



WEST BURTON SOLAR PROJECT – EN-010132

WEST LINDSEY DISTRICT COUNCIL – 200338501

ISSUE SPECIFIC HEARING 3 – ENVIRONMENTAL MATTERS- GENERAL

WEDNESDAY 7TH FEBRUARY 2024

SUMMARY OF HEARING

ITEM

3. GENERAL AND CROSS-TOPIC

a. Implications of the revisions to National Policy Statements for the assessment of the project

WLDC noted and agree that the published revised versions of National Policy Statements (NPS) should now be afforded more weight than the previous drafts, and should be an important and relevant consideration for the determination of the West Burton Solar Project under section 105 of the Planning Act 2008.

NPS EN-3 confirms that solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector (para. 3.10.1). Solar has an important role in delivering the government's goals for greater energy independence and that the British Energy Security Strategy states that the government expects a five-fold increase in solar deployment by 20235 (up to 70GW) (para. 3.10.2).

In delivering solar development of a NSIP scales to attain those targets. WLDC contends that there is significant responsibility upon developers to bring forward projects that are well located, well designed in terms of layout and demonstrate that this process delivers the benefits whilst minimising environmental impacts and impacts upon communities. This responsibility is even greater where there are a number of projects located close together in the same area, such is the situation here with the West Burton Solar Project in the West Lindsey District.

ITEM		<p>Some key matters regarding project design includes:</p> <p>Project design – a requirement to demonstration how good design principles have been applied throughout the project. Applicants should consider taking independent professional advice on the design aspects of a proposal, including seeking the advice of the Design Council (EN-1 section 4.6). The West Burton Solar Project application details a site selection approach that is founded upon achieving the capacity of the grid connection secured by the applicant. Whilst seeking to avoid high sensitivity constraints, there are no established design principles relating to what ‘good design’ of solar farms entails with regard to the layout of the project, including the importance of achieving development contiguously (i.e. a single coherent site that minimises the spread of impacts). WLDC maintains, logically, that the dispersed layout of the West</p> <p>Project lifetime – an upper limited of 40 years is typical, although applicants may seek consent for different time periods (EN-3 para. 3.10.56). This application now, following statutory consultation and an assessed EIA scope of 40 years, seeks to increase this lifetime by 50% to 60 years although has not re-assessed the impacts of this change so that all parties can understand how this significant increase in the lifetime (to become effectively a permanent development) has been considered.</p>
b.	<p>Implications of technological improvements for electricity generated, scheme design and environmental impacts</p>	<p>WLDC understands the requirement for the reasonable replacement of faulty panels under the definition and provisions of maintenance in the draft Development Consent Order (dDCO).</p> <p>Notwithstanding the discussion in the hearing, WLDC maintains concerns regarding the likely failure rate of panels (beyond a typical 25 year warranty) and BESS infrastructure, particularly during the additional 20 year lifespan now being sought by the applicant following the submission of the application. The applicant states that the increase in the lifespan would result in an increase in the amount of the project panel requiring replacement to 24% of the overall project. This could equate to around 100Ha of the project being subject to replacement (re-construction) which would constitute an NSIP-scale project in its own right. This replacement activity is likely to give rise to significant environmental effects (especially as the frequency and extent of the replacement is unknown), particularly in relation to traffic, noise, air quality and waste. Should all projects currently in the planning system be consented and require the same ratio of ‘replacement’ and at similar times in the operational cycle of the projects, the impacts on the environment could be significant and adverse. This scenario has not been adequately assessed or communicated within the application documents (both the ES in reporting likely significant environmental impacts and in the Planning Statement in taking them into account in the planning balance).</p>

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c.	Consideration of the nature and purpose of the community benefits package	WLDCs expressed view is that, whilst any benefits for the community are welcome, the provision of community benefits packages do not constitute a relevant planning matter that should be afforded any weight in the determination of the application.

4. NEED, ELECTRICITY GENERATED AND CLIMATE CHANGE, SAFETY AND MAJOR INCIDENTS

a.	Failure rate of Photo Voltaic (PV) panels, and the impact on replacement, and consideration in climate change analysis.	<p>WLDC noted the questions from the ExA regarding the accuracy of the calculations to understand likely failure rates of the solar panels (e.g. what extent over the 40-60 years and how many days). The applicant referred to their response to ExQ1a regarding information on failure rates and stated that further information can be provided on the maintenance regime. The applicant states that approximately 0.4% of the panels would be replaced per annum – across the 60 year operational period.</p> <p>The applicant also stated that, if more frequent replacement was required, this would require a formal amendment to the DCO or the demonstration that there would be no significant environmental impacts.</p> <p>WLDC maintain concerns on both the impact of the predicted 24% replacement figure and what the likelihood of exceeding this figure is. The current predicted replacement percentage could equate to around 100ha being replaced (an NSIP scale solar farm in its own right), which could occur at any stage in the project lifecycle. The applicant provides a pro-rata figure of 0.4% per annum, however clarity would be appreciated on the likely degradation rate of the panels. Logically, the older the asset becomes, the more likely it will require replacement and therefore a profile be produced to show the stages in the project lifespan where replacement is most likely to be required would be helpful. The annual 0.4% pro-rata estimate is not helpful in understanding the likely environmental impacts.</p> <p>WLDC notes the applicant’s comments that, should the 24% figure be exceeded, the applicant would have to demonstrate that no significant environmental impacts would occur or the DCO would require formal amendment if such effects did arise. Whilst agreeing with this position, WLDC’s concern is that there is no mechanism to allow for that consideration to take place. There is no requirement to monitor and consult with the local planning authority or other stakeholders, and this the decision on that matter resides solely with the developer. WLDC requests that the applicant considers a mechanism within the oOEMP that required maintenance</p>
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		<p>reporting to WLDC and, if the 24% figure is to be breached, that information is provided to enable an independent decision to be made (by the LPA as an approving authority, an enforcing authority and a 'competent authority' for the purpose of EIA).</p>
b.	<p>Consideration of PV Panels and associated infrastructure at macro-scale – ground mounted and rooftop PV, provenance, size.</p>	<p>WLDC noted the ExA question regarding the potential of roof-top solar over ground mounted, and the applicants response with regarding the policy position over.</p> <p>WLDC agree that the government's target to achieve 70GW of solar deployment does not discriminate between roof-top and ground mounted. Both types of solar technology is required to attain the target. An anticipated future 'roadmap' to deployment of both may be forthcoming, however the current policy position does not state a preference for one type of solar technology over the other.</p> <p>WLDC has no comments to make over solar panel manufacturing and supply chain matters.</p>
c.	<p>BESS Management and Safety, noting revisions to Outline Battery Storage Safety Management Plan REP3-032</p>	<p>WLDC noted the applicant's comments regarding the role of the safety management plan to address battery failure and that the BESS is anticipated to be replaced once in the project lifespan.</p> <p>WLDC's concern relates to the proposed increase in the project lifespan from 40-60 years and the likelihood that the BESS will require at least a second, if not third, replacement and the extent to which this is a replacement in its entirety. Clarification on this matter is required to ensure that all environmental impacts are identified and assessed in the ES and that the management plans reflect this likelihood for replacement.</p>
<p>5. LANDSCAPE AND VISUAL</p>		
a.		<p>WLDC noted the applicant's update.</p> <p>WLDC will put forward its position in more detail at the forthcoming Issue Specific Hearing.</p>
<p>6. SOILS AND AGRICULTURE, BIODIVERSITY AND ECOLOGY, WATER ENVIRONMENT</p>		
a.	<p>Soil resource impact of change from 40 to 60 year project life.</p>	<p>WLDC noted the applicant's comments, including that confirmation will be provided in relation to:</p>

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		<ul style="list-style-type: none"> • Panels will be cleaned using water; and • That all maintenance activities are considered as part of the EIA.
b.	<p>Implications of the National Planning Policy Framework (NPPF) December 2023 update reference to agricultural land.</p> <p>Agricultural Land Classification Survey, food production and agricultural uses of land</p>	<p>WLDC's position is that the NPPF is an 'important and relevant' matter for the purpose of decision making under section 105 of the Planning Act 2008.</p> <p>The discussion in the hearing focussed on footnote 62 (page 52) of the NPPF, which states that, the 'availability of agricultural land' used for food production should be considered when deciding what sites are appropriate for development. Whilst this policy requirement should be read alongside the NPS', it must be given due weight in that context.</p> <p>WLDC's position is that the meaning of the term 'availability' requires careful consideration and it's practical implications must be recognised. Whilst it may be said that, for example, sheep grazing 'could' take place alongside solar farm development (as a type of 'food production'), that is different from land being genuinely being made 'available' for that activity to occur. The purpose of footnote 62 is to ensure that decision makers recognise whether land, as a consequence of the development being proposed, will be available for food production or not. If it is not being made available, then that that should be considered negatively in the planning balance for decision making purposes.</p> <p>The applicant for the West Burton Solar Project states that the land is 'available', however there is no firm commitment to making the land available for such purposes. ES chapter 19 (para. 19.9.18) states that during operation, <i>'grass below and between the solar panels will need to be managed. This management can include grazing by livestock where appropriate'</i>. Furthermore, para. 19.10.8 states that, during operation, <i>'opportunities for farm enterprises to utilise the land within the sites will be limited to periods of grazing small livestock'</i>.</p> <p>The applicant is therefore stating the there is no guarantee that the land will be used for grazing, that there is a decision made on whether it is appropriate to do so (not explained) and, if it is utilised, that use will be limited. This impact is concluded as being a 'significant beneficial' effect despite the scope and availability of land for the production of food being significantly reduced.</p> <p>WLDC considers that the applicant's own assessment demonstrates that significant amount of 'availability' of land for food production will be lost in terms of access, area and duration. It is therefore very clear that the 'unavailability' of this land must be considered as a significant adverse impact in the planning balance.</p>

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c.	Biodiversity Net Gain	WLDC wishes to see the dDCO 'requirement' controlling the delivery of Biodiversity Net Gain (BNG) to include a figure, and welcomed confirmation from the applicant that it is to be amended to be consistent with the wording used in the drafting of the Cottam Solar Project dDCO.
d.	Consideration of the impact of the project on: i) drainage and flooding ii) rivers, ditches and aquatic life	WLDC has no comments on this matter.

ACTION POINTS

No.	Party	Action	Comment
7	LCC/West Lindsey District Council (WLDC)	LCC/WLDC to review Waste section of outline Landscape and Ecological Management Plan and to provide comments and suggested wording to the Applicant.	<p>WLDC do not recall raising a matter concerning waste in the context of the oLEMP.</p> <p>WLDC maintain concerns on the likely replacement of panels and the waste implications of that (please see summary of ISH3 Agenda item 4 above).</p>