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Dear Sir/Madam

PLANNING ACT 2008 – SECTION 89 AND THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE RULES) 2010 – RULE 8 APPLICATION BY WEST BURTON SOLAR PROJECT FOR A DEVELOPMENT CONSENT ORDER

Following the Planning Inspectorates Rule 8 letter dated 16th November 2023 the County Council submits its written representation in respect of this application. The Council provided initial comments in relation to this application in its Relevant Representation response on 8th June 2023.

This written representation provides an updated position following consideration of the application by the Council's Planning and Regulation Committee on 4th December 2023. It has been prepared in accordance PINS advice note 8.4 and should be read in conjunction with the Council's Local impact Report submitted by the Council for deadline 1A as well. The Local Impact Report was brought to the Council's November Planning Committee when it was resolved to approve the Impact Report for submission. Based on the findings of this impact report the Council resolved to submit a **formal objection** to the application on the following grounds.

That whilst the project would produce clean renewable energy that would support the nations transition to a low carbon future and deliver biodiversity net gain benefits through the creation of mitigation and enhancements as well as other more limited positive impacts (as identified within our Local Impact Report), these positive impacts are not outweighed by the negative, some significant, impacts that arise given the overall size and scale of the development both on its own and in combination with the three other Nationally Significant Infrastructure Projects(NSIP) solar projects proposed in this geographical area as follows:

- A permanent and negative impact upon the landscape character and the appearance of the area as a consequence of changes to the current arable agricultural land use. In view of the conclusions from the Council's assessment of the landscape and visual impact of the development negative

impacts have been identified for the site some of which may be mitigated by the production of further evidence but the cumulative impact when combined with the other proposed solar farms in this location is negative which results in a conclusion that the scheme would be contrary to Local Plan Policies S5, S14 and S16.

- There is a tension in relation to BMV impacts given that around 25% of the energy park site by area comprises land in Grades 1,2 or 3a and a full survey of the cable route has yet to be provided but is predicted to be around 50-60% BMV. The National Policy Statements direct that previously developed land, brownfield land, contaminated land, industrial land and non-BMV land should be developed as a preference, and where policies S14 and S67 of the Central Lincolnshire Local Plan (CLLP) seek to protect the best and most versatile agricultural land so as to preserve opportunities for food production and the continuance of the agricultural economy. A significant permanent and negative impact as a consequence of the loss of agricultural land is identified, a proportion of which is classed best and most versatile land. This loss is not only at a local level but significant when considered in combination with the loss of land from other NSIP scale solar developments that are also being promoted and considered across Lincolnshire contrary to Policy S67.
- Negative impacts on the users of Public Rights of Way in and around the proposed development as a consequence of changes to the visual appearance of the area and views from these routes and uncertainty around the disruption that will be caused resulting from the diversion of footpaths and the re-instatement treatment proposed contrary to Policies S48 and S54.
- Due to the level of uncertainty because of the restricted amount of trial trenching that has been undertaken across the Order Limits there is a distinct possibility that archaeological remains of more than local/regional significance could be disturbed and damaged. Consequently, it is not possible to adequately assess the impacts on such assets and therefore the requirements of Policy S57 have not been met.
- In terms of provision of facilities to process and recycle solar panels and associated equipment once they reach the end of their useful life there is currently insufficient waste facilities to process this waste. Currently there are no waste facilities to process discarded solar infrastructure as it is replaced during the lifetime of the development and at the decommissioning stage. When combined with the other solar projects in the County that may be granted DCOs in the next twelve months this will present an issue that will need additional facilities to ensure these products are sustainably disposed of and until a satisfactory mechanism is in place to address this issue an objection is raised as contrary to the Lincolnshire Minerals and Waste Local Plan policy W1

- At this stage a highways objection is raised to the use of the highway to gain access to the construction access point for West Burton 1. It is not considered that this highway is suitable for abnormal loads of 100 tonnes and 36m in length. The road is a rural lane which is not constructed for these loads and the width and alignment would prohibit such a large vehicle using this route. For this reason there is significant issues with highway safety and therefore contrary to Local Plan Policy S47.
- That if the Secretary of State grants the Development Consent Order a comprehensive and appropriate package of Community Benefits is secured and delivered to compensate for the identified negative impacts that the proposed development would cause to the communities affected by this project.

Yours faithfully

Neil McBride
Head of Planning