

## Principle and nature of development

Question No.	To	Question	Response
Q2.1.1	The Applicant, Lincolnshire County Council, Nottinghamshire County Council, West Lindsey District Council Basset law District Council	<b>Overall Policy Background</b> 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.	Do not consider that there are any implications from the changes on the Council's case
Q2.1.9	Lincolnshire County Council	<b>Cumulative Assessment</b> At paragraph 2 of your written summary of your oral submissions you state suggest a joint hearing on cumulative effects and reference the commencement of Cottam and West Burton examinations. You will be aware that West Burton PM was adjourned and that the examination has therefore not begun. You will also be aware of the restrictions of the Planning Act 2008 in respect of examinations and that there is not an opportunity to hold combined hearings. Notwithstanding these points you state in respect of your suggestion that a hearing on cumulative effects would be beneficial and you state "The benefit of such a joint hearing was demonstrated during the discussions under Items 3 and 7 of Issue Specific Hearing 3 when the cumulative impacts of landscape and construction traffic were discussed and it was clear that the discussion would have benefited from the other developers being present to provide responses from their perspective". Can you specifically detail what the benefits are that you are alluding to and what the 'other developers' responses are that you suggest would add to the information before this examination? As noted in your submissions the cumulative effects of landscape and traffic were discussed and there was an opportunity for you or other interested parties to raise any other matters on these	In respect of the West Burton PM whilst this was adjourned it is also noted that the intention of the Examining Authority to conclude the PM by 8 <sup>th</sup> November at the latest and therefore the examination will have stated before the Gate Burton examinations closes. Together with the modifications request submitted by the applicant and the possibility of further Hearings provides the possibility that separate hearings to consider the cumulative impacts for all 3 projects could be undertaken before this examination closes. Whilst it may not be possible to hold a combined hearing for all 3 examinations it appears to the Council there is no reason why each examination could not hold a separate ISH on the same day or over 2 days at the same venue. So whilst each Issue Specific Hearing took place with their respective Examining Authority each applicant could attend each specific hearing and answer the same set of questions . The Examining Authority could hear responses and ask questions from each applicant so that they and Interested Parties get an opportunity to understand the cumulative impacts and

		<p>issues should they have wished to do so. However if there remain matters specifically in respect of cumulative effects that you wish to add to in terms of your LIR, Written Representations, Responses to Written Questions, responses to the applicants answers to other written questions and your contributions to the various Issue Specific Hearings already before the ExA please provide your response by deadline 4 and detail what other effects or impacts may arise from the development in combination with other schemes that you have not previously raised.</p>	<p>proposed mitigations of the applications in an holistic way.</p> <p>For example in respect of ISH 3 under item 7 for the Gate Burton examination when the Examining Authority was asking questions relating to the cumulative impacts of construction traffic and the possibility of capping the number of vehicle movements there was only a response available from Low Carbon who were not in the position to respond on behalf of the other developers on this point. It would have been helpful to have the responses available from the other developers during this hearing to understand what mechanism could be used and agreed between the developers to limit cumulative construction traffic numbers at certain times. On landscape and visual impact matters again a common set of questions could be asked at each of these hearings so each Examining Authority (ExA) and Interested Parties could hear the answers from each developer and the ExA could take these matters into account when making their recommendation to the Secretary of State.</p> <p>The Cottam Examining Authority have committed to holding a cumulative impact session separately but on the same day as West Burton. The Council respectfully asks that this presents an opportunity to add Gate Burton as well during the week of the Cottam Hearings in early December.</p>
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### Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Question No.	To	Question	Response
Q2.5.4	The Applicant Lincolnshire County Council	<p><b>Other licences and Agreements</b> Lincolnshire County Council during the recent hearings requested that a financial contribution be secured through a section 106 agreement to support the Lincolnshire Fire Service in undertaking its consideration assessment and monitoring of any Battery safety management regime. See item 8 paragraphs 20-26 of REP3-037. Whilst some attempt has been made to consider the requests against the tests no detail is provided on the scale of the amount that is suggested the contribution should make and to detail the nature of the service it would pay for. Can LCC please add to their submission to confirm the level of contribution sought, whether it is a lump sum one off payment or ongoing</p>	<p>In respect of the first year of operation to provide the necessary assurance that all the correct systems and measures are in place would involve 21 days of Fire Service time. At a current rate of £765 per day this equates to £16,665 in the first year. In subsequent years it would be necessary for an annual review of the site to take place which would be £1530 per annum (2 days work site visit and assurance report). An appropriate mechanism would need to be in place for the</p>

		<p>commitment. How the figure is calculated and the detail of the service that would be provided for the contribution. Can the applicant consider the principle and initially set out whether such an agreement may be acceptable and can both parties comment on whether such an agreement could be reached within the time frame of the close of the examination.</p>	<p>subsequent visits after the first year of operation which could incorporate an obligation to enable such annual visits to take place and a charge made for these visits at an index linked rate of £1530.</p> <p>In the first year the offer from the Fire Service would be an initial site visit 1 day; Capturing of risk information for development of technical rescue plans – 10 days; and Subsequent site visits 10 days;</p> <p>Benefits</p> <ul style="list-style-type: none"><li>• Early engagement to ensure identified standards are being complied with;</li><li>• Sound developments supported by expertise within the Fire Service such as site infrastructure checks, detection systems , on-going maintenance/safety requirements;</li><li>• Early development of emergency response plans</li><li>• Familiarisation for local crews and oversight from Lincs Fire and Rescue Service;</li><li>• Development of on-going maintenance and updating of risk information;</li><li>• Assurance to local residents that monitoring is being undertaken by Fire and Rescue to reduce the risk of a battery fire and if a fire event took place fire crews would be well placed to contain it</li></ul>
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			<p>very quickly as they would be familiar with the site.</p> <p>The Council has been involved in Section 106 agreements for other DCOs Boston Alternative Energy Facility (Decision July 2023) which was significantly more complex than this proposed S106 and was completed by the close of the examination and therefore the Council sees no reason that the S106 agreement outlined above could not be completed by the examination close.</p>
Q2.6.5	Lincolnshire County Council, Nottinghamshire County Council, West Lindsey District Council Basset law District Council	<p><b>Article 46 and Schedule 16</b> The Applicant made changes to the draft DCO at deadline 3 see dDCO REP3-006 and Explanatory Memorandum REP3-007 in respect of a number of matters but which included changes to Article 46 and schedule 16 and made changes to certain timescales. Can the host Authorities comment on the nature of the changes and whether these address their concerns previously raised. If not identify specific points which remain of concern, state the required amendment considered necessary to make the Article or schedule acceptable and explain the reason and necessity for the proposed changes. Reference has been made to not adopting a one size fits all for the time scales; in which case the reasoning and justification should identify what timescale is appropriate for which requirement.</p>	<p>It is noted that Schedule 16 2(2) has an amended timescale of 8 weeks, the Council does not consider that this is a sufficient period of time to enable the discharge of the requirements which could involve a significant amount of information to assess and in respect of Requirement 6 require consultation outside of the Authority so on that basis request that all the requirements are required to be discharged in a <b>10 week</b> period from date of a completed discharge submission being made.</p> <p>It is submitted that for other recent solar energy DCO schemes 'Longfield' a period of <b>10 weeks</b> has been secured for the relevant planning authority to discharge the requirements and this precedent should be applied in this case as well. It is particularly important in this case given that the relevant planning authorities may be subject to requirement submissions for multiple DCOs</p>

			<p>within the host authorities area in a similar time period.</p> <p>In addition Article 46 (4) should be amended to 10 weeks to fall in line with the suggested change to Schedule 16 2(2) and therefore there would be no need for Schedule 2 (3) as all the requirements would be subject to a 10 week timescale for decision.</p> <p>In respect of Schedule 16 5(1) it should be made clear that a fee is required for each discharge of a requirement as it currently reads an 'application' could include a number of requests to discharge multi requirements for which only a single fee is payable. Each requirement discharge should attract a fee even if multi requests to discharge requirements are included in a single 'application'</p>
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### Historic Environment

Question No.	To	Question	Response
Q2.7.1	Nottinghamshire County Council, Lincolnshire County Council The Applicant	<b>Updated Archaeological Method Statement</b> Confirm that the suggested amendments to the AMS satisfactorily address the issues previously raised.	Yes this is agreed.

### Soci-economic Effects and Land Use (Including Agricultural Land and BMV)

Question No.	To	Question	Response
Q2.12.2	Lincolnshire County Council, Nottinghamshire County Council, West Lindsey District Council, Basset Law District Council, Natural England	<b>Best and Most Versatile land</b> Do the amendments to the Outline Soil Management Plan REP3-013 and REP3-014 provide confidence for Natural England and the Host Authorities to ensure the correct Agricultural Land Classification (ALC) will be identified and the soil managed to ensure that any disturbed land will be restored to a similar ALC grade. If not please explain why not.	This is still being considered and a response will be provided as soon as this is available
Q2.12.3	The Applicant, Lincolnshire County Council, Nottinghamshire County Council, West Lindsey District Council, Basset Law District Council, Natural England	<b>Written Ministerial Statement 25 March 2015</b> 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.	The written ministerial statement has not been withdrawn and is relevant as an extant statement of Government policy