

Gate Burton Energy Park Limited
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8 August 2023

Rob Cook
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The Planning Inspectorate
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Dear Rob

Applicant Letter Deadline 2, 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 2 of the Examination on 8 August 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 and the Rule 8 letter issued on 12 July 2023.

The Applicant requests to attend all hearings in the week beginning 22 August 2023.

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

A proposed final agenda and plan for the Accompanied Site Visit is provided in Appendix A of this letter.

Doc. No.	Title
New Documents	
8.6	Applicant Responses to ExA First Written Questions
8.7	Objections of Compulsory Acquisition Schedule
8.8	Statutory Undertakers Tracker
8.9	Applicant Responses to Local Impact Reports
8.10	Access Updates and Cumulative Impact Assessment
8.11	Further Information on Agricultural Land
Updated documents: track changed and clean versions of each	
1.3	Guide to the Application
2.2	Planning, Design and Access Statement
2.3	Outline Design Principles
3.1	Environmental Statement Volume 1: Landscape and Visual Amenity Chapter
3.2	Environmental Statement Volume 2: Figure 2-5 - Grid Connection Access Locations and Construction Compounds
3.2	Environmental Statement Volume 2: Figure 9-2 – Fluvial Flood Risk
3.2	Environmental Statement Volume 2: Figure 10-7 – Areas of Great Landscape Value
3.2	Environmental Statement Volume 2: Figure 10-11 – Viewpoint Locations on OS Mapping
3.2	Environmental Statement Volume 2: Figure 10-12 – Viewpoint Locations on Aerial Mapping
3.2	Environmental Statement Volume 2: Figure 10-21 – Vegetation Removal Plan
3.3	Environmental Statement Volume 3: Appendix 2B – Grid Connection Construction Method Statement

Doc. No.	Title
3.3	Environmental Statement Volume 3: Appendix 13-E - Construction Traffic Management Plan
4.3G	Final Statement of Common Ground with Upper Witham Internal Drainage Board
5.3	Streets, Rights of Way and Access Plans
5.5	Traffic Regulation Measures Plans
6.1	Draft Development Consent Order
6.2	Draft Explanatory Memorandum
6.5	Schedule of Negotiations and Powers Sought
7.3	Framework Construction Environmental Management Plan
7.4	Framework Operational Environmental Management Plan
7.10	Outline Landscape Ecology Management Plan
8.5	Statement of Commonality

[Further Detail on Documents Submitted](#)

8.6 Applicant Responses to Examining Authority First Written Questions

Responses to all written questions put to the Applicant.

8.7 Objections of Compulsory Acquisition Schedule and 8.8 Statutory Undertakers Tracker

These tables provide the detail requested in Written Questions 1.5.2 and 1.5.5 respectively. They are provided as separate documents rather than an Appendix to 8.6 to make document revisions clearer.

8.9 Applicant Response to Local Impact Reports

Local Impact Reports (LIRs) were submitted at Deadline 1 from Lincolnshire County Council, Nottinghamshire County Council, Bassetlaw District Council and West Lindsey District Council. These LIRs were published on the Planning Inspectorate website on 20 July 2023. The deadline for responses to these reports is Deadline 2, 8 August 2023. Therefore, whilst the Applicant has tried to respond as best they can to the points raised, there will be further discussions as the Examination progresses. We will continue to make efforts to resolve any areas of disagreement through the Statements of Common Ground with Local Planning Authorities.

8.10 Access Updates and Cumulative Impact Assessment

This Technical Note provides a full report of the process undertaken by the Applicant to consider the design of accesses in more detail; primarily in response to queries from Lincolnshire County Council on the potential to reduce vegetation removal at accesses. A full review was undertaken on the visibility splays of all accesses; the environmental impacts of affecting vegetation in each area and the scope to reduce vegetation removal through reducing the splays.

As a result of this exercise, the Applicant has agreed to remove Access F: Marton Road East West access from the Scheme because it would provide an opportunity to fill the gap left by the existing access and strengthen advanced planting in this area; as well as removing the landscape and heritage effects of additional hedgerow removal for visibility splays. Other minor changes have been made to visibility splays to further reduce vegetation removal from that proposed in the Environmental Statement.

This report also describes the process being undertaken by all four solar developers to discuss access locations and examine whether locations could be combined with the result of reducing the number of accesses. As a result of these discussions, the Applicant proposes to relocate Access P: Cottam Road South to the west to align with the access point proposed for the Cottam Solar Farm. This avoids the creation of two accesses in close proximity to one another and reduces cumulative hedgerow removal.

Updates to Transport Related Documents to Reflect Access Changes

The following documents have also been updated to reflect the changes discussed above to accesses, with revised versions submitted at Deadline 2.

- 3.2 Figure 2-5 Grid Connection Access Locations and Construction Compounds
- 5.3 Streets, Rights of Way and Access Plans
- 5.5 Traffic Regulation Measures Plans
- 3.3 Construction Traffic Management Plan: document not in tracked changes because updates only made to Annexes A and B which present indicative access designs.

8.11: Further Information on Agricultural Land

This document has been provided to provide additional information requested by Natural England and in WQ 1.12.2 on how different elements of the Scheme affect agricultural land; and provide further information on the overall potential effect of all solar schemes in Lincolnshire on agricultural land in response to requests for further information on this from Lincolnshire County Council.

Other Documents to be Updated

2.2 Planning Design and Access Statement

The Planning, Design and Access Statement has been updated to take account of the latest National Policy Statements for Energy published in March 2023, Powering Up Britain published in March 2023 and the Central Lincolnshire Local Plan adopted in April 2023. Minor updates have also been made to reflect the changes to accesses discussed above and textual updates.

2.3 Outline Design Principles

This document has been updated to make a minor edit to the number of battery storage containers, which was previously written in error as 156. The correct number is 240, as now stated in Table 1 (under Work No. 2) of the document.

3.1 Environmental Statement Chapter 10: Landscape and Visual Amenity

This chapter has been updated to address minor errata identified in the First Written Questions.

3.2 Environmental Statement Figure 9-2: Fluvial Flood Risk

This figure has been updated to illustrate areas where a reduction in risk of flooding from rivers and sea due to the presence of defences. This is to supplement the Applicant's response to question 1.14.4. of the First Written Questions.

3.2 Environmental Statement Figure 10-7, Figure 10-11 and Figure 10-12.

These three figures have been updated to address minor errata with labelling of two viewpoints ('LCC VP02' and 'LCC VP02'), as picked up by Lincolnshire County Council in their Local Impact Report comments.

3.2 Environmental Statement Figure 10-21: Vegetation Removal Plan

This figure has been updated to remove Access F: Marton Road (E-W) and associated vegetation removal.

3.3 Environmental Statement Appendix 2-B: Grid Connection Construction Method Statement

This appendix has been updated to correct a minor errata regarding the depth of trenches required to install the grid connection cable. Appendix B has also been updated to include the updated Figure 2-5.

4.3G Final Statement of Common Ground with Upper Witham Internal Drainage Board

This is a final Statement of Common Ground between the Applicant and Upper Witham Internal Drainage Board, signed by both parties agreeing to all matters explored.

6.1 Draft Development Consent Order and 6.2 Draft Explanatory Memorandum

Appendix B to this letter sets out the changes made to the draft DCO and Explanatory Memorandum and the rationale behind the changes proposed.

7.3 Framework Construction Environmental Management Plan (CEMP)

The Framework CEMP has been updated to include more detail regarding the commitment to protecting trees which are subject to a Tree Preservation Order, a commitment to using acoustic fencing should Horizontal Directional Drilling activities exceed the night-time Significant Observed Adverse Effect Level, and further details relating to compounds.

7.4 Framework Operational Environmental Management Plan (OEMP)

The Framework OEMP has been updated to include a commitment to develop an operational phase Waste Management Plan.

7.10 Outline Landscape and Ecological Management Plan (OLEMP)

The OLEMP has been updated to make a minor amend in paragraph 3.4.2, to increase the height of hedgerows to 3.5m to address a question in the First Written Questions about the inconsistency between this document and the Landscape and Visual Amenity Chapter of the ES.

8.5 Statement of Commonality

A very small update to reflect agreement on the Upper Witham Statement of Common Ground.

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 have made arrangements for an accompanied site inspection by the ExA and Interested Parties to the site of the proposed Gate Burton Energy Park on Friday 25 August 2023 [PD-008]. This document has been updated at Deadline 2 to include details of the rendezvous location and the addition of the stopping location at the main site compound. The proposed itinerary for the visit, as well as key information and procedures for the day is set out below.

Arrangements for the day

Arrival

We would suggest a rendezvous at 09:30 at **Knaith Park Village Hall, 76 Willingham Road, Knaith Park, Lincs, DN21 5ET** on the day of the Accompanied Site Inspection for a briefing on the itinerary. The rendezvous point and parking location are shown in Figure 1.

Figure 1 - Rendezvous point and parking location



Refreshments and other provisions

We ask that all attendees bring their own food, drinks and other items which may be required (e.g suncream) as these will not be provided.

Given the nature of the site, the Applicant cannot guarantee bathroom facilities will be available during the inspection.

Transport

We are providing minibus(es) for all attendees for the Knaith Park Village Hall as above.

We would ask attendees make their own arrangements to get to and from the rendezvous point at Knaith Park Village Hall.

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 first aid kit will be provided by the Applicant.

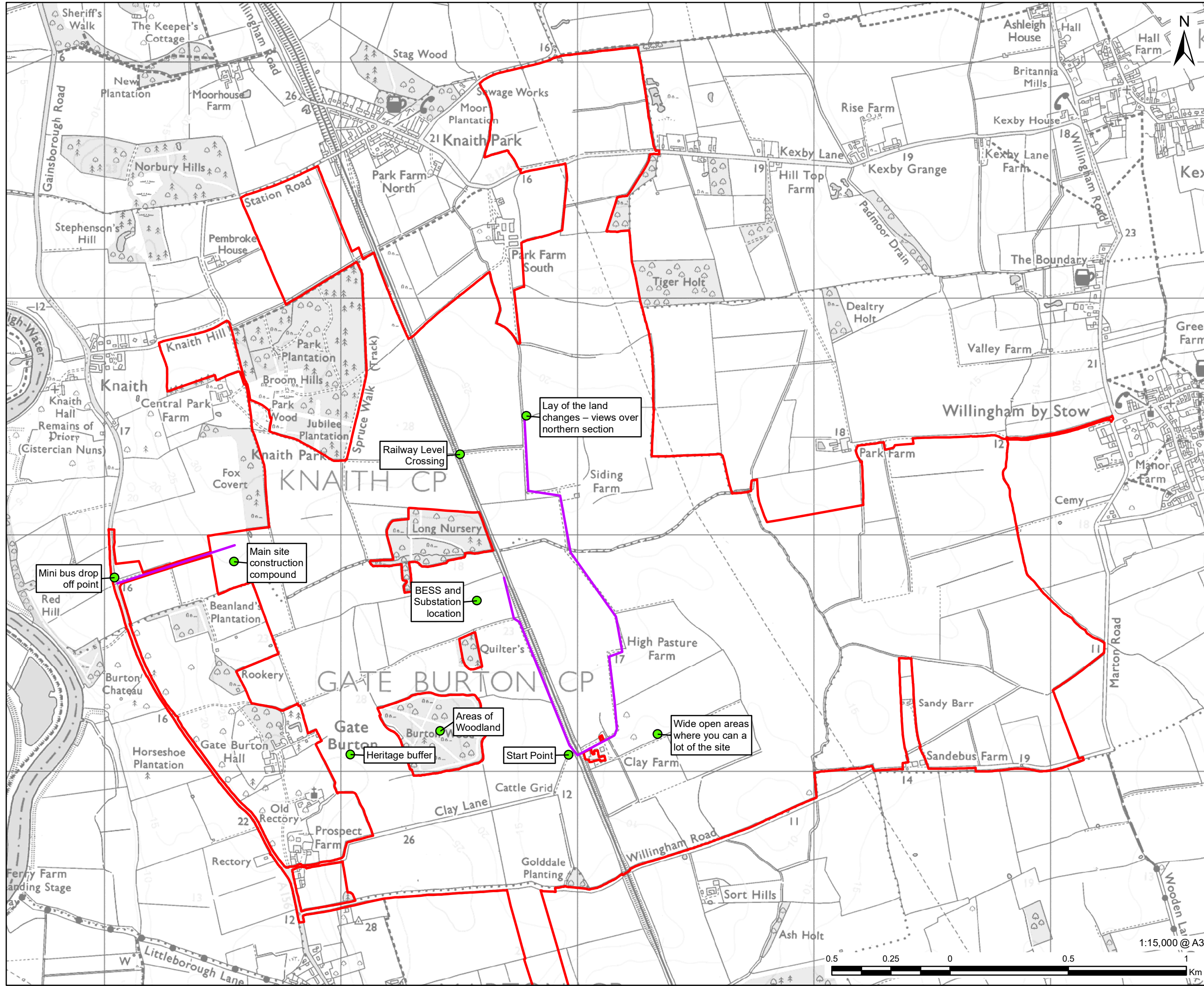
Proposed route and timings

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].

The table 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 2 below. The timings provided below are approximate and will depend on factors such as traffic.

Approximate time	Stop	Information
09:30 – 09:45	Knaith Park Village Hall	Rendezvous and briefing.
09:45 – 10:30	Main Site Compound	Drive towards Knaith from the rendezvous location, stopping at the entrance to the proposed main site compound along the A156. Walk from parking location to the compound location and walk around the area. Return to the minibus(es).
10:30 – 11:15	Burton Wood	Park along Clay Lane. Leave minibus(es) and 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.
11:15 – 11:45	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.
11:45 – 12:00	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.
12:00-13:00	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.
13:00-13:15	Knaith Park Village Hall	Return to parking location on Clay Lane. Leave via minibus(es) and arrive back at the rendezvous point for debrief and any outstanding questions.

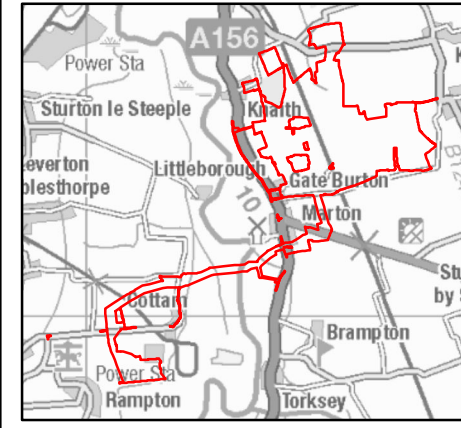


PROJECT
Gate Burton Energy Park

CLIENT
 Gate Burton ENERGY PARK

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LEGEND
 Order Limits
● Site Inspection Locations
— Walking Route



NOTES
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ISSUE PURPOSE
The Applicant's draft ASI Itinerary

PROJECT NUMBER
60664324

FIGURE TITLE
Proposed locations for the Accompanied Site Inspection

FIGURE NUMBER
Figure 1

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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 11	<p>Temporary stopping up of street and public rights of way</p> <p>11.—(1) The undertaker, during and for the purposes of constructing or maintaining the authorised development, may temporarily stop up, prohibit the use of, restrict the use of, authorise the use of, alter or divert any street or public right of way and may for any reasonable time—</p> <ul style="list-style-type: none">(a) divert the traffic or a class of traffic from the street or public right of way;(b) authorise the use of motor vehicles on classes of public rights of way where, notwithstanding the provisions of this article, there is otherwise no public right to use motor vehicles; and(c) subject to paragraph (2), prevent all persons from passing along the street or public right of way. <p>(2) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street or public right of way affected by the temporary stopping up, prohibition, restriction, alteration or diversion of a street or public right of way under this article if there would otherwise be no such access.</p> <p>(3) [...]</p> <p>(4) The undertaker must not temporarily stop up, prohibit the use of, authorise the use of, restrict the use of, alter or divert—</p> <ul style="list-style-type: none">(a) any street or public right of way specified in paragraph (3) without first consulting the street authority; and(b) any other street or public right of way without the consent of the street authority, and the street authority may attach reasonable conditions to any such consent.	<p>In response to ExQ 1.6.17 of the Examining Authority's first Written Questions [PD-006].</p>



(5) [...]

(6) Without prejudice to the scope of paragraph (1), the undertaker may use any [street or](#) public right of way which has been temporarily stopped up under the powers conferred by this article and within the Order limits as a temporary working site.

(7) [...]

Article 39

39.—(1) The undertaker may fell or lop any tree [described in Schedule 18 \(trees subject to tree preservation orders\)](#) ~~that is subject to a tree preservation order within or overhanging land within the Order limits~~ or cut back its roots [or undertake such other works described in column \(2\) of that Schedule relating to the relevant part of the authorised development described in column \(3\) of that Schedule](#), if it reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development.

In response to ExQ 1.6.27 of the Examining Authority’s first Written Questions [**PD-006**].

Schedule 2
(Requirement 5)

“...relating to that part have been submitted [to](#) and approved in writing 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...”

In response to ExQ 1.6.31 of the Examining Authority’s first Written Questions [**PD-006**].

Schedule 4

District of West Lindsey	Marton Road Eastbound	Cable works beneath the width of the street for the length shown in green on sheet 8 of the streets, rights of way and access plans.
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Errata. There were no cable works proposed at Marton Road Eastbound (it was for access).

Schedule 5, Part 1

District of Bassetlaw	Existing Field access off Cottam Road Westbound	Permanent alteration of layout at the point marked 15/ 01.42 on sheet 15 of the streets, rights of way and access plans.
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Access being amended a short distance to align with that proposed by the other projects.



Schedule 7	District of West Lindsey	Marton Road Eastbound	The provision of a permanent means of access to the authorised development from the point marked 8/03 on the streets, access and rights of way plans.	Access from Marton Road removed following further environmental consideration.
Schedule 7	District of Bassetlaw	Cottam Road Westbound	The provision of a permanent means of access to the authorised development from the point marked 15/0142 on the streets, access and rights of way plans.	Access being amended a short distance to align with that proposed by the other projects.
Schedule 8	Marton Road Eastbound and Westbound Carriageway to facilitate the construction of operation accesses only for the solar and energy storage park		Extents of traffic signals and banksman control presented on Sheet 8 of the Traffic Regulation Measures Plans	Access from Marton Road removed following further environmental consideration.
Schedule 9	<p>3. Details of licensed marine activities</p> <p>(1) [...]</p> <p>(2) Such activities are authorised in relation to—</p> <p>(a) works to lay electrical cables including one 400 kilovolt cable circuit connecting Work No. 4A to Work No. 4C including tunnelling, boring and drilling works for trenchless crossings;</p> <p>(b) laying down of internal access tracks, ramps, means of access, footpaths, crossing of watercourses, roads, including the laying and construction of drainage infrastructure, signage and information boards; and</p> <p>(c) construction compounds, including site and welfare offices and areas to store materials and equipment.</p>			To clarify extent of works to be carried out in area of deemed marine licence, following discussions with the MMO.
Schedule 13	List of documents and plans to be certified updated to reflect the submissions made at Deadline 1.			General updates.
Schedule 15, Part 7	Various amendments to the protective provisions for the protection of National Grid Electricity Distribution (East Midlands) Plc (NGED) as electricity undertaker.			Following agreement with NGED.



Schedule 18

New schedule included, to provide details of trees subject to tree preservation orders.

In response to ExQ 1.6.27 of the Examining Authority's first Written Questions [**PD-006**].

Explanatory Note

"A copy of the Order plans and the book of reference mentioned in the Order and certified in accordance with article 40 (certification of plans and documents, etc) of this Order may be inspected free of charge during working hours at [Lincolnshire County Council, County Offices, Newland, Lincoln LN1 1YL](#)"

Following discussions with Lincolnshire County Council.