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Our ref: AN/2022/132712
Your ref: EN010132

Date: 05 December 2023

By email:

WestBurtonSolarProject@planninginspectorate.gov.uk

Order Granting Development Consent for the West Burton Solar Project (EN010132) - Written representations submission.

Dear Andrea

1.0 Introduction

1.1 On 05 June 2023 the Environment Agency made relevant representations to the proposal by West Burton Solar Project Limited to construct a solar farm in 3 locations. These are West Burton (WB) 1, which is located east of the village of Broxholme, West Burton 2, which sits to the north of the village of Saxilby and surrounds the village of Ingleby and West Burton 3, which is located to the southeast of the village of Marton and east of the village of Brampton.

2.0 Scope of these representations

2.1 The points raised in our letter of 05 June are currently being considered by means of a Statement of Common Ground initially drafted by Delta-Simons and Clarkson and Woods Ltd on behalf of the applicant. This was received by us on 11 October 2023. We responded to this on 30 October 2023 with some initial comments and discussions are still ongoing at the time of writing this letter.

2.2 We wish to maintain all the points in the letter of 05 June unless resolved by means of the Statement of Common Ground or referred to in this written representation submission.

2.3 These written representations therefore give an update on matters that have progressed since our letter of 05 June 2023 or any new matters that have come to light which we consider you need to be made aware of.

2.4 Our views are given without prejudice to any future detailed representations that we may make throughout the examination process. We reserve the right to add to or amend these representations, including requests for Development Consent Order Requirements and protective provisions should further information be forthcoming during the course of the examination on issues within our remit.

3.0 Ecology and biodiversity

3.1. Since sending our letter of 05 June 2023, there have been ongoing discussions about the impact of Electro Magnetic Fields (EMFs) on marine life in connection with the Examination of another solar farm proposal at Gate Burton (Your reference EN010132).

3.2 In connection with the Gate Burton development, a technical note has been prepared in response to the Examining Authority's Third Written Questions (ExQ3), specifically Q3.3.1 and, also, in response to a request from the Environment Agency which was submitted at Deadline 4 [REP4-063].

3.3 This is relevant to the West Burton solar project because, together with the Gate Burton proposal and others at Cottam and Tillbridge, there will be the installation of 400kV cables within the same location underneath the River Trent as part of a shared grid connection corridor. We have asked that this matter is looked into because the cables will generate EMFs and it needs to be examined whether there is the potential for adverse impacts on fish within the River Trent during the operational phase of all of these schemes.

3.4 Discussions on this topic are now taking place in connection with the Statement of Common Ground for the West Burton project and we wish to highlight it as a potential concern if the situation on this matter cannot be resolved through the process of agreeing that document.

3.5 Further to comments made in paragraphs 3.4 and 3.9 of our letter dated 05 June 2023, we wish to comment further that we would expect to see evidence that the applicants have looked at the catchment in terms of farming and likely fertiliser input rates into the system (i.e. is it arable/pasture, what crops are grown). Then they can assess what they are removing out of the catchment into a value so that they can say they are removing x% or tonnes from the system. The applicants have been made aware of this and are currently looking into it. The aim is that the discussions will be resolved via the Statement of Common Ground. However, in the event that they are not, we wish to maintain this additional comment.

4.0 Hydrology, flood risk and drainage

4.1 The only additional comment we wish to make on this topic relates to paragraph 4.9 of our response of 05 June 2023.

4.2 In this, we commented that there will need to be consideration and calculation of the cumulative loss of floodplain volume from the posts supporting the photovoltaic panels and we queried whether this loss needs to be reasonably compensated for as part of the proposals.

4.3 In response to this, the applicant's consultant has advised that, of the three areas to be covered by the proposal the proposal, WB2 and WB3 are the ones that require volumetric calculations for the piles given that they cross a flood extent. Their calculations in relation to this were:

- WB2 catchment for the fixed panels has a minute volume displacement of 0.00034mm for the 1 in 100-year flood event and for the tracker a similar 0.000082mm volume displacement.
- Similarly, the WB3 catchment for the fixed panels has a small volume displacement of 0.061mm for the 1 in 100-year flood event and for the tracker a similar 0.011mm volume displacement.

We have considered this information and agree that the volumes calculated are insignificant in comparison to the size of the floodplain. We have therefore advised we are happy for this point to be moved to the agreed section of the Statement of Common Ground.

5.0 Ground condition and contamination

5.1. We have no points to add to those in our letter of 05 June 2023 on these topics.

6.0 Requirements

6.1 Our comments remain the same as in our letter of 05 June 2023.

7.0 Development Consent Order (DCO)

7.1 Based on legal advice, I wish to emphasise the following two points:

7.2 In relation to article 6 of the draft DCO, we do not agree to disapply the requirement for licences under sections 24 and 25 of the Water Resources Act 1991 (water abstraction and impounding).

7.3 We do not agree to disapply the requirement for a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 until the protective provisions are agreed. The protective provisions drafted into Part 9 of Schedule 16 of the draft DCO are not agreed and we note that there are variations to our standard protective provisions which we need to consider with the applicant. The variations are not substantial, and we believe that we will be able to reach agreement with the applicant during the examination period.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the details below.

Yours sincerely

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