

APPLICATION BY WEST BURTON SOLAR PROJECT

POST HEARING SUBMISSIONS

ON BEHALF OF LINCOLNSHIRE COUNTY COUNCIL

AT DL1

Introduction

1. Lincolnshire County Council (“LCC”) attended the adjourned Preliminary Meeting (PM) on 7th September the reconvened PM on 8th November and first Issue Specific Hearing (ISH) on Environmental Matters held on 9th November 2023. A summary of LCC’s oral representations appears below.

Preliminary Meeting (1)

2. LCC remains concerned to ensure that members of the public wishing to participate in the examination of this and other DCO applications should be able to participate meaningfully and easily. LCC’s concerns were highlighted and shared by members of the public, 7000 Acres and West Lindsey District Council (WLDC). 7000 Acres in particular noted the feeling of disenfranchisement which remains a concern of the Council.
3. This arises particularly in relation to the assessment of cumulative effects. LCC is host authority for a number of existing and forthcoming NSIP scale solar projects and is concerned to ensure that as a matter of substance, cumulative effects are considered holistically and thoroughly, and that as a matter of procedure, thought is given to how this might be best achieved in a way which encourages rather than discourages public participation. Specifically, LCC is concerned to ensure that interested parties don’t succumb to “consultation fatigue” and/or assume incorrectly that representations made to one Examining Authority (ExA) in relation to cumulative effects, for example, will automatically be taken into account by others.
4. One potential practical solution would be to hold a linked session with other extant examinations. This would be a visible statement to members of the public that cumulative effects are being given careful attention. By October 2023, 5 other examinations are likely to be underway and it would give LCC’s Members and members of the public great comfort if a join session were to be held. However, this is not the only means of achieving the aim of procedural fairness. Even if the ExA were to stop short of holding a formally linked ISH,

cumulative effect ISHs for a number of projects could be held at the same location on the same day or over consecutive days. This would give comfort to members of the public that a “joined up” approach was being taken and a “siloesd” approach avoided.

5. At the Preliminary Meeting and Issue Specific Hearing 2 for Gate Burton a similar request was made and the Examining Authority for Gate Burton committed to reviewing this request once the examinations for Cottam and West Burton were underway.
6. In respect of the proposed timetable for West Burton the Council are of the opinion that these should be held in person and is not appropriate to hold these in a virtual way. The ISH on environmental matters must be held in person.
7. In respect of the Local Impact Report the Council is involved with 10 NSIP solar schemes some of which are at examination others working through the pre-application stages and by the end of September expect 5 of these projects to be in the examination phase. This is an unprecedented number for one host authority to be involved with at the same time this creates a resource challenge as the Council is only a small team. The Council want to engage to the extent expected by Councillors and local communities but this is proving challenging with the number of Local Impact Reports that need to be submitted in a short period of time. The submission date of 17th October is achievable depending on the outcomes of the other Preliminary Meetings that are taking place this month.
8. The PM for Heckington Fen is 19th September. To meet the deadlines for all 3 of the examinations will require the Council to take 3 LIRs to the same Committee in early October this is a resource challenge to get all this information together and also a lot of information for one Committee to absorb and give the expected level of consideration too.
9. This is to give the Examining Authority an early indication that if there is no flexibility from one of the other Examining Authorities then the Council will not be able to meet the deadline of 17th October and ask if there is any flexibility to submit the LIR later. The next Planning Committee is 6th November and would be able to submit the LIR that same week if an extension of time to deadline 1 is agreed. If there is flexibility from the other ExAs then would be able to meet the October deadline.
10. The problem has largely been due to the late announcement of the West Burton PM which was expected to follow in chronological order of notifications and be held after Heckington in early October by the sudden announcement of the PM for West Burton as knocked our expected work programme out of sequence and led to 3 LIRs needing to go to one Committee which is not reasonable.

11. The Council will make the same request to the West Burton ExA and seek an extension to their deadline 1 and if agreed the Council will be able to submit its LIR for Deadline 1 for this

Preliminary Hearing (Part 2)

12. Following the adjournment of the Preliminary Meeting in September and it being reconvened in November with a new Rule 6 letter and amended timetable the Council were able to confirm that they could meet the new timetable in respect of the submission of the Local Impact Report at Deadline 1 and Written Representations at Deadline 1A.
13. In respect of the next set of ISH the Council's Legal Team is only available w/c 22 January 2024 which is the date set out in the Rule 6 letter. The Council does not have availability for w/c 29th January 2024 for the hearings,

Issue Specific Hearing (1)

Agenda Item 3 Scope of Proposed Development

14. In respect of the safety of the BESS have not prepared to comment on fire safety issues in this hearing. There is an ongoing dialogue with Lincolnshire Fire and Rescue colleagues and will look further into fire safety matters later in the examination. Reference is made in the Council's LIR to fire safety issues.

Agenda item 4 Site selection and alternatives

15. The Council concurs with WLDC regarding Development Plan policies from the Central Lincolnshire Local Plan. The Council's LIR sets out the relevant Development Plan policy for each topic. There has not been very much movement at this stage in progressing the SOCG, still a work in progress given that the Council has not yet confirmed its formal position on the application. The LIR highlights the relevant policies of the Lincolnshire Minerals and Waste Local Plan regarding mineral safeguarding and the need to make provision for facilities to process end of life panels and other infrastructure from the development.

Agenda item 5 Environmental Matters

16. For Landscape and Visual Impact matters this is set out in the LIR which includes as an Appendix a detailed review of the applicants Landscape and Visual Impact report. Conscious that whilst the applicant has seen this report the ExA has not yet been provided with the Council's LIR and therefore it would be of benefit for the ExA to review this document before get into too much detail. Whilst there are some tensions/differences between the applicants approach and the Council's view this not in relation to methodology /viewpoint selection but conclusions and assessments of the predicted impacts.

17. The LIR concludes that there is a significant cumulative impact with this scheme Gate Burton, Cottam and Tillbridge. Creating adverse impacts over an extensive area causing an regional scale adverse impact. Travelling from Corringham in the north of the District to Saxilby in the south for 15-20km the receptor would experience sequentially a solar landscape much changed from the existing agricultural landscape.
18. For Cultural Heritage matters not very much has changed since the Council submitted Relevant Representations in March. There is still a lot between us the main source of disagreement being the extent of trial trenching coverage and a disagreement on the percentage of the order limits that should be subject to trial trenching. There has not been any discussion on the SOCG with the Council for any matters including cultural heritage. The discussions which the applicants cultural heritage specialist mentioned were in relation to Cottam which has similar issues but to date there has been no discussions on the SOCG for West Burton.
19. In respect of highway matters the access to West Burton 1 is via 1,2km of unclassified road and the Highway Authority is concerned of the suitability of the use of this highway for HGVs and abnormal loads that will be required to deliver the equipment and plant to the site. Details of passing places have recently been provided to address this issue but the mechanism to secure this has not yet been agreed this would normally be via a S278 Agreement but the applicant wants to use the DCO to secure these works which has not yet been agreed by the Highway Authority,
20. Finally in respect of PROW the Council has concerns of the drafting of the wording in the draft DCO for measures to deal with PROW matters which is currently different to that used on the other projects at examination in Lincolnshire so the Council considers some amendments are necessary.