

# Gate Burton Energy Park EN010131

Applicant Response to Deadline 5 Submissions  
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# 1. Introduction

- 1.1.1 This report provides the Applicant's comments on responses from Interested Parties to Examining Authority's (ExA) Third Written Questions and other submissions submitted at Deadline 5 (20 November 2023). A total of 35 submissions from Interested Parties were submitted to the ExA at Deadline 5.
- 1.1.2 To avoid excessive repetition, the Applicant has focussed on comments that make points that have not been addressed previously or where the Applicant considers that further clarification may be useful. For similar reasons, the Applicant has not included the full text of every representation in this document and original representations should be referred to understand the Interested Party's position.
- 1.1.3 Table 2-1 summarises the responses to the ExA's Third Written Questions submitted by Interested Parties at Deadline 4 and the Applicant's response to them.
- 1.1.4 Table 3-1 summarises the comments made by 7000 Acres in Deadline 4 submissions and the Applicant's response to them.
- 1.1.5 Table 4-1 summarises the MMO's response to the ExA's Request for Further Information (Rule 17) and the Applicant's comments in response.



## 2. Table 2-1: Applicant Comments on Responses to ExA’s Third Written Questions

Rep ref.	Q.No	Question Summary	Interested Party Response	Applicant Response
<b>1. Principle and Nature of the Development</b>				
LCC REP5-052	Q3.1.6	Joint Report on Interrelationships between NSIPs [REP4-050] Comment on Appendix E (Review of Cumulative effects) to the Joint Report on Interrelationships between NSIPs including the approach and overall conclusions.	<p>In respect of Table 1.4 of the main document of the list of solar projects in and around Lincolnshire this should be updated to include Steeple Solar on the boundary of County boundary with Notts.</p> <p>Appendix E – Landscape and Visual impact Assessment should be updated to make reference to Steeple Solar which is approx. 1km at its closest point to Gate Burton and also to consider any impacts from One Earth Solar.</p> <ul style="list-style-type: none"> <li>- Socio Economics BMV – cumulative impact on BMV in Lincolnshire taking into account One Earth</li> <li>- Waste for Cottam and West Burton moderate or large effect on waste landfills in Nottinghamshire has been identified why has this not been identified as a consequence for Gate Burton and with the emergence of 3 new solar projects in and around Lincolnshire the conclusions in the waste section for Gate Burton need to be revisited and consideration needs to be given to the landfill capacity in Lincolnshire not just Nottinghamshire. Human</li> </ul>	<p><b>The Joint Interrelationships Report on other Nationally Significant Infrastructure Projects (NSIPs) [REP5-042]</b> was updated to include the Steeples Renewable Project in Table 1.4 at Deadline 5.</p> <p>In terms of Appendix E, it is not possible to update the table to include Steeple Solar or One Earth Solar because both of the projects are in the very early stages of development. A design is not yet available and no Preliminary Environmental Information Report or Environmental Statement is available. Therefore, information is not available upon which to undertake a cumulative assessment.</p> <p>An assessment of the impact of cumulative impacts on agricultural land is presented in the Applicant’s Technical Note: <b>Further Information on Agricultural Land [REP2-046]</b>. Using the same methodology i.e. that grade 3 land is grade 3a and any loss is reversible, the Applicant has assessed the additional impact of One Earth Solar.</p> <p>The scoping report for One Earth Solar indicates that much of the site consists of grade 3 land (good</p>



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			<p>Health (PROW) The footpath below is also impacted by the West Burton scheme and taken together the proposed site covers both Gate Burton and West Burton and there is an opportunity to improve this path for the reasons set out below.</p> <p><u>Mort/68/1</u></p> <p>It is noted on the supplied plans that the PROW is to be managed, but it is not clear from the Gate Burton OPROW Management Plan exactly what this means. There is an opportunity here to improve the right of way as part of this development by a permanent diversion to the north, as shown below plans [see <a href="#">REP5-052 p. 2 for the plan</a>].</p> <p>Tillbridge Lane / Stow Park Road is not inviting for onward pedestrian journeys and the termination point of PF68 ends on a busy and fast A road with no ongoing right of way to the north. A permanent diversion of the path alongside the field edge as shown above would reposition the termination point of the path to the 30mph speed restricted part of the road and create a short circular route for residents in Marton and make the path much more attractive and useful.</p>	<p>to moderate) with an area of grade 4 land (poor) to the south-east. However, this is based on the 1970s provisional ALC mapping and a more detailed ALC survey is yet to be published (distinguishing between grade 3a which is BMV, and 3b which is not). Also, the scheme has yet to publish details on any permanent loss of BMV land. The Applicant is therefore unable to accurately estimate the effect (permanent and temporary) on BMV in Lincolnshire as a result of One Earth Solar. The Applicant also notes that the majority of the Scheme falls within Nottinghamshire with roughly 25% (375ha) falling in Lincolnshire. As a general indication, it is assumed the scheme would result in an additional 0.09% of Lincolnshire's total BMV land being temporarily lost and would bring the total area of BMV land affected by NSIPs to 0.92%.</p> <p>Please refer to the response to question Q3.1.9 in the <b>Applicants Response to the ExQ3 [REP5-047]</b> submitted at Deadline 5 which explains why the Gate Burton waste conclusion is different to that submitted by the Cottam and West Burton Solar Projects. In summary, different approaches have been followed for cumulative waste assessments for Cottam and West Burton. It is not unusual to have differences in the methodology and approach adopted within cumulative assessments.</p> <p>For Cottam and West Burton, the assessment compared decommissioning waste quantities against current landfill capacity in Lincolnshire and Nottinghamshire assuming materials are not</p>



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				<p>recycled when panels are replaced/ decommissioned. In the Applicant's professional judgement, this is a highly unlikely scenario because it is reasonable to assume that a form of recycling and recovery facility will be available.</p> <p>This assumption is reasonable because the current recovery rate of materials from construction and decommissioning is approximately 92.6% and has remained at a similar level since 2010<sup>1</sup>. Waste generated by the Scheme comprises readily recyclable materials: concrete and aggregate are widely recycled for use in construction; metals have a very high re cycling rate and PV panels are recyclable and there are numerous examples of companies recycling them.</p> <p>Capacity for PV panel recycling in the UK is relatively low at present because there is currently little waste being generated. However, there are strong economic and regulatory drivers for recycling, and it is technically proven, and hence it is realistic to expect a high recycling rate.</p> <p>Further, primary legislation (the Waste Electrical and Electronic Equipment Regulations 2013 (as amended)) places an obligation on producers (manufacturers and importers) of electrical and electronic equipment (which includes PV panels) to finance the collection and recycling of their products. Producers of PV panels are obligated to</p>

<sup>1</sup> <https://www.gov.uk/government/statistics/uk-waste-data/uk-statistics-on-waste#recovery-rate-from-non-hazardous-construction-and-demolition-cd-waste>



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				<p>join a join a Producer Compliance Scheme (PCS), which then ensures their legal obligations are met, most significantly for the collection and recycling of old PV panels.</p> <p>The Gate Burton assessment presented in <b>ES Chapter 15 [APP-024]</b> is based on the assumption that specialist regional or national facilities would be in place at the time of decommissioning, and these would be developed in response to demand generated by the UK-wide PV industry. The Applicant considers that this is a realistic and reasonable worst-case assumption.</p> <p>Notwithstanding this position and following receipt of the Rule 17 letter on 8 December 2023, the Applicant has undertaken an assessment following the 'W1' void capacity methodology. This assessment is provided within the Rule 17 Response Letter <b>[EN010131/APP/8.33]</b>.</p> <p>In terms of the comments regarding PRow Mort/68/1 and Tillbridge Lane / Stow Park Road, these are noted. These matters concern the detailed management of PRow diversions during construction and will be considered as part of the preparation of the final PRow Management Plan as secured by Requirement 16 of the <b>draft DCO [REP5-018]</b>.</p>
WLDC REP5-058	Q3.1.6	<b>Same as above.</b>	See Table 3-1 for WLDC comments on the Joint Interrelationships Report.	Comments noted. Applicant responses incorporated into Table 3-1.





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7000 Acres REP5-062	Q3.1.6	Same as above.	<p><b>General Comments</b></p> <p>The Joint Report on Interrelationships Between NSIP requires updating as it takes no account of the Steeples Renewables NSIP. This latest solar NSIP in the area will be located adjacent to West Burton Power Station and so will be visible from the area of the Gate Burton NSIP.</p> <p>In Table 1.4 of their report, the Applicant states that the One Earth Solar “Farm” has no potential for cumulative impact. This is disputed, as it is located only 5km away from the West Burton scheme and adds to the regional impact of the 5 other schemes in close proximity to Gate Burton. In their ES Chapter 10 the Applicant has allocated an 8 km zone of influence for Landscape and Visual Amenity (7000 Acres believes it should be larger). Using even an 8km zone of influence means that the Applicant’s assertion that One Earth has no cumulative impact is wrong, as it is only 5km from the cluster of schemes addressed in the Joint Report.</p> <p>Although solar current falls outside the scope of the PA2008, the ExA may wish to take account of EN-1 Paragraph 4 – Assessment Principles:</p> <p>4.1.4 states:  <i>“In this context, the Secretary of State should take into account environmental, social and</i></p>	<p>The <b>Joint Interrelationships Report on other NSIPs [REP5-042]</b> was updated to include Steeples Renewable Project at Deadline 5.</p> <p>In terms of One Earth Solar, only high-level information is available. Only a Scoping Report has been produced. There is no Preliminary Environmental Information Report and no Environmental Statement available. It is therefore not possible to carry out a meaningful environmental assessment of the cumulative effects between the projects due to a lack of design and environmental information to feed into the assessment. Given the early stage of design, there is also uncertainty on the design and significant potential for the project to evolve over time.</p> <p>For example, the distances provided in Table 1.2 are based on the distance between West Burton project (as the closest solar array of the four projects) and the site boundary for the One Earth Solar Project. However, at present it is not known whether the area near the site boundary would be used for solar panels, battery storage, access tracks or environmental mitigation planting, which would make any assessment of cumulative effects very uncertain. Given that full details are available for Gate Burton, Cottam and West Burton and will shortly be available for Tillbridge, it is also considered highly likely that the developer of the One Earth Solar project will evolve the scheme design to minimise cumulative impacts.</p>



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			<p><i>economic benefits and adverse impacts, at national, regional and local levels.”</i></p> <p>paragraph 4.2.6 goes on to state:</p> <p><i>“the Secretary of State should consider how the “accumulation of, and interrelationship between effects might affect the environment, economy or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place.”</i></p> <p>The One Earth and Steeples schemes clearly add to the regional impact.</p>	
7000 Acres REP5-062	Q3.1.6	<b>Same as above.</b>	<p><b>Comments on Annex E</b></p> <p>In general, 7000 Acres disagrees with many of the individual assessments submitted by the Applicants and has submitted written representations on key topics. If the individual assessments are wrong, then the cumulative assessments will also be incorrect.</p> <p>The Collins dictionary defines cumulative as “growing in quantity, strength, or effect by successive additions or gradual steps”. The Applicant does not appear to understand the meaning of “cumulative” as Appendix E still appears to address each scheme in its individual silo.</p>	<p>The Applicant respectfully disagrees with the points made regarding the cumulative assessments presented in Appendix E of the Interrelationships Report [REP5-042]. Extensive work has been undertaken to provide the Examining Authority and the Secretary of State with robust cumulative assessments fully in accordance with the EIA Regulations and in consultation with statutory and non-statutory consultees.</p> <p>Appendix E provides a summary of the review of information made available subsequent to submission of the applications for the Gate Burton Energy Park, West Burton Solar Project and Cottam Solar Project DCOs. Although not yet submitted, it also considers the adjacent Tillbridge Solar Project with the assessment based on the Preliminary Environmental Information Report. The</p>



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			<p>For example: Appendix E page 6 Ecology: The West Burton and Cottam acknowledge there will be adverse effects on local wildlife. West Burton – <i>“Moderate cumulative adverse effect during operation on skylark, yellow wagtail, grey partridge and quail at a Local to District level”</i> . Even at a local level this will include the other NSIPs as Gate Burton and Cottam are little over 1,000m away.</p> <p>This wildlife will be displaced from the area, so closely siting these schemes will have a cumulative effect. No account is taken of Tillbridge, One Earth or the Steeple schemes, which again will displace various species.</p> <p>Appendix E page 7 Water Environment takes no account of the accelerated water runoff caused by solar panels and the regional impact on flooding.</p> <p>Appendix E page 8 LVIA. Again the Applicants do not appear to understand the meaning of “cumulative”. All the Applicants generally appear to use “concurrent” to make their assessments, i.e. can 2 schemes be viewed from the same point. No assessment is made of the cumulative effects when passing through the region, such as travelling to work, cycling, walking or horse riding.</p> <p>Appendix E page 9 Noise and Vibration. Again the Applicants appear to make an assessment based on noise and vibration impacting a fixed</p>	<p>information reviewed is relevant to the cumulative assessments undertaken for each of the projects. At the point of application of the three submitted DCOs, cumulative assessments were undertaken based on the information available at the time. Subsequent to the applications being made, updated information was made available via the submission of applications for relevant adjacent projects. For each technical discipline, the purpose of the cumulative review was to identify whether there are any changes to the conclusions of the submitted cumulative assessments in terms of likely significant effects.</p> <p>In terms of One Earth Solar and the Steeples Renewable Scheme, only high-level information is available. There is no Preliminary Environmental Information Report, no design and no Environmental Statement available for either of these schemes. It is therefore not possible to carry out assessment of the cumulative effects between the projects due to a lack of design and environmental information to feed into the assessment.</p>



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			<p>receptor concurrently from 2 or more schemes. This assessment should also consider those transiting through the region and the cumulative effects of being exposed to noise and vibration by passing sequential schemes.</p> <p>Appendix E page 9 Socio-Economic. 7000Acres has made written submissions on the adverse socio-economic impact on the area. We fundamentally disagree with the individual, and hence cumulative, assessments made by the Applicants.</p> <p>Appendix E page 13 Transport and Access. The construction of these 4 schemes could be spread over 7 years. That will have a major adverse impact on local access and transport, especially as the construction will rely on many minor roads, some of which are little more than farm tracks.</p> <p>Appendix E page 13 Human Health. 7000Acres has made written submissions on human health and wellbeing. We fundamentally disagree with the assessments made by the Applicants, therefore their cumulative assessments are wrong.</p> <p>Appendix E page 14 Air Quality. None of the schemes take account of the poisonous gasses released by a BESS thermal runaway. Therefore, their individual assessments are</p>	



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			<p>flawed, consequently their cumulative assessment is wrong.</p> <p>Appendix E page 14 Glint and Glare. 7000Acres has provided written submissions on this topic. We consider each Applicant has underplayed the effects, for example by only considering residential receptors viewing schemes from 1.8m (Cottam and West Burton) or 2m (Gate Burton). Again, their assessments make a concurrent assessment of glare if 2 schemes can be viewed from the same point; no account is taken of the true cumulative impact from travelling through the region.</p>	
LCC REP5-052	Q3.1.11	Supporting Environmental Information Report [CR1-043] Does the supporting Environmental Information in relation to the Change request provide sufficient information to support its conclusions and does it alter any of the overall conclusions reached in respect of the Proposed Development that you have previously raised and submitted into the examination. Please explain any response.	Yes	Comments noted.
7000 Acres REP5-063	Q3.1.11	Same as above	The SEI (after review on the 18th November – post Deadline 5) does not provide sufficient information to support its conclusions and does alter the overall conclusions reached in respect of the Proposed Development that we have previously raised with the ExA.	The Applicant respectfully disagrees that the <b>Supporting Environmental Information Report [CR1- 043]</b> submitted at Deadline 4 does not provide sufficient information to support its conclusions. Extensive baseline and survey work has been undertaken. Consultation, identification of



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			<p>To explain the above assertions, may we draw the ExA's attention to impacts on Landscape and Visual Amenity. The Applicant states the change 'will result in an increase in construction activity in the area south of Torksey Ferry Road, the construction upgrades to Torksey Ferry Road, and the removal of existing vegetation and localised changes to the landform to facilitate the cable installation works.' (4.1.68), also that; 'Significant and temporary visual effects during construction as described in the ES are likely to increase slightly from Moderate to Moderate-Major due to the extended area within which construction work will take place. This effect therefore remains significant, as identified and described in the ES. These additional visual effects will affect mainly recreational users of PRow including: PRow NT Rampton BOAT13 and to a lesser extent road users given the currently poor condition of the road. It will also adversely affect recreational users of PRow's NT Rampton FP06, NT Rampton BOAT12, NT Rampton FP10 and NT Rampton FP20 at their junctions with PRow NT Rampton BOAT13. In addition, it will also adversely affect recreational users in middle distance views from NT Rampton FP9 and close distance views from sections of NT Rampton FP7 in the vicinity of Torksey Ferry Road.' (4.1.71).</p>	<p>mitigation and robust assessment for all relevant disciplines is reported.</p> <p>In terms of the assertion that the statements regarding the impact of increased construction activity and increased temporary and visual effects included within the Landscape and Visual Amenity section are contradictory, these effects are already described as significant within <b>Chapter 10: Landscape and Visual Amenity [APP-019/3.1]</b>, and therefore it is true that there are no new significant effects as a result of the Change Request, as they are already identified as being significant in <b>Chapter 10 [APP-019/3.1]</b>.</p> <p>In terms of the members of the Angling Club accessing the River, it is acknowledged that there will be a very temporary impact on access whilst improvements are made to Torksey Ferry Road. However, the magnitude of impact is assessed to be low on the basis that whilst anglers' access to parts of the river could be prevented during the Torksey Ferry Road upgrade works, this will be for a temporary period of up to a maximum of 4 weeks during which time access on foot will still be possible for the entire fishing area via existing PRow alongside the river. Therefore, the impact on the Rampton Fishing Club accessing the River Trent is considered to be minor adverse, which is not considered to be a new significant effect. Following construction the Angling Club will have use of the improved Torksey Ferry Road.</p>



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			<p>However, the Applicant then goes onto say that 'no new significant effects'...will be ....' caused by Order limits change 1.' (4.1.72)</p> <p>These two statements (4.1.71 &amp; 4.1.72) by the Applicant are contradictory. With the Written Representation submitted by the 7000 Acres Group at Deadline 8A, evidence was provided of use and value of the PRoW's and BOAT's by residents and visitors to the area.</p> <p>Also, in 4.1.94 the Applicant states that the Rampton Fishing club is assessed as having a medium sensitivity to the proposed changes due to lack of access to their fishing ground but that the magnitude of that impact is low due to the ability to access on foot to other parts of the river bank. It concludes that the impact on the 'Rampton Fishing Club accessing the River Trent is considered to be minor adverse, which is not considered to be a new significant effect'.</p> <p>These assertions by the Applicant are not reasonable. The members of the club will find it difficult to walk along the proposed alternative footpath with all the fishing equipment they require and so in effect access and enjoyment of the area by this group is significantly affected. No consultation of non-statutory parties has been carried out by the Applicant. Therefore, they have no evidence to state there will be no new significant effects in relation to the proposed changes. Another, concern is that the Applicant uses open-ended</p>	<p>In response to the point that a worst-case scenario has not been assessed. This is not true as a worst-case scenario has been assessed which includes mitigation stated within the CEMP which is secured by Requirement 12 of the <b>draft DCO [REP5-018]</b>.</p>



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			<p>language such as; 'effects may occur' (4.1.79); 'replanting of removed vegetation, where feasible, shall be carried out' (4.1.69) and 'noise and vibration effects may occur due to construction activities' (4.1.79).</p> <p>The 7000 Acres Group understands that the Applicant needs to state the worst-case scenario in terms of harms and impacts of the Gate Burton Scheme. The use of this openended language is not compliant with the worst-case scenario remit</p>	
WLDC REP5-058	Q3.1.11	Same as above.	WLDC raises no objections or concerns regarding the Environmental Information submitted in connection with the Change request.	Comments noted.
<b>2. Climate Change</b>				
7000 Acres REP5-063	Q3.4.1	<p><b>Renewable energy Crops:</b>            In terms of the assessment of effects on climate change in the ES has the loss of crops used for the production of renewable energy been taken into account. If so, how has this been done and where is this identified.</p>	<p>The Applicant takes no account of growing renewable energy crops in the carbon assessment or elsewhere. This means that the future baseline they have applied to their GHG calculations is flawed.</p> <p>Energy crops, such as Miscanthus are already grown in the area. In addition to providing biomass fuel, these crops can store carbon and help in improving the soil as they require little to no fertiliser.</p> <p>Consuming large areas of farmland would displace such fuels from being grown in the area, and would negatively impact of</p>	<p>As set out in the Applicant's Response to EXQ3 <b>[REP5-047]</b>, the potential impact of foregone biofuel crop cultivation resulting from the Proposed Development has not been taken into account in the GHG assessment.</p> <p>PV modules are much more efficient than plants in converting sunlight to useable energy, and all objective studies indicate that the annual energy yield per unit area is lower by orders of magnitude for biofuel crops than for photovoltaics, meaning that any area allocated for the cultivation of biofuels instead of PV modules would result in lower net GHG benefits.</p>





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			<p>decarbonisation activities, as these fuels would need to be sourced elsewhere – perhaps creating longer supply chains to meet local facilities such as the anaerobic digestion plant at Hackthorn and the biomass plant at Brigg. There is also a key difference in the different abilities of solar and biofuels to contribute to decarbonisation. While their energy is ostensibly measured using the same units, the capacity to store and use biofuels flexibly means that biofuels are seen as an essential route to be able to decarbonise other sectors of industry, such as transport.</p> <p>To this end there are local companies in the area already developing the complete supply chain for biofuels, for example Terravesta, based in Saxilby. Apart from crops such as Miscanthus, cereals are required for Sustainable Aviation Fuel (SAF). Jet and gas turbine aeroplanes and helicopters are already certified to run on 10% SAF. Virgin Atlantic plan to fly the first transatlantic flight using 100% SAF on 28 November 2023, using a Boeing 787.</p> <p>On the 4 September 2023 the Department for Transport (DfT) committed to introducing a revenue certainty mechanism to support sustainable aviation fuel (SAF) production in the UK and boost its uptake, giving producers greater assurance about earnings from the SAF they produce. SAF is the most developed pathway for aviation decarbonisation and while</p>	<p>The Applicant notes the following energy outputs for crops compared to solar, using information available on the Forestry Research website (<a href="#">Potential yields of biofuels per ha p.a. - Forest Research</a>):</p> <table border="1"> <thead> <tr> <th>Fuel</th> <th>Energy per ha p.a. (MWh/ha.a)</th> </tr> </thead> <tbody> <tr> <td>Miscanthus (@25% moisture content)</td> <td>63</td> </tr> <tr> <td>Wheat straw (@ 20% moisture content)</td> <td>13</td> </tr> <tr> <td>Biodiesel (from rapeseed oil)</td> <td>11.3</td> </tr> <tr> <td>Bioethanol (from sugarbeet)</td> <td>33</td> </tr> <tr> <td>Bioethanol (from wheat)</td> <td>17</td> </tr> <tr> <td>Biogas (from sugar beet)</td> <td>44</td> </tr> <tr> <td>Solar based on Gate Burton Scheme details</td> <td>382</td> </tr> </tbody> </table> <p>The figure provided for solar yield is based on the average predicted yield from the scheme of 449,800MWh per annum divided by 1,176 acres, being the area covered by Work Number 1 (the solar panels and balance of solar system plant). The electricity generated by the Scheme will depend on the final layout of the Scheme and the detailed technology choice.</p> <p>Regarding increased emissions as a result of imports of renewable energy crops, this was dealt with in the Applicant's response to written representations that the Applicant submitted at Deadline 3 [REP3-033]: this is not considered to</p>	Fuel	Energy per ha p.a. (MWh/ha.a)	Miscanthus (@25% moisture content)	63	Wheat straw (@ 20% moisture content)	13	Biodiesel (from rapeseed oil)	11.3	Bioethanol (from sugarbeet)	33	Bioethanol (from wheat)	17	Biogas (from sugar beet)	44	Solar based on Gate Burton Scheme details	382
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			<p>the UK's SAF programme is already one of the most comprehensive in the world, the government recognises the importance of providing long-term certainty for the industry. This scheme, along with the introduction of a SAF mandate in 2025, will provide fuel security, grow the economy and help to create over 10,000 jobs by 2030, rising to 60,000 by 2050. To do this, DfT will launch a consultation on the design and delivery of the scheme to bolster the development of SAF and drive further investment. The revenue certainty scheme, which is intended to be funded by industry, will give the aviation sector the launchpad to confidently invest in SAF and transition away from fossil fuel reliance.</p> <p>Due to its high energy density, SAF is easily produced from food grade cereal crops. As the "bread basket of the UK", Lincolnshire must be able to provide crops to produce SAF, if not importing SAF will result in an increased carbon footprint. Land use must remain flexible to meet all the Country's competing Net Zero demands. Covering thousands of acres of productive farmland in solar panels will be detrimental to meeting the national target and remove flexibility. Using the same farmland for a flexible combination of crops and woodlands will help meet our national Net Zero goals.</p>	<p>be an impact of the Scheme and it is not possible to assess whether there would be an impact on electricity generation from energy crops given that it is likely that crops for plants currently served would be sought from other local farm land.</p> <p>The land being used for the energy park is currently used for a variety of purposes including renewable energy crops, but also animal feed and food crops. The crops vary each year, with the choice of what to grown influenced by market forces. It is therefore not possible to accurately predict the area that would have been used to grow renewable energy crops over the lifetime of the Scheme with any degree of accuracy.</p>

**5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Consideration**



Rep ref.	Q.No	Question Summary	Interested Party Response	Applicant Response
LCC REP5-052	Q3.5.2	<p>Financial contribution to Lincolnshire Fire Service: In response to my further written question 2.5.4 Lincolnshire County Council (LCC) have provided further detail of the matters a section 106 legal agreement should secure in respect of a financial contribution towards Battery Energy Storage System Management. The figures and justification are based around a daily rate. LCC should submit the justification or detail as to how the figure for the daily rate of £765 is calculated or justified.</p>	<ul style="list-style-type: none"> <li>- The Council has adopted a generic charge out rate of £90 per hour so this figure has been used to calculate the working day for reviewing the information and undertaking the necessary work to review the BESS. This hourly rate includes the associated additional costs as well as the salary for undertaking this work.</li> <li>- A minimum of one middle manager will be assigned to work on any Battery Energy Storage System application. Due to the technical nature of the work, we have built in resilience to the process, and wherever possible we will have 2 managers working on the applications and details. The hourly rate will cover on-costs, e.g. pension contributions, NI etc.</li> <li>- All work will be signed off by the department head which will then require dedicated time for the senior manager to engage, review and sign off the completed work.</li> <li>- Due to the technical nature of the work, there may on occasions a requirement to commission work to support sign off of technical elements.</li> <li>- Site visits will be required and have therefore factored in fuel and vehicle costs.</li> </ul>	<p>Following discussions with LCC, the Applicant has provided protective provisions for the benefit of Lincolnshire Fire and Rescue service at Part 13 of Schedule 15 of the draft DCO. The form of these protective provisions is similar to that included for the benefit of the East of England Ambulance Service Trust in Part 10 of Schedule 15 of the Longfield Solar Farm Order 2023. Agreement between the Applicant and LCC is recorded in the Draft Statement of Common Ground [REP5-014] submitted at Deadline 5 and the final version submitted at Deadline 6.</p>



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			<p>- Our operational crews require updating, will complete site visits and time will be taken to ensure local level response is tailored and updated.</p>	
<p>Ms Emma Hill            REP5-068            Mr Nick Hill            REP5-081</p>	<p>Q3.5.3</p>	<p>Nicholas Hill and Emma Hill - In Response to my Further written question 2.5.6 Nick and Emma Hill provided a letter [REP4-073 and 074] suggesting a wayleave or a lease of the land. Explain why these options would not fulfil your requirements for the scheme given that it is suggested it is for a temporary period (albeit 60 years) and why a permanent easement is necessary. Furthermore, detail the alternatives that you have explored to Compulsory Acquisition (CA) of rights, including investigating alternative nearby parcels of land and why this does not resolve your need to CA rights of this land.</p>	<p>It is noted in the Change Request applied to the ExA by the Applicant that accommodation is being made for the development potential for EDF at its' Cottam site and Bassetlaw District Council in relation to possible regeneration of the area. However, it is noted that, this same accommodation cannot be afforded Nick and Emma Hill. They have repeatedly advised the Applicants that they wish to develop their farm business and have many plans for future use but the Applicant still seeks to use their land for the Gate Burton Scheme (GBS).</p> <p>Tillbridge Solar are investigating land adjacent to Nick and Emma Hill's land, therefore, it seems there is capacity for alternative land to be utilised to meet the Applicants proposed needs. Notices re land ownership have been placed near land next to Nick and Emma Hill's field in Marton by Tillbridge Solar.</p> <p>Notwithstanding the above, Nick and Emma Hill, wish to develop their farming business and due to the uncertainty caused by the proposed four NSIP Projects are in the position now that they are holding back business investment. They no longer feel confident to invest. This in turn means that the business is not growing and so their company is being held back and</p>	<p>The Applicant agrees that amendments were made to the Order limits through a change request submitted at Deadline 4. As outlined in the Change Request and Consultation Report <b>[Document 8.24]</b>, the Order limits were amended to accommodate feedback received from more than one statutory undertaker during Examination. Not only did these changes minimise potential conflict with existing assets and potential plans for the Cottam Power Station site but they also maximised compliance with policy in the draft Bassetlaw Local Plan and increased the chance that land can be obtained by negotiation rather than using compulsory acquisition powers.</p> <p>Regarding Mr and Ms Hill's land, the Applicant has recently completed an Options Report <b>[Document 8.29]</b> as part of their Deadline 5 submission. The report was prepared to provide information on the potential options for the grid connection routing, in the area south of Marton in Lincolnshire, that have been considered by the Applicant in the development of Gate Burton Energy Park (the Scheme). Within this report five route options were considered. Options 1 and 2 can be delivered within the existing Order limits and involve the installation of an underground cable through Mr and Ms Hill's land. Options 3, 4 and 5 explored the potential for routing the connection north or south of the Order</p>



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			<p>damaged as a consequence as is their potential turnover and profits.</p> <p>In addition to the above, Low Carbon is now considering a lease agreement with Nick and Emma Hill via their representatives at Gately Hamer in e-mail correspondence dated 31st October 2023. However and in contrast, in e-mail correspondence dated the 7th November 2023 from Bruton Knowles, representatives of IGP, they state they are seeking an easement agreement only. This difference in approach by the Companies and so the Applicants, means that Nick and Emma Hill are confused and distressed by the level of contradiction in the Companies approaches, all at a time they are experiencing a personal family tragedy.</p> <p>Also, they are being pressurised to use a Land Agent. It is apparent that the Land Agents receive commission/payment for a successful contract being agreed between the land owners and Applicant so questions of impartiality are raised here. It is arguable that land owners or those with interests in land that are effected by the Gate Burton Scheme (GBS) have been unduly influenced in the first instance by the Applicants representatives (as it has come to light that these representatives have stated to land owners that land will be compulsory purchased anyway once the GBS gets approval) and also, in the second instance, when Land Agents are engaged to agree Heads of Terms with the land owner (or</p>	<p>limits to relocate the underground cable to areas of land owned by other parties.</p> <p>The Options Report concluded that amending the grid connection routing to avoid Mr and Ms Hill's land (Options 3, 4 and 5) would not provide a better option. Initial discussions with landowners directly north and south of the Order limits indicated that there would be objections to the voluntary acquisition of rights so unlike EDF's land would not increase the chance that land could be obtained by negotiation. The number of landowners associated with Options 3, 4 and 5, when compared with Options 1 and 2, meant that in the event voluntary agreements could not be reached then compulsory acquisition powers would be required for more than one landowner. Given the phase of the Scheme, a change to the Order limits would mean far less opportunities for newly impacted landowners to comment on the grid connection routing than those consulted earlier in the process. The report also found Options 1 and 2 to be better from an environmental perspective.</p> <p>As there were no clear benefits to Options 3, 4 and 5 over Options 1 and 2, the Applicant decided not to amend the Order limits to incorporate any of these options. Option 2 proposes to construct the cables around Mr and Ms Hill's planned agricultural barns and therefore avoids the potential impacts on the permitted agricultural barns. The technical teams working across the four projects (Gate Burton Energy Park, Cottam Solar Project, West Burton</p>



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			<p>those with interests in the required land) as the Land Agents role is not impartial due to payment received in lieu of an Agreement.</p> <p>Lastly, when Nick and Emma Hill purchased the said land at auction, there were no details in relation to the cable route in the legal pack or in solicitors' searches to inform them of these potential proposals.</p>	<p>Solar Project and Tillbridge Solar Project) have confirmed that there is sufficient space to implement this option and the routeing is subject to ongoing discussion with Mr and Ms Hill.</p> <p>The Tillbridge application has not yet been submitted so the Gate Burton Energy project is not aware of the final Order limits for that project. However, the Tillbridge application is being submitted approximately a year after the Gate Burton application and the developer may wish to secure additional flexibility to deliver their cable route or decide to take an alternative route in this area. This decision would be for the Tillbridge Applicant and a decision taken about the Order limits on that project does not indicate that the Gate Burton Energy Park should change their Order limits or cable routing.</p> <p>Whilst it is understood that Mr and Ms Hill's land is currently used for agricultural purposes, the Applicant is continuing to seek further information on plans for their farming business outside of the DCO process. This will enable the Applicant to better understand potential mitigation options during detailed design. The Applicant will endeavour to work alongside Mr and Ms Hill and, where practicable, design the construction works so that they have a reduced impact. It is worth noting that the Scheme does not prohibit agricultural activities. Once the cable has been installed, the land will be returned to Mr and Ms Hill to continue their agricultural activities. Should there be any losses</p>



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				<p>incurred due to the construction of the Scheme, the Applicant will cover all reasonably incurred losses and follow the "Compensation Code". This allows for disturbance claims to be submitted, allowing for losses that arise directly and as a natural and reasonable consequence of the works. Should the works result in crop loss for example, then reasonable costs could be considered as part of a compensation claim.</p> <p>As noted in Mr and Ms Hill's response, the Applicant is looking to accommodate Mr and Ms Hill and the Applicant and Mr and Ms Hill are engaged in discussions regarding terms for an option for lease. Whilst the four developers are collaborating, the Applicant is not involved in land negotiations between Mr and Ms Hill and IGP and cannot comment on these negotiations.</p> <p>Regarding Mr and Ms Hill's statement around Land Agents, the Applicant has had regard to the Compulsory Purchase Process and the Crichel Down Rules Guidance Note. Included in Paragraph 84 is the statement "Acquiring authorities should encourage claimants to seek professional advice in relation to their compensation claim". In line with this advice, the Applicant has encouraged landowners to seek professional advice and agreed to pay reasonable professional costs to advise landowners on the DCO process and the technical and commercial considerations of any agreements where this advice has been sought.</p>



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				<p>In preparation for this application, and throughout the submission and examination process, the Applicant has always had in mind the Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land. Especially Paragraph 26 which states “Applicants should consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan for compulsory acquisition at the same time as conducting negotiations. Making clear during pre-application consultation that compulsory acquisition will, if necessary, be sought in an order will help to make the seriousness of the applicant’s intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations”.</p> <p>In response to Mr and Ms Hill’s final point, the Applicant can confirm that the due diligence and searches undertaken by their solicitor should have picked up the proposals for Gate Burton Energy Park. The Scheme was in the public domain when the land was sold (November 2022) and had been through two statutory consultation periods.</p>





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7000 Acres REP5-063	Q3.5.3	Nick and Emma Hill provided a letter [REP4-073 and 074] suggesting a wayleave or a lease of the land. Explain why these options would not fulfil your requirements for the scheme given that it is suggested it is for a temporary period (albeit 60 years) and why a permanent easement is necessary. Furthermore, detail the alternatives that you have explored to Compulsory Acquisition (CA) of rights, including investigating alternative nearby parcels of land and why this does not resolve your need to CA rights of this land.	<p>It is noted in the Change Request applied to the ExA by the Applicant that accommodation is being made for the development potential for EDF at its' Cottam site and Bassetlaw District Council in relation to possible regeneration of the area. However, it is noted that, this same accommodation cannot be afforded Nick and Emma Hill. They have repeatedly advised the Applicants that they wish to develop their farm business and have many plans for future use but the Applicant still seeks to use their land for the Gate Burton Scheme (GBS).</p> <p>Tillbridge Solar are investigating land adjacent to Nick and Emma Hill's land, therefore, it seems there is capacity for alternative land to be utilised to meet the Applicants proposed needs for the Gate Burton Scheme. Notices re land ownership have been placed near land next to Nick and Emma Hill's field in Marton by Tillbridge Solar.</p>	Please see response above.
<b>4. Draft Development Consent Order</b>				
NCC REP5-054	Q3.6.4	<p><b>Schedules 4, 5, 6, 7, and 8</b></p> <p>In relation to the Change Request version of the draft DCO [CR1-016] comment on the proposed additional provisions for streets, works and regulations added to Schedules 4 (Streets Subject to Street Works), 5 (Alteration of Streets), 6 (Streets and Public Rights of</p>	Nottinghamshire County Council is satisfied with the principle and content of the changes, noting that any temporary restrictions on and closures to the public highway / rights of way network will need to be agreed with the Highway Authority prior to their implementation.	Nottinghamshire County Council has confirmed (as set out in the final Statement of Common Ground submitted at Deadline 6 ( <b>document 4.3B</b> )) that it is content with the Applicant's proposed changes to the Order limits, the rationale for the changes and the information provided.



Rep ref.	Q.No	Question Summary	Interested Party Response	Applicant Response
		Way), 7 (Permanent Means of Access to Works), and 8 (Traffic Regulation Measures) and confirm whether you are content that these cover all necessary matters for these streets and works in respect of the effects resultant from the Change Request.		
<b>5. Historic Environment</b>				
NCC REP5-054	Q3.7.1	<p><b>Updated Archaeological Mitigation Strategy:</b></p> <p>Given that the Archaeological Mitigation Strategy has been updated at the Change Request (in particular see Part 2 related to Grid Connection Corridor [CR1-032] will Historic England, Bassetlaw District Council and Nottinghamshire County Council confirm that they are still satisfied that the AMS is acceptable and fulfils its aims and addresses any additional impacts resultant from the extension of the Order lands.</p>	<p>Nottinghamshire County Council was not party to the original development of the AMS, as this was undertaken by Lincolnshire CC as part of their advice to Bassetlaw DC. Some aspects of the archaeological evaluation process look a little “light”, in terms of the placing and overall amount of evaluation trenching, but the range of mitigation processes proposed appears generally fit for purpose. County Council archaeological officers prefer not to use the term "watching brief" as it has historical connotations of archaeologists watching the destruction of archaeological remains with only scant recording of the features briefly observed.</p> <p>Within the updated AMS there are provisions for preservation in situ by avoiding areas of sensitivity within the development. The County Council has seen recent NSIPs which recommend the use of ground anchors for PV arrays and indicate this is an industry approved method of protecting archaeology if the archaeology is within 20cm of the current</p>	<p>As stated in response to Q1.6.36 of the <b>Applicants Response to Interested Party Submissions at Deadline 2 [REP3-029]</b>, consultation was undertaken with Bassetlaw District Council (on behalf of Nottinghamshire County Council) and Lincolnshire County Council (the Archaeological Advisors to the Local Planning Authorities) which was agreed during consultation undertaken in October – December 2021. Nottinghamshire County Council will be consulted directly (rather than via Bassetlaw District Council on their behalf) regarding the implementation of the archaeological mitigation strategy following consent of the DCO.</p> <p>The scope of evaluation and mitigation strategies, including the trial trenching and watching brief, was agreed in consultation with the Archaeological Advisors to the Local Planning Authorities. The scope of the watching brief is set out in the Archaeological Mitigation Strategy Part 2 and will be undertaken in accordance with the Chartered Institute for Archaeologists Guidance for an archaeological watching brief (CIfA 2020).</p>



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			<p>ground surface. This is disputed. If there has been insufficient archaeological evaluation, there may well be sites, including those of human burials, where the remains will be unknown and potentially far less than 20cm deep.</p> <p>The updated AMS covers monitoring of work, with the opportunity to increase archaeological involvement if uncovered remains so indicate. The success of this approach will depend very much on County curatorial concerns being properly considered in a timely fashion. While Lincolnshire County Council currently provide curatorial advice for Bassetlaw DC, Nottinghamshire County Council remains the overall curator for the County of Nottinghamshire's archaeology and should therefore be included in relevant consultations going forward.</p>	<p>The scope for preservation in-situ is set out in the Archaeological Mitigation Strategy and this clearly sets out that during construction and operation, these sites will not be used for any construction or operation related activities. Protective fencing will be installed around the perimeter of the archaeological mitigation site prior to the preliminary and main works construction stages to prevent accidental damage during the works. There is no recommendation for the use of ground anchors for PV arrays as a mitigation strategy.</p> <p>As stated in response to Q3.7.1 of the Applicant's Response to the ExQ3 further trial trenching has been undertaken in the area added to the Order limits as part of the Change Request. A total of five trenches were excavated and the results are provided in the updated Appendix 7-E Archaeological Trial Trenching Evaluation Fieldwork Report submitted at Deadline 5.</p> <p>Following completion of the trial trenching, further consultation was undertaken with Historic England and the previously agreed Archaeological Advisors to the Local Planning Authorities to agree appropriate mitigation strategies. Both Historic England and the Archaeological Advisors to the Local Planning Authorities agreed to a watching brief during construction activities within the extended Order limits. In addition, Historic England have agreed to a 20m buffer zone along the northern boundary of the Scheduled Monument Fleet Plantation moated site (NHLE 1008594). No construction activities will be undertaken within this</p>



Rep ref.	Q.No	Question Summary	Interested Party Response	Applicant Response
				buffer zone. These mitigation strategies have been set out in the updated Appendix 7.6 Archaeological Mitigation Strategy Part 2 Grid Connection Corridor submitted at Deadline 5.
<b>6. Human Health and Wellbeing</b>				
7000 Acres REP5-063	Q3.8.1	<p>Health Impact Assessment:</p> <p>1) Why have you not undertaken and submitted a Health Impact assessment (HIA)?</p> <p>2) If you consider one is not necessary or required, please explain and justify why you have reached this conclusion.</p>	<p>We believe that a Health Impact Assessment should have been requested for the following reasons and that their guidance should have been taken from the following 2 documents:</p> <p>Health and Environmental Impact Assessment: A Briefing for Public Health Teams in England July 2017 PHE</p> <p>Health Impact Assessment in spatial planning: A guide for local authority public health and planning teams October 2020 PHE</p> <p>We feel Lincolnshire Public Health should have been fully engaged for the following reasons. Local knowledge is important to understand and this should be incorporated and linked to the Environmental Impact statement outlining the health issues that exists in the area that will be impacted. A desktop review is not satisfactory, and understanding a broad depth of current quantitative data is essential. The only way to find out whether or not health will affect the population in the impact area, is to ask the relevant questions through a well thought out meaningful survey. The new Integrated Care Board (NHS) should have been consulted as they hold intelligence on health and could direct the applicant of</p>	<p>Please refer to the Applicant's detailed response to question Q3.8.1 in the <b>Applicants Response to the ExQ3 [REP5-047]</b> submitted at Deadline 5 which explains that a Health Impact Assessment has been completed and describes the methodology that was followed. This methodology was agreed in the <b>Scoping Opinion [APP-110]</b>.</p>



Rep ref.	Q.No	Question Summary	Interested Party Response	Applicant Response
			<p>potential health inequalities. The open forum has identified how this and the other schemes could potentially worsen mental health in the community.</p> <p>We maintain that these projects should have been seen as one, as there is a cumulative impact effect on health and wellbeing that needs to be considered. As four separate single schemes, this potentially negates an assessment, however as one scheme, this would definitely prompt one due to scale and potential impacts on people.</p> <p>The main focus of the Health Impact Assessment is to reduce health inequalities, and more importantly these schemes do not impact the NHS Core20Plus5, and by doing this, deprived areas such as in Gainsborough would have been identified. By not doing this assessment, demonstrates the applicant's inability to clearly understand how the project will not improve health and wellbeing in a rural community. Rural issues are not clearly understood and the methodologies used do not demonstrate this. This assessment would integrate local health and wellbeing needs and priorities into the plan for better decision making by putting people at the heart of the process.</p> <p>A good example, where there is failing by the applicant, is in the Equality Impact Assessment, where there was an attempt to engage with a hard-to-reach group e.g. the</p>	



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			<p>Traveller Community, where they wrote to the Lincolnshire Gypsy Liaison Group requesting engagement. As they did not receive a response (others included Youth Connect, Age UK, Lincoln Lindsey Blind Society), the applicant felt they had executed their duty. We maintain this was not adequate engagement. If a Health Impact Assessment had been part of the process, then Public Health and the NHS would have provided data showing potential issues. In fact, West Lindsey have a document from 2014 PRCC.47 13/14 Subject: Gypsy and Traveller Accommodation Assessment with a consultant report detailing the issues the Traveller Community face in our community. Knowing about the Traveller site at Odder, who by the way were not consulted as being too far away from this and the other schemes, could have identified that this site is at real risk during flooding as demonstrated in the recent storms, as their permanent site is on the banks of the River Till. Where is the consideration for this group when it comes to mitigation around flooding? This could have potential health risks. We know that the applicant did not consult with the Lincolnshire Director of Public Health.</p>	
7000 Acres REP5-063	Q3.8.2	<p><b>Rapid Health Impact Assessment Matrix (HUDU):</b></p> <p>7000 Acres raise concern that The Rapid Health Impact Assessment Matrix Tool (HUDU) applies only to urban areas. Please expand on your justification for it forming the basis of</p>	<p>The applicant did mention the WHIASU Quality Assurance Framework. Given this, there has been no attempt to subject their health and wellbeing assessment using their matrix. In this document, they reference Governance around the Health Impact Assessment and the rights of people to participate in major decisions that</p>	<p>As stated within the response to Q3.8.1 within the <b>Applicant's Response to the ExQ3 [REP5-047]</b> in regard to the contention that the HUDU guidance is suitable only for urban contexts, the Applicant respectfully disagrees with this on the basis of the Tool being widely applied in England in a range of development contexts, rural and urban. Most pertinently given the location of the Scheme</p>



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		the approach adopted to assess impacts on health in Chapter 14 of the ES as identified at paragraph 14.6.3 [APP-023].	affect their lives. We don't think this has been clearly understood.	within Bassetlaw, the checklist within NCC'S Spatial Planning and Health Framework, which reflects the Tool, makes no distinction on where it can and cannot be applied stating only that "developers should utilise the checklist when assessing development proposals and plans". The North Northamptonshire Joint Planning and Development Unit also released a Northamptonshire Rapid Health Impact Assessment Tool for Planning in August 2019, which states that "this Rapid Health Impact Assessment (HIA) tool has been produced to enable an assessment of the likely health impacts of spatial planning related proposals- including specific development proposals or planning applications".
7000 Acres REP5-063	Q3.8.3	<p>Deprivation in Gainsborough wards</p> <p>1) Concerns have been expressed with regard to Deprivation in two neighbouring wards in Gainsborough being excluded as these may be affected by the Proposed Development. Explain the basis on which these Wards were excluded given their geographical proximity</p> <p>2) Is further mitigation required to address potential impacts from the Proposed development.</p> <p>a) If yes identify the mitigation and confirm how secured;</p> <p>b) If no explain why not.</p>	<p>In understanding the issues around the 2 wards with significant deprivation, the applicant needs to understand the most significant mosaic profiles of these 2 wards. They need to identify the health needs and priorities first to understand how their scheme will impact on them.</p> <p>These 2 wards have issues around alcohol, high movement of people into and out of these wards, increased family needs, a high disconnect with the youth, increase renting, low employment, many single parents, or living alone, no child care, reduced home ownership and a real concern around lower life and health life expectancy in both males and females as compared with the rest of West Lindsey.</p>	<p>As stated within the response to Q3.8.3 within the <b>Applicant's Response to the ExQ3 [REP5-047]</b> the Study Areas are based on the extent and characteristics of the Scheme and the communities/wards directly and indirectly affected by the Scheme. Based on this, it is determined that Human Health impacts are likely to occur in an area which is composed of the following five wards:</p> <ul style="list-style-type: none"> <li>• Rampton and Sturton wards in Bassetlaw District; and</li> <li>• Lea, Stow and Torksey wards in the West Lindsey District.</li> </ul> <p>These five wards have been stated as the Study Area for the Human Health and Wellbeing assessment as these are likely to experience direct impacts from the proposed Scheme, being located within the planned footprint of the development.</p>



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				<p>Impacts that occur beyond this are also addressed within the assessment itself, as the Human Health and Wellbeing assessment draws upon the findings of supporting chapters to inform its conclusions.</p> <p>These chapters have their own Study Areas for their own individual assessments, which vary in their extent. Each chapter also sets out mitigation measures relevant to their individual disciplines, such as management plans. Each of these chapters also includes a baseline analysis section, which includes a review of the existing surrounding area.</p> <p>As stated in paragraph 14.9.1 of Chapter 14 of the ES, "Embedded mitigation measures are incorporated and secured into the Scheme as set out in the respective ES chapters to reduce other construction, operational and decommissioning effects, such as noise and vibration, air quality, transport and access and socio-economics and land use". This will in turn mitigate the effects on the local community and existing facilities from a Human Health and Wellbeing perspective.</p> <p>In terms of disruption during the construction and operational phase and in recognition of the potential for impacts on mental health that could arise from activities on site, and surroundings, there are measures set out in the <b>Framework CEMP [REP4-036]</b>, <b>Framework OEMP [REP2-035]</b> and <b>Framework DEMP [REP4-037]</b> to reduce</p>





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				<p>or avoid human health and wellbeing related impacts during the construction and operational phase, respectively.</p> <p>The Applicant will work with the Local Authorities to ensure that the local community is affected as little as possible, whether that be targeting contractors with social value commitments during construction or wider community benefit initiatives.</p>
7000 Acres REP5-063	Q3.8.4	<p><b>Human Health Impacts:</b>            Explain and justify the 500m buffer incorporated in the Assessment of impacts on health and wellbeing including on the potential for cumulative effects and people moving through the area rather than static receptors.</p>	<p>We do not understand the 500m buffer around human health. This needs an explanation. If this is around the buffer to mitigate against noise, air pollution, please see the Written Representation on Noise and Light pollution which are both health hazards.</p> <p>Our main concern is the impact over the operator's life cycle and its effect on human health and wellbeing. People come as tourists to this area to get away from busy cities to enjoy the countryside and improve their mental and physical health. This definitely will have an impact on those businesses who rely on tourists, with consequences to the owners and their income (which then has an effect on their mental and physical health).</p> <p>No buffer can mitigate against the impact on Human Health and Wellbeing. This is well documented in the Written Representation Human Health and Wellbeing 7000 Acres.</p>	<p>Please refer to the detailed response to Q3.8.4 within the <b>Applicant's Response to the ExQ3 [REP5-047]</b> which explains that the <b>Human Health and Wellbeing assessment [APP-023]</b> draws upon the findings of supporting chapters to inform its conclusions. These chapters have their own Study Areas for their own individual assessments, including the cumulative assessments. As stated in para 14.12.10 "500m" was referred to in relation to the cumulative noise assessment and states that <i>"based on professional judgement, at distances of greater than 500m, any interaction of noise emissions from multiple developments would be attenuated and so normally no combined effect. The precise scale of noise effects will depend on works taking place at any one time, however, mitigation measures presented in the Framework Construction Environmental Management Plan (CEMP) [EN010131/APP/7.3] and Decommissioning Environmental Management Plan (DEMP) [EN010131/APP/7.5] seek to minimise this as far as possible."</i></p> <p>In terms of the impact of the Scheme on tourism, please refer to Appendix A of the <b>Applicants</b></p>



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				<b>Response to Deadline 4 submissions [REP5-046]</b> which provides an assessment of tourism. The Assessment concludes that the effect of the Gate Burton Scheme on tourism is not significant.
<b>7. Traffic and Transport</b>				
NCC REP5-054	Q3.13.1	<b>Framework Construction Transport Management Plan (FCTMP) redesign of accesses:</b> NCC confirm whether they are satisfied with the changes to the FCTMP regarding the proposed approach to redesign of retained accesses for operation of the Proposed Development along the Grid Connection Corridor including the list of accesses to which it relates as set out at paragraph 6.3.3 and 6.3.4 of the FCTMP part 1.	Nottinghamshire County Council is satisfied with the principle and content of the changes within the FCTMP.	Noted.
LCC REP5-052	Q3.13.4	Appendix D to the Joint Report on Interrelationships between NSIPs Comment on Appendix D (Cumulative Impacts on Traffic Technical Note) to the Joint Report on Interrelationships between NSIPs [REP4-050] including on its approach and conclusions.	In respect of the Glenworth oil site permission has not yet been issued as completion of a Section 106 and 278 Agreements is still outstanding but are expected to be completed soon. In respect of the section on the shared grid corridor there is an indication that further work on this can be undertaken post examination. Some clarification on the mechanism as to how this is expected to be captured and secured once the examination is completed is required to give confidence this can be achieved.	With regard to the Glenworth oil site permission, the Appendix D Cumulative Traffic Note which is appended to the <b>Interrelationships Report [REP5-042]</b> states <i>'there is considered to be no overlap between the transport study areas for the Gate Burton Energy Park and the Glenworth Oil Extraction Site which is situated circa. 5km to the east of the Gate Burton Energy Park. Therefore, no cumulative effects are expected across the highway network within the Gate Burton Energy Park study area as a result of the Glenworth Oil Extraction Site. For completeness, the A15 and A631 (outwith the study area) have also been reviewed given that additional construction vehicle trips are expected on these parts of the network as</i>



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				<i>a result of both schemes. The results show that the cumulative traffic flows fall well below the 30% impact threshold defined by Rule 1 of the IEMA Guidelines for non-sensitive receptors. Therefore, the cumulative effects are considered to be not significant and the findings of Chapter 13: Transport and Access of the Gate Burton Energy Park ES remain unchanged'.</i>
NCC REP5-054	Q3.13.4	Appendix D to the Joint Report on Interrelationships between NSIPs Comment on Appendix D (Cumulative Impacts on Traffic Technical Note) to the Joint Report on Interrelationships between NSIPs [REP4-050] including on its approach and conclusions.	NCC concur with the conclusion of the report contained within Appendix D. The considered cumulative impacts of the developments fall well below the 30% threshold defined under Rule 1 of the IEMA, and consequently are not considered significant. We welcome the co-operation agreement between the promoters of the four solar projects and their commitment to joint working to minimise disruption on the local highway through the use shared access points and cable corridors.	Noted with thanks.
WLDC REP5-058	Q3.13.4	Same as above.	See WLDCs response to the Joint Report on Interrelationships in Table 3-1.	See Applicant response in Table 3-1.
<b>8. Agricultural land and soils</b>				
LCC REP5-052	Q3.12.2	In the email from Lincolnshire County Council dated 4 October 2023 [REP4-053] at the 4th paragraph of the quoted comments it states "It should be captured by an appropriately worded P<requirement and possibly by Section 106 Agreement to provide a level of certainty that this will be done." In relation to soil testing and	<ol style="list-style-type: none"> <li>1) Yes it does meet the requirements</li> <li>2) Consider that if the soil management plan is approved and implemented then this will meet the thrust of these concerns.</li> <li>3) A S106 agreement would be legally enforceable against both the landowner and the operator and any future owner. It would give the Relevant Planning Authority additional security and confidence that the site would be</li> </ol>	<p>The Applicant welcomes LCC's confirmation that Requirement 17 satisfies its concerns.</p> <p>The Applicant does not consider a separate s106 agreement to be necessary. Breach of a DCO requirement is a criminal offence pursuant to section 161 of the Planning Act 2008 and therefore compliance with the soil management plan is already appropriately secured by its inclusion in the</p>



Rep ref.	Q.No	Question Summary	Interested Party Response	Applicant Response
		<p>restoration of soils. 1) Do you consider that requirement 17 in relation to soil management fulfils this suggestion? 2) If not explain why not and how it could be amended to capture any shortfall. 3) Is it being suggested that a legal agreement is required as well as the requirement and if so, what is it expected that agreement would capture and secure? Explain why this would not be duplication with the Requirement.</p>	<p>operated and restored in line with the plan, even though the timescales are long term.</p>	<p>requirements at Schedule 2 of the DCO. There are clearly drafted provisions requiring the plan to be approved by the relevant LPA(s) at different intervals, namely for construction, operation and decommissioning. Following which, the DCO requirement legally obliges the Applicant to carry out construction, operational and decommissioning works in accordance with the relevant approved soil management plan and for the plan to be maintained during operation. A section 106 agreement would serve no additional useful purpose and is not necessary to make the development acceptable in planning terms.</p>



### 3. Table 3-1: Applicant Responses Representations Submitted at Deadline 5

Rep Ref	Summary	Applicant Response
<b>1. Land use and agricultural land</b>		
REP5-056	Queries whether that where 'other available land' may be referred to for each landowner to carry out agricultural activities elsewhere, is the other available land being used for agricultural purposes or is it potentially earmarked for use by other solar projects?	<p>The Applicant does not fully understand the question or what document the interested party is referring to (the Applicant notes that the title of the representation refers to the interrelationship report, but the question is about agricultural land).</p> <p>It is not for the Applicant to comment on the use of landowners' land beyond the Scheme itself. The Applicant is also unable to predict how landowners will use their land in the future. The Applicant refers to its Technical Note: Further Information on Agricultural Land [REP2-046] which provides that the proposed solar schemes (NSIP and T CPA) take up a minimal percentage of the total available Best and Most Versatile agricultural land in Lincolnshire, even if all of them are consented and built.</p>
<b>2. Joint Report on Interrelationships</b>		
WLDC REP5-057	<p><b>General Comments</b></p> <p>WLDC remain unclear as to the purpose and status of this document.</p> <p>The document is neither constituted further environmental information (submitted under the EIA regulations) and nor is it a document to be secured through a DCO 'requirement'. It is also not currently a document to be certified in the DCO.</p> <p>As a consequence, the document has very limited standing and its contents and commitments are not secured or binding upon the applicant.</p> <p>The document serves as a useful reporting of the cumulative impacts and conclusions reached by each scheme in their</p>	<p>As stated within the Interrelationships Report, the purpose of the report is to provide information on the interrelationships between the Gate Burton Energy Park, Cottam Solar Project, West Burton Solar Project and Tillbridge Solar Project to inform decision-making on the Development Consent Order (DCO) applications for the four projects. An initial version of this Report was prepared to address a request from the Examining Authority (ExA) in the Examination of the application to develop the Gate Burton Energy Park (the "Gate Burton scheme"). Annex G of the Rule 6 letter (issued on 31 May 2023) on the Gate Burton scheme set out a list of additional information that the ExA required to assess the interrelationship between Gate Burton scheme and other Nationally Significant Infrastructure Projects (NSIPs). Annex C of the Rule 6 letter identified five proposed NSIP schemes which are located close to the Gate Burton scheme, being</p>



Rep Ref	Summary	Applicant Response
	<p>respective Environmental Statements, however this in itself serves to demonstrate the inconsistencies in approach and the lack of clarity over the likely impacts local residents and other receptors would experience should the all the projects be implemented.</p> <p>The report also demonstrates that the respective Environmental Statements have not assessed the potential combinations or scenarios. This results in an absence of such information to enable a consideration of all cumulative scenarios.</p> <p>It is unclear why is it decided that there 'no' potential for cumulative effects – especially for Fosse Green (7km to West Burton scheme). Rationale is provided for One Earth Solar Farm which is nearby, and makes sense for schemes further away or already constructed to be scoped out, but no detail ruling out Fosse Green. WLDC is unclear as to how a definitive conclusion that there are 'no' cumulative impacts has been reached. • This table is labelled as Table 1.4 but referred to in the text as Table 1.2 and is the second table in the chapter. This typo should be amended to avoid confusion.</p> <p>There appears to be two tables labelled Table 1.3. This typo should be amended to avoid confusion.</p>	<p>Cottam Solar Project, Tillbridge Solar Project, West Burton Solar Project, Heckington Fen Solar Park and Mallard Pass Solar Project.</p> <p>Please refer to the detailed response to Q3.1.3 within the <b>Applicants Response to the ExQ3 [REP5-047]</b> which explains why considering varying combinations is unnecessary as an assessment which considers the worst case scenario has been carried out. This presented the worst case cumulative effects of Gate Burton, Cottam, West Burton and Tillbridge, together with the other schemes identified within <b>ES Appendix 16-A [APP-181]</b>. Any other scenario (e.g. if one or more schemes did not come forward) described in Scenarios 1 to 6 by WLDC would result in effects which are equal to or less than the worst case scenario presented.</p> <p>The table references have been corrected in the version that was submitted at Deadline 5.</p>
<p>WLDC REP5-057</p>	<p><b>Approach taken to coordinate between the projects</b></p> <ul style="list-style-type: none"> <li>- WLDC notes that the respective Environmental Statements reach different conclusions. It is for this reason that WLDC's position has been, and remains, that a thorough examination of the likely cumulative impacts is required in order to understand the likely cumulative impacts (including combinations)</li> <li>- WLDC also notes that there are different topics included in the respective Environmental Statements (e.g. the inclusion of tourism within the Cottam and West Burton</li> </ul>	<p>Please refer to the detailed response to Q3.1.3 within the <b>Applicants Response to the ExQ3 [REP5-047]</b> which explains why considering varying combinations is unnecessary as an assessment which considers the worst case scenario has been carried out. This presented the worst case cumulative effects of Gate Burton, Cottam, West Burton and Tillbridge, together with the other schemes identified within <b>ES Appendix 16-A [APP-181]</b>. Any other scenario (e.g. if one or more schemes did not come forward) described in Scenarios 1 to 6 by WLDC would result in effects which are equal to or less than the worst case scenario presented.</p> <p>In terms of tourism, please refer to Appendix A of the <b>Applicants Response to Deadline 4 submissions [REP5-046]</b> which provides an assessment of tourism. The</p>



Rep Ref	Summary	Applicant Response
	<p>assessments but has not been assessed within the Gate Burton assessment.).</p>	<p>Assessment concludes that the effect of the Gate Burton Scheme on tourism is not significant.</p> <p>Appendix E of the Joint Interrelationships Report (<b>document 8.26</b>) sets out the conclusions of the Environmental Statements and explains why differences arise.</p>
<p>WLDC REP5-057</p>	<p><b>Shared Development Consent Order Provisions</b></p> <ul style="list-style-type: none"> <li>- This section does not appear to provide any specific commitment to working together, it only discusses the need to cooperate and act in good faith.</li> <li>- Whilst there is “An agreement to enter into a Further Agreement in due course” it is considered important to understanding the coordinated inter-relationship between schemes and needs to be provided as part of the examination.</li> </ul>	<p>Despite the heading, this comment appears to relate to the terms of the cooperation agreement at Appendix C of the Interrelationships Report, entered into between the undertakers for the Gate Burton, West Burton, Cottam and Tillbridge solar schemes. The Applicant considers the only reasonable reading of the provisions of the cooperation agreement demonstrate a clear commitment to work together to mitigate impacts. Clause 4.1 states (our emphasis):</p> <p><i>“The Parties shall cooperate with each other <b>and act reasonably and in good faith:</b></i>  <i>....</i>  <i>to mitigate adverse impacts on persons with an interest in the land affected by each of the Projects”</i></p> <p>There is therefore a commitment to act to mitigate.</p> <p>As previously noted, this level of cooperation is unusual between different developers (who are ultimately separate private commercial entities) particularly at the consent stage, and it is even more unusual for such a private agreement to be made public. This has been provided to demonstrate the commitment of the parties to working together effectively.</p> <p>In addition, protective provisions for the benefit of each party are included within the respective DCOs. These protective provisions require each undertaker to submit plans of works to the other undertakers for approval, prior to commencing specified works (i.e. works in an overlap area, within proximity or which may otherwise adversely affect apparatus of the other undertaker). Reasonable conditions may be attached to any such approval. The only reasonable reading of these provisions is a commitment to</p>





Rep Ref	Summary	Applicant Response
		working together and that will be a practical implication of each party having to coordinate plans of work.
WLDC REP5-057	<p><b>Shared Mitigation Measures in the Draft DCO</b></p> <ul style="list-style-type: none"> <li>- Whilst this section provides a summary of the construction impacts within the corridor, it does not provide any new information, or provide an approach as to how the projects would be constructed cumulatively to minimise impacts. WLDC understands that there is no certainty on consent achieved, but without any commitment in working together then the mitigation impacts are unknown.</li> <li>- Whilst there are references to the framework CTMP, there is no more commitment than what has been set out in other application documents and the draft DCO.</li> <li>- Whilst the document states that ‘the four developers are working closely together to identify further ways to collaborate and reduce impacts on communities and the environment’ there is no further evidence provided to demonstrate the nature of such ‘close working’. Even if this document were to form a DCO ‘requirement’ to secure joint working, there are not clear and firm commitment in this report to do so. WLDC notes that there is no new information provided in this section.</li> <li>- WLDC would welcome clarity on why there is no commitment from Tillbridge to adopt the same mitigation as the other schemes with regard to ecological impacts. Such commitment is made with regard to cultural heritage mitigation but none such commitment has been made here. WLDC would seek to ensure consistency of approach across all projects to address common impacts.</li> </ul>	<p>The Applicants for Gate Burton, West Burton, Cottam and Tillbridge are committed to working together to improve the schemes and reduce environmental effects. These commitments are secured via the <b>Framework CEMP [REP5-023]</b> (Requirement 12 of the draft DCO <b>[REP5-018]</b>).</p> <p>For example, as stated within Table 3-3 of the Framework CEMP <b>[REP5-023]</b> where practicable, joint mitigation will be undertaken with Cottam and West Burton solar projects within the Shared Grid Connection Corridor. The detailed CEMP(s) will outline all ecological mitigation, which will likely include combined pre-construction surveys, protected species mitigation, translocation (if required), monitoring and post construction reinstatement plans.</p> <p>Also, as stated within Table 3.8, where practicable a combined Construction Traffic Management Plan (CTMP) will be prepared that will identify combined construction traffic planning, management and mitigation measures. The opportunity to combine mitigation (including some of the above measures) for the West Burton Solar Project and Cottam Solar Project schemes will be explored to reduce cumulative impacts during the construction phase. This could include sharing the shuttle service to transport construction workers to/ from multiple sites or sharing construction compounds to consolidate trips. This is secured by Requirement 12 of the <b>draft DCO [REP5-018]</b>.</p> <p>In terms of why there is no commitment from Tillbridge to adopt the same mitigation as the other schemes with regard to ecological impacts, the Tillbridge Environmental Statement is not yet published so the mitigation measures and assessment of effects is not yet known. Once it is published, the Tillbridge Applicant will be in a position to confirm the mitigation measures adopted.</p>
WLDC REP5-057	<p><b>Cumulative Impact Assessment</b></p>	<p>Please refer to the detailed response to Q3.1.3 within the <b>Applicant’s Response to the ExQ3 [ REP5-047]</b> which explains why considering varying combinations is</p>





Rep Ref	Summary	Applicant Response
	<ul style="list-style-type: none"> <li>- The report does not address WLDCs concern regarding the cumulative assessment carried out. It does not consider the varying combinations to provide conclusions on the impacts of the Gate Burton scheme with other projects across the different scenarios.</li> <li>- WLDC contends that such an assessment is required in order for the ExA and the Secretary of State to have sufficient environmental information before them in order to determine the combinations. Such environmental information is required to enable each application to be determined with full regard to the likely cumulative impacts (including the varying scenarios) and to provide full and rational reasons for concluding whether they are acceptable or unacceptable when assessed cumulatively against policy.</li> </ul>	<p>unnecessary as an assessment which considers the worst case scenario has been carried out. This presented the worst case cumulative effects of Gate Burton, Cottam, West Burton and Tillbridge, together with the other schemes identified within <b>ES Appendix 16-A [APP-181]</b>. Any other scenario (e.g. if one or more schemes did not come forward) described in Scenarios 1 to 6 by WLDC would result in effects which are equal to or less than the worst case scenario presented.</p>
<p>WLDC REP5-057</p>	<p><b>Summary of matters coordinated between NSIPs</b></p> <ul style="list-style-type: none"> <li>- Whilst this section explains what has happened in terms of collaboration in the past and reiterates the intention to work in a proactive manner, there is no commitment expressed to continue that collaborative working through to the respective construction phases, and nor does it explain how this collaboration would occur.</li> </ul>	<p>This section is intended to provide a helpful summary of the coordinated steps the developers have taken to date. Continued collaboration and working together is secured via the cooperation agreement and the protective provisions, as set out in response above. Specifically, protective provisions for the benefit of each party are included within the respective DCOs. These protective provisions require each undertaker to submit plans of works to the other undertakers for approval, prior to commencing specified works (i.e. works in an overlap area, within proximity or which may otherwise adversely affect apparatus of the other undertaker). Reasonable conditions may be attached to any such approval. The only reasonable reading of these provisions is a commitment to working together and that will be a practical implication of each party having to coordinate plans of work.</p>
<p>WLDC REP5-057</p>	<p><b>Appendix C: Cooperation Agreement</b></p> <ul style="list-style-type: none"> <li>- WLDC considers this document to be a 'duty to cooperate' as opposed to a commitment to collaborative working.</li> <li>- WLDC is seeking information on the approach to be taken to ensure collaborative working during the</li> </ul>	<p>As noted above, the Applicant considers the only reasonable reading of the provisions of the cooperation agreement demonstrate a clear commitment to work together to mitigate adverse impacts. Clause 4.1 states (<b>our emphasis</b>):</p> <p><i>"The Parties shall cooperate with each other <b>and act</b> reasonably and in good faith:</i></p> <p>....</p>



Rep Ref	Summary	Applicant Response
	<p>construction phases, which remains absent from this document.</p>	<p><i>to mitigate adverse impacts on persons with an interest in the land affected by each of the Projects”</i></p> <p>There is therefore a commitment to act to mitigate.</p> <p>As previously noted, this level of cooperation is unusual between different developers (who are ultimately separate private commercial entities) particularly at the consent stage, and it is even more unusual for such a private agreement to be made public. This has been provided to demonstrate the commitment of the parties to working together effectively.</p> <p>It is not possible to identify the precise nature of the coordinated construction activities at this stage of the projects, when it is unknown if and when all consents will be granted and in the absence of detailed design or final decisions on procurement and contracting strategy. As such, the parties have committed to enter into a Further Cooperation Agreement and to do so as Reasonable and Prudent Developers, meaning they must do so in good faith and exercising the skill, diligence, prudence and foresight of a skilled and experienced developer.</p> <p>In addition, protective provisions for the benefit of each party are included within the respective DCOs. These protective provisions require each undertaker to submit plans of works to the other undertakers for approval, prior to commencing specified works (i.e. works in an overlap area, within proximity or which may otherwise adversely affect apparatus of the other undertaker). Reasonable conditions may be attached to any such approval. The only reasonable reading of these provisions is a commitment to working together and that will be a practical implication of each party having to coordinate plans of work.</p>
<p>WLDC REP5-057</p>	<p><b>Appendix D: Cumulative Impacts on Traffic Technical Note</b></p> <ul style="list-style-type: none"> <li>- WLDC notes that there is no new environmental information reported in this Appendix.</li> </ul>	<p>As stated within the <b>Framework CEMP [REP5-023]</b> a combined Construction Traffic Management Plan (CTMP) will be prepared that will identify combined construction traffic planning, management and mitigation measures. The opportunity to combine mitigation (including some of the above measures) for the West Burton Solar Project and Cottam Solar Project schemes will be explored in order to reduce cumulative impacts during the construction phase. This could include sharing the shuttle service to</p>



Rep Ref	Summary	Applicant Response
	<ul style="list-style-type: none"> <li>- WLDCs wishes to see an agreed approach between the developers that sets out the approach to be implemented should two or more schemes be constructed at the same time. Such an approach, process or structure remains absent.</li> <li>- WLDCs reasons for requesting clarity on a co-ordinated approach is to ensure that the impacts on construction traffic on the amenity of local residents is minimised, and so that a process that ensures effective enforcement and remedy is identified prior to the determination of the applications.</li> </ul>	<p>transport construction workers to/ from multiple sites or sharing construction compounds to consolidate trips. This is secured by Requirement 12 of the <b>draft DCO [REP5-018]</b>.</p>

<p>WLDC REP5-057</p>	<p><b>Appendix E: Review of Cumulative Effects</b></p> <ol style="list-style-type: none"> <li>1. WLDC notes there are discrepancies between Climate Change methodologies between the cumulative schemes:           <ul style="list-style-type: none"> <li>- Gate Burton does not appear to undertake a cumulative assessment for Climate Change for the reason that “it is not possible to define a study area”. However, both the Cottam and West Burton Environmental Statements do assess such impact and identify a study area.</li> </ul> </li> <li>2. WLDC notes the inconsistencies between the Cultural Heritage assessments:           <ul style="list-style-type: none"> <li>- There appears to be inconsistencies between significant effects identified in this table and in the ES. Appendix E states there will be significant (moderate adverse) cumulative effects to Roman villa west of Scampton Cliff Farm (NHLE 1005041) for West Burton and Cottam. This is inconsistent with the West Burton and Cottam ES, which claim moderate adverse impacts are only to The medieval bishop's palace and deer park, Stow Park</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>1. It is not unusual to have differences in the methodology and approach adopted within assessments, including cumulative assessments. For Cottam and West Burton the cumulative assessment concludes that there is a Major Beneficial cumulative effect in terms of Climate Change Resilience with West Burton, Cottam and Tillbridge during operation given that the combined effect of the renewable energy will serve to counter the effects of Climate Change (Chapter 7: Climate Change, section 7.11.8). However, the Gate Burton assessment concluded that it is not possible to define a study area as the global atmosphere is the receptor for climate change impacts and has the ability for holding GHG emissions; nor to undertake a cumulative effects assessment, as the identified receptor is the global climate and effects are therefore not geographically constrained. This is in accordance with IEMA guidance (Ref 6-31), which states that the effects of GHG emissions from specific cumulative projects therefore in general should not be individually assessed, as there is no basis for selecting any particular (or more than one) cumulative project that has GHG emissions for assessment over any other.</li> <li>2. Please refer to the detailed response to Q3.1.7 within the <b>Applicant’s Response to the ExQ3 [REP5-047]</b> submitted at Deadline 5 which explains the differences in conclusions regarding cumulative effects to Roman villa west of Scampton Cliff Farm (NHLE 1005041). In summary, the asset falls outside the study area for assessment in the Gate Burton <b>Cultural Heritage Environmental Statement Chapter [APP-</b></li> </ol>
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	<p>(1019229) and Thorpe medieval settlement (NHLE 1016978) respectively.</p> <ul style="list-style-type: none"> <li>- The review of Gate Burton does not mention cumulative effects on setting of designated and non-designated assets with Tillbridge. It only mentions impacts to Cottam and WB.</li> </ul> <p>3. Shows the discrepancies between the LVIA assessments in the table:      Cottam and WB claim no cumulative effects, but GB claims moderate adverse – this is inconsistent.      WLDC notes that each scheme identified different cumulative effects and Gate Burton concludes that there are no significant effects at all.</p> <p>4. There are differences in the assessed impact area – Gate Burton defines a 60 minute travel area, whereas Cottam and West Burton have assessed the combined West Lindsey and Bassetlaw district area.</p> <p>This Shows discrepancies in the socio-economic chapters and an inconsistent approach between the different solar projects.</p> <p>5. WLDC notes discrepancies between Human Health chapters:      Cottam and West Burton identify significant adverse and beneficial cumulative effects; Gate Burton and Tillbridge do not identify any significant effects.      WLDC would welcome further explanation of why these variations in approach and conclusions exist.</p> <p>6. WLDC notes discrepancies between waste chapters: •      Cottam and WB identify adverse effects, whilst Gate Burton and Tillbridge do not.      The schemes appear to adopt different methodology and level of detail for assessment.      The details considered in the Cottam and West Burton assessment are more detailed than that found in the Gate Burton assessment, with a break down of the expected</p>	<p><b>016]</b> which was agreed as appropriate with Historic England and the Local Planning Authority through the <b>Scoping Opinion [APP-111]</b></p> <p>3. The reasons for the differences are based on different scales of local landscape character areas for West Burton and the absence of local landscape character assessments for Cottam. Gate Burton does not identify significant cumulative landscape effects in landscape character areas at national, regional or district level due to their large scale, which aligns with the Cottam and West Burton assessments. However, differences occur within local landscape character areas. Cottam does not define and assess local landscape character areas. West Burton assess local landscape character areas as provided by the planning authority, which are located mainly west of the River Trent.      The Gate Burton assessment included the definition and assessment of local landscape character areas (LLCAs) as these are currently not available in landscape character assessments provided by planning authorities. These LLCA's provide a current and more defined analysis of the landscape character within the study area, and at a scale proportionate to the Order limits. It also provides an assessment of the likely significant effects on these LLCAs. Considering the local scale of these landscape character areas, cumulative landscape effects are considered moderate (significant). Cumulative visual effects are considered negligible / neutral due to the limited intervisibility between Gate Burton, West Burton and Cottam.</p> <p>4. Different approaches have been followed for cumulative socio-economics assessments for other schemes. It is not unusual to have differences in the methodology and approach adopted within assessments. The Gate Burton Scheme defined a 60 minute travel area which was agreed through the Scoping Opinion <b>[APP-111]</b>.</p> <p>5. Please refer to the response to question Q3.1.9 in the Applicants Response to the ExQ3 [REP5-047] submitted at Deadline 5 which explains why the Gate Burton waste conclusion is different compared to Cottam and West Burton. In summary, different approaches have been followed for cumulative waste assessments for Cottam and West Burton. It is not unusual to have differences in the methodology and approach adopted within cumulative assessments. For Cottam and West Burton, the assessment compared decommissioning waste quantities against current landfill capacity in Lincolnshire and Nottinghamshire which in the Applicant's</p>
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	<p>quantities of each waste material for each stage (construction, operation and decommissioning) being considered.</p>	<p>professional judgement, is an unlikely scenario because it is reasonable to assume that a form of recycling and recovery facility will be available given the length of time until the decommissioning stage. The Gate Burton assessment presented in <b>ES Chapter 15 [APP-024]</b> is based on the assumption that specialist regional or national facilities would be in place at the time of decommissioning, and these would be developed in response to demand generated by the UK-wide PV industry. The Applicant considers that this is a realistic worst-case assumption. Further information has been provided in the <b>Applicant Response to Rule 17 request – Waste (document 8.33) submitted at Deadline 6.</b></p>
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## 4. Table 4-1 Applicant comments on the MMO Response to the Rule 17 Request

Rep Ref	Summary	Applicant Response
MMO REP5-060	<p><b>2.1 Whether such a scenario has been considered and assessed including the potential likely environmental effects that may result and where this is addressed in the Environmental Statement.</b></p> <p>The MMO acknowledges the Applicant's submission of a Marine Environment Chapter at Deadline 4 in the Applicant Responses to Further Written Questions (Examining Authorities Questions 2) document [REP-046]. Within the Chapter the MMO notes the Applicant has stated the methodology of the drilling, or other trenchless techniques, would include measures to minimise the risk of the environment, and in addition, a site-specific hydraulic fracture (frac-out) risk assessment would be developed prior to construction following further site investigation. The MMO also recognises the HDD depth is now a minimum of 5 metres (m) below the lowest surveyed point of the riverbed.</p> <p>However, the MMO is unable to find any further mention to a scenario regarding possible problems arising during construction or operation. Therefore, the MMO has not been able to review and consult on the scenario detailed above. As requested in our Deadline 4 response, the MMO welcomes the inclusion of a methodology showing the worst-case scenario and would comment on this accordingly.</p>	<p>Please refer to the <b>Applicants response to the Rule 17 – Request for further information regarding HDD and cabling under the River Trent [REP5-049]</b> which considers the potential for issues to arise during construction or operation due to HDD.</p>



Rep Ref	Summary	Applicant Response
MMO REP5-060	<p><b>2.2 If it has not, the Applicant to provide a risk assessment along with any necessary assessment of environmental effects to the marine environment that may follow and identify any mitigation measures that would be necessary.</b></p> <p>As stated above, the MMO would welcome a risk assessment on a scenario that includes the potential for issues or problems arising during construction or operation and any mitigation measures that would be necessary.</p>	<p>Please refer to the <b>Applicants response to the Rule 17 – Request for further information regarding HDD and cabling under the River Trent [REP5-049]</b> which considers the potential for issues to arise during construction or operation due to HDD.</p>
MMO REP5-060	<p><b>2.3 Are such interventions if required covered by the Deemed Marine Licence or would further description need to be included within the DML?</b></p> <p>If such interventions are required, the MMO request that the DML be updated to include further description of the required activities as set out in Section 66 of the 2009 Act. The DML does not currently include the worst case scenario and this would enable the MMO to gain a better understanding of the licensable activities that are included in the DML.</p>	<p>The Applicant's position is that such interventions are already covered by the DML. Please see paragraphs 2.1.38 to 2.1.42 of the <b>Applicant's Response to Rule 17 - Request for further information re HDD and cabling under the River Trent [REP5-049]</b>.</p>
MMO REP5-060	<p><b>2.4 The MMO has suggested the Applicant could apply for a standard Marine Licence if the previously suggested exemption was not available at the point of construction how would this affect the Applicant's development timetable in terms of time and cost in a standard HDD operation where no incidents arose. Also if such a scenario as described above in context of failure of the drilling or cabling arose to what extent would a requirement to apply for a Marine Licence add to the delay and potential costs and would this affect the viability of the scheme.</b></p> <p>The MMO understands applying for a standard Marine Licence may incur cost and delay should Article 35 of The Marine Licensing (Exempted Activities) Order 2011 (as amended)</p>	<p>The Applicant's position is set out at paragraphs 2.1.43 to 2.1.51 of the <b>Applicant's Response to Rule 17 - Request for further information re HDD and cabling under the River Trent [REP5-049]</b>.</p>



Rep Ref	Summary	Applicant Response
	<p>change, however the Exemptions were designed to ease regulatory burden and provide scope for activities to be carried out in a streamlined way. Regarding marine licence application fees, applications are assessed and categorised into fee bands: Band 1 (Self-service), Band 2 and Band 3. The maximum fee for Band 2a is £1400 and for Band 2b is £2200. Band 3 applications have no maximum fee, instead applicants are provided with a fee estimate with a proposed number of MMO working hours at the MMO rate of £122 per hour. More information on the different bands and their fees can be found here, Marine licence fees - GOV.UK (<a href="http://www.gov.uk">www.gov.uk</a>).</p> <p>The MMO aims to make a decision on most standard Marine Licence applications within 13 weeks of an application being validated, however the MMO would highlight that each application does vary, and some can take more or less time. In addition, the MMO is unable to predict whether a marine licence application will reach a positive determination.</p> <p>As the MMO cannot predict whether or not Article 35 of The Marine Licensing (Exempted Activities) Order 2011 (as amended) will apply in the future, the MMO can only provide advice on the legislation as it is currently written, which the MMO consider the best available evidence to inform our advice. As in previous Deadline responses, the MMO has stated that should the legislation change between now and the time the works are required, the Applicant can apply for a standard marine licence.</p> <p>Any changes to Article 35 would require consultation and approval by the Secretary of State. This would allow ample time for the Applicant to apply for a standard marine licence if any changes to the borehole exemption were to occur. The MMO understands the Applicant's concern but cannot agree with</p>	





Rep Ref	Summary	Applicant Response
	<p>including an exempted activity within a DML. Exempt activities are just that, exempt.</p> <p>The proposed drafting represents a clear departure from the MCAA 2009, which would normally require the licence holder to just notify the MMO. Instead, this inclusion within the DML would move away from the current procedure.</p> <p>The wording is inconsistent with the PINS Guidance on how DMLs should operate within a DCO. Advice Note Eleven, Annex B – Marine Management Organisation   National Infrastructure Planning (<a href="http://planninginspectorate.gov.uk">planninginspectorate.gov.uk</a>) provides that where the undertaker chooses to have a marine licence deemed by a DCO, the MMO, <i>“will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO”</i>.</p> <p>Under the DCO legislative regime, it remains possible for developers to seek consent for a marine licence directly with the MMO (rather than having a DML integrated into the DCO). This flexibility underlines the fact that the DCO process simply integrates the existing mechanism for granting a marine licence. It should not therefore be used as a vehicle to alter or distort established process and procedures, such as exempted activities.</p> <p>Piecemeal changes to aspects of the marine licence regime by way of the DCO can undermine the ability to enforce the marine licence. Under the DCO, it remains the MMO who will be responsible for enforcing marine licences (both deemed or granted independently). It is therefore vital that all marine licences are clear and enforceable. Consistency is a key element in achieving this, and this is best achieved by ensuring</p>	



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	<p>that the MMO has full responsibility for the marine licence process.</p> <p>The MMO does not agree that the exempted activity should be included within the DML and requests this activity is removed.</p> <p>However, the MMO welcomes other licensable activities as set out in Section 66 of the 2009 Act being included within the DML, this will allow for any contingency the applicant may encounter in the HDD process or other works below Mean High Water Springs and reduce the cost at the time to the Applicant. Any amendments to the DML will be reviewed by the MMO and any comments relating to the MMO will be provided.</p>	
MMO REP5-060	<p><b>2.5 The MMO to comment specifically on how the abovementioned failure scenario would affect its position in respect of the necessity for a DML and any conditions that would be required and whether such ancillary activities would be covered by the previously identified exemption.</b></p> <p>As previously mentioned, the MMO require worst case scenario details within the methodology, in order that it can assess the potential problems and issues and what this may entail with regards to the necessity for a DML.</p> <p>The DML should then be updated to clearly define any activities and how they relate to Section 66 of the 2009 Act.</p> <p>Upon receipt of specific details, including, for example, how the drill head would be retrieved and what equipment would be used, and following any required consultation, the MMO will be able to provide further comments on the sorts of conditions that may be required.</p>	<p>The probability of issues arising during construction or operation associated with HDD are extremely rare due to the extensive preplanning activities that are undertaken prior to any construction activities on site. Therefore, the Applicant does not have any specific details to provide as the interventions are not expected to be required. However, in the unlikely scenario of an HDD failure requiring interventions to be carried out in the tidal extent of the River Trent (e.g. to recover a drill head), either during construction, maintenance, operation or decommissioning, these works are permitted by paragraph 3(2) of the licence. The extent of any such works are likely to be very limited. If necessary, to enable the Applicant to carry out interventions, compounds would be located outside of the coordinates of the DML and be subject to the other constraints of the draft DCO (e.g. the Outline Design Principles) and the controls contained within the <b>Framework CEMP [REP4-35], Framework OEMP and Framework DEMP [REP4-37]</b>, each of which specify construction management and pollution prevention measures in relation to works and maintenance near water; control of water pollution from construction sites; plant, machinery and material controls and set back distances; and earthwork management, water quality monitoring and working in the Flood Zone requirements.</p>



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		Please see the <b>Applicant's Response to Rule 17 - Request for further information re HDD and cabling under the River Trent [REP5-049]</b> for the Applicant's wider position.
MMO REP5-060	<p><b>2.6. Should the dDCO not include a Deemed Marine Licence what would the MMO's expected decision time on an application for a standard marine licence be.</b></p> <p>As stated above, the MMO aims to make a determination on a marine licence application within 13 weeks of an application being validated. However, this timeline can vary due to the complexity of an application, whether sufficient information has been provided by the applicant, or if any issues are raised by consultees during the consultation process.</p>	Whilst the MMO (2023) Guidance: Make a marine licence application, states that the MMO aims to make a decision on most applications within 13 weeks of the application being validated, some applications may take longer or shorter. For example, Abp Lowestoft-Commercial Road (MLA/2021/00190/1) submitted an application 16 April 2021 with an initial decision made 03 November 2021 (28 weeks); West Sussex County Council (MLA/2023/00110) submitted an application 10 March 2023 with an initial decision made 17 November 2023 (36 weeks); Southern Water Services Limited (MLA/2022/00560) submitted an application 20 December 2022 with an initial decision made 14 November 2023 (47 weeks); and Diamond Transmission Corporation Limited (MLA/2022/00488/1) submitted an application 04 November 2022 with an initial decision made 16 June 2023 (32 weeks). The Applicant notes that there is a lack of certainty of timescales associated with the marine licensing process, which is one of the key benefits of the DCO regime, and the Applicant assumes, the underpinning rationale for the addition of S149A of the Planning Act 2008 which enables a DML to be granted as part of a DCO.
MMO REP5-060	<p><b>3. Conclusion</b></p> <p>The MMO has not distinguished a scenario within the current methodology which adequately describes the potential for issues or problems arising during construction or operation. Therefore, the MMO welcome the inclusion of a risk assessment on this scenario and if such interventions are required, the MMO request the DML is updated.</p> <p>The MMO will continue to monitor the PINS website for any developments regarding the DML and will respond accordingly to any further questions set by the Examining Authority.</p>	Please refer to the <b>Applicants response to the Rule 17 – Request for further information regarding HDD and cabling under the River Trent [REP5-049]</b> which considers the potential for issues to arise during construction or operation due to HDD.

