Chapter 4 Consultation

Contents noted. We note that consultations, and regard to responses, will be set out within the separate Consultation Report.

Chapter 5 EIA Methodology

It is noted that the list of ‘other developments’ is contained at Volume 3, appendix 5-A, although this appendix was missing from your documents list on the website, at the time of writing. Critically, however, this will need to consider the proposed West Burton and Cottam solar projects, by Island Green Power.

Chapter 6 Climate Change

Contents noted, including the proposed mitigation as set out (6.9).

Chapter 7 Cultural Heritage

7.1.5 – It is noted that *“A Cultural Heritage Desk-Based Assessment is currently in progress and the initial outcomes of that assessment have guided the baseline and impact assessment presented in this chapter”* and that (7.4.1) *“The assessment will be developed and refined following statutory consultation and as additional information becomes available, including desk-based research, visualisations and the results of trial trenching data, with a final assessment presented within the Environmental Statement (ES).”*

It is assumed that the assessment, including desk based research, is therefore still ongoing and not complete?

7.5.2 – It is noted that the main study area is set at 1km. Whilst 1km is likely to be reasonable in most cases – “setting” is “the surroundings in which a heritage asset is experienced. The extent to which the development may affect the setting of the asset will depend upon the asset itself. We agree with the use of a 5km wider study area for assets of the “highest significance” (7.5.5).

The baseline conditions – setting out known heritage assets – within section 7.7, and provided on figures 7-1, and 7-2 are noted. As are the potential impacts (prior to mitigation) as set out in section 7.9.

It is however noted that the preliminary findings are that there will be significant effects on 7 heritage assets during the construction phase, as summarised in table 7-5, including a major adverse effect upon the Heynings Priory Scheduled Monument.

It is noted that a major adverse effect is still anticipated after mitigation (table 7-6), and that this effect is expected when operational (60+ years). A moderate adverse effect is anticipated for the gate Burton non-designated parkland.

Chapter 8 Ecology and Nature Conservation

The intention to undertake a Biodiversity Net Gain (BNG) report, using Defra Metric 3.1 is welcomed (8.4.6). It is also noted that Existing and forthcoming biodiversity surveys will inform the development of a Landscape and Biodiversity Management Plan (LBMP) (8.4.7).

The findings of the Preliminary Ecological Assessment (PEA) (Vol 3 Appendix 8-B). It is noted that identified field surveys are ongoing (8.6.14). It is noted that further surveying of hedgehog and brown hare, will not take place, and will work on the assumption that both are present, and mitigation will be considered.

The potential impacts of development on habitats and protected (And non-protected) species are noted (8.8).

In particular it is noted that the potential for an effect upon the Cow Pasture Lane Drains LWS is noted at the construction phase (table 8.12) with mitigation proposed through a Construction and Environment Management Plan (CEMP).

Table 8.13 - Potential effects are also identified for marsh / marshy grass land during construction and that surveys are still ongoing. The ES will need to reflect the findings, along with any scheme design iterations and proposed mitigation. Effects are also anticipated for running water and hedgerows during construction, with mitigation proposed within the CEMP. It is noted that hedgerow restoration is proposed. However, through mitigation, no effects are anticipated for protected species.

It is noted that the temporary loss of habitat, and fragmentation of habitat within Cow Pasture Lane Drains LWS is assessed as a temporary moderate adverse effect that is potentially significant in EIA terms. However, *“the exact construction methods within this area and habitats affected (as a result of no survey information at the time of writing this PEI Report) are not known”* (8.12.6). We will therefore await these findings in the final ES.

Potentially significant, moderate adverse effects are also identified for running water and marshy grassland habitats and hedgerows, including the permanent loss of marshy grassland. (table 8.15).

Chapter 9 Water Environment

It is noted that a preliminary Flood Risk Assessment (FRA) (Vol 3, appendix 9-B) has been prepared and that the majority of development is in flood zone 1, and outside of known areas with a risk of flooding. Nonetheless, the north east corner does cross an area of FZ2/3 associated with Padmore Drain and along the eastern boundary. There are some localised areas at high risk from surface water. (table 9-10). It is noted that mitigation (table 5-1) is proposed for fluvial flooding (through sequential locating of infrastructure) and for surface water flooding.

It is noted that the grid connection route is predominantly within FZ3 and that the likelihood of increased flood risk from development is considered low as the connection is “via buried cables” (Appendix 9-B, 7.3.1). Whilst this is noted, Chapter 2 is not explicit in setting out that the grid connection will be via below ground cables.

It is noted that an Outline Surface water Drainage Strategy will be submitted with the DCO application (9.9.38), to be secured through the DCO process.

Chapter 10 Landscape and Visual Amenity

Whilst it is noted that “a study area radius of 3km has been determined... with reference to the ZTV submitted” – this is not altogether clear why. It is clear upon viewing the ZTV diagrams (Vol2. Figure 10-9 and 10-10) that the zone of theoretical visibility expands far beyond 3km. We are also mindful that Island Green Power propose a wider 5km zone. We are concerned that the 3km zone artificially limits the landscape and visual impacts that will arise from the development – and would need clearer justification as to why this has been set. We are also mindful of the cumulative landscape and visual impacts that may arise in combination with the proposed West Burton and Cottam projects. We would suggest more than a 3km study area is required.

However, it is recognised that the preliminary findings of the PEIR are that the development will be likely to give rise to significant landscape and visual effects during construction/deconstruction (summarised at table 10-9); and during operation (table 10-10).

It is appreciated that, whilst a full cumulative assessment is to be undertaken, “significant cumulative effects are anticipated at this stage”.

The LVIA needs to assess and address the sequential effect on more transient receptors – those that are travelling through the District, be it by car, bicycle, walking / hiking, and even the train. For instance, those travelling along the A1500 (Tillbridge Lane) will be sensitive to, and experience both this and the other projects during their journey, which may be over many kilometres.

Chapter 11 Noise and Vibration

It is recognised that baseline monitoring has been undertaken (11.6.6), having identified receptors in proximity to the site. There is a potential for noise and vibration effects during

construction and decommissioning phases (11.8.1) and for noise only during operation (11.8.4).

It is noted that the PEIR concludes that the change from road traffic noise will be negligible (table 11-3), other than Marton Road where a minor adverse effect is predicted.

During construction it is noted that the Lowest Observed Adverse Effect Level (LOAEL) is expected to be exceeded for scenario 3 (construction of PV modules) and may in scenario 4 (cable installation).

Furthermore, it is noted during operation that the predicted rating level will be above the LOAEL in all cases, but not exceed the Significant Observed Adverse Effect Level (SOAEL). Whilst this may be so, it is noted that the predicted rating level at a number of receptors is equal to (R7, R16, R17); or, within a margin of 2dB (R2, R3, R6, R11, R12, R15, R18, R19, R21) of the SOAEL. Whilst the PEIR chapter concludes effects are not significant, on the basis that they are at or around the Significant Observed Adverse Effect Level, it is considered that there is an identified environmental impact here that needs to be addressed through mitigation at the very least.

Chapter 12 Socio-Economics and Land-Use

12.7.7 – In terms of agricultural land classification, it is noted that “only the Solar and Energy Storage Park has been surveyed and assessed at this point and not the Grid Connection Route”, and the overall findings are presented at 12-12.

Table 12-12 Agricultural Land Classification

Agricultural Land Class	Total Area (Ha)	Proportion of the Site (%)
Subgrade 3a	73.6	11
Subgrade 3b	493.9	74
Estimated subgrade 3b	67.3	10
Non agricultural	32.5	5
Total	667.3	100

Where is the survey? It does not appear to be included in the appendices. Is there a plan which displays the ALC findings across the site? This has not been provided.

Nonetheless on the basis of the above findings, it would result in the loss of 73.6Ha of Best and Most Versatile Land (BMV). It is agreed that 20Ha is a suitable threshold (12.6.28) for assessment – the development would exceed the threshold by nearly four-fold. It is considered that “a loss of BMV which is either temporary and reversible after construction, or which falls below the 20 ha threshold, is considered as being not significant” (12.6.28).

However, the PEIR has already confirmed that “The design life of the Scheme is 60 years; however, if equipment is still operating successfully and safely, the Applicant may choose

to operate beyond the Scheme's originally anticipated design life. This is a common occurrence for generating stations. Many stations operate beyond the design life if they are well maintained." (2.6.6)

Whilst the scheme may ultimately be "temporary" – it will be in operation for a significant part of a human lifespan. It would result in the loss of 74ha of BMV land for in excess of 60 years. We are therefore concerned that the criteria employed at 12.6.28 should not exclude the site as "not significant".

Consequently – although the development would result in the loss of 634.8Ha of agricultural land – of which at least 73.6Ha would be BMV - this concludes a 'negligible effect' through the loss of agricultural land (12.10.23).

In contrast, I compare the findings of the PEIRs for the Cottam and West Burton Solar Projects – although larger sites, they estimate the significance of effect to be "major long-term adverse". Those schemes are estimated to have a 40 year lifetime – two-thirds of that being proposed here.

Consequently we are very concerned that the methodology being employed at the PEIR gives too much emphasis to the "temporary" nature of works to the point where the loss of 634.8Ha of agricultural land (73.6Ha of BMV land) could be concluded to be 'negligible'.

At 12.10.27 it states *"There are no new potential or additional impacts on agricultural land during the operation of the scheme."* The development would remove 635Ha of agricultural land from production for in excess of 60 years. The effects of this need to be properly assessed and addressed in the Environmental Statement.

In combination with the Cottam Solar Project (1270ha) and West Burton (1035ha) – it will cumulatively amount to over 3000ha of Lincolnshire (& Nottinghamshire) agricultural land. The Environmental Statement should therefore set out the agri-economic impacts of development. The baseline study should set out the current agricultural use of the sites, on a seasonal basis. What is being produced on site? What is its contribution towards food supplies and other sectors? How many are directly and indirectly employed that will be affected by the development and at what socio-economic impact?

This chapter also needs to address the effect on the wider tourism sector in Lincolnshire - How will the development, alone and in combination with other projects, affect visitor perceptions of rural Lincolnshire? Will it affect the desirability of West Lindsey as a place to visit? How will it affect visitor numbers?

Central Lincolnshire currently attracts over 3.3 million visitors a year, generating over £130 million (CLLP, 2017). How will this development affect the visitor economy? Particularly so in combination with other known DCO projects?

Chapter 13 Transport and Access

The preliminary findings, and expected trip generation figures are noted. Measures for embedded mitigation and to conduct a Stage 1 Road Safety Audit are recognised.

It is noted that a minor adverse effect on pedestrian amenity is expected, to be managed through a Construction Traffic Management Plan (CTMP). It is noted that no significant effects are anticipated (13.11.1) and no mitigation deemed necessary, although we would defer to the advice of Lincolnshire County Council, as the Local Highway Authority.

Chapter 14 Human Health and Wellbeing

It is noted that the preliminary findings are that there will be no residual effects related to human health and wellbeing (14.13.1).

Chapter 15 Other Environmental Topics

The preliminary findings in relation to air quality, glint and glare, ground conditions, telecommunications (et al.), and waste are noted.

In terms of risk of accident – it is noted that whilst a significant risk is not anticipated, major accidents and disasters have the potential to lead to moderate or major adverse effects. The mitigation referred to should be detailed in the ES.

Chapter 16 Cumulative Effects and Interactions

It is noted that assessments are underway and that the West Burton and Cottam Solar Projects will be considered.

It is noted that the development at 684Ha, would in combination with Cottam (1270Ha) and West Burton (1035ha) – result in the loss of 3000ha of Lincolnshire countryside to Solar development. It is considered that the cumulative environmental effects will be significant and that we await the findings of the ES in that regard.

Chapter 17 Summary of Environmental Effects

This is considered to be a helpful summary of those significant effects identified thus far.

It is asked that the above comments be taken into consideration as you continue to develop the ES and prepare your submission for the DCO. We would wish ongoing dialogue to continue – particularly in regard to some of the outstanding matters as cited above.

Yours sincerely,

Russell Clarkson BA(Hons) DipTP MRTPI
On behalf of West Lindsey District Council

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01427 676641

10 February 2023

The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Sir/Madam

PINS REFERENCE NO: EN010131

APPLICATION REFERENCE NO: 146203

PROPOSAL: Adequacy of Consultation Request for an Order Granting Development Consent for the Gate Burton Energy Park.

LOCATION: Gate Burton Energy Park

Thank you for your letter dated 30th January 2023, and invitation to advise whether the local authority considers that the applicant has complied with its duties under sections 42, 47 and 48 of the Planning Act 2008 (as amended).

We have reviewed the Gate Burton Consultation Report, dated January 2023.

Section 42 – Duty to Consult (WLDC ref 145125)

We can confirm that we were directly consulted by the developer in accordance with section 42(b), in writing by letter received 17th June 2022. This invited comments by 11.59pm on 5th August 2022. A formal consultation period was set out running from 22 June 2022 to 05 August 2022, along with details of scheduled consultation events.

The Council formally responded via letter dated 5th August 2022 – a copy of which is enclosed.

We have reviewed appendix F of the Consultation Report, and note that this included the relevant Parish Councils.

We consider that the developer has complied with section 42 of the Act.

Section 47 – Duty to consult local community

For the purposes of s47(2) we can confirm that the applicant did directly consult West Lindsey District Council via email on Monday 11th April 2022, inviting comment on the draft Statement of Community Consultation (SoCC) by 11.59pm on Friday 13th May 2022 (32 days).

We provided a written response on 12th May 2022. A copy is attached.

We note the summarisation of how local authority comments were taken into account at paragraph 5.3.6 of the Consultation Report, and appendix C-5. In particular, we note that the consultation zone was extended, as we had requested. We consider that the applicant has had regard to our response, for the purposes of s47(5). A copy of the SoCC was deposited at West Lindsey District Council offices for inspection, under s47(6).

It is understood that the applicant directly consulted all addresses (home & business) within the core consultation zone (7,293 addresses) and targeted relevant interest groups and seldom heard / underrepresented groups (as listed in appendix E2 of the Consultation Report). It is understood the consultation postcard was sent to 7,381 addresses (paragraph 6.3.37 of the Consultation Report). It is also understood that the five in-person consultation events were held, and two online events (table 6-3).

Having reviewed table 5-3, we consider the applicant did adhere to the contents of the final SoCC.

We believe the applicant has fulfilled their legal duty under s47 of the Act.

In addition to the above, it is understood the applicant undertook further “targeted” consultation between 03 November to 13 December 2022, due to a number of changes to the Order Limits (summarised at table 10-1). We can confirm that the applicant did make us aware of this further consultation, through meeting in October, and via email dated 28th October 2022.

Section 48 – Duty to publicise

It is noted in the Consultation Report (Chapter 8 and appendix G) that newspaper advertisements were placed in 3 local newspapers that circulate within the District, for two consecutive weeks, as required by Reg.4 of the 2009 Regulations.

We have no contrary evidence or reason to believe the applicant did not meet their statutory duties under s48.

Other matters

We have been contacted by the community group ‘7000 Acres’ that we understand has formed in response to the four solar project NSIPs that are being proposed within the District.

Whilst much of the Group’s concerns are centred around the content of the developer’s pre-application consultation documentation and seeks to challenge the developer’s statements, they do make comment as to how the cumulative effects of the four projects

should have been consulted upon, and concerns over “pre-populated feedback forms” (it is not clear if this is the same form in appendix E10 of the Consultation Report).

In accordance with paragraph 7.1 of Advice Note 2 (v1, February 2015)ⁱ on the National Infrastructure Planning website, we append “7000 Acres” correspondence as it may be a consideration in the Planning Inspectorate’s decision on accepting the application.

Yours faithfully,

Russell Clarkson
On behalf of West Lindsey District Council

Enc.

- 145125 – s42 WLDC Consultation Response, dated 5th August 2022
- 144006 – s47 WLDC response to Draft SoCC Response, dated 12th May 2022
- Letter from ‘7000 Acres’ Group

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ⁱ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-two-the-role-of-local-authorities-in-the-development-consent-process/#7>.

The 7000 Acres Group



**The Planning Inspectorate
The Square
Temple Quay
Bristol
BS1 6PN**

Copied to:

**Lincolnshire County Council
West Lindsey District Council
Sir Edward Leigh MP**

Dear Inspector

Gate Burton Energy Park

1. Introduction

The 7000 Acres Group is a collection of concerned residents formed from over 30 villages in and around the footprint of the Cottam, West Burton, Gate Burton and Tillbridge Solar Farm Projects. We have grave concerns over the Pre-Application consultations and how they have been conducted by the Applicants.

In the case of the Gate Burton Energy Park, we believe that Low Carbon has not followed the Planning Act 2008 Regulations and Guidance, has made deliberately partial or misleading statements, has not made information widely available and overall not consulted in good faith. In particular, the Applicant has not followed applicable Guidance, as required by the Planning Act 2008 Chapter 2 Section 50, that states:

“Guidance about pre-application procedure

- (1) Guidance may be issued about how to comply with the requirements of this Chapter.*
- (2) Guidance under this section may be issued by the Secretary of State.*
- (3) The applicant must have regard to any guidance under this section.”*

We will demonstrate that the Applicant has not followed the published Guidance and Best Practice (shown in Advice Notes). The Pre-Application Guidance¹ paragraph 20 states:

“Experience suggests that, to be of most value, consultation should be:

- based on accurate information that gives consultees a clear view of what is proposed including any options;*
- shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed; and*
- engaging and accessible in style, encouraging consultees to react and offer their views.”*

These three requirements are discussed below.

2. Accurate Information

Layout

The Applicant has **not** provided accurate and sufficient information to give intelligent consideration to the scheme. The National Policy Statement for Renewable Energy Infrastructure -Draft (En-3) paragraph 2.49.15 requires an Applicant to set out a worst-case option. Low Carbon failed to provide a worst-case scenario during the consultation phase. During public open days Low Carbon quoted the “Rochdale Envelope” to several residents as a reason why detailed information did not need to be provided at this stage. However, Advice Notice Nine: Rochdale Envelope paragraph 3.4 states:

“There is opportunity within the statutory Pre-application procedure for applicants to determine the most appropriate consultation programme for their needs and to time the consultation to appropriate stages in the evolution of the Proposed Development.
However, the consultation must be undertaken on issues that have been clearly identified and on a Proposed Development that is as detailed as possible. The bodies consulted need to be able to understand the proposals. The details of the Proposed Development should therefore be described as clearly and simply as

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418009/150326_Pre-Application_Guidance.pdf

possible. Obviously fewer options and variations within a project description make it easier to understand, especially by those less familiar with the PA2008 process.”

As detail was missing, or only made available in the PEIR, the average local resident was effectively excluded from the consultation. This situation was compounded by the increasing proportion of an ageing population and the relatively low socio-economic demographic in the region. Therefore, a significant proportion of the population do not have the necessary valid evidence to make an informed opinion. For example, information on the height of the solar panels (3.5m) was only available in the PEIR and not in the leaflets or public consultation posters.

Generating Capacity

Low Carbon has given an incomplete picture of the generating capacity of the scheme.

- The publicity material promulgated by Low Carbon stated that the Gate Burton Energy Park could generate 500MW of electricity. This information is at best only partially, but certainly not wholly, true in that it only describes the proportion that the scheme can produce at maximum power for a limited period on a cloudless sunny summer day. Low Carbon are being highly selective in the way they are presenting the information. By looking at the headline “maximum capacity” figure, it provides a good impression of the project, but by any other practical measure usual generating capacity is much smaller. For instance, load and capacity factors widely used in the industry are as follows:
 - In DUKES (Digest of UK Energy Statistics), the long-term annual average power delivered by solar is between 9%-11% of rated power, i.e. for Gate Burton at $500\text{MW} \times 11\% = \text{up to } 55\text{MW}$ average over the year.
 - The UK Capacity Mechanism uses a combination of technical availability and intermittency (for renewable generators) to create a “de-rating factor” for capacity. For solar, this is typically 2% - 3%, providing an indication of the amount of capacity that could be relied upon when most required, i.e. for Gate Burton at $500\text{MW} \times 3\% = 15\text{MW}$.

Once again the Low Carbon submission does not provide a realistic assessment of the value of this project for a lay resident to make an informed judgement of the scheme.

Use of Brownfield Sites

Low Carbon has not considered or documented the use of all alternative Brownfield Sites, contrary to draft EN-3 paragraph 2.48.15:

“It is recognised that at this scale, it is likely that applicants’ developments may use some agricultural land, however applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land.”

Currently three of the five largest solar farms in the UK are on brownfield ex RAF Airfields (Lyneham, West Raynham and Wroughton). Lincolnshire is not short of disused airfields, but none were considered in the PEIR. This is a significant failing of the proposals submitted by Low Carbon.

Further Issues

Low Carbon made a number of inaccurate statements about increasing environmental diversity, without supporting evidence. Again this has the potential to mislead residents and minimise comment and opposition.

Low Carbon publicity states that only low value farming land will be used. Evidence, including crop yields, prove this statement to be inaccurate.

3. Timing of the Consultation

This is one of four solar NSIPs in close geographical proximity with similar project timings. The time available for this consultation was too short, as it does not allow for the cumulative impact of the four schemes to be considered. The Infrastructure (Environmental Impact Assessment) Regulations 2017 and Advice Notice Seventeen require a cumulative effects assessment (CEA) to be conducted. This requires:

“For the purposes of this Advice Note, ‘other existing development and/or approved development’ is taken to include existing developments and existing plans and projects that are ‘reasonably foreseeable’.”

The other three solar schemes are covered under existing plans or are reasonably foreseeable. Therefore the combined effect of all four solar schemes must be considered and made available for the public consultation to be valid. Failure to inform the wider public

at this stage on the cumulative impact will not permit all the affected communities to make intelligent consideration of the scheme.

4. Engagement

The core consultation zone identified by Low Carbon was within 2 kilometres from the boundary. However, due to the size of the project people outside the 2 kilometre zone will be affected. Also, due to the cumulative impact of the other four proposed NSIPs a much wider consultation zone must be applied.

The public response to the consultation appeared to be low at the public meetings and two online sessions but no figures have been published by Low Carbon. The low public engagement is likely to be due to the limited publicity of consultation events and their timings.

Some expressed an opinion that the Low Carbon pre-populated feedback forms did not allow local residents to express their concerns in an easily accessible way.

5. Summary

During the Pre-Application Phase, Low Carbon has made a number of misleading statements in their consultation material and has consistently underplayed the impact of what will be one of potentially four vast solar and battery industrial sites. It has limited access to information and so the average local resident has not been provided with accurate, timely and easily accessible information on the project, which has denied them their right to fully understand the proposal.

During a Public Consultation the Gunning Principles should be applied. In this case it is clear that two Principles have been ignored: firstly, there has been insufficient information provided to give "*intelligent consideration*" of the project; secondly, there has been inadequate time for consideration and response due to the enormity of this and the other three adjacent solar projects.

Therefore, we insist that the Pre-Application consultation phase is extended, and Low Carbon is required to provide comprehensive and accurate information to local residents. Where processes such as the Rochdale Envelope are invoked, the relevant Planning Guidance must be followed.

Yours Sincerely

Jamie Allan on behalf of the 7000 Acres Group