7000 Acres Response to the ExA's Second Set of Written Questions

October 2023

Introduction

The table below summarises 7000+Acres response to the Gate Burton second set of written questions. 7000+Acres will also be submitting written submissions to provide additional supporting information.

Question 2.1.1 Overall Policy Background

An updated version of the National Planning Policy Framework was published on 5 September 2023 can all parties comment on the implications for their case, if any.

7000 Acres Response

The National Planning Policy Framework is relevant, as it addresses sustainable development in a holistic manner. It states three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.

1. *"An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. "*

The key element is the "land of the right types", so that solar is installed on rooftops and brownfield sites, whilst productive farmland can be used for food production, carbon sequestration and the production of biofuels.

2. *A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;"*

As demonstrated in the submissions by the County and District Councils, as well as numerous Interested Parties, the Gate Burton Solar industrial complex will have a devastating impact on the local population's wellbeing. The outcome of this scheme will have an exponential impact on health and well-being when the cumulative influence of the other three solar industrial schemes are fully considered.

3. *An environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

This requires "*effective use of land... and using natural resources prudently*". Covering thousands of acres of productive farmland in solar panels and batteries is not productive use of land. The Gate Burton application does not meet any of these 3 objectives.

This approach, where communities' wellbeing is central to the planning guidance is consistent with the Skidmore Review. As the Skidmore Review was commissioned and published by the Government, it should be taken as *de facto* Government policy. Skidmore

repeatedly makes the case that the local communities must be at the centre of the move to Net Zero, for example:

"726. Now that our national pathway to net zero has been established, we need a new relationship between central and local government to enable effective local delivery. Local authorities will be a key delivery partner, whatever the specifics of the strategy we take on decarbonisation and growth. The sooner we address this, the sooner we will see the economic and social benefits of a more place-based approach.

727. The importance of this relationship to our net zero pathway cannot be overstated. 30% of the greenhouse gas emissions reductions needed to deliver the Net Zero Strategy rely on local authority involvement, while 82% of emissions are within local authorities' scope of influence.

728. We need to allow places to tailor their net zero approach to their own strengths and needs, informed by the kind of extensive local engagement that central government cannot undertake. We also need to increase local accountability and responsibility for certain aspects of net zero delivery.

729. To do so, we need a reformed relationship between central and local government and a planning system that is fully aligned with net zero."

The NSIP process is designed specifically to look beyond the concerns of the immediate area, and therefore acts in opposition to the specific recommendations of the National Planning Policy Framework and Skidmore Review, both of which give weight to local needs and requirements.

The National Planning Policy Framework states that it "*does not contain specific policies for Nationally Significant Infrastructure Projects".* Even though it does not contain specific policies, it is reasonable to infer that the general principles should be followed.

7000 Acres believes that the ExA should give considerable weight to the National Planning Policy Framework, especially the elements concerning local health and wellbeing.

The Rule 6 Letter states *"The Applicant has submitted that no designated National Policy Statements apply to this Examination and to decision-making relating to this application*". As

no NPS are applicable, the Councils' Local Impact Reports, and considerations on health and local wellbeing, as expressed in the Framework, should have primacy when considering this Application.

The lack of central guidance or policy on industrial scale solar projects has led to a large number of NSIP applications in Lincolnshire as a whole, and West Lindsay in particular. The Transmission Entry Capacity (TEC) Register[1] shows that nationwide there are a total of 131 GW of solar schemes registered with the National Grid. This is nearly twice the 70GW generation capacity sought by the Government and takes no account of rooftop solar.

The NSIP schemes registered for grid connections on the TEC Register, show 11 registered for connections to the Cottam, West Burton and High Marnham power stations. There are 35 registered in Lincolnshire as a whole. The 11 schemes in the Gainsborough area would cover circa 26,000 acres, with the 35 Lincolnshire schemes covering circa 71,866 acres of productive farmland.

The Applicant repeatedly states that their scheme is in response to national policy. However, it is clear that there is no clear policy or centralised control, with Lincolnshire becoming a solar Klondike for any developer, irrespective of local requirements and national need.

Question 2.1.4

Battery Energy Storage System:

At Deadline 3 the Outline Design Principles where update and which included a change to the number of battery storage containers from 156 to 240, identified as an error. However, Chapter 2 of the ES: The Scheme, includes reference to a maximum of 156 individual enclosures at 2.4.25. Furthermore, document APP-133 – BESS and Substation Description at paragraph 1.2.1 states the BESS will comprise up to 256 individual battery modules/

[1] https://data.nationalgrideso.com/connection-registers/transmission-entry-capacity-tec-register

containers. As Chapter 2 is the basis on which all of the individual chapter assessments in the ES have been undertaken can you confirm:

a) On what basis were the assessments undertaken having regard to the BESS ie with 156, 240 or 256 battery containers as the worst case scenario.

b) On what basis was the area identified on the works plans is sized? is it having regard to the need to accommodate 156, 240 or 256 battery storage units.

c) On what basis was the indicative site layout plan designed? is this with regard to 156, 240 or 256 battery storage units.

d) On what basis the Unplanned Atmospheric Emissions from Battery Energy Storage Systems [APP-172] was undertaken and any suggested mitigation measures or control needs, including water volumes.

The ES chapter 2 description and any other documents that reference the number of battery enclosures should be amended to ensure consistency across the documentation.

7000 Acres Response

We are also unsure over the number of the storage units and capacity of the proposed BESS. The Applicant's byzantine documentation does not provide a coherent explanation of what the Applicant intends to install and how they will ensure it is safe. For example, the Applicant proposes a spacing of 3m between containers, which is half the current National Fire Chief Council (NFCC) recommendation. If they complied with the NFCC recommendations, how many enclosures could they actually fit into the area identified in their plans?

Case studies, such as the Liverpool 20MW BESS thermal runaway clearly shows the volume of water and safety infrastructure required; the Applicant's response to the 7000Acres Written Representations failed to address these points.

The Applicant's Unplanned Atmospheric Emissions from Battery Energy Storage Systems (BESS) - EN010131/APP/3.3 only addresses a 100kWh battery fire and yet they state that

each battery enclosure will include a total of 3,727 kWh of storage capacity. Scenarios of a single enclosure and multiple enclosures suffering a thermal runaway should be assessed. It should be borne in mind that a thermal runaway can be triggered at much lower temperatures than a fire, between 130^{o}C and 200^{o}C, depending on the cell design. Fire suppression systems do not prevent thermal runaways, only copious amounts of water to cool the site for many hours will suffice. Therefore, two or more enclosures going into thermal runaway and producing lethal emissions is a foreseeable event and should be modelled.

Question 2.1.5

Battery Energy Storage System:

Comment on changes to the National Planning Policy Guidance - Renewable and Low Carbon Energy - Battery Energy Storage Systems, paragraph 33 which encourages applicants to consider the guidance produced by the National Fire Chiefs Council. Explaining whether this has any implications for the scheme, if it has been taken into account, and the weight that should be given to the advice.

7000 Acres Response

Currently, the Applicant's Outline Battery Safety Management Plan (Document Reference: EN010131/APP/7.1) does not reference or take-account of the National Fire Chiefs Council recommendations.

In addition, the 3rd Reading of the Energy Bill on the 5 September 2023 will require an Industrial Installation Permit. The Applicant should take account of this requirement and design the BESS accordingly.

Question 2.1.6

Cumulative Assessment Environmental Statement

In the Environmental Statement Chapter 5 – EIA methodology at 5.8.12 it states 'The long list of cumulative schemes (ES Volume 2: Appendix 16-B [EN010131/APP/3.3] 0 has informed

the short list presented with each chapter'. At paragraph 5.8.13 it states 'A short list of cumulative developments is presented in ES Volume 3: Appendix 16-B

[EN010131/APP/3.3] of this ES. These are the same reference and identify different lists for the same reference and the reference is actually to a different matrix. Can these references be corrected. In Chapter 8 at section 8.13 reference is made to a short list by reference to appendix 5-A, such an appendix has not been provided.

Can the referencing of the long and short lists be updated and corrected throughout the ES where necessary. Please also see following questions.

7000 Acres Response

A complete list of solar industrial schemes being proposed for Lincolnshire is included in Appendix 1.

It is necessary to add the One Earth Solar Farm Special Purpose Vehicle to this list as that is the 5th solar industrial site currently being located in West Lindsay.

The Transmission Entry Capacity (TEC) Register[2] shows that nationwide there are a total of 131 GW of solar schemes registered with the National Grid. This is nearly twice the 70GW solar generation capacity sought by the Government and takes no account of rooftop solar.

The NSIP schemes registered for grid connections on the TEC Register, show 11 registered for connections to the Cottam, West Burton and High Marnham power stations. There are 35 registered in Lincolnshire as a whole. The 11 schemes in the Gainsborough area would cover circa 23,000 acres, with the 35 Lincolnshire schemes covering circa 71,866 acres of productive farmland, frequently described as the "Breadbasket of England".

These multiple solar NSIP applications and registrations for grid connections demonstrate that there is no centralised control over the schemes, therefore they cannot be responding to National Policy.

[2] https://data.nationalgrideso.com/connection-registers/transmission-entry-capacity-tec-register

Question 2.5.3

Legal Pro forma land agreements with existing landowners

It was requested that a copy of the draft private agreements or basic proforma of the agreements agreed by the private landowners was to be submitted to further the understanding of the nature of the agreements that applicant has in place without revealing the actual agreements. This would be a useful addition to the information already submitted.

7000 Acres Response

The provision of the draft private agreements or basic proforma of the agreements agreed by the private landowners is necessary information for the Examining Authority to understand the basis of the said agreements. This will provide re-assurance to Interested Parties that the Examining Authority has had sight of the contractual agreements and is sufficiently satisfied that the agreements are viable and suitable and for purpose.

We have concerns regarding the details of these agreements regarding responsibilities and liabilities in terms of decommissioning. We do not want to be left in a situation where the scheme is obsolete, and the land is left derelict and contaminated due to no-one taking responsibility or being held liable for years to come.

Question 2.7.2

In Compulsory Acquisition Hearing 1 a note of action points identified at Action 2 an action for the Applicant to provide a 'Description and explanation of the necessity to retain land within the Order Lands where no development is taking place including the Heritage Buffer and land around Knaith Park.' In the Applicants Post hearing submission on CAH1 at 11.1.1 and 5.6.9 only the land at Knaith Park is directly referenced.

The review of the rights sought for Knaith Park and any necessary updates or amendments will be provided at deadline 4 is welcomed.

However, the point also covered land within or identified as Heritage Buffer. It was suggested CA was necessary to retain control over the land and to ensure it was managed to support the heritage function and in effect ensure the land continued to contribute to the setting of the historic assets. It

was suggested this would be further explained including that this would be required to prevent the erection of buildings, ensure the land remains open etc. This further explanation and mitigation is not directly set out in the statement of reasons or secured within any of the documents. Can the mitigation and management of these areas be clearly set out and shown where and how it is secured and therefore why it is necessary to be the subject of CA and the necessary documentation updated.

7000 Acres Response

The area identified as Heritage Buffer does not need to be compulsorily acquired by the Applicant. The protection and enhancement of such landscape comes within the remit of the Local Authority and any such proposed development of the area will be subject to the normal protection measures of the Town and Country Planning Act 1990.

Question 2.11.1

In your recent submission following ISH2 REP3-049 you suggest that the ExA should consider placing limits on Noise and other and other emission but give no indication as to what the figures for these limits should be. Set out the limits that you would suggest would be appropriate and the reasoning to justify the figures you have provided.

7000 Acres Response

As 7000 Acres represents a large number of effected local residents, a Statement of Common Ground with the Applicant could be a helpful mechanism for agreeing how noise and glare should be assessed, and how they should be limited. In the absence of a SoCG, the following limits are recommended.

Glint and Glare

Applicant has chosen to use the US Federal Aviation Authority (FAA) assessment methodology, which is acceptable to 7000 Acres, if correctly applied. In particular, the intensity of glare must be considered, as well as all relevant viewing heights. If the Applicant does not wish to apply the FAA requirements in full, the following limits are suggested.

Static (Residential) Receptors should be subject to no more than 20 minutes of glare per day, or 20 hours per year, from any viewing point in their residence or garden.

Mobile Receptors should not be subject to any green glare (as defined in the FAA assessment methodology), as that has a potential safety risk, for example when cycling.

Question 2.12.3

Written Ministerial Statement 25 March 2015

Comment on the extent to which the Written Ministerial Statement of 25 March 2015 in relation to BMV is relevant and important to the consideration of the effects of the development on BMV in this case.

7000 Acres Response

The Ministerial Statement is very clear when it says:

"Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is and that poorer quality land is to be used in preference to land of a higher quality."

As in our answer to question 2.1.1. we state that the National Planning Policy Framework requires a holistic approach to industrial scale solar planning, this Statement makes a similar point. The land proposed for the West Burton scheme is productive farming land. This was helpfully supported during ISH 3, when the Applicant's soil expert stated that due to warmer summers, soil with a higher clay content, i.e. 3b, was more productive than BMV 3a soil.

This Ministerial Statement is consistent with the Skidmore Review, and a recent statement by the Prime Minister on the 6 September 2023, where he stated that solar should be prioritised on brownfield sites.

Question 2.13.1

Cumulative Assessment – Construction Traffic

The cumulative assessment in Chapter 13 – Transport identifies the worst case scenario of sequential construction over a five year period. However, when considering the proposed construction periods if they were to be construction sequentially (2 years for West Burton, 2 years for Cottam and 36 months for Gate Burton) this would equate to 7 years as a temporal worst-case scenario.

Please explain why this scenario has not been tested and why it is not a temporal worst case.

7000 Acres Response

Along with the three schemes mentioned, Tillbridge Solar needs to be added to this equation also. Furthermore, to truly consider the worst case scenario in terms of construction traffic, the Applicant and the Examining Authority need to account for the further 7 Solar NSIP's in Lincolnshire as listed on the Planning Inspectorate website which are at various stages in the examination process. The road network across the County will be seriously impacted by the influx of such a significant number of schemes. The cumulative assessment of construction traffic for all 11 of these schemes needs to be measured to show the worst case scenario.

Question 2.13.3

Effects on tourism

In terms of 'Tourism' being scoped out of the ES, given the cumulative effects and potential for effects on landscape which may impact visitor numbers what is the Applicants assessment of the effects of the Scheme in combination with other Nationally Significant Solar schemes on the general tourist economy of the wider area and the concerns expressed by the host authorities. Not just on specific individual operators within the immediate locality.

7000 Acres Response

By removing this area of study from the Environmental Statement, the Applicant has shown their lack of understanding and appreciation of the area. The local landscape, agricultural, food production, art, history, literature and culture of the area, attracts tourists and revenue to the region and has done so for many years.

The cumulative impact of the proposed 4 NSIP schemes will radically change the make-up and identity of the area and landscape and as the wide, open views and vistas of green fields will be covered in black glass, the tourists and associated revenue to the region will inevitably be detrimentally affected.

Appendix 1: Extract from National Grid TEC register, Solar (PV) schemes with capacity of NSIP scale:

Current projects in NSIP process indicated in yellow. Project publicly declared, but ahead of NSIP in orange.

Project Name	PV MW	Customer Name	Connection Site
Bicker Fen	600	BEACON FEN ENERGY PARK LIMITED	Bicker Fen 400kV Substation
Bicker Fen PV & BESS Sub	249.9	O&G Solar (SPV 40) Limited	Bicker Fen 400kV Substation
Blankney Solar	400	ACRE LANE ENERGYFARM LIMITED	Navenby 400kV Substation
Blankney Solar	400	ACRE LANE ENERGYFARM LIMITED	Navenby 400kV Substation
Carbon Free 2030	500	CARBON FREE 2030 ENERGY LIMITED	Grimsby West 400kV Substation
Cliff Hill Energy Farm	800	Renewable Energy Systems Limited	Navenby 400kV Substation
Cottam	250	GATE BURTON ENERGY PARK LIMITED	Cottam 400kV Substation
Cottam	250	GATE BURTON ENERGY PARK LIMITED	Cottam 400kV Substation
Cottam PV & BESS Sub	500	O&G Solar (SPV 37) Limited	Cottam 400kV Substation
Cottam Solar PV + BESS	600	COTTAM SOLAR PROJECT LIMITED	Cottam 400kV Substation
EcoGrimsbyWest	249	Econergy International Limited	Grimsby West 400kV Substation
Essendine	240	MALLARD PASS SOLAR FARM LIMITED	Ryhall (Network Rail) GSP
Ewerby	500	SSE UTILITY SOLUTIONS LIMITED	Navenby 400kV Substation
Flash Solar Farm	360	ELEMENTS GREEN TRENT LTD	Staythorpe 400kV Substation
Flash Solar Farm	200	ELEMENTS GREEN TRENT LTD	Staythorpe 400kV Substation
Flash Solar Farm	200	ELEMENTS GREEN TRENT LTD	Staythorpe 400kV Substation
Heckington Fen Solar Park	400	ECOTRICITY GENERATION LIMITED	Bicker Fen 400kV Substation
HIGH MARNHAM	240	TRANQUILITY ENERGY LIMITED	High Marnham GSP
High Marnham 400	400	ENSO GREEN HOLDINGS LIMITED	High Marnham 400kV Substation
High Marnham Solar Farm	99.9	ANESCO LIMITED	High Marnham 400kV Substation
Housham PV & BESS	240	FOSSE GREEN ENERGY LIMITED	Navenby 400kV Substation
Killingholme BESS	249.9	O&G Solar (SPV 47) Limited	Killingholme 400kV Substation

Project Name	PV MW	Customer Name	Connection Site
Mablethorpe Green Energy Centre	1025	MABLETHORPE GREEN ENERGY CENTRE LIMITED	Mablethorpe 400kV Substation
Midlands Estate Energy Park	600	Renewable Energy Systems Limited	West Burton 400kV Substation
Navenby Farm	1000	548 UK INVESTMENT HOLDINGS LIMITED	Navenby 400kV Substation
Navenby GEC	580	Navenby Green Energy Centre Ltd	Navenby 400kV Substation
Newark BESS	600	SSE DE SOLAR HOLDCO LIMITED	Cottam 400kV Substation
One Earth Solar Farm	500	ONE EARTH SOLAR FARM LIMITED	High Marnham 400kV Substation
Stallingborough PV & BESS Station	500	IGP INTERNATIONAL PROSPECTING LIMITED	Grimsby West 400kV Substation
Staythorpe	400	ENSO GREEN HOLDINGS LIMITED	Staythorpe 400kV Substation
Staythorpe	437	SSE STAYTHORPE POWER LIMITED	Staythorpe 400kV Substation
Temple Oaks Renewable Energy Park	240	RIDGE CLEAN ENERGY LTD	Bicker Fen 400kV Substation
THE CLEAN FUTURE	500	THE CLEAN FUTURE RENEWABLES LIMITED	Killingholme 400kV Substation
Tillbridge Solar	500	TILLBRIDGE SOLAR LIMITED	Cottam 400kV Substation
West Burton Solar Project	480	WEST BURTON SOLAR PROJECT LIMITED	West Burton 400kV Substation