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To Applicant and Lincolnshire County  
Council and Nottinghamshire county  
Council

Your Ref:

Our Ref: EN010131

Date: 8 December 2023

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Dear Sir/ Madam

**Planning Act 2008 – section 89; and The Infrastructure Planning  
(Examination Procedure) Rules 2010 – Rule 17**

**Application by Gate Burton Energy Park Ltd for an Order Granting  
Development Consent for the Gate Burton Energy Park**

**Request for Further Information**

I write to request further information principally from the Applicant but also seeking comment from Lincolnshire and Nottinghamshire County Councils under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010.

ES Chapter 15, section 15.8 [APP-024] provides an assessment of effects from waste both alone and cumulatively with other developments during construction, operation and decommissioning. The assessment follows the Institute of Environmental Management & Assessment (2020) Guide to Materials and Waste in Environmental Impact Assessment. It is also based on the assumption described in paragraph 15.8.31 that in the future, due to market demand, there will be even greater opportunities for recycling. Specialist facilities are assumed to be developed to meet the waste produced by the Proposed Development and other cumulative solar developments during operation and decommissioning.

I considered that this assumption was not supported by evidence and therefore it could not be demonstrated that a worst-case scenario has been assessed. Subsequently, due to the number of Identified proposed NSIPs local to the Proposed Development, I considered there was potential for likely significant cumulative effects at decommissioning i.e Worst Case scenario may not be assessed therefore potential for likely significant effects remains. I requested in my third round of written questions [PD-013] that the Applicant provide an updated assessment of cumulative effects from waste at decommissioning based on an appropriate worst-case scenario.

The Applicant provided justification that the assumption demonstrates a realistic worst-case scenario at Deadline 5 [REP5-047]; it considers that there are strong policy, regulatory and commercial incentives to ensure that recycling infrastructure for solar development would meet the demand. It then makes comparison with the methodology taken by cumulative developments proposed in the local area; the Cottam Solar Project and West Burton Solar Project EIAs use the same IEMA guidance but adopt a different methodology that is termed in the guidance itself as 'more robust'. The Applicant states that this methodology is not proportionate and assesses an unlikely scenario considering the length of time until the decommissioning stage.

The IEMA guidance sets out two potential methodologies for assessing effects from waste. Page 34 of this guidance provides an explanation of where it is appropriate to apply each methodology: Methodology W1 – Void Capacity is most likely to be appropriate for larger and more complex developments and is recommended for statutory EIAs. This is the methodology that the Cottam Solar Project and West Burton Solar Project developments have adopted in their EIA which the Applicant considers is disproportionate. Method W2 – Landfill Diversion is stated to be appropriate for smaller and less-complex developments and is likely to be utilised only for non-statutory EIA. This is the methodology used by the Applicant in ES Chapter 15 [APP-024]. I consider that the appropriate methodology to apply in line with the IEMA guidance is method W1 for the following reasons:

- Whilst statutory and non-statutory EIA are not defined in the guidance or in the Infrastructure Planning (Environmental Impact Assessment) Regulations (2017), the EIA Regulations under which the EIA for the Proposed Development has been produced is a statutory instrument, therefore, I consider that the term statutory EIA applies.
- The Proposed Development is defined in line with the Planning Act (2008) as an NSIP. This paired with the fact that there are a number of cumulative NSIP developments proposed in the local area working to the same construction, operation and decommissioning timeframes, means I consider that the Proposed Development constitutes a large, complex project.

Therefore, the Applicant is requested to provide an updated waste assessment, applying a fully justified and appropriate methodology, explaining how a worst-case scenario has been captured and justifying any assumptions made. This should be applied to all phases of the Proposed Development and the cumulative assessment. Where significant effects are likely to occur, any other relevant documentation should be updated and referenced ie mitigation plans or summaries of likely significant effects.

In terms of the County Councils, I would wish to hear their views on the capacity of waste facilities now and in the future to handle the required waste arising from the Proposed Development and in combination with the other NSIP's schemes in the area, including any evidence to support your views.

A response should be provided at **Deadline 6 (Thursday 21 December 2023)**.

If you have any further queries, please do not hesitate to contact the Case Team using the email address above.

Yours faithfully

*Ken Stone*

Kenneth Stone  
**Examining Authority**

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