

# West Lindsey District Council

Comments on Joint Report on Interrelationships between Nationally Significant Infrastructure Projects Version 1

Document Reference: EN010131/8.26 (Gate Burton)

3 October 2023

Chapter	Key Points	WLDC Concerns
	General comments	<ul style="list-style-type: none"><li>• WLDC remain unclear as to the purpose and status of this document.</li><li>• The document is neither constituted further environmental information (submitted under the EIA regulations) and nor is it a document to be secured through a DCO 'requirement'. It is also not currently a document to be certified in the DCO.</li><li>• As a consequence, the document has very limited standing and its contents and commitments are not secured or binding upon the applicant.</li><li>• The document serves as a useful reporting of the cumulative impacts and conclusions reached by each scheme in their respective Environmental Statements, however this in itself serves to demonstrate the inconsistencies in approach and the lack of clarity over the likely impacts local residents and other receptors would experience should the all the projects be implemented.</li><li>• The report also demonstrates that the respective Environmental Statements have not assessed the potential combinations or scenarios. This results in an absence of such information to enable a consideration of all cumulative scenarios.</li></ul>

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1. Introduction	1.2.1 and Table 1.2 – List of NSIP Solar Schemes in and around Lincolnshire.	<ul style="list-style-type: none"> <li>It is unclear why it is decided that there 'no' potential for cumulative effects – especially for Fosse Green (7km to West Burton scheme). Rationale is provided for One Earth Solar Farm which is nearby, and makes sense for schemes further away or already constructed to be scoped out, but no detail ruling out Fosse Green. WLDC is unclear as to how a definitive conclusion that there are 'no' cumulative impacts has been reached.</li> <li>This table is labelled as Table 1.4 but referred to in the text as Table 1.2 and is the second table in the chapter. This typo should be amended to avoid confusion.</li> </ul>
	1.2.2. – Table 1.3 below provides details of the distances (and direction) between the solar arrays for the Cottam, West Burton, Tillbridge and Gate Burton schemes. The distance between solar arrays is measured at the nearest point to the other relevant scheme.	<ul style="list-style-type: none"> <li>There appears to be two tables labelled Table 1.3. This typo should be amended to avoid confusion.</li> </ul>
3. Approach taken to coordinate between the projects		<ul style="list-style-type: none"> <li></li> </ul>
	3.3.4 – There has also been extensive collaboration between the Gate Burton, Cottam and West Burton schemes in the preparation of Environmental Statements, including discussions on survey methodologies, viewpoints and assessment of individual and cumulative effects.	<ul style="list-style-type: none"> <li>WLDC notes that the respective Environmental Statements reach different conclusions. It is for this reason that WLDC's position has been, and remains, that a thorough examination of the likely cumulative impacts is required in order to understand the likely cumulative impacts (including combinations)</li> <li>WLDC also notes that there are different topics included in the respective Environmental Statements (e.g. the inclusion of tourism within the Cottam and West Burton assessments but has not been assessed within the Gate Burton assessment.).</li> </ul>
4. Shared Development Consent Order Provisions –		<ul style="list-style-type: none"> <li></li> </ul>
	4.3.2 – The (Cooperation) Agreement sets out the fundamental principles of cooperation between the parties, and how they will interact with third parties. Specifically, the agreement requires:	<ul style="list-style-type: none"> <li>This section does not appear to provide any specific commitment to working together, it only discusses the need to cooperate and act in good faith.</li> </ul>

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	<ul style="list-style-type: none"> <li>• The parties must cooperate with each other and act reasonably and in good faith (Clause 4.1) including specifically to mitigate adverse impacts on persons with an interest in the land affected by the Projects (Clause 4.1.1);</li> <li>• Each party must act as a Reasonable and Prudent Developer (Clause 4.2) i.e. acting in good faith as a skilled and experienced developer would;</li> <li>• There is agreement that the protective provisions included in the draft DCOs in favour of the other parties (as relevant) are appropriate (Clause 5.4);</li> <li>• There is agreement that protective provisions for Tillbridge on substantially the same terms will be included at the appropriate time (Clause 5.5) and vice versa in the Tillbridge draft DCO;</li> <li>• There is an agreement to enter into a Further Agreement in due course, to cover the matters in Appendix 1, which includes coordinating stakeholder and community engagement post-consent, and seeking to minimise interference to landowners and impacts on the environment. The agreement will also establish how the parties will work together to discharge relevant DCO requirements in a consistent manner.</li> </ul> <p>4.3.3. Therefore, the Cooperation Agreement not only secures cooperation and working in good faith between the parties, it ensures they work together to reduce environmental and land impacts. This level of cooperation between developers is unusual and has been achieved through dedicated positive collaboration between parties.</p>	<ul style="list-style-type: none"> <li>• Whilst there is “An agreement to enter into a Further Agreement in due course” it is considered important to understanding the coordinated inter-relationship between schemes and needs to be provided as part of the examination.</li> </ul>

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5. Shared Mitigation Measures in Draft DCOs	<p><b>Shared grid connection</b>            5.2.2 – Avoidance areas and construction methods (such as Horizontal Directional Drilling (HDD)) to reduce effects are shared across all projects within the shared area of the Grid Connection Corridor. There has been particular joint working on the section of the grid connection corridor near the River Trent, including working collaboratively with the Canal and River Trust to agree Protective Provisions in this area.</p>	<ul style="list-style-type: none"> <li>• Whilst this section provides a summary of the construction impacts within the corridor, it does not provide any new information, or provide an approach as to how the projects would be constructed cumulatively to minimise impacts.</li> </ul>
	<p><b>Cultural Heritage</b></p>	
	<p><b>Traffic and Transport</b>            5.4.3 – At present there is no certainty that the other schemes will be consented and therefore that a Joint CTMP would be required. If they are all consented, they may be subject to different requirements on construction traffic or timescales, which may make production of one document across all projects challenging. No single party has authority over another and each DCO only controls the activities for that project. For all these reasons, a firm commitment cannot be made to prepare or agree a Joint CTMP. Notwithstanding the above, it is the developers' intention to together develop a Joint CTMP and this approach has been agreed between the parties as evidenced in this report and the cooperation agreement.</p> <p>5.4.4 – The Framework CTMP for the Gate Burton scheme sets out the possibility of a Joint CTMP in paragraph 3.2.6 and 7.6.1 [APP 167 and 168/3.3 and as amended]. A Joint CTMP could support implementation of shared mitigation measures such as joint traffic management, joint consultation with Lincolnshire County Council traffic officers, combined vehicle access and routing plans, shared</p>	<ul style="list-style-type: none"> <li>• WLDC understands that there is no certainty on consent achieved, but without any commitment in working together then the mitigation impacts are unknown.</li> <li>• Whilst there are references to the framework CTMP, there is no more commitment than what has been set out in other application documents and the draft DCO.</li> <li>• Whilst the document states that <i>'the four developers are working closely together to identify further ways to collaborate and reduce impacts on communities and the environment'</i> there is no further evidence provided to demonstrate the nature of such 'close working'. Even if this document were to form a DCO 'requirement' to secure joint working, there are not clear and firm commitment in this report to do so.</li> </ul>

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	<p>use of construction compounds, taking a holistic approach to construction traffic planning and management. In the meantime, the four developers are working closely together to identify further ways to collaborate and reduce impacts on communities and the environment. Progress on this is reported here and will be updated throughout the Examinations. One of the most recent areas of discussion has been around the potential to combine accesses within the shared grid connection corridor. Discussions are ongoing on this point.</p> <p><b>Ecology</b>            5.5.1 – Chapter 8: Ecology and Nature Conservation of the Gate Burton ES [EN010131/APP-017/3.1] states that where practicable, joint mitigation will be undertaken with Cottam and West Burton schemes within the shared grid connection corridor. The detailed CEMP(s) will outline all ecological mitigation, which will likely include combined pre-construction surveys, protected species mitigation, translocation (if required), monitoring and post construction.</p>	<ul style="list-style-type: none"> <li>• WLDC notes that there is no new information provided in this section.</li> <li>• WLDC would welcome clarity on why there is no commitment from Tillbridge to adopt the same mitigation as the other schemes with regard to ecological impacts. Such commitment is made with regard to cultural heritage mitigation but none such commitment has been made here. WLDC would seek to ensure consistency of approach across all projects to address common impacts.</li> </ul>
6. Cumulative Impact Assessment	6.1.3 – Prior to Deadline 1 on the Gate Burton Examination (18 July) the Gate Burton undertaker reviewed the recently published Cottam Solar Project ES, West Burton Solar Project ES and Tillbridge Solar Farm PEIR to identify whether the information contained would alter the cumulative assessment contained within the Gate Burton Scheme's ES. No changes to the conclusions in relation to likely significant cumulative effects were identified and no updates are required to the Gate Burton Scheme ES as a result.	<ul style="list-style-type: none"> <li>• The report does not address WLDCs concern regarding the cumulative assessment carried out. It does not consider the varying combinations to provide conclusions on the impacts of the Gate Burton scheme with other projects across the different scenarios.</li> <li>• WLDC contends that such an assessment is required in order for the ExA and the Secretary of State to have sufficient environmental information before them in order to determine the combinations. Such environmental information is required to enable each application to be determined with full regard to the likely cumulative impacts (including the varying scenarios) and to provide full and rational reasons for concluding whether they are acceptable or unacceptable when assessed cumulatively against policy.</li> </ul>

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7. Summary of matters coordinated between NSIPs	<p>7.1.3 – A collaboration agreement has been reached between all four parties to govern joint working going forward and introduce further efficiencies to the process.</p> <p>7.1.4 – The teams have also worked together extensively to align survey methodologies for ESs, share survey work to minimise disturbance to landowners and sites and identify ways to reduce impacts. Work carried out by all parties to minimise individual and cumulative impacts has meant few cumulative impacts are reported over the four projects. This collaborative working is continuing after submission of applications, with the most recent focus being on minimising the impact of the accesses within the shared grid connection corridor. This work is likely to further reduce impacts.</p> <p>7.1.5 – The Gate Burton, West Burton and Cottam undertakers have considered the now published ES information and the PEIR for Tillbridge and do not consider there to be any changes to the conclusions of the cumulative assessments of the respective schemes.</p>	<ul style="list-style-type: none"> <li>• Whilst this section explains what has happened in terms of collaboration in the past and reiterates the intention to work in a proactive manner, there is no commitment expressed to continue that collaborative working through to the respective construction phases, and nor does it explain how this collaboration would occur.</li> </ul>
Appendix C: Cooperation Agreement	<p>Document which looks at the cooperation of all four schemes.</p>	<ul style="list-style-type: none"> <li>• WLDC considers this document to be a ‘duty to cooperate’ as opposed to a commitment to collaborative working.</li> <li>• WLDC is seeking information on the approach to be taken to ensure collaborative working during the construction phases, which remains absent from this document.</li> </ul>

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	<p>4.1 – The parties shall cooperate with each other and act reasonably and in good faith:</p> <ul style="list-style-type: none"> <li>- throughout their participation in the examinations until final determination of the DCO applications for each of the projects;</li> <li>- to mitigate adverse impacts on persons with an interest in the land affected by each of the Projects;</li> <li>- to agree and enter into the Further Cooperation Agreement as soon as reasonably practicable and in any event before the date on which the first of the DCO applications to be determined is made by the Secretary of State.</li> </ul>	
<p>Appendix D: Cumulative Impacts on Traffic Technical Note</p>	<p>This TN reviews the potential cumulative effects on Transport and Access that may arise from the Gate Burton Energy Park, in combination with several other schemes; the West Burton Solar Project, the Cottam Solar Project, Tillbridge Solar and the Glentworth Oil Extraction Site. This TN constitutes a consideration of cumulative impacts at the time of writing.</p> <p>The cumulative assessment within Chapter 13: Transport and Access of the Gate Burton Energy Park ES concluded that no projects identified in ES Volume 3: Appendix 5-A [EN010131/APP/3.3] were considered (in combination) to impact any of the receptors identified in the assessment and that the effects were not significant.</p> <p>Following a further review of the potential cumulative impacts of these other (above named) schemes, the findings of Chapter 13: Transport and Access of the Gate Burton Energy Park ES are considered to remain unchanged.</p>	<ul style="list-style-type: none"> <li>• WLDC notes that there is no new environmental information reported in this Appendix.</li> <li>• WLDCs wishes to see an agreed approach between the developers that sets out the approach to be implemented should two or more schemes be constructed at the same time. Such an approach, process or structure remains absent.</li> <li>• WLDCs reasons for requesting clarity on a co-ordinated approach is to ensure that the impacts on construction traffic on the amenity of local residents is minimised, and so that a process that ensures effective enforcement and remedy is identified prior to the determination of the applications.</li> </ul>

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Appendix E: Review of Cumulative Effects	<p><b><u>Climate Change</u></b> Cottam and WB identify major beneficial cumulative effects from the provision of renewable energy, but GB and Tillbridge identified no significant cumulative effects (adverse or beneficial). This is because their ES chapters do not include a cumulative assessment for Climate Change.</p> <p>Gate Burton claim in Chapter 6: Climate Change: <i>“it is not possible to define a study area for the assessment of cumulative effects of GHG emissions nor undertake a cumulative effects assessment, as the identified receptor is the global climate and effects are therefore not geographically constrained. Consequently, as stated in the IEMA guidance (Ref 6-31), effects of GHG emissions from specific cumulative projects therefore in general should not be individually assessed, as there is no basis for selecting any particular (or more than one) cumulative project that has GHG emissions for assessment over any other”.</i></p> <p><b><u>Cultural Heritage</u></b> <b>Gate Burton:</b> On the setting of designated and non-designated heritage assets, the Cultural Heritage ES chapters for Cottam and West Burton have been reviewed and it is confirmed that there are no changes to the cumulative impact assessment (no significant cumulative effects identified). <b>Cottam:</b> Potential for up to Moderate Adverse cumulative impacts with West Burton at Roman Villa west of Scampton depending upon the effectiveness of the landscape mitigation. Any additional cumulative impacts with Gate Burton and Tillbridge would be likely to be negligible.</p>	<ul style="list-style-type: none"> <li>• WLDC notes there are discrepancies between Climate Change methodologies between the cumulative schemes.</li> <li>• Gate Burton does not appear to undertake a cumulative assessment for Climate Change for the reason that <i>“it is not possible to define a study area”</i>. However, both the Cottam and West Burton Environmental Statements do assess such impact and identify a study area.</li> </ul> <ul style="list-style-type: none"> <li>• WLDC notes the inconsistencies between the Cultural Heritage assessments.</li> <li>• There appears to be inconsistencies between significant effects identified in this table and in the ES. Appendix E states there will be significant (moderate adverse) cumulative effects to Roman villa west of Scampton Cliff Farm (NHLE 1005041) for West Burton and Cottam. This is inconsistent with the West Burton and Cottam ES, which claim moderate adverse impacts are only to The medieval bishop's palace and deer park, Stow Park (1019229) and Thorpe medieval settlement (NHLE 1016978) respectively.</li> <li>• The review of Gate Burton does not mention cumulative effects on setting of designated and non-designated assets with Tillbridge. It only mentions impacts to Cottam and WB.</li> </ul>



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	<p><b>West Burton:</b> Potential for up to Moderate Adverse cumulative impacts with Cottam at Roman Villa west of Scampton depending upon the effectiveness of the landscape mitigation. Any additional cumulative impacts with the Gate Burton and Tillbridge Solar Schemes would be likely to be negligible.</p> <p><b>Tillbridge:</b> At this stage, it is not possible to confirm whether cumulative effects would be significant or not during construction. This will be considered further in the ES.</p>	
	<p><b><u>LVIA</u></b>  <b>Gate Burton:</b> Cumulative moderate adverse effect with West Burton Solar Project during operation. Moderate adverse effect with West Burton, Cottam and Tillbridge during operation</p> <p><b>Cottam:</b> no significant cumulative effects identified.</p> <p><b>West Burton:</b> no significant cumulative effects identified.</p> <p><b>Tillbridge:</b> Significant cumulative effects on landscape character at a local level or potentially at a wider (National Character Area) level during construction and operation.</p>	<ul style="list-style-type: none"> <li>• Shows the discrepancies between the LVIA assessments in the table.</li> <li>• Cottam and WB claim no cumulative effects, but GB claims moderate adverse – this is inconsistent.</li> </ul>
	<p><b><u>Socio-economics</u></b>  <b>Gate Burton:</b> no significant cumulative effects identified.</p> <p><b>Cottam:</b> cumulative moderate beneficial effects on:</p> <ul style="list-style-type: none"> <li>- Construction sector employment</li> <li>- Accommodation stock</li> <li>- Construction economy</li> </ul>	<ul style="list-style-type: none"> <li>• WLDC notes that each scheme identified different cumulative effects and Gate Burton concludes that there are no significant effects at all.</li> <li>• There are differences in the assessed impact area – Gate Burton defines a 60 minute travel area, whereas Cottam and West Burton have assessed the combined West Lindsey and Bassetlaw district area.</li> <li>• This Shows discrepancies in the socio-economic chapters and an inconsistent approach between the different solar projects.</li> </ul>

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	<ul style="list-style-type: none"> <li>- Accommodation economy</li> <li>- Economic activity and employment</li> <li>- Economic prosperity</li> <li>- Resident and working population income</li> </ul> <p>Cumulative moderate adverse effects on:</p> <ul style="list-style-type: none"> <li>- PRowS and tourist attractions</li> <li>- Energy sector employment</li> </ul> <p><b>West Burton:</b> cumulative moderate beneficial effects on:</p> <ul style="list-style-type: none"> <li>- Construction sector employment</li> <li>- Accommodation stock</li> <li>- Construction economy</li> <li>- Accommodation economy</li> <li>- Access to employment</li> <li>- Economic activity and employment</li> <li>- Economic prosperity</li> <li>- Resident and working population income</li> <li>- Accommodation sector employment</li> </ul> <p>Cumulative moderate adverse effects on:</p> <ul style="list-style-type: none"> <li>- Tourism and Visitor economy</li> <li>- PRowS and tourist attractions</li> <li>- Energy sector employment</li> </ul> <p><b>Tillbridge:</b> potential cumulative adverse impact on community severance and users of PRow.</p>	
	<p><b>Human Health</b></p> <p><b>Gate Burton:</b> no significant cumulative effects identified.</p> <p><b>Cottam:</b> cumulative moderate adverse effect on long distance recreation routes during construction with West Burton, Cottam and Tilbridge. Significant beneficial effects during operation as a result of uplifts in employment in skills training and education opportunities with West Burton, Cottam and Tillbridge.</p>	<ul style="list-style-type: none"> <li>• WLDC notes discrepancies between Human Health chapters.</li> <li>• Cottam and West Burton identify significant adverse and beneficial cumulative effects; Gate Burton and Tillbridge do not identify any significant effects.</li> <li>• WLDC would welcome further explanation of why these variations in approach and conclusions exist.</li> </ul>

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	<p><b>West Burton:</b> cumulative major-moderate beneficial effect on access to employment and education during construction phase with West Burton, Cottam and Tillbridge. Cumulative moderate adverse effect on long distance recreation routes during construction with West Burton, Cottam and Tillbridge.</p> <p><b>Tillbridge:</b> no significant cumulative effects identified.</p>	

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	<p><b>Waste</b>  <b>Gate Burton:</b> no significant cumulative effects identified with West Burton, Cottam and Tillbridge.</p> <p>Because the quantities of construction waste are expected to be very small in the context of regional construction waste arisings, no cumulative waste impacts during Construction are expected.</p> <p>It is likely that the waste generated by the Scheme during Operation and Decommissioning would be managed by specialist regional or national facilities, and that such facilities would be developed over the operational period in response to demand generated by the UK-wide PV industry. These specialist facilities would treat waste from PV projects, and as such their capacity is expected to i) develop to match the requirement from other PV projects both regionally and nationally; and ii) not influenced by other non-solar energy projects in the surrounding area. Therefore, no cumulative waste impacts have been identified for the Scheme.</p> <p><b>Cottam:</b> Moderate or large adverse effect on landfill waste handling in Nottinghamshire during the decommissioning phase with West Burton, Cottam and Tillbridge.</p> <p><b>West Burton:</b> Moderate or large adverse effect on landfill waste handling in Nottinghamshire during the decommissioning phase with West Burton, Cottam and Tillbridge.</p> <p><b>Tillbridge:</b> no significant cumulative effects identified.</p>	<ul style="list-style-type: none"> <li>• WLDC notes discrepancies between waste chapters.</li> <li>• Cottam and WB identify adverse effects, whilst Gate Burton and Tillbridge do not.</li> <li>• The schemes appear to adopt different methodology and level of detail for assessment. The details considered in the Cottam and West Burton assessment are more detailed than that found in the Gate Burton assessment, with a break down of the expected quantities of each waste material for each stage (construction, operation and decommissioning) being considered.</li> </ul>