



Relevant Representation

West Burton Energy Park

Project Reference: EN010132

1. Introduction

West Lindsey District Council (WLDC) is the host local authority for the West Burton Solar Project Development Consent Order (DCO) application. The 'order limits' of the DCO include the development of land within the administrative boundary of the WLDC.

In accordance with section 102(1)(C) of the Planning Act 2008 (PA 2008), WLDC automatically qualifies as an 'interested party' (IP) for the purpose of the examination of the West Burton Solar Project DCO.

In its capacity as an 'interested party' WLDC submits this Relevant Representation (RR) in accordance with sections 56 and 102(4) of the PA 2008.

This RR is made without prejudice to the future views that may be expressed by WLDC in its capacity as an IP in the examination process. The comments are made following an initial review of the extensive DCO application material.

Scope of this Relevant Representation

WLDC will provide a detailed case on the impact of the applications within its Local Impact Report (LIR). The LIR will set out the views of WLDC following an opportunity to appraise the application in detail, particularly with regard to cumulative impacts with other NSIP applications nearby.

A full response setting out the technical assessment of the application, include policy compliance and planning balance, will be reported within WLDC's Written Representation (WR). The WR will include assessments on the individual impacts of the West Burton Solar Project, along with the cumulative impacts with Cottam Solar Project and Gate Burton Energy Park applications. WLDC considers that the cumulative impacts of all three projects will have significant impacts upon communities and these impacts should be a central focus of the examination of all the applications.

This RR therefore sets out the key issues that WLDC consider to be important and relevant for the examination phase of the application to consider.

2. The Examination process

Examination process and logistics

Whilst this RR relates to the West Burton Solar Project, applications for development consent under the PA2008 have also been submitted nearby for the Cottam Solar Project and Gate Burton Energy Park solar photovoltaic generating stations.

West Burton Energy Project was 'accepted' for examination on 18th April 2023, following the 'acceptance' of the Cottam Solar Project on 10th February 2023 and Gate Burton on 22nd February 2023. Whilst the Cottam Solar Project application remains in its 'Pre-Examination' phase, Gate Burton has been subject to a Rule 6 letter, with a Preliminary Meeting scheduled for 4th July 2023.

Whilst Gate Burton will commence its examination phase ahead of Cottam Solar Project and West Burton Energy Project, it is inherent that all three DCO application will be examined in parallel, with recommendations being made to the Secretary of State for determination on similar timescales. The consequences of this parallel examination are that cumulative impacts between each project will be considered in isolation through separate processes. WLDC has expressed in its Relevant Representations to the other two applications that consideration should be given to holding joint hearings on cumulative matters to avoid duplication across the three examinations. With Gate Burton Energy Park commencing examination prior to the other two applications, it appears that each application will be considered in isolation and an efficient way of considering cumulative effects is not being considered.

On a practical level, facilities for hearings within the West Lindsey District will be required for all three applications with overlapping examination programmes. Logistically this is very likely to prove problematic, especially if the examination programmes are not aligned to avoid hearing clashes. The holding of concurrent hearings and deadlines for three applications will also result in a significant challenge to ensure that members of the public are able to understand and engage effectively. There is scope for misunderstanding if this examination phase is not managed in a clear and fair manner, potentially depriving members of the public of engaging and ensuring their specific views on each project are understood.

Furthermore, as the host authority and an IP for all three applications, WLDC welcome an approach that enables it to carry out its duties in as effective and efficient manner as possible. An unmanaged overlap of examination programmes will result in WLDC likely to be placed in a position where hearing will be staggered, resulting in significant resource issues to meet deadlines whilst preparing for, and attending, hearings.

WLDC therefore requests that the Planning Inspectorate works closely with WLDC to ensure that it has the ability to engage effectively in the logistical approach the examination of all three applications. WLDC strongly encourage the Examining Authority to utilise the use of virtual platforms when holding hearings to reduce the resourcing demands and enable flexibility.

3. Core issues for consideration

WLDC will provide detailed comments the Gate Burton Energy Park project in the Local Impact Report (LIR) and Written Representation (WR). Without prejudice to the views that are expressed in those documents, the key issues currently identified by WLDC at this stage are summarised below:

Policy framework and decision making

WLDC will set out its position on the compliance of the application with of the PA2008 for the purpose of decision making. The assessment and planning balance will be carried out with regard to *inter alia*:

- Relevant National Policy Statement(s);
- Statutory development plan framework (inc. emerging development plans);
- Published guidance and advice notes;
- Representations from other parties.

WLDC reserve the right to raise any further matter relating to compliance with any primary and secondary legislation following a detailed assessment of the application, and in response to matters that may arise during the examination process.

Cumulative impacts

The cumulative impacts of West Burton Energy Park, with the Cottam Solar Project, Gate Burton Energy Park and the emerging Tillbridge Solar Project will be a key concern for WLDC. The scale of the projects, in isolation as well as cumulatively, will give rise to significant environmental impacts that will require significant scrutiny and assessment by WLDC and should be a key focus of the examination phase.

The cumulative impacts of West Burton Energy Park with Cottam Solar Project and Gate Burton Energy Park are of particular importance as these projects are likely to be examined under the PA2008 concurrently. It is therefore essential that consistent information and evidence is presented at all three examinations to enable a fair and consistent recommendation (and decision) to be made.

Tillbridge Solar Project is expected to be submitted in Q4 2023, with more detailed project information becoming public prior to the West Burton Energy Park project being determined, including its 'acceptance' for examination. WLDCs view is that all current environmental information must be before a decision maker at the point a decision is made, and the emergence of the Tillbridge Solar Project should be accounted for in cumulative assessments.

Cumulative impacts of concern will relate to construction, operational and decommissioning impacts across a range of matters including, *inter alia*, landscape and visual effects, land use (loss of agricultural land), public access and recreation, noise, traffic and transport, cultural heritage and ecology.

WLDC will set out its position on cumulative impacts within its LIR and Written Representation following an opportunity to carry out a detailed assessment of all three projects.

Project specific impacts

WLDC will fully explore the impacts of the West Burton Energy Park in its LIR and WR following a detailed appraisal of the application.

Without prejudice to matters that are identified following a detailed assessment, WLDC expect the following matters to be scrutinised in detail through the examination phase:

- Compliance with relevant legislation;
- Policy compliance and planning balance;
- Project design principles
- Landscape and visual effects (including lighting impacts and glint and glare);
- Effects on residential amenity;
- Effects on public amenity and recreation;
- Ecology and biodiversity impacts (including Biodiversity Net Gain);
- Cultural heritage;
- Traffic and transport;
- Noise impacts;
- Air Quality impacts;
- Land use and loss of agricultural land (including soils) impacts;
- Hydrology and flood risk; and
- Safety and human health.

WLDC will also express its judgement on the 'planning balance', assessing all of the schemes benefits and disbenefits against the relevant policy framework to provide an overall conclusion on the acceptability of the application.

In addition to the submission of a WR and LIR, WLDC understands its role in the examination process to respond to written questions directed to them and the requirement to participate in Hearings as scheduled by the Examining Authority.

Mitigation (including codes and control documents)

A key concern for WLDC will be, should the West Burton Energy Park be consented, the mechanisms that will mitigate and control the impacts of the scheme. These concerns will extend beyond mitigation for the application itself, to the cumulative impacts with other projects. Such impacts will be significant and experienced during the construction, operation and decommissioning stages.

WLDC will also seek to ensure that all impacts on the environment and communities are mitigated and controlled and not solely those deemed significant in terms of the Environmental Impact Assessment. WLDC expect the applicant to deliver measures that mitigate all impacts to ensure that the overarching impact of the project is mitigated as far as possible.

WLDC will expect to see well developed codes of practice and control documents prior to the determination of the DCO applications to ensure that the impacts in solus and cumulatively with other projects is controlled at that decision stage. Due to the determination of the three project on broadly the same timeline, the acceptability of each one will be dependent on achieving effective and co-ordinated controls for each one.

WLDC will also seek clarification on the mechanisms in place to ensure the retention and maintenance of mitigation post-decommissioning.

Draft DCO

WLDC will provide detailed comments on the draft DCO. The key issues for focus will include:

- The scope of the authorised development;
- The schedule and drafting of 'requirements'.

WLDC expect their views on the drafting and approvals process for DCO requirements in particular to be given significant weight in their role of ensuring that the impacts upon local environment and communities are minimised, and as an approving and enforcement authority.

Summary

As the host authority and IP for the project WLDC will be taking a full and active role in the examination of DCO application.

Due to the unique circumstances of three DCO applications for solar photovoltaic generation stations likely to be examined concurrently, WLDCs initial key concern relates to the logistics as to how the Planning Inspectorate will approach the examination phase. The projects represent large scale development that will have significant impacts on the environment and local communities both individually and cumulatively. WLDC considers that the approach to the examination of the applications must allow for efficiency of resources, transparency and fairness. This also extends to the examination programme for each application in terms of the scheduling of hearings aligning, not only to allow for effective engagement by WLDC but also in terms of Hearing venue locations.

WLDC will undertake a thorough review and assessment of the application document and provide a full response in a WR and LIR. Without prejudice to this assessment, the key matters identified by WLDC that it considers should be subject of specific focus during the examination include:

- Policy framework and decision making;
- Cumulative impacts;
- Project specific impacts;
- Mitigation and control mechanisms; and
- DCO scope, provisions and requirements (including enforcement).

WLDC looks forward to engaging positively in the examination of the West Burton Energy Park project and will continue to work with the applicants to ensure the process is robust and efficient.