

West Burton Solar Project

Application by West Burton Solar Project Ltd

**POST HEARING SUBMISSIONS
FROM LCC**

1. ISH2

Agenda Item 5(b)

- 1.1. LCC made representations in relation to the operation of Articles 11 and 15. In both articles, there is a split between parts of the project listed within the relevant schedule, in relation to which LCC is proposed to be ‘consulted’ and those parts of the project which are not listed and LCC will be able to ‘consent’ such works. LCC considers that its approval or consent should be required for all elements.
- 1.2. It is important for LCC to retain oversight and control of works in the highway and traffic regulation measures brought into effect across the area. LCC operates a consenting and permitting process for such works and measures which involves the payment of a fee and particular procedures which ensure that conflicting works and measures are not brought into effect at the same time. If LCC is merely ‘consulted’, no one body will have overall control as to potentially conflicting measures being implemented on the highway at the same time.
- 1.3. Post ISH2, LCC and the Applicant have continued to discuss the Applicant’s proposal to include a mechanism for LCC’s approval within the CTMP. Such discussions are ongoing and the ExA will be kept informed as to whether this resolves LCC’s objection on this matter.

Agenda Item 6(e)

- 1.4. Schedule 17(5) relates to fees. LCC note and welcome the Applicant’s commitment to update this provision.

Agenda Item 7

- 1.5. Article 12 is not currently agreed. The parties do not agree in relation to the appropriateness of the extent of archaeological investigations undertaken to date. As such, and in line with

representations made to the Cottam ExA, LCC's primary case is that the ExA has insufficient archaeological information to appropriately assess the project and therefore consent should not be forthcoming.

1.6. In the alternative, LCC seeks a more robust requirement along the lines of the following:

“(1) No development may commence until an overarching Archaeological Mitigation Scheme has been submitted and approved by the relevant Planning Authorities, such approval to be in consultation with Historic England;

(2) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase may start, until a supporting Written Scheme of Investigation for that phase has been submitted to and approved in writing by the relevant Planning Authorities, such approval to be in consultation with Historic England.

(3) The approved scheme must— (a) identify areas where archaeological work is required; and (b) the measures to be taken to protect, record or preserve any significant archaeological remains that may be found (i.e. preservation in situ, preservation by record or mix of these elements).

(4) Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive ground works may take place only in accordance with the approved Written Scheme of Investigation and any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to the relevant planning authority”

2. ISH 3

Agenda item 3a - National Policy Statements.

2.1. LCC agrees that more than the “some” weight referred to within its response to first written questions, should be afforded to the NPSs following designation.

Agenda item 4

- 2.2. In relation to the failure of panels, LCC notes that this is likely to generate a significant amount of waste and wishes the ExA to note that the Council intends to make further representations on waste capacity at the appropriate time.

Agenda item 5

- 2.3. LCC agreed with the Applicant's summary of progress made to narrow issues between the parties on this topic. LCC confirmed that we have had a good dialogue with Applicant throughout Examination stage, working with them to identify key issues to work together to produce a SOCG. LCC has received relevant documents from the Applicant and is in the process of reviewing those as part of the continued dialogue.

- 2.4. LCC will comment on the Applicant's updated effects tables at DL4.

Agenda item 6 - Soils

- 2.5. The Applicant's position is that the soils are not sterilized as they are still "available" for agriculture. However, this is far too simplistic. The land is clearly not available in the same way or to the same extent as it is at present. The land is current available for food production and crops. If the scheme is implemented, some of the land would be available for sheep, but (1) this is not secured within this DCO so it is only a mere possibility, (2) the land would only be available for sheep and for no other form of agriculture and (3) is not an intensive form of food production but instead the sheep are largely used for "keeping tidy" or maintenance of the grass cover.
- 2.6. The impact on local farming and linked businesses could be significant. There are likely to be cumulative impacts on local agricultural businesses such as merchants and machinery suppliers.
- 2.7. The loss of total crop yield over 60 years is significant in LCC's view. Even more so when the cumulative effects are considered.

3. ISH 4

Agenda item 3 - Heritage

- 3.1. LCC and the Applicant remain some distance apart in relation to the appropriate level of trial trenching to be undertaken. LCC's position is that the Applicant has currently only undertaken 2% of trenching on 21% of the entire site, leaving almost 80% entirely unevaluated. The results of further investigations are required to inform a meaningful WSI. At present, any discussion of mitigation is premature other than in relation to the small portion of the site where trenching has occurred. The Applicant is strongly encouraged to

undertake trenching in order to inform a meaningful WSI. At present, LCC's position is that the ExA has insufficient information to approve the WSI and the application fails to meet relevant policy and guidelines.

- 3.2. Both LCC and NCC are aligned on this issue.
- 3.3. Nevertheless, LCC will engage on a without prejudice basis in relation to a further draft of the WSI which the Applicant undertook to provide to LCC in good time for DL4.

Agenda item 4a – Transport

- 3.4. In respect of ExA written questions to LCC for abnormal loads the Council procedure for developments such as this, is that the routes for abnormal loads should be identified by the developer. Details the Council require include the proposed routes, approximate size, width, height, weight and anticipated vehicle configuration of the abnormal load.
- 3.5. The Council can check its asset inventory and comment on suitability. If the Council are concerned with any structure along the route with regards structural capacity, the structure should have a structural assessment carried out to confirm suitability. This is to be paid for by the developer (the Council is content for the assessment to be carried out by a third party consultant as long as the design assessment criteria is agreed via CG300 - Approval in Principle with the Council as TAA (Technical Approval Authority)).
- 3.6. The developer should also carry out a route survey and highlight any LCC street furniture that may require temporary removal to facilitate an abnormal load movement. It is common for a swept path analysis to be undertaken by the developer/ haulier to confirm if items need to be temporarily removed. The Council require at least 8 weeks notice upon receipt of payment programme any accommodation works to facilitate an ab load movement.