



GATE BURTON ENERGY PARK – EN-010131

WEST LINDSEY DISTRICT COUNCIL – GABE-ISP002

ISSUE SPECIFIC HEARING 3 – ENVIRONMENTAL MATTERS

WEDNESDAY 23RD / THURSDAY 24TH AUGUST 2023

SUMMARY OF ORAL HEARING

ITEM	MATTER	WLDC Comments
Session 1 – Landscape and Land Use		
Item 3	Landscape and Visual	
	Design components of scheme Location of the BESS etc	<p>WLDC raise no objection to the principle of considering design codes to deliver the project, within its assessed parameters. Discussions around design codes would typically take place at an early stage in the project so that they can genuinely inform the design evolution of the scheme, which would then be further informed through purposely statutory and non-statutory consultation.</p> <p>WLDC also notes that Requirement 5 of the current dDCO provides the opportunity for the final design to be considered.</p> <p>Notwithstanding the above WLDC welcomes any approach that would provide more design detail prior to the determination of the DCO and are willing to engage positively with the developer in this regard.</p>

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	<p>Cumulative impacts Sequential/kinetic effects</p>	<p>Summary of position</p> <p>WLDC maintain significant concerns regarding the cumulative effects of the Gate Burton Energy Park with the nearby projects of West Burton and Cottam (both due to commence examination during the week commencing 4th September 2023) and the Tillbridge project which has just completed its statutory pre-application consultation (and is expected to be submitted late 2023).</p> <p>These projects, which have significant cumulative impacts with the Gate Burton Solar Energy Park project, are all well advanced, with significant information available with regard to the West Burton and Cottam projects, as submitted NSIP applications imminently due to commence examination.</p> <p>The Tillbridge project has also evolved since the ES was produced for Gate Burton and more information is available following the publication of its Preliminary Environmental Information Report (PEIR) in April 2023, which formed part of the project’s statutory consultation in May 2023.</p> <p>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA regs) (regulation. 21) require the decision maker, when deciding to make an order granting development consent, to reach a reasoned conclusion on the significant effects of the proposed development on the environment following an examination of the environmental information provided. The conclusion reached must be to up to date at the time that the decision is made. Schedule 4 of the EIA regs require a description of the likely significant effects of the proposed development on the environment, including cumulative effects.</p> <p>The policy requirements to consider cumulative impacts are set out in adopted National Policy Statement EN-1 (NPS EN-1). Paragraph 4.2.1 reiterates the requirements of the EIA regs set summarised above.</p> <p>NPS EN-1 paragraph 4.2.5 states that:</p> <p><i>“When considering cumulative effects, the ES should provide information on how the effects of the applicant’s proposal would combine and interact with the effects of other development (including projects for which consent has been sought or granted, as well as those already in existence).”</i></p> <p>WLDC maintain that the current ES does not assess the impacts that each combination of cumulative projects would have. This assessment is required to enable the decision maker to fully consider all likely cumulative impacts and ensure that mitigation, delivered through DCO ‘requirements’ are appropriate and purposeful.</p>

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		<p>The environmental information provides an assessment against two scenarios: i) the implementation of Gate Burton, Cottam and West Burton concurrently and ii) the implementation of all three projects in sequence (up to a maximum of 5 years). The assessment lacks any information regarding the various scenarios between each project (e.g. combinations of two of the projects being implemented). This results in a gap in the assessment which prevents the decision maker from considering the likely impacts of each combination.</p> <p>Furthermore, the Gate Burton ES only considers the impacts of the Tillbridge project in the landscape and visual impact assessment (Chapter 10). Tillbridge is now a project that has progressed through its statutory consultation with an anticipated submission during quarter 4 of 2023 (based upon the National Infrastructure Planning website and the developers project website), which is within the examination phase of Gate Burton Energy Park. The absence of Tillbridge being assessed as part of scenario 1 or 2 is inadequate and results in insufficient environmental information being before this examination and the decision maker. The absence of such environmental information results in the requirements of Schedule 4 of the EIA regs and NPS EN-1 not being satisfied.</p> <p>It is also of note that scenario 2 of the cumulative assessment considers a time period of up to a maximum of 5 years. WLDC challenge the legitimacy of this imposed time period, particularly as, if all four projects are granted development consent, they are all likely to benefit from the 5 year implementation period (secure via a standard requirements). A time period such as this means that the scope of the development consent orders would allow the projects to be implemented for a period in excess of 5 years, and this scenario is not provided for in the ES.</p> <p>WLDC also notes that the Gate Burton Energy Park ES adopts varying timeframes in relation to the relevant construction periods. With regard to the cable corridor, the Transport and Access chapter of the ES (Chapter 13) states that the sequential installation of all three projects' (excludes Tillbridge) ducts and cables will be carried out over a maximum 5 year period. However, the Noise and Vibration chapter (chapter 11) states that the Grid Connection cable works on the three projects will be built sequentially over a 6 year period (para. 11.15.5).</p> <p>Due to there being inconsistencies in the applicants' ES, there is therefore doubt over the adequacy of the cumulative assessment through the application of a fixed 5 year ceiling. The failure to include the Tillbridge project in the cumulative assessment (in relation to a variety of</p>

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		<p>topics) furthermore results in the current environmental information not being 'up to date' as required by the EIA regs.</p> <p>WLDC summary position is that the Gate Burton Energy Park ES has not been updated to assess the cumulative impacts of the Tillbridge Solar Project as part of Scenarios 1 and 2, and does not assess the different potential combinations to provide environmental information on what those likely significant impacts would be.</p> <p>Interrelationships with other Nationally Significant Infrastructure Projects (Doc Ref: EN010131/8.2</p> <p>WLDC have reviewed and noted the content of the above document submitted at Deadline 1.</p> <p>WLDC's position on the document is that it does not constitute an environmental impact assessment and therefore does not form part of the ES. It also does not reference or introduce relevant documents that form part of the applications of other projects so that they are adequately considered in the Gate Burton examination. As a consequence, it does not address the shortfall in cumulative information provided in the ES.</p> <p>In terms of the status of the document, WLDC are unclear of its purpose in the context of the examination and the draft DCO. The document provides 'information' on the cumulative projects, however it is unclear how this information is to be used to deliver appropriate mitigation across the projects. A failure to provide mechanisms to control cumulative impacts would result in all projects being unacceptable in the view of WLDC.</p> <p>In terms of the status of the document, WLDC would expect it to be further enhanced and more details provided to demonstrate how the applicants intend to implement their projects in the event two or more receive development consent. The document should cross-refer to relevant management plans and should form a Certified Document in its own right to ensure the commitments are delivered through the DCO.</p> <p>WLDC also noted with concern comments from the applicant to the effect that the commitments made to collaborative working would be 'best endeavours'. For the reasons stated above, WLDC consider 'best endeavours' to be a commitment that falls significantly short of what is required to ensure cumulative impacts are mitigated through a clear framework for collaborative working, secured through the DCO.</p>

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		<p><u>Impacts discussed at the hearing</u></p> <p>Summary position of WLDC</p> <p>WLDC are disappointed that there was not an in-depth discussion of the potential consideration of cumulative effects. There was no logical consideration of each environmental impact, and nor was there a consideration of the potential combinations between the projects, which the decision maker will be required to consider when determining the applications.</p> <p>Landscape and visual</p> <p>WLDC support the focus given to the sequential approach to experiencing each project as people move throughout the landscape. The geographical scale of the four projects will result in limited relief from experiencing the projects (both solar arrays, converter stations and BESS), resulting in a significant adverse visual impact that must be given significant negative weight in the planning balance.</p> <p>WLDC also maintain that significant adverse weight should be given to the landscape character harm that will be caused cumulatively by the projects. The covering of agricultural fields with solar panels, converter stations and BESS will have a significant effect on the character of the area.</p> <p>Both the significantly harmful visual and landscape character effects should not be tempered in the planning balance through the consideration of such effects being ‘temporary’. WLDC strongly contend that the 60 year lifetime of the project is such that these effects should be considered permanent in the planning balance and decision making process.</p> <p>Area of Great Landscape Value (AGLV)</p> <p>WLDC welcomed the discussion on the designated Area of Great Landscape Value (AGLV), which included matters relating to the evidence base, the approach to the assessment in the ES and the policy position.</p> <p>WLDC can confirm that the core evidence base document is the West Lindsey Landscape Character Assessment (August 1999).</p>

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		<p>The AGLV is designated by Policy S62 of the recently adopted Central Lincolnshire Local Plan 2023. It is therefore a statutory policy that has recently been subject to a local plan examination and found to be sound. S62 states that AGLVs are:</p> <p><i>“locally designated areas recognised for their intrinsic character and beauty and their natural, historic and cultural importance. A high level of protection will be afforded to AGLV reflecting their locally important high scenic quality, special landscape features and sensitivity”.</i></p> <p>WLDC submit that the designated area as whole is defined within the above definition and, in policy terms, it is not appropriate to disaggregate the AGLV into discrete areas of higher and lower sensitivity. The whole area benefits from a ‘high level of protection’ and S62 does not allow decision makers to unilaterally determine that parts of the AGLV are less sensitive or can be attributed a lower level of protection.</p> <p>Policy S62 then requires all development, both within the AGLV or within its setting (extending to indirect impacts) to (inter alia) <i>“conserve and enhance the qualities, character and distinctiveness of locally important landscapes”</i> and <i>“maintain landscape quality and minimise adverse visual impacts through high quality building and landscape design”</i>.</p> <p>The Gate Burton scheme has direct adverse impacts upon the AGLV through the siting of infrastructure within the designated area. Once a project is located within (or within the setting) of AGLV, policy S62 is wholly engaged and there is a policy requirement to <i>“conserve and enhance”</i> the qualities, character and distinctiveness of AGLV, and <i>“protect, and where possible enhance”</i> specific landscape features.</p> <p>Based upon the Gate Burton ES, adverse direct impacts are caused by the scheme. In policy terms this constitutes development that fails to “conserve and enhance” and “protect” the AGLV and fails to comply with policy S62.</p> <p>In national policy terms, WLDC contend that the Gate Burton scheme is unable to draw benefit from in paragraph 5.9.14 of NPS EN-1, which states that ‘...local landscape designations should not be used in themselves to refuse consent, as this may unduly restrict acceptable development’. The purpose of paragraph 5.9.14 is to facilitate development that benefits from a ‘relevant’ NPS; that is development that benefits from a ‘presumption in favour’. The proposed development does not benefit from such policy support and therefore is unable to also draw upon policy that allows it to override local landscape designation as a matter of principle.</p>

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		<p>As discussed at the Hearing, WLDC also confirm that it considers the AGLV to fall within paragraph 174 a) of the National Planning Policy Framework (NPPF) which requires decisions to:</p> <p><i>“...contribute to and enhance the natural and local environment by:</i></p> <p><i>a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);”</i></p> <p>WLDC maintain a strong objection to the Gate Burton Energy Park project due to its direct, harmful impacts upon the AGLV contrary to statutory policy S62 and national planning policy. These impacts should be afforded significant weight in the planning balance.</p>
Item 4	Best and Most Versatile Land	WLDC has no further comments to make beyond those already expressed in its Local Impact Report and Written Representation.
Item 5	Agricultural production Sheep grazing	WLDC consider that in the absence of any firm commitment to provide for successful sheep grazing within the development, no weight should be given to this as legitimate mitigation.
Item 6	Adjourn hearing – session 1	<p>WLDC reiterated its concern on the lack of rigour given to the consideration of cumulative impacts with other projects. Further Issue Specific Hearings are considered necessary to consider these impacts (landscape, traffic, BMV and tourism in particular).</p> <p>The reason necessitating future hearings are due to the commencement of the examination of the Cottam and West Burton projects, with the environmental information within those application now able and required to be considered as part of the Gate Burton examination. The maturation of the Tillbridge project reflected in the publication of its Preliminary Environmental Information (April 2023) and the carrying out of its statutory consultation under the Planning Act 2008, also places a requirement on the Gate Burton examination to properly consider new information that has not been considered in the ES.</p>

ITEM	MATTER	WLDC Comments
Session 2 - Carbon Savings		
Item 7	Generating capacity/Electricity exported	<p>WLDC noted the discussion on the generating capacity, the electrical output per annum and over the lifetime of the project.</p> <p>WLDC have no further comments to add.</p>
Item 8	BESS	<p>WLDC noted the detailed discussions regarding the operation and safety risks associated with the BESS.</p> <p>As clarified in its response to the ExQ1, WLDC does not raise an objection on this issue, subject to the inclusion of an appropriate Battery Safety Management Plan (currently Requirement 6 in the dDCO).</p> <p>WLDC also supports Lincolnshire County Council in their proposed mechanism to ensure battery safety is adequately secured through a planning obligation.</p>
Session 3 – Other Environmental Matters		
Item 10	<p>Construction issues</p> <p>Cumulative impacts</p>	<p>WLDC welcomes the discussion on impacts (including cumulative impacts) that are derived from construction impacts.</p> <p>Controlling construction impacts, and traffic impacts upon the amenity of local residents and businesses, remain a key concern for WLDC. The current Framework Construction Traffic Management Plan (fCTMP) is not considered to provide sufficient detail with regards to the approach to controlling cumulative traffic impacts. WLDC seeks more commitment from the applicant as to how these impacts will be managed with other developers prior to the determination of the Gate Burton application.</p> <p>WLDC therefore reserves the right to review updated versions of the fCTMP and the ‘Interrelationships with other Nationally Significant Infrastructure Projects’ document and comment accordingly.</p>

ITEM	MATTER	WLDC Comments
Item 11	Flooding	WLDC noted the discussion and have no further comments to add.
Item 12	Ecology	<p>WLDC noted the discussion on progress with a Statement of Common Ground between the applicant and Natural England, and the approach to protected species.</p> <p>WLDC have no further comments to add.</p>
Item 13	Electromagnetic Fields	<p>WLDC noted the discussions on human health and ecology.</p> <p>WLDC have no further comments to add.</p>
Item 14	Noise	<p>WLDC noted the discussions on noise.</p> <p>WLDC wish to understand how Requirements 12 and 15 as drafted in the dDCO would operate practically with cumulative projects.</p>