

Mr Kenneth Stone
Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our Int. Party ref: 20037265

Your ref: EN010131

Date: 07 August 2023

By email:

gateburtonsolar@planninginspectorate.gov.uk

Order Granting Development Consent for the Gate Burton Energy Park (EN010131) - Deadline 2 submission – Written representations

Dear Sir

1.0 Introduction

1.1 On 12 April 2023 the Environment Agency made relevant representations to the proposal by Gate Burton Energy Park Limited to construct a solar farm to the south of Gainsborough in West Lindsey and Bassetlaw. These written representations provide an update to issues raised in our relevant representations where the applicant has responded, or we have further details to add.

2.0 Scope of these representations

2.1 These written representations contain an overview of the project issues, which fall within our remit. They are given without prejudice to any future detailed representations that we may make throughout the examination process. We may also have further representations to make if supplementary information becomes available in relation to the project.

3.0 Ecology and nature conservation

3.1 We met with the applicant on 06 June 2023 to discuss the impact of the proposed culverts on the water environment. Subsequently, we have reviewed the screening approach in more detail and agree that the Water Framework Directive (WFD) Assessment provided contains the required level of detail. The Statement of Common Ground (SoCG) has been updated to reflect this and was submitted at deadline 1.

3.2. The concerns raised on ecology and biodiversity have now been resolved and the SoCG has been updated to reflect our agreed position.

4.0 Water environment

4.1. The protective provisions (Schedule 15, Part 8) included within the draft Development Consent Order (dDCO) are mostly in a form which is acceptable to the Environment Agency but there are some points we wish to discuss with the applicant ahead of agreeing a final version.

5.0 Environmental permit

5.1 The removal of text related to water abstraction and discharge permits within the dDCO is welcomed and resolves our previous concern on the disapplication of the Environmental Permitting (England and Wales) Regulations 2016 in its entirety.

5.2 As referred to in paragraph 4.1 above, the disapplication of The Environmental Permitting (England and Wales) Regulations 2016 for flood risk activities will be subject to agreement regarding protective provisions.

6.0 Development consent order

Application and modification of statutory provisions

6.1 We have considered the disapplication of local legislation listed in Schedule 3 of the dDCO and can confirm we have no comments to make.

Requirements

6.2 For the avoidance of doubt, we welcome our inclusion as a named consultee to Requirement 6 (battery safety management plan) and would ask to be reinstated in the dDCO following our written summary of oral submissions at deadline 1. We will be able to provide advice during the discharge of requirement stage in terms of battery safety management for matters within our remit.

6.2 We note that the applicant has amended the dDCO to list the Environment Agency as a named consultee for Schedule 2, Requirement 7 and 19, which is welcomed. We are also satisfied that the current wording of Requirements 6, 12 and 13 will secure appropriate consultation with the Environment Agency.

6.3 Additionally, The Environment Agency wishes to be a specific named consultee in respect of Schedule 2, Requirement 5 (detailed design approval), more specifically on parts (a), the layout (c) proposed finished floor levels and (h) drainage, water, power and communications cables and pipelines in so far as it relates to flood risk and we would welcome the inclusion of “following consultation with the Environment Agency” after “relevant planning authority” for these points.

Schedule 16: Procedure for Discharge of Requirements

6.4 Within the ‘Gate Burton Energy Park Applicant Responses to Relevant Representations’ document ([EN010131/APP/8.1](#), page 132) the applicant disagrees that the timescales at paragraph 3(3) of Schedule 16 need to be amended and makes reference to alleged precedents set by other Development Consent Order (DCO) applications. We maintain that 15 working days is an inadequate timescale for consultation and our concerns around the procedure outlined in this section of the DCO remain.

6.5 We would draw your attention to other Order that do provide for appropriate consultation timescales, such as [The East Northamptonshire Resource Management Facility Order 2023](#) (Schedule 3, 4(2)), 21 business days; [The Meaford Gas Fired Generating Station Order 2016](#) (Schedule 8, 2(2)), 28 days to notify that further information is required and [The Norfolk Boreas Offshore Wind Farm Order 2021](#) (Schedule 16, 2(3)), 42 days.

6.6 We also maintain that Schedule 16, Paragraph 4 (Appeals), (2)(c) should be amended to allow representations to be submitted within 20 working days.

7.0 Statement of Common Ground

7.1 The Statement of Common Ground, drafted by the applicant, has now been signed by both parties and is in an agreed format.

8.0 Further representations

8.1 We reserve the right to add or amend these representations, including requests for DCO Requirements and protective provisions should further information be forthcoming during the course of the examination on issues within our remit.



Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on [REDACTED] [@environment-agency.gov.uk](mailto:[REDACTED]@environment-agency.gov.uk), LNplanning@environment-agency.gov.uk or 020 847 48545.

Yours sincerely

Keri Monger AssocRTPI
Planning Specialist
[REDACTED] [@environment-agency.gov.uk](mailto:[REDACTED]@environment-agency.gov.uk)