

Gate Burton Energy Park Limited
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20 November 2023

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Dear Rob

Applicant Letter Deadline 5, Gate Burton Energy Park

Application Ref: EN010131

Introduction

This letter accompanies the submission of a suite of documents by the Applicant for the Gate Burton Energy Park at Deadline 5 of the Examination on 20 November 2023.

This suite of documents includes the required certificate of compliance and notice of additional affected persons submitted in accordance with Regulation 9 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 associated with the Change Request submitted in October 2023.

Report on the Implications of European Sites (RIES)

The RIES was issued by the ExA on 25 October 2023 which included a request for the Habitats Regulations Assessment to be updated to include a screening of impacts to fish features of the Humber Estuary Special Area of Conservation (SAC) from Electro Magnetic Fields (EMF) during operation from the Proposed Development alone and in-combination with other schemes.

The Applicant has considered this request. The Risk Assessment presented in Appendix A of the Applicant Response to the Examining Authority's Further Written Questions (ExQ3) **[document 8.28]** confirms that the probability of adverse effects of EMF from cables buried beneath the River Trent for the Gate Burton Energy Park and cumulatively with West Burton, Cottam and Tillbridge on fish, including River Lamprey and Sea Lamprey, is extremely low and therefore, not significant. This is

because the cables will be buried at a depth below that where effects would be experienced (being a minimum of 5 m below the River Trent), significantly deeper than is required as standard for high voltage cables below watercourses. As such, there are no impact pathways which may affect protected sites, notably the Humber Estuary Special Area of Conservation (SAC).

The Applicant's **Habitats Regulation Assessment [APP-223/7.2]** was a pre-Screening Report, which did not identify any European Sites within the studies search area. This means it did not identify any sites that may be impacted by the proposed Solar and Energy Storage Park and/or Grid Connection Corridor and concluded that there will be No Significant Effects to European Sites either from the construction, operation and decommissioning of the Scheme or in combination with other plans and projects. The Risk Assessment requested by the Environment Agency confirms that there are no impact pathways from EMF on fish and therefore, the conclusion of the HRA remains valid and no further updates are required.

Update on progress with third parties

The Applicant has engaged in, and continues to engage in, discussions and negotiations with third parties in relation to the Scheme. In advance of Deadline 5, the Applicant has made good progress with some key stakeholders, including:

- **The Crown Estate (TCE):** the Applicant and TCE has reached agreement for crown consent pursuant to section 135(1) and 135(2) of the Planning Act 2008. The agreed documents are now in the process of being executed and will be submitted into Examination once the completed documents are available.
- **The Environment Agency (EA):** the Applicant and the EA has reached agreement on the protective provisions. The final and agreed set has been included at Part 8 of Schedule 15 of the draft DCO submitted at Deadline 5.
- **EDF Energy (Thermal Generation) Limited (EDF):** the Applicant and EDF has reached agreement on the protective provisions, subject to certain provisions relating to powers of compulsory acquisition (which are included as a placeholder for now and remain subject to relevant voluntary agreements being in place). The Applicant has inserted the agreed protective provisions at Part 15 of Schedule 15 of the draft DCO submitted at Deadline 5.
- **Lincolnshire County Council (LCC):** the Applicant has agreed with LCC to include protective provisions at Part 13 of Schedule 15 of the draft DCO submitted at Deadline 5, for the benefit of Lincolnshire Fire and Rescue, as the appropriate mechanism to secure a financial contribution for the local fire service.

Further information and detail on the progress of discussions with third parties can be found in the documents submitted at this Deadline 5. For example, see Schedule 15 (protective provisions) of the updated draft DCO and the updated Schedule of Negotiations and Powers Sought.

Documents Submitted

The table below lists documents submitted by the Applicant at Deadline 5 with this cover letter, with further information provided in the remainder of the letter.

Doc. No.	Title	Version
New Documents		
8.27	Applicant Response to Deadline 4 Submissions	1 (D5)
8.28	Applicant Response to the Examining Authority's Further Written Questions (ExQ3)	1 (D5)
8.29	Land South of Marton Grid Connection Options Report	1 (D5)
8.30	Applicant Response to the ExA's Request for Further Information (Rule 17)	1 (D5)
N/A	Notice of additional affected persons in accordance with Regulation 9(a) and certificate of compliance in accordance with Regulation 9(b) of the Infrastructure Planning (Compulsory Acquisition Regulations) 2010.	N/A
Updated documents: track changed and clean versions of each		
1.3	Guide to the Application	7
2.3	Outline Design Principles	6
3.2	ES Figure 1-1: Scheme Location	2
3.3	ES Appendix 7-E Grid Connection Corridor Archaeological Trial Trenching Evaluation Fieldwork Report	2
3.3	ES Appendix 15Ea Construction Traffic Management Plan	5
4.3B	Draft Statement of Common Ground with Nottinghamshire County Council and Bassetlaw District Council	2
4.3H	Draft Statement of Common with Lincolnshire County Council	2

Doc. No.	Title	Version
4.3K	Final signed Statement of Common Ground with Cottam, West Burton and Tillbridge Solar Projects	2
6.1	Draft Development Consent Order	7
6.2	Explanatory Memorandum	7
6.5	Schedule of Negotiations and Powers Sought	7
7.3	Framework Construction Environmental Management Plan	5
7.5	Framework Decommissioning Environmental Management Plan	3
7.6	Archaeological Mitigation Strategy	4
7.10	Outline Landscape and Ecology Management Plan	3
8.5	Statement of Commonality for Statements of Common Ground	4
8.7	Objections of Compulsory Acquisition Schedule	4
8.8	Statutory Undertakers Tracker	4
8.14	Schedule of Changes to Draft Development Consent Order	2
8.22	Frequently Asked Questions regarding the Battery Energy Storage System	2
8.26	Joint Report on Interrelationships with other Nationally Significant Infrastructure Projects	2

[Further Detail on Documents Submitted](#)

[New Documents](#)

[8.27 Applicant Responses to Deadline 4 Submissions](#)

This document includes the Applicant's responses to Interested Party Submissions submitted at Deadline 3, including comments on interested parties' responses to ExQ2. The following documents are appended:

- Appendix A – Tourism Assessment

[8.28 Applicant Responses to Further Written Questions \(ExQ3\)](#)

Responds to Further Written Questions (ExQ3) put to the Applicant. The following documents are appended:

- Appendix A – Assessment on the potential impacts of EMF on fish; and
- Appendix B – Agricultural Land Classification Survey for the Grid Connection Corridor.

8.29 Land South of Marton Grid Connection Options Report

This document has been prepared to respond to the Examining Authority's Further Written Question Q3.5.2 to explain other options considered by the Applicant for the section of the grid connection route to the south of Marton.

8.30 Applicant Response to the ExA's Request for Further Information (Rule 17 letter)

This document responds to the Examining Authority's Rule 17 letter - request for further information issued on 8 November 2023.

Revised Documents

1.3 Guide to the Application (Updated Version)

The Guide to the Application has been updated to provide a full list of all documents submitted to enable easy version control. It contains all documents submitted, including those submitted for the change request.

2.3 Outline Design Principles

This document has been updated to confirm that there will be no disturbance or intervention in the avoidance areas east and west of the River Trent other than in exceptional circumstances, and to clarify that the 5 m minimum depth below the lowest surveyed point of the river bed applies to the River Trent.

3.2 Figure 1-1: Scheme Location

Figure 1-1 has been updated in response to a request from the ExA in third Written Questions to include the additional land accepted as part of the recent Change Request.

3.3 Appendix 7-E Grid Connection Corridor Archaeological Trial Trenching Evaluation Fieldwork Report

This document has been updated to provide the results of trial trenching evaluation which has been undertaken within the additional land accepted as part of the recent Change Request.

3.3 Appendix 13-Ea Framework Construction Traffic Management Plan

This document has been updated to reword the commitment in paragraph 7.6.2 in response to ExQ3.13.2.

4.3B Draft Statement of Common Ground with Nottinghamshire County Council and Bassetlaw District Council

This document has been updated to reflect the ongoing discussions between the Applicant, Nottinghamshire County Council and Bassetlaw District Council. A Tracked Changed version has not been submitted due to the significant updates to format and text made since application submission version **[APP-201/4.3B]**, which made a tracked version difficult to read.

4.3H Draft Statement of Common Ground with Lincolnshire County Council

This document has been updated to reflect the ongoing discussions between the Applicant and Lincolnshire County Council. As above, a Tracked Changes version has not been submitted due to the significant updates made since application submission version **[APP-207/4.3H]**.

4.3K Final signed Statement of Common Ground with Cottam, West Burton and Tillbridge Solar Projects

A final signed version of this Statement of Common Ground has been submitted at Deadline 5 with all matters agreed between the parties. The parties continue to work together to agree matters through the Joint Interrelationships Report **[document 8.26]** which has been updated at Deadline 5.

6.1 Draft Development Consent Order, 6.2 Explanatory Memorandum and 8.14 Schedule of Changes to the Draft Development Consent Order

The draft DCO and Explanatory Memorandum have been updated to reflect comments and agreements with third parties and address comments from the ExA. The changes since the previous update are detailed in the Schedule of Changes to the draft DCO **[document 8.14]** submitted at Deadline 5.

6.5 Schedule of Negotiations and Powers Sought

The Schedule has been updated as negotiations have progressed.

7.3 Framework Construction Environmental Management Plan

This document has been updated to clarify that the minimum depth of drilling beneath watercourses within the grid connection corridor is 2 m, except for the River Trent which is 5m.

7.5 Decommissioning Environmental Management Plan

This document has been updated in response to ExQ3.9.1 to correct a reference error within Table 13. The Soil Management Plan has also been inserted into Appendix A.

7.6 Archaeological Mitigation Strategy

This document has been updated to include the results of trial trenching within land accepted as part of the recent Change Request, as well as additional mitigation in the form of a 20m buffer zone to the Scheduled Monument to the south of the extended Order limits in response to comments from Historic England.

7.10 Outline and Landscape and Ecology Management Plan

This document has been updated to correct two errors within the area of new planting calculations.

8.5 Statement of Commonality for Statements of Common Ground

This document has been updated to reflect the progress made in the aforementioned Statements of Common Ground submitted at Deadline 5.

8.7 Objections of Compulsory Acquisition Schedule

Updated to reflect discussions.

8.8 Statutory Undertakers Tracker

Updated to reflect discussions.

8.22 Frequently Asked Questions regarding the Battery Energy Storage System

This document has been updated at the request of the Examining Authority to include an answer to EXQ 3.10.1 regarding fire suppression techniques for conventional fuel air fire versus techniques for thermal runaway.

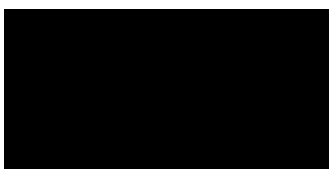
8.26 Joint Report on Interrelationships with other Nationally Significant Infrastructure Projects

This document has been updated to include further details of cooperation between the undertakers of the Gate Burton, Cottam, Tillbridge and West Burton Schemes and approaches taken in relation to the shared features (such as accesses and Gate Burton's change request relating to the grid connection corridor). It has also been updated to include details of new schemes that have been announced in Lincolnshire/Nottinghamshire and update progress of each application.

No updates have been submitted to the Book or Reference or Statement of Reasons and no further updates are currently anticipated to be made to these documents before end of Examination, although the Applicant will keep this matter under review.

Please feel free to contact me if you have any questions on information submitted.

Yours sincerely,



Ali Leeder

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