

# Gate Burton Energy Park EN010131

Final Signed Statement of Common Ground between the Applicant and West Lindsey District Council  
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December 2023

Regulation 5(2)(q)  
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Gate Burton Energy Park Limited

Prepared for:

Gate Burton Energy Park Limited

Prepared by:

AECOM Limited

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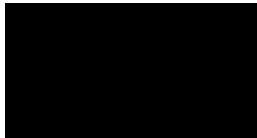
## STATEMENT OF COMMON GROUND

**This Statement of Common Ground has been prepared and agreed by (1) Gate Burton Energy Park Limited and (2) West Lindsey District Council.**

**Lauren McGill, Project Manager on behalf of Gate Burton Energy Park Limited**

**Date: 21<sup>st</sup> December 2023**

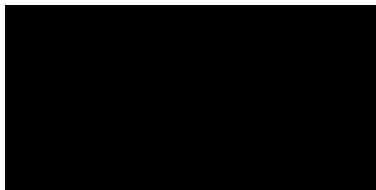
**Signed**



**Russell Clarkson, Development Management Team Manager on behalf of West Lindsey District Council**

**Date: 21<sup>st</sup> December 2023**

**Signed**



## Table of Contents

1. Introduction.....	5
1.1 Introduction .....	5
1.2 The Scheme.....	5
1.3 Format of Document and Terminology .....	6
2. Areas of Discussion between the Parties .....	7
3. References.....	54
Appendix A: Record of Engagement .....	55
Appendix B: West Lindsey District Council Relevant Policy Documents .....	58
Appendix C: Figure 1: The Order Limits and Local Authority Boundaries .....	59

## Figures

Figure 1 - The Order Limits and Local Authority Boundaries.....	59
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# 1. Introduction

## 1.1 Introduction

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to accompany an application made to the Secretary of State for the Department for Business, Energy and Industrial Strategy for a Development Consent Order (the Application) under section 37 of the Planning Act 2008 (PA 2008). The Application seeks consent for the proposed Gate Burton Energy Park (hereafter referred to as the Scheme).
- 1.1.2 The Application is submitted by Gate Burton Energy Park Ltd (the Applicant) which is a subsidiary of Low Carbon Ltd ('Low Carbon'). Low Carbon is a privately-owned UK investment and asset management company specialising in renewable energy. The Funding Statement **[EN010131/APP/6.7]** provides further information on the Applicant and Low Carbon.
- 1.1.3 This SoCG has been prepared by (1) Gate Burton Energy Park Ltd (the Applicant) and (2) West Lindsey District Council (WLDC).
- 1.1.4 WLDC is a lower-tier district planning authority for the area covered by the Solar and Energy Storage Park and the section of the Grid Connection Corridor that lies to the east of the River Trent. The section of cable route and grid connection works located to the west of the River Trent lie in the area covered by Bassetlaw District Council and Nottinghamshire County Council. Given the different extent and nature of works in the adjoining area, these host authorities are covered by a separate SoCG. Figure 1 in Appendix C shows the boundaries of the host Local Planning Authorities alongside the Order limits.
- 1.1.5 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties, where agreement has not been reached (and that is the parties' final position) and where discussions are still ongoing.

## 1.2 The Scheme

- 1.1.6 Gate Burton Energy Park is a proposed solar photovoltaic electricity generating facility. The Application is for development consent to construct, operate, maintain and decommission ground mounted solar photovoltaic (PV) panel arrays, on-site battery storage and associated infrastructure. Associated infrastructure includes, but is not limited to, access provision and an underground 400kV electrical connection of approximately 7.5km to the National Grid Substation at Cottam Power Station. A detailed description of the Scheme is included in Chapter 2: The Scheme of the Environmental Statement (ES) **[EN010131/APP/3.1]**.
- 1.1.7 The land within the Order Limits is wholly contained within one site and will comprise of two distinct areas, based on the elements of the Scheme that are proposed in each:

- The **Solar and Energy Storage Park**: is the main area for the Scheme, including the area where the solar panels, Battery Energy Storage System (BESS) and on-site substation would be located. This is an area of 652 hectares.
- The **Grid Connection Corridor**: this comprises of land between the Solar and Energy Storage Park and Cottam Substation for grid connection works. This is an area of 172 hectares.

1.1.8 These areas are shown in Figure 1 in Appendix C.

## 1.3 Format of Document and Terminology

1.1.9 Section 2 summarises the issues that are 'agreed' or 'not agreed'. 'Not Agreed' indicates a final position where the parties have agreed to disagree, 'Agreed' indicates where the issue has been resolved.

1.1.10 This SoCG is supported by Appendix A, which details the full record of engagement between the parties. Appendix B lists relevant local planning policy documents.

## 2. Areas of Discussion between the Parties

Ref. Document	Subject	West Lindsey DC Position	Applicant Position	Status
<b>1. General principles of the Scheme</b>				
1.1	In principle support for solar development	Agreed	There is support for the principle of solar development in existing and emerging national government energy and planning policy. Solar development can make a significant contribution to achieving the UK's renewable energy and carbon reduction targets. Action to achieve the UK's renewable and carbon reduction targets is necessary and urgent.	Agreed
1.2	Sustainable development	<p>Agree the Scheme falls within the definition of 'sustainable development' as set out in NPS EN-1.</p> <p>Disagree that the Scheme benefits from the 'presumption in favour' conferred by NPS EN-1. The Scheme does not benefit from a 'relevant' NPS for the purpose of section 104 of the PA2008. WLDC contends that it is only applications that benefit from a 'relevant' NPS that can draw benefit from the 'presumption in favour'.</p>	The Scheme comprises 'sustainable development' in the context of the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) (Ref 1-1). The NPPF is an important and relevant consideration, although the weight applied to it is reduced because it was not written to guide decision making on Nationally Significant Infrastructure projects.	Not agreed
1.3	Relevant Planning Policy Documents	<p>Agree all listed are relevant.</p> <p>The Central Lincolnshire Local Plan (April 2017) has now been superseded by the Central Lincolnshire Local plan adopted April 2023 which now forms part of the relevant Development Plan.</p> <p>Requests the addition of the Central Lincolnshire Local Plan 'Health Impact Assessment for Planning Applications: Guidance Note (updated April 2023)</p>	The Applicant has identified the planning policy documents listed in <b>Appendix B</b> as being relevant the area of the Application within WLDC. The Applicant has updated Appendix B following WLDC's comments.	Agreed



Ref.	Document	Subject	West Lindsey DC Position	Applicant Position	Status
1.4		Policy and the principle of the Scheme	<p>We agree that policy S14 of the CLLP 2023 is relevant and applicable. This places a presumption in favour of ground based solar photovoltaics unless:</p> <ul style="list-style-type: none"> <li>• there is clear and demonstrable significant harm arising; or</li> <li>• the proposal is (following a site specific soil assessment) to take place on Best and Most Versatile (BMV) agricultural land and does not meet the requirements of Policy S67; or</li> <li>• the land is allocated for another purpose in this Local Plan or other statutory based document (such as a nature recovery strategy or a Local Transport Plan), and the proposal is not compatible with such other allocation.</li> </ul> <p>WLDC agree that the policy is applicable but disagree that the Scheme complies with it.</p>	<p>The principle of the Scheme is supported by local planning policy.</p> <p>Policy LP19 of the Central Lincolnshire Local Plan 2012-2036 (Ref 1-2) and Policy S14 of the Central Lincolnshire Local Plan (Review) (Ref 1-3) makes provision for non-wind renewable energy development where the benefit of the development outweighs the harm caused and it is demonstrated that any harm will be mitigated as far as is reasonably possible.</p> <p>The Applicant considers that the benefits of the development outweigh the harm and any harm has been mitigated as far as is reasonably possible so the Scheme complies with this policy.</p>	Not Agreed
1.5		Compliance with local planning policy	<p>The Scheme fails to comply with the following Local Plan policies.</p> <p>S14 – Renewable energy</p> <ul style="list-style-type: none"> <li>- Disagree that visual affects will be wholly mitigated by landscaping.</li> <li>- People will experience harmful visual effects of the project</li> <li>- BMW methodology is sub-standard in comparison to established methodology (including the methodology used by other solar projects such as Cottam and West Burton)</li> </ul> <p>S43 – Sustainable rural tourism</p>	<p>The Applicant considers it has complied with relevant local planning policy as set out in Appendix B of the Planning, Design and Access Statement <b>[EN010131/APP/2.2]</b> updated in December 2023.</p>	Not agreed





Ref.	Document	Subject	West Lindsey DC Position	Applicant Position	Status
			S54 – Health and Wellbeing & Health Impact Assessment for Planning Applications: Guidance Note (updated April 2023) – Lack of HIA		
			S62 – Area of Great Landscape Value		
1.6		Environmental Assessment	<p>1. The parties agree that the methodology for the Environmental Assessment is sufficient and there is no disagreement over impacts on the following topics: climate change, cultural heritage, ecology and nature conservation, water environment, noise and vibration, human health and wellbeing, air quality, glint and glare, ground conditions, major accidents and disasters; socio-economics (in terms of employment, economics, public rights of way and local amenities) and minerals, waste and recycling.</p> <p>The Environmental Assessment is sufficient also on the following topics, although WLDC maintain that further information/ clarification should have been provided as discussed below on: site selection and alternatives.</p> <p>2. Areas of disagreement remain on the methodology and impacts on the following topics: landscape and visual impacts, transport and access, cumulative impacts and socio-economics (agricultural land only).</p> <p>Areas of disagreement:</p> <ul style="list-style-type: none"> <li>• Soils – methodology (baseline data collection)</li> <li>• Socio economics – level of detail in the ALC and scope of assessment. Inadequate socio-economic impact on displacement of tenants and wider agricultural industry</li> <li>• Transport and access – relating to the control of cumulative impacts through control documents.</li> </ul> <p>On all the above the Applicant is confident the information submitted is comprehensive and robust; whilst WLDC disagree specifically on the points above.</p>		<p>Items under line 1: Agreed</p> <p>Items under line 2: Not agreed</p>

## 2. Alternative sites and the Scheme design

2.1	WLDC Local Impact Report (LIR)	Site assessment	WLDC state the Applicant's Stage 4 assessment set out in Section 3.3 of Environmental Statement (ES) Chapter 3: Alternatives and Design Evolution is	It is the Applicant's view that the site selection process as set out in ES Chapter 3 <b>[APP-012/3.1]</b> is proportionate and fit for purpose. NPS EN-1	Not agreed
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Ref. Document	Subject	West Lindsey DC Position	Applicant Position	Status
		<p>unclear, with the methodology applied not explained and the comparative outcomes not reported clearly.</p> <p>Area of disagreement:</p> <ul style="list-style-type: none"> <li>-Lack of consideration of avoiding direct impacts on the AGLV in site selection.</li> <li>- It is not understood why there remain 'outlier' sites despite the design criteria of delivering a 'contiguous' site (especially as other 'outlier' parcels of land were removed from the Scheme).</li> <li>- Stage 4 desktop assessment and evaluation based upon a methodology (referenced in Ch.3 para. 3.3.6 has not been included in the application documents.</li> <li>- Lack of consideration of cumulative traffic impact during the construction phase in the grid corridor.</li> </ul>	<p>paragraph 4.4.3 provides guidance on how consideration of alternatives should guide decision making on DCO applications. It states that <i>“Given the level and urgency of need for new energy infrastructure, the IPC should, subject to any relevant legal requirements (e.g. under the Habitats Directive) which indicate otherwise, be guided by the following principles when deciding what weight should be given to alternatives...”</i>.</p> <p>These principles include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• consideration of alternatives for policy requirements should be proportional;</li> <li>• decision makers should consider whether alternatives could realistically provide the same capacity and be delivered over the same timescale;</li> <li>• alternatives not studied by the applicant should only be considered where 'important and relevant' to decision making (proposals that are not commercially viable or vague will not meet this criterion); and</li> <li>• wherever possible, alternatives should be identified before an application is made.</li> </ul> <p>The Applicant considered the above principles during the site selection approach. As concluded in ES Chapter 3 <b>[APP-012/3.1]</b>, the Gate Burton site met all inclusionary and exclusionary criteria, and avoided those areas likely to lead to a policy requirement to consider whether alternative sites would be preferable.</p> <p>The Applicant disagrees with WLDCs assertion that the AGLV was not considered in the site selection and</p>	



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2.2	WLDC Local Impact Report (LIR)	Land assembly	<p>Despite the design objectives to identify a 'contiguous' site, the inclusion of 'outlier' land to the north and to the north-west of the site is contrary to this approach. These sites create an ad-hoc, scattered and unplanned approach to the site land assembly.</p> <p>Area of disagreement:</p> <p>It is not understood why there remain 'outlier' sites despite the design criteria of delivering a 'contiguous' site (especially as other 'outlier' parcels of land were removed from the Scheme).</p>	<p>design stages. The Applicant disagrees that there are any outlier sites and disagrees that the method of site selection has not been described adequately. The Applicant disagrees with the statement that cumulative impacts relating to traffic were not considered. Indeed, extensive in-depth work has gone into developing aligned grid cable routes and access strategies for the four projects in the grid corridor as evidenced in the Joint Report on Interrelationships with other NSIPs [REP5-042].</p> <p>The Applicant disagrees with WLDC's statement. The site is full contiguous and there are no 'outlier' or disconnected elements and the Applicant disagrees that there the site is ad-hoc, scattered or unplanned. The shape of the site and areas of solar panels have been planned in great detail to maximise output whilst minimising environmental effects, this means that in places large blocks have been reduced in size to exclude, for example, areas close to properties or heritage assets. The shape of the site is planned. The Applicant has not received clarification on where WLDC consider the outlier sites to be.</p>	Not agreed
2.3	WLDC Local Impact Report (LIR)	Methodology	<p>WLDC state with regards to the Applicant's site selection methodology, the process, the proposed site has failed to avoid agricultural land and the Applicant has not considered local landscape or visual impacts.</p> <p>Area of disagreement:</p> <p>-Lack of consideration of avoiding direct impacts on the AGLV in site selection.</p>	<p>Comments noted. The Applicant disagrees with WLDC's position. There is no requirement for solar developments to <u>avoid</u> agricultural land so this aspect of the location does not indicate any failing in the site selection process. Government policy and strategy is clear that some large scale solar development is expected on agricultural land, for example:</p> <ul style="list-style-type: none"> <li>Powering Up Britain, March 2023, states 'Government seeks large scale solar deployment across the UK, looking for development mainly on brownfield, industrial</li> </ul>	Not agreed



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- and low/medium grade agricultural land. The Government will therefore not be making changes to categories of agricultural land in ways that might constrain solar deployment.'*

• National Policy Statement EN-3, November 2023 (to be designated in 2024) states in paragraph 2.10.31 on solar development over 50MW that: *'It is recognised that at this scale, it is likely that applicants' developments will use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on brownfield, industrial and low and medium grade agricultural land.'*

It is noteworthy that paragraph 2.10.31 in NPS EN-3 was amended between the March 2023 draft and the final November 2023 version, making it clearer what the Government's position is on this point. Changes include that the word 'will' was substituted for 'may' between the March 2023 draft and the November 2023 version, indicating that solar will be on agricultural land. The paragraph in the March 2023 draft also previously said *'noting the preference for development to be on... non-agricultural land'* and this was changed to *'low and medium grade agricultural land'* in the November draft, making it clear that the preference is to avoid high quality agricultural land not all agricultural land.

The section on solar development in NSP EN-3 (paragraph 2.10.29) also states that: *'While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land,*



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			<p><i>brownfield land, contaminated land and industrial land</i> and <i>‘poorer quality land should be preferred to higher quality land’</i>. The site selection process addressed both these requirements and resulted in a Scheme where the Solar and Energy Storage components are predominantly located on poorer quality agricultural land (i.e. 3b and below).</p> <p>As set out in section 3.3.23 of ES Chapter 3: Alternatives and Design Evolution <b>[EN10131/APP/3.1]</b>, <i>‘There was also a preference for the site to be situated on brownfield land, however no suitable areas of brownfield land at the appropriate scale were identified within the search area.’</i> The site selection process also sought to prioritise lower quality agricultural land, once it was established that no brownfield land was available to meet criteria (see 3.3.16 of the same chapter).</p> <p>Local landscape and visual impacts were also considered in the site selection process, as noted in paragraph 3.3.15 of ES Chapter 3, which references the Areas of Great Landscape Value, with visual impacts on dwellings also considered. As explored in ES Chapter 3, local landscape and visual impacts were considered in both stage 2 and 4 of the site selection process, as well as throughout the design process.</p> <p>The Applicant also provided further detail on why specific brownfield sites were not suitable in responses to representations and queries, references are provided here:</p>	



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				<ul style="list-style-type: none"> <li>• Cottam Power Station (see page 29 of Applicant Response to Relevant Representations <b>[REP-032/8.1]</b>;</li> <li>• RAF Scampton, RAF Kirton and RAF Hemswell (see page 30 of the document above);</li> <li>• High Marnham Power Station (see page 29 of the document above).</li> </ul> <p>Alongside other issues, all the above sites are not large enough for the proposed development.</p>	
<b>3. Cumulative development</b>					
3.1	WLDC Stat Con response	EIA methodology – Cumulative development	The short list of developments is provided within Appendix 16-A of the ES <b>[EN010131/APP/3.3]</b> . This includes the West Burton, Cottam and Tillbridge solar projects. The draft short-list was shared with WLDC on 12/10/2022 who provided no further comments. The list of cumulative developments was agreed before submission.		Agreed
3.2	WLDC LIR	Cumulative assessment	<p>Area of disagreement</p> <ul style="list-style-type: none"> <li>- It is a requirement to ensure that the decision maker has up to date assessments of cumulative impacts at the time a decision is made.</li> <li>- There is insufficient assessment of the combinations between different projects to enable the decision maker to make a sound decision on all cumulative projects.</li> <li>- In the event that the decision maker determines all three DCO applications at the same time, the current assessment only allows them to either find the cumulative impacts of all three 'acceptable, or 'unacceptable'. If the cumulative impacts are concluded to be 'unacceptable', the only decisions able to be made are to either grant</li> </ul>	<p>The Applicant does not agree with this statement. Throughout the Examination the Applicant has updated its cumulative assessment as part of the Joint Report on Interrelationships <b>[REP5-042/8.26]</b>. The Applicant has assessed the cumulative impacts when considering the worst case scenario (for adverse environmental effects) that all developments consider proceed. In this context, there is no need to also consider numerous scenarios where only two or three of the developments proceed.</p> <p>There would of course be a reduction in the beneficial effects if fewer developments proceed, but the Applicant has not argued that the positive effects of the other solar projects should be considered when determining the Gate Burton Energy Park project.</p>	Not agreed



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		<p>just one of the projects, or all three of them must be refused.</p> <ul style="list-style-type: none"> <li>- There is no cumulative environmental assessment to allow a decision on whether two projects could be granted in such a situation.</li> </ul>		

#### 4. Landscape and Visual

3.1	WLDC LIR	Assessment and methodology	<p>WLDC state the following in respect of the assessment and methodology of ES Chapter 10: Landscape and Visual Amenity <b>[APP-019/3.1]</b>:</p> <ol style="list-style-type: none"> <li>1) The sensitivity of residential receptors is considered to be rated too low;</li> <li>2) The future baselines seem to be lacking in detail;</li> <li>3) Effects on workers in indoor locations is not reported;</li> <li>4) Cumulative effects section in the chapter is lacking;</li> <li>5) The relationship to the Glint and Glare chapter is lacking detail.</li> </ol> <p>Areas of disagreement maintained:</p> <ol style="list-style-type: none"> <li>1) Table 10-6 – all receptors should be treated as high sensitivity</li> <li>3) Effects on worker in indoor locations is not reported;</li> <li>4) lack of assessment of combinations between sites</li> </ol>	<ol style="list-style-type: none"> <li>1) ES Appendix 10-G: Residential Visual Amenity Survey <b>[APP-150/3.3]</b>, states that “the sensitivity of residential receptors was considered generally high as views from residences are considered principal views experienced daily”. Viewpoints / Photomontages 1-23, C1-C5, and LCC 1 – LCC10 are located in publicly accessible locations along roads or PRowWs, some of which are located close to but not within the grounds of residential properties. In order to capture and assess effects on likely affected residential receptors, a separate assessment has been carried out (refer to above stated appendix).</li> <li>2) The future baseline considers the general trend of development within the Order limits of the Scheme. ES Appendix 10-H Cumulative Effects <b>[APP-151/3.3]</b>, assesses the Scheme in combination with a range of other projects including local housing developments (as known at the time of the preparation of the ES) for example the 39 dwellings being constructed on land off Stow Park Road at the north-eastern fringe of Marton.</li> <li>3) Comment noted.</li> <li>4) The Applicant disagrees with this statement. WLDC has not specified what other details should have been included in the cumulative assessment.</li> <li>5) Comment noted. ES Chapter 10 <b>[APP-019/3.1]</b>, states in its methodology that “the magnitude of visual</li> </ol>	Not agreed
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				effects considers the size/scale of change in the view, geographical extent of the views influenced, the elements of the Scheme introduced and their integration into the existing view, and the duration for which receptors experience the view. In addition, consideration has been given to the conclusions of the Glint & Glare Assessment” as included in ES Appendix 15-D <b>[APP-173 to 175/3.3]</b> . The landscape strategy as part of the embedded mitigation by design references parts of the proposals outlined in ES Figure 10-23 <b>[APP-095/3.2]</b> Outline Landscape Masterplan to the Glint & Glare Assessment, in particular the advanced planting proposals. The advanced planting details, as a direct response to the findings of the Glint & Glare Assessment, are indicated in ES Figure 10-22 Advanced Planting <b>[APP-094/3.2]</b> and are further described in the visual effects section in ES Chapter 10. The Applicant disagrees that there is a lack of detail.	
3.3	WLDC SoCG Meeting	Future Baselines and Glint and Glare Assessment	WLDC are satisfied with the Applicant’s future baselines and the Glint and Glare Assessment	Comments noted. Agreed with thanks.	Agreed
3.3	WLDC LIR	Cumulative impact	WLDC state the cumulative scale of Cottam, Tillbridge and West Burton Solar Schemes will have a lasting impact on the landscape of character and setting for central Lincolnshire.	The Applicant agrees that there will be significant landscape and visual effects arising from the project, although these will be reversible when the project is decommissioned.	Agreed
3.4	WLDC LIR and Oral submissions	Area of Great Landscape Value	WLDC state the LVIA has not provided a detailed assessment of the impact of local landscape character, including the impact on the designated Area of Great Landscape Value (AGLV) and visual effects	As set out in ES Chapter 3 <b>[APP-012/3.1]</b> Areas of Great Landscape Value identified in the Draft Central Lincolnshire Local Plan and Green Gaps in the Draft Bassetlaw Local Plan were also identified but not excluded from development. The degree of conflict that a solar development would have with the policies	Not agreed





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		<p>Area of disagreement maintained:</p> <ul style="list-style-type: none"> <li>- The reasons for pursuing a site of the required site within the AGLV is not robustly justified.</li> <li>- The reasons 'other' land parcels were excluded are not justified, including why such matters were given greater weight/importance than the AGLV</li> <li>- The harmful impacts upon the AGLV result in non-compliance with Local Plan Policy S62. This is a policy objection – taking the ES conclusions and applying them to policy.</li> </ul>	<p>associated with these designations depends on the extent of landscape and visual impacts, which in turn could be influenced by good site layout and design. Further, whilst local landscape designations should be paid particular attention, NPS EN-1 (July 2011) paragraph 5.9.14 states that 'local landscape designations should not be used in themselves to refuse consent, as this may unduly restrict acceptable development'. NPS EN-1 (November 2023) contains very similar text in paragraph 5.10.12:</p> <p><i>'Outside nationally designated areas, there are local landscapes that may be highly valued locally. Where a local development document in England or a local development plan in Wales has policies based on landscape or waterscape Overarching National Policy Statement for Energy (EN-1) 145 character assessment, these should be paid particular attention. However, locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development'.</i></p> <p>NPS EN-1 (July 2011) paragraphs 5.9.15-16 go on to say that when determining DCO applications decision makers should <i>'judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.'</i></p> <p>NPS EN-1 (November 2023) similar states in paragraph 5.10.35 that:</p> <p><i>'The scale of energy projects means that they will often be visible across a very wide area. The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it</i></p>	



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				<p><i>is not offset by the benefits (including need) of the project.'</i></p> <p>Given that development of NSIPs in local landscape designations can be acceptable and justified, these areas were not excluded. In assessing the suitability of the Gate Burton Site, the Applicant paid particular attention to the design and layout of this area to reduce the impact on the designated area, and landscape and visual impacts overall.</p>	
3.5	WLDC LIR and Oral submissions	Visual effects	<p>During the operational phase of the solar park, it will have several major adverse impacts on the area of West Lindsey. It will have major significant visual effects on three LLCA which includes LLCA 02 – Ancient Woodland Ridge and LLCA 06 – Clay Farmlands, both of which are located within WLDC. This demonstrates the mitigation does not minimise the impacts of the schemes and will have a long-term impact on the area.</p> <p>Area of disagreement</p> <ul style="list-style-type: none"> <li>- WLDC's position is that the harm identified will occur for the 60 year lifetime of the project.</li> <li>- The mitigation proposed does not neutralise that harmful impact.</li> <li>- The harmful impact must therefore be given significant weight in the planning balance.</li> <li>- WLDC does not offer any mitigation suggestions aside from minimising/removing impacts through scheme design (i.e. removal of solar panels and associated infrastructure.).</li> </ul>	<p>ES Appendix 10-D Landscape Assessment <b>[APP-147/3.3]</b>, acknowledges that LLCA 02 – Ancient Woodland Ridge and sections of LLCA06 – Clay Farmlands will experience major to moderate and therefore significant landscape effects. Large sections of LLCA 02 will be occupied by the Scheme. While high quality physical features within the LLCA, such as the ancient woodland, will be protected and retained, the introduction of the scheme will result in a large alteration across an extensive area of the LLCA. Sections of LLCA 06 will also be occupied by the Scheme.</p> <p>The landscape mitigation proposed for both LLCA's will help integrating the Scheme into its setting. This will be achieved by improving existing hedgerows and the planting of new hedgerows, some of which are interspersed with trees, to enhance the local hedgerow network. The establishment of advanced planting in selected locations will also help to integrate the Scheme from the start of construction works. The exclusion of solar panels between Gate Burton estate and Burton Wood, the offset of panels from roads and existing hedgerows as well as the exclusion of panels from areas close to residential</p>	Not agreed



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			<p>properties will reduce landscape effects on these LLCA's locally as well as visual effects.</p> <p>The presence of a limited number of significant landscape and visual effects does not suggest that mitigation has not minimised the impact. It is possible to minimise effects as far as possible and significant effects to remain. Indeed, given the size of solar projects above 50MW it is considered highly likely that any scheme of this scale would have significant landscape and visual effects but this does not mean they have not been minimised or are unacceptable.</p> <p>As stated in NPS EN-1 (July 2011) (paragraph 5.9.8) <i>'Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate'</i>. This draws a clear distinction between the presence of residual significant effects, It is likely to be unavoidable, and the aim to 'minimise' harm and provide 'reasonable mitigation'. The Applicant has minimised harm and provided mitigation as described above.</p>	



Ref.	Document	Subject	West Lindsey DC Position	Applicant Position	Status
3.6	WLDC Oral Submissions at ISH 3	Scheme Design	The buildings that are part of the Scheme are limited in scale and located amongst other infrastructure. The parties agree that Requirement 5 of the dDCO provides the opportunity for the final design to be considered and that no design code is necessary at this stage.		Agreed
3.7	WLDC Stat Con response	Cumulative Effects	<p>WLDC state that the LVIA needs to assess and address the sequential effect on more transient receptors, including those that are travelling through the District.</p> <p>ES Volume 1, Chapter 10: Landscape and Visual [EN010131/APP/3.1] includes a cumulative assessment including sequential effects on transient receptors. The parties agree that the assessment has assessed sequential effects.</p> <p>WLDC disagree with the following:</p> <ul style="list-style-type: none"> <li>- Sequential assessment appears to extend only to consideration at each particular viewpoint.</li> <li>- Sequential assessment only considers cumulative schemes in construction or operation.</li> <li>- Sequential assessment does not appear to consider the cumulative impacts with Cottam, West Burton and Tillbridge</li> <li>- There is no assessment linking viewpoints (I,e, in a sequential manner).</li> </ul>		Not agreed
<b>4. Socio-economics, agricultural land and land use</b>					
4.1	WLDC LIR	Assessment and methodology	<p>WLDC state the following with regards to the assessment and methodology set out in ES Chapter 12: Socio Economics and Land Use and it's associated appendices [APP-021/3.1]:</p> <ol style="list-style-type: none"> <li>1. The agricultural components of the ES do not follow any published and established methodology;</li> </ol>	<ol style="list-style-type: none"> <li>1) The Applicant disagrees that the assessment of impacts on agricultural land arising from the Scheme set out within ES Chapter 12 [APP-021/3.1] do not follow an established methodology. The approach was informed by Natural England's guidance note Technical Information Note 049 -Agricultural Land Classification. The thresholds for the magnitude of impact adopted in the</li> </ol>	Not agreed



Ref. Document	Subject	West Lindsey DC Position	Applicant Position	Status
		<ol style="list-style-type: none"> <li>2. A sensitivity/resilience assessment should be provided in the ES, given the preponderance of heavy, wet soils.</li> <li>3. A survey density of one bore per hectare should be agreed with Natural England's Soil Specialist.</li> <li>4. The level of soil detail is insufficient for an ALC assessment and production of a Soil Handling and Management Plan.</li> <li>5. The Agricultural Circumstances Report does not reflect the potential socio-economic impact and land use impacts on the affected farms.</li> <li>6. There is no assessment of impact on individual farms and displacement of tenants</li> <li>7. The lack of an established methodology in the ES underestimates the effect of loss of agricultural land to the Scheme, compared with if the methodologies of IEMA or DMRB were applied. Lack of assessment of the effects of the Scheme on agricultural holdings is a significant shortcoming in the ES.</li> <li>8. State the mitigation proposals are satisfactory but would benefit from a soil sensitivity /resilience assessment to inform the Soil Handling and Management Plan</li> </ol> <p>Areas of disagreement maintained.</p>	<p>assessment were based on a threshold of the permanent change of 20ha of BMV agricultural land. As this is the area of BMV change that triggers a requirement to consult with Natural England, it implies that this is also the point at which the change is no longer considered to be 'not significant'. This approach was agreed with Natural England on another DCO scheme (Longfield) and was therefore considered appropriate to use in the assessment of impacts on agricultural land as presented in the ES. Longfield Solar Farm DCO was made in June 2023.</p> <p>The Applicant disagrees that there is insufficient detail for an ALC assessment and production of a Soil Handling Management Plan. A semi-detailed soil survey was carried out in accordance with the MAFF (1988) guidelines which is the current methodology for ALC within the Solar and Energy Storage Park. Some 307 auger samples were taken over the 652 ha site. As it is common ground that ALC grade will not be changed, this provides a suitable level of detail. As per subsequent discussions with Natural England (see revised Statement of Common Ground <b>[REP-009 to 010/4.3C]</b>) soil sampling will also be undertaken within the grid connection corridor. This commitment is also included within the updated Framework CEMP that was submitted at Deadline 1 <b>[REP-026/7.3</b></p> <p>2) <b>]</b>.</p>	



Ref. Document	Subject	West Lindsey DC Position	Applicant Position	Status
			<p>3) See Natural England SoCG submitted at Deadline 1 <b>[REP-009/4.3C]</b> which confirms that Natural England are content that the ALC survey and grading has been carried out according to the published ALC Guidelines at a level of detail adequate for the assessment process. We are currently seeking signatures for this SoCG and hope to submit a final version at Deadline 3.</p> <p>The effect on soils will be limited provided that good practice is followed. The principles are set out in the OSMP <b>[REP-030/7.12]</b> submitted at Deadline 1. The effect on clayey soils is recognised, and the construction programme will reflect the workability constraints of the soil</p> <p>4) s.</p> <p>The loss of existing jobs within the site is assessed within ES Chapter 12 <b>[APP-160/3.1]</b> which explains that 1.5 existing jobs will be lost as a result of the Scheme, however during the operational phase there will be a gross number of 14 FTE jobs generated by the Scheme once operational. The effect on farms is addressed under WLDC 10.</p> <p>5) 1.</p> <p>As per subsequent discussions with Natural England (see Statement of Common Ground submitted at Deadline 1) soil sampling will be undertaken within the grid connection</p>	



Ref. Document	Subject	West Lindsey DC Position	Applicant Position	Status
			<p>corridor. Of the 13.3 ha of land within the solar farm itself that was estimated, 6.8 ha was estimated as BMV, however as stated within paragraph 12.7.8 of ES Chapter 12 <b>[APP-160/3.1]</b> the area of estimated BMV covers an area that is not proposed to be used for solar panels, battery storage or the substation so certainty over the ALC grade was not considered necessary to assess the impact of the Scheme</p> <p>7) There will be potential for continued agricultural labour during the lifetime of the Scheme. The labour involved in managing sheep is greater per hectare than the labour involved in producing cereals. This is shown below, taken from the John Nix Pocketbook for Farm Management (2023 edition</p> <p>6) ):</p> <ul style="list-style-type: none"> <li>winter cereals, bale and cart straw, average 9.2 hours work / ha / year;</li> <li>sheep 4 hours/ewe/year at 8 ewes / ha equals 32 hours work / ha/ year.</li> </ul> <p>There will inevitably be reduced work for those who supply seed, fertilizer, agronomy services, but there will be increased work for vets, feed suppliers, livestock auctioneers and hauliers.</p> <p>8) The OSMP <b>[REP-030/7.12]</b> sets out the principles. Key to avoiding compaction and minimising effects on soils will be to avoid working soils when wet. This will be set out in the detailed Soil Management Plan.</p>	



Ref.	Document	Subject	West Lindsey DC Position	Applicant Position	Status
4.2	WLDC LIR	PINS requirements	<p>WLDC state PINS require all affected agricultural land should have an ALC survey. However, only desk top assessments were undertaken for 13.3 ha of land within the solar farm itself and for the whole of the grid connection corridor, so this is a non-compliance with PINS.</p> <p>Area of disagreement maintained.</p>	<p>As per subsequent discussions with Natural England (see Statement of Common Ground submitted at Deadline 1) soil sampling will be undertaken within the grid connection corridor. Of the 13.3 ha of land within the solar farm itself that was estimated, 6.8 ha was estimated as BMV, however as stated within paragraph 12.7.8 of ES Chapter 12 <b>[APP-160/3.1]</b> the area of estimated BMV covers an area that is not proposed to be used for solar panels, battery storage or the substation so certainty over the ALC grade was not considered necessary to assess the impact of the Scheme.</p>	Not agreed
4.3	WLDC LIR	Tenant farmers	<p>WLDC states consideration should be given to the socio-economic impacts of displacement of tenant farmers and agricultural workers, and the impact on land-take on the viability of affected farms. WLDC state this would require full farm impact assessments based on meetings with land-owners and long-term tenants.</p> <p>Area of disagreement maintained</p> <ul style="list-style-type: none"> <li>- the objection relates to the non-inclusion of agricultural employment (jobs) across the sector. Including contractors.</li> <li>- Other application assessments include consideration of these impacts.</li> </ul>	<p>All farms within the Solar and Energy Storage Park are owner-occupied. No tenant farmers are being replaced.</p>	Not agreed
4.4	WLDC LIR	Agricultural holdings assessment	<p>WLDC state the agricultural holdings assessment should consider the:</p> <ul style="list-style-type: none"> <li>• Type, location and number of agricultural holdings from which land will be required or for which access will be affected by a project;</li> <li>• Land-take in relation to the size of the holding;</li> </ul>	<p>There is no severance of farms. The Solar and Energy Storage Park forms a compact block and involves farmland that forms either off-lying land or land at the edge of each of the farms involved, with the exception of the green land which is a single block growing an energy crop and farmed by contractors.</p>	Agreed





Ref.	Document	Subject	West Lindsey DC Position	Applicant Position	Status
			<ul style="list-style-type: none"> <li>The level of existing severance/accessibility restrictions to agricultural land holdings within the study area; and</li> <li>The frequency of use of the agricultural holdings/assets within the study area.</li> </ul> <p>Following clarification from the Applicant, WLDC confirm this is now understood and the matter is agreed</p>		
4.5	WLDC LIR	Best and Most Versatile (BMV) Land	<p><i>As set out in the agricultural section of this LIR, the Socio-Economic and Land Use chapter of the ES surmises that the scheme contains 73.6ha of BMV and 6.8ha of estimated BMV land, of which approximately 2 ha will be permanently lost due to construction of the substation and permanent planting on site. Confirmation is required as to how this has been calculated as within the Agricultural Land Classification Report, BMV is separated out from grade 3a land for the solar arrays. National and local policy sets out that grade 3a land is BMV land. This means 6.8 hectares of land is classed as BMV rather than grade 80.4 hectares for the solar array element of the scheme.</i></p> <p>Matter agreed</p> <ul style="list-style-type: none"> <li>-WLDC required clarification of Appendix 12-C which confusingly split out each Land Classification (Grade 1&amp;2 from Grade 3) which led to questions around how they had been treated in overall impact terms.</li> <li>- This matter was clarified by the applicant in Hearings/ExQs.</li> </ul>	<p>Subgrade 3a "good" quality land falls within the definition of BMV. This is recognised in paragraph 12.7.7 of Chapter 12 of the ES <b>[APP-021/3.1]</b>. The ES assumes 80.4 ha of BMV within the Solar and Energy Storage Park. The 6.8 ha of estimated subgrade 3a is not proposed for solar panels (Chapter 12 para 12.7.8 refers)</p>	Agreed



Ref.	Document	Subject	West Lindsey DC Position	Applicant Position	Status
4.6	WLDC LIR	Continued agricultural use	<p>Paragraph 12.10.33 of ES Chapter 12: Socio-economics and Land Use states</p> <p><i>‘Prior to the commencement of decommissioning, an assessment will be made of the land and soil, and a programme of remedial action will be agreed and during decommissioning undertaken to return land to arable agricultural use’</i></p> <p>WLDC states this suggests that the land will not be used for agriculture during the proposed 60 year life cycle of the scheme. WLDC state it is unclear whether the BMV will offer any versatility during the lifetime of the Scheme.</p> <p>WLDC highlights doubts that the land will be returned to agricultural use after the 60 year lifetime and will result in loss of agricultural knowledge in the area.</p> <p>Area of disagreement maintained</p> <ul style="list-style-type: none"> <li>- Cannot rely upon an assumption that the land will be restored to a comparable condition on over 60 years time.</li> <li>- The position of WLDC goes beyond the physical soil conditions. The loss of commercial agricultural activity means the sector will be diminished and no guarantee that businesses would re-establish after such a long period.</li> </ul>	<p>Grazing opportunities will remain available during the operational phase of the Scheme but is subject to there being a demand for grazing. This is why the Applicant is not able to guarantee grazing for the duration of the project.</p> <p>Decommissioning of the Scheme after a period of 60 years is secured via Requirement 19 of the draft DCO. At the end of the Scheme lifetime, the Scheme would be decommissioned and removal of the PV panels and other infrastructure would take place in accordance with the Framework DEMP secured via Requirement 19, thereby returning the land to arable use. The Outline Soil Management Plan <b>[REP-031/7.12]</b>, secured via Requirement 17 sets out the reinstatement and restoration controls including the commitment that all soils will be returned to the landowner in like for like condition (see “Soil Restoration (c)” of that plan).</p>	Not agreed

**5. Ecology**

5.1	WLDC LIR	Bat surveys	<p>WLDC state no surveys have been undertaken to determine roost status or usage by bats. WLDC state it is not clear from the description in Table 8-8 of ES Chapter 8: Ecology and Nature Conservation <b>[APP-</b></p>	<p>As set out in Table 8-10 of Chapter 8 of the ES <b>[APP-017/3.1]</b>, the Scheme design retains and avoids habitats of value to bats. Table 3-3 of the Framework CEMP <b>[APP-224/7.3 and as amended]</b> includes the secured protective measures to ensure there are no</p>	Agreed
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Ref.	Document	Subject	West Lindsey DC Position	Applicant Position	Status
			<p><b>017/3.1]</b> if any Bat roosts or potential roost features were recorded on site.</p> <p>Matter agreed</p> <ul style="list-style-type: none"> <li>- Reasons now understood.</li> </ul>	<p>impacts to potential bat roosts during construction. Given, there are no impacts to potential bat roosts, further surveys to determine roost status or usage by bats are not required.</p>	
5.3	WLDC LIR	BNG	<p>WLDC support the BNG conclusion but state the Landscape Ecological Management Plan needs to be adequately secured in combination with Requirement 8 of the draft DCO.</p>	<p>Noted, this is secured through the draft DCO.</p>	Agreed
5.4	WLDC LIR	Local biodiversity habitats	<p>WLDC disagree with the conclusion of 'Local' biodiversity value for habitats which include veteran trees. WLDC state ancient woodlands adjacent to the order limits are a potential receptor and should be valued and impacts considered.</p> <p>Area of disagreement maintained</p> <ul style="list-style-type: none"> <li>- e.g. Table 8-7 categorises broadleaf woodland as 'Local'.</li> </ul>	<p>Many of the veteran trees are located within habitats classified as 'hedgerows with trees' and assessed in Tables 8-7 and 8-9 of Chapter 8 of the ES <b>[APP-017/3.1]</b>, as being of 'up to County' biodiversity importance. Similarly, ancient woodland is assessed as being of County importance in Table 8-9 of Chapter 8 of the ES <b>[APP-017/3.1]</b>. When the embedded mitigation measures set out in Table 8-10 of Chapter 8 of the ES <b>[APP-017/3.1]</b> and secured in Table 3-3 of the Framework CEMP <b>[APP-224/7.3]</b>, are taken into account, then Table 8-12 concludes that there are no significant effects to ancient woodland arising from the Scheme.</p>	Not agreed
5.5	WLDC LIR	Burton Wood and Long Nursey	<p>WLDC state both Burton Wood and Long Nursey will be completely encircled by the development and further consideration should be given for any potential effects.</p> <p>Area of disagreement maintained</p> <ul style="list-style-type: none"> <li>- 15m buffer is a 'minimum' distance suggested in guidance (Solar Energy UK Natural Capital Best Practice Guidance)</li> </ul>	<p>The embedded mitigation measures set out in Table 8-10 ensure that there will be no impacts to either Burton Wood or Long Nursery. In addition, when designing the Scheme, the Applicant has carefully considered the proposed green infrastructure, to ensure that ecological connectivity is maintained and enhanced across the Scheme. As noted by WLDC, the position of Burton Wood, Quilters Wood and Long Nursery Wood are currently isolated in the landscape</p>	Not agreed



Ref.	Document	Subject	West Lindsey DC Position	Applicant Position	Status
			<ul style="list-style-type: none"> <li>- Application of the bare minimum and concluding no direct effects on a binar basis without assessment cannot be relied upon.</li> <li>- The applicant provides no ground truthing to confirm the legitimacy of the buffer assumptions.</li> </ul>	<p>by existing agricultural land use and practices. Figure 10-23 in Annex A of the Outline Landscape and Ecological Management Plan (OLEMP) <b>[APP-231/7.10 and as amended]</b> illustrates the habitat creation and specific management prescriptions for each habitat type and shows how the Scheme will enhance ecological connectivity between Burton Wood, Quilters Wood and Long Nursery Wood. This includes natural regeneration buffers to the woodland, hedgerow improvement and planting and grassland habitat.</p>	
5.6	WLDC LIR	Black Redstart	<p>WLDC query how it is concluded there are no potential effects to occur on Black Redstarts given the species' sensitivity to disturbance e.g noise.</p> <p>Matter now understood and agreed.</p>	<p>Table 8-10 of Chapter 8 of the ES <b>[APP-017/3.1]</b>, sets out that measures secured in Table 3-3 of the Framework CEMP <b>[APP-224/7.3]</b> namely, the requirement for pre-commencement surveys to be undertaken to determine the presence of breeding Black Redstart and if found to be present prior to construction commencing then the ECoW (experienced ornithologist) will advise as to whether a no disturbance buffer is required to avoid disturbance to this Schedule 1 breeding species. As such, it has been concluded that there is no potential for a significant effect to occur.</p> <p>Regarding the points that WLDC requires clarification on:</p> <ul style="list-style-type: none"> <li>i) As stated within the <b>Framework CEMP [REP5-023]</b> the pre-construction surveys will be undertaken sufficiently in advance of construction and at optimal times i.e. Within the respective breeding season of each species (where appropriate).</li> <li>ii) As stated within the <b>Framework CEMP [REP5-023]</b> if protected species are found within the works area such as great</li> </ul>	Agreed



Ref. Document	Subject	West Lindsey DC Position	Applicant Position	Status
			<p>crested newt or breeding birds then the ECoW would request a cessation of works. In terms of managing noise impacts, the measures included within Table 3-6 will be followed to minimise impacts.</p> <p>iii) Where possible, indicative likely buffers are provided in the <b>Framework CEMP [REP5-023]</b> e.g.for breeding birds this is between 10m and 200m (see Appendix A). It is not possible to define buffer areas for all species at this stage, as these will depend on the species and nature of works to be undertaken. All buffers will follow best practice guidance, based on legislative requirements. Further details will be provided in the detailed CEMP, informed by the pre-commencement surveys which will be submitted to and approved by the relevant planning authority as secured by Requirement 12 of the <b>Draft DCO [REP5-017]</b>.</p> <p>iv) In terms of notifying the relevant local authorities when pre-commencement surveys are being carried out, this information will be contained in the detailed CEMP which will be submitted to and approved by the relevant planning authority as secured by Requirement 12 of the <b>Draft DCO [REP5-017]</b>.</p>	
5.7	WLDC LIR Tree removal and roosts	WLDC state it is not clear in Table 8-12 of ES Chapter 8 <b>[APP-017/3.1]</b> whether removal of trees and potential roosts has been considered.	Table 8-12 of the Chapter 8 of the ES <b>[APP-017/3.1]</b> , states 'The construction of the Scheme will avoid features used by roosting bats, such as woodland	Agreed



Ref.	Document	Subject	West Lindsey DC Position	Applicant Position	Status
			Matter agreed.	and hedgerows and any trees identified as being of potential to support roosting bats. There will be no loss of important habitats used by bats anywhere within the Order limits.'	
5.8	WLDC LIR	Assessment of negative impacts	<p>WLDC state additional receptors should be considered in the assessment of negative impacts as set out in Table 8-13 of ES Chapter 8.</p> <p>Matter agreed.</p>	As set out in the responses to previous comments the Applicant has embedded sufficient avoidance and mitigation measures, as set out in Table 8-10 of Chapter 8 of the ES <b>[APP-017/3.1]</b> , to ensure that Tables 8-11 and 8-12 conclude the potential for effects on Important Ecological Features (IEFs) are limited to those identified in Tables 8-11 and 8-12 and assessed further in sections 8.10.5-8.10.20.	Agreed
5.9	WLDC LIR	Emissions	<p>WLDC states the assessment does not seem to take any account of emissions from on-site plant and transportation. WLDC request the Applicant confirm whether it has been scoped out on the basis of scale.</p> <p>Matter agreed</p> <ul style="list-style-type: none"> <li>- Context now understood</li> <li>- Agree the fCEMP covers these 'less than sig' impacts.</li> <li>- Clarification required on how decision making in association with the CEMP will be recorded and available for inspection on request by relevant authorities.</li> </ul>	<p>Correct – emissions from on-site plant and transportation have been scoped out of the assessment based on scale, although degradation to habitats from construction activities are assessed in Chapter 8. Mitigation measures are secured in Table 3-3 of the Framework CEMP <b>[APP-224/7.3 and as amended]</b>.</p> <p>As stated within the <b>Framework CEMP [REP5-023]</b> the Construction Project Manager and Environmental Manager have responsibility for ensuring compliance with the Framework CEMP and detailed CEMP(s).The Tables within Section 3 Mitigation and Monitoring within the <b>Framework CEMP [REP5-023]</b> state that the Environmental Manager will record compliance with the CEMP in a log book. Regarding the frequency of inspection by relevant authorities, this will be set out within the CEMP. The CEMP which will be submitted to and approved by the relevant planning authority as secured by Requirement 12 of the <b>Draft DCO [REP5-017]</b>.</p>	Agreed



Ref.	Document	Subject	West Lindsey DC Position	Applicant Position	Status
5.10	WLDC	Mitigation enhancements	<p>WLDC state whilst the assessment of enhancements identifies significant beneficial effects, these enhancements are reliant on the LEMP seem to be considered in isolation from any negative impacts to the scheme.</p> <p>Matter agreed (subject to clarifications below:</p> <ul style="list-style-type: none"> <li>- Please confirm - the enhancements have not been accounted for in the ES assessment conclusions?</li> <li>- Are BNG measures delivering through mitigation, enhancement or both?</li> </ul>	<p>The LEMP is secured by a requirement of the DCO. As set out in the responses to previous comments the Applicant has embedded sufficient avoidance and mitigation measures, as set out in Table 8-10 of Chapter 8 of the ES <b>[APP-017/3.1]</b>, to ensure that adverse effects to IEFs are avoided or minimised. With the addition of the enhancements to be delivered by the Scheme, as set out in section 8.11, it has been concluded that the Scheme will deliver overall benefits to the IEFs identified in Table 8-14</p> <p>As stated within <b>Chapter 5: EIA Methodology [REP4-008]</b> enhancement measures are not required to mitigate significant effects of the Scheme and are not factored into the determination of residual effects. They are further measures which would have additional beneficial outcomes should they be implemented.</p> <p>In terms of BNG, the calculations consider the level of proposed habitat loss, retention, enhancement and/or creation delivered by the Scheme as stated within the <b>Biodiversity Net Gain Assessment [APP-230]</b>.</p>	Agreed

## 6. Cultural Heritage

6.1	WLDC LIR	Assessment and methodology	There are no areas of disagreement regarding the Cultural Heritage assessment and methodology with the Applicant.	Comments noted.	Agreed
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## 7. Noise and vibration

7.1	WLDC LIR	Monitoring locations	WLDC state the monitoring locations and selected sensitive receptors around the Scheme are reasonable although the inclusion of Pembroke House (north of ML2) would have been useful.	Although Pembroke House was erroneously omitted from the operational noise assessment in ES Chapter 11 <b>[APP-020/3.1]</b> , Figure 11-2 <b>[APP-097/3.2]</b> provides a noise contour plot with the location of Pembroke House marked. Pembroke House is clearly	Agreed
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Ref.	Document	Subject	West Lindsey DC Position	Applicant Position	Status
			<p>Matter agreed</p> <ul style="list-style-type: none"> <li>- WLDC appreciate the recognition that the location was erroneously omitted.</li> <li>- Please confirm the measures contained within the fCEMP (Table 3-6) will apply.</li> </ul>	<p>outside the 35 dB LAeq,T operational noise contour. Including a 3 dB rating penalty correction; operational noise levels at Pembroke House are between the LOAEL and SOAEL. Reasonable steps to reduce noise are covered in the embedded mitigation section and have been applied in noise predictions. The Noise Policy Statement for England states... "...all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur". Reasonable steps to reduce noise are covered in the embedded mitigation section of ES Chapter 11 [APP-020/3.1] and have been applied in noise predictions. Consequently, NPSE requirements are complied with through provision of embedded mitigation.</p> <p>The measures contained within Table 3-6 of the <b>Framework CEMP [REF5-023]</b> will apply to Pembroke House.</p>	
7.2	WLDC Stat Con response	Noise and Vibration	<p>WLDC state that due to noise impacts being at or around the Significant Observed Adverse Effect Level, this needs to be addressed through mitigation at the very least.</p> <p>Area of disagreement:</p> <p>There is an acknowledged potential to exceed SOAEL during HDD activities.. The mitigation proposed in the dCEMP (Table 3-6) is the construction of an acoustic barrier.</p>	<p>Where exceedances of the LOAEL are identified, the SOAEL is not exceeded. For exceedances of the LOAEL, noise should be mitigated as far as reasonably practicable; however, this does not mean that such adverse effects cannot occur.</p> <p>For construction noise, best practicable means will be secured in the Framework CEMP [EN010131/APP/7.3] to reduce noise as far as reasonably practicable. This will include a construction monitoring scheme and a communication strategy to inform local residents. This level of mitigation is considered appropriate for exceedances of the LOAEL. For HDD activities that</p>	Not agreed.





Ref.	Document	Subject	West Lindsey DC Position	Applicant Position	Status
			<p>However the details and specifications of the acoustic barrier have not been provided and therefore its impacts and effectiveness are unable to be assessed.</p> <p>-</p>	<p>may be required to take place over the night-time period, a hierarchy of measures is contained in the CEMP to minimise potential noise impacts.</p> <p>For operational noise, the outline masterplan submitted in the ES has been optimised to locate noise generating plant as far from sensitive receptors as practicable. The final design will explore the potential for quieter plant and/ or enclosing plant in a contained unit.</p> <p>This approach represents best practicable mitigation measures.</p> <p>In terms of detailed information regarding the acoustic barrier, this information would be contained within the detailed CEMP which will be submitted to and approved by the relevant planning authority as secured by Requirement 12 of the <b>Draft DCO [REP5-017]</b>.</p>	

## 8. Mitigation

8.1	WLDC RR	Mitigation controls	<p>A key concern for WLDC will be, should the Gate Burton Energy Park be consented, the mechanisms that will mitigate and control the impacts of the scheme. These concerns will extend beyond mitigation for the application itself, to the cumulative impacts with other projects. Such impacts will be significant and experienced during the construction, operation and decommissioning stages.</p>	<p>It is not possible or necessary to mitigate <u>all</u> environmental effects. The Applicant considers the approach taken to be robust, proportional and, in some cases such as biodiversity net gain, going significantly beyond that required.</p>	Not agreed
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WLDC will also seek to ensure that all impacts on the environment and communities are mitigated and controlled and not solely those deemed significant in terms of the Environmental Impact Assessment. WLDC expect the applicant to deliver measures that mitigate all impacts to ensure that the overarching impact of the project is mitigated as far as possible.

Area of disagreement maintained:

- The key concern for WLDC in this regard is how cumulative projects will be delivered in the event that two or more projects are being constructed at the same time.
- There is no provision or mechanism in the DCO 'control' documents that sets out a conjoined approach to the implementation of construction activity, including the implementation of respective control docs (e.g. fCEMPs) across projects.
- WLDC have requested that there should be mechanism in the framework documents that commit to the establishment of organisational principles such the appointment of a single co-ordinator that would serve as a single point of contact for third parties, and would be responsible for ensuring work in implemented in a coherent manner.
- Such measures are required to ensure that it is clear which party is responsible for certain works at



- certain times so that, on enquiry, these parties can be readily identified.
- Examples include construction noise, traffic (esp/ AIL movements), impacts on mitigation already delivered (e.g. ecological mitigation delivered but may be affected by subsequent construction works associated with another project).
  - This above will be essential in the event of complaints from third parties and/or enforcement investigation where responsibilities will need to be established in an efficient manner.

8.2	WLDC RR	Codes of practice and document controls	<p><i>WLDC will expect to see well developed codes of practice and control documents prior to the determination of the DCO applications to ensure that the impacts in solus and cumulatively with other projects is controlled at that decision stage. Due to the determination of the three projects on broadly the same timeline, the acceptability of each one will be dependent on achieving effective and co-ordinated controls for each one. WLDC will also seek clarification on the mechanisms in place to ensure the retention and maintenance of mitigation post-decommissioning.</i></p>	<p>The Applicant considers that the documents submitted as part of the DCO Application and as secured in the draft DCO provide appropriate controls for the development.</p>	Not agreed
			<p>Area of disagreement maintained:</p> <ul style="list-style-type: none"> <li>- Comments on 8.1 above apply</li> <li>- A single approach to multi-project implementation is requested.</li> </ul>		



## 9. Draft Development Consent Order (DCO)

9.1	Oral and post hearing submission	Battery Safety Management Plan	WLDC consider that Requirement 6 should contain a retention clause. WLDC are content with LCC being the named authority but request the Council is named as a consultee.	<p>The Applicant has added a retention provision into sub-paragraph (5) of Requirement 6 (Battery safety management) in the updated draft DCO, as submitted at Deadline 3.</p> <p>The Applicant has also updated the draft DCO at Deadline 4 to include WLDC as a consultee for the purposes of Requirement 6 (Battery safety management).</p>	Agreed.
9.2	Oral and post hearing submission	Requirement 14: Construction Traffic Management Plan	WLDC are content that LCC are the relevant determining authority however request that it is named as a consultee.	The Applicant has updated the draft DCO at Deadline 4 to include WLDC as a consultee for the purposes of Requirement 14 (Construction Traffic Management Plan).	Agreed.
9.3	Oral and post hearing submission	Requirement 19: Operation lifetime	WLDC are in agreement with the Applicant's inclusion of a 60 year temporal limit in the draft DCO.	Comments noted. Agreed with thanks.	Agreed.
9.4	Oral and post hearing submission	Requirement 19: Operation lifetime	<p>WLDC consider that the requirement should contain a notification requirement if the decommissioning is to occur before the 60 years.</p> <p>WLDC consider that the deletion of "date of decommissioning" and addition of "date of final commissioning" in Part 1 of the dDCO is not sufficiently clear, where the new definition relates to each part of the authorised development whereas requirement 19 references the full authorised development.</p> <p>Matter agreed.</p>	<p>The Applicant added in a notification requirement at Requirement 19(2) of the updated draft development consent order submitted at Deadline 3. This wording has been updated at Deadline 4 following discussions with Lincolnshire County Council, and now provides that: "Unless otherwise agreed with the relevant planning authority, no later than 12 months prior to the date the undertaker intends to decommission any part of the authorised development, the undertaker must notify the relevant planning authority of the intended date of decommissioning".</p> <p>The Applicant also updated the definition of "date of final commissioning" in the draft DCO submitted at Deadline 3, to remove reference to 'each part of' the authorised development to ensure clarity and consistency with Requirement 19(1).</p>	Agreed
9.5	Oral and post	Requirement 19: Operation lifetime	WLDC consider that the ES does not and cannot provide a full assessment of the decommissioning due to the baseline not	The Applicant also updated the definition of "date of final commissioning" in the draft DCO submitted at Deadline 3, to	Agreed



hearing  
submission

being known, or the methods of removal at the time of decommissioning. WLDC therefore requests that the Applicant explain how such works are dealt with by the requirement and why they would not fall outside of the scope of the ES.

remove reference to 'each part of' the authorised development to ensure clarity and consistency with Requirement 19(1).

Matter agreed

- In that impacts cannot be predicted and there is high likelihood that further information will be required to support the decommissioning strategy.

9.6	Oral and post hearing submission	Schedule 16	<p><i>WLDC strongly objects to the Schedule 16 as currently drafted.</i></p> <p>Schedule 16 currently provides for a 10 week determination period for all requirements and a deemed consent provision. Applicant's section opposite appears to be out of date (relates to earlier version of the DCO)</p> <p>WLDC maintain objection to current draft of the DCO. WLDCs position is: 16/13 week period (split between identified requirements) with deemed consent clause, or 13/10 week split without deemed consent clause.</p> <p>WLDC does not (and has not) agreed to the amendment timeframes,</p>	<p>The Applicant added paragraph 2(3) to Schedule 16 in the updated draft DCO submitted at Deadline 3, to provide a time period of ten weeks in relation to the discharge of Requirement 5 (detailed design approval). The Applicant since updated paragraph 2 of Schedule 16 in the DCO submitted at Deadline 5 to provide for a ten-week time period for all requirements. This ten-week period is longer than the eight week discharge period in the Cleve Hill Solar Park Order 2020 and the Little Crow Solar Park Order 2022 and aligns with the ten week time period in the Longfield Solar Farm Order 2023.</p> <p>The Applicant considers this to be reasonable on the basis that much of the information in relation to the requirements is already available in Examination. For example, Requirements 5 to 14 (inclusive) and 16 to 19 (inclusive) require the final documents to accord with, be substantially in accordance with or in accordance with corresponding outline documents that are already available.</p> <p>The Applicant appreciates the need for the Council to have a reasonable time to consider applications, which is evidenced</p>	Not agreed
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*The 10 week approval period currently required by Article 46.2 does not adequately reflect the usual timescale for EIA development which is 16 weeks. It is submitted this time period should apply given some of the requirements include the need to assess complex material (especially in respect of requirement 5 which is akin to a reserved matters application), may require the need to procure external expertise to review material, and there may be the requirement for approvals to be determined by WLDC committee(s) therefore requiring the alignment with meeting calendars and processes. It is noted that the Longfield DCO allowed a period of 10 weeks, however discharge applications under this DCO are likely to be made concurrently with West Burton, Cottam and Tillbridge applications if they are granted consent. It is also noted that there is no mechanism in the dDCO restricting the number of discharge applications that could be simultaneously submitted. In this context a 16 week determination period is entirely reasonable. WLDC would consider the proposal for some requirements to be subject to a shorter determination period than others, where they are less complex and are not subject to consultation requirements. Subject to the submissions made above in respect of consultation requirements, WLDC consider*

by the Applicant's willingness to extend the time period from six weeks (in the draft DCO as originally applied for) to now ten weeks. However, a longer time period would not be in accordance with the relevant precedent and would risk unnecessary delay to a nationally significant infrastructure project. The Applicant has extended the time periods for decisions for the discharge of requirements throughout Examination in discussions with LCC and WLDC (as summarised above). This is to ensure that reasonable time is available for the decisions to be made before the deemed approval provisions to take effect. However, the inclusion of a deemed consent provision is required to ensure that the nationally needed authorised development will not be held up by the discharge of requirements, in the event that no decision has been made within those reasonable periods. The inclusion of deemed consent provisions is well precedented. For example, in the recent Longfield Solar Farm Order 2023, Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 and The M54 to M6 Link Road Development Consent Order 2022.

The Applicant added a fees provision at paragraph 5 of Schedule 16 (procedure for discharge of requirements) in the updated draft DCO, as submitted at Deadline 3. The Applicant subsequently updated Schedule 16, paragraph 5(1) in the draft DCO at Deadline 5, to make it clear that a fee shall be payable in relation to the discharge of each requirement.



*that a provision should be added allowing agreements for a reasonable extension of time, with such an agreement not being unreasonably withheld, particularly if the relevant determining authority is required to consult other bodies.*

*WLDC object to the deemed approval provision. The justification relied on the by the Appellant is one of efficiency (Explanatory Memorandum at 6.16.1) do not cite any unique or specific reason why such a provision should be included. This is especially relevant whether other DCOs, including those cited in the Explanatory Memorandum itself, do not provide for deemed approval or only do so in relation to certain requirements, rather than all of them. Indeed, the Applicant describes the Schedule 16 process as 'bespoke' (Explanatory Memorandum at 6.16.1). Given the importance and significance of the substantive areas governed by the requirements WLDC submits that it is unacceptable for any of the requirements to be subject to deemed approval.*

*WLDC maintains its objection to the requirement under Article 46.3.(2) that further information must be requested in 10 working days. The relevant determining authority will need to sufficiently assess the information in able to identify whether further information is required. This essentially requires that the WLDC all but procedurally determine the application in 10 working days.*



*Similarly, WLDC object to the time periods in 3.(3), in particular, it is unreasonable to require the relevant determining authority to request further information within 15 working days where they have consultation requirements, as the response period of such consultees is not within their control.*

Whilst a fee provision has now been included, WLDC considers that, due to the scale and complexity of the details for which subsequent approval will be sought, a set fee for specific requirements is reasonable and proportionate. WLDC suggests the following

*(1) Where an application is made to the relevant planning authority for written consent, agreement or approval in respect of a requirement discharge, a fee is to apply and must be paid to the relevant planning authority for each application.*

*(2) The fee payable for each application under sub-paragraph (1) is as follows—*

*(a) a fee of £2,535 for the first application for the discharge of each of the requirements 5, 6, 7, 8, 9, 11, 13, 14, 15, 18, 19 and 21;*

*(b) a fee of £578 for each subsequent application for the discharge of*





*each of the requirements listed in paragraph (a) and*

*(c) a fee of £145 for any application for the discharge of—*

*(i) any other requirements not listed in paragraph (a); and*

*(iii) any approval required by a document referred to by any requirement or a document approved pursuant to any requirement.*

## 10. Transport and Access

10.1 WLDC LIR	Magnitude of impact	<p><i>A threshold of less than 30 additional vehicles per hour has been classified as having a very low magnitude of impact. Given that most of the additional traffic generated by the proposed development during construction will be heavy goods vehicles (HGVs), this threshold could be considered too high regarding potential adverse effects on amenity, fear and intimidation for non-motorised users, as well as on the amenity of people living or working alongside construction lorry routes, especially for construction lorry routes along relatively lightly traffic country lanes.</i></p>	<p>The methodology for the assessment of the impact of the Scheme on the highway network and the level of impacts is agreed with Lincolnshire County Council and Nottinghamshire Country Council as the two local highway authorities for the project. The threshold is considered appropriate, particularly given that transport impacts are all temporary for the construction period.</p>	Agreed
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*Matter agreed – with the following position from WLDC applying.*

- *WLDC maintains that, notwithstanding EIA thresholds, the adverse impacts caused by construction traffic must be applied as such in the planning balance.*

10.2	WLDC LIR	Surveys of existing PRowWs	<p>WLDC state no surveys of existing usage of public rights of way affected by the solar farm appear to have been undertaken. Therefore, usage of PRowWs cannot be confirmed.</p> <p>Area of disagreement maintained:</p> <ul style="list-style-type: none"> <li>- The reason for a usage assessment would be so to understand and calibrate the indirect impacts upon users of PRow (e.g. construction noise, visual effects).</li> <li>- The concern is not simply about displacement of PRow users, but the effects experienced by users and the amount of people that will be affected.</li> </ul>	<p>No public rights of way would be closed or permanently diverted as part of the Scheme. Suitable temporary diversions and route management are proposed for all PRow routes, so that suitable routes for any/ all users (including in the instance that these routes are relatively well used) will be available for the duration of the construction phase. There is therefore no requirement to establish usage of the PRow.</p> <p>Consultation was carried out with Local Highway Authorities on the methodology for assessment that there was no requirement to carry out surveys of PRow in this context.</p>	Not agreed
10.3	WLDC LIR	Vehicle swept path analysis	<p><i>The TA does not appear to include any vehicle swept path analysis to demonstrate whether any highway works are required to accommodate large construction vehicles and abnormal loads along the proposed construction lorry routes and at access points for construction work sites. Some of the roads that will provide vehicles access for construction of the cable route corridor are single track lanes with passing places, where</i></p>	<p>All relevant swept path drawings are included within the Framework CTMP <b>[APP-167 to 168/3.3 and as amended]</b> which forms an Appendix of the ES. This includes proposed site access layouts, visibility splays and swept paths for the Solar and Energy Storage Park and the Grid Connection Corridor. This also includes abnormal vehicle route access swept paths and an abnormal vehicle route access survey. The Framework CTMP <b>[APP-167 to 168/3.3 and as amended]</b> also identifies temporary improvements that will be required to accommodate construction vehicles including</p>	Agreed



*enlarged or additional passing places may be required to safely accommodate additional construction traffic. The TA does not seem to provide any analysis to determine if this is the case.*

Matter agreed – providing the following can be confirmed:

- That no further highway works ,beyond those shown in the fCTMP, to any classified highway are required at any point along the abnormal vehicle route or to construction site accesses.

abnormal loads, such as temporary traffic management, vegetation clearance, potential carriageway widening. The highway improvements will be secured by the DCO, and further details of the works required to deliver the improvements will be provided by the contractor in the Detailed CTMP(s) as secured by Requirement 14 in the Draft DCO **[REP-018/6.1]**.

The highway works identified currently are all that are required at this stage of development of the design/ construction process. However, the abnormal load assessment undertaken sets out a number of assumptions and limitations (eg structural assessment of routes/ potential for network changes in the future) which may result in additional works being needed when the AIL is moved. Any such changes/ detail will be covered in the CTMP at that stage and will be discussed in line with the local highways authority.

10.4	WLDC LIR	Transport Assessment	<p>WLDC state an assessment of the potential environmental effects due to any temporary highway works necessary to accommodate access by large construction vehicles and abnormal loads, that may require the removal of hedgerows for example, are not covered by the ES.</p>	<p>The temporary highways works required to accommodate access by large construction vehicles and abnormal loads, including potential removal of hedgerows, is set out in the Framework CTMP <b>[APP-167 to 168/3.3]</b>. This represents a worst case assessment, as there may be scope through detailed design to reduce the requirement for widening and hedgerow removal. The environmental effects of such works are assessed in the relevant chapters of the Environmental Statement.</p>	Agreed
			<p>Following confirmation that no further hedgerow removal, beyond those shown in the fCTMP, are required at any point to enable construction access, WLDC remove their concern. WLDC agrees that any changes can be included within the CTMP.</p>	<p>A further more detailed assessment of the extent of hedgerow removal required for the construction of accesses has been carried out post submission of the application and actions taken to reduce hedgerow removal. Measures to reduce hedgerow removal were agreed with Lincolnshire County Council and Nottinghamshire County Council as local highway authorities and the approach published in document 8.10 Access Updates and Cumulative Impact Assessment submitted at Deadline 2 (8 August 2023) <b>[REP2-045]</b>. Figure</p>	



10-21 Vegetation Removal was updated to show the reduced hedgerow removal. This figure is secured in the draft DCO, providing reassurance no further hedgerow removal will be required.

The extent of work conducted to design access roads and reduce hedgerow removal exceeds that normally carried out for DCO applications and is considered a best practice approach.

The Applicant confirms at this point in time, it is not anticipated any additional hedgerow removal will be required due to the access proposals being developed to accommodate the anticipated largest construction vehicle. However, as set out above, the abnormal load assessment undertaken sets out a number of assumptions and limitations (eg structural assessment of routes/ potential for network changes in the future) which may result in additional works being needed when the AIL is moved. Any such changes/ detail will be covered in the CTMP at that stage and will be discussed in line with the local highways authority.

10.5	WLDC LIR	Framework Construction Traffic Management Plan	<p>WLDC state for the framework CTMP measures to be effective and achieve the claimed benefits, it will be necessary for the commitments contained in them to be secured under the DCO.</p>	<p>The CTMP is secured by Requirement 14 of the Draft DCO. The CTMP must be substantially in accordance with the Framework CTMP which has been submitted as part of the DCO Application <b>[APP-167/3.3 and as amended]</b>.</p>	Agreed
10.6	WLDC LIR	Cumulative HGV movements	<p><i>If the Cottam, Tillbridge and West Burton solar farm proposals were to commence at similar times, a worst case scenario would result in approximately 160 HGV vehicles using the local road network per day if peak construction was to coincide with all four schemes. It is not clear whether this would cover the total HGV movements, in which</i></p>	<p>A Cumulative Effects Transport and Access Technical Note was submitted at Deadline 1 as an Appendix (Appendix A) to the Interrelationship Report <b>[REP-033/8.2]</b>. This Technical Note provides a comprehensive cumulative assessment impact of the West Burton, Cottam and Tillbridge projects (and Gate Burton).</p> <p>The Technical Note concludes that following a further review of the potential cumulative impacts of West Burton, Cottam and</p>	Not agreed



case the number of movements could be over 320.

- Please confirm if the figures suggested by WLDC are correct, if not, what the correct figure should be.

Tillbridge, the findings of ES Chapter 13 **[APP-022/3.1]** of the Gate Burton Energy Park ES are considered to remain unchanged.

The Applicant has updated the cumulative traffic assessment throughout the Examination process. The figures provided by WLDC (320 movements) do not reflect that assessment. Please see the Transport Assessment and Technical note above for correct movements.

10.7	WLDC LIR	Abnormal Indivisible Loads	WLDC state it is unclear on the exact movements of Abnormal Indivisible Loads.	Chapters 5 and 6 of the Framework CTMP <b>[APP-167 to 168/3.3 and as amended]</b> provides this information. A 65.8m length vehicle will be required to deliver the transformer to the Solar and Energy Storage Park via the main site access on the A156 (arrival only, as the vehicle would be disassembled prior to egress). A number of 24.6m length vehicles will be required to transport cable drums to/ from the Grid Connection Corridor via multiple access points (arrivals and departures). Whilst the exact number of these cable drum deliveries has not yet been confirmed, the assessment considers the routing of these deliveries to all of the proposed Grid Connection Corridor access points. The Framework CTMP <b>[APP-167 to 168/3.3 and as amended]</b> also includes proposed site access layouts, visibility splays and swept paths for the Solar and Energy Storage Park and the Grid Connection Corridor. This also includes abnormal vehicle route access swept paths and an abnormal vehicle route access survey.	Not agreed
			Area of disagreement		
			WLDC consider that AIL vehicle trips should have been identified and assessed (including the cumulative assessment),		
			-		
			<p>AIL movements have been considered throughout development of the Scheme, including consideration given to potential temporary measures required to streets to allow movements of this size and the number of vehicles incorporated into the Transport Assessment. Vehicle movements have been assessed both for the Gate Burton Energy Project and cumulatively with other projects. It is therefore considered that AIL vehicle trips have been assessed,</p>		



Consent is required for Abnormal Indivisible Load movements outside the DCO process, with this process requiring agreement on both the timing of movements and the routes. Given that the number of AIL movements is small, vehicles are escorted and the effects are therefore very temporary, the Applicant does not consider there is a need for further investigation or information at this stage.

10.8	WLDC Local Impact Report (LIR)	Construction access	<p>WLDC state there is no justification to use construction access points from single lane minor roads whilst also proposing two two-way accesses from highways.</p> <p>Area of disagreement maintained:</p> <ul style="list-style-type: none"> <li>- WLDCs concern relates to the necessity for the use of the secondary access points.</li> <li>- WLDC does not question the ES or fCTMP.</li> <li>- The request is whether only the access from the A156 is necessary to construct the scheme.</li> </ul>	<p>Construction traffic has been assessed in ES Chapter 13 <b>[APP-022/3.1]</b> which concludes no significant effects as a result of the Scheme.</p> <p>The majority of construction vehicle trips will travel to/ from the main site access on the A156 Gainsborough Road to access the primary construction compound using solely the A-road and B-road network. Further details are contained within ES Chapter 13 <b>[APP-022/3.1]</b>. The Framework CTMP (Appendix 13-E <b>[APP-167 to 168/3.3]</b> and as amended) includes an HGV routing plan which shows that local roads and nearby villages will be avoided where possible, as well as mitigation to avoid and/or reduce impacts, relating to construction traffic including the delivery of materials during construction. This includes the B1398 near Fillingham.</p> <p>Headstead Bank is the only single lane minor road providing construction vehicle access to the Order limits (in this case the Grid Connection Corridor (GCC) during the construction phase. Given the need to access the sections of the GCC between the River Trent and Headstead Bank to the east, and between the railway line and Headstead Bank to the west, providing access via Headstead Bank was considered to be the most preferable option, particularly given the characteristics of other local roads in this area (e.g. Broad Lane) which were considered to be less suitable for accommodating construction vehicles. In order to provide</p>	Not agreed
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suitable access a number of improvements and mitigation measures are proposed on Headstead Bank, as set out within the Framework **CTMP [APP-167/3.3 and APP-168/3.3 and amended]**, to allow construction vehicles to safely route to and utilise and travel to/from the GCC accesses via Headstead Bank.

10.9 WLDC Local Impact Report (LIR)	Cumulative transport impacts	<p>WLDC state there is a lack of focus on the cumulative transport impacts during the construction phase within the grid corridor.</p> <p>Area of disagreement maintained</p> <ul style="list-style-type: none"> <li>- WLDCs concern relates to the management and co-ordination of construction traffic for cumulative projects.</li> <li>- The current fCTMP does not provide sufficient detail to explain how this would be managed on a collaborative basis.</li> <li>- The Joint Report on Interrelationships between NSIPS also does not provide a management framework to co-ordinate construction traffic. Furthermore, the Report is currentl neither secured through a DCO Requirement and nor is it a Certified Document. WLDC is therefore unclear of the purpose of this document in addressing cumulative impacts, as there are no mechanisms to secure its commitments in the event such commitment were made within the Report.</li> </ul>	<p>Cumulative traffic impacts within the grid connection corridor were assessed in the ES Chapter 16: Cumulative Effects and Interactions <b>[APP-025/3.1]</b>, which concludes that there will be no significant effects in terms of transport either for Gate Burton Energy Park alone or cumulatively with other schemes.</p> <p>Post submission, there has been an in-depth focus on cumulative transport effects as set out in the Joint Report on the Interrelationships between NSIPS <b>[REP4-050/8.26]</b>. This report provided both a more in-depth cumulative transport assessment, updated using the most up to date information from each project (see Appendix A) and reported on the exercise being undertaken between developers to align access points to reduce the impact of the accesses themselves.</p> <p>As set out within the Gate Burton Energy Park ES, parts of the Grid Connection Corridor have the potential to be shared with the West Burton Solar Project, Cottam Solar Project and Tillbridge Solar. For the purposes of transport and access, it is considered that a shared Grid Connection Corridor would reduce potential cumulative effects associated with the Scheme. Therefore, the cumulative assessment provided within Appendix A of the Report on the Interrelationship within other NSIPs <b>[REP-033/8.2]</b> is considered to provide a worst-case assessment in terms of potential cumulative effects.</p> <p>Finally, a commitment to see a combined CTMP, where practicable, has been included within the Framework CEMP submitted at Deadline 1 <b>[REP-026/7.3]</b>. This would manage</p>	Not agreed
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and mitigate cumulative effects if necessary once further details are known on project timeframes and the approach for the shared Grid Connection Corridor. A firm commitment cannot be given on a Joint CTMP because the Gate Burton DCO cannot control the actions of other developers, there is uncertainty that all schemes will be developed and certainty over all project timescales. However, the Applicant is committed to seeking to prepare a Joint CTMP if practicable. The Gate Burton Energy Park is being taken forward by a separate developer to the other three schemes and whilst collaboration has been forged during Scheme development, no partnership working was in place previously.

In the context of the work undertaken, the Applicant is uncertain why WLDC think this area has not had sufficient focus.

**11. Climate Change**

11.1 WLDC LIR	Decommissioning	<p>Despite the ES concluding no significant residual effects on climate change, the ES also admits a ‘very high degree of uncertainty’ for GHG emissions at decommissioning. The SoS is therefore minded to keep this in mind during their assessment of the scheme. Whilst a calculation of 11,324 tCO<sub>2</sub>e has been provided there is a possibility that the emissions could be much higher.</p>	<p>The uncertainty around decommissioning arises from the fact that these activities are due to take place many years into the future, and therefore the exact circumstances, systems, approaches and regulatory frameworks are likely to be very different from those currently in place.</p> <p>But it is very important to note that the decommissioning of assets within the Scheme is set to take place after the date by which the UK Government has a legally-binding obligation to have achieved net zero emissions. On that basis, it is reasonable to assume that decommissioning activities will also require to have been effectively decarbonised by this time.</p> <p>The estimates of emissions during the decommissioning phase presented in the Environmental Statement are therefore highly conservative, and likely to overstate the actual emissions taking place at the end of life of the Scheme. The uncertainty expressed in the Environmental Statement refers to uncertainty around how much lower actual</p>	Not agreed
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decommissioning emissions may be, rather than indicating that they may be higher than estimated.

**12. Human Health and Wellbeing**

12.1	WLDC LIR	GP to Patient	The construction of Cottam, Gate Burton and West Burton could create a peak of 1,886 workers, which could have implications on access to healthcare services. As explained in the Section 14.7, currently, the GP to Patient ratio is 1:1,880, which is also the recommended ratio set by the Royal College of General Practitioners (1:1,800). However, it is assumed that West Burton 2 and 3 together will have a peak construction workforce of 654 FTE and Cottam 1 will have a peak construction workforce of 832 FTE, in addition to the 363 FTE from Gate Burton. Taking into account these other developments, this could as a worst case scenario, potentially increase this ratio to 1:1905 which greatly exceeds the recommended ratio as set by the Royal College of General Practitioners.	Not agreed
		Ration	The GP: Patient ratio analysis undertaken in in ES Chapter 14 [APP-023/3.1] (Human Health and Wellbeing of the ES) concluded that the GP: Patient ratio would increase from a baseline of 1,800 per GP to 1,905 per GP once the scheme and the cumulative schemes are taken into account. This assessment represented a very worst case whereby the peak construction months for all schemes would coincide, which was assessed on the basis that such detail was not available at the time of preparing the EIA. It is anticipated that for the vast majority of the construction period, such additional demand would not arise. Furthermore, this analysis does not take into account the proportion of homebased workers for each scheme. These workers would access GP healthcare where they reside currently and so decreasing the demand in terms of FTE likely considerably, by 57% applying the same assumption on home-based workers as for Gate Burton. Finally, for large parts of the construction period, worker numbers would be at or below the average forecast and therefore the ratio of GP:Patient provision compared to the baseline would be negligible or very small.	
			Areas of disagreement maintained WLDC query how the conclusion that for the 'vast majority of the construction period, such additional demand would not arise' has been reached.	
			WLDC query where information on where the current information on cumulative sites has been assessed	
			In conclusion, no mitigation is proposed because taking into account factors such as home-based workers receiving healthcare services where they reside, the workforce on-site being lower than peak levels for the vast majority of the construction period, and that peak construction periods for two or more schemes will not in any likelihood coincide, changes in demand will be not appreciable to justify additional provision of services for what is a temporary duration of two years. It is also relevant to note that being of working age and in employment that the construction workers would likely access services less than typical residents of the area, if they have to	



register for services at all, thus reducing any potential additional demand for healthcare services generated further.

**13. Glint and Glare**

13.1	WLDC LIR	Glint and glare	<p>WLDC make the following comments in respect of glint and glare:</p> <ul style="list-style-type: none"> <li>The assessment should also include first floor windows in residential buildings which in this instance not considered.</li> <li>Figure 3 - There needs to be an investigation as to whether there is any railway signal(s) between point 1 and 25.</li> <li>For the ground-based receptor mitigation proposal indicated in chapter 7, it is not clear if the hedgerows proposed to be implemented are instant, matured, and ready made at 3m height?</li> <li>There appears to be no mitigation for residential receptor 69 which is in the middle of the arrays.</li> </ul>	<p>First floor windows have been assessed as part of the Visibility Assessment. All mitigation proposed is done so to screen all views of Glint and Glare from all windows of residential properties, where possible. See ES Figure 10-22 Advanced Planting Plan [APP-094/3.2].</p> <p>Based on the information available, no railway signals were found along this stretch of the railway. Hedgerow planting will be in line with principles detailed in the Outline Landscape and Ecology Management Plan [APP-231/7.10].</p> <p>Receptor 69 has Low impacts due to having extremely limited views of the Scheme where glint and glare impacts are predicted. Therefore, no mitigation is required.</p>
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Matters agreed

**14. Water Environment**

14.1	WLDC LIR	Watercourse structures	<p><i>The ES states that 17 watercourse crossings could be required in order to facilitate access track crossings, and it has been assumed as part of the ES that these will all be culverted. Work will be required in those watercourse crossing channels and therefore the hydrological and sediment regimes will be affected coupled with the increased risk of runoff entrained with sediment or accidental</i></p>	<p>The Applicant has provided information on the approach to watercourse crossings in a comprehensive screening exercise that was undertaken for determining where open span bridges or culverts were required. This is contained within Appendix A of the signed Statement of Common Ground with the Environment Agency which was submitted at Deadline 1 [REP-014/4.3E]. The Environment Agency has agreed with this approach.</p>
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*spillages. There will also be a direct loss of riparian, bank and bed habitats as these will be replaced by culverts. The structures could reduce the movement of mammals and interrupt continuity of the natural hydraulic and sediment regimes.*

Matter agreed.

14.2	WLDC LIR	Cable corridor Flood Risk	<p><i>A proportion of the site and the majority of the cable corridor is situated in Flood Zone 2 and 3 therefore during the construction phase there is an increased risk to flood risk receptors due to the increased rate and volume of surface water runoff from an increase in impermeable areas.</i></p> <p>Area of disagreement maintained (conditional):</p> <ul style="list-style-type: none"> <li>- WLDC does not raise objections to the EIA or the proposed mitigation.</li> <li>- It's position is purely that, due to be located within FZs 2 and 3, there will be an inherent risk unless they are managed correctly and appropriate mitigation applied.</li> </ul>	<p>A Flood Risk Assessment is provided in Appendix 9-D <b>[APP-142/3.3]</b> which concludes that there would be no increase in flooding from any source, given implementation of the Outline Drainage Strategy C <b>[APP-139 to 141/3.3]</b> and the mitigation measures outlined in ES Chapter 9 <b>[APP-018/3.1]</b>.</p>	Not agreed
14.3	WLDC LIR	Watercourse impacts	<p><i>There is a potential for several impacts from the Scheme where the cable corridor crosses the River Trent, Seymour Drain, Marton Drain and several unnamed watercourses. The ES states that Grid Connection Corridor will be constructed beneath the channels of the watercourses via HDD techniques. This therefore causes there to be a potential impact to the water quality of the watercourses</i></p>	<p>As stated in the Framework CEMP <b>[APP-224/7.3]</b>, the Scheme design has avoided the majority of watercourses and the construction of the Grid Connection Corridor will utilise non-intrusive methods. With the mitigation measures detailed in the Framework CEMP, which include for mitigating the impacts on water quality from trenchless crossing techniques, no significant effects are expected on water quality, as set out in Chapter 9: Water Environment <b>[APP-018/3.1]</b>.</p>	Agreed



Matter agreed.

14.4	WLDC LIR	Cumulative impact	<i>Whilst it is noted that there is an intention to work collaboratively with Cottam and West Burton on the cable corridor, there is no guarantee that the schemes will be constructed at the same time, this would mean that the water courses could be impacted several times.</i>	As set out in paragraph 5.8.19 of ES Chapter 5 [APP-014/3.1], Not agreed the cumulative assessment of the EIA has considered two scenarios, one of which is the sequential installation of all three projects' ducts and cables over a maximum of 5-year period. This cumulative scenario has been considered from a water quality, flood risk and ecological perspective and no significant effects are identified.
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Area of disagreement maintained

- WLDCs position is that, notwithstanding mitigation measures, there is a risk of impacts caused by cumulative activity, that is currently uncoordinated or managed in a collaborative way.
- The construction period may also extend beyond a 5 year period which hasn't been assessed.

## 15. Other Environmental Topics

15.1	WLDC LIR	Scoping Opinion	<i>Within the Scoping Opinion the Inspectorate commented: "For the avoidance of doubt, until the results and recommendations of the PRA are known, there is insufficient evidence to support scoping out an assessment of ground conditions". However the Ground Conditions subsection of Chapter 15, does not include an impact assessment therefore West Lindsey cannot report the impacts due to the Proposed Development.</i>	As stated in the Scoping Opinion Response Table [APP-111/3.3] Appendix 15- C Phase 1 Preliminary Risk Assessment [APP-176/3.3], and ES Chapter 15 [APP-024/3.1] provides the findings of the ground conditions assessment. The grid connection which passes through a Mineral Safeguarding Area for sand and gravel has now been narrowed. It was agreed with Nottinghamshire County Council and Lincolnshire County Council that a Minerals Safeguarding Assessment was not required. Therefore, it is considered that this negates the need for an assessment on ground conditions and the potential for sterilisation of mineral resources within the ES.	Agreed
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Matter agreed.



## 16. Order limit changes

16.1	Proposed Order limit changes	WLDC are content with the Applicant's proposed changes to the Order limits, the rationale for the changes and the information provided. WLDC has no objection to the changes.  Matter agreed.	Agreed
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## 3. References

Ref 1-1: Ref 1-9: Ministry of Housing, Communities and Local Government (MHCLG) (2021) National Planning Policy Framework, Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF July 2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

Ref 1-2: Lincolnshire County Council, "Central Lincolnshire Local Plan 2012-2036," Lincolnshire County Council, Lincoln, 2017. Available at: <https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2017/>

Ref 1-3: Lincolnshire County Council, "Central Lincolnshire Local Plan Review (March 2022)", Lincolnshire County Council, Lincoln, 2022.

Ref 1-4: Ref 1-21: Lincolnshire Minerals and Waste Local Plan including the Core Strategy & Development Management Policies Plan adopted in June 2006 and the Site Locations Plan adopted in December 2017. Available at: <https://www.lincolnshire.gov.uk/planning/minerals-waste>

Ref 1-5: Lea Neighbourhood Development Plan, made January 2018. Available at: <https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Final%20Lea%20Neighbourhood%20Development%20Plan.pdf>

Ref 1-6: Sturton by Stow and Stow Neighbourhood Development Plan, made July 2022. Available at: <https://www.west-lindsey.gov.uk/sites/default/files/2022-04/Sturton%20by%20Stow%20and%20Stow%20Neighbourhood%20Plan%20Final%20Approved%20Version.pdf>

Ref 1-7: Department of Energy and Climate Change (DECC), (2011) National Policy Statement for Energy (EN-1), Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/47854/1938-overarching-nps-for-energy-en1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf)

Ref 1-8: DECC (2011) National Policy Statement for Renewable Energy Infrastructure (EN-3), Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/47856/1940-nps-renewable-energy-en3.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47856/1940-nps-renewable-energy-en3.pdf)

Ref 1-9: Department for Business, Energy & Industrial Strategy (2021) Draft Overarching National Policy Statement for Energy (EN-1), Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1015233/en-1-draft-for-consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015233/en-1-draft-for-consultation.pdf)

Ref 1-10: Department for Business, Energy & Industrial Strategy (2021) Draft National Policy Statement for Renewable Energy Infrastructure (EN-3), Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1015236/en-3-draft-for-consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015236/en-3-draft-for-consultation.pdf)

## Appendix A: Record of Engagement

<b>Date</b>	<b>Correspondence</b>	<b>Topics discussed and outcomes</b>
14/10/2021	WLDC Members Briefing	PowerPoint presentation on Scheme. Q&A session documented in minutes.
01/03/2022	Meeting with LCC, WLDC, NCC, BDC and AECOM	Meeting with representatives of Lincolnshire CC & West Lindsey DC, Nottinghamshire CC & Bassetlaw DC to discuss the selected viewpoints and proposed photomontage locations as well as the concept landscape masterplan.
12/05/2022	Letter from RC (WLDC) to AB (AECOM)	Comments from WLDC on Draft SoCC.
23/06/2022	Email from TC (WLDC) to GB	Sending acknowledgement letter to Section 42 consultation.
12/10/2022	Email from AL (AECOM) to RC (WLDC)	Sent copy of the cumulative development longlist to WLDC. No further amendments were made by WLDC to the list.
14/10/2022	Meeting with AECOM and WLDC	Project update meeting discussing updated scheme layout, changes to the order limits and PPA
17/11/2022	Meeting with WLDC and AECOM	Project update meeting with WLDC
20/12/2022	Project update meeting with WLDC and AECOM	Project update meeting including details of project updates, draft PPA and Targeted Consultation
19/01/2023	Email from EM (AECOM) and RC (WLDC)	Email providing a draft copy of the ALC grading across the Order Limits of the Scheme.
24/01/2023	Email from EM (AECOM) to RC (WLDC)	Email to issue WLDC with the draft SoCG requesting LCC's comments.
25/01/2023	Project update meeting with EM (AECOM) and RC (WLDC)	Project update meeting to discuss issue of draft SoCG, hard copies of application documents and the removal of panels near the Gate Burton estate.
08/02/2023	Email from EM (AECOM) to RC (WLDC)	Email to request further project update meetings with WLDC.
14/02/2023	Email from EM (AECOM) to RC (WLDC)	Follow-up email to request further project update meetings with WLDC.

14/03/2023	Email from EM (AECOM) to RC (WLDC)	Email to request further project update meetings with WLDC to cover any updates to the Scheme, next steps for the Pre-Examination period, feedback on the application documents and to progress points of discussion in the SoCG.
12/04/2023	WLDC RR	WLDC RR submitted to PINS (published 17/04/2023).
23/05/2023	Email from EM (AECOM) to RC (WLDC)	Email to request project update meeting to discuss the Council's Local Impact Report, the Council's RR/views on the submitted application and the draft Statement of Common Ground.
27/06/2023	Email from EM (AECOM) to RC (WLDC)	Email to request feedback on the draft Statement of Common Ground and the query regarding WLDC's LIR.
28/06/2023	Email from RC (WLDC) to EM (AECOM)	Email to confirm WLDC are reviewing the SoCG, to confirm the LIR will be going to committee and requesting the GIS Shapefile.
04/07/2023	Preliminary Meeting	Gate Burton Energy Park Preliminary Meeting
05/07/2023	Preliminary Meeting	Gate Burton Energy Park Issue Specific Hearing 1
18/07/2023	Local Impact Report publication	Publication of WLDCs LIR on the PINS website.
08/08/2023	Written Representation publication	Publication of WLDCs WR on the PINS website.
23/08/2023	Email from EM (AECOM) to RC (WLDC)	Email providing draft SoCG for comment.
23/08/2023	Issue Specific Hearing 2	Gate Burton Energy Park Issue Specific Hearing 2
23/08/2023 to 24/08/2023	Issue Specific Hearing 3	Gate Burton Energy Park Issue Specific Hearing 3
25/08/2023	Accompanied Site Inspection	Gate Burton Energy Park Accompanied Site Inspection



04/09/2023	Email from RC (WLDC) to EM (AECOM)	Email to confirm WLDC are reviewing the SoCG, to confirm the LIR will be going to committee and requesting the GIS Shapefile.
12/09/2023	Teams meeting with WLDC	Project update meeting and discussion of draft PPA
22/09/2023	Teams meeting with LCC, LCC, NCC and BDC	Joint meeting with Gate Burton Energy Park Host Authorities to discuss proposed Order limit changes.
26/09/2023	Email from EM (AECOM) to RC and AB (WLDC)	Email querying wording of Outline Design Principles in relation to design codes.
06/10/2023	Email from EM (AECOM) to RC and AB (WLDC)	Email to arrange meeting to discuss draft SoCG.
17/10/2023	Email from EM (AECOM) to RC and AB (WLDC)	Follow-up email to arrange meeting to discuss draft SoCG.
18/10/2023	Email from EM (AECOM) to RC and AB (WLDC)	Issue of draft SoCG for comment from WLDC.
15/11/2023	Meeting with WLDC and Aitkens (RC and AC) and AECOM/Arup (EM and AL)	Meeting to discuss the draft SoCG.
28/11/2023	Meeting with WLDC and Aitkens (RC and AC) and AECOM/Arup (EM and AL)	Final meeting to discuss draft SoCG.
11/12/2023	Email from EM (AECOM) to RC and AB (WLDC)	Email to provide updated SoCG following meeting.
20/11/2023	Email from RC (WLDC) to EM (AECOM)	Email to provide updated SoCG.
20/11/2023	Email from EM (AECOM) to RC (WLDC)	Email to provide final SoCG ready for signature.
21/11/2023	Email from RC (WLDC) to EM (AECOM)	Email providing signed SoCG on behalf of WLDC.

# Appendix B: West Lindsey District Council Relevant Policy Documents

- Central Lincolnshire Local Plan (April 2023) (covering West Lindsey) (Ref 1-3);
- Lincolnshire Minerals and Waste Local Plan including the Core Strategy & Development Management Policies Plan adopted in June 2016 and the Site Locations Plan adopted in December 2017 (Ref 1-4);
- Lea Neighbourhood Development Plan, made January 2018 (Ref 1-5) ; and
- Sturton by Stow and Stow Neighbourhood Development Plan, made July 2022 (Ref 1-6).
- Central Lincolnshire Local Plan 'Health Impact Assessment for Planning Applications: Guidance Note (updated April 2023)

# Appendix C: Figure 1: The Order Limits and Local Authority Boundaries

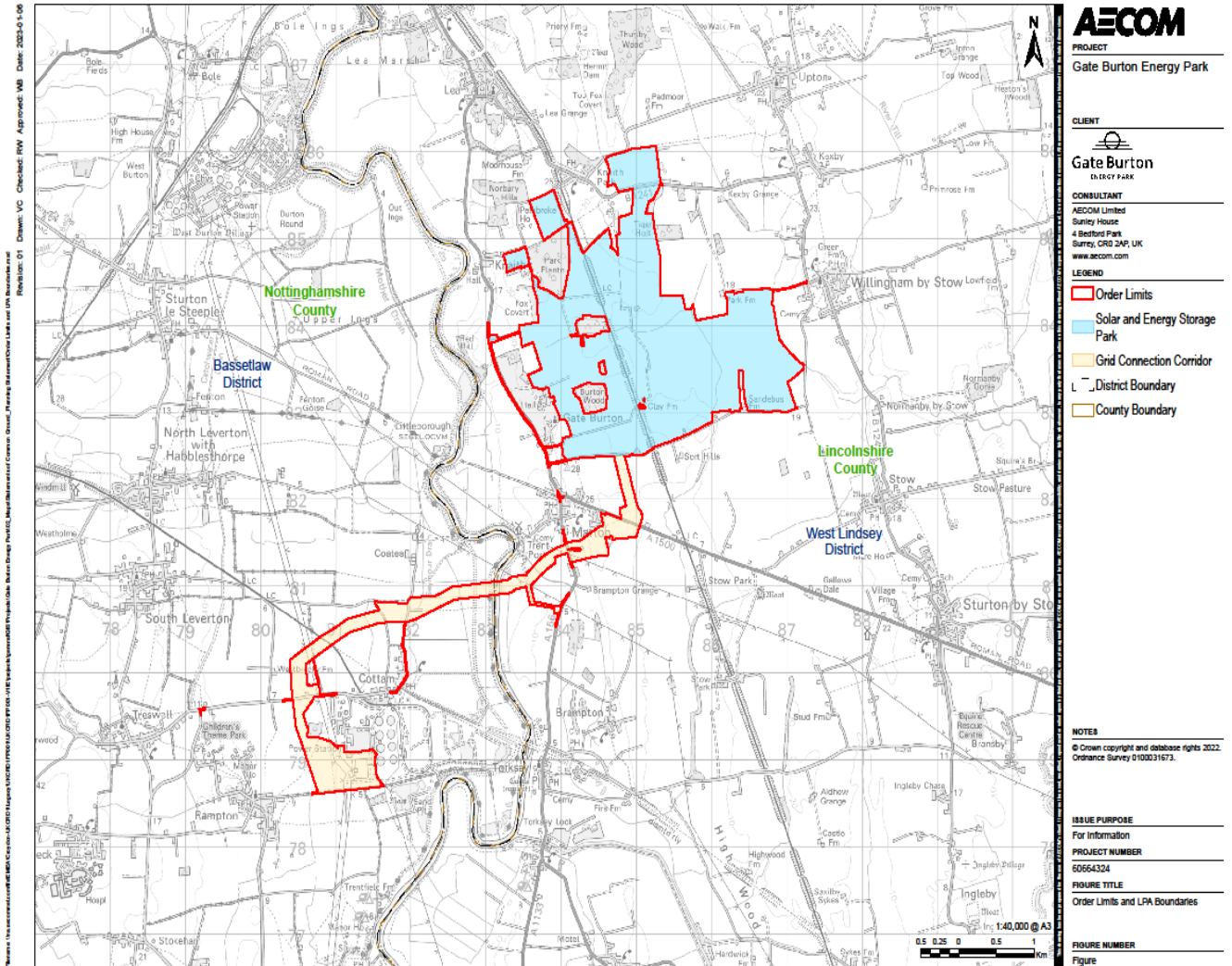


Figure 1 - The Application Order Limits and Local Authority Boundaries