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18 July 2023

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Dear Paige

Applicant Letter Deadline 1, Gate Burton Energy Park

Application Ref: EN010131

Introduction

This letter accompanies the submission of a suite of documents by the Applicant for the Gate Burton Energy Park at Deadline 1 of the Examination on 18 July 2023. This information has been provided to respond to requests for information set out in the Rule 6 letter issued by the Examination Authority (ExA) on 31 May 2023, the Rule 8 letter issued on 12 July 2023 and as discussed at the Preliminary Meeting on 4 July 2023 and the first Issue Specific Hearing on the Draft Development Consent Order (DCO) on 5 July 2023.

The following documents mentioned in the Rule 8 letter for submission at Deadline 1 have not been submitted:

- Book of Reference: no update required, version 2 submitted in March 2023 remains current [**AS-012/6.4**].
- Statement of Reasons: no update required, version submitted with the Application remains current [**APP-218/6.4**].

The table below lists documents submitted by the Applicant with this cover letter, with further information provided in the remainder of the letter.

Doc. No.	Title
New Documents	
8.1	Applicant Responses to Relevant Representations and Procedural Deadline A submissions
8.2	Interrelationships with other Nationally Significant Infrastructure Projects
8.3	Post-Hearing Submissions: Written Summary of Oral Submissions by the Applicant at Open Floor Hearing 1
8.4	Post-Hearing Submissions: Written Summary of Oral Submissions by the Applicant at Issue Specific Hearing 1 on the Draft Development Consent Order
8.5	Statement of Commonality
4.3I	Draft Statement of Common Ground with Canals and Rivers Trust
4.3J	Draft Statement of Common Ground with Anglian Water
4.3K	Draft Statement of Common Ground with Cottam, West Burton and Tillbridge Solar Projects
Updated documents: track changed and clean versions of each	
1.3	Guide to the Application
2.3	Outline Design Principles
2.4	Mitigation Schedule
3.2	Environmental Statement Figure 10.1.21: Vegetation Removal Plan ¹
4.3C	Draft Statement of Common Ground with Natural England
4.3D	Statement of Common Ground with Historic England (final and signed)
4.3E	Statement of Common Ground with Environment Agency (final and signed)
6.1	Draft Development Consent Order
6.2	Draft Explanatory Memorandum

¹ No tracked change version produced given it is a figure

Doc. No.	Title
6.3	Consents and Agreements Position Statement
6.5	Schedule of Negotiations and Powers Sought
7.3	Framework Construction Environmental Management Plan
7.4	Framework Operation Environmental Management Plan
7.12	Outline Soil Management Plan

[Further Detail on Documents Submitted.](#)

8.1 Applicant Responses to Relevant Representations and Procedural Deadline A submissions

This document presents the Applicant's responses to matters raised in Relevant Representations and a small number of matters raised at Procedural Deadline A.

8.2 Interrelationships with other Nationally Significant Infrastructure Projects

This report provides detail on the interrelationships between the Gate Burton Energy Park and the other three Nationally Significant Infrastructure Projects in the vicinity; namely Cottam Solar Project, West Burton Solar Project and Tillbridge Solar. It provides text and plans showing how the schemes relate to one another including construction traffic routes. The report sets out the approaches taken by the four developers to coordinate applications and reduce cumulative effects. It also explains the approach taken to the shared grid connection corridor, shared mitigation measures and an update on the assessment of cumulative impacts.

This document was requested in the Rule 6 and Rule 8 letters. The Rule 6 letter contained an Annex G that set out the information to be included in this report. The report submitted aims to address all points raised.

8.3 and 8.4 Hearing Submissions

These documents provide a record of the oral submissions made by the Applicant at the initial hearings in July 2023.

8.5 Statement of Commonality and Statements of Common Ground

The Statement of Commonality provides a summary of all Statements of Common Ground being progressed between the Applicant and third parties. Only Statements of Common Ground with substantive updates have been submitted at this deadline.

Document Updates

1.3 Guide to the Application (Revision 3)

The Guide to the Application has been updated to provide a full list of all documents submitted so it can be clearly seen which version is the most up to date of each document. An additional column has been added to this document to indicate which documents are proposed to be certified. This document provides the '*Schedule of the latest versions of the Applicant's submission documents and documents to be certified*' requested in the Rule 6 and Rule 8 letters.

2.3 Outline Design Principles (Revision 2)

This document has been updated to include a parameters plan, as requested by the ExA at the Issue Specific Hearing on the draft DCO. Minor text updates have also been made to the document to link the parameters plan with commitments set out in the Outline Design Principles and to address minor comments received from Interested Parties on the buffer provided around watercourses.

2.4 Mitigation Schedule (Revision 2)

Update to the document submitted with the Application to address minor comments raised by the Environment Agency.

3.2 ES Figure 10.21: Vegetation Removal Plan (Revision 2)

Update to the figure submitted with the Application to include vegetation removal within the Grid Connection Corridor and labelling of removals in accordance with the hedgerow removal schedule in the revised draft DCO submitted at Deadline 1.

6.1 Draft Development Consent Order (Revision 2)

The draft Development Consent Order has been updated to address matters raised at initial hearings and in consultation with key stakeholders. Appendix B of this cover letter provides a schedule of changes to the draft DCO since the version submitted with the Application.

6.2 Draft Explanatory Memorandum (Revision 2)

The Draft Explanatory Memorandum has been updated to address matters raised at initial hearings and in consultation with key stakeholders.

6.3 Consents and Agreements Position Statement (Revision 2)

This document has been re-submitted to make it clearer that it is not anticipated that any Protected Species licences will be required for the construction, operation or decommissioning of the scheme. This principle has been agreed with Natural England (see Statement of Common Ground with Natural England **[4.3C]**). Should pre-construction or pre-decommissioning surveys show that the baseline has changed such that Protected Species licences are required, they would be obtained at that point.

6.5 Schedule of Negotiations and Powers Sought (Revision 2)

Update to document submitted with the Application to provide an update on progress on objections and agreements. This has been revised to include detail requested in the Rule 8 letter to include the '*Schedule of progress regarding objections and*

agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights and blight’ and the ‘Schedule of Protective Provisions and Statutory Undertakers’.

7.3 Framework Construction Environmental Management Plan (Revision 2)

Update to the document submitted with the Application to address additional construction mitigation commitments, following discussions with the Environment Agency (regarding water quality and flood risk) and Upper Witham Internal Drainage Board (regarding offsets from IDB watercourses).

7.4 Framework Operation Environmental Management Plan (Revision 2)

Update to the document submitted with the Application to address additional operational mitigation commitments, following discussions with the Environment Agency (regarding water quality and flood risk) and Lincolnshire County Council (regarding access design).

7.12 Outline Soil Management Plan

Update to the document submitted with the Application to address comments made by Natural England in their Relevant Representation **[RR-193]**.

Other Matters

Accompanied Site Inspection

At the Preliminary Meeting for the Gate Burton Energy Park, the ExA confirmed that an Unaccompanied Site Inspection (USI) had been carried out on 3 and 4 May 2023. During this site visit the ExA had familiarised himself with the area and the Proposed Development site, the proximity of the various settlements in its vicinity, existing roads and the surrounding area, including the landscape, various features, woodland blocks, hedgerows, field boundary treatments and general landform.

Given the USI already undertaken, the ExA clarified that he would like the Accompanied Site Inspection (ASI) to focus only on the site itself, with the location of the Battery Energy Storage System mentioned as a particular location to visit. The itinerary and plan in Appendix A provides a draft ASI itinerary for this purpose as requested in the Rule 6 letter dated 31 May 2023.

Marine Management Organisation Submission

The Applicant is aware of a recent submission by the MMO **[AS-022]** in relation to the requirement for the deemed marine licence, or reliance on an exemption. The Applicant had a call with the MMO on 13 July 2023 to discuss this submission and the proposed approach to the deemed marine licence and potential routes forward. The MMO and the Applicant agreed to work together and will respond substantively at Deadline 2.

Please feel free to contact me if you have any questions on information submitted.

Yours sincerely,



Ali Leeder

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Appendix A: Applicant's Draft Itinerary for an Accompanied Site Inspection

Overview

Gate Burton Energy Park Ltd will make arrangements for an accompanied site inspection by the ExA and Interested Parties to the site of the proposed Gate Burton Energy Park in the week commencing 21 August 2023 should the ExA confirm this is required. The date of the Accompanied Site Inspection is to be confirmed by the ExA. This document sets out a proposed itinerary for the visit, as well as key information and procedures for the day.

Arrangements for the day

Arrival

We would suggest a rendezvous at 09:30 at Clay Lane, Gainsborough DN21 5BA on the day of the Accompanied Site Inspection for a briefing on the itinerary. The rendezvous point and parking locations are shown in Figures 1 and 2 below. The Applicant can arrange for an alternative rendezvous point and transport to the site should the ExA consider this necessary.

Figure 1 and 2 – Rendezvous point and parking locations





Lunch and bathroom provisions

We ask that all attendees bring a packed lunch. Given the sites location, bathroom facilities are not available during the ASI.

Transport

We would ask attendees make their own arrangements to get to and from the rendezvous point at Clay Lane.

Clothing

Sturdy footwear is required for the site inspection and comfortable/appropriate clothing should be worn. As the site inspection will require walking, attendees should sensibly dress for all weather conditions.

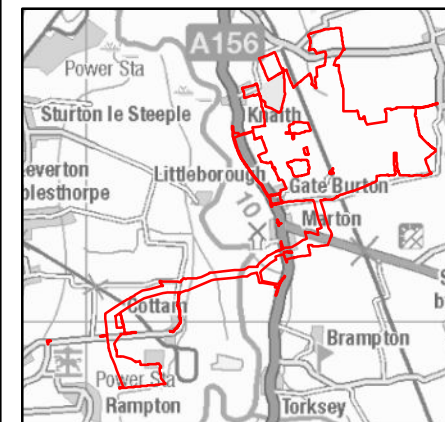
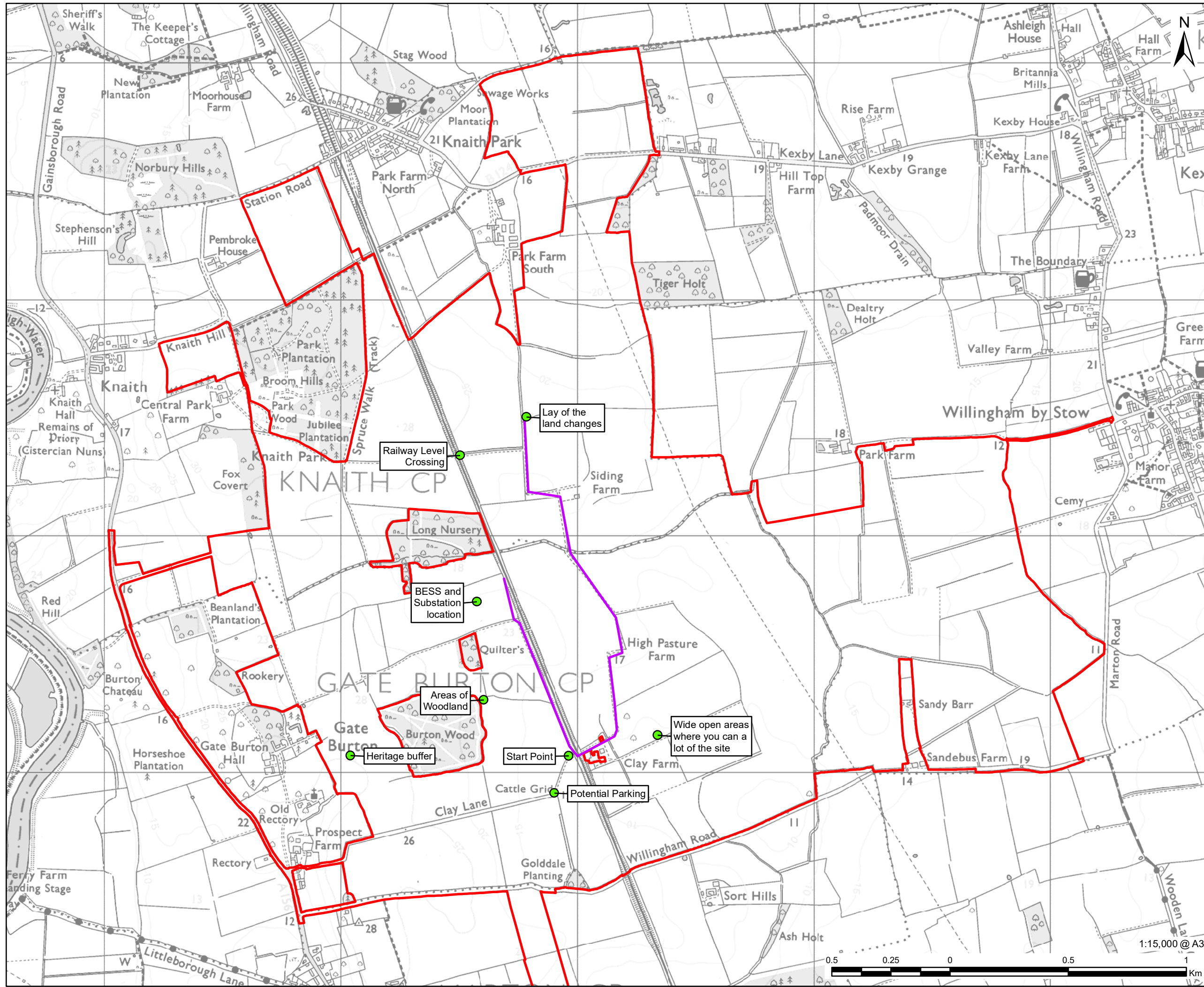
A nominated first aider will be present.

Proposed route and timings

We understand from the ExA's comments during the Preliminary Meeting that the scope of the ASI should be limited to areas which cannot be accessed publicly or not previously visited by the ExA during the unaccompanied site inspection on 3 and 4 May 2023 **[EV-001]**.

Table 1 below sets out the planned stops on the site visit, approximate timing, and information or plans relevant to each stop. We will provide hard copies of these documents on the day of the visit. Proposed stops and points of interest are also shown in Figure 3 below. The timings provided below are approximate and will depend on factors such as traffic.

Approximate time	Stop	Information
09:30 - 10:00	Clay Lane	Rendezvous and briefing
10:00 - 10:10	Burton Wood	Walk along internal track along the western side of the railway track northwards. From here view the identified areas of ancient woodland and the heritage buffer.
10:10 – 10:25	BESS and Substation	Continue northward along internal track towards location of the BESS and Substation. Walk around location and then head back towards Clay Farm along internal track.
10:25 – 10:40	Land around Clay Farm	Cross under the railway land towards Clay Farm. Walk around wide open area where much of the main site will be visible from.
10:40-11:00	Northern section of main site	Head northwards from Clay Farm through the main site area towards the railway level crossing. Walk around this area before heading back towards Clay Farm.
11:15	Clay Lane	Arrive back at the rendezvous point for debrief any outstanding questions.



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Appendix B: Schedule of Changes to the Draft DCO



1. Schedule of Changes to the draft DCO from submission to Deadline 1

Reference	Change	Reasons for Change
Article 2	<u>“Archaeological mitigation strategy” means the plans of that name identified in the table at Schedule 13 (documents and plans to be certified), including Part 1 and Part 2, and which are certified by the Secretary of State as the archaeological mitigation strategy for the purposes of this Order;</u>	As a result of Issue Specific Hearing 1 (ISH1) on the draft DCO [APP-215].
Article 2	“date of final commissioning” means in respect of each part of the authorised development as approved under requirement 2 of Schedule 2 (requirements) the date on which each part of the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing;	Errata.
Article 2	“date of decommissioning” means in respect of each part of the authorised development, the date notified under requirement 19 that that part of the authorised development has ceased to generate electricity on a commercial basis;	Errata, not used.
Article 2	“permitted preliminary works” means all or any of— (a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions; (b) removal of plant and machinery;	To provide the necessary powers in relation to the advanced planting works proposed under the Outline Landscape and Ecological Mitigation Plan [APP-231].



- (c) above ground site preparation for temporary facilities for the use of contractors;
- (d) remedial work in respect of any contamination or other adverse ground conditions;
- (e) diversion and laying of apparatus;
- (f) the provision of temporary means of enclosure and site security for construction;
- (g) the temporary display of site notices or advertisements; ~~or~~
- (h) site clearance (including vegetation removal, demolition of existing buildings and structures); or
- ~~(h)~~(i) advanced planting to allow for an early establishment of protective screening;

Article 2	“relevant planning authority” means the local planning authority for the area in which the land to which the provisions of this Order apply is situated <u>and as more particularly described for the purposes of the requirements in Schedule 2 (requirements);</u>	Following discussions with Lincolnshire County Council.
Article 2	<u>“Vegetation removal plan” means the plans of that name identified in the table at Schedule 13 (documents and plans to be certified) and which are certified by the Secretary of State as the vegetation removal plan for the purposes of this Order;</u>	As a result of ISH1.
Article 2	{“West Burton undertaker” means the undertaker for the purposes of the West Burton Solar Project Order 202[*];}	Following the submission of the application for development consent for West Burton Solar Project on 21 March 2023.



Article 6

Following discussions with the Environment Agency.

6.—(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purposes of, or in connection with, the construction, operation or maintenance of any part of the authorised development—

- (a) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991;
- (b) section 32 (variation of awards) of the Land Drainage Act 1991;
- (c) the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991;
- ~~(d) section 24 (restrictions on abstraction) of the Water Resources Act 1991;~~
- ~~(e) section 25 (restrictions on impounding) of the Water Resources Act 1991;~~
- ~~(f)~~(d) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of the appropriate agency) to the Water Resources Act 1991;
- ~~(g)~~(e) section 118 (consent request for discharge of trade effluent into public sewer) of the Water Industry Act 1991;
- ~~(h)~~(f) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 in respect of a flood risk activity only;
- ~~(i)~~(g) the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order; and



~~(h)~~(h) the provisions of the Neighbourhood Planning Act 2017 insofar as they relate to the temporary possession of land under articles 29 (temporary use of land for constructing the authorised development) and 30 (temporary use of land for maintaining the authorised development) of this Order.

Article 35

(b) the transfer or grant relates to Work No. 4B and the transferee or lessee (as relevant) is the Cottam undertaker ~~and~~ or the West Burton undertaker;

Following the submission of the application for development consent for West Burton Solar Project on 21 March 2023.

Article 38

38.—(1) The undertaker may fell or lop any tree or shrub ~~near any part of the authorised development within or overhanging land within the Order limits~~ or cut back its roots [...]"

Minor drafting amendments to add clarity.

Article 38

(5) ~~Without prejudice to the generality of paragraph (4), the undertaker may, for the purposes of the authorised development or in connection with the authorised development and subject to paragraph (2), remove the hedgerows specified in column 2 of the table in Schedule 17 (hedgerows to be removed) as shown on the vegetation removal plan.~~

As a result of ISH1.

Schedule 2

1. In this Schedule—

“relevant planning authority” means –

(a) Lincolnshire County Council for the purposes of:

(i) requirement 6;

(ii) requirement 10;

(iii) requirement 14;

(iv) requirement 16;

(v) requirement 17; and

(b) West Lindsey District Council and Bassetlaw District Council for the purposes of:

Following discussions with Lincolnshire County Council to specify which planning authority is responsible to discharge which requirement.



- [\(i\) requirement 3;](#)
- [\(ii\) requirement 4;](#)
- [\(iii\) requirement 5;](#)
- [\(iv\) requirement 7;](#)
- [\(v\) requirement 8;](#)
- [\(vi\) requirement 9;](#)
- [\(vii\) requirement 12;](#)
- [\(viii\) requirement 13;](#)
- [\(ix\) requirement 15;](#)
- [\(x\) requirement 18;](#)
- [\(xi\) requirement 29; and](#)

“relevant planning authorities” means [Lincolnshire County Council](#), West Lindsey District Council and Bassetlaw District Council, as applicable.

Schedule 2,
Requirement 5

5.—(1) No part of the authorised development may commence until details of—

- (a) the layout;
- (b) scale;
- (c) proposed finished ground levels;
- (d) external appearance;
- (e) hard surfacing materials;
- (f) vehicular and pedestrian access, parking and circulation areas;
- (g) refuse or other storage units, signs and lighting;
- (h) drainage, water, power and communications cables and pipelines;
- (i) ~~programme for~~ [landscaping works, planting works and programme for implementation works](#)

Following discussions with Lincolnshire County Council.



Schedule 2, Requirement 6	<p>6.—(1) Work No. 2 must not commence until a battery safety management plan has been submitted to and approved by the relevant planning authoritiesauthority.</p>	Update to align with the new definition of relevant planning authority in Article 2 and Schedule 2.
Schedule 2, Requirement 6	<p>(4) The relevant planning authority must consult with the Health and Safety Executive, Lincolnshire Fire and Rescue and, Nottinghamshire Fire and Rescue Service and the Environment Agency before determining an application for approval of the battery safety management plan.</p>	At the written request of the Health and Safety Executive and oral request from the Environment Agency at ISH1.
Schedule 2, Requirement 7	<p>7.—(1) No part of the authorised development may commence until a written landscape and ecological management plan has been submitted to and approved by the relevant planning authority for that part or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities, <u>in consultation with the Environment Agency.</u></p>	Following engagement with the Environment Agency.
Schedule 2, Requirement 7	<p>(1) The landscape and ecological management plan must be implemented as approved <u>and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</u></p>	At the request of West Lindsey District Council.
Schedule 2, Requirement 7	<p>(4) <u>For the purposes of sub-paragraph (1), "commence" includes part (h) (site clearance (including vegetation removal, demolition of existing buildings and structures)) and part (i) (advanced planting to allow for an early establishment of protective screening) of permitted preliminary works.</u></p>	As a result of ISH1 and to align with the updated definition of permitted preliminary works in Article 2.
Schedule 2, Requirement 13	<p>(2) The operational environmental management plan must be substantially in accordance with the framework operational environmental management plan and must be implemented as approved <u>and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</u></p>	At the request of West Lindsey District Council.



Schedule 2, Requirement 14	(4) <u>The construction traffic management plan must be implemented as approved.</u>	To ensure consistent obligations in relation to each of the management plans.
Schedule 2, Requirement 17	(2) All construction works associated with the authorised development must be carried out in accordance with the approved soil management plan <u>approved pursuant to sub-paragraph (1).</u>	Minor amends for clarity.
Schedule 2, Requirement 17	(4) The operation of the authorised development must be carried out in accordance with the approved soil management plan <u>approved pursuant to sub-paragraph (3) and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</u>	To align with the additions to Requirement 7 and Requirement 13.
Schedule 2, Requirement 17	(6) The decommissioning of the authorised development must be carried out in accordance with the approved soil management plan <u>approved pursuant to sub-paragraph (5).</u>	Minor amends for clarity.
Schedule 2, Requirement 18	18.— (1) No part of the authorised development may commence until a skills, supply chain and employment plan in relation to that part has been submitted to and approved by the relevant planning authority for that part or, where the part falls within the administrative areas of multiple planning authorities, each of the relevant planning authorities <u>following consultation with Lincolnshire County Council.</u>	Following discussions with Lincolnshire County Council.
Schedule 2, Requirement 19	19.— (1) <u>Decommissioning of the authorised development must commence no later than 60 years following the date of final commissioning of the authorised development.</u>	As a result of ISH1. To ensure that it is a time limited consent by requiring decommissioning to take place within a set time period.
Schedule 2, Requirement 19	(2) Within 12 months of the date that the undertaker decides to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority for that part a decommissioning environmental management plan for approval <u>which must include a</u>	Following discussions with Lincolnshire County Council and the Environment Agency.



decommissioning traffic management plan and site waste management plan, in consultation with the Environment Agency.

Schedule 5, Part 1, column (2)	Field Access Kexby Lane B1241 Westbound <u>Eastbound</u>	Errata.
Schedule 8	Various amendments to the Sheet references in column (2).	Errata.
Schedule 13	Amended Schedule, split it into three parts comprising the documents forming part of the environmental statement to be certified, examination documents forming part of the environmental statement to be certified and other documents to be certified.	As a result of ISH1. To add clarity on the specific references of documents to be certified, in line with other recent energy DCOs.
Schedule 15, Part 1	<p>1. For the protection of the utility undertakers referred to in this part of this Schedule <u>(save for any utility undertakers which are specifically protected by any other Part of this Schedule, which will take precedence)</u>, the following provisions have effect, unless otherwise agreed in writing between the undertaker and the utility undertakers concerned.</p>	Errata. To avoid double protection.
Schedule 15, Part 1, paragraph 2	(e) any other mains, pipelines or cables that are not the subject of the protective provisions in Parts 2 to <u>126</u> of this Schedule;	Update to reflect new protective provisions added.
Schedule 15, Part 4	Removal of square brackets next to the Work No. in the protective provisions for the benefit of Cottam Solar Project Limited.	Errata.
Schedule 15, Part 5	Removal of square brackets and insertion of Work No. in the protective provisions for the benefit of West Burton Solar Project Limited.	Following the submission of the application for development consent for West Burton Solar Project on 21 March 2023.
Schedule 15, Part 6	Various amendments to the Anglian Water Services Limited protective provisions.	Following discussions with the Anglian Water Services Limited.



Schedule 15, Part 8	Various amendments to the Environment Agency protective provisions.	Following discussions with the Environment Agency.
Schedule 15, Part 10	New protective provisions included for the protection of railway interests.	Following discussions with Network Rail Infrastructure Limited.
Schedule 15, Part 11	Placeholder added for new protective provisions to be included for the benefit of the Canal & River Trust later in Examination, once agreed.	Following discussions with the Canal & River Trust.
Schedule 15, Part 12	Placeholder added for new protective provisions to be included for the benefit of Exolum Pipeline Systems Ltd later in Examination, once agreed.	Following discussions with Exolum Pipeline Systems Ltd.
Schedule 16, paragraph 1	<u>"working day" means any day other than a Saturday, Sunday or English bank or public holiday.</u>	At the request of the Environment Agency [RR -270].
Schedule 16, paragraph 2	Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement the relevant planning authority must give notice to the undertaker of its decision on the application within a period of <u>six-eight</u> weeks [...]	As a result of ISH1. This reflects the notice period in similar DCOs, including the Cleve Hill Solar Park Order 2020 and the Little Crow Solar Park Order 2022.
Schedule 17	New schedule included, to provide details of hedgerows to be removed.	As a result of ISH1.