

West Burton Solar Project

The Applicant's Response to Deadline 2 and 3 Submissions

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Issue Sheet

Report Prepared for: West Burton Solar Project Ltd.
Examination Deadline 4

Applicant's Response to Deadline 2 and 3 Submissions

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1 Introduction

- 1.1.1 This report provides the Applicant's responses to matters raised in submissions made at Deadline 2 on the 3rd January 2024 and at Deadline 3 on the 9th January 2024.
- 1.1.2 Section 2 of this report provides the Applicant's comments on responses to the Examining Authority's (ExA) first written questions, issued on 15th December 2023 **[PD-009]**. The structure of the first written questions is maintained, with comments grouped with following topics:
- General and cross-topic questions
 - Agriculture and Soils
 - Biodiversity and Ecology
 - Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations
 - Draft Development Consent Order (DCO)
 - Health and Wellbeing
 - Historic Environment
 - Landscape and Visual
 - Need, the electricity generated and climate change
 - Noise, Vibration and Air Quality
 - Other planning matters
 - Safety and Major Incidents
 - Socio-economics Matters
 - Transport and access, highways and public rights of way (PRoW)
 - Water Environment including Flooding
- 1.1.3 Section 3 provides comments from the Applicant on other submissions made at Deadlines 2 and 3. There were only 3 submissions made by Interested Parties at Deadline 2, so they have been grouped together with the submissions made at Deadline 3 and an Additional Submission which was accepted at the discretion of the Examining Authority.

2 Applicant's Comments on Responses to the ExA's First Written Questions

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
1. General and Cross-topic Questions					
GC-01	1.1.1	Lincolnshire County Council [REP3-042] [Link]	[...] Do any parties other have any comments on the potential effect of changes in the November 2023 versions of the revised draft Energy NPS on matters related to this application, compared to the March 2023 versions of the Energy NPS?	<p>In summary, the transitional provisions at paragraph 1.6.2 of the Overarching National Policy Statement for energy (EN1) (November 2023) (2-2) ("forthcoming NPS EN-1") explain that "any application accepted for examination before designation of the 2023 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS". Critically, solar is not included within the scope of the 2011 NPSs because as at that time it was not proven at scale.</p> <p>Therefore, whilst the November 2023 NPSs does not have effect in relation to the application, it is capable of being important and relevant considerations in the decision-making process. The 2023 NPS is important and relevant considerations, and weight should be given, when determining the DCO Application. As the November 2023 NPSs represent the Government's latest energy related policy, with technology specific</p>	<p>Please refer to the Applicant's response to question 1.1.1 in 8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>The November 2023 version of the National Policy Statements (NPS) came into force on the 17th January 2024. The Applicant therefore reiterates its position that the November 2023, and now designated, NPSs are important and relevant considerations and should be given significant weight in light of the importance the NPSs place on the role of renewable energy in decarbonisation and achieving the Government's 2050 net zero obligations. The Applicant submits that both the 2011 and 2023 NPSs are important and relevant considerations, and significant weight should be given</p>

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				<p>policies relevant to solar PV in the NPS for renewable energy infrastructure (EN-3) (November 2023) (2-3) some weight should be given to this NPS.</p>	<p>to them, when determining the DCO Application.</p> <p>The NPSs also reiterate the target of 70GW of ground and rooftop solar deployment by 2035.</p> <p>In NPS EN-1 (November 2023), government concludes that national energy security and net zero ambitions will only be delivered through the development of new low carbon sources of energy at speed and scale (Para 4.2.2) and therefore that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure (Para 4.2.4). Low carbon electricity generation infrastructure is described as <i>"all onshore and offshore generation that does not involve fossil fuel combustion"</i> (Para 4.2.5) and as such large-scale solar generation would be classified as CNP infrastructure under NPS EN-1 (November 2023).</p>

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					<p>Government expects that <i>"For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases"</i> (Para 4.1.7)</p> <p>The designation of large-scale solar as Critical National Priority infrastructure supports the Applicant's case for the significant weight which it considers should be applied to the planning balance when considering the Scheme.</p> <p>This is because the Scheme brings forwards similar benefits to decarbonisation and security of supply as would developments brought forward for examination under the newly designated NPSs.</p> <p>The Planning Statement has been updated to reflect the updated position of the NPS's and should be referred to WB7.5_B Planning Statement Revision B EN010132/EX4/WB7.5_B[]</p>

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GC-02	1.1.1	West Lindsey District Council (WLDC) [REP3-044] [Link]	[...] Do any parties other have any comments on the potential effect of changes in the November 2023 versions of the revised draft Energy NPS on matters related to this application, compared to the March 2023 versions of the Energy NPS?	<p>WLDC acknowledges the updated versions of the draft National Policy Statements (NPS); notably draft NPS' EN-1 and EN-3.</p> <p>WLDC considers the updated NPS's to be important and relevant consideration for the purpose of the determination of the West Burton Solar Project application under section 105 of the PA2008.</p> <p>WLDC notes the intention of the Applicant to provide an updated Planning Statement to address the updated NPS' and will provide comments upon the document once submitted.</p>	Please refer to the Applicants response to LCC 1.1.1 above.
GC-02	1.1.2	7000 Acres [REP3-049]	<p>Energy National Policy Statements</p> <p>Noting that NPS EN-3 for Renewable Energy does not refer to solar, the Applicant is asked to please explain why they consider this to be important and relevant to the determination of the Proposed Development, as set out in the Planning Statement [APP-313] at paragraph 5.4.9.</p>	Please refer to 7000 Acres Deadline 3 Submission, "Reply to West Burton ExA First Questions: Supplementary material covering detail of evolving NPS landscape".	The Applicant responds to these comments as points 7A-01 to 7A-25, in the dedicated table below.

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GC-03	1.1.4	7000 Acres [REP3-049]	<p>Operational Lifetime of Proposed Development</p> <p>In response to ISH1 discussions [REP1-052], the Applicant confirms that the dDCO amends the Requirement 21 to require decommissioning to take place within 60 years of the final commissioning date of the Scheme. However, paragraphs 1.1.5 and 2.3.1 of the revised Operational Environmental Management Plan [REP1-038] states that the operational lifetime of the Proposed Development would be 40 years and decommissioning is estimated to be no earlier than 2066. The Applicant is asked to consider the implications of a 60 year operational period update this document accordingly</p>	<p>As the Applicant has chosen to apply a Rochdale Envelope to this scheme, 7000Acres requests they comply with the requirements in Advice Notice Nine, especially section 1.4 third bullet, <i>that requires "there is consistency across the application documents including any other relevant environmental assessments (e.g Habitats Regulations Assessment (HRA) or Water Framework Directive (WFD) assessment)."</i></p> <p>As a general point, the major changes in timespan, cable routing and on other points has led to a lack of consistency in the various documents, making it difficult for Ips, and more importantly the ExA, to assess what the Applicant is actual seeking to do. The lack of background detail in their documentation, where they only show their conclusions, and not the detailed assessment that led to the conclusions, further adds to the opacity of their case.</p>	<p>The Applicant has applied the Rochdale Envelope with the approach set out in Section 4.3 6.2.4 Environmental Statement Chapter 4 Scheme Description [APP-042] and in accordance with the recommendations set out Planning Inspectorate Advice Note 9.</p> <p>The DCO application as originally submitted did not include a time limit. Following comments raised by stakeholders and interested parties, the Applicant has included a requirement to decommission the Scheme no later than 60 years following the date of final commissioning. The 8.2.3 Review of Likely Significant Effects at 60 Years [REP1-060] sets out the implications of an up to 60-year operational period.</p>

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GC-04	1.1.6	7000 Acres [REP3-049]	<p>Solar PV Panels</p> <p>The Applicant explains in the ES Chapter 4 [APP-042] at paragraph 4.5.5, that due to the rapidly developing range of technologies for PV panels, the generating capacity, technology type and size of the individual panels are not specified in the DCO application. Rather, the maximum total surface area of all PV panels is limited to the area shown on the Works Plan [APP-008] for Work No. 1. Nonetheless, the indicative landscape section [APP-284] and illustrative site layouts [REP1-022] have been produced suggesting dimensions and suggested positions for the solar PV Modules. The Applicant is asked to please: a) Give an indication of how many panels would be present in the indicative site layout; b)</p>	<p>7000Acres accepts that apply a Rochdale Envelope to a project of this type is reasonable. However, Advice Notice Nine reminds us that detail is required in order to assess the worst case. Advice Notice Nine states:</p> <p><i>"2.3 To understand the implications arising from the comprehensive consideration of the issues by the Judge (Sullivan J. (as he then was)) in Milne (No. 2) ('the Judgment'), it is helpful to note some of the key propositions, as follows:</i></p> <ul style="list-style-type: none"> <i>the assessment should be based on cautious 'worst case' approach: "such an approach will then feed through into the mitigation measures envisaged [...] It is important that these should be adequate to deal with the worst case, in order to optimise the effects of the development on the environment" (para 122 of the Judgment);</i> <i>the level of information required should be: "sufficient information to enable 'the main,' or the 'likely significant' effects on the environment to be assessed [...] and the mitigation</i> 	<p>The Applicants approach to the Rochdale Envelope is set out in Section 4.3 6.2.4 Environmental Statement Chapter 4 Scheme Description [APP-042].</p> <p>The Applicant has assessed a reasonable worst-case scenario within the Environmental Statement. The maximum parameters are set out in the WB7.13_C Concept Design Parameters and Principles Revision C [EN01032/EX4/WB7.13_C] and were assessed in the Environmental Statement. These parameters are based on the Applicant's professional judgment on the likely future technology changes. These maximum design parameters are secured through Schedule 2 Requirement 5 of the WB3.1_E Draft Development Consent Order Revision E [EN01032/EX4/WB3.1_E]. The detailed design of the above-ground elements of the Scheme must be designed to accord with the concept design</p>

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			<p>Comment on the implications for improvements in technology on the effect for the output from the generating station and the input to the national grid (addressing any cap that may be imposed) should more efficient panels be installed; c) Comment on whether there would be a reduction in land take visual effects or number of solar arrays should more efficient panels be introduced or whether this would be used to increase output; d) If so, is this consistent with the offer in relation to the grid connection and could the Battery Energy Storage System accommodate an increased load</p>	<p><i>measures to be described" (para 104 of the Judgment);</i></p> <ul style="list-style-type: none"> <i>the need for 'flexibility' should not be abused: "This does not give developers an excuse to provide inadequate descriptions of their projects. It will be for the authority responsible for issuing the development consent to decide whether it is satisfied, given the nature of the project in question, that it has 'full knowledge' of its likely significant effects on the environment. If it considers that an unnecessary degree of flexibility, and hence uncertainty as to the likely significant environmental effects, has been incorporated into the description of the development, then it can require more detail, or refuse consent" (para 95 of the Judgment);"</i> <p>As a general comment, the Applicant has consistently failed to apply a reasonable worse case assessment and frequently relies on wishful thinking, such as improvements in future technology without supporting evidence, to mitigate harm.</p>	<p>parameters and principles, and the design details must be approved by the relevant planning authority.</p>

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GC-05	1.1.8	Lincolnshire County Council [REP3-042] [Link]	<p>Cumulative Assessment</p> <p>The ES Chapter 23 [APP-061] does not summarise the cumulative effects of the Proposed Development although significant adverse cumulative effects are concluded, for example, waste during decommissioning. Can the Applicant please provide such a summary table for significant cumulative effects.</p>	<p>ES Chapter 23 states, under 'waste' that 'no significant residual effects are predicted during construction, operation and decommissioning of the Scheme'. It is reasonable to ask the applicant to clarify how much waste they anticipate at what points in the scheme and how they propose to manage it.</p>	<p>The Applicant directs Lincolnshire County Council to 6.2.20 Environmental Statement Chapter 20 Waste [APP-058] wherein the quantum of waste anticipated to be generated by the Scheme is set out.</p> <p>Table 20.5 describes the total construction waste arising anticipated from the Scheme.</p> <p>Table 20.6 describes the annual operational waste arising anticipated from the Scheme.</p> <p>Table 20.7 describes the total decommissioning waste arising anticipated from the Scheme.</p> <p>Each table is followed by a breakdown of the type of waste stream associated with each stage of development.</p> <p>Management of the mitigation measures proposed in Section 20.8 [APP-058] are set out in WB7.1_C Outline Construction Environmental Management Plan Revision C [EN010132/EX4/7.1_C] WB7.14_B</p>

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					<p>Outline Operational Environmental Management Plan Revision C [EN010132/EX4/WB7.14_C], and WB7.2_A Outline Decommissioning Statement Revision A [REP3-026].</p> <p>These documents are secured through Requirements 13, 14, and 21 of Schedule 2 to 3.1_E Draft Development Consent Order Revision E [EN010132/EX4/WB3.1_E].</p>
GC-06	1.1.9	Lincolnshire County Council [REP3-042] [Link]	<p>Cumulative Assessment</p> <p>Do the Las agree with the identified cumulative developments assessed within each aspect chapter? If not, can they please identify which cumulative developments have been omitted from which assessments and explain why they consider that they should be included</p>	Yes agree with the topics identified for cumulative impacts.	The Applicant notes this comment.
GC-07	1.1.9	West Lindsey District Council	<p>Cumulative Assessment</p> <p>Do the Las agree with the identified cumulative</p>	WLDC notes that there have been new cumulative projects that have progressed	The Applicant can confirm that the Joint Report on Interrelationships between Nationally Significant

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		(WLDC) [REP3-044] [Link]	developments assessed within each aspect chapter? If not, can they please identify which cumulative developments have been omitted from which assessments and explain why they consider that they should be included	<p>since the submission of the West Burton Solar Project application.</p> <p>Whilst Tillbridge is referred to in the majority of ES chapters, there does not appear to be any substantive cumulative assessment other than in the landscape and visual assessment. Clarification that the very latest information available in relation to the Tillbridge project would be welcomed.</p> <p>In addition to Tillbridge, a Scoping Opinion was published on 13/11/2023 for the One Earth Solar Farm, which is located within the boundaries of West Lindsey. There is also a significant amount of information available on the One Earth website as part of the Phase 1 Consultation which took place from 27 September to 8 November 2023. It is therefore considered that, as a minimum, this development should be referred to in the cumulative assessment.</p> <p>Stow Park Solar Farm submitted an EIA Screening request in June 2023 and has subsequently been determined by WLDC as EIA development. The Stow Park development is situated within a parcel of</p>	<p>Infrastructure Projects Revision C [EN010132/EX4/WB8.1.9_C] includes the latest information on the Tillbridge project.</p> <p>With regard to the omission of the decommissioning of West Burton A within the cumulative assessment of WB6.2.9 ES Chapter 9 Ecology and Biodiversity [APP-047] please refer to Part 2 and Part 6 of response WLDC 8.1.1 in the WB8.1.20 Response to Local Impact Reports [REP3-037].</p> <p>A Technical Note on the Cumulative Effects of Additional Schemes [EN010132/EX4/WB8.2.5] has been provided at Deadline 4 which provides an assessment of effects of additional schemes that have not already been considered as part of the cumulative effects assessment (CEA) within the Environmental Statement [APP-038-APP-061, REP1-010, REP1-012, REP1-073, REP1-074, REP3-010], because at the time this was prepared, there was not sufficient information in the public</p>

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				<p>land that is southeast of West Burton 3 to the east of the Sheffield to Lincoln railway line, and therefore construction traffic is likely to share the same haul routes.</p> <p>Finally, the West Burton Scoping Opinion, item ID 2.2.1 indicates that the applicant should include decommissioning of West Burton A in the ES cumulative assessment, but this does not seem to be included in Chapter 9 Section 9.9 (Ecology and Biodiversity chapter).</p>	<p>domain for these projects to be considered as part of the CEA, which was undertaken in accordance with PINS Advice Note 17. This provides an assessment of potential significant environmental effects resulting from these projects cumulatively with the Scheme, including Stow Park Solar Farm.</p>
GC-08	1.1.11	Lincolnshire County Council [REP3-042] [Link]	<p>Government Net Zero Commitment</p> <p>Provide a summary of the effect on, and the implications for, the Government's Net Zero and climate change commitments should the Proposed Development in isolation, or in conjunction with others, not be implemented.</p>	<p>In its November 2023 NPSs, the Government has reconfirmed that solar is likely to play a significant role in a secure, reliable, affordable, net zero consistent energy system in 2050 and has strengthened policy support for large-scale ground-mount solar, on account for the growing urgent need and critical national priority for the delivery of low-carbon infrastructure</p>	<p>The Applicant notes these comments.</p>
GC-09	1.1.11	West Lindsey District Council	<p>Government Net Zero Commitment</p>	<p>The pathway to the delivery of the Government's Net Zero and climate change commitments are set out the 'Net Zero</p>	<p>The Applicant notes these comments and refers to its Written Summary of ISH1 [REP1-052] in which at agenda</p>

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		(WLDC) [REP3-044] [Link]	Provide a summary of the effect on, and the implications for, the Government's Net Zero and climate change commitments should the Proposed Development in isolation, or in conjunction with others, not be implemented.	<p>Strategy: Build Back Greener (October 2021). The Net Zero Strategy requires a number of measures to be delivered across a range of sectors including domestic transport, industry, fuel supply, international aviation and shipping, waste and F-gases, power generation, heat and buildings, agriculture and greenhouse gas removals.</p> <p>WLDC recognises that there is an urgent need to deliver low-carbon energy generation (involving a range of technologies).</p> <p>In the event that the West Burton Solar Project should not be implemented, in power generation terms another project, that demonstrates that its impacts are acceptable, would be required to come forward.</p> <p>WLDC is not aware of any evidence that suggests that other such projects will not come forward and there is no evidence that indicates that the Government's Net Zero and climate change commitments would not be met should the Cottam Solar Project not be implemented.</p>	item 4 b), from page 15, the Applicant sets out its evidence that the total capacity of solar generation projects currently being promoted is not of a sufficient quantity to meet Government's targets. The Applicant also noted the national resource of the West Burton grid connection, and that it is important for consumers that this grid connection is used. If a low carbon scheme which connects to an available grid connection capacity is not consented, then that capacity goes unused, requiring other projects to come forward, which has timing and cost implications for achieving net zero.

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GC-10	1.1.11	7000 Acres [REP3-049]	<p>Government Net Zero Commitment</p> <p>Provide a summary of the effect on, and the implications for, the Government's Net Zero and climate change commitments should the Proposed Development in isolation, or in conjunction with others, not be implemented.</p>	<p>The key underlying point, should the proposed development not be implemented, is that there remains a clear path by which the UK Government can achieve its 70GW ambition for solar capacity.</p> <p>Please also refer to 7000Acres answer to Q1.9.4 (Statement of Need), which provides details of Germany's approach to solar deployment. Germany represents a compelling case-study for solar deployment without extensive deployment of large-scale ground-mounted solar, having already deployed over 70GW of solar without a single scheme anywhere near the scale proposed by the Applicant.</p> <p>The 7000Acres WR REP1A-026 describes in Section 3 the potential for rooftop solar to provide the predominant volume of capacity, through only considering a subset of domestic and commercial rooftops, as identified in reports by the UK Warehouse Association and Ecotricity. The WR also describes the volume of solar schemes that are either included in the UK Government's Renewable Energy Planning Database (REPD)</p>	<p>The Applicant notes these comments. Paragraph 8.5.9 of Statement of Need [APP-320] confirms that it is the Applicant's view that large-scale solar must be considered in addition to, as opposed to instead of, the need for continued development in distribution connected, smaller scale solar, and this includes the development of rooftop solar.</p> <p>The Applicant's response to question 1.9.1 in its Responses to ExA First Written Questions [REP3-038] confirms Government's view, which is consistent with the Applicant's position, that meeting the ambition of 70GW of solar by 2035 will require both ground and roof mounted solar, including "large scale ground-mount solar deployment across the UK".</p> <p>The UK Climate Change Committee (CCC) report ("Delivering a reliable decarbonised power system, Climate Change Committee", March 2023)</p>

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				<p>or the National Grid TEC register – which includes a queue of schemes with a combined capacity of over 130GW. Such a pipeline does not include any prospective rooftop solar, so it is clear that uncontrolled deployment of ground mounted solar would simply render rooftop solar unnecessary – leaving rooftop space unoccupied, and land consumed by solar which may well have been better used for other direct decarbonization measures or to meet other demands that similarly have no alternative to using land, such as food production, housing, commercial development, reservoirs or recreation and green space.</p> <p>Not approving such large-scale schemes will have the effect of discouraging extremely largescale ground mounted solar developments, and in so doing provide time for the evolution of greater co-ordination and planning of the energy system as well as greater certainty over the role land will play in the decarbonisation journey – including how the country would deliver the 30-70,000hectares of trees per year, called for by</p>	<p>states, at p20, that (Applicant's emphasis):</p> <p>"Infrastructure build rates in a number of areas represent large increases on current capacity (Figure 7) and need to exceed what has been achieved historically. The Government plans to increase offshore wind capacity by four times over current levels by 2030, and solar by five times by 2035. While the build rate this implies for solar remains close to historical peak, for offshore wind it implies annual build rates around 40% higher than emerging data on the 2022 peak. On nuclear, Government has ambitions to increase investment dramatically relative to historical levels."</p> <p>Figure 7.1 of Statement of Need [APP-320] shows from National Grid's data that the UK's most prolific year for solar build out was in 2015 when installed capacity registers increased by 4.1GW. The next most prolific year was 2014 when registers increased by just</p>

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				<p>the UK Climate Change Committee. Crucially, the UK CCC report ("Delivering a reliable decarbonised power system, Climate Change Committee", March 2023) notes that build rates for solar remain "close to historical peak". It describes the estimated installation rates to meet the 70GW ambition by 2035 as requiring 4.3 GW per year of solar and "4.1 GW of solar having been achieved historically".</p> <p>The current economics of energy and solar panels is making rooftop solar an attractive proposition once again, after a lean period following the removal of Government support for installation of rooftop solar (see "Home solar panel installations fall by 94% as subsidies cut", Guardian article, 5th June 2019). Rates of rooftop deployment are now rising again.</p> <p>Not approving the proposed development simply avoids a situation of committing to consent one of many developments that may only serve to use land inefficiently and be a cause for regret. Given that rates of solar deployment are already healthy, the</p>	<p>2.5GW (subsidies for solar development in both years were attractive).</p> <p>The Applicant therefore agrees that the required build-out rate to hit Government's target of 70GW in 2035 is only 0.2GW higher than the historical max annual build in the UK, but the evidence shows that this was a single, isolated historical achievement. It is not the case therefore that, as suggested in this response, build rates for solar remain close to historical peak.</p> <p>An acceleration in build-out across rooftop and ground mount solar is therefore necessary to achieve Government's targets. The Scheme will deliver towards those targets.</p> <p>Further, the Applicant notes from the CCC extract, that the build-out of nuclear and wind as targeted by Government requires a significant increase on historical achievements and therefore comes with a significant</p>

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				Government ambition for 70GW of solar can be achieved without the need for such large-scale ground mounted solar schemes, or the associated increase in rate of solar deployment that is advocated by the Applicant	<p>risk of non-delivery. It may therefore be the case that solar capacity will need to grow to achieve the same decarbonisation outcome from a different technology mix (i.e. less nuclear or wind or both).</p> <p>In view of this, the Applicant considers that the need for the Scheme is clear.</p>
GC-11	1.1.11	Simon Skelton [REP3-060]	<p>Government Net Zero Commitment</p> <p>Provide a summary of the effect on, and the implications for, the Government's Net Zero and climate change commitments should the Proposed Development in isolation, or in conjunction with others, not be implemented.</p>	<p>In the UK, the average yield from solar generation is around 10% of its rated capacity according to the Digest of UK Energy Statistics (DUKES). The average output from the WBSP is therefore only 50MW and would generate annually around 438,000MWh or 0.43TWh.</p> <p>The current UK annual electricity demand is 300,000,000MWh or 300TWh</p> <p>Simple mathematics show that the WBSP offers only a 0.15% contribution to our national needs and is arguably delivered at the wrong time of day and indeed year.</p> <p>Nationally this is not a significant amount of electricity.</p>	<p>The Applicant notes these comments and refers back to the analysis presented at Table 7.1 of Statement of Need [APP-320] regarding energy yield per acre of different technology types.</p> <p>In relation to Hinkley Point C power station, the Applicant notes that the developer announced in January 2024, that the construction plan (which started in 2016) was again delayed. Instead of an initial 10 year build plan, resulting in the commissioning of the station in 2026, the first unit (only half of the capacity is now forecast to be operational sometime between 2029 and 2031.</p>

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				<p>Over 2,000 acres of land will be lost to this disproportionate 0.15% contribution, a figure that will only decrease due to predicted solar curtailment and the inevitable rise of the nation's energy needs.</p> <p>This output covering this amount of land is the worst power to land ratio of any type of power station. This scale of development is unsustainable with between 280,000 acres and 650,000 acres. Potentially to be lost to land mounted solar and for such limited output.</p> <p>280,000 acres. (56GW extra installed capacity = 112 x 500MW solar schemes @2,500 acres)</p> <p>650,000 acres. (130GW listed on the NG TEC register @2,500acres per 500MW scheme).</p> <p>The Current Situation</p> <p>There are 11 proposed Solar PV NSIP's in Lincolnshire listed on the National Infrastructure Planning website at various stages.</p> <p>These are: Gate Burton Energy Park Cottam Solar Project West Burton Solar Project</p>	<p>Notwithstanding the decarbonisation benefit potential of new nuclear power, the development timelines associated with these projects do not enable them to meet the urgent need for low-carbon power before 2030 and in support of delivering a carbon-free electricity system by 2035.</p>

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				<p>Tillbridge Solar Project Beacon Fen Energy Park One Earth Solar Project Heckington Fen Solar Park Mallard Pass Solar Project Springwell Solar Farm Temple Oaks Renewable Energy Park Fosse Green Energy</p> <p>These proposed schemes will cover approximately 26,000 acres of land.</p> <p>There are 35 Solar NSIP's for Lincolnshire (including those mentioned) listed on the National Grid Transmission Entry Capacity (TEC) Register.</p> <p>The TEC Register represents the companies which have secured contracts to export energy onto the National Electricity Energy Transmission System (NETS).</p> <p>The area of land that these 35 Solar NSIP's in Lincolnshire represents is over 70,000 acres.</p> <p>The maximum installed capacity for these 35 schemes is some 15,000MW.</p> <p>As mentioned earlier only 10% of this installed capacity will be actual generating capacity. This equates to a more modest 1,500 MW of generating capacity produced</p>	

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				<p>from this massive amount of land, and this is just Lincolnshire!</p> <p>In comparison, Hinkley Point C Nuclear Power Station will have a capacity of 3,200MW. This amounts to 7% of the UK's electricity need and will cover an area of approximately 400 acres. Likewise, Sizewell C will produce 3,200 MW, another 7% and cover an area of just 170 acres.</p> <p>The energy produced by these stations will be reliable, consistent and in quantities needed to move forward. In complete contrast, solar energy is land hungry, intermittent, and unreliable producing very little electricity in winter when we need it most.</p> <p>There are 393 Solar PV Schemes listed on the National Grid Transmission Entry Capacity (TEC) Register. Some 306 are Nationally Significant Infrastructure Project size. In total, the land covered by these schemes would be around 650,000 acres with an installed capacity of around 130GW. This is an excessive amount of solar power that would swallow up impossible amounts of land. This solar free for all is not sustainable. We need</p>	

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				<p>reliable electricity that is efficient in generation and in land use. Solar on farmland is not that.</p> <p>For context, Greater London covers 380,000 acres!</p> <p>Of course, I realise that gaining a TEC license offers no guarantees, but it does show the unprecedented dash for these schemes and the potential vast choice available with some undoubtably better than others?</p> <p>Solar on farmland is simply an easy option, but it would have an extremely limited contribution on the full decarbonisation picture. With the loss of so much land required for other Net Zero and Domestic initiatives.</p> <p>As China is the obvious supplier of solar apparatus to this scheme, and with recent reports that take into account China's vast coal burning power industry, means that the manufacturing emissions would be as high as 250g CO2/kwh. This is 5x more than previously presented and over 60% of the CO2 from gas fired generation.</p>	

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				<p>Electricity generation in the UK is responsible for less than 20% of national CO2 emissions, therefore carbon reductions by the CSP would be imperceptible on our overall aims and due to the small amounts of electricity produced by solar and therefore its long carbon payback period, means that it does not align with any climate emergency timeframes. Solar on farmland, from an energy and Net Zero perspective has largely gone without scrutiny, but it is clearly flawed. The magnitude of land being given over to solar for such little in return is not in the nation's best strategic interests. The premise of renewable energy is to save the environment, not to destroy it.</p> <p>The Prime Minister recognised in a recent speech that the electorate are concerned about the impact of pursuing a fast-paced agenda towards Net Zero.</p> <p>I agree and have learnt over many months that these proposed solar energy schemes will be highly destructive and would provide very little energy for the future.</p>	

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				<p>Schemes forced on communities with such adverse impacts for little gain, can only serve to undermine support for Net Zero. The public need to be encouraged and not have this kind of development imposed upon them. As stated before, the modest and problematic generation on such significant areas of land that will be required for other Net Zero projects means that the WBSP would have negative implications on the wider Net Zero picture, with other more effective and less land hungry generation options required for our current and future goals, after all we will need vast amounts of electricity to decarbonize all sectors not tiny percentages of what we once had.</p> <p>There will clearly be good and bad solar proposals coming through the system. I believe this one and its sister to be bad.</p> <p>The overall implications for this scale of ground mounted solar and its associated land use inefficiencies would be negative on Net Zero ambitions.</p>	

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GC-12	1.1.12	Lincolnshire County Council [REP3-042] [Link]	<p>Battery Energy Storage Systems</p> <p>It has been suggested in the Written Representation (WR) made by 7000 Acres [REP1A-021] that there is currently insufficient evidence for the ExA to conclude that an energy trading Battery Energy Storage System (BESS) would be Associated Development, or an aim in itself. It is also suggested that the Applicant has not provided evidence why a BESS of this size is required, why its capacity should be uncapped, and why it needs to trade energy with the National Grid. The Applicant is asked to please respond to the points raised, where relevant providing evidence to support its position.</p>	No comment.	The Applicant notes this comment.
GC-13	1.1.12	7000 Acres [REP3-049]	<p>Battery Energy Storage Systems</p> <p>It has been suggested in the Written Representation (WR)</p>	For example, in December and January the electrical generation by solar panels is minimal. At the same time a BESS would be used to store power during the day, typically	The Applicant refers the interested party to paragraph 7.7 of the

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			made by 7000 Acres [REP1A-021] that there is currently insufficient evidence for the ExA to conclude that an energy trading Battery Energy Storage System (BESS) would be Associated Development, or an aim in itself. It is also suggested that the Applicant has not provided evidence why a BESS of this size is required, why its capacity should be uncapped, and why it needs to trade energy with the National Grid. The Applicant is asked to please respond to the points raised, where relevant providing evidence to support its position.	wind generated electricity, to sell back to the National Grid at peak times, earning multiples of the daytime price. This is clearly an additional source of income, and so the BESS falls outside the PA(2008) Guidance on Associated Development. 7000 Acres agrees that storage of this type is required but should be located on brownfield sites. It should be consented under the Infrastructure Planning (Electricity Storage Facilities) Order 2020, as required by EN-1 section 3.3.29, and not under a Trojan Horse of a solar NSIP.	Explanatory Memorandum ¹ to the Infrastructure Planning (Electricity Storage Facilities) Order 2020, which confirms that "developers may be able to include storage within a Development Consent Order as associated development if, in a composite scenario, the other form of generation has fallen into the NSIP regime". Paragraph 2.10.16 of NPS EN-3 (November 2023) refers to energy storage being associated development for solar generating stations. Please also refer to response 7A-46 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050] which sets out how the BESS meets the tests to be 'associated development'.
GC-14	1.1.12	Simon Skelton [REP3-060]	Battery Energy Storage Systems It has been suggested in the Written Representation (WR)	With only around 2GWh of BESS in the UK and only about 50GWh worldwide, means that batteries will not and cannot realistically	The Applicant refers to Chapter 11 of the Statement of Need which describes the importance of flexible assets as

¹ https://www.legislation.gov.uk/ukxi/2020/1218/pdfs/ukxiem_20201218_en.pdf

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			made by 7000 Acres [REP1A-021] that there is currently insufficient evidence for the ExA to conclude that an energy trading Battery Energy Storage System (BESS) would be Associated Development, or an aim in itself. It is also suggested that the Applicant has not provided evidence why a BESS of this size is required, why its capacity should be uncapped, and why it needs to trade energy with the National Grid. The Applicant is asked to please respond to the points raised, where relevant providing evidence to support its position.	<p>be the answer to solar's many shortcomings any time soon.</p> <p>The UK alone would currently need up to 50GWh of batteries just to satisfy one hour of peak demand and around 1000GWh to provide 24hrs of backup. Batteries are not the Panacea. They are, however, a totally separate entity to the PV sites and a significant cash cow for the operator, who will be buying low and selling high. With the majority of the charging power coming from Grid and not PVs this is not associated development BESS should be mounted safely on the brownfield site next to the 400kv substation.</p>	part of the UK's future low-carbon electricity system, and BESS are an important part of that system. Please also refer to response 7A-46 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050] and the responses to questions 1.1.12, 1.9.5 and 1.9.6 in the Applicant's Response to ExA's First Written Questions [REP3-038] .
GC-15	1.1.13	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Development Plans</p> <p>The Central Lincolnshire Local Plan (CLLP) was adopted in April 2023. Following its adoption, can WLDC please provide an update in respect of the progress of other local plan documents</p>	WLDC can confirm that there are no other local plan documents being progressed that may be relevant to the proposal.	The Applicant notes this comment.

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			which may be relevant to the proposal.		
GC-16	1.1.14	Lincolnshire County Council [REP3-042] [Link]	<p>Local Policy</p> <p>Please explain why it is considered that relevant policies of the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies include DM1, DM4 etc. in the Local Impact Report [REP1A-002]. These appear to relate to minerals and waste matters rather than other forms of development.</p>	<p>Whilst these policies are from the Minerals and Waste Local Plan and are not directly related to solar it is considered that as they have recently been through a Local Plan examination and confirmed by a Planning Inspector as being in conformity with the NPPF they do offer some value in respect of the criteria that needs to be taken into account when assessing developments as being sustainable, affecting the Historic Environment, Impacts on Landscape and Best and Most Versatile Agricultural Land. With the Government proposal for reviewing Local Plans preparation procedures with the use of generic Development Management policies in all Development Plan documents it does demonstrate that it is appropriate to give weight to the Development Management policies of a Local Plan that is in conformity with the NPPF even if it has not been prepared for the particular development being considered as they do offer versatility.</p>	<p>The Applicant has set out a planning policy appraisal of the Scheme's compliance with the main policy requirements that are considered relevant to the proposals in WB7.5_B Planning Statement Revision B [EX4/WB7.5_B]</p>

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GC-17	1.1.18	7000 Acres [REP3-049]	<p>Neighbourhood Plans</p> <p>Your Relevant Representation (RR) [RR-001] states that there is a failure to consider neighbourhood plans.</p> <p>Noting the reference to neighbourhood plan policy provisions at Appendix D of the Planning Statement</p> <p>[APP-313] 7000 Acres is asked to provide further explanation of this concern.</p>	<p>APP-313 Appendix D provides a detailed cross-referencing exercise but does not address the fundamentals of the planning requirements and objectives that have been set out at a high level, covering themes of economic development, particularly in the Central Lincolnshire Local Plan (CLLP) (April 2023) and the Local Industrial Strategy (LIS) (2021). The LIS is not considered at all in APP-313. Extensive large-scale solar would undermine regional objectives for the agrifood and visitor sectors. With regard to renewable energy, the key areas of focus for the region are the stated as being the development of offshore wind, as well as carbon capture and storage to support decarbonisation of gas infrastructure. These have been described in more detail in 7000Acres WR REP1A-24, Section 6.</p>	<p>The Applicant has set out a planning policy appraisal of the Scheme's compliance with relevant policy documents in WB7.5_B Planning Statement Revision B [EN010132/EX4/WB7.5_B]</p> <p>The LIS is a strategy document set out by the Greater Lincolnshire Local Enterprise Partnership (GLLEP). Whilst this is a material consideration, it is not a policy document. The GLLEP's economic strategies, specifically the Greater Lincolnshire's Economic Plan for Growth document, have been considered and used in forming the socio-economic assessment set out in 6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056].</p>
GC-19	1.1.19	7000 Acres [REP3-049]	<p>Comparable Scale Infrastructure</p> <p>Noting the proposed heights of PV panels above ground level, and sub-station heights, please can the Applicant provide, if available, reference to a</p>	<p>The Heckington Fen solar project is reducing panel size from 4.5m in height after addressing concerns from local residents and the Sunnica Solar Project is limiting the height of solar PV panels to 2.5m. These comparable scale projects illustrate that it is feasible for</p>	<p>Please refer to the Applicant's response to question 1.1.19 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p>

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			comparable solar farm with regard to height, massing of associated infrastructure, and manoeuvrability of panels?	the companies and applicants involved to operate with 2.5m panels. Therefore, specifying panels greater than this and up to 4.5m panels, is a matter of choice for those involved. The difference from 4.5m to 2.5m high panels is significant in terms of landscape and visual amenity, amongst other things.	
GC-20	1.1.19	Simon Skelton [REP3-060]	Comparable Scale Infrastructure Noting the proposed heights of PV panels above ground level, and sub-station heights, please can the Applicant provide, if available, reference to a comparable solar farm with regard to height, massing of associated infrastructure, and manoeuvrability of panels?	The West Burton 4 site, that was eventually removed from the WBSP due to ALC figure anomalies? Had the panel height reduced to 3.5m after consultation in an effort to compromise with the local campaign group, the area of PVs was also reduced by a third. In the end the extremely effective campaign group won, and the site was dropped. Heckington Fen solar farm initially proposed 4.5m panels. The Developer listened to local concerns and the height was reduced. 4.5m high panels must not be allowed into the countryside. Sunnica solar farm that is sitting with the SoS at the moment is limiting panel height to 2.5m. If these energy follies go ahead then low level infrastructure must be	Please refer to the Applicant's response to question 1.1.19 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] . The West Burton 4 land area was removed from the Sites as detailed ALC determined that the entire area was BMV land. As part of the Statutory Consultation stage in June 2022, West Burton 4 was presented as likely to be designed with fixed panels with a maximum height of 3.5m due to sensitive landscape views, not applicable to West Burton 1, 2 and 3.

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				used, as recommended by BRE and Solar Energy UK	
GC-21	1.1.22	Nottinghamshire County Council (NCC) [REP3-043] [Link]	Sturton Le Steeple Quarry NCC in their Local Impact Report (LIR) [REP1A-006] at 5.4 express concerns in relation to the cable routing not prejudicing the re-opening of the Sturton le Steeple Quarry. Noting the references to the Quarry at Table 3.10 of their Statement of Common Ground [REP1-068] (SoCG), the Applicant and NCC are asked to review any possible impacts and update the SoCG accordingly.	Nottinghamshire County Council is happy to review potential impacts upon Sturton le Steeple Quarry and update the SoCG accordingly.	Please refer to the Applicant's response to question 1.1.22 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] . The Applicant will continue to engage with Nottinghamshire County Council to progress the SoCG.
GC-22	1.1.23	Nottinghamshire County Council (NCC) [REP3-043] [Link]	West Burton A Spherical Tokamak for Energy Production, (STEP) fusion project NCC in their LIR [REP1A-006] at Section 6 refer to the West Burton A and STEP Proj-ct - potential impact of solar	The masterplan referenced in paragraph 6.6 of the Notts LIR is in fact a proposal for a "vision" emerging from the STEP Strategic Collaboration Group which held its inaugural meeting on 20 September 2023. The STEP SCG is chaired by Sir John Peace (Midlands Engine) with representatives from EDF, UKAEA, Nottingham University and the	Please refer to the Applicant's response to question 1.1.23 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] .

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			<p>developments. They note that the West Burton A site has been selected by the UK Atomic Energy Authority (UKAEA) as a base for the development of the UK's first Nuclear Fusion Plant, with the potential to yield significant quantities of low carbon energy, generate employment opportunities and encourage investment in the region. The Spherical Tokamak for Energy Production, (STEP) fusion project is a long-term initiative which is not expected to be commissioned until 2040 with development consent to be gained between 2024 and 2032.</p> <p>NCC notes that the Applicant has not yet met with representatives of UKAEA to discuss the respective projects and expresses concerns. Specifically, NCC refers to the importance of ensuring that the cable route for the West Burton Solar Project</p>	<p>Energy Research Accelerator (ERA), MPs, Midlands Connect, Nottinghamshire County Council and Bassetlaw District Council. The Group was set up to support and create an attractive inward investment environment for fusion and associated industries in the region. Its aims are to maximise the benefits of the STEP programme being located in Nottinghamshire, and to promote wider enabling matters not covered by the STEP programme but complementary to it.</p> <p>Following the direction given by the Group, consideration is now being given to how best to develop a strong and coherent partner vision for STEP, to act as a platform for the longer term development of the programme and the North Notts area. It is intended that the vision will set out how STEP is an anchor for the wider area and a cluster point for green industries, helping STEP partners to attract major industry, innovative businesses and research and design, and other investment in fusion, in clean energy, and related supply chains from around the world. North Nottinghamshire has real potential,</p>	

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			<p>does not sterilise development land or detract from future development plans.</p> <p>a) The Applicant is asked to please indicate how intend to secure appropriate consultation with EDF (as the landowner), UKAEA and the relevant local authorities over the final cable routing?</p> <p>NCC also refer to their wishes to develop a master plan for the area to ensure that they work collaboratively with private sector partners (including solar farm promoters) to maximise the potential for clean and green energy development within the Trent Valley and that developments are sequenced correctly to best achieve the long-term objectives.</p> <p>NCC is asked to please provide details of the master plan they</p>	<p>with its energy infrastructure of former coal fired power stations, alongside other opportunities from Government, such as the East Midlands Investment Zone with its focus on green industry and advanced manufacturing, to be a national and internal focal point for inward investment over the coming decades.</p> <p>The vision for STEP will also consider emerging Nationally Significant Infrastructure Projects (NSIPs) in the area, to support a proactive approach to integrated development that will best support STEP and ensure the greatest and most sustainable set of benefits for the region. Given the desire to develop a unified vision for the area, driven by green industry and advanced manufacturing that offers both high skills and high-volume employment, STEP partners will look to work collaboratively with all private sector partners (including energy promoters) to deliver and achieve shared long-term objectives for energy generation in the area. Work is underway to consider the joint commissioning approach for the wider vision</p>	

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			refer to at paragraph 6.6 of their LIR.	described above. In addition, the UKAEA has appointed transport consultants to commence the site-specific transport requirements. This will interrelate with the wider visioning work to ensure a comprehensive and strategic long-term consideration of transport requirement	
GC-23	1.1.24	Lincolnshire County Council [REP3-042] [Link]	Monitoring Details of a number of the monitoring requirements set out in both the outline Construction Environmental Management Plan (OCEMP) [REP1-034] and the outline Operational Environmental Management Plan (OEMP) [REP1- 038] are limited, with specific requirements to be confirmed in detailed CEMP/OEMP. Whilst acknowledging that these documents are in outline, the Applicant is asked to provide further detail of the following monitoring requirements: a) Greenhouse gas emissions from	Whilst not relating directly to community benefits, clarification from the applicant on these points may help to highlight the need for a CBA to mitigate the local impacts.	Please refer to the Applicant's response given to question 1.13.6 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] .

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			<p>construction traffic/operational maintenance activities. B) Disruption to local residents, businesses and community facilities c) Potential for risks to human health from contamination d) Major incidents and accidents</p>		
2. Agriculture and Soils					
SOI-01	1.2.3	7000 Acres [REP3-049]	<p>BESS- BMV and Land Coverage ES Chapter 19: Soils and Agriculture [APP-057] states there will be no loss of agricultural land resource during operation. However, with the Substations, BESS and access tracks, it appears that some resource would inevitably be lost resource during operation. Additionally, the area proposed to be occupied by the Substations and Battery Storage infrastructure in the ES Chapter 19 [APP-057] paragraph 19.9.2 is</p>	<p>This is yet another example of the inconsistent and vague case submitted by the Applicant. Once again, they have failed to follow Advice Notice Nine section 1.4 and section 2.3.</p>	<p>Please refer to the Applicant's response to question 1.2.3 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p>

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			<p>noted to be approximately 6ha, whilst elsewhere it had been set out as 4.27ha. The Applicant is asked to: a) please clarify the amount of land this type of infrastructure will occupy. b) Set out (or signpost) to the potential impacts of elements of the project by land coverage. This should include permanent infrastructure; temporary solar PV arrays; and other mitigation and enhancement options (i.e. Biodiversity Net Gain areas). It would be helpful if shown within an additional table showing the Agricultural Land Classification (ALC) grade and proportion of all areas of each permanent and non-permanent item across the full DCO limits.</p>		
SOI-02	1.2.4	7000 Acres [REP3-049]	<p>BMV – National Policy Statement for energy EN-1</p> <p>Concerns have been expressed by IPs that, if not time limited,</p>	<p>Even at a 40-year operational life, the Applicant's proposed scheme fails to take a sufficiently broad consideration of sustainability. In terms of land, the Applicant</p>	<p>With regard to 7000 Acres comments, Paragraph 2.10.29 of the NPS EN-3 (November 2023) states "<i>While land type should not be a predominating factor in determining the suitability of the</i></p>

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			<p>the proposed development has the potential to lead to the permanent reduction in agricultural production. The Proposed Development is now suggested to have a 60-year operational life (Requirement 21).</p> <p>a) Please can the Applicant explain how Requirement 21 complies with the NPS for Energy (EN-1) and Renewable Energy Infrastructure (EN-3). Please make specific reference to the how it achieves the aim to minimise impacts on the best and most versatile (BMV) agricultural land (defined as land in grades 1, 2 and 3a of the ALC) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations.</p>	<p>has continued to focus on the technicalities of Agricultural Land Classification, holding on to the proportion of land that is 3a versus 3b, rather than how land can best be used for competing pressures, including for decarbonisation, as highlighted by the UK Climate Change Committee, which expects land to be used for direct decarbonisation measures – tree planting and establishing peatlands, as well as crops for biofuels.</p> <p>Should the 3a/3b classification remain a factor, the existing NPS states that the inspector should give little weight to the loss of poor quality land (including 3b), “except... in areas... where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy.</p> <p>Notwithstanding the unusually high proportion of land that has been assessed as 3b, it is clear that within the area of West Lindsey in which the West Burton Solar Project is proposed, there is a demonstrable link between agriculture, the environment</p>	<p><i>site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of “Best and Most Versatile” agricultural land where possible.”</i></p> <p>The wording of EN-3 is therefore clear that land type, including BMV land, should not be a predominating factor for the deployment of solar. The Applicant relies on the Agricultural Land Classification (ALC) in accordance with NPS EN-3 (November 2023), paragraph 2.10.33, which confirms that the ALC “is the only approved system for grading agricultural quality in England and Wales”.</p> <p>Likewise the 7000 Acres claim that an “<i>unusually high proportion of land that has been assessed as 3b</i>” is not substantiated and is contrary to the stated view of Natural England’s</p>

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			<p>b) Please can the Applicant also explain how temporary loss of BMV land would be an effective use of land, and would accord with Paragraph 5.10.8 of NPS EN-1.</p>	<p>and the local economy, therefore the exception should apply.</p> <p>In terms of the "emerging" NPS EN-1, this states "Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality" (this principle of a "hierarchy" of preferred land use is further expanded in emerging NPS EN-3). In the case of West Burton, the Applicant has focused entirely on the quality of agricultural land, not demonstrated necessity to use agricultural land.</p> <p>In addition, there is a clearly implied hierarchy in the list of land that should be used for ground-mounted solar. Emerging NPS EN-3 section 2.10.29 states: "applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible."</p>	<p>experienced ALC specialists in [REP1A-008], that they are satisfied that the detailed ALC survey undertaken across the order limits is appropriate.</p> <p>The Applicant also refers to its response to question 1.1.20 and 1.1.21 in its Responses to the ExA's First Written Questions [REP3-038], setting out the process undertaken by the Applicant to select the solar array sites, including consideration of brownfield land opportunities.</p>

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				The wording is clear therefore, in that agricultural land should be used after these other land classes have been explored, and only where use of agricultural land has been shown to be necessary. The Applicant has failed to identify any previously developed land, brownfield land, contaminated land or industrial land for any of its proposed development, and the Applicant has failed to make any case that using agricultural land at this scale is at all necessary.	
SOI-03	1.2.7	7000 Acres [REP3-049]	Soil Health a) Please can the Applicant, and optionally other Interested Parties, set out their views and evidence on the impact of a temporary solar development on soil health	The soil structure consists of niches, pores filled with water, swimming organisms, moist air, large pores, decaying matter, acidic conditions and temperature values. There are billions of living organisms belonging to thousands of species living within soil. Predators, prey, producers, consumers and pests exist below ground. There is a community of living organisms which is as intrinsically complex and valuable as us. Soil harbours much of earth's genetic diversity.	Defra R&D project SP08016 ² provides clear evidence that reverting arable land to grassland (as will occur on arable land occupied by a solar farm) provides clear and significant benefits to soil health which in turn has wider significant environmental benefits. There is no evidence from many years of UK solar farms to suggest that the

² SP08016 Best Practice for Managing Soil Organic Matter (SOM) in Agriculture <https://sciencesearch.defra.gov.uk/ProjectDetails?ProjectId=15536>

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				<p>Like air and water is an important component of larger eco-systems. Therefore, soil quality is as important as air and water quality.</p> <p>The Applicant claims that only the top layer of soil will be affected. There is an important eco-system at each depth of soil. The upper few centimetres are key, to plant growth/biological diversity/carbon storage and certain hydrolic processes. The interface between soil and the atmosphere is where living organisms are most diverse and numerous (e.g. vegetation). This surface layer physical condition determines whether the rain will soak in the ground or run downhill on the land surface.</p> <p>The destruction of the soil structure will set back years (100's/1000's) of soil formation back to zero.</p> <p>With climate change, drought conditions are predicted to become more frequent and more extreme as are wet conditions. The soil structure will be detrimentally affected by the scheme and as such, the storage of carbon and moisture within the heavy, moisture retentive soils in the area will be depleted.</p>	<p>presence of solar panels undermines this significant benefit to soil health.</p> <p>For further details, please see the Applicant's response to question 1.2.7 in its Responses to the ExA's First Written Questions [REP3-038]. Further information about the benefits to the soil from the Scheme can be found in the Applicant's response to question 1.15.3 (in particular in relation to chemicals that may affect the soil), and in its response to question 1.5.11 (in relation to drainage and stormwater run-off) [REP3-038].</p>

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				<p>Biodiversity will be harmed as food supplies for birds and mammals will be significantly reduced. (see 1.3.2).</p> <p>In addition:</p> <ul style="list-style-type: none"> • Moisture Retention: The shade provided by solar panels helps to reduce evaporation and retain soil moisture. This is particularly beneficial in arid regions where water scarcity is a major challenge. Unfortunately, water scarcity is not a regular feature in the West Burton Solar Project area. • Reduced Erosion: Solar panels act as a protective barrier against wind and rain, preventing soil erosion. Erosion is a significant issue in agricultural lands, as it depletes the topsoil and damages crop productivity. The high clay content of topsoil in the West Burton Solar Project area reduces that potential for soil erosion. • Temperature Regulation: The shade provided by solar panels helps 	

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				<p>regulate soil temperature, preventing extremes that can harm microbial life and nutrient availability. This is especially important in hot climates where high temperatures can negatively impact soil health. Unfortunately, you cannot describe the West Burton Solar Project as being proposed in a hot climate.</p> <ul style="list-style-type: none"> • Chemical Leaching: Certain cleaning agents used to maintain solar panels may contain chemicals that could leach into the soil, potentially affecting its quality. What mitigations are proposed by the West Burton Solar Project? 	
SOI-04	1.2.9	7000 Acres [REP3-049]	<p>Food Security – Material Planning Consideration</p> <p>Paragraph 19.5.2 to 19.5.3 of Chapter 19: Soils and Agriculture [APP-057] discuss food security. These state that “there are no food security policy constraints on the use of agricultural land</p>	<p>Following impacts on food supply chains and shortages in UK shops in 2022, the Environmental Audit Committee decided to examine food security in light of climate change. In November 2023, they published their report “Environmental change and food security” 1 .</p>	<p>NPS EN-1 and EN-3 (November 2023) do not include food security as a policy consideration. As set out in the comment on 7000 Acre’s response to question 1.2.4, above, agricultural land classification (ALC) is a consideration, but is not a predominating factor in solar schemes. ALC is also confirmed to be the only approved system for</p>

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			<p>for solar PV" and that "Arable land is also used to produce non-food crops for marthes... The relevant assessment for policy purposes is the ALC grade of the agricultural land, not its current use or the intensity of that use". The materiality of lease security is also discussed elsewhere, for example at Table 19.2. Please can the Applicant confirm, and explain, why it considers that food security is not a material planning consideration?</p>	<p>In terms of land use, the EAC note that "land use issue affects not just the national food system but also the global food system". The pressure on land use is well understood; "the UK's scarce land needs to perform multiple functions which include producing food, providing homes, connecting places through transport infrastructure, sequestering carbon, restoring nature, growing timber and energy crops, generating renewable energy, protecting against floods, and leisure".</p> <p>The EAC is very supportive of the Government's commitment to develop a Land Use Framework, which "offers a vital opportunity to ensure that English land performs the many functions required of it, including food production, while also supporting the Government's net zero and nature targets".</p> <p>Regardless of ALC classification, the proposed West Burton Solar Farm makes material use of productive agricultural land, which will impact on food and non-food crops. It is clear that the EAC felt sufficiently concerned about recent experiences with regard to food</p>	<p>grading agricultural quality in England and Wales (NPS EN-3 (2023), paragraph 2.10.33). In its response to question 1.2.9 in the Applicant's Responses to the ExA's First Written Questions [REP3-038], the Applicant confirmed that Climate Change and Soil Degradation are noted as key risks to food security in the Defra 2021 Food Security Report. Land use change is not.</p> <p>As set out in response to question 1.2.11 [REP3-038], crop yield is not a determining factor when assessing ALC grade. There is no loss of agricultural land resource to a solar farm. Farmland remains available for any future heightened food production demand. Government policy continues to incentivise change of use of agricultural land to uses such as forestry in order to deliver environmental benefits, such as those that are derived from placing arable land into an extended fallow below a</p>

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				<p>security to launch an investigation and have made clear recommendations to address their findings. One of the three key pillars in their findings is that “we need to adapt our food and farming system to become more resilient”.</p> <p>It is clear therefore that security of food must be considered when considering the withdrawal of extensive areas of agricultural crop land from production for an extended period of time, particularly when such land faces such overwhelming pressure. In terms of UK resources therefore, 7000Acres believe that food security is a material planning consideration.</p> <p>7000Acres maintains that the nation's food security is a material planning consideration. Food security is a basic premise for man's survival. It is a primary consideration of all governments. If, as the Applicant states food security is not a material planning consideration, then it is fundamentally clear</p>	<p>solar farm (Please see Environmental Improvement Plan 2023³ goal 6).</p> <p>The EAC report cited by 7000 Acres notes that climate change presents risks and challenges to UK food security, but the report does not support the claim that the temporary occupation of agricultural land by a solar farm presents a risk to UK food security.</p> <p>The land used for the Scheme can continue in agricultural production throughout the operational phase, through grazing sheep (see response 1.2.16 in [REP3-038]).</p>

³ Environmental Improvement Plan 2023. Defra <https://www.gov.uk/government/publications/environmental-improvement-plan>

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				that planning system is not fit for purpose if it cannot allow for this basic need of society.	
SOI-05	1.2.17	Lincolnshire County Council [REP3-042] [Link]	<p>Temporary Loss of Agricultural Land</p> <p>The application will result in temporary loss of agricultural land over the intended timespan for the Proposed Development. Chapter 19 Soils and Agriculture Paragraph 19.9.28 of [APP-057] confirms that "There is no obligation for land to return to arable production...". Please can the Applicant set out how it is considered that farming skills and knowledge will be retained for future reversion to agricultural practices? The ExA also seeks views on this from other Interested Parties.</p>	LCC do not consider that the removal of agricultural land for a period of 60 years can be classed as temporary and this should be assessed as a permanent loss of agricultural land. A 60 year lifespan is all but equivalent to an entire life time and, on a human scale, is hardly "temporary" in the common use of this word. The effects of this longevity should be assessed as essentially permanent effects as that is how they are experienced in reality.	Please refer to the Applicant's responses to questions 1.2.17 and 1.2.18 in its Responses to ExA's First Written Questions [REP3-038]. The land used for the Scheme can continue in agricultural production throughout the operational phase, through grazing sheep (see response 1.2.16 in [REP3-038]). Please also refer to responses 1.15.3 and 1.5.11 in [REP3-038] that set out how the presence of the Scheme will improve soil health when the land returns to arable management.
SOI-06	1.2.17	7000 Acres [REP3-049]	<p>Temporary Loss of Agriculture Land</p> <p>The application will result in temporary loss of agricultural</p>	The Applicant's confirmation that there is "no obligation for land to return to arable production" confirms the fears of many in the community, who believe that, should the land	Please refer to the Applicant's response to question 1.2.18 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] for the

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			<p>land over the intended timespan for the Proposed Development. Chapter 19 Soils and Agriculture Paragraph 19.9.28 of [APP-057] confirms that "There is no obligation for land to return to arable production...". Please can the Applicant set out how it is considered that farming skills and knowledge will be retained for future reversion to agricultural practices? The ExA also seeks views on this from other Interested Parties.</p>	<p>be consented, it will become a permanent solar installation.</p> <p>The Applicant cannot "have it both ways". Many of the Applicant's arguments are based around the installation being "temporary", therefore harms are in some way "short-term". Similarly, in terms of soil quality, the Applicant argues this will be an improvement, and yet this would only become relevant if the land is returned to agriculture. The Applicant is seeking for their scheme to be simultaneously temporary and yet gain the benefit of flexibility for the change not to be so.</p> <p>The production of food for the nation is a vital and core skill and industry which needs protection for all our benefit. The loss of the land to the solar industry and with "no obligation for land to return to arable production" will mean that funding, knowledge, education and skills in farming will be lost. The heart of the region is agriculture. The history, community, education, tourism, business (to name a few), all rely on the agriculture industry and</p>	<p>reasons why the Applicant is confident that the land will be returned to arable use following decommissioning of the Scheme.</p> <p>Please also refer to the Applicant's response to question 1.2.17 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] for an explanation of the reasons why the farming skills and knowledge will not be lost whilst the Scheme is in operation.</p> <p>The improvement in soil quality gained through the fallow period below the solar farm has sustainability benefits beyond agricultural production. The increase in soil organic matter is sequestered carbon if the land does not revert to the current cultivation practice (for instance if a no-till arable management system is adopted). Improvements to soil health also have other environmental benefits including hydrology and water quality.</p>

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				heritage. If a large proportion of the land is covered in solar panels and associated equipment, it is inevitable that farming skills and knowledge will not be retained as the Applicant has stated.	
SOI-07	1.2.17	Simon Skelton [REP3-060]	<p>Temporary Loss of Agriculture Land</p> <p>The application will result in temporary loss of agricultural land over the intended timespan for the Proposed Development. Chapter 19 Soils and Agriculture Paragraph 19.9.28 of [APP-057] confirms that "There is no obligation for land to return to arable production...". Please can the Applicant set out how it is considered that farming skills and knowledge will be retained for future reversion to agricultural practices? The ExA also seeks views on this from other Interested Parties.</p>	<p>Claiming that after 60 years the land could return to agriculture is unlikely. I doubt after six decades there will be a renewed appetite for agriculture in this area. This will be classed as previously developed land with a Grid connection. I think we all know this land will be used for industry in perpetuity, in essence a very large brownfield site.</p>	<p>Please refer to the Applicant's response to question 1.2.18 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] for the reasons why the Applicant is confident that the land will be returned to arable use following decommissioning of the Scheme.</p> <p>The land will not be considered brownfield following the decommissioning of the Scheme. As set out in responses 1.15.3 and 1.5.11 in [REP3-038], the presence of the Scheme will improve soil health when the land returns to arable management.</p>

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SOI-08	1.2.21	7000 Acres [REP3-049]	<p>Current Yield and Likely Changes</p> <p>a) Has the Applicant quantified the current yields in terms of arable, pasture and livestock and what is the estimated loss in yield due to the Proposed Development? Can this be provided? b) Please can the Applicant a commentary on what grade these yields have been, or estimated loss will be. c) If possible, please assess what proportion of UK production this is and provide a Commentary on the replacement of these.</p>	<p>7000Acres requests that the loss of agricultural production, and hence the need to replace this loss of production by the importation of crops, should be taken into account in the Applicant's Chapter 7: Climate Change. The same point applies to Question 1.2.23.</p>	<p>–Please refer to the responses to 1.2.11 and 1.2.21 in the Applicant's Response to the ExA's First Written Questions [REP3-038]. Crop yield is not a determining factor when assessing ALC grade and, as confirmed by paragraph 2.10.33 of the newly designated NPS EN-3 (2023), the "Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales". The Applicant is confident that the methodology in ES Chapter 7: Climate Change [REP1-012] is robust. It is considered that any additional importation of crops required as a result of the Scheme will be minimal and will not have any significant effect on emissions such that this requires an update to the Climate Change chapter. Please also refer to response 1.13.5 [REP3-038].</p>

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SOI-09	1.2.22	7000 Acres [REP3-049]	<p>Displacement of Food Production</p> <p>Given the quantity of agricultural land that would be temporarily lost, please can the Applicant:</p> <p>a) explain how there would be a significant beneficial effect to farming circumstances – see ES Chapter 19 Soils and Agriculture paragraph 19.9.20 [APP-057].</p> <p>b) Additionally, with reference to ES Chapter 19 paragraph 19.9.29, please explain why it considers there would be a beneficial effect when the land returns to agricultural use following decommissioning.</p>	<p>Beyond food production, it is important that displacement of all crops is understood. Where crops are for animal feed or for bio-fuels, then this will have still an impact. Given the primary purpose of the scheme is energy for decarbonisation, it would be counterproductive to adversely impact the carbon footprint of crops in their existing uses.</p> <p>The Applicant does not appear to have considered the displacement effects on any of the crops they are impacting.</p>	<p>Please refer to SOI-08 above and the responses to 1.2.21 and 1.2.22 in the Applicant's Response to the ExA's First Written Questions [REP3-038]. The land used for the Scheme represents a negligible percentage of the agricultural land in the UK.</p>
3. Biodiversity and Ecology					
ECO-01	1.3.2	7000 Acres [REP3-049]	<p>Paragraph 9.7.93 of ES Chapter 9 [APP-047] states that the effects of the installation of solar panels on bat activity and the activity of their prey is largely unknown. Can the Applicant please provide</p>	<p>With increased light levels and noise disturbance and the reduction in habitats and prey due to eco-system depletion, it is more than probable that the impact on bats will be negative and therefore, highly improbable</p>	<p>Please refer to the Applicant's response to question 1.3.2 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p>

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			commentary to explain how confident it is that it is "probable that these impacts on bats will be largely neutral".	that, as the Applicant has stated, "these impacts on bats will be largely neutral".	
ECO-02	1.3.8	7000 Acres [REP3-049]	The RR submitted by 7000 Acres [RR-001] states that "Solar farm biodiversity net gain claims are unproven in the UK at this scale". Can 7000 Acres please explain why it considers BNG is unproven in the UK at this scale and the concern.	<p>"Solar farm biodiversity net gain claims are unproven in the UK at this scale", is a clear statement of fact because:</p> <ul style="list-style-type: none"> Biodiversity Net Gain is a very new addition to planning requirements in the UK, having been due to apply in November 2023, it is now due to come into force from January 2024, and apply to Nationally Significant Infrastructure Projects in 20252. There is very little experience or track record of its use as a methodology, and while a number of case studies have been published, e.g. by Natural England, these are hypothetical illustrations of the methodology, and cover relatively small areas of development (<10ha.) in comparison to large scale solar development (e.g. West Burton at over 1000Ha.) 	<p>Please refer to response 7A-45 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050], as well as response 7A-156 and section 2.13 in WB8.1.18 The Applicant's Responses to Written Representation and Other Submission at Deadline 1: Part 2 [REP3-035].</p> <p>As noted in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050], the Biodiversity Net Gain assessment has been carried out using the Defra Biodiversity Metric which is a recognised method for determining the likely change in habitat value through development.</p> <p>The Applicant recognises the BNG metric has been updated since the assessment in the 6.3.9.12</p>

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				<ul style="list-style-type: none"> Natural England Report NEER0123 reviews the impact of solar farms on wildlife and ecology. It concludes that "The lack of evidence available relating to the ecological impact of solar farms is concerning" and that "more needs to be done to understand the interaction between these new [renewable energy] technologies and the ecology that they are ultimately designed to protect". There is no experience of the life cycle of large-scale solar development in the UK. The largest solar park operating in the country at present is Shotwick Solar Park at 70MW, which was commissioned in 2016, i.e. well prior to BNG requirements. Shotwick Solar Park covers only around 10% of the land area of the proposed West Burton Solar Project. Criticisms have been levelled at the BNG methodology (e.g. Guardian article "New biodiversity algorithm 	<p>Environmental Statement - Appendix 9.12 Biodiversity Net Gain Report [APP-088] was prepared. The Applicant will carry out an assessment when the Applicant seeks to discharge the obligations under Requirement 9 of Schedule 2 of the Draft Development Consent Order Revision E [EX4/WB3.1_E] with the relevant metric to be approved by the relevant planning authority at that time.</p> <p>As outlined in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050], the Biodiversity Net Gain calculations for the Scheme Sites automatically apply a temporal risk multiplier to all proposed habitat enhancement and creation. This represents the average time lag, measured in years, between the start of habitat creation or enhancement works and the target outcome. This is known known as 'time to target condition'. This multiplier is automatically applied by the metric and changes depending on data input. In this way, the calculations take into</p>

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				<p>'will blight range of natural habitats in England' (4, 21/07/2021), that it does not always properly value specific landscapes in the algorithm, for instance scrub, which may be a feature of rewilding projects, as well as sand quarries and field margins. It is also considered that the BNG fails to consider connectivity of habitats – which is a particularly relevant consideration given the distributed nature of parcels of solar development in the West Lindsey area, including WBSP.</p> <ul style="list-style-type: none"> For the WBSP biodiversity assessment much of the baseline is farmland, which has a relatively low “points” value under the BNG methodology. The assessment takes this low baseline and assumes there is no improvement in farming practices and contribution to BNG over the lifetime of the project, despite clear pressure on farming to improve practices in multiple dimensions, e.g. 	<p>account any temporal losses of habitat function and biodiversity value. With the temporal risk multiplier applied, the Scheme has been calculated to achieve a substantial net gain for biodiversity is anticipated to be achieved (see 6.3.9.12 Environmental-Statement - Appendix 9.12 Biodiversity Net Gain Report [APP-088]).</p> <p>The WB6.2.9 ES Chapter 9 Ecology and Biodiversity [APP-047] includes a cumulative impact assessment of ecology and biodiversity impacts of other similar or large-scale development in proximity of the Scheme.</p> <p>In response to 7000 Acres' comments about brownfield sites and panel height, the Applicant refers to the Applicant's comments in agenda item 4 of 8.1.6 Written Summary of the Applicant's Oral Submissions & Responses at Issue Specific Hearing 1 and Responses to Action Points [REP1-052] and the Applicant's</p>

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				<p>to reduce pesticide use, reduce carbon intensity and improve biodiversity.</p> <ul style="list-style-type: none"> For the WBSP, the BNG assessment has been carried out before the updated version of the BNG Metric methodology⁵ (4.0), issued from March 2023. While it is acknowledged that the updated methodology is unlikely to have a significant impact on outputs, the Biodiversity Metric 4.0 is considered to be a "substantial update", and so the BNG assessment should be reviewed to improve the accuracy of the result. A review of BNG information has been collated from "early adopter" councils, in a report by the Leverhulme Centre for Nature Recovery⁶ 7(linked to Oxford University). They describe a poor track record of policies to address ecological harms arising from infrastructure expansion, describing a history of "weak compliance". For the 	<p>response to comment 7A-12 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050].</p> <p>Accordingly, the Applicant does not consider additional evidence and research is required into the effects of large-scale solar installations on land in the UK.</p>

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				<p>UK's BNG policy, they highlight "governance gaps that risk undermining the policy's ecological outcomes".</p> <ul style="list-style-type: none"> The same report also finds that "21% of applications contained a simple recurring error in their BNG calculations, half of which have already been accepted by councils, hinting at under-resourcing in councils assessing developments". Therefore, as the Applicant has only shown the output of their BNG study, rather than shown the details of their "workings out", it is suggested that this information is made available and thoroughly audited. BNG relies upon the delivery of improvements, as planned. The action of construction of WBSP at its extensive scale cannot fail to adversely impact habitat in the short term, e.g. removal of hedgerows, disturbance of ground to install foundations, additional traffic 	

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				<p>movements. The long-term net improvement is vulnerable to weaknesses in the both the underlying assumptions in the BNG improvement plan and the effectiveness of its deployment, this is in addition to the underlying governance risk, highlighted above.</p> <ul style="list-style-type: none"> • One of the key concerns of 7000Acres is the lack of a holistic view of decarbonisation and sustainability, e.g. considering energy, or biodiversity without considering land use. The Geospatial Commission report "Finding Common Ground: Integrating data, science and innovation for better use of land"⁸ references a recent Royal Society report⁹, stating that analysis "indicates the extent to which the UK's land is "overpromised". The Royal Society estimates that approximately 1.4 million hectares of additional land (equivalent to the area of Northern Ireland) would be needed 	

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				<p>by 2030 to meet current policy targets for net zero and biodiversity (if current agricultural production, diets and food waste remain static). This rises to 4.4 million hectares by 2050 (over twice the land area of Wales and 18% of total UK land area)."</p> <ul style="list-style-type: none"> • Withing the Natural England report (TIN101) "Solar Parks: Maximising Environmental Benefits"¹⁰, solar parks are defined as being "installations of multiple solar photovoltaic (PV) modules, usually mounted 1.5- 2.5 metres above either greenfield or brownfield land occupying between 2 and 15 hectares." In terms of landscape the report states that "it is recognised that solar parks can change the character and visual experience of a given area or landscape". Although this report is now over 10 years old, it is clear that the scale of the WBSP, the absence of it making use of any brownfield sites, as well as the choice 	

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				<p>of 4.5m panel height all create significant potential for maximising environmental harms.</p> <p>Further reference is made to BNG concerns in Section 10 of 7000Acres WR on Landscape REP1A-20).</p> <p>On the basis of the above, 7000 Acres believe that it is, in effect, a huge experiment to rely on the BNG methodology to deliver actual improvements across such a vast and unprecedented area of development as the WBSP, particularly when considered alongside other super-large-scale ground mounted solar farms in the region. There is also a low base of confidence in such schemes having historically delivered ecological improvements to mitigate harms from infrastructure development.</p> <p>7000Acres therefore would therefore propose that little weight is afforded to claims for the WBSP to improve BNG, without significantly more evidence and research into the effects of such large-scale solar installations on land in the UK.</p>	

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4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations					
CA-01	1.4.6	Network Rail [REP3-051] [Link]	<p>Noting the update set out in the Schedule of Progress regarding Protective Provisions and Statutory Undertakers [REP1-046] and the content of the draft Statement of Common Ground [REP1-066] both provided at Deadline 1, Network Rail is asked to please:</p> <p>a) Explain how the proposed acquisition of new rights/restrictive covenants over plots 06-068, 06-069, 06-070, 06-071, 06-072, 06-073, 06-074 and 06-083 would affect Network Rail's undertaking.</p> <p>b) Comment on the additional inclusion of plots 05-063, 05-063a and 06-077 as relating and relating to Network Rail interests.</p> <p>c) Comment further on the status of negotiations over protective provisions and to</p>	<p>(a) The proposed acquisition of the new rights/ restrictive covenants over plots 06-068, 06-069, 06-070, 06-071, 06-072, 06-073, 06-074 and 06-083 may adversely impact the ability of Network Rail to provide a safe and efficient operational railway without the necessary protections and provisions in place.</p> <p>(b) NR are in the process of conducting internal investigations as to the likely impacts that the scheme will have on the rights held in respect of plots 05-063, 05-63a and 06-077, and will provide a more comprehensive response to this part (b) as soon as they the able.</p> <p>(c) The Protective Provisions are currently under negotiation and Network Rail have not received comments back, and so hope that the obstacles to reaching agreement will be minimal.</p>	<p>The Applicant has included protective provisions (PPs) for the benefit of Network Rail in Part 10 of Schedule 16 to the draft Development Consent Order Revision E [EX4/WB_3.1_E]. These PPs are based on Network Rail's standard PPs.</p> <p>The Applicant has been in discussions with Network Rail, resulting in the Change Application to include the additional plots listed in (b) within the Order Limits so as to minimise impacts on Network Rail's property.</p> <p>Discussions with Network Rail relating to the Framework Agreement, protective provisions and property agreements are ongoing.</p>

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			identify any likely obstacles to reaching an agreement before the close of the Examination.		
CA-02	1.4.7	EDF Energy [REP3-052] [Link]	EDF Energy Land and Interests Noting the update provided by the Applicant at in the Schedule of Progress regarding Protective Provisions and Statutory Undertakers, [REP1-048] EDF Energy is asked to please explain how the proposed acquisition of new rights over plots 10-183, 10-184 and 10-185 would affect their undertaking and to comment on the status of negotiations over protective provisions.	Please refer to the submission. [CMS Blank (planninginspectorate.gov.uk)]	The Applicant notes EDF's submission and confirms that it is negotiating the form of protective provisions for EDF's benefit to be included within the draft Development Consent Order Revision E [EX4/WB_3.1_E] and is confident that these will be agreed before the end of Examination.
CA-03	1.4.9	Lincolnshire County Council [REP3-042] [Link]	Highway land and interests Are Lincolnshire County Council (LCC) and Nottinghamshire County Council (NCC) in their role as the Highway Authorities aware of: a) Any reasonable alternatives to the CA or TP	LCC is not aware the applicant is seeking Compulsory Acquisition of any Highway Land. Do not agree with Temporary Possession of Highway Land for use under the DCO, have maintained that any works in Highway Land that need to be undertaken should follow	The Applicant notes this comment. Works to the public highway are governed by Part 3 (Streets) of the draft Development Consent Order Revision E [EX4/WB_3.1_E] . Temporary possession powers over highway land only affect private rights. Please refer

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
			sought by the Applicant; and/or b) Any areas of land or rights sought by the Applicant that they consider would not be needed.	existing Street works and permitting procedures and S278 Agreements.	to the response to 1.4.9 Nottinghamshire County Council, below, for further information.
CA-04	1.4.9	Nottinghamshire County Council (NCC) [REP3-043] [LINK]	Highway land and interests Are Lincolnshire County Council (LCC) and Nottinghamshire County Council (NCC) in their role as the Highway Authorities aware of: a) Any reasonable alternatives to the CA or TP sought by the Applicant; and/or b) Any areas of land or rights sought by the Applicant that they consider would not be needed.	In terms of compulsory acquisition (shaded blue on the Land Plan) , this primarily relates to land associated with the cable corridor. Whilst this route does cross the public highway it will have no effect on its legal status as Highway. All public highway is subject to the legal maxim, 'once a highway always a highway' which applies regardless of any change in ownership, unless a separate stopping up order is granted by the Secretary of State for Transport. Regardless of ownership the provisions of the Highways Act 1980, Traffic Management Act 2004, and associated legislation such as the New Roads and Street Works Act 2004, will still apply. Any works contained within the Highway would subject to legal provisions, agreements and licences required under the associated legislation. These provisions regulate construction works within the highway as well other associated	The inclusion of powers to compulsorily acquire rights for the cable route corridor where it crosses a public highway is required to deal with any subsoil interests owned by third parties that may be affected. The Applicant agrees with NCC that the application for, and exercise of, any compulsory acquisition powers in respect of such subsoil interests does not affect the status of the highway. Temporary possession powers are sought to enable the Applicant to use that land to facilitate the construction of the Scheme. By way of example, during street works to lay electrical cabling, highway powers would authorise the restriction of the street, placement of a diversion and relevant signage, and the laying of the cable

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				<p>activities such as the laying of services and cables etc. Consequently, it is unclear why any change of ownership or compulsory acquisition of land within the Highway Boundary would be required.</p> <p>The same applies to land for which temporary possession is being sought (shade yellow on the land plan). Any temporary works within the Highway required for access etc, would be covered by the relevant legislation. There may be an argument that temporary possession of land outside of the Highway may be required to facilitate access for larger vehicles and abnormal loads. However, having reviewed the Abnormal Load strategy contained within Appendix F of the Transport Assessment, for the access points located in within Nottinghamshire (access points AC103 – AC108), it would appear only access point AC108 is likely to require third party land, presumably to allow vehicles to turn around at the end of the route.</p> <p>There are a number of smaller areas of land shown as temporary possession direct</p>	<p>below the street. In addition, the temporary possession powers enable the Applicant to temporarily suspend or interfere with any subsoil interests as may be necessary during construction. The inclusion of these powers within the dDCO ensures that there is no impediment to the implementation of the Scheme.</p> <p>The Applicant confirms that access points AC100-AC108 are all in Nottinghamshire.</p> <p>The Applicant confirms that the third party land coloured yellow on the land plans adjacent to the access points referred to by NCC are required for temporary construction compounds.</p>

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				adjacent to access points located at AC103, AC104, and AC107. These do not appear to be required for access purposes, is presumed given their proximity to the Highway that they are being acquired by the developer on a temporary basis for use as site compounds / staging areas. We are unable to comment as to whether or not these areas are excessive as the area required will be subject to operation requirements determined by the developer	
5. Draft Development Consent Order (DCO)					
DCO-01	1.5.10	Lincolnshire County Council [REP3-042] [Link]	<p>Article 9 (Power to alter layout, etc., of streets)</p> <p>With reference to Article 9 of the dDCO [REP1-006], paragraph (2) confers a general power enabling the undertaker to alter the layout of any street, subject to the consent of the street authority.</p> <p>a) The Applicant is asked to please explain why such a wide power is required.</p>	LCC is concerned that detailed highways works which affect safety e.g. access details are left to requirement discharge with a deemed discharge provision rather than via s.278 procedure. . This includes Highway Authority consent in Para (4) – and this must apply to all works in the public highway, not just those in Para (2). Any works in the highway must have LCC approval (S278 and Streetworks and Permitting).	The Applicant acknowledges these comments. Please refer to the response to question 1.5.10 in the Applicant's Responses to ExA's First Written Questions [REP3-038], which confirms that the construction traffic management plan (CTMP) approved under Requirement 15 of the draft Development Consent Order (dDCO) [EX4/WB3.1] will contain the details of the highway alternation works. This process enables the final CTMP to accurately reflect the requirements,

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			The Highway Authorities are asked to please comment on the breadth of the power and whether it raises any issues for them.		<p>following the detailed design process. Following further discussions between the Applicant and LCC, the Applicant has amended the Outline Construction Traffic Management Plan [EX4/WB6.3.14.2_D] to address LCC's concerns.</p> <p>It is considered appropriate that the powers to carry out highway works that are specifically identified within the dDCO are approved as part of the DCO, to avoid any duplication, impediment or delay to the implementation of the Scheme.</p>
DCO-02	1.5.11	Lincolnshire County Council [REP3-042] [Link]	<p>Article 11 (Temporary prohibition or restriction of use of streets and public rights of way)</p> <p>With reference to Article 11 of the dDCO [REP1-006], the inclusion of both streets and public rights of way within this Article has the potential to cause confusion.</p>	Temporary Prohibitions – Works in the highway (which may need road closures /diversions) must be approved by LCC Streetworks and Permitting under existing procedures. Article 11 includes consulting LCC and obtaining consent in Paras 4(a) and 4(b). LCC's consent is needed for any works in the public highway.	<p>Please refer to the response to question 1.5.11 in the Applicant's Responses to ExA's First Written Questions [REP3-038] and the response to LCC 9.9/9.10 in the Applicant's Response to Local Impacts Reports [REP3-037]. In accordance with the Outline Construction Traffic Management Plan [EX4/WB6.3.14.2_D], paragraphs 3.5 and 3.6, the details of any works and</p>

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			<p>a) The Applicant is asked to please explain the rationale for this.</p> <p>The Highway Authorities are asked to please comment on these provisions, particularly in terms of the consenting procedures.</p>		<p>the signage strategy will be approved by the local highway authority through the final CTMP, which is approved under Requirement 15 to the dDCO. In this way, LCC has appropriate oversight of works to the highway.</p>
DCO-03	1.5.28	Environment Agency [REP3-045] [Link]	<p>Schedule 16 – Protective Provisions, Part 9</p> <p>With reference to Schedule 16 of the dDCO [REP1-006], noting the update provided in the Schedule of Progress regarding Protective Provisions and Statutory Undertakers at Deadline 1 [REP1-048] and the draft Statement of Common Ground [REP1-065] and the made by the Environment Agency [REP1A-006] a further update on the status of these negotiations is requested.</p>	<p>In relation to the Protective Provisions, we have undertaken a comparison between our standard protective provisions and what the applicant has submitted in the draft Development Consent Order. The two are not that far apart and there are no significant concerns that would make us think that we are not going to be able to reach agreement. However, discussions are ongoing and this has not been reached yet.</p> <p>In relation to the draft Statement of Common Ground, we made some comments on this on 30th October 2023 and some progress has been made since then.</p> <p>Related to this, it is noted that the applicants have submitted a Statement of Commonality</p>	<p>The Applicant agrees that there are no significant barriers to agreement of the protective provisions in the draft Development Consent Order Revision E [EX4/WB3.1_E] Discussions are ongoing with the Environment Agency to finalise the wording.</p> <p>The Applicant submitted a Risk Assessment of EMF Impacts on Fish as Appendix 1 in WB8.1.17 Response to Written Representations at Deadline 1 Part 1 [REP3-034] at Deadline 3. The Applicant and the Environment Agency have continued discussions on the matter and agreement has been reached that a programme of</p>

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				<p>(Revision A) on 4th January 2024 which indicates the latest situation from their point of view.</p> <p>In this, reference is made to the potential impact of Electromagnetic Fields (EMF) associated with the development upon ecology. The applicant needs to do more work on this topic as is referred to in the answer to question 1.6.10 below.</p> <p>Another topic that is discussed is the assessment of fertiliser and nutrient input rates into the surface drainage system at field boundaries. In response to this, on 21st December 2023, the applicant provided information on this topic. As referred to in the answer to question 1.15.6 below, the applicant also needs to do more work on this topic.</p> <p>In relation to other matters not referred to in the applicant's Statement of Commonality, one of the comments we made on 30th October 2023 was to ask for HFD10, on the topic of how much flood plain would be lost as a result of the development, to be moved from the matters agreed section to the one</p>	<p>monitoring will take place and is secured by measures in Table 3.3 in the outline Operational Environmental Management Plan Revision C [EN010132/EX4/WB7.14_C].</p> <p>The Applicant has spoken with the Environment Agency regarding the fertiliser and nutrient input on the 24th January 2024. It was explained that there was no mechanism in the Defra Biodiversity Metric for the quantification of change in river/ditch habitat value as a result of the cessation or reduction of agricultural inputs. Consequently, a realistic and achievable prediction of the likely change in habitat value is made based on professional judgment. The EA accepted this explanation during the discussion and subsequent email correspondence. An update is provided in WB8.1.111_B Statement of Commonality Revision B [EN010132/EX4/WB8.1.11_B].</p>

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				<p>relating to matters of discussion. This resulted in more information being provided by the applicant on this topic which showed the volumes calculated were insignificant in comparison to the size of the floodplain. This situation was accepted by us on 28 November 2023 and we have asked that the related calculations be put in a referenced document.</p> <p>Discussions on other matters are ongoing.</p>	<p>When the next version of the Statement of Common Ground is submitted into the Examination it will reflect the latest discussions that have taken place between both parties.</p>
6. Health and Wellbeing					
HW-01	1.6.2	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Human Health and Wellbeing Section 21.5 of Chapter 21 of the ES Other Environmental Matters [APP-059] provides an impact assessment in relation to human health and wellbeing. Table 21.5.1 signposts supporting information on Human Health elsewhere in the ES.</p> <p>a) Amongst others, the UK Health Security Agency (UKHSA) and NHS Lincolnshire Clinical Commissioning Group (CCG),</p>	<p>b) Policy S54 requires the potential for achieving positive mental and physical health outcomes to be taken into account when considering all development proposals and requires developers to submit a Health Impact Assessment for non-residential development proposals of 5ha or more. Supplementary Planning Document (SPD) has also been published to help guide developers and decision makers on the implementation of policy S54 Health and Wellbeing in the Central Lincolnshire Local Plan.</p>	<p>Whilst the Applicant understands the Scheme is able to beneficially contribute towards the general themes of health and wellbeing the policy is written to achieve, this policy has not been considered by the Applicant as the policy is aimed almost entirely at TCPA planning applications and requirements at that scale. As the Scheme is an NSIP, the scoping for a HIA is to be determined by PINS. In the EIA Scoping Opinion [APP-068], the Applicant's approach to assessing</p>

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			<p>provided comments at the scoping stage (summarised in Table 21.5.2). The ExA notes that UKHSA RR [RR-341] is "satisfied that the proposed development should not result in any significant adverse impact on public health". On that basis, it had no additional comments to make at the RR stage and confirmed that it has "chosen NOT to register an interest with the Planning Inspectorate on this occasion". Please can the Applicant provide an update on the input into the health impact from various health organisations where applicable.</p> <p>b) To what extent do IPs consider that the relevant parts of the application have systematically addressed the health impacts of the development, and what further information would assist</p>	<p>The adopted SPD defines Health as a <i>"state of complete physical, mental and social wellbeing. As well as access to good quality healthcare services and lifestyle choices, there are many factors that affect health and wellbeing. These include the physical and social conditions in which people live, culture, education, housing, transport, employment, crime, income, leisure, and other services. These all influence health in either a positive or negative way, both directly and indirectly. These factors are commonly known as the wider determinants of health."</i> (page 2).</p> <p>The local community have a strong connection with agricultural culture of the area, which is reflected in its landscape, land use and the way in which people live. The impact on the landscape will be replaced by large scale utilitarian photovoltaic solar arrays and their associated development. This will result significant change for a period of 40 years, which will degrade the character and culture of the West Lindsey and negatively impact the connection communities have with it.</p>	<p>health and wellbeing impacts was agreed with no requirement made for a separate HIA to be undertaken.</p> <p>However, the Applicant is confident that the human health and wellbeing impacts of the Scheme have been adequately addressed throughout the ES, with significant effects to health and wellbeing summarised at Section 21.5 of 6.2.21 Enviro-mental Statement - Chapter 21 Other Environmental Matters [APP-059]. The Applicant has submitted at Deadline 4 WB8.4.21.1 ES Addendum Human Health and Wellbeing Effects [EN010132/EX4/WB8.4.21.1] which provides a collation of human health and wellbeing impacts as assessed in the ES and to provide additional signposting to assessment outcomes with regard to human health and wellbeing impacts.</p> <p>The Applicant furthermore refers to its responses to comments and questions raised in the examination process.</p>

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			<p>with understanding health impacts.</p>	<p>Furthermore, communities are particularly dependent upon the use of adopted highways for recreation and leisure purposes. Due to the intensive agricultural character of the district, public rights of way across field are limited. This results in communities using highways for recreational activities with walkers, dog walkers, cyclists and horse riders all sharing roads with vehicular traffic.</p> <p>The proliferation of construction traffic for 5 years or more will discourage the use of rural highways for recreation use, resulting in a further negative impact upon the wellbeing and mental health of local residents and people using the district for leisure purposes.</p> <p>WLDC do not believe the Applicant's assessment adequately considers the construction and long term impacts of the cumulative schemes on local residents health and wellbeing who use these roads for recreational purposes. The chapter does not take into account the local amenity impact of the cumulative construction traffic associated with the proposed solar schemes. Whilst it is acknowledged an assessment of access to</p>	<p>The responses to Q1.6.8, 1.6.12, 1.6.13 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] address questions related to the methodology and outcomes of the assessment of human health, including mental health and wellbeing impacts.</p> <p>The Applicant has specifically responded to WLDC on the matter of potential conflicts between vehicular and recreation road users in their response at WLDC-22 (pg. 46) of WB8.1.17 Response to Written Representations at Deadline 1 Part 1 [REP3-034].</p>

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				local health services and work has been undertaken, this does take into account the impact on the mental health that traffic could have on the community.	
HW-02	1.6.2	7000 Acres [REP3-049]	<p>Section 21.5 of Chapter 21 of the ES Other Environmental Matters [APP-059] provides an impact assessment in relation to human health and wellbeing. Table 21.5.1 signposts supporting information on Human Health elsewhere in the ES.</p> <p>b) To what extent do IPs consider that the relevant parts of the application have systematically addressed the health impacts of the development, and what further information would assist with understanding health impacts.</p>	<p>We do not believe that the applicant has addressed the health impacts this scheme will have on the residents in the West Burton solar project area. By just doing a desktop review is not satisfactory. We have always advocated that the applicant should carry out a detailed Health Impact Assessment using the advice and format set out by Public Health England (Health and Environmental Impact Assessment: A Briefing for Public Health Teams in England July 2017 PHE; Health Impact Assessment in spatial planning: A guide for local authority public health and planning teams October 2020 PHE). This requires an engagement with multiple stakeholders within Lincolnshire connected with health, who would provide an insight into the health issues in West Lindsey. They would have provided an insight into deprivation, issues around physical health and mental health, the protected</p>	<p>The Applicant refers to its responses to Q1.6.2 part (a) in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>As the Scheme is an NSIP, the scoping for a HIA is to be determined by PINS. In the EIA Scoping Opinion [APP-068], the Applicant's approach to assessing health and wellbeing impacts was agreed with no requirement made for a separate HIA to be undertaken.</p> <p>The Applicant furthermore refers to its responses to 7000 Acres' previous comments on human health and wellbeing at Section 2.9 of WB8.1.18 The Applicant's Responses to Written Representation and Other Submission at Deadline 1: Part 2 [REP3-035].</p>

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				<p>characteristics and ways to mitigate against the scheme which will impact on health inequalities. Up to date health intelligence is essential. We have highlighted issues around mental health and how important green space is to those living in rural areas. In population health management, it is well recognised that the environment plays an important role in wellbeing, mental health and physical illness. It was the residents in their relevant representations and open forums who brought this to the attention of the applicant, who just seem to skirt over this issue. How can one mitigate for the loss of the countryside and way of life for rural people with the scale of such developments?</p> <p>We have always advocated that the cumulate impact of all the schemes definitely requires a single Health Impact Assessment and that the Secretary of State would require this. The main focus of the Health Impact Assessment is to understand the health issues faced in the area and the impact, to prevent health inequalities and more importantly these schemes do not affect the NHS Core20Plus5.</p>	

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				<p>We have examples of Military Veterans who benefit from the open spaces as therapy. We also have examples of patients with Learning Difficulties with spatial issues who also benefit from the open countryside.</p> <p>A traveller site at Odder (who were not informed as too far from the West Burton 1 & 2 sites), could be severely affected by flooding as their permanent site is on the River Till, downstream from the West Burton development. This ultimately could create a health inequality.</p> <p>We have also highlighted our concerns around the Equality Impact Assessment (see 7000 Acres WR REP1A-14 on the applicants Equality Impact Assessment).</p> <p>The applicant clearly does not demonstrate a clear understanding of rural health issues. They clearly did not separate out health impact issues as a separate subject and it was embedded in the Socioeconomic Chapter. We believe the health and wellbeing impact over the 40 now 60 years is a major issue and should have been escalated by the applicant</p>	

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				in their Environmental Impact Assessment with far more rigour and scrutiny.	
HW-03	1.6.3	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Health and safety related consents</p> <p>The Consents and Agreements Position Statement [APP-312] refers to consents under Section 61 of the Control of Pollution Act 1974, relevant to noise construction on sites.</p> <p>West Lindsey District Council (WLDC) and Bassetlaw District Council (BDC) will receive applications from the contractor before construction commences. Can the Applicant, and relevant authorities (WLDC, BDC) explain what the position is if an application is not successful?</p>	<p>Section 61 of the Control of Pollution Act 1974 allows contractors to apply for Prior Consent to carry out works which are likely to have a significant impact on a neighbourhood due to its generation of noise and vibration. A section 61 application outlines the planned works, the working hours and a plan to mitigate potential noise and vibration impact.</p> <p>The submission of a section 61 application demonstrates to the local authority a positive approach to reducing environmental impacts by committing to measures to control impacts and seek to avoid complaints.</p> <p>In the event that the relevant local authority does not give consent within 28 days or the Council attaches any condition to a consent, the applicant may appeal to a magistrate's court within 21 days thereafter.</p>	The Applicant agrees with the response provided by WLDC. Section 61(7) CPA 1974 sets out that where the local authority does not give consent within 28 days or the local authority attaches a condition, limitation or qualifies the consent, the Applicant may appeal to a magistrates court within 21 days of the decision.
HW-04	1.6.4	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Health and safety related consents</p> <p>Table 1 of the Consents and Agreements Position Statement</p>	WLDC's understanding is that the 'Health and Safety related consents' referred to in Table 1 of the Consents and Agreements Position Statement relate to requirements pursuant to	The Applicant agrees with the response provided by WLDC. The Health and Safety at Work Act 1974 relates to health and safety in the workplace. The

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			<p>[APP-312] refers to health and safety related consents.</p> <p>a) Do such consents apply in respect of both the workforce and members of the public?</p> <p>b) How long before construction commences are such consents to be applied for? What measures are in place to ensure these will be sought?</p> <p>c) Rather than "as appropriate" does the Applicant mean that such consents are to be made "as required" to comply with relevant legislation?</p>	<p>the Health and Safety at Work Act 1974 (and subsidiary legislation). Such compliance will be regulated by the Health and Safety Executive and not WLDC.</p>	<p>Act outlines employer-employee duties and certain provisions also apply to members of the public.</p>
HW-05	1.6.5	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Human Health – Study Area</p> <p>Are the relevant Local Authorities and IPs, satisfied that the study area for the Human Health and well-being effects is appropriate?</p>	<p>The assessment within the applicant's ES adopts a 500m buffer from certain receptors to assess impacts on human health, followed by professional judgement. WLDC is not clear on the basis of such a buffer and why it is considered a distance beyond which there will be no impacts upon the health of residents in West Lindsey communities. The use of a buffer appears particularly restrictive</p>	<p>Human health impacts are assessed across the ES in various technical chapters, wherein each assessment has been undertaken according to topic-specific industry standards applied with the professional judgement of the respective technical lead (note paragraph 21.5.3 of 6.2.21 Environmental Statement - Chapter</p>

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				in that people will experience impacts whilst moving throughout the area, engaging with a variety of cumulative impacts.	21 Other Environmental Matters [APP-059] . A 500m buffer has been adopted for assessment of some noise and vibration, and for some air quality receptors, however this buffer has not then been used for any other assessment of effects where there are resultant health and wellbeing impacts. The overall assessment of human health and wellbeing therefore assesses a dynamic impact area based on the likely impact of each aspect of human health and wellbeing assessed in the ES. This ranges from exceptionally localised impacts from glint and glare, and noise and vibration, to district-wide impacts such as cumulative effects on deprivation and access to healthcare.
HW-06	1.6.5	7000 Acres [REP3-049]	Are the relevant Local Authorities and IPs, satisfied that the study area for the Human Health and well-being effects is appropriate?	No. The study area should be the total area covered by all the schemes proposed. The scale of the proposals that will affect a population of approximately 50,000 people, including Gainsborough town, which already	The Applicant respectfully disagrees and refers to its responses to 7000 Acres' previous comments on human health and wellbeing at Section 2.9 of WB8.1.18 The Applicant's Responses to Written Representation and

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				has higher levels of economic inactivity, low social mobility and existing health inequality. This should have necessitated one Health Impact Assessment with a full engagement with the relevant stakeholders providing health to Lincolnshire.	Other Submission at Deadline 1: Part 2 [REP3-035].
HW-07	1.6.6	Lincolnshire County Council [REP3-042] [Link]	Engagement with LCC Public Health, NHS Lincs and UKHSA Can the Applicant please summarise engagement with LCC Public Health, NHS Lincs CCG and UKHSA to understand the Health and Wellbeing impacts this scheme will have on the surrounding areas including Gainsborough over the lifetime of the proposed development.	LCC internal consultations have included Public Health Officers so these Officers have been engaged through pre-application and pre-examination phases and given opportunity to comment and to enter into dialogue with the applicant if felt necessary.	The Applicant notes this comment, and refers to its response to Q1.6.6 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].
HW-08	1.6.6	7000 Acres [REP3-049]	Can the Applicant please summarise engagement with LCC Public Health, NHS Lincs CCG and UKHSA to understand the Health and Wellbeing impacts this scheme will have on the surrounding areas including	Lincolnshire Clinical Commissioning Group, with the new Health Care Act 2022, has been replaced by the Integrated Care Board (ICS) which brings the NHS together locally, and the Integrated Care Partnership (ICP) who prepare the integrated strategy which takes into account the Joint Strategic Needs	The Applicant notes this comment and refers to its response to Q1.6.6 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].

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			Gainsborough over the lifetime of the proposed development.	<p>Assessment and the strategy for health in Lincolnshire. Other stakeholders:</p> <ul style="list-style-type: none"> • United Lincolnshire Hospital Trust (Hospital Trust) - ULHT • Lincolnshire Community Health Services (Community Trust) - LCHS • Lincolnshire Partnership Foundation Trust (Mental Health Trust) -LPFT • Trent and IMP Primary Care Networks • Other voluntary organisations e.g Age UK, Dementia UK, MIND 	
HW-09	1.6.7	7000 Acres [REP3-049]	Please can the Applicant a) comment on the extent to which the Health and Social Care Act 2022 has been considered within its Health Assessment, and within the Equality Impact Assessment (EqIA) [APP-321]. b) Does it consider the Act relevant?	This Act ensures that all the NHS organisations come together as one integrated system and that the strategy for Lincolnshire Health and Wellbeing is prepared in an integrated way going forward using health intelligence to drive good health outcomes, and to prevent health inequalities in a more equitable way. Therefore, this Act is relevant as to the cumulative impact all the schemes will have on this area.	The Applicant notes this comment and refers to its response to Q1.6.7 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] .

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HW-10	1.6.10	Environment Agency [REP3-045] [Link]	<p>EMF – Environment Agency Concerns</p> <p>The ExA notes that the Environment Agency is holding ongoing discussions about the impact of EMFs on marine life in connection with another solar farm proposal [REP1A-007] para 3.1. Please can the Applicant and Environment Agency provide an update in so far as relevant to West Burton Application. This can be by way of update on progress within the SoCG [current draft version reference REP1-065]</p>	<p>We have contacted the applicant's consultant about this. He has advised they have prepared a Risk Assessment for the Cottam solar project, in line with the one produced for the Gate Burton energy park scheme. They aim to prepare the same document for the West Burton scheme and will let us know once this is produced and uploaded to the PINS project directory.</p>	<p>The Environment Agency have confirmed that they have seen the Risk Assessment.</p> <p>Please refer to the Applicant's response above to 1.5.28.</p>
HW-11	1.6.13	Lincolnshire County Council [REP3-042] [Link]	<p>Wider Determinants of Mental Health: Environmental Conditions</p> <p>[...]</p> <p>b) Optionally, IPs may wish to comment on specific aspects of the fabric of rural life which they consider will be taken away,</p>	<p>LCC have no comment to make on this question.</p>	<p>The Applicant notes this comment.</p>

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			resulting in worsened mental health, as a result of the proposed scheme (or in combination with other proposals). Please cite any relevant evidence where possible.		
HW-12	1.6.13	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Wider Determinants of Mental Health: Environmental Conditions</p> <p>[...]</p> <p>b) Optionally, IPs may wish to comment on specific aspects of the fabric of rural life which they consider will be taken away, resulting in worsened mental health, as a result of the proposed scheme (or in combination with other proposals). Please cite any relevant evidence where possible.</p>	<p>b) As set out in WLDC's Written Representation, WLDC has concerns relating to the adverse impacts upon the culture, mental health, character and way in which local communities engage with, and live within, the district.</p> <p>Policy context</p> <p>The NPPF supports the role of planning to create healthy, inclusive communities and recognises that the design and use of the built and natural environment are major determinants of health and wellbeing. The impact of development on human health and wellbeing is therefore a material consideration in the determination of planning applications. In addition, the Central Lincolnshire Local Plan was adopted on 13th</p>	<p>The Applicant refers to its responses made to WLDC's Written Representations at Section 2.4 of WB8.1.17 Response to Written Representations at Deadline 1 Part 1 [REP3-034].</p> <p>With regard to policy context, and specific regard to Policy S54, please refer to the response to 1.6.2 above.</p> <p>With regard to WLDC's key concerns, the Applicant refers to its responses made to:</p> <ul style="list-style-type: none"> Q1.6.13 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038], WLDC-22 (pg. 46) of WB8.1.17 Response to Written

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				<p>April 2023. The Local Plan includes policies so that new development within Central Lincolnshire can have a positive impact on health and wellbeing.</p> <p>The Central Lincolnshire Local Plan has produced a Supplementary Planning Document (SPD) to help guide developers and decision makers on the implementation of policy S54 Health and Wellbeing in the Central Lincolnshire Local Plan. S54 sets out a requirement for developers to submit a HIA for non- residential development proposals, 5ha or more.</p> <p>The adopted SPD defines Health as a “state of complete physical, mental and social wellbeing. As well as access to good quality healthcare services and lifestyle choices, there are many factors that affect health and wellbeing. These include the physical and social conditions in which people live, culture, education, housing, transport, employment, crime, income, leisure, and other services. These all influence health in either a positive or negative way, both directly and indirectly.</p>	<p>Representations at Deadline 1 Part 1 [REP3-034],</p> <ul style="list-style-type: none"> 1.6.5 above, in this document <p>The Applicant is confident that the human health and wellbeing impacts of the Scheme have been adequately addressed throughout the ES, with significant effects to health and wellbeing summarised at Section 21.5 of 6.2.21 Environmental Statement - Chapter 21 Other Environmental Matters [APP-059].</p> <p>The Applicant has submitted at Deadline 4 WB8.4.21.1 ES Addendum Human Health and Wellbeing Effects [EN010132/EX4/WB8.4.21.1] which provides a collation of human health and wellbeing impacts as assessed in the ES and to provide additional signposting to assessment outcomes with regard to human health and wellbeing impacts.</p>

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				<p>These factors are commonly known as the wider determinants of health." (page 2).</p> <p>WLDC considers that the application must be examined with a strong focus on the impacts it will have on local residents and visitors to the area with regard to the matters described in the above definition.</p> <p>Key issues of concern to WLDC</p> <p>The local community have a strong connection with agricultural culture of the area, which is reflected in its landscape, land use and the way in which people live. The impact on the landscape will be replaced by large scale utilitarian photovoltaic solar arrays and their associated development. This will result significant change for a period of more than half a century which will degrade the character and culture of the West Lindsey and negatively impact the connection communities have with it.</p> <p>Furthermore, communities are particularly dependent upon the use of adopted highways for recreation and leisure purposes. Due to the intensive agricultural character of</p>	

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				<p>the district, public rights of way across field are limited. This results in communities using highways for recreational activities with walkers, dog walkers, cyclists and horse riders all sharing roads with vehicular traffic.</p> <p>The proliferation of construction traffic for 5 years or more will discourage the use of rural highways for recreation use, resulting in a further negative impact upon the wellbeing and mental health of local residents and people using the district for leisure purposes.</p> <p>WLDC do not believe the Applicant's assessment adequately considers the construction and long term impacts of the cumulative schemes on local residents health and wellbeing who use these roads for recreational purposes. The Applicant does not take into account the local amenity impact of the cumulative construction traffic associated with the proposed solar schemes. Whilst it is acknowledged an assessment of access to local health services and work has been undertaken, this does take into account the impact on the mental health that traffic could have on the community.</p>	

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				<p>The assessment within the applicant's ES adopts a 500m buffer from certain receptors to assess impacts on human health, followed by professional judgement. WLDC is not clear on the basis of such a buffer and why it is considered a distance beyond which there will be no impacts upon the health of residents in West Lindsey communities. The use of a buffer appears particularly restrictive in that people will experience impacts whilst moving throughout the area, engaging with a variety of cumulative impacts.</p> <p>Moreover, the applicant suggests that they will potentially work together with other solar developers to minimise any cumulative effects. This does not commit the Applicant to a joint Construction Traffic Management Plan. In absence of any commitment to working collaboratively with the other proposed solar schemes, the local community will be uncertain of how construction traffic will be effectively managed. This may also result in conflicting CTMPs which could cause disruption on the local road network meaning that local residents will be deterred from</p>	

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				<p>using local roads for leisure activities such as running or cycling.</p> <p>In addition to the uncertainty over traffic management during construction, WLDC accept the Applicant's cumulative assessment of the solar schemes that will result in adverse impacts on the landscape, which is considered significant. This will affect the way that local residents relate to the area that they live in.</p> <p>Cumulative only considers two worst case scenarios of i) 3 projects at the same time and ii) 3 projects in sequence in relation to the cable corridor only. The assessment does not consider the construction of the main arrays and the impact this may have on the wider population. WLDC considers that it is the impact of the whole project in combination with others that has the potential to affect the health, wellbeing and amenity of local communities. These have not been considered in the ES and the ExA has no evidence before them to demonstrate the magnitude of these impacts.</p>	

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				<p>The draft DCO removes the ability for persons to make statutory nuisance claims based upon there being a model provision. Whilst this constitutes a model provision that has been adopted within previous DCOs, the cumulative situation applicable to this project is unprecedented. The ability of residents to seek remedy to perceived harm to their health, wellbeing and amenity as a consequence of the project through statutory nuisance processes would provide them with an additional mechanism to protect themselves and ensure the project is implemented in an appropriate manner.</p> <p>In view of the above, WLDC retain their concerns over the impact to the community's health in the long-term, with a focus on cumulative construction traffic on the local highway and the long-term landscape alterations as a result of Gate Burton and the other proposed solar schemes in the area.</p>	
HW-13	1.6.13	7000 Acres [REP3-049]	Wider Determinants of Mental Health: Environmental Conditions	7000 Acres has always pointed out that changing our environment has the potential to further increase depression rates, as those who live in the countryside, many out of	The Applicant refers to its responses made to Q1.6.13 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] , and its

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			<p>[...]</p> <p>b) Optionally, IPs may wish to comment on specific aspects of the fabric of rural life which they consider will be taken away, resulting in worsened mental health, as a result of the proposed scheme (or in combination with other proposals). Please cite any relevant evidence where possible.</p>	<p>choice, do so to gain benefit to their mental health. We know that green spaces affect positive mental health outcomes. It is well recognised in population health management that the environment plays a significant role in people's health and health outcomes. Both farming and rurality are key factors leading to health inequalities, and given issues such as social isolation and loneliness which exist in farming and an ageing population, issues relevant to our area, this all leads to increasing mental health issues. We know that farmers are particularly at risk of suicide and mental health issues already, and by creating inequity through these schemes could potentiate further mental health inequality.</p> <p>7000 Acres has always had a concern that these schemes will fragment and erode the social support networks that are in place because of outward migration of the younger generation leaving a much more vulnerable older population. Good social support is important as treatment for mental health. Eroding our agricultural sector, increases</p>	<p>responses to 7000 Acres' previous commentary on the WB7.12 Equality Impact Assessment [APP-321] in Section 2.8 of WB8.1.18 The Applicant's Responses to Written Representation and Other Submission at Deadline 1: Part 2 [REP3-035].</p>

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				<p>unemployment, which in itself leads to poor health and mental illness, which spirals into an increase in alcohol and drug abuse. If you have a long-term physical condition or a learning disability, one is at more risk of having a mental health condition. This is why a Health Impact Assessment is important. The Lincolnshire Joint Strategic Needs Assessment (JNSA), see above, has highlighted that there is a predicted increase in depression in the 65+ age range. This is a concern as the over 65 in our area is predicted to grow. People settle in rural areas for better quality of life. Therefore, changing our environment will have a negative impact particularly in the older age group, which will create inequalities particularly around mental health in this age group. This should have been highlighted within the Equality Impact statement under the heading "age".</p>	
HW-14	1.6.14	7000 Acres [REP3-049]	The ExA notes that the baseline assessment set out in Chapter 21: Other Environmental Matters [APP-059] uses data from 2011 and 2021 (Section 21.5). The	There is a failure by the applicant to use well recognised data sets especially those that apply to Lincolnshire health. By doing a desktop review, crucial elements on health are missed out. Understanding rurality and	The Applicant refers to its responses made to Q1.6.14 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] , and its responses to 7000 Acres' previous

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
			<p>Applicant is asked to consider the applicability of the 2011 data, and to provide clarity as to the reasons for its use, rather than a more up-to-date data set.</p>	<p>the impacts that surroundings areas have on towns and villages is crucial when it comes to health. The ICP sets the strategy and these are readily available e.g the Joint Health and Wellbeing Strategy for Lincolnshire, the Director of Health Annual reports which contain data such as the Global Burden of Disease, and the new strategy "Better Lives Lincolnshire", which outlines the ICP strategy for 2023 replacing the JNSA. The ICS publishes data through the Lincolnshire Health Intelligence Hub11 which incorporates the old Joint Strategic Needs Assessment. This again highlights the importance of a well structured Health Impact Assessment involving the right stakeholders.</p> <p>7000 Acres has highlighted our concerns around social care. Younger people tend to work in this area, however with outward migration concerns, escalated more by these developments make it less appealing for younger people to remain and settle here, and therefore pose a problem for the social care sector in West Lindsey, as well as for the established NHS Neighbourhood teams.</p>	<p>commentary on baseline data used for the assessment of human health and wellbeing in Sections 2.8 and 2.9 of WB8.1.18 The Applicant's Responses to Written Representation and Other Submission at Deadline 1: Part 2 [REP3-035].</p>

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				<p>Therefore, in a predominantly older population there is more reliance on the unpaid carers. Unpaid carers are seven times more likely to report loneliness and therefore face a higher risk of deteriorating physical and mental health conditions due to isolation.</p> <p>Lincolnshire is already facing a workforce crisis both in retention and recruitment in the health and the social care sector.</p>	
HW-15	1.6.15	7000 Acres [REP3-049]	<p>Socio-economic Change: impact on health and wellbeing</p> <p>The RR submitted by 7000 Acres [RR-001] states there is the possibility of socioeconomic decline from the cumulative effect and size of these developments. This would then affect people's health and wellbeing, which then has the long-term potential to impact on health inequality. Please can 7000 Acres provide further</p>	Please see answer to 1.13.9.	The Applicant notes this comment.

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
			evidence and explanation regarding these concerns		
7. Historic Environment					
HE-01	1.7.1	Historic England [Link]	<p>Study Area Selection</p> <p>Can the Applicant please explain with greater clarity the approach to and justification for the selection of study areas set out in the ES Chapter 13 Cultural Heritage [APP-051] , noting that 2km has been used for non-designated heritage assets and 5km for designated heritage assets.</p> <p>Have these study areas been agreed with Historic England and the Local Authorities?</p>	Historic England are content with our usual caveat as regards fixed radii; that professional judgement (and a degree of flexibility as regards selection) still needs to be applied to the consideration of specific impacts upon assets on the basis of an understanding of their particular significance, importance and sensitivity.	<p>The Applicant notes this comment and considers that the study areas selected meets these criteria.</p> <p>Consultation and engagement was undertaken with Historic England between 2022 and 2023, whilst the assessment presented in Chapter 13 of the Environmental Statement [APP-051] was being prepared. No objection was raised by Historic England in relation to the Study Areas used to assess the impacts on designated and non-designated above ground assets (see Appendix 13.9 Consultation Response Tables [APP-124], the Draft Statement of Common Ground [REP1-063], and the Statement of Commonality [EX4/WB8.1.11_B]).</p>
HE-02	1.7.1	Lincolnshire County Council [REP3-042] [Link]	<p>Study Area Selection</p> <p>Can the Applicant please explain with greater clarity the approach</p>	LCC is not aware that these study area criteria have been agreed with the Council.	Consultation and engagement was undertaken with Lincolnshire Historic Place Team (LHPT), who act as

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			<p>to and justification for the selection of study areas set out in the ES Chapter 13 Cultural Heritage [APP-051] , noting that 2km has been used for non-designated heritage assets and 5km for designated heritage assets.</p> <p>Have these study areas been agreed with Historic England and the Local Authorities?</p>		<p>archaeological advisors to Lincolnshire County Council, between 2022 and 2023, whilst the assessment presented in Chapter 13 of the Environmental Statement [APP-051] was being prepared.. No objections were raised to the Study Areas adopted to assess potential impacts to above ground designated and non-designated Cultural Heritage assets, as evidenced in the Statement of Common Ground [REP1-061], which details cultural heritage-based topics currently being discussed.</p> <p>The Preliminary Environmental Information Report (PEIR) produced in June 2022 detailed the study areas that would be used for the Cultural Heritage Environmental Impact Assessment, which was updated to reflect the Scoping Opinion from PINS and LHPT [APP-068]. No subsequent objections were raised by LCC in their response to PEIR.</p>

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HE-03	1.7.1	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Study Area Selection</p> <p>Can the Applicant please explain with greater clarity the approach to and justification for the selection of study areas set out in the ES Chapter 13 Cultural Heritage [APP-051] , noting that 2km has been used for non-designated heritage assets and 5km for designated heritage assets.</p> <p>Have these study areas been agreed with Historic England and the Local Authorities?</p>	<p>WLDC can confirm that it has not agreed to the study area and the matter has subsequently not been agreed within the SoCG.</p> <p>WLC also notes that the ES for the nearby Gate Burton Energy Park NSIP adopted a 3km study area for all designated heritage assets.</p>	<p>Consultation and engagement was undertaken with Lincolnshire Historic Place Team (LHPT), who act as archaeological advisors to West Lindsey District Council, between 2022 and 2023, whilst the assessment presented in Chapter 13 of the Environmental Statement [APP-051] was being prepared. No objections were raised to the Study Areas adopted to assess potential impacts to above ground designated and non-designated Cultural Heritage assets.</p> <p>The Preliminary Environmental Information Report (PEIR) produced in June 2022 detailed the study areas that would be used for the Cultural Heritage Environmental Impact Assessment, which was updated to reflect the Scoping Opinion from PINS and LHPT [APP-068]. No subsequent objections were raised by LHPT in their response to PEIR.</p> <p>The Applicant notes that Gate Burton Energy Park undertook a 3km study</p>

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					<p>area for all designated assets. A larger 5km Study area was adopted for designated heritage assets 'of the highest significance' within the Scheme.</p> <p>Paragraphs 3.1.4-3.1.6 of Part 1 of the Heritage Statement [APP-117] explain the reasoning for adopting a smaller 2km study area for the less significant Grade II listed buildings, which was informed by Historic England's advice as set out in <i>The setting of Heritage Assets</i> (p.9) which seeks to '<i>minimise the need for detailed analysis of very large numbers of heritage assets</i>'. This smaller study area for Grade II listed buildings was proposed as part of the Preliminary Environmental Information Report (PEIR) and no objection to this proposal was raised by the statutory consultees in their responses.</p>
HE-04	1.7.1	Nottinghamshire County Council	<p>Study Area Selection</p> <p>Can the Applicant please explain with greater clarity the approach</p>	The study areas were not agreed with NCC Archaeology	Consultation and engagement was undertaken with Lincolnshire Historic Place Team (LHPT), who act as

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
		(NCC) [REP3-043] [LINK]	<p>to and justification for the selection of study areas set out in the ES Chapter 13 Cultural Heritage [APP-051] , noting that 2km has been used for non-designated heritage assets and 5km for designated heritage assets.</p> <p>Have these study areas been agreed with Historic England and the Local Authorities?</p>		<p>archaeological advisors for Bassetlaw in Nottinghamshire, between 2022 and 2023, whilst the assessment presented in Chapter 13 of the Environmental Statement [APP-051] was being prepared. No objections were raised to the Study Areas adopted to assess potential impacts to above ground designated and non-designated Cultural Heritage assets.</p> <p>The Preliminary Environmental Information Report (PEIR) produced in June 2022 detailed the study areas that would be used for the Cultural Heritage Environmental Impact Assessment, which was updated to reflect the Scoping Opinion from PINS and LHPT [APP-068]. No subsequent objections were raised by LHPT in their response to PEIR.</p>
HE-05	1.7.2	Lincolnshire County Council [REP3-042] [Link]	<p>Archaeological investigations</p> <p>The RR from Historic England [RR-123] sets out that archaeological risks can be well</p>	<p>Adequate trenching is required across the remaining 79% of the redline boundary. Where trenching has not been undertaken there is insufficient baseline evidence to identify significant surviving archaeology and</p>	<p>The Applicant refers LCC and the ExA to the update that was provided by the Applicant at Issue Specific Hearing 4 on 8 February and Statement of Common Ground. Please see the Written</p>

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			<p>addressed, but only if there is a sound understanding of where archaeological sensitivity and importance lies across the site.</p> <p>The RR from LCC [RR-188] sets out that 2% trenching has taken place only in certain parts of the redline boundary totalling 21% of the site. Further, both LCC and NCC LIR ([REP1A-002] and [REP1A-003]) refer to the lack of evaluation trial trenching in 'blank' areas where previous archaeological evaluation techniques have not identified archaeological potential.</p> <p>Concern is expressed that an appropriate fit for purpose mitigation strategy cannot be achieved in areas that have not been subject to evaluation trial trenching. It is suggested that as a consequence the scheme presents a high level of risk. Noting the comment from</p>	<p>to inform an effective mitigation strategy to deal with the impact on areas of archaeological sensitivity in a reasonable and appropriate way. Other NSIPs in Lincolnshire have undertaken full coverage of the redline boundary and as a result have identified significant archaeological sites during the trenching phase which are then dealt with as part of an informed effective mitigation strategy to adequately deal with the impact of the development.</p> <p>This in keeping with standard archaeological practice and guidance as well as relevant policies. We are guided by our professional Chartered Institute for Archaeology (CIfA) Guidance and Standards, their definition of a field evaluation is 'to determine the presence or absence of archaeology, to define their character, extent, quality and preservation, and enable an assessment of their significance.'</p> <p>The provision of sufficient baseline information to identify and assess the impact on known and potential heritage assets is required by National Planning Statement</p>	<p>Summary of the Applicant's Oral Submissions at the Issue Specific Hearing (ISH4) [EX4/WB8.1.28], the draft Statement of Common Ground [REP1-061], and the Statement of Commonality [EX4/WB8.1.11_B].</p> <p>The Applicant respectfully disagrees with LCC and considers that sufficient evaluation, proportionate to the stage at which the Scheme is at, has been undertaken to inform the DCO Application and any works required as part of a post-consent 6.3.13.7 Environmental Statement - Appendix 13.7 Archaeological Mitigation WSI (Written Scheme of Investigation) [APP-122] as secured by Requirement 12 of Schedule 2 in 3.1_E Draft Development Consent Order Revision E [EN010132/EX4/WB3.1_E]. The Applicant considers that they have taken a reasonable, proportionate and consistent approach guided by national and local guidance that has enabled the collection of high-quality reliable data. This has provided an adequate</p>

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			<p>Historic England, LCC and NCC are asked to please explain what information is required to achieve the understanding of archaeological sensitivity and importance, and to therefore manage archaeological risks. Specific reference to relevant guidance and policy is requested.</p>	<p>Policy EN1 (Section 5.8), the National Planning Policy Framework and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 which states "The EIA must identify, describe and assess in an appropriate manner...the direct and indirect significant impacts of the proposed development on...material assets, cultural heritage and the landscape." (Regulation 5 (2d))</p>	<p>understanding of the archaeological potential and developmental impacts as set out in 6.2.13 Environmental Statement - Chapter 13 Cultural Heritage [APP-051] and has been used to formulate an appropriate mitigation strategy as set out in 6.3.13.7 Environmental Statement - Appendix 13.7 Archaeological Mitigation WSI [APP-122].</p> <p>In the first instance the archaeological assessment comprised: 6.3.13.1 Environmental Statement - Appendix 13.1 Archaeological Desk-Based Assessments [APP-105 to APP-108], 6.3.13.2 Environmental Statement - Appendix 13.2 Archaeological Geophysical Survey Reports [APP-109 to APP-114], 6.3.13.3 Environmental Statement - Appendix 13.3 Geoarchaeological DBA (Desk-Based Assessment) [APP-115] and 6.3.13.4 Environmental Statement - Appendix 13.4 AP (Air Photo) and LiDAR Reports [APP-116], which successfully identified the absence/ presence/ extent of</p>

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					<p>archaeological sites within the Order limits of the Scheme. An informed programme of 6.3.13.6 Environmental Statement - Appendix 13.6 Archaeological Evaluation Trenching Reports [APP-120 to APP-121] both verified the results of the non-intrusive assessments, and where archaeological deposits had been identified, provided further information regarding their extent, character, preservation, and archaeological significance.</p> <p>The Applicant considers that this approach has provided a sufficient level of baseline information, as captured within Section 13.5 of 6.2.13 Environmental Statement - Chapter 13_Cultural Heritage [APP-051] on which the Examining Authority can issue a recommendation and the Secretary of State can determine the DCO Application, allowing for suitable archaeological mitigation to be carried out pursuant to the implementation of 6.3.13.7 Environmental Statement -</p>

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					<p>Appendix 13.7 Archaeological Mitigation WSI [APP-122] which is secured by Requirement 12 of Schedule 2 to 3.1_C Draft Development Consent Order Revision C [EN010132/EX3/WB3.1_C].</p> <p>The Applicant considers that the sample of evaluation trenching requested by LCC should be justified based on the archaeological evidence, and that a high sample of evaluation trenching for solar schemes, especially in blank areas, is only warranted when baseline information and the results of non-intrusive evaluation (i.e. geophysical survey, LiDAR, aerial photographic analysis) is not sufficient in fulfilling the Standard for Archaeological Field Evaluation as defined by the Chartered Institute for Archaeologists (CIfA):</p> <p>"An archaeological field evaluation will seek to determine, record and report on the nature, extent, preservation and</p>

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					<p>significance of archaeological remains within a defined area"⁴.</p> <p>Baseline information for the Scheme, including the results of non-intrusive evaluation, has been proven to be reliable in identifying concentrations of archaeological sites. The Applicant considered the approach recommended by the archaeological advisors for West Lindsey in Lincolnshire and Bassetlaw in Nottinghamshire of uninformed trenches across all areas within the Order Limits to disregard baseline information and be in contradiction to guidance provided by ClfA. It is also considered to be unreasonable and disproportionate to impact caused by the nature of the Scheme, which are key principles of NPS EN1 (November 2023, paragraph 5.9.10) and NPPF (December 2023, paragraph 200) as</p>

⁴ ClfA 2023, *Standard for Archaeological Field Evaluation*, Online (last accessed 22.01.2024) <https://www.archaeologists.net/sites/default/files/Standard%20for%20archaeological%20field%20evaluation.pdf>

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					<p>well as Policy S57 of the Central Lincolnshire Local Plan (adopted April 2023).</p> <p>The Applicant considers the nature of archaeology and the results acquired by the evaluation techniques used to identify concentrations of archaeological remains within the Scheme are paralleled elsewhere in the North / East of England, and that there is no justification for an alternative approach to that which has been proven successful in assessing the archaeological potential of sites.</p> <p>In Lincolnshire (including North Lincolnshire) there are six DCO applications which have been submitted or approved. These include:</p> <ul style="list-style-type: none"> • Little Crow Solar Park in North Lincolnshire – DCO made (sample of trial trenching estimated by the applicant as totalling 0.47%)

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
					<ul style="list-style-type: none"> • Gate Burton Energy Park – recommendation phase (sample of 1.09%) • Mallard Pass Solar Farm – recommendation phase (0.30% sample) • Cottam Solar Project - examination phase (0.39% sample) • Heckington Fen Solar Park - examination phase (1.63% sample) • West Burton Solar Project - examination phase (0.45% sample) <p>Applicant considers the most directly comparable scheme is the Gate Burton Energy Park. The Gate Burton site is located directly to the north of the West Burton 3 site. Both schemes have</p>

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					<p>a comparable geology (BGS 2024⁵), topography and modern land use ([APP-122]; AECOM 2023⁶). No extensive areas of magnetic disturbance, either caused by geological changes in the substrata or modern activity, are present in geophysical data sets acquired by the Scheme or the Gate Burton scheme. Archaeological baseline information is equally similar, with numerous archaeological sites being identified by archaeological evaluation within both schemes, which are largely comprised of enclosures, ditches and pits that were assessed as being indicative of activity dated between the Iron Age and Medieval periods. Six mitigation areas are identified in the Gate Burton</p>

⁵ British Geology Survey, 2024, *Geology Viewer*, Online (last accessed 22.01.2024) https://geologyviewer.bgs.ac.uk/?_ga=2.135059191.725147177.1697185368-158807321.1697185368

⁶ AECOM, 2023 Gate Burton Energy Park: *Archaeological Mitigation Strategy Part 1*, Online (last accessed 22.01.2024) https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010131/EN010131-001241-7.6_Archaeological%20Mitigation%20Strategy_Part%201_Solar%20Park_CHANGE%20REQUEST%20VERSION_clean.pdf

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					Energy Park Archaeology Mitigation Strategy. Of these, five sites were detected by geophysical survey and confirmed by evaluation trial trenching. A further mitigation area focused on a rectilinear feature was identified by aerial photo and LiDAR mapping, which when trenched was identified as being of an uncertain origin (either archaeological or geological). No features were identified as requiring archaeological mitigation in 'blank' areas where non-intrusive evaluation techniques had not identified a potential for archaeological remains to be present ⁷ .
HE-06	1.7.2	Nottinghamshire County Council (NCC) [REP3-043] [LINK]	The RR from Historic England [RR-123] sets out that archaeological risks can be well addressed, but only if there is a sound understanding of where	The only way to completely assess the archaeological potential of an area of ground is to strip it completely of top soils and overburden. This would clearly be impracticable, unreasonable and	Please refer to response HE-05 above which describes the archaeological analysis undertaken and why this is considered by the Applicant to be sufficient to form the basis of the

⁷ AECOM, 2023 Gate Burton Energy Park: *Archaeological Mitigation Strategy Part 1*, Online (last accessed 22.01.2024) https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010131/EN010131-001241-7.6_Archaeological%20Mitigation%20Strategy_Part%201_Solar%20Park_CHANGE%20REQUEST%20VERSION_clean.pdf

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			<p>archaeological sensitivity and importance lies across the site.</p> <p>The RR from LCC [RR-188] sets out that 2% trenching has taken place only in certain parts of the redline boundary totalling 21% of the site. Further, both LCC and NCC LIR ([REP1A-002] and [REP1A-003]) refer to the lack of evaluation trial trenching in 'blank' areas where previous archaeological evaluation techniques have not identified archaeological potential. Concern is expressed that an appropriate fit for purpose mitigation strategy cannot be achieved in areas that have not been subject to evaluation trial trenching. It is suggested that as</p>	<p>unnecessary. It is therefore normal for archaeological professionals to assess risks and agree a proportion of the area should be subject to trial trenching, also known as field evaluation. This may complement other survey techniques, such as geophysical investigation, or may be the only means of assessing risk where other survey techniques have not been used or will not work. Ideally trench locations will be based on known archaeological features, such as findspots, or on a topographic basis, using our understanding of optimal locations for different types of activity at different times in the past. Local knowledge will often make a massive difference in the success of the approach. Increasingly archaeologists are identifying trenching as an overall % of the site.</p> <p>Most curatorial archaeologists will regard 2% or less as highly likely to be inadequate. Some</p>	<p>assessment presented in Chapter 13 of the Environmental Statement [APP-051] and the Written Scheme of Investigation [APP-122].</p> <p>The Applicant acknowledges that the Standard and Universal Guidance provided by the Chartered Institute for Archaeologist was updated in December 2023, and 'limited' was removed from the wording of the Standard for an Archaeological Field Evaluation. Irrespective of this change, the ClfA Standard still defines an archaeological field evaluation as "<i>a programme of non-intrusive and/or intrusive fieldwork which seeks to determine the presence or absence of archaeological features...</i>"⁸. Therefore, the Applicant considers that the evaluation undertaken as part of the assessment for the Scheme meets the</p>

⁸ ClfA 2023, *Standard for Archaeological Field Evaluation*, Online (last accessed 22.01.2024) <https://www.archaeologists.net/sites/default/files/Standard%20for%20archaeological%20field%20evaluation.pdf>

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			<p>a consequence the scheme presents a high level of risk.</p> <p>Noting the comment from Historic England, LCC and NCC are asked to please explain what information is required to achieve the understanding of archaeological sensitivity and importance, and to therefore manage archaeological risks. Specific reference to relevant guidance and policy is requested.</p>	<p>authorities, such as Devon, require a minimum of 5%. Emerging policy from East Midlands Association of Local Government Archaeological Officers is expected to recommend that a range of between 3% and 5% trenching of the overall site will offer a more balanced approach to risk, while acknowledging that some archaeological sites will still be missed. Further phases of evaluation may also be needed.</p> <p>It may be noted that the professional body, ClfA, in December 2023, re-defined evaluation as "a programme of non-intrusive and/or intrusive fieldwork which seeks to determine the presence or absence of archaeological features, structures, deposits, artefacts or ecofacts. It may form a single or final phase of work within a defined area or site on land, in an inter-tidal zone or under water". This replaces the previous wording of the Standard which described evaluation as "A limited programme of non-intrusive or intrusive work". Without understanding the variability of the archaeological resource across the site, its condition, and the level of</p>	<p>updated Standard for an Archaeological Field Evaluation.</p> <p>The Applicant respectfully disagrees that most curatorial archaeologists will "regard [a sample of] 2% or less as highly likely to be inadequate" as part of pre-determination works for a solar scheme. The Applicant highlights the numerous schemes across England, inclusive of Lincolnshire and Nottinghamshire, where either a low sample of trenching was required overall for the project or trenching was undertaken post determination.</p> <p>Examples of Town and County Planning Act applications in Lincolnshire and Nottinghamshire where the Applicant has identified from available online information that a <i>smaller extent of evaluation trenching was undertaken as compared to the Scheme include w:</i></p> <ul style="list-style-type: none"> • Bypass Solar Farm, Lincolnshire • Church Farm, Kingston On Soar, Nottinghamshire - Solar Photovoltaic Farm

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				current soil depth protecting it, adequate mitigation is simply not possible	<ul style="list-style-type: none"> • Cotmoor Lane, Nottinghamshire • Cowbridge Road, Bicker Fen - Solar Array, Lincolnshire • Gainsborough Road, Saundby - Solar Farm, Nottinghamshire • Gonerby Moor, Great Gonerby - Solar Farm, Lincolnshire • Gorse Lane Solar Farm, Lincolnshire • Inkersall Grange Farm Solar Farm, Nottinghamshire • Low Farm Solar Farm, Lincolnshire • Manor Farm Solar Farm, Lincolnshire <p>The Applicant also highlights that the high level of predetermination trenching that is recommended for the Scheme is unprecedented. There are three solar applications where a DCO has been made:</p> <ul style="list-style-type: none"> • Longfield Solar Farm in Essex, which comprised a sample of 0.08% of trenching;

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					<ul style="list-style-type: none"> • Cleve Hill Solar project, where no trenching was undertaken; and • Little Crow Solar project in North Lincolnshire, which comprised a sample of 0.47% trenching.
HE-07	1.7.4	Lincolnshire County Council [REP3-042] [Link]	Archaeological investigations LCC referred in its RR [RR-188] to concerns about the use of concrete ground anchors as a mitigation measure referred to in the WSI [APP-122] to enable 'preservation in situ'. Noting the Applicants response in The Applicants Response to Relevant Representations [REP1-050], LCC is asked to please comment on whether this addresses the concerns raised.	The vast majority of archaeology found in Lincolnshire is on land in agricultural use and while ploughing undoubtedly has an impact on archaeology within the ploughzone much of the proposed development impacts will be to depths far deeper than a plough and well below the levels of currently surviving archaeology. The potential for reduction in topsoil is a major factor in the concern regarding the suitability of theoretically mitigating measures particularly of concrete ground anchors: they may damage rather than protect surviving archaeology where there is insufficient depth of soil to mitigate the impact of compaction, installation, settlement over the lifetime of the development and removal.	The Applicant agrees with LCC that the vast majority of the archaeological sites identified within the Scheme are located within arable land and has been impacted by plough damage. Therefore, the Applicant considers that, in accordance with the National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023; Paragraph 2.10.110) as a potential benefit of solar PV developments, the Applicant highlights the positive effect the Scheme will have on the archaeological features identified within the Scheme's Order Limits, which are currently at risk from the impacts of ploughing (Paragraphs

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				<p>Unexpected Saxon skeletons were found within the first few days of trenching on this scheme which were approximately 20cm from the existing ground surface. Concrete ground anchors would be entirely inappropriate for archaeology such as this which is significant, in a fragile state and too near to the surface to survive the placement, settling, compaction and removal of concrete anchors. This would not be 'preservation in situ' mitigation, it would simply destroy unrecorded archaeology. While the use of concrete ground anchors can form part of an effective mitigation its use must be informed by sufficient understanding of the nature and significance of the surviving archaeology with due consideration for soil composition and the depth of impacts to ensure sufficient buffering to ensure that the archaeology is not damaged or destroyed.</p>	<p>13.7.43 and 13.7.44 of 6.2.13 Environmental Statement - Chapter 13 Cultural Heritage [APP-051]. Consequently, where appropriate the Applicant has proposed "preservation in-situ" either in the form of 'no development' areas, non-intrusive concrete feet or directional drilling (along the cable route), to minimise harm to buried archaeological remains and where possible to allow the archaeological resource within the site to be preserved in-situ.</p> <p>The Applicant considers that broad archaeological chronology, type and depth of features found within Lincolnshire and Nottinghamshire do not differ from other regions within the UK to the extent that alternative evaluation and mitigation techniques are required. For example, archaeological sites within the Scheme are generally composed of a series of ditches and pits of varying dimension</p>

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					<p>and depth, which is common across England.</p> <p>Examples of the use of concrete feet have been identified across England on sites with varying archaeological features and soil geomorphology demonstrating that the mitigation technique is not limited to a single county, region or type of archaeological site. Examples of the application of concrete feet include: The Grange (19/01408/FULM) in Nottinghamshire, Land south-east Of A6108 Darlington Road (21/00931/FULL) in North Yorkshire, Eastfield Farm (19/04321/STPLF) in East Riding of Yorkshire, Conesby Solar Park (PA/2018/2140) in North Lincolnshire, Vine Farm, Shingay-cum-Wendy (S/1067/14/FL) in Cambridgeshire.</p> <p>The Applicant assumes the comments by LCC relate to burials identified during evaluation trial trenching within the Order Limits of the Cottam Solar Project [PINS reference EN010133], as</p>

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					<p>no burials were identified during investigations for the this Scheme. The burials identified as a result of the investigations undertaken for the Cottam scheme were located adjacent to contemporaneous ditches that were recorded by geophysical survey, and so archaeological features in this area were not "unexpected". The burials were located at depths of between 30 and 40cm and had been heavily disturbed by plough damage. For further information, please see p.98 – 99 of "Cottam 1 Solar Project Interim Report: Archaeological Evaluation Trenching C6.3.13.6 ES Appendix 13.6 Archaeological Evaluation Trenching Reports_Part 1 of 2" [EN010133/APP-129].</p> <p>The Draft Statement of Common Ground [REP1-063] sets out the matters that are agreed and under discussion. A position statement will be prepared for future deadlines which will follow the same principles as has</p>

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					been agreed on the Cottam Solar Project. Please refer to Statement of Commonality Revision B [EX4/WB8.1.11_B] .
HE-08	1.7.5	Historic England [Link]	<p>Stow Park medieval bishops place and deer park</p> <p>The ExA notes that the assessment of the effects of the Proposed Development on the significance of the designated heritage asset is a matter of under discussion between the Applicant and Historic England, as set out in the [REP1-063]. Historic England's concerns are set out, with particular reference to the effect of the Proposed Development on the monument's legibility.</p> <p>The Applicant is asked to please set out the nature of ongoing discussions with Historic England, including whether</p>	Historic England notes c2m panels might be a little less prominent than those at c3.5m but do not see that as providing a tipping point from the substantial harm we identify in respect of the proposed scheme. At either height the scheme as set out would cause substantial harm through loss to its largely agrarian character as a former deer park and its legibility.	As summarised in the Statement of Common Ground with Historic England [REP-063] , the Applicant considers that the significance of the Scheduled Monument is vested in its historical and archaeological interest, and not in the intervisibility of the setting. While there is an historical spatial relationship between the three sections of the Scheduled Monuments, post-medieval and modern changes to the landscape have adversely compromised the setting of the Scheduled Monument. The surviving vestiges of the deer park are not experienced collectively within the modern landscape, and it is difficult to reconstruct the former deer park without the aid of aerial imagery or historical documentation. The significance of this Scheduled

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			suggested mitigation measures are being discussed.		<p>Monument and its setting is set out in detail from paragraph 3.2.21 of the Heritage Statement [APP-117]. Paragraph 3.2.49 notes that the NHLE for the Scheduled Monument confirms that it consists of "buried structural and artefactual remains", whilst paragraph 3.2.56 to 3.2.58 set out the difficulty in perceiving the Scheduled Monument, requiring the viewer to move through the landscape due to only limited intervisibility.</p> <p>With consideration to these factors, in particular the existing poor intervisibility that limits the ability to experience the setting of the Scheduled Monument, and the inherently temporary nature of the Scheme, the Applicant considers that the overall harm to the Scheduled Monument will be less than substantial harm (at the upper end) irrespective of the height of the panels. Therefore, the Applicant does not consider that further mitigation is necessary and that the</p>

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					<p>Scheme, in respect of the medieval bishop's palace and deer park, Stow Park (1019229), meets the tests set in NPS EN-1 (November 2023) at paragraph 5.9.32:</p> <p><i>"Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate Securing its optimum viable use".</i></p> <p>This wording is mirrored in the National Planning Policy Framework (December 2023) at paragraph 208.</p>
HE-09	1.7.7	Historic England [Link]	<p>Stow Park medieval bishops place and deer park</p> <p>Can the Applicant please clarify where a Zone of Theoretical Visibility (ZTV) analysis is undertaken of the Proposed Development in relation to the</p>	<p>The 'work' at Stow Park which the Secretary of State was able to designate under S1 of the 1979 Ancient Monuments and Archaeological Areas Act comprised the park pale (bank and ditch) and the moated palace, these features comprise the scheduled monument. The open ground enclosed within the pale - the deer park - was not regarded as a work under</p>	<p>The Applicant understands from the response to ExA Question 1.7.7 (see [REP3-046]) that Historic England believe that there is no direct impact to the Scheduled Monument (for example scheduled areas are limited to the park pale (bank and ditch and the moated palace), and that impacts to</p>

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			<p>Stow Park medieval bishops place and deer park.</p>	<p>the Act, hence only the moated palace and surviving sections of the park pale being designated as scheduled areas.</p> <p>The whole park, however, should be regarded as the primary heritage asset including the palace, pale and enclosed park as a private space cut out of the medieval landscape for the enjoyment of the Bishop and his guests. The enclosed space is intrinsic to the significance of the scheduled monument. Given that it is proposed to install solar array inside the park it will evidently be visible in a way which directly impacts upon the significance of the scheduled monument through loss to its largely agrarian character as a former deer park and its legibility. ZTV analysis would be useful to assess the effectiveness of a revised scheme which deleted panels from within the park.</p>	<p>significance caused by the positioning of panels within its setting. The Applicant agrees with these conclusions.</p> <p>While the Applicant agrees that the whole park can be considered a heritage asset, the Applicant considers that post-medieval and modern changes to the landscape have adversely compromised the setting of the Scheduled Monument. The surviving vestiges of the deer park are not experienced collectively within the modern landscape, and it is difficult to reconstruct the former deer park without the aid of aerial imagery or historical documentation (see Statement of Common Ground with Historic England [REP-063] for full details).</p> <p>Therefore, the Applicant respectfully disagrees that the current agrarian nature of the land with the deer park contributes to the significance of Scheduled Monument, as this reflects</p>

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					later land use which bears no resemblance to the earlier medieval deer park function.
HE-10	1.7.11	Historic England [Link]	<p>Roman Villa at Scampton: Cumulative impacts</p> <p>The Potential for up to moderate adverse cumulative impacts with Cottam at Roman Villa west of Scampton (NHLE 1005041) are referred to in the Joint Report in Interrelationships [REP1-057], depending upon the effectiveness of the landscape mitigation. The Heritage Statement [APP-117] at 3.2.14 notes the 'sweeping view west across the Trent Valley' from this location, also the Cumulative Developments Augmented ZTV [APP-272] illustrates that all four solar developments would be visible from this location. The Heritage Statement notes a slight adverse effect on significance at 3.3.15, presumably based on the</p>	Setting impacts upon Scampton Roman Villa from the present scheme and cumulatively with other NSIP solar proposals currently under examination are suggested by the ZTV. These impacts would derive from change to the landscape character extending west to the Trent. Harm to the monument's significance would derive from loss to the agrarian character and legibility of that landscape as historic landscape context to the Villa. The assessment in the Joint Report in Interrelationships [REP1-057] appears reasonable. The experience of this landscape as setting forms parts of the general large-scale cumulative landscape effects in the delivery of renewable energy generation with proportionate public benefits, a matter in which we defer to the ExA. We would not give weight to any potential effect of the present proposals in excluding as yet un-drawn developments which might otherwise be	<p>The Applicant notes these comments.</p> <p>As stated in the December update to the Joint Report on Interrelationships [REP1-057], the Applicant considers that while ZTVs demonstrate that the Scheme, Gate Burton Energy Park, Tillbridge Solar and Cottam Solar Project are theoretically visible from the location of the Scheduled Roman Villa west of Scampton (NHLE 1005041), direct visibility from the asset is filtered by existing hedgerows to the west and other features within the landscape, which also help provide screening. As a consequence, cumulative impacts to the Roman Villa west of Scampton (NHLE 1005041) have only been identified between the Scheme and Cottam Solar Project; any additional cumulative impacts with the Gate Burton Energy Park and Tillbridge Solar would be likely to be negligible.</p>

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			<p>effect of the West Burton Proposed Development alone. However, at 3.3.16 reference is made to fact that as the development would prevent any further developments from occurring within the Order Limits (e.g., for residential development) during the operational period, there is the potential for the Scheme in the longer term to have a beneficial effect on the settings of heritage assets. The Applicant is therefore asked to please explain the implications of these differential assessments. Historic England is invited to comment on both the assessments undertaken and their outcomes.</p>	<p>brought forwards (to be assessed on their own merits).</p>	<p>Following a site visit, during the winter period, when foliage coverage is at its lowest, and with consideration to the design proposals of the Scheme and Cottam Solar Project, including landscape mitigation, it is considered that there would be a Slight Adverse cumulative impact at the Roman Villa west of Scampton (NHLE 1005041).</p> <p>While the Applicant notes as stated in paragraph 3.2.14 of the Heritage Statement [APP-117 to APP-119] that a key aspect of the setting of the Roman Villa west of Scampton (NHLE 1005041) is its topographical location, the Applicant considers that the wider landscape that the Scheme is located within has a lesser contribution to the setting of the asset. The Scheduled Monument is largely screened by hedgerow that is located along the western edge of the Lincoln Cliff, and as such, has limited intervisibility with the Scheme. It is also worth highlighting that the rural setting of the</p>

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					<p>Scheduled Monument has also been adversely compromised by the location of the airbase at Scampton.</p> <p>As highlighted in Paragraph 3.3.16 of the Heritage Statement [APP-117 to APP-119], the Scheme is reversible and has the potential of preventing other developments that could have a long-lasting negative impact and so could be considered to have a longer-term beneficial effect on the setting of the heritage asset.</p>
HE-11	1.7.12	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Effects on designated heritage assets</p> <p>In their WR [REP1A-004], WLDC state that there will be a several further significant impacts on designated heritage assets including Scheduled Monuments and Grade I listed buildings. This will have a long term impact on these local assets.</p> <p>WLDC is asked to please clarify both which designated heritage</p>	<p>WLDC's reference to <i>'further significant impacts on designated heritage assets including Scheduled Monuments and Grade 1 listed buildings'</i> in paragraph 5.68 of its WR relates to the assessed residual effects concluded in the Applicant's ES in Table 13.32 of Chapter 13.</p> <p>The reference is to highlight that there are a wide range of heritage assets that will be adversely affected by the proposed development. Even where such impacts to a single asset are concluded to be 'slight</p>	<p>As identified in Table 13.32 of ES Chapter 13 [APP-054] - Residual effects following mitigation: Construction Phase – of Chapter 13: Cultural Heritage [APP-051], moderate adverse effects (i.e. significant in EIA terms) have been identified at The medieval bishop's palace and deer park, Stow Park (1019229). Neutral / Slight Adverse to Large Adverse effects have been identified at three non-designated archaeological sites, and Slight Adverse or Moderate Adverse have been</p>

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			assets are referred to and the nature of the heritage impacts.	adverse', when considered together alongside all of the other assets result in a significant impact that WLDC contends must be given significant negative weight in the planning balance.	<p>identified at four non-designated archaeological sites. Otherwise, effects have been assessed as being Neutral or Slight Adverse (i.e. not significant in EIA terms).</p> <p>The Applicant respectfully disagrees that <i>"where such impacts to a single asset are concluded to be 'slight adverse', when considered together alongside all of the other assets result in a significant impact that WLDC contends must be given significant negative weight in the planning balance"</i> as this would suggest that there is a shared associated value between heritage assets where slight adverse effects have been identified.</p>
8. Landscape and Visual					
LAN-01	1.8.1	7000 Acres [REP3-049]	<p>Design Principles</p> <p>Section 4.6 of NPS EN-1 emphasises the importance of ensuring good design in the development of Nationally Significant Infrastructure</p>	Please also refer to 7000 Acres Deadline 3 Submission, "Reply to West Burton ExA First Questions: Supplementary material covering detail of evolving NPS landscape". [REP3-050]	The parameters and design principles for the Scheme are set out in Concept Design Parameters and Principles [EN010132/EX4/WB7.13_C] , which is secured through Requirement 5 in Schedule 2 to the DCO

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			<p>Projects, referring also to the 'Design Principles for National Infrastructure developed by the National Infrastructure Commission. The National Planning Policy Framework (NPPF) also advocates good design. The Applicant is asked to set out the approach taken to good design, and how this element of the Proposed Development has evolved in relation to the following key elements. This should include reference how each element has responded, in terms of form and siting, to functional and aesthetic requirements, including sensitivity to existing landscape character and nature inclusivity. Reference should be made to how emerging technology can or could be accommodated. Please include:</p>		<p>[EN010132/EX4/WB3.1_E]. The Landscape Design Parameters which are incorporated into the Scheme's design are set out in Table 8.49 of Chapter 8: Landscape and Visual Impact Assessment of the Environmental Statement [APP-046] which also, as set out in Section 8.3 of Chapter 8, [APP-046] consider the relevant policy in the suite of NPSs.</p> <p>Solar Panels and Associated Equipment and Structures:</p> <p>With regard to the solar panels and associated equipment, the LVIA process has been iterative and as a result, the design of the Scheme has changed to respond to the findings of the assessment, meaning that landscape mitigation is fully considered and taken into account as part of the process of design development. This has involved setting out the key elements of constraint within the Landscape and Ecology Mitigation and Enhancement Plans Revision A [REP1-</p>

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			<ul style="list-style-type: none"> - Solar panels and associated equipment - On-site substations and associated equipment and structures - Battery Energy Storage - Boundary Treatment - Hard and soft landscaping 		<p>026, REP1-028 and REP1-031] and the Outline Landscape and Ecological Management Plan - Revision D [EN0101032/EX4/WB7.3_D] as secured by Requirement 7 of Schedule 2 of Draft Development Consent Order Revision C [EN0101032/EX4/WB3.1_E] and adopting the mitigation hierarchy in accordance with GLVIA3.</p> <p>On Site Substations and Associated Equipment and Structures:</p> <p>The discrete areas of land in the Scheme are placed so far apart that the Scheme, including the site substation and associated equipment and structures will not be perceived in their entirety, The substation is located 'in and amongst' the surrounding landscape features to assimilate this structure into the landscape. The provision of a substation within a discrete area of land can therefore offer a more favourable approach compared to having a single large site, as it allows for a distributed and less</p>

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					<p>obtrusive deployment of the associated equipment and the solar panels.</p> <p>Battery Energy Storage:</p> <p>The presence of the intervening landscape also provides scope for areas of mitigation for the battery energy storage and the ability to build upon the connectivity of green infrastructure and ecology and nature conservation and retain the existing landscape pattern. Section 6.4 of 7.5_B Planning Statement Revision B [EN010132/EX4/WB7.5_B] shows that the Scheme has been subject to a detailed and sensitive iterative design process. This has taken account of the context and features of the land within the Order limits, nearby sensitive receptors and assets, information emerging from environmental surveys, feedback from stakeholders, and opportunities and constraints in order to develop a good design that balances the need to maximise the battery storage and energy generation capacity</p>

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					<p>of the Scheme, with the avoidance and mitigation of impacts, and provision of environmental and other enhancements, where practicable.</p> <p>Boundary Treatment:</p> <p>Although the Scheme comprises a series of independent areas of land or Sites, they are set within an extensive agricultural landscape. With large areas of land between each of the Sites, each is set apart by their associated features such as robust hedgerows, woodland and tree cover, intervening settlements and the road and rail infrastructure. These independent areas of land provide more scope for the Scheme to be offset from the boundaries and all key receptors such as settlement edges, individual residential properties, PRow and transport routes which further assist with its integration and dispersion across the landscape than if the Site were one composite whole.</p> <p>Hard and Soft Landscaping:</p>

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					<p>The LVIA process has been iterative and as a result, the design of the Scheme has changed in response to the findings of the assessment, meaning that landscape mitigation (hard and soft landscape) has been fully considered and taken into account as part of the process of design development. This has involved setting out the key elements of constraint within the Landscape and Ecology Mitigation and Enhancement Plans [REP1-026, REP1-028 and REP1-031] and the Outline Landscape and Ecological Management Plan - Revision B [EN0101032/EX3/WB7.3_B REP3-028] as secured by Requirement 7 of Schedule 2 of Draft Development Consent Order Revision C [EN0101032/EX3/WB3.1_C] and adopting the mitigation hierarchy in accordance with GLVIA3.</p>

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LAN-02	1.8.4	Lincolnshire County Council [REP3-042] [Link]	<p>Local Planning Authority Design Role</p> <p>The local authorities are asked to please comment on:</p> <p>a) Whether the DAS [APP-314], the ES Scheme Description [APP-042] and the CDPP [REP1-036] documents provide enough detail and a sufficient basis to guide the development of design details post consent. Are any further visuals or design information required?</p> <p>b) Whether requirement 6 of the dDCO [REP1-006], is sufficient to secure the detailed design of the structures indicated in Table 2.1 to Table 2.9 of the CDPP [REP1-036].</p> <p>c) Whether the LPAs have sufficient design experience and expertise to take on design approval post consent and whether an external design</p>	<p>a. A key element is how the parameters of the scheme layout are fixed, particularly the location of larger elements such as the sub stations, BESS etc. as well as the extent of solar arrays and mitigation areas. It has been assumed that the works plans [EN010132/APP/ WB2.3] will "fix" the layout and location of these elements, however this needs clarifying. If proposed mitigation areas and extents or locations of built elements are changed from that shown in the DAS or layout plans in any later, detailed design stages, the findings of the LVIA are likely to also change.</p> <p>We would expect that the design details as described in the DAS, Scheme Description and CDPP post consent would be to within the limits of the works plans and parameters and would need to be agreed with the relevant planning authority, which we assume would be both WLDC and LCC, as secured by requirement 6 of the DCO.</p> <p>For example, while the submission includes landscape proposals, these are of a high level and would expect much more detailed plans</p>	<p>a. Schedule 2 Requirement 5 of the WB3.1_E Draft Development Consent Order Revision E EN01032/EX4/WB3.1_E secures the detailed design approval of various elements of the Scheme, including layout, scale, proposed finished ground levels and external appearance. Any details submitted as part of the discharge of this requirement must comply with the maximum parameters as set out in the WB7.13_C Concept Design Parameters and Principles Revision B [EN010132/EX4/WB7.13_C] and assessed in the Environmental Statement. The LVIA is based on the maximum parameters set out in these documents. 6.2.8 ES Chapter 8_Landscape and Visual Impact Assessment [APP-046] (the 'LVIA') includes a full and detailed assessment that deals with both effects [para. 8.4.23] on the landscape itself and effects on the visual amenity of people, as well as changing views. The LVIA process was iterative and as a result,</p>

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			<p>review would be necessary. If support is required, please indicate what this is in relation to and where this support should come from.</p>	<p>to be submitted at the detailed design stage to satisfy requirements. This would include the types of planting (species), as well as number, density and specification of planting. The types and areas of planting would be initially indicated within an approved design code or guide, and the champion or panel would be able to guide the detailed implementation of this through to detailed design information.</p> <p>b. Requirement 6 relates to Battery Safety Management. We have assumed this should refer to Requirement 7 which relates to the Landscape and ecological management plan. Requirement 7 only relates to a written landscape and ecological management plan, and Requirement 5 (Detailed design approval) does not explicitly require design details of the planting scheme to be provided and approved – the detailed design of the planting scheme is potentially not explicitly required. We would suggest under Requirement 5 that a bullet be added to (1) requiring approval of: "landscaping works</p>	<p>the design of the Scheme changed pre-application to respond to the findings of the assessment, to ensure that landscape mitigation is fully considered. This assessment is undertaken in accordance with 6.3.8.1 ES Appendix 8.1 LVIA Methodology [APP-072].</p> <p>The landscape mitigation measures provide new planting, which will include new native hedgerows and tree cover, and this will also include their management and maintenance. The mitigation measures are shown on LVIA ES Figures 8.18.1-A to 8.18.3-A Landscape and Ecology Mitigation and Enhancement Plans [REP1-026 to REP1-031].</p> <p>The proposed landscape mitigation and enhancement measures are set out in outline in the Outline Landscape and Ecological Management Plan Revision D [EN010132/EX4/WB7.3_D]. Preparation, approval and</p>

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				<p>including detailed planting layouts, specifications and programme.</p> <p>c. We assume external consultants may be required for landscape and visual advice and guidance on approval of planting/landscape scheme if no in house expertise. This would include advice on layouts, species selection, planting specifications and subsequent detailed management. This would need coordinating with other disciplines, primarily ecology, but may also include civils (SuDs/wetland areas). This advice would likely extend to the appearance (finish, colour, materials etc.) of structures and features in the landscape.</p>	<p>implementation of the final detailed plan is secured by Requirement 7 in Schedule 2 of 3.1_E Draft Development Consent Order Revision E [EN010132/EX4/WB3.1_E]. The Applicant therefore considers that it is not necessary to duplicate the approval process for landscaping by adding a reference to landscaping works in Requirement 5.</p> <p>In order to secure high quality design for the Scheme, the Landscape and Ecology Mitigation and Enhancement Plans will be developed in full detail covering both the soft and hard landscape works. These plans will be submitted to and approved in writing by the local planning authority. The soft landscape works shall include types of planting (species), as well as number, density and specification of planting. The design objectives of the soft and hard landscape areas would be set out within a design code or guide as</p>

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					<p>approved in writing by the local planning authority.</p> <p>b) Please refer to Agenda Item 6A of the Written Summary of the Applicant's Oral Submissions & Responses at Issue Specific Hearing 2 and Responses to Action Points [EX4/WB8.1.24], which explains why the Applicant does not consider this addition to be necessary. The Applicant would consider it to be duplication for details of the landscaping to be approved under Requirement 5 of the DCO in addition to Requirement 7.</p> <p>c) The Applicant notes this comment.</p>
LAN-03	1.8.4	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Local Planning Authority Design Role</p> <p>The local authorities are asked to please comment on:</p> <p>a) Whether the DAS [APP-314], the ES Scheme Description [APP-042] and the CDPP [REP1-036] documents provide enough</p>	<p>a) WLDC are not in a position to identify the specific information required to be able to determine subsequent applications for approvals pursuant to DCO Requirements. The draft DCO Requirements set out the details required to be confirmed, but it will be for the applicant to determine the form of such information, hopefully with prior discussion with the relevant local authorities.</p>	<p>a) The Applicant notes this comment. Please refer to the response to LAN-02 above.</p> <p>b) The Applicant notes this comment. c) The Applicant notes this comment, and notes that the wording of Schedule 17 (Procedure for discharge of Requirements) of the draft DCO</p>

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			<p>detail and a sufficient basis to guide the development of design details postconsent. Are any further visuals or design information required?</p> <p>b) Whether requirement 6 of the dDCO [REP1-006], is sufficient to secure the detailed design of the structures indicated in Table 2.1 to Table 2.9 of the CDPP [REP1-036].</p> <p>c) Whether the LPAs have sufficient design experience and expertise to take on design approval post consent and whether an external design review would be necessary. If support is required, please indicate what this is in relation to and where this support should come from.</p>	<p>Should such information be insufficient to approve, the local authority is able to request further information under Schedule 17 (Article 46) of the dDCO.</p> <p>b) WLDC does not raise any fundamental concerns with regard to requirement 6 'Battery safety management'.</p> <p>The structures included in the tables that set out the CDPP for each respective authorised 'Work' (Tables 2.1-2.9) are not all controlled by Requirement 5 'Detailed design approval' or Requirement 6 'Battery safety management' WLDC's understanding is that other Requirements control other Works (e.g. Requirement 18 'Public Rights of Way).</p> <p>c) WLDC considers that it has the technical capability to assess the final design of the project pursuant to relevant DCO Requirements in terms of compliance with the scope of the ES. Due to the flexibility sought by the applicant through the DCO, WLDC anticipates that the approval process will require sufficient time to adequately assess the information and consult with statutory bodies to inform such approvals.</p>	<p>[EN010132/EX4/WB3.1_E] continues to be the subject of discussion between WLDC and the Applicant. Please see agenda item 6E of the Written Summary of the Applicant's Oral Submissions & Responses at Issue Specific Hearing 2 and Responses to Action Points [EX4/WB8.1.24].</p>

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				<p>WLDC is unclear how an external design review process would function, especially given the current approval timescales, including deemed consent provisions, that the applicant is seeking through the DCO (to which WLDC objects). WLDC is also of the view that, should consent be granted for the project, there is limited scope to influence design at the post-consent approvals stage. The acceptability of the design of the project should be determined at the DCO decision stage. Provided Details submitted for approval pursuant to Requirements are within the assessment envelope calibrated by the ES, there is limited scope for a local authority to introduce new design principles at that stage.</p>	
LAN-04	1.8.5	7000 Acres [REP3-049]	<p>Noting that the size of PV panels is not fixed in the application, the Applicant is asked to please indicate how the implications of each of the different options available have been fully considered in terms of landscape and visual effects.</p>	<p>7000Acres argues that it is not possible to fully consider the implications of not fixing the size of panels in terms of landscape and visual effects. It means that the Applicant is basing their assertions on meaningless scenarios and providing information which is baseless and will have no reflection on the</p>	<p>Appendix D of the Written Summary of the Applicant's Oral Submissions & Responses at Issue Specific Hearing 1 and Responses to Action Points [REP1-052], includes a comparative assessment of landscape and visual effects of tracker panels and fixed panels. Appendix E of the Written</p>

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				implementation of the scheme if it goes ahead.	Summary of the Applicant's Oral Submissions & Responses at Issue Specific Hearing 1 and Responses to Action Points [REP1-052], includes Augmented Zones of Theoretical (ZTV) Mapping to support the comparative assessment of effects of types of panels.
LAN-05	1.8.6	7000 Acres [REP3-049]	The Concept Design Parameters document [REP1-036] provides the parameters for each battery storage unit but it is unclear whether these will be stacked and if so, what the maximum height would be. Can the Applicant please explain where the maximum height of the Battery Energy Storage System is secured in the application documents?	<p>7000Acres accepts that applying a Rochdale Envelope to a project of this type is reasonable. However, Advice Notice Nine reminds us that detail is required in order to assess the worst case: "2.3 To understand the implications arising from the comprehensive consideration of the issues by the Judge (Sullivan J. (as he then was)) in Milne (No. 2) ('the Judgment'), it is helpful to note some of the key propositions, as follows:</p> <ul style="list-style-type: none"> the assessment should be based on cautious 'worst case' approach: "such an approach will then feed through into the mitigation measures envisaged [...] It is important that these should be adequate to deal with the worst case, in order to 	<p>Please refer to the Applicant's response to question 1.8.6 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] and the Applicants response to 7A-151 in WB8.1.19 Response to Written Representations at Deadline 1 Part 2 [REP3-035].</p> <p>Use of the Rochdale Envelope is an approach recognised by PINS, as set out within Section 4.3 of 6.2.4 Environmental Statement - Chapter 4 Scheme Description [APP-042] .The need for flexibility in design, layout and technology is recognised in National Policy Statement EN -1 as elements of a development may not be finalised at</p>

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				<p>optimise the effects of the development on the environment" (para 122 of the Judgement);</p> <ul style="list-style-type: none"> the level of information required should be: "sufficient information to enable 'the main,' or the 'likely significant' effects on the environment to be assessed [...] and the mitigation measures to be described" (para 104 of the Judgment); the need for 'flexibility' should not be abused: "This does not give developers an excuse to provide inadequate descriptions of their projects. It will be for the authority responsible for issuing the development consent to decide whether it is satisfied, given the nature of the project in question, that it has 'full knowledge' of its likely significant effects on the environment. If it considers that an unnecessary degree of flexibility, and hence uncertainty as to the likely 	<p>the point of applying for a development consent order.</p>

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				<p>significant environmental effects, has been incorporated into the description of the development, then it can require more detail, or refuse consent" (para 95 of the Judgment);"</p> <p>As a general comment, the Applicant has consistently failed to apply a reasonable worst case assessment and frequently relied on wishful thinking, such as improvements in future technology without supporting evidence, to mitigate harm.</p>	
LAN-06	1.8.11	7000 Acres [REP3-049]	<p>Lighting</p> <p>Draft NPS EN-3 sets out that lighting should be designed and installed to minimise impacts. Can the Applicant identify whether and how design parameters have sought to address. Whilst lighting is referred to in the CDPP [REP1-036], there is limited information relating to how this would be controlled, including whether lighting would be activated</p>	<p>The rural area affords dark skies which benefits flora and fauna. Plants and animals depend on rhythm of light and dark to govern life-sustaining behaviours such as reproduction, food, sleep and protection from predators. Artificial light has negative effects on many creatures, including amphibians, birds, mammals, invertebrates and plants which in turn impacts on habitats. The introduction of the type of lighting specified by the Applicant is harmful to the setting and nature within it. Stringent control measures need to be in place and</p>	<p>Please refer to the Applicant's response to question 1.8.11 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p>

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			manually or by movement. The Applicant is asked to please provide further detail on this point.	implemented and monitored for the lifespan of the Scheme.	
LAN-07	1.8.14	7000 Acres [REP3-049]	<p>Landscape and Ecology Management Plan Appendix B to the OLEMP [REP1-042] refers to the operational management 'prescriptions'. These elements include work to keep hedgerows, hedgerow trees and woodland copse and shelter belts weed free for 3 years. It also refers to the replacement of dead plants in relation to hedgerows, hedgerow trees and woodland copse and shelter belts weed free ending after 5 year.</p> <p>The Applicant and local authorities are asked to please comment on the adequacy of these provisions.</p>	<p>Failure to keep the scheme weed free beyond the short time period stated has the potential to have a major impact on the local ecology, rural economy, wildlife and farming. Furthermore, establishment of planting is detrimentally effected by invasive weeds. The Applicant does not appear to have made a reasonable worst case assessment of the scheme being affected by invasive weeds, and the consequent impact on the local ecology, rural economy, landscape and visual amenity.</p>	<p>The Management Prescription Timetable (Appendix B to the OLEMP) WB7.3_B [REP3-028] has been prepared by the project Ecologists Clarkson & Woods. The Outline Landscape and Ecological Management Plan Revision D (LEMP) [EN010132/EX4/WB7.3_D] (as secured via requirement 7 of the draft DCO [EN010132/EX4/WB3.1_E]) follows industry best practice and sets out a framework for the planting, management and monitoring of landscaping and ecological mitigation and enhancement habitats for the Scheme. Following DCO consent, it will be updated to include all final detail necessary to produce the final version of the LEMP. The purpose of the final LEMP document will be to set out planting, management and monitoring</p>

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					prescriptions to be followed by, or on behalf of the undertaker, and will be approved by the relevant planning authority pursuant to Requirement 7 of the draft DCO [EN010132/EX4/WB3.1_E] . The Management Prescription Timetable is considered sound and robust in relation to the Scheme.
LAN-08	1.8.18	7000 Acres [REP3-049]	The ES Chapter 16 [APP-054] sets out at paragraph 16.7.3 the view that panel's frame and structure can also be a source of glare it is unlikely that will be visible. Furthermore, their total potentially reflective surface is much smaller when compared to the total panel area their area. Therefore, no assessment is required. The Applicant is asked to please provide further justification of this position, noting the reference to the fact that the potential for solar PV panels, frames and supports to	7000Acres considers the Applicant's Glint and Glare Assessment should be updated to include the requirements in EN-3 3.10.95: <i>"3.10.95 When a quantitative glint and glare assessment is necessary, applicants are expected to consider the geometric possibility of glint and glare affecting nearby receptors and provide an assessment of potential impact and impairment based on the angle and duration of incidence and the intensity of the reflection."</i> The Applicant has conducted a simplistic assessment that has not taken account of the intensity of the reflection. Additionally, the Applicant should update their assessment to comply with EN-3	The methodology used to assess the identified receptors in Chapter 16: Glint and Glare of the Environmental Statement [APP-054] only assess the intensity of the reflection with respect to aviation. It is deemed that aviation activity and infrastructure would have a greater safety significance than for ground-based receptors (i.e. motorists). Furthermore, the methodology used is a methodology which has been widely recognised and accepted as part of many planning applications for NSIPs, and so the assessment is considered to be robust.

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			<p>have a combined reflective quality may need to be assessed in dNPS EN-3 at paragraph 2.10.106.</p>	<p>3.10.149: <i>"3.10.149 Solar PV panels are designed to absorb, not reflect, irradiation. However, the Secretary of State should assess the potential impact of glint and glare on nearby homes, motorists, public rights of way, and aviation infrastructure (including aircraft departure and arrival flight paths)."</i></p> <p>The Applicant has failed to consider the impact of glare on motorists: <i>"Technical modelling is not recommended for local roads, where traffic densities are likely to be relatively low. Any solar reflections from the proposed development that are experienced by a road user along a local road would be considered low impact in the worst case in accordance with the guidance presented in Appendix D."</i></p> <p>The Applicant dismissed the impact on PROW as receptors <i>"could move beyond the solar reflection zone with ease with little impact upon safety or amenity;"</i>.</p>	<p>The glint and glare assessment has considered all receptors listed in the section of NPS EN-3 (draft version, March 2023) that 7,000 Acres refer to, and so is considered to be in compliance with the policy statement.</p> <p>The glint and glare assessment has considered impacts on motorists in Section 7.2 of WB6.3.16.1 ES Appendix 16.1 Solar Photovoltaic Glint and Glare Study [APP-132]. Local roads have not been geometrically modelled within the assessment due to the traffic density and overall safety risk. Impacts towards a road user along a local road would therefore be considered low at worst and therefore technical modelling would not be required. This is because the level of potential impact is considered acceptable in accordance with the guidance presented with Appendix D of WB6.3.16.1 ES Appendix</p>

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					<p>16.1 Solar Photovoltaic Glint and Glare Study [APP-132].</p> <p>The glint and glare assessment assesses both the sensitivity and the magnitude of effects towards observers along PRoW on pages 4-5 of WB6.3.16.1 ES Appendix 16.1 Solar Photovoltaic Glint and Glare Study [APP-132].</p>
LAN-09	1.8.14	Lincolnshire County Council [REP3-042] [Link]	<p>Landscape and Ecology Management Plan</p> <p>Appendix B to the OLEMP [REP1-042] refers to the operational management 'prescriptions'. These elements include work to keep hedgerows, hedgerow trees and woodland copse and shelter belts weed free for 3 years. It also refers to the replacement of dead plants in relation to hedgerows, hedgerow trees and woodland copse and shelter</p>	<p>The success of the landscape mitigation to meet the objectives laid out in the management plan and associated figures to integrate and screen proposals, promote conservation and protection of the environment and ecological and habitat diversity is highly dependent upon the successful management and maintenance of the new planting, as well as the protection of existing trees and hedgerows. The maintenance operations provide an initial overview of operations; however, we would expect the management plan be developed further and also last well beyond the initial 5-year period, particularly if landscape and</p>	<p>Please refer to response LAN-07 above which details how the management prescriptions for the duration of the operational life of the Scheme are secured in the Outline Landscape and Ecological Management Plan Revision D [EN010132/EX4/WB7.3_D].</p>

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			<p>belts weed free ending after 5 year.</p> <p>The Applicant and local authorities are asked to please comment on the adequacy of these provisions.</p>	<p>visual effects are being assessed at 15 years since the reduction in landscape and visual effects presented in the LVIA (which currently include beneficial effects) are based on the success of landscape mitigation and retention of existing planting. Similarly, any proposals for early planting should be secured and implemented at the earliest opportunity as effects are also reduced in LVIA can be based upon the assumption these are in place and have established as planned.</p> <p>Monitoring of the proposals is a key aspect of the mitigation plan and is something which needs further development to ensure there is robustness to deal with the challenging climatic conditions when it comes to establishing new planting. The regular updating of the management plan will go some way to ensuring that it is kept valid and can respond to issues and trends effectively. The updating every 5 years following the initial establishment period will also ensure that the management plan can adapt to varying conditions.</p>	

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LAN-10	1.8.14	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Landscape and Ecology Management Plan</p> <p>Appendix B to the OLEMP [REP1-042] refers to the operational management 'prescriptions'. These elements include work to keep hedgerows, hedgerow trees and woodland copse and shelter belts weed free for 3 years. It also refers to the replacement of dead plants in relation to hedgerows, hedgerow trees and woodland copse and shelter belts weed free ending after 5 year.</p> <p>The Applicant and local authorities are asked to please comment on the adequacy of these provisions.</p>	<p>Clarity on why the commitment to the management periods is limited to these time periods would be welcomed.</p> <p>WLDC considers is to be essential to ensure that such mitigation is delivered and that it will be retained for the lifetime of the project. The assessed residual impacts upon which the applicant is relying upon to demonstrate compliance with policy is dependent upon the retention of such mitigation and therefore full confidence in its implementation is required.</p> <p>WLDC welcome clarification on why there is a commitment to manage weeds and replace dead plants only up to three and five years respectively. The Management Prescription Timetable sets out several management operations which go beyond five years.</p>	<p>Please refer to response LAN-07 above which details how the management prescriptions for the duration of the operational life of the Scheme are secured in the Outline Landscape and Ecological Management Plan Revision D [EN010132/EX4/WB7.3_D].</p>
9. Need, the electricity generated and climate change					
ENE-01	1.9.1	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Recent Government publications and consultations</p> <p>Can the Applicant and IPs comment on the implications for</p>	<p>WLDC consider the documents listed to be 'important and relevant' matters for the determination of the application under section 105 of the Planning Act 2008.</p>	<p>The Applicant notes this comment and refers to its response to 1.9.1 of The Applicant Response to ExA First Written Questions [REP3-038]</p>

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			<p>their cases of the most recent Government publications including:</p> <ul style="list-style-type: none"> • The Department for Energy Security and Net Zero Policy Paper 'Powering Up Britain', and the complementary papers 'Powering UP Britain: Energy Security Plan' and 'Powering UP Britain: Net Zero Growth Plan'; and • The Skidmore Review, Review of Net Zero, published in January 2023. <p>Please specify what weight should be given to these documents.</p>	<p>The Mission Zero Independent Review of Net Zero states that the Government should set up a taskforce and deployment roadmaps in 2023 for solar to reach up to 70GW by 2035. This includes a 'rooftop revolution'.</p> <p>Until the publication of the roadmaps, the strategy to deliver 70GW of solar energy generation is unknown. To achieve that installed capacity, WLDC considers that there is an onus on developers to promote projects that are well designed and ensure an efficient use of land to ensure that environmental and socio- economics are minimised whilst maximising the benefits of projects.</p>	
ENE-02	1.9.1	7000 Acres [REP3-049]	<p>Can the Applicant and IPs comment on the implications for their cases of the most recent Government publications including:</p> <ul style="list-style-type: none"> • The Department for Energy Security and Net Zero Policy 	<p>The 7000Acres WR1A-026 describes, in Sections 1.2 and 1.3, the key points relating to the NPS landscape and Government strategy announcements that are most relevant to solar development, in particular:</p>	<p>The Applicant makes the following comments in response to 7000 Acre's points.</p> <ol style="list-style-type: none"> 1. Powering Up Britain and the Skidmore Review supersede the Ten Point Plan (published

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			<p>Paper 'Powering Up Britain', and the complementary papers 'Powering UP Britain: Energy Security Plan' and 'Powering UP Britain: Net Zero Growth Plan'; and</p> <ul style="list-style-type: none"> • The Skidmore Review, Review of Net Zero, published in January 2023. <p>Please specify what weight should be given to these documents.</p>	<ol style="list-style-type: none"> 1. Solar is not part of the of the UK Government's Ten Point decarbonisation plan. 2. The policy framework regarding solar has been a shifting landscape in recent years and continues to evolve. 3. While the ambition for solar development has grown to 70GW of capacity, there is no explicit target for large-scale ground-mounted solar development in the UK. 4. Significant challenges to large-scale ground-mounted solar development are acknowledged, including efficiency of land use, community impacts and environmental impacts. (None of these downsides arise for rooftop solar installations.) 5. Land use is increasingly recognised as being a key challenge and is subject to current Government work to develop a Land Use Framework. 	<ol style="list-style-type: none"> late 2020) and reflect current Government policy 2. The Applicant agrees and suggests that the policy framework is evolving in response to the growing need for large-scale solar 3. Powering Up Britain Security Plan is explicit in its view that both large-scale and rooftop solar are required. The Applicant agrees that the target sits across all solar developments, therefore implying that there is no explicit target for any sub-sector of solar development. 4. The Applicant has addressed these points in its Application. 5. Table 7.1 of 7.11 Statement of Need [APP-320] provides evidence on the energy yield per unit of area achievable through ground-mount solar

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				<p>6. The current NPS framework does not include solar.</p> <p>7. The draft NPS framework (2023) does not foresee ground mounted solar of the scale proposed by CSP.</p> <p>8. The NPS advocates "good design", including the importance of the functionality of the development. This WR will describe the constraints around the functional contribution solar can make to energy and decarbonisation, which are limited to the point where the benefits do not outweigh the harms arising from ground mounted solar installation at such a large scale.</p> <p>What is equally important to consider, in addition to the Government publications within the question, is the publication of three major reports this year that assess the decarbonization of the power sector in the UK and current progress towards delivering on that goal. In doing so, they describe the</p>	<p>6. New NPS were designated on 17th January 2024, and included solar schemes of over 50MW as Critical National Priority Infrastructure</p> <p>7. The NPS are applicable to onshore generation facilities over 50MW capacity. The Applicant interprets the example cited at para 2.10.17 as stating that the typical number of panels installed at a 50MW solar farm is 100,000 to 150,000, rather than the size of a typical solar farm being 50MW and therefore rejects the claim made by 7000 Acres.</p> <p>8. The Applicant disagrees with 7000 Acres point 8 and its application for Development Consent provides evidence in support of its position that the benefits of the Scheme greatly outweigh any harm arising.</p>

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				<p>main challenges and the extent to which solar plays a role. These reports are:</p> <ul style="list-style-type: none"> • Delivering a reliable decarbonised power system, by the UK Climate Change Committee (CCC), March 2023 • Decarbonising the power sector, by the National Audit Office (NAO), March 2023 • Decarbonisation of the power sector, by the Business, Energy and Industrial Strategy Committee (BEIS), April 2023 – Note: the energy portfolio of this department is now the responsibility of the Department for Energy and Net Zero (DESNZ) <p>More detailed commentary of these reports are included in 7000Acres WR1A-026, section 8, however, their most pressing findings are:</p> <ul style="list-style-type: none"> • The need for overall co-ordination and planning of the energy system. • The resolution of grid connectivity issues – especially to deliver offshore wind generation. 	<p>The Applicant notes risks associated with the required pace of rollout of wind and nuclear capacity and believes that these risks increase the urgent need for solar capacity in the UK, as discussed in Chapter 5 of 7.11 Statement of Need [APP-320].</p>

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				<ul style="list-style-type: none"> Inadequate pace of deployment of wind and nuclear power generation. The need to manage energy flexibility and intermittency of renewable energy sources. <p>While solar has its part to play, it features very little in the landscape of key challenges identified by these reports, that must be overcome for the UK to make a success of decarbonising the power sector. Furthermore, existing rates of deployment quoted by the Climate Change Committee do not appear to be a concern, thereby undermining the call by Applicants for extensive acceleration of solar deployment through large-scale ground mounted solar.</p>	
ENE-03	1.9.2	7000 Acres [REP3-049]	Paragraph 7.8.28 of ES Chapter 7: Climate Change [APP-045] states that it is assumed the half of the construction materials would come from China and half would come from Europe. However, paragraph 7.5.4 states that the PV panels are expected to be sourced from China (or a	China is now the major supplies for utility scale batteries, such as those used in the BESS. So, in addition to the solar panels, batteries are likely to be sourced from China. Unless the Applicant can provide evidence for an alternative source of materials, then applying a reasonable worst cases assessment (Advice Notice Nine) is that the	<p>Please refer to the answer given by the Applicant to 1.9.2 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>It is acknowledged that assumptions have been made within the assessment of Climate Change and exact quantifications of materials and</p>

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			country of similar distance to the UK). a) Can the Applicant please comment on what basis the above 50:50 China: Europe split assumption is made? b) Would PV Panels account for more than 50% of construction materials?	both the solar panels and batteries will be sourced from China.	transportation across the scheme due to being at an early planning stage. While any changes associated with making the assumption of more materials being transported from China would lead to an estimated increase, it is not considered likely that it would change the overall conclusions that the benefits would offset these additional emissions within several years of scheme operation.
ENE-04	1.9.3	7000 Acres [REP3-049]	The ES Chapter 7: Climate Change [APP-045] states that manufacture and transport of products will likely be the largest sources of greenhouse gas (GHG) emissions from the Scheme (paragraph 7.5.4). Later, there is a reference to the manufacture and supply of PV panels and Batteries will be the largest source of GHG emissions during construction phase (paragraph 7.8.41). It is suggested that overall, the scheme would	The Applicant's Chapter 7 Revision A (29 November 2023) is based on a lifetime of 40 years (section 7.8.74). Yet the Applicant now seeks a lifespan of 60 years and has submitted their Review of Likely Significant Effects at 60 Years (29 November 2029). Both documents were submitted at the same time but contain conflicting statements. The Applicant claims, without submitting evidence, that the life of solar panels will have an operational life of 60 years. They have not updated their GHG assessment to take account of replacing panels. The Applicant's Chapter 7 assumes a battery life of 20 years.	Embodied carbon has largely been considered within the construction phase emissions and would account for the most materials used and associated embodied carbon but replacement parts have also been considered for assessment as set out below. The assumed replacement rate has been stated within 6.2.7_A ES Chapter 7 Climate Change [REP1-011] to be 0.4% of panels per year. This is the rate at which panels would be replaced

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			<p>provide major beneficial impacts and a net reduction in GHG (paragraph 7.12.2) The Applicant is asked to please set out: a) whether and how amount of embodied carbon in all phases of the Proposed Development, including decommissioning and returning the land to agricultural use, has been considered. b) what weight is given to embodied carbon at the various stages of the scheme?</p>	<p>The Review of Likely Significant Effects claims in section 7.8.51 states that a further replacement of batteries is not 7000Acres considered. Either the GHG emissions for the 50% increase in lifespan are being ignored, or the life of the batteries are now claimed to be circa 30 years. In reality, current BESS batteries have a life of circa 10 years- reference https://ieeexplore.ieee.org/stamp/stamp.jsp?arnumber=8378432 .</p> <p>The Applicant has failed to follow Advice Notice Nine section 1.4 that requires consistency across the Applicant's documentation.</p>	<p>should they cease to operate entirely. Separately, panel performance across the Scheme would gradually degrade over a number of years, but this has been accounted for within the models of the Scheme's viability and production estimates and this would not be a reason in itself for large-scale panel replacement within the lifetime of the Scheme.</p> <p>The likely suppliers of the batteries to be used for the development were consulted and advised that the lifespan of the batteries would be approximately 20 years.</p> <p>8.2.3 Review of Likely Significant Effects at 60 Years [REP1-060] considers the implications of having a 60 year operational phase and what implication this will have in relation to replacement of batteries. Table 1.1 paragraphs 7.8.51, 7.8.52 and 7.8.59 considers this and identifies that if a second full replacement of the BESS is required, it is unlikely to give rise to likely significant GHG emissions, therefore there is no change from the</p>

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					assessment undertaken in 6.2.7_A ES Chapter 7 Climate Change [REP1-011] of the Environmental Statement.
ENE-05	1.9.4	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Statement of Need</p> <p>The ExA notes that since the Applicant prepared its Statement of Need [APP-320], the Government published its response to the consultation comments on the dNPS, updated the dNPS documents and published its blueprint for the future of energy in the UK 'Powering Up Britain'.</p> <p>The Applicant and all IPs are invited to comment on the implications of these documents on the Applicant's needs case.</p>	<p>WLDC does not consider that the policy framework has materially changed since the submission of the application.</p> <p>The dNPS documents have not progressed and have not been adopted by the UK Governments.</p> <p>The application still falls to be determined under section 105 of the Planning Act 2005, and WLDC has set out its view on the role of policy documents in the determination of the application.</p>	The Applicant refers to its previous comments on this question, including at 1.9.1 above in this document.
ENE-06	1.9.4	7000 Acres [REP3-049]	<p>Statement of Need</p> <p>The ExA notes that since the Applicant prepared its Statement of Need [APP-320], the Government published its</p>	<i>Please also refer to 7000Acres Deadline 3 Submission, "Reply to West Burton ExA First Questions: Supplementary material covering detail of evolving NPS landscape".</i>	The Applicant responds to the points raised in <i>7000Acres Deadline 3 Submission, "Reply to West Burton ExA First Questions: Supplementary material covering detail of evolving NPS</i>

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			<p>response to the consultation comments on the dNPS, updated the dNPS documents and published its blueprint for the future of energy in the UK 'Powering Up Britain'.</p> <p>The Applicant and all IPs are invited to comment on the implications of these documents on the Applicant's needs case.</p>	<p>Powering Up Britain (2023), states the ambition for 70GW of solar by 2035, with the first reference to large-scale solar development "looking for development mainly on brownfield, industrial and low/medium grade agricultural land", in addition to "widespread deployment of rooftop solar in commercial, industrial and domestic properties across the UK".</p> <p>A useful reference for the UK is Germany, which already has over 70GW of installed solar capacity, i.e. more than the UK Government's 2035 ambition. Despite having almost 50% greater land area than the UK, German solar capacity has largely been deployed on rooftops. By 2017, Germany had 43GW of solar installed, with 66% of this having been deployed using installations of 0.5MW or less¹², i.e. typically through domestic and commercial rooftops, and therefore not large-scale ground-mounted solar. More recent data from BSW Solar¹³ (the German Solar Industry Association) highlighted that Germany installed a record 14GW of solar in 2023. This represents</p>	<p><i>landscape</i>" in Section 3 7A-01 to 7A-25 of this document.</p> <p>The Applicant notes these comments. Para 8.5.9 of 7.11 Statement of Need [APP-320] explains that it is the Applicant's view that large-scale solar must be considered as additional to, as opposed to instead of, the need for continued development in distribution connected, smaller scale solar, and this includes the development of rooftop solar.</p> <p>The Applicant's response to ExQ question 1.9.1 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] confirms Government's view which is consistent with the Applicant's view.</p> <p>Powering Up Britain's Energy Security Plan provides clarity on how the Government anticipates its ambition of 70GW of solar by 2035 will be met. P37 of the plan is clear that "The UK has huge deployment potential for solar power, and we are aiming for 70</p>

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				<p>almost the entire solar capacity of the UK installed in one year alone. Almost 70% of this capacity was deployed on rooftops, which shows that Germany has continued to use its land resources prudently. That around 7GW was installed as rooftop solar on homes is a clear example of what can be achieved.</p> <p>Within the context of German solar capacity, large-scale ground-mounted solar schemes represent relatively small proportion of the solar capacity mix, at around 10%¹⁴. It is also notable, that the largest of such schemes is 187MW, at Weesow-Willmersdorf, near Berlin, which is less than 40% of the proposed scale of West Burton and despite Germany typically having a far higher solar gain than the UK. For instance, despite being in northern Germany, the Weesow-Willmersdorf scheme would have around 11% higher output per-panel than the West Burton scheme.</p> <p>Germany therefore represents a compelling case-study for solar deployment without extensive deployment of large-scale ground-mounted solar, having already deployed over 70GW of solar without a single scheme</p>	<p>gigawatts of ground and rooftop capacity together by 2035". While rooftop solar "remains a key priority for the Government", it is also recognised that "Ground-mounted solar is one of the cheapest forms of electricity generation and is readily deployable at scale. The Government seeks large scale ground-mount solar deployment across the UK".</p>

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				<p>anywhere near the scale proposed by the Applicant.</p> <p>The "need" case for large-scale ground-mounted solar in the UK is primarily a function of economic frameworks and opportunity. The combined effects of cheap solar, high energy prices and uncertain economics of farming have created a rush for such ground-mounted schemes, which would render any need for extensive rooftop deployment of solar in the UK redundant.</p> <p>The Statement of Need tells only part of the story and therefore represents a partial description of need to justify the Applicant's case; it cannot be relied upon as evidence as the basis of the examination.</p>	
ENE-07	1.9.5	7000 Acres [REP3-049]	<p>Details of the BESS</p> <p>The ES Chapter 4 [APP-042] paragraph 4.5.27 sets out that in terms of battery storage, the precise number of individual battery storage containers will depend upon the level of power capacity and duration of energy</p>	<p>The Applicant should provide a reasonable worse case assessment of the scheme, including sufficient information, as required by Advice Notice Nine section 2.3.</p>	<p>Please refer to the Applicant's response to question 1.9.5 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p>

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			<p>storage that the Scheme will require. As far as is possible at this stage, the Applicant is asked to please provide further details of: a) The total power of the BESS (rated in megawatts); b) The storage capacity and duration of storage (rated in megawatt hours); c) How the PV cells will be connected to the BESS; and, d) The energy balancing role of the BESS.</p>		
ENE-08	1.9.6	7000 Acres [REP3-049]	<p>Co-Location of BESS and Grid Connection</p> <p>Please can the Applicant</p> <p>a) confirm whether or not all BESS could be co-located with the grid connection point (at West Burton Power Station).</p> <p>b) If it is possible to co-locate BESS at the grid connection point, why has the Applicant not opted to site BESS elsewhere?</p>	<p>The BESS alone has a need for a high-voltage, high-power grid connection, as its primary function is to store power, either from the grid itself, or from the solar development and then export this back to the grid. Section 5 of 7000Acres WR describes the role of BESS, and that in the winter, the solar scheme would be unlikely to be able to provide sufficient power to charge the BESS, therefore a significant proportion of the time, the BESS would be charged directly from the grid, e.g. at periods of high wind.</p>	<p>Please refer to the Applicant's response to Question 1.9.6 in The Applicant's Responses to ExA First Written Questions [REP3-038]</p>

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				Although small, transmission losses are lower, the closer the BESS is located to the grid. In addition, as the site of former coal-fired power stations, with significant water abstraction capacity, the grid connection points provide a credible source of high volumes of water to manage BESS thermal runaway. In short, there are distinct advantages to co-location of BESS at the grid connection site.	
ENE-09	1.9.7	7000 Acres [REP3-049]	<p>Large-scale Ground-mounted Solar Farms</p> <p>7000 Acres states in RR [RR-001] that “while there is a clear case for solar playing a role in decarbonisation, there is no clear case for extensive displacement of farmland through the installation of large-scale ground-mounted solar farms”. With reference to paragraph 3.3.58 of dNPS EN-1, which states that “The need for all these types of infrastructure is established by this NPS and is</p>	<p><i>Please also refer to 7000Acres Deadline 3 Submission, “Reply to West Burton ExA First Questions: Supplementary material covering detail of evolving NPS landscape”.</i></p> <p>Probably the first observation with regard to the revised draft NPS-EN1 2023, versus the 2021 version is that the landscape is constantly evolving as we understand more about the urgency of climate change, what continues not to be done, and how we best decarbonize the electricity sector.</p> <p>Clearly, there is the relatively recent Government ambition for 70GW of solar (first published in 2022), but there is also the</p>	<p>Powering Up Britain's Energy Security Plan provides clarity on how the Government anticipates its ambition of 70GW of solar by 2035 will be met. P37 of the plan is clear that “The UK has huge deployment potential for solar power, and we are aiming for 70 gigawatts of ground and rooftop capacity together by 2035”. While rooftop solar “remains a key priority for the Government”, it is also recognised that “Ground-mounted solar is one of the cheapest forms of electricity generation and is readily deployable at scale. The Government seeks large</p>

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			<p>urgent", please can 7000 Acres (or other IPs) explain the above statement.</p>	<p>economic circumstance of high energy prices and low solar prices, coupled with the troubled economics of farming which makes the proposition of large-scale ground-mounted solar financially lucrative.</p> <p>With investors keen to see bankable green investment opportunities, developers are keen to reinforce the message of "urgency" around deployment of large-scale ground mounted solar, in pursuit of their objectives to deliver such projects, regardless of whether their schemes are genuinely effective in terms of sustainability and decarbonization.</p> <p>For instance, Pinsent Masons act across all the live NSIP solar projects in West Lindsey, amongst many others, some of the partners involved in these schemes are also involved in lobbying the Government to influence the draft National Policy Statements, which goes some way to explain the incremental shift in the development of the draft NPS, i.e. there is clearly developer interest involved in the evolution of the draft NPS.</p>	<p>scale ground-mount solar deployment across the UK".</p> <p>The Applicant has repeatedly responded on this point that they are not disputing that rooftop solar forms part of the need for renewable energy and plays an important role but it is part of the overall mix of solutions needed. Please refer to the Applicants response to comment 7A-159</p> <p>WB8.1.18 The Applicant's Responses to Written Representation and Other Submission at Deadline 1: Part 2 [REP3-035].</p> <p>The definition of "critical national priority infrastructure" in the November 2023 Overarching National Policy Statement (EN-1) is clear that it includes all low carbon infrastructure which includes solar in paragraphs 4.2.4 and 4.2.5.Paragraph 3.3.61 of EN-1 (November 2023) states "<i>The need for all these types of infrastructure is established by this NPS and a</i></p>

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				<p>While we may therefore congratulate the Applicant and their representatives on their work in influencing this latest draft, such lobbying does not occur in a vacuum. Around the same time as the draft NPS suite was being published, further reviews of the UK's progress towards decarbonization were published, notably the Skidmore Review (above) and reports from the UK Climate Change Committee, the National Audit Office and the Business, Energy and Industrial Strategy (BEIS) Committee, see answer to Q1.9.1 (above).</p> <p>The messages from all four reports are consistent, calling for greater coordination and planning of energy infrastructure, with priorities being for deployment of offshore wind and associated grid infrastructure, as well as technologies to manage energy flexibility that arise from intermittent renewable energy, specifically storage and clean dispatchable power generation. Across the four reports, the only clear action regarding solar is for a "rooftop solar revolution". In addition, there is an increasing</p>	<p><i>combination of many or all of them is urgently required for both energy security and Net Zero, as set out above" and paragraph 3.6.62 "Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. Section 4.2 states which energy generating technologies are low carbon and are therefore CNP infrastructure."</i></p> <p>The example cited at para 2.10.17 of NPS EN-3 (November 2023) states that the typical number of panels installed at a 50MW solar farm is 100,000 to 150,000, rather than implying that the size of a typical solar farm is 50MW and therefore rejects the claim made by 7000 acres.</p>

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				<p>level of understanding as to the important role that land use will play in decarbonization, and a growing call for efficient land use within a coordinated land-use framework.</p> <p>The Examining Authority may note that there has been the opportunity for comment on the draft NPS, and that the position taken by the developers in the hearings is that they are supportive of rooftop solar, in principle presumably, as long as they don't actually have to deliver any. What is clear is that, with 130GW of proposed ground-mounted solar schemes with connections in the National Grid TEC register, even if less than half of this is delivered, it will make redundant the need for rooftop solar development.</p> <p>It is therefore increasingly understandable that the developer calls for "urgency", to secure approvals of consents for their schemes before the policy and planning framework catches up and creates the much called-for coordination of energy projects and efficient land use protocols which would put their schemes under much greater scrutiny.</p>	

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				<p>The draft NPS therefore simply captures a moment in time. For instance, it highlights the success of Contracts for Difference in delivering Offshore Wind, having been published before the outturn of the year's CfD round, in which the clearing price was too low to support any new offshore wind projects.</p> <p>With regard to the specific question around section 3.3.58, this must be read in conjunction with section 3.3.57, which lists a range of 12 technologies which are included in the scope of the NPS and which includes solar. While section 3.3.58 states that "the need for all these types of infrastructure... is urgent", in section 3.3.59, the dNPS states there is a "critical national priority (CNP) for the provision of... offshore wind infrastructure... and network infrastructure". This is the only technology to be highlighted in this way.</p> <p>This clearly reinforces a key finding of all four reviews referred to earlier, i.e. the need to accelerate offshore wind and supporting network infrastructure.</p>	

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				<p>Within the dNPS there is no differentiation between the other 11 technology types, despite their very different levels of potential contribution to energy, to decarbonization or their level of technology maturity. For instance, Hydrogen and CCS (Carbon Capture and Storage) are central to the Government's approach to delivering energy flexibility. Both technologies are in their infancy but are absolutely critical to the success of decarbonization. Wave and tidal technologies have always shown promise, but are not foreseen to make a significant contribution to the energy system, only between 1-4% by 2050, according to National Grid (FES 2023). For context, solar is expected to deliver between 7-10% of UK power by 2050, and wind is expected to deliver around 70%. In other words, while the blanket call is for "urgency", some technologies are clearly more valuable – and therefore urgent than others in the pursuit of decarbonization objectives.</p> <p>In terms of the overall policy case therefore, the inclusion of solar in the dNPS must be</p>	

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				<p>considered in the context of an evolving landscape of understanding, the outcomes of effective lobbying of developers with a strong financial incentive, as well as principles that have remained consistently throughout the evolution of NPS (including the dNPS) and strategy documents, in particular principles of "good design", which include efficient use of natural resources – including land use, development that is sensitive to place and the mitigation of adverse impacts.</p> <p>Overall, therefore, the case for ground mounted solar at the scale proposed by the Applicant remains flawed, as although the dNPS does include solar, which implies an installed capacity of over 50MW, dNPS EN-3 provides an example of a "typical" solar scheme being 50MW, not an order of magnitude larger. Furthermore, the growing concerns over effective land use weigh heavily against such schemes, particularly as uncontrolled development would serve to undermine the efficient deployment of solar on rooftops, which would far better meet the consistent principles of good design.</p>	

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ENE-10	1.9.7	Simon Skelton [REP3-060]	<p>Large-scale Ground-mounted Solar Farms</p> <p>7000 Acres states in RR [RR-001] that "while there is a clear case for solar playing a role in decarbonisation, there is no clear case for extensive displacement of farmland through the installation of large-scale ground-mounted solar farms". With reference to paragraph 3.3.58 of dNPS EN-1, which states that "The need for all these types of infrastructure is established by this NPS and is urgent", please can 7000 Acres (or other IPs) explain the above statement.</p>	<p>Although I am no planning expert, I do not believe the word "Urgent" overrides sound planning policy and principles. NPS should not be cherry picked to suit harmful business cases that do not deliver!</p> <p>Large scale ground mounted solar is detrimental to so many other land use projects whose contributions are truly "urgent" and truly beneficial. When looking at the bigger picture I cannot see any benefit to the wholesale loss of land for a limited electrical contribution. I believe high yielding wind power deserves urgency along with nuclear power of all types. With the negatives of utility ground mounted solar becoming more and more evident, now is time to change this foolhardy path and offramp to rooftops for the majority of solar schemes, as indicated by the Government and save our finite land for better uses. Why are the Developers being allowed to disregard brownfield site use, with not one being used over the cumulative 10,000 acres. All we seem to hear is "not suitable or not available" I suspect the real reason is "not convenient"?</p>	<p>The Applicant has set out a planning policy appraisal of the Scheme's compliance with the main policy requirements that are considered relevant to the proposals in WB7.5_B Planning Statement Revision B EN010132/EX4/WB7.5_B. This has been updated to reflect that the updated NPS's have come into force.</p> <p>Regarding the role and contribution of wind and nuclear please refer to 7.11 Statement of Need, Chapter 5 [APP-320] and the Applicant's response to comments ALT-01, ALT-02, ENE-01 and ENE-02 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036]</p>

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				<p>Today, the 2nd of January 2024 at midday the current installed 14GW of solar is generating just 0.47GW giving a 1.2% Grid contribution. That is a peak solar generation yield of just 3.5%. The 24-hour solar average would be practically zero! Illustrating that renewables are undeniably not of equal value and therefore urgency.</p> <p>The UK is a small windy island not a large sunny one, solar cannot be a primary generator here. Yet it is being promoted as such.</p> <ul style="list-style-type: none"> • The electrical output and corresponding decarbonisation contribution is far too low. • The loss of so much farmland for 60 years is too high. • The effects on visual impact and landscape would be significant. • Mental wellbeing risk is significant. • Local opposition is extremely high. 	

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				<ul style="list-style-type: none"> • Rooftop and brownfield sites must be enforced as priority. 	
ENE-11	1.9.9	7000 Acres [REP3-049]	Productivity/Efficiency of Solar PV Panels	<p>7000Acres would draw a clear distinction between efficiency and productivity of solar panels.</p> <ul style="list-style-type: none"> • Efficiency (technical efficiency) this is the proportion of electrical energy produced, for a light energy provided, and is a function of the technology itself. That solar is a technology that can make a contribution is not in question. Clearly, any technology is expected to improve over time, and it is understood that, in order to deploy solar at scale, we have the technology we have now. • With regard to productivity, we have a clear choice of where we deploy solar, and it is clear that the effective yield of solar panels in the UK is demonstrably low. This is explained in more detail in Section 2.3.3 of 7000Acres WR1A-026, and further in Section 7.1 commenting on the 	<p>Please refer to the Applicants response to comment 7A-085 in WB8.1.18 Response to Written Representations at Deadline 1 Part 2 [REP3-035] and 7.11 Statement of Need [APP-320] and Agenda item 3b and Appendix A of WB8.1.6 Written Summary of the Applicant's Oral Submissions and Response to Actions at Issue Specific Hearing 1 (ISH1) [REP1-052].</p>

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				<p>treatment of the subject in the Applicant's Statement of Need. It is clear that this limited yield must be taken into account when deploying ground-mounted solar at scale, given its consequential impacts.</p> <p>Regarding fixed versus tracking panels, 7000Acres have assessed that the yield of a fixed panel within the region would deliver around 10.8% of rated capacity, using source data from Global Solar Atlas¹⁵.</p> <p>Within the ES the Applicant has stated that the tracker panels could increase the output of the scheme by between 10% - 30%. Taking 20% as a mid-point between the 10% to 30% range, 7000Acres would expect the yield to increase to 12.9%.</p> <p>As you would imagine, this is significantly lower than the yield from countries more suited to solar power. It is perhaps to be expected that the largest solar plant in Europe is in southern Spain.</p> <p>More starkly, any UK installation will have a significantly lower output in comparison to</p>	

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				<p>(for instance) the Núñez de Balboa plant in Extremadura, Spain, which produces 82% more power than an equivalent capacity scheme in the UK. (Notably, this is in a country with over double the land area to the UK, with a lower population and much less pressure on land use).</p> <p>While the deployment of Tracking panels at West Burton raises the yield, it does not approach that of Spain, and effectively secures the same solar gain as locating the panels on the Isle of Wight, but only at the cost of significantly increasing the height of the installation and its impacts.</p> <p>The Applicant is unclear as to whether tracking panels will be deployed at the West Burton scheme, and seeks to reserve the option for their use. The Applicant's ES describes the difference between fixed panels at a maximum of 3.5m height and tracker panels having a height of 4.5m. This is clearly a material difference to the visual impact of the scheme and the capacity of natural screening to be effectively deployed.</p>	<p>The Applicant's Environmental Statement has assessed both panel options and therefore the assessments undertaken in relation to all of the environmental matters, including landscape and visual in 6.2.8 Environmental Statement Chapter 8 Landscape and Visual Impact Assessment [APP-046].</p>

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				<p>The Applicant asserted that the scheme would have a higher load factor than other schemes brought forward to date, but this would clearly only be the case should tracker panels be deployed, which would have a significantly adverse impact on landscape and visual aspect.</p> <p>Overall, therefore, the site for the West Burton project has a demonstrably low solar yield, and this fact must be given significant weight when considering the potential benefits it may deliver, and therefore the potential harms the scheme may be able to overcome. Attempts to increase the yield through use of tracking panels will also increase panel height, and also, therefore the potential adverse impacts arising from the installation.</p>	
ENE-12	1.9.10	Lincolnshire County Council [REP3-042] [Link]	<p>Replacement of PV Panels</p> <p>Paragraph 7.8.52 of Chapter 7: Climate Change [APP-045] assumes that 0.04% of panels will need replacing every year based on supplier input. Please</p>	<p>In terms of impacting on the need for appropriate recycling facilities to process these replacement panels it would be helpful to know what 0.04% equates in terms of numbers of panels as this may be a relatively modest number for a single scheme but if this is then multiplied across 12 NSIP</p>	<p>The Applicant refers to its responses made to Q1.9.10 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038], and its responses to LCC at LCC-23 [sic] of WB8.1.17 The Applicant's Responses to Written Representation and</p>

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			<p>can the Applicant confirm supplier input on expected life of each PV Panel, including effective life and at what point a panel may become uneconomical. Please also respond to the following queries: b) Is the 0.04% p.a. replacement rate a reasonable worst-case scenario? c) Is it based on a 40-year lifespan? If so, what may be a replacement rate over 60 years? d) Should the GHG emissions be based on a higher replacement rate?</p>	<p>schemes and a high number of Town and Country Planning Act solar schemes that are in place or emerging across the County this will become an issue of sustainably processing these end of life parts in a quicker timescale than currently envisaged at the decommissioning stage. So provision needs to be made sooner rather than later to ensure we do not end up with a situation of a 'solar panel mountain' as was the case with the 'fridge mountain' some 15 years ago.</p>	<p>Other Submission at Deadline 1: Part 1 [REP3-034].</p> <p>The Applicant is in agreement that it would be a preferable scenario for there to be specific recycling and handling facilities for solar PV panels and associated infrastructure, and considers there is a very likely need for these facilities to emerge to meet industry demands. However, in the absence of known facilities of this nature in Lincolnshire and Nottinghamshire, the Applicant has applied a worst-case scenario in its assessment of waste streams in 6.2.20 Environmental Statement Chapter 20 Waste [APP-058] wherein assessment of recycling of solar panels is assumed to be undertaken by general WEEE handlers.</p>
ENE-13	1.9.10	7000 Acres [REP3-049]	<p>Replacement of PV Panels</p> <p>Paragraph 7.8.52 of Chapter 7: Climate Change [APP-045] assumes that 0.04% of panels</p>	<p>It is understood that the figure of 0.04% is a typo carried over from the IGP Cottam Application; the Applicant's new claim is a failure rate of 0.4% per annum. From an engineering viewpoint, applying a linear</p>	<p>The Applicant refers to its responses made to Q1.9.10 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p>

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			will need replacing every year based on supplier input. Please can the Applicant confirm supplier input on expected life of each PV Panel, including effective life and at what point a panel may become uneconomical. Please also respond to the following queries: a) Is the 0.04% p.a. replacement rate a reasonable worst-case scenario? b) Is it based on a 40-year lifespan? If so, what may be a replacement rate over 60 years? c) Should the GHG emissions be based on a higher replacement rate?	failure rate is not valid. Equipment exposed to the elements will suffer an increasing failure rate with time. Applying the Applicant's claim of 0.4 per annum implies that 60% of the panels will last 100 years! The Applicant should base their GHG assessment on a reasonable worst case assessment, using current technology.	The calculations referred to have been based on an assumed replacement rate of 0.4% of panels per year. This is the rate at which panels would be replaced should they cease to operate entirely and is considered to be a reasonable worst case. Separately, panel performance across the Scheme would gradually degrade over a number of years, but this has been accounted for within the models of the Scheme's viability and production estimates and this would not be a reason in itself for large-scale panel replacement within the lifetime of the Scheme.
ENE-14	1.9.11	Simon Skelton [REP3-060]	Energy generation Chapter 7 [APP-045] paragraph 7.8.61 sets out a total energy generation figure of around 21,956,988 MWh over the estimated 40-year assessed lifetime. The Applicant is asked to update this figure in the light	If the WBSP has an export limit of 480MW then its yearly maximum output would be $480 \times 11\% = 53 \text{ MW} \times 8760 = 464,280 \times 40 \text{ years} = 18,571,200 \text{ MWh}$ not 21,956,988 MWh. With these inflated but still poor generating figures, I presume that the Applicant has decided to overplant the scheme and use this	The Applicant notes these comments. The Applicant refers to its response to ExA Q1.1.6 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] . In which it is described that "flexibility has been maintained within the Rochdale envelope to enable fixed or tracker

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			<p>of the updated 60-year decommissioning date.</p>	<p>overplanting as extra generation up to the export limit. Overplanting is merely scaling up an already crassly inefficient development trying to improve on its weak generating statistics at the expense of further land loss and greater visual impact. The use of massive tilting panels to desperately increase the yield by another fraction is also a further blight on the landscape.</p> <p>The controversial Sunnica site in Cambridgeshire is using low level 2.5m panels and even with this the Secretary of State is showing increasing concern over visual impact, delaying her decision twice. The Sunnica site is nothing compared to our Combined and highly visible 10,000 acres in West Lindsey and beyond. (see map below)</p> <p>Low yielding solar will be well and truly obsolete by 2090 and a 60 year lifetime is unachievable without entire equipment replacement. Generation should be limited to the original installations nominal life expectancy.</p>	<p>panels to be installed" and reminds the ExA that tracker panels experience a higher load factor than fixed south facing panels and the Applicant therefore does not agree with the calculations set out in this representation.</p> <p>Further information is provided at in the Applicant's response to question 1.9.9 WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>The Applicant also refers to its response to question 1.9.8 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038]. In which it provides information in support of the policy case for further development of large-scale ground mounted solar.</p> <p>The Applicant also refers to its response to question 1.9.11 in</p>

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				[Respondent has included a plan showing other NSIP's in the region.]	WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] which provides the calculation on the total generation figure for the 60 year period.
10. Noise, Vibration and Air Quality					
NOI-01	1.10.2	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Noise and Vibration Assessment</p> <p>Local Authorities are asked to please state whether they agree with the assessment methodology and conclusions set out in ES Chapter 15 Noise and Vibration [APP-053]. If not, please explain where you disagree and why. Where applicable please cross refer to relevant submissions (LIR, SOCG etc.).</p>	WLDC's concerns on the noise assessment methodology are set out in section 14 of its LIR. These concerns remain live and are yet to be resolved.	<p>The Applicant has had discussions with WLDC on the noise comments raised. Similar comments have been raised on the Cottam Solar Project and additional information has been submitted on Cottam through the discussions on the Statement of Common Ground. A similar response will be prepared for West Burton and likely to be submitted at Deadline 5.</p> <p>Please refer to comment 14.1.1 in WB8.1.20 Applicants Response to Local Impact Reports [REP3-037] for the Applicant's previous response to these points. The Applicant</p>

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					<p>acknowledges these comments and responds in turn:</p> <p>The responses to comments made in section 14 of the LIR have been reviewed and further comments are noted below:</p> <ol style="list-style-type: none"> 1. The Applicant's response remains the same. These comments refer to the methodology used in determining construction noise impacts on receptors. However, in sections 14.9 to 14.11 WLDC acknowledge that construction noise effects are not significant in terms of EIA regulations. 2. As above. 3. The Applicant's response remains the same. Raw survey data files can be produced on request. 4. The Applicant's response remains the same. This methodology is in accordance

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					<p>with guidance within BS 4142:2014.</p> <ol style="list-style-type: none"> 5. The response is accurate. Measurement location to receptor location mapping information can be produced in an addendum if required. 6. The Applicant's response remains valid. 7. The Applicant's response remains valid. 8. The Applicant's response remains valid. 9. The Applicant's response remains valid. 10. As noted above the Applicant has discussed night time noise construction with WLDC and alongside Cottam Solar Project, made changes to the Outline Construction Environmental Management Plan Revision C

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					<p>[EN010132/EX4/WB7.1_C]in Table 3.6.</p> <p>11. Duplication of point 3 above.</p> <p>12. The Applicant's response remains valid. Paragraphs 15.7.74 and 15.7.78 incorrectly states that rating levels are below 35dB for West Burton 2 and West Burton 3. This was set out in point 12 of comment 14.1.1 in WB8.1.20 Applicants Response to Local Impact Reports [REP3-037], However, at the receptors in question, existing background noise levels recorded at the nearest monitoring location indicate that background noise levels are below what is considered (in accordance with BS 4142) to be 'very low' and therefore taking context into account, absolute noise levels and noise intrusion levels have been</p>

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					<p>utilised to determine noise impact.</p> <p>13. The Applicant's response remains valid. The BS 4142 assessment is based on single-figure values and there is no requirement to consider frequency content, a +2 dB character correction has been included to account for any perceptible tonality associated with the proposed equipment. A 10 dB reduction for an acoustic louvre is considered to be very conservative and is likely to be significantly higher.</p>
NOI-02	1.10.6	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Methodology – WLDC Concerns</p> <p>WLDC sets out a range of concerns (NV1 to NV13) in its LIR [REP1A-006]. The ExA notes that in the draft SoCG [REP1-062] noise and vibration matters under discussion relate only to cumulative effects within APP-</p>	<p>WLDC confirms that no aspect of the SoCG has been agreed notwithstanding the submission of a draft document by the applicant. WLDC have not agreed to the submission of the draft document in its current form, which has been done so unilaterally by the applicant.</p>	<p>Please refer to Statement of Commonality [EN010132/EX4/WB8.1.11_B] for updates on discussions relating to the SoCG with WLDC and refer to response to comment NOI-01.</p> <p>The Applicant acknowledges these comments and refers the ExA to</p>

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			<p>053 and that there are no matters not agreed with WLDC.</p> <p>a) The Applicant is asked to please comment on the WLDC LIR [REP1A-006] in respect of methodology, surveys, sources and assumptions (pp78-79).</p> <p>b) The draft SoCG [REP1-062] states that key effects of noise from the construction and operational phases of the Scheme have been assessed robustly in accordance with relevant policy and guidance on noise and vibration assessments and do not result in any significant impacts and are therefore acceptable. Please can WLDC confirm its view on noise and vibration.</p>	<p>WLDC will continue to engage with the applicant with regards to the SoCG.</p> <p>WLDC maintains its objections on noise grounds, including the lack of a co-ordinated approach to managing and mitigating cumulative impacts, as set out in its LIR and WR.</p>	<p>responses WLDC 14.1.1 in the WB8.1.20 The Applicant's Response to Local Impact Reports [REP3-037].</p>
NOI-03	1.10.16	Environment Agency [REP3-045] [Link]	<p>Soil Excavation</p> <p>Section 4.5.47 of the ES Chapter 4 [APP-042] states that, "excavated soil will then be</p>	<p>Yes. We are satisfied that this matter can be addressed via the agreement of a Construction Environmental Management</p>	<p>The Applicant notes this comment.</p>

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			<p>backfilled on top of the installed cables." The Environment Agency [RR-90] stated that the CEMP should include information about adhering to waste management legislation if the excavated material is contaminated. Excavated materials that are recovered via a treatment operation can be reused on-site under the CL:AIRE</p> <p>The Applicant states [REP1-065] that it makes no explicit reference to waste management legislation at this stage, but that this can be secured as required through the final CEMP, which itself is secured by Requirement 13.</p> <p>a) Can the Applicant to please clarify whether the CL:AIRE Definition of Waste: Code of Practice will apply.</p> <p>b) Is the EA satisfied that this can be addressed through the CEMP,</p>	<p>Plan (CEMP) prior to the development commencing.</p>	

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			but that it is not explicitly referred?		
NOI-04	1.10.16	Lincolnshire County Council [REP3-042] [Link]	<p>Soil Excavation</p> <p>Section 4.5.47 of the ES Chapter 4 [APP-042] states that, "excavated soil will then be backfilled on top of the installed cables." The Environment Agency [RR-90] stated that the CEMP should include information about adhering to waste management legislation if the excavated material is contaminated. Excavated materials that are recovered via a treatment operation can be reused on-site under the CL:AIRE</p> <p>The Applicant states [REP1-065] that it makes no explicit reference to waste management legislation at this stage, but that this can be secured as required through the final CEMP, which</p>	It would be helpful if the applicant clarified this point by specifying in the ES (section 4.5.47) that backfilling with the excavated soil is "subject to confirmation that any contamination of the soil prohibits that".	<p>The Applicant confirms LCC's assumption is correct.</p> <p>The Applicant refers to its response made to Q1.10.16 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] to provide greater detail.</p>

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			<p>itself is secured by Requirement 13.</p> <p>A) Can the Applicant to please clarify whether the CL:AIRE Definition of Waste: Code of Practice will apply.</p> <p>b) Is the EA satisfied that this can be addressed through the CEMP, but that it is not explicitly referred?</p>		
11. Other Planning Matters					
OPM-01	1.11.1	Lincolnshire County Council [REP3-042] [Link]	<p>Waste: effects relating to decommissioning</p> <p>The ES anticipates that at decommissioning the scheme will have a medium-term temporary moderate to major magnitude impact. It is suggested that this would have a slight or moderate adverse effect on hazardous waste handling in Lincolnshire (which is not considered significant in EIA terms); and a slight adverse</p>	This would be helpful, particularly in light of the current lack of suitable facilities in the Lincolnshire County Council area for recycling solar panels. See also question 1.11.2	The Applicant refers to its response made to Q1.11.1 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] .

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			effect on hazardous waste handling in Nottinghamshire (which is not considered significant in EIA terms). Can the Applicant please explain how these effects have been identified.		
OPM-02	1.11.2	Lincolnshire County Council [REP3-042] [Link]	<p>LCC Minerals & Waste Planning Policy – Processing of Decommissioned Panels</p> <p>LCC has raised an objection to the scheme due to the inability to comply with Policy W1 of its M&WLP. LCC states that there will need to be additional facilities to ensure these products are sustainably disposed of.</p> <p>Please can the Applicant respond to this concern.</p>	As stated in LCC's Local Impact Report (REP1A002, page 37), our concern is that: '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', particularly 'when combined with the other solar projects in the County that may be granted DCOs in the next twelve months'.	The Applicant refers to its responses made to Q1.11.2 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] and to LCC's LIR comments at LCC 11.13 in WB8.1.20 Response to Local Impact Reports [REP3-037] .
12. Safety and Major Incidents					

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SMI-01	1.12.7	Lincolnshire County Council [REP3-042] [Link]	<p>Battery Energy Storage System (BESS)</p> <p>The OBSSMP [APP-318] refers to the types of safety systems available on the market at present, along with risk reduction barriers which are likely to be incorporated into the system to be installed at the Sites. The OBSSMP states that it is possible that by the time of construction that all solid-state batteries, or other battery technologies may be available, and if so, this will be reflected in the BSSMP approved by the Local Authorities in consultation with the HSE, Lincolnshire Fire and Rescue Service and the Environment Agency.</p> <p>Are Lincolnshire Fire and Rescue, Nottinghamshire Fire and Rescue Service and the Environment Agency satisfied with the approach and conclusions.</p>	<p>The management plan appears to consider all points raised by LFR in the initial position/requirements statement shared with the developer. It is considered that Requirement 6 and the monitoring regime proposed as a Protective Provision with LFR will ensure that as further technological advances are made there will be an adequate opportunity to ensure that alternative arrangements are reviewed and where necessary changes are made to ensure that the BESS is safe.</p>	<p>The Applicant notes this comment.</p>

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			Optionally, whilst noting the Additional Submission received during pre-examination on behalf of the Health and Safety Executive (HSE) [AS-008], the HSE is invited to comment if it wishes to do so.		
SMI-02	1.12.9	Lincolnshire County Council [REP3-042] [Link]	<p>Health and Fire Safety Provisions of the Local Impact Report</p> <p>a) LCC's Local Impact Report [REP1A-002] paragraph 14.9 refers to the need for the Applicant to enter into a Protective Provisions arrangement with Lincolnshire Fire and Rescue within the DCO. This is to ensure the Fire Service has adequate resources to regularly inspect the BESS to ensure all the appropriate mitigation measures are in place and effective for the duration of the development. The Applicant and LCC are asked to please</p>	<p>For the Gate Burton examination the draft DCO includes Protective Provisions (PP) arrangements with Lincolnshire Fire and Rescue which the Council is satisfied an appropriate mechanism to secure the necessary funding for LFR to undertake the necessary inspections of the BESS to address safety concerns. In respect of the Heckington Examination the applicant has suggested a different approach to PP to secure this funding as part of the OBSSMP secured through a Requirement of the draft DCO. The Heckington ExA is questioning the applicant as to why the PP approach is not preferred as LCC has requested and this discussion is yet to be concluded.</p> <p>LCC would be content that the PP mechanism is used as was the case for Gate Burton and</p>	The Applicant considers the use of protective provisions to be appropriate and the wording has been agreed with LCC.

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			<p>provide comment on the need for such provisions to update their SoCG accordingly.</p> <p>b) LCC refers in its LIR [REP1A-002] at paragraph 14.11 to the impacts associated with matters relating to accidents and disasters, and health to be neutral. Please can LCC confirm whether or not this is subject to the provision of the Section 106 agreement referred to in paragraph 14.6 and protective provisions within paragraph 14.9?</p> <p>c) Further, can LCC confirm if its conclusion is predicated on a financial contribution secured through a Section 106 Agreement, and how would the Section 106 agreement be secured?</p>	<p>understands this is the applicant's preferred approach as well.</p> <p>f) Yes the neutral assessment is based on the assumption that a financial contribution will be secured through an appropriate mechanism (PP) to enable the necessary inspection of the BESS to confirm the required safety measures and means for dealing with a thermal outbreak are in place and in working order which would minimise the risk of a thermal outbreak within the BESS to an acceptable level</p>	

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SMI-03	1.12.10	Lincolnshire County Council [REP3-042] [Link]	LCC Public Health Research LCC's LIR at paragraph 14.5 [REP1A-002] refers to LCC Director of Public Health's research into health impacts of large scale solar farms with possible links to the sites of these projects and areas of deprivation. Can LCC please provide further information on the research including timescales, or provide any preliminary analysis?	This research is currently paused and if any further work is undertaken on this project during the examination the ExA will be notified.	The Applicant notes this comment.
13. Socio-Economic Matters					
STR-01	1.13.2	Simon Skelton [REP3-060]	Sheep Grazing for Agricultural Use Under Solar Panels Paragraph 18.8.11 of Chapter 18 Socio Economic and Tourism and Recreation [APP-056] of the ES refers to "diversified agricultural practices (such as sheep rearing and grazing) that can be continued alongside the operation of the Scheme will	There should be no weight given to any form of continued agriculture on the WBSP. The token gesture of any sheep grazing, as seen at many other solar farm applications is just planning propaganda and a photo shoot opportunity. It has been documented that sheep grazing on solar farms can bring many negative concerns to the operator and farmer, and many operators have indeed halted this practice after planning approval	Please refer to the Applicant's response to question 1.13.2 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] . The socio-economic impacts of the Scheme are assessed in 6.2.18 Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056] .

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			<p>help to mitigate the impacts on agriculture sector employment and the sector economy."</p> <p>The ExA notes concerns from Interested Parties, including LCC around sheep grazing. In LCC's LIR [REP1A-002] it sets out that while it "is perfectly possible to graze the areas under and between the panels, it is unlikely to be very cost effective for a grazier....The economics of moving sheep to and from the site will be marginal". Can the Applicant please: d) Signpost to details of how or where sheep farming could be undertaken? e) Provide details of how sheep farming could be undertaken as an agricultural enterprise? f) Indicate who would 'farm' the sheep, how would this be secured through the DCO? g) Provide any evidence that this</p>	<p>has been granted. Cable and panel damage, rounding up difficulties and other husbandry issues being the main reasons for the cessation of this limited secondary function.</p> <p>The heavy and often wet land in the area is not conducive to sheep welfare. Hence this being an arable landscape, famed for growing cereals. Lincolnshire is after all "the Breadbasket of the UK." Another small issue is the obvious lack of sheep in this area. With the site likely to be sown with biodiversity mixes, not of forage yielding quality that would offer only poor grazing. This Agri-proposal is purely an empty option of no weight. The Applicant of the Gate Burton Energy Park has already acknowledged this fact. I am sure that the UK does not require hundreds of thousands of acres of additional sheep grazing on solar complexes.</p> <p>Consideration should also be given to the fact that the landowners new and multiplied income stream moves him away from any need or drive to invest in any marginal farming enterprises.</p>	

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			has been successfully undertaken on other solar farms.	I ask. Why the Applicant with such high climate morals would be promoting the expansion of livestock production that would exacerbate climate change? "One sheep can produce about 30 litres of methane each day. According to the United Nations Economic Commission for Europe, methane has 28 to 34 times the impact of carbon dioxide in a 100-year period and over the first 20 years after it reaches the atmosphere, it's 84 to 86 times more potent."	
STR-02	1.13.6	Lincolnshire County Council [REP3-042] [Link]	<p>Community Benefits</p> <p>Various RRs stated that there has been no consultation from solar companies with parishes regarding the setting up of a community fund which would run for the entirety of the project to award sums for compensation for detrimental loss. The implication is that this would go some way to offering community benefit.</p> <p>a) IPs are invited to explain further what is meant by</p>	<p>Whilst provision of community benefits is not a material consideration in determining renewable energy planning applications, such schemes are a well-established, integral part of energy infrastructure development, and represent a positive relationship between developers and communities. Lincolnshire County Council are seeking to assist local communities to secure the best possible package and to use it to achieve the best long-term benefits. Such a community benefits fund could be used for a wide variety of projects including (taken from recent consultations by DESNZ and National Grid):</p>	<p>Please refer to question 1.13.6 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>The Applicant will consider the projects suggested by LCC and reiterates that decisions about the projects that will receive grants will be determined after development consent is granted by the Scheme.</p> <p>The Applicant will also continue to work with the Host Authorities to identify an appropriate mechanism for the</p>

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			<p>compensation, what a fund would be used for, and how such funds may be secured.</p> <p>b) Optionally, the Applicant may wish to also comment.</p>	<ul style="list-style-type: none"> • Alleviating fuel poverty or other financial vulnerabilities • Assisting with local skills development and employment opportunities • Creating long-term career opportunities within the electricity network (for all ages and reskilling for those returning to work) • Regeneration in urban areas (e.g. by creating green spaces and supporting biodiversity) • Supporting Net Zero plans (e.g. improving the energy efficiency of public buildings, local renewable energy projects etc.) • Developing local supply chains • Community fund 	<p>funding to be distributed. Further updates on this matter will be provided during the examination.</p> <p>The Applicants position is set out in Written Summary of the Applicant's Oral Submissions at the Issue Specific Hearing (ISH3) [EN010132/EX4/WB8.1.27] under agenda item 3c).</p>
STR-03	1.13.6	West Lindsey District Council (WLDC) [REP3-044] [Link]	<p>Community Benefits</p> <p>Various RRs stated that there has been no consultation from solar companies with parishes regarding the setting up of a community fund which would run for the entirety of the project</p>	<p>WLDC do not consider a community fund to be a planning consideration that can be given any weight in the decision making process. This includes any consideration of such payments being a 'benefit' weighing in favour of the project and/or as any form of valid mitigation.</p>	<p>Please refer to question 1.13.6 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>The Applicant will continue to work with the Host Authorities to identify an appropriate mechanism for the</p>

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			<p>to award sums for compensation for detrimental loss. The implication is that this would go some way to offering community benefit.</p> <p>a) IPs are invited to explain further what is meant by compensation, what a fund would be used for, and how such funds may be secured.</p> <p>b) Optionally, the Applicant may wish to also comment.</p>	<p>The use of a community to 'compensate' affected persons is also not an appropriate mechanism to address such matters</p>	<p>funding to be distributed. Further updates on this matter will be provided during the examination.</p>
STR-04	1.13.6	7000 Acres [REP3-049]	<p>Community Benefits</p> <p>Various RRs stated that there has been no consultation from solar companies with parishes regarding the setting up of a community fund which would run for the entirety of the project to award sums for compensation for detrimental loss. The implication is that this would go some way to offering community benefit.</p>	<p>Within consultation events, Community Benefits were a prominent element of the consultation material (see below, being one full board out of 14). The Applicant invited comments on a range of potential community benefits, including a community fund, recreational access improvements and free-to-use community infrastructure.</p> <p>Within the consultation, the Applicant has committed to a Community Benefit Fund, but it is not clear whether any Parish Councils or</p>	<p>Please refer to question 1.13.6 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>The Applicant is committed to providing a Community Benefit Fund (see section 4.8 of 7.5 Planning Statement Revision B [EX4/WB7.5_B]). This fund will be available for community-based benefits such as (but not limited to) community-led energy related projects.</p>

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			<p>IPs are invited to explain further what is meant by compensation, what a fund would be used for, and how such funds may be secured.</p>	<p>Parish Meetings have been approached to discuss details of any such scheme.</p> <p>Despite the prominence of Community Benefit material in consultation, little has been heard about the Applicant's intentions around providing community benefits. Indeed, as the community better understands the potential impacts of the West Burton scheme, particularly in conjunction with other large-scale solar projects in the region, it has become abundantly clear that the development cannot offer benefits to the community that would be sufficiently meaningful to foster support for the schemes, and certainly nothing to outweigh the harms associated with such a radical change to the character of the area. What little that was mentioned initially by the Applicant has been seen by members of the community as little more than a "bribe", or disingenuous distraction, particularly given the lack of any details since the original consultation.</p> <p>It is genuinely difficult to identify potential benefits for the community that can go any</p>	<p>The Applicant welcomes suggestions from relevant stakeholders as to projects that could be supported by the Community Benefit Fund, but confirms that no decisions will be made about projects that will receive grants until the Scheme has been granted development consent.</p> <p>In response to the comments about consultation, the Applicant refers to its response to comment 7A-08 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050]. Relevantly, during the first of two consultation events, the Applicant received 525 feedback form responses, indicating 48% of those responding were in support of the Scheme and Cottam Solar Project. The Consultation Report [APP-022] outlines the Applicant's consultation with the Parish Councils.</p> <p>Please also refer to the Applicant's response to comment SIPC-23 in WB8.1.2 The Applicant's Responses</p>

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				<p>way towards compensating communities, if the views around villages, the local footpaths, cycle routes and landscapes become dominated by solar panels, with potential impacts on mental health and wellbeing, attractiveness of villages and therefore sustainability of communities, as well as house prices.</p> <p>The Applicant's consultation feedback demonstrated overwhelming opposition to the proposed scheme, with 79% "strongly opposed", when faced with the (loaded) question "How supportive are you of our emerging solar project proposals, which would generate clean, affordable, and reliable renewable energy for the national grid, with energy storage for when it is needed most?".</p> <p>The Skidmore review states "where located near communities, the utilisation of a consent process — that could be delivered through Local Area Energy Planning, a 'Net Zero Neighbourhood Plan' or equivalent — should aim to ensure that these projects are not imposed on local communities".</p>	<p>to Relevant Representations [REP1-050].</p> <p>In response to comments about the Skidmore review, the Applicant also refers to its response to item FPM-02 of WB8.1.17 Response to Written Representations at Deadline 1 Part 1 [REP3-034]</p>

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				Should the scheme be developed, therefore, it would be imposed on the local community, as there is overwhelming local opposition, no community benefits, only community harms.	
STR-05	1.13.9	7000 Acres [REP3-049]	<p>Socio Economic Analysis of Gainsborough</p> <p>Interested Parties have queried the geographical range considered within the Socio Economic analysis of Chapter 18 [APP-056]. The ExA notes concern that the "baseline conditions has been chosen very widely across Bassetlaw and West Lindsey", and the assertion that the areas avoid "the specific socio-economic difficulties of Gainsborough". [REP1A-024]</p> <p>b) 7000 Acres, or other IPs, may wish to highlight specific alternative data sets on which to base the analysis. Please also explain, by reference to the specific socio-economic</p>	<p>Gainsborough town and its surroundings are inextricably linked. Towns like Gainsborough should be an engine for the local economy. By adversely impacting the rural economy, this will have an impact on Gainsborough by worsening deprivation and may affect the levelling up programme for the town. In rural areas, young people tend to move out, mainly because of a lack of employment opportunities or underemployment. These schemes have the potential to make our area unattractive to settle in, and therefore this has a snowball effect on the economy of Gainsborough, which already has low levels of educational attainment, low employment, and low socioeconomic status (see 7000 Acres WR REP1A-015 Health and Wellbeing reference deprivation in Gainsborough). In essence, Gainsborough should be a social hub with a vision that should solve both the town and the rural surroundings needs e.g</p>	<p>The Applicant refers to its responses made to Q1.13.9 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038], and its responses to 7000 Acres' previous commentary on baseline data used for the assessment of human health and wellbeing in Sections 2.8, 2.9 and 2.16 of WB8.1.18 The Applicant's Responses to Written Representation and Other Submission at Deadline 1: Part 2 [REP3-035]. Accordingly, the Applicant disagrees with the assertion that the Scheme provides no gain to either the town or surroundings areas and that impacts of the Scheme across the Local Impact Area for population health & wellbeing, disability & long-term health conditions, economic activity and employment are adverse. Subject to mitigation and enhancement measures as set out in Section 18.8 of 6.2.18</p>

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
			<p>difficulties of Gainsborough, how these relate to the proposed development.</p>	<p>tourism. This will be seriously affected if these developments go ahead. The knock-on effect of this could be socioeconomic decline, which has major impact on health and wellbeing in these communities.</p> <p>Gainsborough and its surrounding areas lie within the Trent Primary Care Network: https://lpcna.nhs.uk/primary-care-networks/trent-care-network</p> <p>On this link is the Public Health Intelligence profile 2020 which highlights the issues around Gainsborough and its surroundings (reference in 7000 Acre WR REP1A-015 on Health and Wellbeing).</p> <p>Some of the area lies in IMP Primary Care Network: https://lpcna.nhs.uk/primary-care-networks/imp</p> <p>Their annual reports highlight the health issues with data.</p> <p>Had a thorough Health Impact Assessment been carried out with the relevant stakeholders, reports such as the one done on Gainsborough town and its surroundings in 2017 by the then West Lincolnshire Clinical</p>	<p>Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056], the Scheme is not anticipated to have any significant adverse impacts on the socio-demographic environment. The Scheme is however anticipated to have significant beneficial effects on access to employment (para. 18.8.12) and education (para. 18.8.13) as measures indices of deprivation during construction.</p>

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
				<p>Commissioning Group, would have highlighted the issues to the applicant. This revealed significant socioeconomic and health inequalities. Also, Index of multiple deprivation (IMD), does not reflect the cost of living and wellbeing issues in rural areas. There is no measure for lack of available services such as shops and amenities, access to transport as well as digital communication. It does not reflect under-employment or unemployment, fuel and food issues. 7000 Acres' concern is that within our rural areas are pockets of deprivation that have not adequately been identified within the applicant's assessment on Health and Wellbeing.</p> <p>Rather than imposing huge solar projects which have no gain to either the town or surroundings areas, other than the land owners, the investors and those that benefit from the energy supply further away, it has been suggested in a report "Reimagining the rural: What is missing in UK policy?"¹⁷ Newcastle University Centre for Rural economy, that towns like Gainsborough</p>	

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				<p>should be working with its rural community to help protect its environment, the food production and perhaps investing in smaller schemes such as community renewal projects. This means smaller, less imposing schemes, providing local electricity and heat solutions (either wind/solar), will be more appealing to the local communities.</p> <p>Fuel poverty is a real issue in rural areas as there is more reliance on oil because rural areas tend to be off the gas grid. Also, rural housing stock tends to be much older, therefore poor quality, less energy efficient, and this adds to the complexity. Rural areas have a lot of pensioners, and therefore with fuel poverty where homes are not heated properly leads to a deterioration in health. Therefore, community renewal projects would be far more beneficial to solve this rural problem.</p> <p>7000Acres see the example of the Applicant's chapter on Socio Economics as a clear example of the reason why the Applicant's material cannot be used as the sole basis of evidence for a subject when determining the</p>	

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				<p>examination. To carry out a of socio-economic review of the area around the WBSP and not acknowledge or address the deprivation issues of Gainsborough is either misleading, partial, or superficial, and should further serve to render the assessment inadequate.</p> <p>The chapter generally concludes that impacts across the Local Impact Area for population health & wellbeing, disability & long-term health conditions, economic activity and employment are adverse. The assessment then fails to consider that these negative impacts will be most severely felt in the concentrated area around the WBSP and other NSIP-scale developments.</p> <p>The nearest large community to the West Burton scheme is Gainsborough, clearly evidenced as having severe socio-economic difficulties. For a major development, or series of major developments to risk making the area even less attractive, with adverse impacts on economic activity, employment and health, is akin to simply kicking a town while it's already on its knees.</p>	

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14. Transport and access, highways and public rights of way (PRoW)					
TRA-01	1.14.1	Lincolnshire County Council [REP3-042] [Link]	<p>Transport Assessment (TA) Methodology, Conclusions</p> <p>Do NCC and LCC as Local Highway Authorities agree with the methodology and conclusions as reported in the ES Chapter 14 Transport and Access [APP-052]? If not, please identify where issues arise and the reasons.</p> <p>a) Do NCC and LCC agree with the mitigation and output from the Construction Traffic Management Plan (CTMP) [APP-127] updated in [REP1-016]and Outline Construction Environmental Management Plan (oCEMP) [REP1-034])</p> <p>b) Will the CTMP and oCEMP adequately address any residual effects and are they satisfied these are appropriately secured through the dDCO?</p>	<p>Yes, TA and CTMP are acceptable in showing access requirements and impact on highway. Works proposed in highways (access crossings) need S184 approval from LCC Streetworks and Permitting prior to construction (DCO Articles 9 & 11 above need to follow existing procedures for works in highway).</p>	<p>Please refer to the Applicant's response to questions DCO-01 and DCO-02 in this document.</p>

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
TRA-02	1.14.2	Lincolnshire County Council [REP3-042] [Link]	<p>Timing of Surveys</p> <p>The ExA notes, as set out in ES Chapter 14 Transport and Access [APP-052] para 14.4.33 and para 2.13 of the TA that the pandemic and associated restrictions disrupted normal traffic flows. However, surveys were undertaken outside of lockdown periods. ES para 14.5.24 notes that "data from the DfT has been obtained for 2019, prior to the Covid-19 pandemic". Paragraph 14.4.34 states that "notwithstanding the limitations and assumptions referenced, it is considered that the methodology and conclusions to this chapter are robust". The baseline survey assessment was undertaken in November 2021.</p> <p>Please can the Applicant</p>	Agree with ES – for purposes of highway assessment the survey data is suitable.	The Applicant notes this comment.

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
			<p>a) Explain why that particular time period in November was chosen.</p> <p>Please can the Local Authorities (Highways Authorities and LPAs) confirm if this survey period is considered to be sufficient and or whether or not they agree with the statement in ES para 14.4.34.</p>		
TRA-03	1.14.3	Lincolnshire County Council [REP3-042] [Link]	<p>Abnormal Loads</p> <p>a) Are NCC and LCC as satisfied with the arrangements for abnormal loads set out in the CTMP [APP127], updated in [REP1-016] Appendix 14.2 Construction Traffic Management Plan Revision A.</p> <p>b) If not, please identify where issues arise and the reasons?</p>	In principle the AIL assessment is acceptable at this stage. Approval from LCC's Abnormal Load Officer (and other parties) will be required prior to implementation.	The Applicant notes this comment.
TRA-04	1.14.4	Lincolnshire County Council [REP3-042] [Link]	<p>Travel Plan</p> <p>Chapter 14 Transport and Access [APP-052] of the ES sets out the</p>	Travel Plan 50% by shuttle bus is achievable if it is considered in the recruitment and procuring of workers.	The Applicant notes this comment.

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			<p>travel plan arrangements to be provided for the construction and operational phases.</p> <p>It includes a measure for the provision of shuttle buses to transport construction workers to and from the Sites. This is particularly important for non-local workers, who will stay in local accommodation and be transported to the Sites. It is expected that a shuttle bus will be able to accommodate 20 workers. In addition, workers who drive will be encouraged to car share where possible. With this in mind, it is assumed that 50% of workers will arrive by shuttle bus.</p> <p>a) Are NCC and LCC satisfied with this conclusion? If not, please identify where issues arise and the reasons?</p>		

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
			<p>b) Can the Applicant justify the split and uptake of shuttle bus patronage to 50%.</p> <p>c) Can the Applicant please confirm whether the assumptions used (e.g. para 4.6 of the Construction Traffic Management Plan) for the shuttle bus capture the worst case scenario? (The ExA notes that worst case scenario has been applied for the cable route corridor)</p>		
TRA-05	1.14.6	Lincolnshire County Council [REP3-042] [Link]	<p>Unclassified Road South of the A1500</p> <p>The ExA notes LCC's concern regarding the access route proposed for West Burton 1 as set out in its LIR [REP1A-002]. The ExA is familiar with the road having visited during previous Unaccompanied Site Inspections (USI) and experienced passing,</p>	<p>Applicant prepared further information in Oct 2023; LCC responded 8/11 as follows (which relates to above concerns about DCO powers):</p> <p>"Thank you for this note which shows that passing places could be provided to mitigate the impact on Access 1. With the abnormal loads, the Note suggests can be mitigated by temporary or permanent widenings, we would require a before and after Condition</p>	<p>Please refer to the Applicant's response to question 1.14.6 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] and the Applicants response to comment DCO-01 in this document.</p>

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			<p>layout and proximity to nearby ditches.</p> <p>The ExA notes LCC's recommendation at paragraph 8.9 of it's LIR [REP1A-002] for construction traffic:</p> <p>"the applicant needs to identify where passing bays will be located on this route" and that there should be "at least one bay on each straight section of the route, making around three bays over the 1.2km section". Further, that for the proposed access points (Access 1 and 2) layout of access junctions need preparing with swept paths for HGVs to show that two-way movements can occur and the extent of the junction improvements necessary.</p> <p>The Applicant (and, optionally LCC) is asked to please update</p>	<p>Survey with LCC Officers to ensure the road is returned to its original (or better) condition.</p> <p>We still have concerns with regards to the mechanisms for permitting works within the highway proposed within the DCO. LCC will require any works within the highway to be technically checked and approved by LCC under S278 procedures and for works to be implemented in accordance with normal Streetworks & Permitting requirements."</p>	

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			on its progress on discussions with LCC.		
TRA-06	1.14.9	Lincolnshire County Council [REP3-042] [Link]	<p>Collision Data</p> <p>Chapter 14 Transport and Access [APP-052] analyses Personal Injury Collision Data provided over the "most recent" five-year period (Para 14.5.26).</p> <p>a) Can the Applicant explain why the collision data over the past five years is considered to be representative given the possible impacts in terms of traffic movements of the Covid19 pandemic during this period?</p> <p>b) Please also confirm whether there are any assessment assumptions and/or limitations in relation to Covid-19 within the LCC road network data.</p> <p>c) Please can the Applicant confirm if Table 14.8 of ES Chapter 14: Transport and Access [APP-052] is up to date in</p>	LCC not been involved in this – not sure where this has progressed to, the dDCO still seems to give too much power to applicant.	<p>Please refer to the Applicant's response to question 1.14.9 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>It is unclear to the Applicant how the Lincolnshire County Council's comments about the powers under the dDCO relate to the collision data. A further response can be provided in due course if required.</p>

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			<p>relation to accident data, given that it does not include accidents from 2022 or 2023.</p> <p>Local Authorities may also like to comment on the above.</p>		
TRA-07	1.14.13	Lincolnshire County Council [REP3-042] [Link]	<p>On-Site Vehicle Parking</p> <p>The Local Authorities are asked to please indicate whether: a) the Proposed Development delivers off-road parking provision, servicing and access arrangements in accordance with the standards required by the Highway Authority? the off-road parking facilities provided, e.g. during construction, will be adequate?</p>	Parking on site, based on information provided would seem appropriate.	The Applicant notes this comment.
15. Water Environment including Flooding					
WAT-01	1.15.3	7000 Acres [REP3-049]	<p>Water Quality of On-Site Ditches</p> <p>The Applicant is asked to please:</p> <p>a) Explain how off-site impacts that may alter the water quality</p>	A further question of the Applicant is: What mitigation and containment measures would be provided to prevent contaminated water entering on-site ditches during a BESS chemical fire requiring up to 114 cubic metres of cooling water per hour, for at least	As specified by the Applicant in WB7.13_C Concept Design Parameters and Principles Revision C [EX4/WB7.13_C] and in WB7.9_A Outline Battery Storage Safety Management Plan Revision A [REP3-

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			<p>of on-site ditches, for example, the use of fertilisers or maintenance requirements, have been considered.</p> <p>b) Explain how these risks have been assessed cumulatively from the construction, operational and decommissioning phases.</p> <p>c) Explain whether chemicals such as weed killers will be used during the operation, and if so, what will be done to prevent run-off into nearby ditches?</p> <p>d) Respond to the EA RR [RR-090] and para 3.5 of its WR [REP1A-007] comment that "water quality in field boundary ditches is expected to significantly increase as a result of the change of use from agriculture use to placement of solar panels and the resultant removal of fertilisers/herbicides</p>	<p>2 hours or as long as it takes to control the fire Ref ES Appendix 10.5 Firewater Risks para 3.10.1?</p>	<p>032] in paragraph 5.3, the BESS area will integrate a water capture system to allow for the easy analysis of firefighting water runoff. Water can be removed off site by water tankers if polluted or released into drainage systems or reused for firefighting water if not polluted. It should be noted that there are no recorded incidents of polluted water contamination from BESS fires where external BESS boundary cooling was conducted by firefighters.</p> <p>The risk of contamination mobilised by surface water or firewater from the BESS site is considered in paragraph 3.4.4 and section '3.10 Firewater Risks' within 6.3.10.5 Environmental Statement - Appendix 10.5 FRA DS West Burton 3 [APP-093].</p> <p>Given the potential risk it is considered that the substation and battery storage areas could be constructed within bunded areas lined to prevent infiltration. The outfalls from the</p>

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			from the fields". Please update or update through SoCG.		proposed drainage onsite would then be controlled via valves which would close and isolate the site from the wider environment in the event of a fire, allowing for appropriate treatment and disposal of any contaminated water. The proposed surface water drainage scheme for the BESS site will provide sufficient storage to accommodate surface water generated by the site up to a 1 in 100 + climate change allowance storm, well in excess of the volumes of firewater that could be expected in a reasonable worst case scenario.
WAT-02	1.15.4	7000 Acres [REP3-049]	<p>Isolation and Operationality in Flooding Event</p> <p>Paragraph 2.2.9 of ES Chapter 10 Appendix 10.5 [APP-093] sets out that the Proposed Development has been designed so that in the event of a 0.1% Annual Exceedance Probability (AEP) + 20% Climate Change flood event it would be possible to</p>	<p>What containment and mitigation would be provided to contain transformer insulating oil in the event of an extreme flooding event?</p> <p>What safely measures would be in place to prevent injury to operational staff isolating electrical equipment in floodwater?</p>	<p>As stated in paragraph 6.1.10 within 6.3.10.1 Environmental Statement - Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report [APP-089]. <i>'Where sensitive electrical equipment such as conversion units have been proposed within the Site, it has been recommended that the structures are sequentially located outside of the 0.1% AEP + CC extent</i></p>

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			<p>electrically isolate damaged infrastructure and replace it without affecting the operation of the rest of the scheme.</p> <p>Can the Applicant please comment on the acceptability of this is in line with the development's classification as essential infrastructure and the NPS's requirement that new energy infrastructure "should also be designed and constructed to remain operational in times of flood" (EN-1 paragraph 5.8.5).</p>		<p><i>and/or the 0.1% Annual Probability Surface Water proxy extent. Where this is not possible, the sensitive equipment will be raised 0.6 m above the 0.1% AEP + CC flood level and designed to be flood resilient in line with best practice guidance.'</i> Transformers in the substations have been situated outside of flood zones so will not be submerged in a flooding event. The medium voltage conversion units have an oil cooling system circuit (Oil Natural Air Natural (ONAN)) which is completely sealed. Therefore no equipment containing oil will be submerged within flood water and will remain contained.</p> <p>Electrical equipment could be isolated remotely, avoiding the need for any operational staff to enter the floodwater.</p>
WAT-03	1.15.5	7000 Acres [REP3-049]	<p>Survey of River Till</p> <p>A specialist Modular River Physical survey (MoRPh) of the</p>	What assessment has been carried out of the potential increase in colloidal and suspended clay particulates in the Till and its tributaries resulting from soil erosion/mobilisation due	The Applicant states that the panelled areas are not expected to increase surface water runoff from the Sites as the grassland beneath them still exists

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			<p>River Till has not been carried out.</p> <p>The EA believes that it would be worthwhile exploring improvements on the Till and its tributaries as the site boundary for West Burton 2 runs perpendicular to the river. It welcomes consideration for smaller scale habitat improvements to tributaries of the River Till within the scheme boundary (see para 3.6 of [RR-090])</p> <p>Please can the Applicant comment on such improvements, their scope and how the scheme may deliver these or other improvements.</p>	<p>to increased surface water runoff from solar panels and its effect on aquatic invertebrates?</p> <p>What benthic and sessile studies have been carried out by the applicant to determine the existing ecology of the River Till and its tributaries?</p>	<p>and will be brought back to a more natural state than it is currently in. There will therefore be no increase in soil erosion or potential operational impact pathway on aquatic invertebrates.</p> <p>Soil and surface management is considered in section 4.0 and paragraph 5.3.4 of the 6.3.10.1 Environmental Statement - Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report [APP-089]. Section 6.2.5 of the Assessment notes: <i>"This Flood Risk Assessment demonstrates that the Scheme will not increase flood risk elsewhere and the ground beneath the panels will remain entirely permeable, draining as existing. The development may reduce existing greenfield run-off rates by replacing intensive agricultural surfaces with a landcover comprising a mixture of wildflowers and grassland"</i>. The proposed drainage strategy is detailed within Section 5.0 [APP-089]</p>

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					<p>and is secured by Requirement 11 in Schedule 2 of WB3.1_C Draft Development Consent Order Version C [REP3-007] provided at Deadline 3. The panelled areas will not alter the existing surface water run-off regime and will therefore not be formally drained. Areas of increased hardstanding such as smaller areas of hardstanding formed as footings for electrical infrastructure will utilise sustainable drainage (SuDS) principles and attempt to mimic the existing surface water run-off regime as existing.</p> <p>No benthic or sessile investigations into the ecology of the River Till or its tributaries have been undertaken. It was not considered proportionate to undertake these surveys owing to the lack of any construction or operational impact pathway on the River Till resulting from changed surface run-off regimes, as discussed above.</p>

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WAT-04	1.15.9	7000 Acres [REP3-049]	<p>Flooding in 2019/ 2023</p> <p>The Applicant and, optionally IPs, are asked to comment on previous flooding events, for example in 2019 and 2023. This includes recent flooding following Storm Babet (Oct 2023). 7000 Acres, in its WR for Deadline 1A "Flooding Concerns" [REP1A-015] notes that the surface water runoff under storm conditions from impervious areas due to PV panels will be significant. Additionally, they note that most of the soil on the proposed development areas has a high clay content which becomes saturated during prolonged periods of heavy rain, resulting in excess water to shed off directly over the surface into the dykes.</p> <p>Please can the Applicant respond to these comments and provide any evidence of soil type in this</p>	<p>7000Acres note also the flooding event in January 2024, arising from Storm Henk, in which levels of the river Trent at Torksey were recorded at their highest levels¹⁸, resulting in flooding of the caravan park. This is in the immediate area around the West Burton 3 site.</p> <p>The image below, from the UK Government's "Check for Flooding" service, shows the extent of flood warnings and severe flood warnings in the area of the West Burton Solar Project, following Storm Henk. 7000Acres' concern is that a significant area of solar panels from West Burton Solar Project, compounded with those of other schemes will concentrate and accelerate run-off and exacerbate an area that is already becoming increasingly susceptible to flooding.</p> <p>Along with the other three major solar projects currently under consideration, what contribution would West Burton 2 make to the River Till and West Burton 3 make to the River Trent, from the increased risk of flooding from surface water runoff from solar panels under storm conditions?</p>	<p>The proposed Scheme will not contribute to an exacerbation of flooding in the area.</p> <p>The nature of the Scheme means that precipitation would be intercepted by between 25% to 40% of the surface of the Site that is typically developed with solar panels. A known concern is the risk of water "sheeting" off a solar array façade, running off at speed onto the same ground, pooling, and over time creating erosion and runoff channels alter existing surface water flows. This misconception can arise due to simplified drawings typically submitted with planning applications. These show what looks to be a solid façade when, in actuality, a typical solar array has gaps between each panel on the array which allows surface water to fall off in many locations on to fully vegetated ground beneath.</p> <p>A typical solar array is constructed of smaller panels with gaps between them. The approximate 20° pitch means water is less likely to run down</p>

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			<p>area which may render the land more, or less, flood prone. IPs may, optionally, provide further information and cite relevant evidence sources.</p>	<p>What effect would soil erosion arising from surface water run-off from solar panels have on the quantity of silt deposited in the River Till, its tributaries, and the exacerbation of flooding of adjacent areas?</p>	<p>with velocity that would allow it to "jump" the gaps. Rather, water runs off at a reduced speed due to the pitch, and drips down through the gaps. There is no risk of water sheeting down in one area at the lower edge of the arrays.</p> <p>As a result of the construction of the solar panels, some rainfall will be intercepted by the surface of the arrays before reaching ground level. Intercepted rainfall will either run down the face of the panels and drip onto the ground below or will be lost due to evaporation from the face of the panels.</p> <p>Without mitigation there is a risk of erosion of the ground on which rainwater drips. This could then result in the formation of rivulets which could increase the speed at which runoff discharges from the site. However, the potential for erosion to occur as a result of the 'drip effect' is appropriately mitigated by features of</p>

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					<p>the solar arrays themselves, as described above.</p> <p>In addition to the above, appropriate seeded vegetation will be provided below and between rows of the solar panels to act as a level spreader/energy dissipater to promote low erosivity sheet flow during operation of the solar farm.</p> <p>The grassland will not only grow between array gaps, but it includes all ground under the arrays as well. Point 3 of paragraph 10.8.1 within WB6.2.10 ES Chapter 10_Hydrology, Flood Risk and Drainage [APP-048] includes provision for suitable planting (such as a wildflower or grass mix) to ensure that the underlying ground cover is strengthened and is therefore unlikely to generate surface water runoff rates beyond the baseline scenario.</p> <p>Therefore, the gaps between the arrays essentially act as natural filter strips, a form of Sustainable Drainage System (SuDS) feature.</p>

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
					<p>There is no UK environmental managing guidance with regards to runoff from solar panel installations. However, research undertaken in the United States (US) by Cook and McCuen considers the points raised in this comment and states within their conclusions that:</p> <p><i>The addition of solar panels over a grassy field does not have much of an effect on the volume of runoff, the peak discharge, nor the time to peak. With each analysis, the runoff volume increased slightly but not enough to require storm-water management facilities'.</i> Cook and McCuen continue to recommend that the vegetation cover beneath the panels is well maintained or that a buffer strip be placed after the most down gradient row of panels.</p> <p>The proposed drainage strategy is detailed within Section 5.0 of WB6.3.10.1 ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report [APP-089].</p>

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
					<p>Section 5.0 'Drainage Strategy' of WB6.3.10.1 ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report [APP-089] assesses that the panelled areas will not alter the existing surface water run-off regime and will therefore not be formally drained. Areas of increased hardstanding such as smaller areas of hardstanding formed as footings for electrical infrastructure will utilise SuDS principles and attempt to mimic the existing surface water run-off regime as existing. The discharge and disposal of site runoff will be managed in accordance with the provisions under Discharge/Disposal of Site Runoff in Table 3.4 of the WB7.1_C Outline Construction Environmental Management Plan Revision C [EN010132/EX4/7.1_C].</p> <p>The substation and BESS area within the Scheme is considered within an area specific drainage strategy included within Section 3.0 of WB6.3.10.5 Environmental Statement -</p>

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
					<p>Appendix 10.5 FRA DS West Burton 3 [APP-093].</p> <p>The drainage strategy and detailed drainage design will be developed during the detailed design process. As secured by Requirement 11 in Schedule 2 to the WB3.1_E Draft Development Consent Order Revision E [EX4/WB3.1_E] which states that "No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system for that part have been submitted to and approved by the relevant planning authority."</p> <p>As set out in WB6.2.10 ES Chapter 10_Hydrology, Flood Risk and Drainage [APP-048], at paragraph 10.8.1, the increase in permanent impermeable area on the Site will be negligible, the proposed solar schemes will not contribute to an exacerbation of flooding in the area. This is also the case for the other stated schemes in</p>

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
					<p>the area and therefore, there will not be a cumulative impact.</p> <p>With regards to erosion of soils please see response to 1.15.5 in this document.</p>
WAT-05	1.15.10	7000 Acres [REP3-049]	<p>The Effect of PV Panels on Channelling of Stormwater</p> <p>IPs have raised concerns that rainwater (particularly during storms) is channelled by PV panels resulting in increased flood risk. Trent Valley IDB and Witham & Humber IDB are asked to please comment on these aspects of flood risk.</p>	How does the applicant intend to mitigate soil erosion occurring under the drip line of the panels under storm conditions?	Please see the Applicants response to question 1.15.9 in this document.
WAT-06	1.15.12	7000 Acres [REP3-049]	<p>Emergency Services</p> <p>IPs have concerns about the restriction of access for emergency services to remote communities due to the increased flood risk. Can the Applicant provide details of discussions with emergency</p>	<p>What road improvements are being proposed to overcome the frequent problems with emergency access arising from increasing frequency of flooding and the impact of all 4 solar projects including West Burton?</p> <p>What enquiries have been made to ensure there are adequate town main supplies to the BESS installations to provide a minimum supply of 114 cubic metres/hour as required</p>	<p>Please refer to the Applicant's response to question 1.15.9 in this document. The proposed solar schemes will not contribute to an exacerbation of flooding in the area and therefore there will be no detrimental impact on the emergency services ability to access remote communities. Furthermore, no emergency service</p>

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
			services concerning access to sites in event of flooding?	by emergency services in ES Appendix 10.5 Firewater Risks para 3.10.1?	<p>access to the sites would be required in the event of flooding as the infrastructure can be remotely controlled.</p> <p>With regards to the provision of water for firefighting, water storage is proposed adjacent to the battery units as detailed in paragraph 3.10.2 of WB6.2.10 ES Chapter 10_Hydrology, Flood Risk and Drainage [APP-048].</p>
WAT-07	1.15.16	7000 Acres [REP3-049]	<p>Table 10.7 - Mitigation</p> <p>With regard to Table 10.7 of ES Chapter 10: Hydrology, Flood Risk and Drainage [APP-048], please can the Applicant explain how the following will be secured by design rather than a DCO requirement: "Maintaining the existing surface water run-off regime by utilising permeable surfacing for the Site access, linear infiltration trenches around any proposed infrastructure (substations and</p>	What mitigation is being proposed to prevent contamination from substation transformers, inverters and battery storage units entering the surrounding linear infiltration trenches?	Please see the Applicant's response to question 1.15.3 in this document.

Ref	ExA FWQ's	Respondent	Question	Response	Applicant's Comment
			batteries) and wildflower planting at the leeward edge of solar panels"		

3 Applicant's Responses to other Deadline 2 and Deadline 3 Submissions

Canal & River Trust [REP2-021 and REP2-022]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
CRT-01	Draft DCO	General	Art 6(1)(i) We welcome the amendment to article 6(1)(i) of the draft DCO which addresses the issue raised by the Trust in its deadline 1 response.	The Applicant notes this comment.
CRT-02	Draft DCO	Protective Provisions	<p>Protective Provisions for the Trust</p> <p>We welcome the inclusion of the protective provisions for the Trust in Part 13 of Schedule 16 of the draft DCO submitted at deadline 1. The wording of the protective provisions has recently been agreed between the Applicant and the Trust and we understand the Applicant will adopt that agreed wording in the next revision of the draft DCO, due be submitted at deadline 2. These reflect the provisions included in the draft DCOs for the Cottam and Gate Burton projects and include wording required in respect of the Trust's dredging tip. This wording is agreed by the Trust subject to any changes to the DCO or changes to the project which would impact the Trust. A copy is enclosed for information. We trust this assists the Examining Authority (ExA) in answering question 1.5.29 of the ExA's First Written Questions.</p>	The Applicant notes this comment and confirms that the agreed wording was included in the draft DCO submitted at Deadline 2.
CRT-03	Design	HDD	<p>Concept Design Parameters</p> <p>We have been reviewing the revised Concept Design Parameters and Principles Revision A document but are</p>	The Applicant can confirm that it is specified in WB7.13_C Concept Design Parameters and Principles Revision C [EX4/WB7.13_C] that the

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>unable to find that in principle HDD will be at least 5m below the River Trent. We also think it would be helpful to include in this description a reference point for measuring that 5m. The Trust has agreed the following wording with the Gate Burton project, which is set out in the Outline Design Principles document for that project:</p> <p>The HDD depth will be a maximum of 25m below the bottom of the riverbed and a minimum of 5m below the lowest surveyed point of the River Trent riverbed in order to prevent risk of any scour exposing cable. (See PDF p10 of the latest revision at:</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010131/EN010131-001393-2.3%20Outline%20Design%20Principles_D5__tracked.pdf)</p> <p>The Applicant has confirmed to us that they are happy to use the above wording for the West Burton proposal and this will be updated in the next version of the Concept Design Parameters and Principles submitted at deadline.</p>	<p>tunnelling, boring and drilling works associated with Work No.5 will be a minimum of 5m below the lowest surveyed point of the River Trent riverbed.</p>
CRT-04	Landscape	Hedgerows	<p>Outline Landscape and Ecological Management Plan</p> <p>The Outline Landscape and Ecological Management Plan Revision A includes at page 59 a Hedgerow Removal Plan HR26. This shows that H146 and H147 respectively south and west of our dredging tip are proposed to be retained. We note that this plan also shows the</p>	<p>The Applicant notes this comment. Crossing Schedule Revision B [EX4/WB7.15_B] which shows the proposed crossing method for H148 as being Horizontal Directional Drilling (HDD) has been submitted for Deadline 4.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			temporary removal of a section of H148 to the southwest of our dredging tip and we await the Applicant's publication of a revised Crossing Schedule following further engineering consideration of the use of horizontal directional drilling of the cable routes in relation to our dredging tip and the adjacent flood bund.	
CRT-05	Cumulative	Joint Interrelationship Report	<p>Joint report on Interrelationships between NSIPs</p> <p>We note that on page 46 of the Joint Report on Interrelationships between Nationally Significant Infrastructure Projects the entry on the date 10/08/23 mentions Canal. We believe this may be a typing error as we haven't had discussions with the Applicants and EDF regarding Cottam substation.</p>	The version of the Joint Report on Interrelationships between Nationally Significant Infrastructure Projects [EX4/WB8.1.9_C] submitted for Deadline 4 has this typing error removed.

Marine Management Organisation [REP2-023 and REP3-047] [\[Link\]](#)

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
MMO-01	The Scheme	General	The MMO has received no questions or comments regarding submissions made in Deadline 1 and in turn have no comments to provide for Deadline 2. No further information has been requested by the Examining Authority from the MMO for this deadline. We will therefore provide a response to Deadline 3 in due time.	The Applicant notes this comment.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
MMO-02	The Scheme	General	<p>On 21 March 2023, notice was given that the Secretary of State has accepted an application by West Burton Solar Limited (company number 13049324) of Unit 25.7 Coda Studios 189 Munster Road, London, England, SW6 6AW ("the Applicant") for a Development Consent Order ("DCO") under the Planning Act 2008. The Application (Reference No. EN010132) was submitted by the Applicant to the Secretary of State c/o the Planning Inspectorate on 21 March 2023 and was accepted for examination on 18 April 2023.</p> <p>The Applicant seeks authorisation for the construction, operation, maintenance and decommissioning of a solar photovoltaic (PV) electricity generating facility and energy storage facility, based in Lincolnshire, with a total capacity exceeding 50 megawatts (MW) and export connection to the National Grid ("the Project").</p> <p>This document comprises the MMO's Deadline 3 response in respect to the above DCO Application.</p>	The Applicant notes this comment.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>This is without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This is also without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the Project. The MMO reserves the right to modify its present advice or opinion in view of any additional matters or information that may come to our attention.</p>	
MMO-03	Draft DCO	Exempt Activities	<p>The MMO has reviewed the DCO and Deemed Marine Licence ("DML") (REP1-006) on a without prejudice basis and along with reaffirming our position on the inclusion of a DML has provide comments on the wording within the DCO and DML where this would fall within the MMO's remit as the regulator under the Marine and Coastal Access Act 2009 ("2009 Act"). The MMO still has major concerns in relation to the inclusion of a DML</p>	<p>The Applicant notes this comment.</p> <p>The Applicant has submitted at Deadline 4 Technical Note on Horizontal Directional Drilling and Cabling under the River Trent [EN010132/EX4/WB8.2.8] which is a signposting document to where the environmental assessment has been undertaken in relation to the activities associated with Horizontal Directional Drilling within the Environmental Statement. This was identified as an action from Issue Specific Hearing 2 as set out in Written Summary of the Applicant's Oral</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
				<p>Submissions at the Issue Specific Hearing (ISH2) [EN010132/EX4/WB8.1.24].</p> <p>The Applicant also refers to Appendix A of this submission, which is a complete response to the MMO's submission.</p>
MMO-04	Draft DCO	Exempt Activities and Deemed Marine Licence	<p>Article 4 of the Marine Licensing (Exempted Activities) Order 2011 ("2011 Order") states that a marine licence is not needed for an activity that is an exempt activity.</p> <p>Article 35(1) of the 2011 Order states "Article 4 applies to a deposit or works activity carried on wholly under the seabed in connection with the construction or operation of a bored tunnel."</p> <p>The Applicant is proposing, under Work No.4 to carry out trenching for cabling by way of a bored tunnel. It has been asserted by the Applicant that in carrying out Work No. 4 that the activities will not have a significant effect on the UK marine area.</p> <p>On the basis of the information provided to the MMO by the Applicant, the MMO does not consider that a deemed marine licence is able to be granted under a Development Consent</p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>Order for the purposes of the proposed Work No. 4 because no marine licence is required.</p> <p>It would appear to the MMO that the Applicant is seeking to obtain a deemed marine licence for drilling activities or other forms of tunnelling which of themselves will not be considered to be a bored tunnel to which the exemption in the 2011 Order applies and is seeking to have these activities authorised by way of a deemed marine licence. The MMO notes however that the Applicant has provided no detail as to what these activities would entail, and they have not assessed the environmental implications of these activities.</p> <p>The Planning Act 2008 has the effect of altering the mechanism, for the purposes of a development consent order, by which a marine licence can be granted. It does not however alter the process by which an application for a marine licence is determined under section 69 of the 2009 Act.</p> <p>In the absence of the required detailed information from the Applicant, the MMO is unclear how the Secretary of State can determine whether or not the deemed marine licence should be granted, as the MMO itself</p>	

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			would be unable to make this determination on the information currently provided by the Applicant. The MMO has significant concerns that in the current circumstances any decision of the Secretary of State to grant a deemed marine licence could be open to successful challenge.	
MMO-05	Draft DCO	Deemed Marine Licence	<p>Article 35 DCO</p> <p>It is the MMOs stated position that any DML granted under a DCO should be regulated by the provisions of the 2009 Act, and in respect of this issue, specifically by all provisions of section 72 2009 Act.</p>	The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.
MMO-06	Draft DCO	Deemed Marine Licence	<p>PINS Guidance</p> <p>As set out in Advice Note Eleven, Annex B – Marine Management Organisation National Infrastructure Planning (planninginspectorate.gov.uk) where a developer chooses to have a marine licence deemed by a DCO, we, the MMO, <i>"will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO."</i></p> <p>As you are aware developers can seek consent for a marine licence directly with the MMO,</p>	The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>reinforcing that in respect of marine licences the DCO process is nothing more than a mechanism for granting a marine licence – it is not a vehicle to amend established process and procedures, such as those for the transfer of a marine licence.</p> <p>As the guidance further sets out, we, the MMO are responsible for enforcing marine licences regardless of whether these are 'deemed' by a DCO or consented independently, and it is therefore fundamental that all marine licences are clear and enforceable, and consistency is a key element in achieving this.</p> <p>Section 72(7)(a) 2009 Act permits a licence holder to make an application for a marine licence to be transferred, and where such an application is approved for the MMO to then vary the licence accordingly (s. 72(7)(b) 2009 Act).</p>	
MMO-07	Draft DCO	Deemed Marine Licence	<p>Decision to transfer or application to transfer</p> <p>In considering the proposed provisions of Article 35 DCO, Articles 35(1)(a) and 35(1)(b) no longer requires the licence holder (undertaker) to make an application for a licence to be transferred it is simply their decision to make</p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>the transfer – this is a clear departure from 2009 Act. Further the newly introduced process involves the Secretary of State providing consent to the transfer, rather than the MMO, as the regulatory authority for marine licences, considering the merits of any application for a transfer.</p> <p>Further if it is the intention of the Applicant for a DML to be transferred by them as the undertaker under the terms of the DCO and outside of the established procedures under 2009 Act (which the MMO opposes) why is it considered necessary or appropriate for the Secretary of State to 'approve' the transfer of the DML, even with their obligation to consult the MMO? We remain strongly of the view that it should be the MMO.</p> <p>Although the process proposed has not been tested, it may be the case that the Applicant/undertaker faces unnecessary delay as it is not clear that there will be a process in place to deal with requests of this nature and it is not clear what any consultation period would be.</p>	

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
MMO-08	Draft DCO	Deemed Marine Licence and Consultation	<p>Duty to consult MMO</p> <p>It is noted that the Secretary of State "must consult" the MMO (Article 35(4) DCO) – however the obligation goes no further than this, the Secretary of State is not obligated to take into account the views of the MMO in providing its consent and there is no obligation for the MMO to be informed of the decision of the Secretary of State. In the regulatory sphere it strikes us as highly unusual that a decision to transfer any DML is not the decision of the regulatory authority in that area.</p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>
MMO-09	Draft DCO	Deemed Marine Licence and Variation to a Licence	<p>Power to vary the licence following a transfer</p> <p>Despite the proposed changes to the process of transferring a DML it remains that neither the licence holder/undertaker nor the Secretary of State has any power to actually vary any 6 terms of a DML and it will still therefore be necessary for the MMO to take steps to vary a DML to reflect that it has been transferred to another entity. To our mind the proposed mechanism for transfer of a DML does not actually work and in fact does little more than complicate the process.</p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>There are also very real practical concerns as to how the proposed process would work in practice. The transfer of the DML would happen first, and then the DML would need to be varied. After the transfer of the DML, the new licensee/licence holder would have a marine licence which would still be in the name of the licensee who had transferred the DML. The new licence holder/licensee would have no authorisation to carry out any acts until the variation had taken place and until the variation had been affected the old licence holder would remain liable for any actions undertaken. The procedure under s. 72 2009 Act avoids this issue.</p>	
MMO-010	Draft DCO	Deemed Marine Licence	<p>Transfer and lease of a marine licence</p> <p>Article 35(1)(b) DCO specifies the transfer of the whole of a DML and Article 35(1)(b) specifies a grant to a lessee for an agreed period. There is however no mechanism either in the DCO or indeed in the 2009 Act for a marine licence to be 'leased', specifically there is no provision for a marine licence 'reverting' to the licence holder after the agreed lease period – in practical terms it would be necessary to vary the marine licence to change</p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			the details of the licence holder at the beginning of the agreed lease period and then again at the end of the agreed lease period.	
MMO-011	Draft DCO	Deemed Marine Licence	<p>Article 35(1)(b) use of the term 'grant'</p> <p>We should be grateful for clarification on the use of the term 'grant' in Article 35(1)(b) and 35(2) DCO in respect of granting the benefit of the licence to a lessee. Articles 35(1)(a) and 35(2) DCO refer to the transfer of the licence - as is the language of Art 72 2009 Act. As the granting of licences fall under s.69 2009 Act and not s. 72 2009 ACT, can the applicant provide further explanation of its intention in this regard and its use of the term?</p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>
MMO-012	Draft DCO	Enforcement	<p>Enforcement</p> <p>It is essential as the regulatory authority in the marine environment that we, the MMO are always fully aware who has the benefit of marine licences in order that we can carry out our regulatory function and where necessary take enforcement action. The mechanism currently proposed by the Applicant is currently proposing for the transfer of a DML, which departs from this established process without clear justification as to why such a</p>	<p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			departure is necessary or appropriate in the circumstances.	
MMO-013	Draft DCO	Deemed Marine Licence	Conclusion It is therefore the MMOs position that the DML should be regulated in accordance with the provisions of the 2009 Act, in this context specifically all provisions of s.72 2009 ACT.	The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.
MMO-014	Draft DCO	Part 6, Article 42	It is not clear from the current provisions of either the DCO or the DML that the arbitration (article 42 and Schedule 14) is not the applicable dispute resolution mechanism in respect of any DML.	The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.
MMO-015	Draft DCO	Deemed Marine Licence	The Marine Licensing (Licence Application Appeals) Regulations 2011 apply a statutory appeals process to the decisions that the MMO makes regarding whether to grant or refuse a licence or conditions which are to be applied to a marine licence. However, they do not include an appeal process to any decisions the MMO is required to give in response to an application to discharge any conditions of a marine licence issued directly by the MMO. Therefore, if the DCO were to be granted with the proposed appeal process included, this would not be consistent with the existing	The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>statutory processes. This amendment would be introducing and making available to this specific Applicant, a new and enhanced appeal process which is not available to other marine licence holders, creating an unlevel playing field across the regulated community. These proposals go against the statutory functions laid out by Parliament. The private nature of the arbitration process does not align with the public functions and duties of the MMO. The removal of the MMOs decision-making function, and its placement into the hands of a private arbitration process, is inconsistent with the MMOs legal function, powers and responsibilities, something which was never intended by Parliament in enacting the Planning Act 2008 or the 2009 Act. The MMO also considers that arbitration would not be consistent with p.4 of Annex B of the PINS Guidance Note 11, which states that "the MMO will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO". Inclusion of a different mechanism for determination of disputes in respect of</p>	

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>DMLs would not be consistent with marine licences issued independently by the MMO.</p> <p>In addition to this, the MMO emphasises that it is an open and transparent organisation that actively engages, and maintains excellent working relationships with, industry and those it regulates. The MMO discharges its statutory functions and responsibilities in a manner which is both timely and robust in order to fulfil the public functions vested in it by Parliament. The scale and complexity of Nationally Significant Infrastructure Projects creates no exception in this regard and indeed it follows that where decisions are required to be made, or approvals given, in relation to these developments of significant public interest, only those bodies appointed by Parliament should carry the weight of that responsibility.</p>	
MMO-016	DCO	Licensable Activities and Procedure	<p>It is essential that all activities are properly detailed and full particularised in the DCO for the purposes of a DML.</p> <p>It appears to the MMO that the Applicant is primarily proposing to carry out an activity which falls within an exemption. However, the Applicant is also seeking a DML to address the</p>	<p>The Applicant has submitted at Deadline 4 Technical Note on Horizontal Directional Drilling and Cabling under the River Trent [EN010132/EX4/WB8.2.8] which is a signposting document to where the environmental assessment has been undertaken in relation to the activities associated with Horizontal Directional Drilling within the Environmental Statement. This was identified</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>hypothetical situation whereby they are unable to carry out the works as anticipated and it would become necessary to undertake different works to achieve the same end, but that those works may not fall within an exemption under the 2011 Order.</p> <p>It is the MMO's position that the Applicant has two options:</p> <p>a. Have no deemed marine licence, and at such a time as it becomes necessary, if ever, for the Applicant to make an application for a marine licence to the MMO; or</p> <p>b. Provide the necessary information and detail now to the MMO, which can be fully assessed and upon which the MMO can make a reasoned determination in accordance with s. 69 2009 Act, and which would withstand any challenge.</p> <p>As set out above in Section 2, the Nationally Significant Infrastructure Projects process only alters the mechanism by which a marine licence is granted, the process remains the same. If the Applicant was making an application for a marine licence, the MMO would require the Applicant to provide the</p>	<p>as an action from Issue Specific Hearing 2 as set out in Written Summary of the Applicant's Oral Submissions at the Issue Specific Hearing (ISH2) [EN010132/EX4/WB8.1.24].</p> <p>A complete response to the MMO's submission is contained in Appendix A of this document.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>information as set out below, without which the MMO would be unable to determine the application.</p> <p>In order to progress any deemed marine licence, the Applicant will need to provide the following information: -</p> <ul style="list-style-type: none"> • Full details of any licensable activity in line with s.66 of the 2009 Act and at what stage these would take place - construction, operation (maintenance) and decommissioning; • Worst case scenario area and volume size of impacts for each activity; and • Full assessment of the worst-case scenario as part of the Environmental Impact Assessment so a holistic assessment can be made on the whole project. • Details which the applicant would need to provide to the ExA which have not yet been provided, include but are not limited to, a clearly defined programme of works which includes marine licensable activities which are not covered by an exemption. A 	

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>programme of works should detail all methodology and include the maximum dimensions and equipment to be used. This should specifically relate to the named activity. There should also be an Environmental Impact Assessment (EIA), a Habitats Regulations Assessment (HRA), Marine Plan Policy Assessment (MPPA) and a Water Framework Directive (WFD) compliance assessment.</p>	
MMO-017	Draft DCO	Deemed Marine Licence	<p>As set out above, MMO request the DML is removed from the DCO.</p> <p>It has been difficult to assess whether or not the conditions the Applicant has included in the DML, which are under the headings of notifications, pollution prevention, postconstruction, maintenance and decommissioning, are sufficient due to the lack of detail on the specific activities.</p> <p>Conditions in a marine licence regulate the activities that are to be undertaken, and set out the methods by which those activities are carried out, exerting the necessary controls in order to protect the environment, human health and to prevent interference with</p>	<p>The Applicant has submitted at Deadline 4 Technical Note on Horizontal Directional Drilling and Cabling under the River Trent [EN010132/EX4/WB8.2.8] which is a signposting document to where the environmental assessment has been undertaken in relation to the activities associated with Horizontal Directional Drilling within the Environmental Statement. This was identified as an action from Issue Specific Hearing 2 as set out in Written Summary of the Applicant's Oral Submissions at the Issue Specific Hearing (ISH2) [EN010132/EX4/WB8.1.24].</p> <p>The Applicant notes this comment. A complete response to the MMO's submission is contained in Appendix A of this document.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>legitimate uses of the sea, along with any other matters as the MMO thinks relevant.</p> <p>In the absence of sufficient detail, or the appropriate assessments from the Applicant, the MMO is unable to determine whether the conditions proposed by the Applicant in the DML are appropriate in the circumstances.</p> <p>However, should the Secretary of State be minded to include the DML, which we strongly advise against, without prejudice comments on the draft DML have been provided in Table 1 below, noting that if further information is provided this would require review and update.</p> <p>The MMO also notes that some conditions relation to the environmental statement and other documents of which the information on the activities is not clear.</p> <p>The MMO utilises Paragraph 55 of the National Planning Policy Framework which makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:</p> <ul style="list-style-type: none"> • necessary; 	

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<ul style="list-style-type: none"> • relevant to planning; • relevant to the development to be permitted; • enforceable; and • precise. 	
MMO-018	Draft DCO	Deemed Marine Licence	Table 1: MMO without Prejudice comments on draft DML	The Applicant's response in Appendix A of this document includes responses to this Table.
MMO-019	Draft DCO	Deemed Marine Licence	MMO has received no questions or comments regarding submissions made in Deadline 1 and in turn had no comments to provide for the Deadline 2 response dated 3 January 2024. No further information has been requested by the Examining Authority from the MMO for Deadline 3, however we felt it was appropriate at this stage to provide as much information as possible.	The Applicant notes this comment.
MMO-020	Draft DCO	Deemed Marine Licence	<p>The MMO can comment on the following:</p> <p>The Applicant has been asked to:</p> <ol style="list-style-type: none"> Provide an update on their discussion on this matter with the MMO on this matter. 	<p>A complete response to the MMO's submission is contained in Appendix A of this document, which sets out the reasons why a DML is necessary for the Scheme.</p> <p>The Technical Note on Horizontal Directional Drilling and Cabling under the River Trent [EN010132/EX4/WB8.2.8] signposts to where the environmental assessment has been undertaken in</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>Despite repeated requests for clarity and further information, the MMO remain unable to see either a scenario in the current methodology describing any marine licensable activities which are not exempt, or any specific details of any potential for issues or problems arising during construction or operation. The MMO has previously requested the inclusion of a risk assessment on a scenario of issues or problems arising during construction or operation and has stated previously that if such interventions are required, the MMO requests the DML is updated. However, the updated DML did not include any such details.</p>	<p>relation to the activities associated with Horizontal Directional Drilling within the Environmental Statement.</p> <p>The Applicant has, where possible, proactively included changes requested by the MMO, following the MMO's submissions into the Examination of the Gate Burton Energy Park project of without prejudice comments.</p>
MMO-021	Draft DCO	Deemed Marine Licence	<p>b) If the Applicant maintains that this provision is required, provide further justification for the inclusion of the dML, including identifying other DCO's where an exemption has applied and a dML has been included in a made DCO. Furthermore, justify each of the suggested conditions in the dML and the basis on which such conclusions are reached.</p> <p>The complete lack of assessment on any other activities would make the inclusion of a DML</p>	<p>A complete response to the MMO's submission is contained in Appendix A of this document. This sets out the precedent for the DML and explains why the approach taken is proportionate and justified to the activities it would licence. The Applicant has submitted at Deadline 4 Technical Note on Horizontal Directional Drilling and Cabling under the River Trent [EN010132/EX4/WB8.2.8] which is a signposting document to where the environmental assessment has been undertaken in relation to the activities associated with Horizontal Directional Drilling within the Environmental Statement. This was identified as an</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>hugely problematic. Therefore, MMO request that the Examiner makes a recommendation to ask for more detailed information. Should the Secretary of State conclude that a DML should be granted, this will effectively permit activities to be included which have not been assessed and this does not align with our usual process per the Marine and Coastal Access Act 2009 (the '2009 Act').</p>	<p>action from Issue Specific Hearing 2 as set out in Written Summary of the Applicant's Oral Submissions at the Issue Specific Hearing (ISH2) [EN010132/EX4/WB8.1.24].</p>

Derek Moffatt [AS-016]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
DM-01	Glint and Glare	Impacts on railway users	<p>WB3 is immediately adjacent to both sides of an active passenger and freight railway line. Has it been confirmed with the Train Operating Company(ies) using, or planning to use the line, that engine drivers will never be dazzled by glint/glare from the solar panels? As the exact design of the panels is yet to be decided, surely no such undertaking can be given?</p>	<p>The potential effects of glint and glare towards railway operations and infrastructure for a worst case panel design has been assessed within WB6.3.16.1 ES Appendix 16.1 Solar Photovoltaic Glint and Glare Study [APP-132]. Section 16.8 of WB6.3.16.1 ES Appendix 16.1 Solar Photovoltaic Glint and Glare Study [APP-132] predicts a neutral effect towards train driver receptors along the 4km of identified railway track for a fixed mounting system and tracking mounting system at West Burton 3.</p>

Mary Cavill [AS-017]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
MC-01	Waste	Recycling of Solar Panels	I continue to need to know what the plans are for the recycling of the spent panels, given that technology changes rapidly, the panels have a life of approximately 20 years and currently there is just one facility (in Holland I am given to understand) that processes the spent panels.	<p>The Applicant has responded to previous comments on the anticipated waste quantities and waste processing at ENE-13 and OPM-02 above, and in its response to questions 1.9.10, 1.11.1, and 1.11.2 of WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>Furthermore, whilst the Applicant acknowledges there are no specific solar panel recycling facilities in Lincolnshire and Nottinghamshire, the Applicant is aware of UK-based companies that specialise in solar waste and recycling handling. Whilst this is still an emerging industry, these companies are already beginning to fulfil the requirement for the recycling and disposal of retired household solar panels and solar panels from older solar farm developments. There is an expectation for this industry to grow as the need for solar panel recycling grows into the near future.</p>
MC-02	Land Use	Loss of agricultural land	I continue to question the use of arable land for this purpose when the agriculture secretary spoke at the 2023 Lincolnshire show of the county being the food production county of the country. Use of arable land for "solar farming" reduces the area available for food production which in turn will increase the country's carbon footprint due to the need to import yet more foodstuffs.	<p>Please refer to the Applicant's response to comment 7A-15 above in this document and the Applicant's responses to comments SOI-01, SOI-02 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036].</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
MC-03	Climate Change	Carbon footprint	<p>The UK has a power sharing facility in the Viking Link and also an agreement with Holland for said sharing. Solar panels are not without their own carbon footprint as no doubt all components will be imported - the panels themselves will probably come from Canada and they in turn will have imported components from China who will have produced them using fossil fuels, possibly also the use of child and young person labour which is far from acceptable - how many will die mining the necessary minerals needed?</p> <p>Solar panels are a long way from environmentally friendly and a long, long way from Carbon Zero, never mind the human costs.</p>	<p>Please refer to the Applicant's responses to PRI-01 and PRI-03 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036].</p> <p>The assessment of embodied carbon associated with materials for the Scheme has been completed and is included within ES Chapter 7 Climate Change Revision A[REP1-012].</p>
MC-04	Alternatives	Use of brownfield and alternative energy sources	<p>BROWNFIELD sites, where the land is unsuitable for housing or any other development would be far more appropriate than arable land in the FOOD COUNTY OF THE COUNTRY.</p> <p>Why is there a need for "solar farms" when housing developments are now incorporating solar panels into the roofs of the properties being constructed?</p>	<p>Please refer to the Applicant's response to comment AD-01 below in this document and the Applicant's response to comment 7A-161 in WB8.1.18 The Applicant's Responses to Written Representation and Other Submission at Deadline 1: Part 2 [REP3-035].</p> <p>The Applicant also refers to Chapter 6 of 7.11 Statement of Need [APP-320] which confirms that future electricity demand will grow significantly through the decarbonisation-through-electrification of other industry sectors (including home heating and</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			The electricity is not going to be needed for the electric vehicles that we are all supposedly going to be driving as they are less environmentally friendly than petrol and diesel vehicles and EV's are not going to be the way forwards - Hydrogen powered vehicles will supersede them before long therefore dispensing of the need for solar power production. Government are so very short-sighted and obviously have fiscal interest in solar power companies - hence their desire for these facilities.	transportation), and therefore that significant new low-carbon electricity schemes, and particularly the Scheme, are required to meet that demand and deliver net zero.

Alison Dudley [AS-018]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
AD-01	Alternatives	Use of brownfield/rooftops	The solar panels should be placed on homes/buildings not agricultural land	The Applicant refers to its answer to the Applicant's response to question 1.9.8 in WB8.1.21 Applicant Response to First Written Questions [REP3-038] . The topic was also responded to under items 4 a) in 8.1.6 Written Summary of the Applicant's Oral Submissions and Responses to Actions at Issue Specific Hearing 1(ISH1) [REP1-052] .

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
AD-02	General	Impact of works	The impact of works necessary to erect the panels would be catastrophic environmentally.	The Applicant has assessed the environmental impacts of the Scheme in the Environmental Statement [APP-038 to APP-044, APP-046 to APP-060, REP1-012, REP1-073, REP1-074, REP3-010] .
AD-03	Solar Energy	Inefficiency of panels	The production of electricity would not as per predicted.	<p>The Scheme is a large-scale ground-mounted solar scheme which will generate a very large quantity of low-carbon generation over its operational lifetime, the Applicant provided information in Appendix A in 8.1.6 Written Summary of the Applicant's Oral Submissions and Responses to Actions at Issue Specific Hearing 1(ISH1) [REP1-052] to help understand the level of output anticipated at the Scheme.</p> <p>The Applicant has explained in response to ExA Q1.9.11 [REP3-038] that over a 60 year operational timeframe, total energy generation figure would be 31,425,614 MWh. See also the Applicant's response to ENE-14 above in this document.</p> <p>Section 8.8 of Statement of Need [APP-320] and specifically Figure 8.1 describes how solar works with other renewable generation technologies to deliver electricity with a higher predictability than a portfolio of wind or solar alone.</p>
AD-04	Waste	Solar Panel and Battery Waste	Concern re Future Disposal of panels and batteries??	The Applicant has responded to previous comments on the anticipated waste quantities and waste

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
				processing at ENE-12, OPM-01 and OPM-02 above in this document, and in its response to questions 1.9.10, 1.11.1, and 1.11.2 of WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] .

Victoria White [AS-019 and AS-062]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
VW-01	Need	Use of agricultural land and cumulative impact, use of solar panels	<p>The number of solar applications continues and it is essential each project is examined as an all inclusive cumulative impact. The vast areas cross counties with a large area of Lincolnshire being targeted. Is Lincolnshire continuing to be the unfortunate target of the UK failures.</p> <p>The energy amount, collection and distribution systems, installation efficiency, management and hazards etc have not been addressed. An advantage versus disadvantages in particular in a large concentrated area such as Lincolnshire and Nottinghamshire which provides energy via agriculture has not been presented to the public. The Gate Burton solar project has many questions and issues still to</p>	<p>The Applicant refers to its responses to 7A-15 , 7A-16 and 7A-26 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050].</p> <p>The Applicant has assessed the environmental impacts of the Scheme in the Environmental Statement [APP-038 to APP-044, APP-046 to APP-060, REP1-012, REP1-073, REP1-074, REP3-010] which sets out the effects in relation to each environmental matter and also cumulatively with the other schemes in the area. This is also set out in the 8.1.9_B Joint Report on Interrelationships Revision B [EN010132/EX4/WB8.1.9_B]. In particular, the Applicant refers to 6.2.7 ES Chapter 7 Climate Change Revision A [REP1-012], 6.2.21 ES Chapter 21 of the ES Other Environmental Matters [APP-059] and 6.2.18</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>answer. The same applies to all applicants including West Burton.</p> <p>Any gain towards net zero / carbon neutral of any of these large scale projects has not been given as a fair comparison. The immense negative impacts on local residents, health, costs, financial directly and indirectly from changing the landscape in this way is sufficient to refuse the use of solar power in this way. There is a large surface area already available on rooves which will not be at such high risk of flooding.</p> <p>As research progresses improving solar panels and batteries together with energy collection storage and distribution systems how will the old inefficient systems be upgraded? The technology is not advanced sufficiently to take up thousands of acres of land currently.</p> <p>The only responsible and prudent approach is to fully examine the issues in countries which enjoy high amounts of sunlight such as America before looking at cold low sunlight Britain.</p> <p>Fossil fuels are still used to bridge the energy deficits and demands even in America.</p>	<p>Environmental Statement - Chapter 18 Socio Economics Tourism and Recreation [APP-056].</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>Many people have shown great depth of thought and given valuable substantial evidence and debate concluding these solar farms/ projects are not the answer to the energy demand of the UK.</p> <p>Other areas of the UK have been refused. Why is this even considered again elsewhere. Lincolnshire and Nottinghamshire being targeted now.</p>	
VW-02	Hydrology and Floor Risk	Flooding	<p>Even in recent days there has been unprecedented levels of rainfall again. The fields are flooded. The roads are flooded. Covering fields with solar panels will surely add to this social and economic disaster from flooding.</p> <p>Panels instead of fields - Displacement is not the answer.</p> <p>Why is this even considered again elsewhere.</p>	Please see the Applicant's response to comment WAT-04 above in this document.
VW-03	Need	Benefits	<p>Where are the benefits and who will benefit. HS2 cost people their homes all for nothing. Residents and locals areas must not be treated such disregard for health and wealth. The future matters and belongs to all not just the few at the cost of so many. I hope you will review and accept my concerns and all those</p>	7.11 Statement of Need [APP-320] sets out the benefits the Scheme will bring to national decarbonisation, energy security and affordability. The Scheme will be of benefit nationally to electricity consumers and will help stop the harmful effects of climate change.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			of others in recommending these applications are not accepted.	The Environmental Statement [APP-038 to APP-044, APP-046 to APP-060, REP1-012, REP1-073, REP1-074, REP3-010] also assesses the beneficial impacts of the Scheme. See for example, the socio-economic benefits such as employment and gross value added in the local area in 6.2.18 Environmental Statement – Chapter 18 Socio Economics Tourism and Recreation [APP-056] and the biodiversity net gain, as outlined in 6.3.9.12 Environmental Statement - Appendix 9.12 Biodiversity Net Gain Report [APP-088] .
VW-04	General	Open Floor Hearing	The various speakers at West Burton Open floor hearing 24 Jan 2024 covered the many issues with this and the other applications. I agree with the speakers and did not want to repeat to save time. The representative for the applicant spoke at the end but did not provide answers or any reason at all to allay the negative impacts. There was no opportunity to respond to the applicant response. This would have allowed a more useful and effective hearing. Extending the time of this hearing would have been justified saving time overall	The Applicant notes this comment.
VW-05	General	Cumulative Development	Our fears were justified with evidence given by many. I requested for an accurate report which all members of the public can understand on behalf of both the UK citizen	Please refer to the Applicant's response to VW-01 in this document and comment GEN-01 in WB8.1.2 The

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			and the local residents to be impacted. Please can this be shown with a pictorial map just how the area will be changed by each applicant in these areas which crosses counties.	Applicant's Responses to Relevant Representations [REP1-050].
VW-06	The Scheme	Operational Lifetime	The number of applicants has escalated along with the area to be impacted. 13000 acres or more for years (40 to 60) years	Please refer to the Applicant's response to question 1.1.4 in this document above.
VW-07	The Scheme	Funding and Benefits	Responsibilities and funding has not been provided. Tax payer subsidising for the benefit of others who may not even be in the UK, not to mention in the area they want to move in on. How can this benefit the areas/ local residents without degrading and reducing quality of soil land habitats for humans and wildlife	With regard to financial matters, Section 2.1 of 4.2_B Funding Statement Revision B [EX4/WB42_B] sets out the corporate structure of the Applicant. Island Green Power, Foresight Group and Macquarie Group have significant experience in developing and financing renewable energy projects including ground mounted solar. 4.2_B Funding Statement Revision B [EX4/WB42_B] also sets out the estimated costs of the Scheme and how it will be funded. The development consent order is personal to the Applicant (and National Grid in respect of Work No. 4). Article 35 requires the Secretary of State's consent to be obtained before the benefit of the draft DCO can be transferred to another company except in certain limited circumstances. Please refer to the Applicant's response to question SOI-03 above in this document regarding the comment in relation to soil and comment ECO-01 in WB8.1.2 The

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
				Applicant's Responses to Relevant Representations [REP1-050] regarding impacts to biodiversity.
VW-08	The Scheme	Cost Benefit	A cost benefit analysis has not been provided for either individual or combined applications has not been provided.	Please refer to the Applicant's response to comments PRI-06 and PRI-15 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050] .
VW-09	Energy Storage System	Safety	No acceptable answers regarding the safety storage efficiency and distribution have been provided.	Please refer to the Applicant's responses OEM-01, OEM-02, OEM-03 OEM-04 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .
VW-10	The Scheme	Harm to humans and biodiversity	This is negatively displacing the use of land on a very large scale with no overall benefit. Destroying harming and risking human and wildlife for a mixed set of individuals to benefit financially is unacceptable	Please refer to the Applicant's response to question SOI-03 above in this document regarding the comment in relation to soil and comments SOI-01 and ECO-01 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050] regarding impacts to biodiversity and agricultural land use. The Applicant has addressed a number of comments regarding impacts to human health and can be found in response to comments PCC-16, SCA-09, BVPM-05,, FPM-14, CF-07 and SE-02 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050] .
VW-11	Land Use	Loss of land and impact on countryside	Destructive to a large area of the UK both in the short and long term. It will be an invasion of these panels and dangerous batteries. No one wants to loose the precious land and countryside, being surrounded and feeling	Please refer to the Applicant's response to SOI-01 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050] and SOI-02, OEM-01, OEM-02 and OEM-03 in WB8.1.19 The Applicant's Response

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			imprisoned by work of these applicants if accepted.	to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036].
VW-12	Hydrology and Flood Risk	Flood Risk	The recent flooding is yet another reason not to use the land inappropriately.	Please refer to the Applicant's response to comment HM-01 above in this document.
VW-13	Alternative Energy Sources	Efficiency of solar	Install effective solutions for energy not destroy what currently exists. Loss of energy due to poor capture storage and distribution is only part of the many issues with this technology and installation.	Please refer to the Applicant's response to questions GC-09, ENE-01, ENE011 and ENE-14 above in this document and the Applicant's response to 1.9.5 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] ..
VW-14	The Scheme	Cost Benefit	Please provide a cost benefit analysis / all advantages and disadvantages in an accurate report for the whole process from start to end of life of these solar farms with responsibilities for this and the other Solar Farm Applications not excluding Cottam, Tillbridge, Gate Burton etc	Please refer to the Applicants response to comments PRI-06 and PRI-15 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050] and the Applicant's response to VW-01 above in this document.

Katharine McIlroy [AS-020]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
KM-01	The Scheme	DCO process	It seems to me that this consultation has been made as confusing and difficult as possible for anyone wishing to express their fears and concerns. Information is scant, unavailable and	The Applicant acknowledges this comment and refers to its response to comment 7A-08 in the WB8.1.2 The

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			vague, and the number of deadlines through Christmas meant to confuse.	<p>Applicant's Responses to Relevant Representations [REP1-050].</p> <p>The Scheme has been documented in detail and is available on the National Infrastructure website: Documents West Burton Solar Project (planninginspectorate.gov.uk).</p> <p>The Examination timetable was set by the Examining Authority, after receiving submissions on the draft timetables at Procedural Deadline A (24 August 2023) and Procedural Deadline B (31 October 2023).</p>
KM-02	Alternatives	Use of agricultural land, brownfield and rooftop	Solar panels should not be placed on productive agricultural land. We should be endeavouring to be self sufficient and reducing our food imports and food footprint. Solar panels should be placed on roofs.	<p>The Applicant refers to its response to comments 7A-26 and SOI-01 in the WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050].</p> <p>The Applicant's response to question 1.9.1 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] (p180 and following) confirms Government's view which is consistent with the Applicant's view:</p> <p><i>Powering Up Britain's Energy Security Plan provides clarity on how the Government anticipates its ambition of 70GW of solar by 2035 will be met. P37 of the plan is clear that "The UK has huge deployment potential for solar power, and we are aiming for 70 gigawatts of ground and rooftop capacity together by 2035". While rooftop solar "remains a key</i></p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
				<i>priority for the Government”, it is also recognised that “Ground-mounted solar is one of the cheapest forms of electricity generation and is readily deployable at scale. The Government seeks large scale ground-mount solar deployment across the UK”.</i>
KM-03	Transport	Capacity of road network	Currently, the River Trent bridge is closed. Bawtry bridge is also closed, they might open in another week? No traffic is moving anywhere, which is common in our area. We have fragile infrastructure and it will not withstand further invasion of articulated lorries, heavy duty traffic and associated work force traffic. There is a goldrush...simply hundreds of prospecting inexperienced solar plants, doing their utmost to landgrab, calling themselves farms and parks! They really should be placed on a sunny continent.	<p>The Applicant notes this comment. As explained in the Applicant's responses to comment 7A-14 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050], the transport assessment outlined in 6.3.14.1_A Environmental Statement - Appendix 14.1 Transport Assessment Revision C [EX4/WB6.3.14.1_C] provides an assessment of the transport effects of the Scheme and concludes, through paragraphs 11.1 to 11.11, that the Scheme is acceptable from the perspective of transport effects.</p> <p>The routes HGVs will take to the Site are set out in Section 6 of 6.3.14.1_A ES Appendix 14.1 Transport Assessment Revision C [EX4/WB6.3.14.1_C] and Section 5 of 6.3.14.2_B Environmental Statement - Appendix 14.2 Construction Traffic Management Plan Revision D [EX4/WB6.3.14.2_D]. The selected routes are the most direct and appropriate for HGV use, and seek to limit the number of HGVs passing through residential areas as much as possible. On a typical day, HGV use on individual routes will be relatively low during the construction period.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
				<p>The cumulative transport and access impacts of proposed schemes in the local area are outlined in section 14.9 of 6.2.14 Environmental Statement - Chapter 14_Transport and Access [APP-052].</p> <p>Table 7.1 of 7.11 Statement of Need [APP-320] shows the electricity generated per hectare by different low carbon technologies. At the UK's average solar load factor (11%), solar generation produces much more energy per hectare than biogas and generates a similar amount of energy as onshore wind.</p>
KM-04	Use of agricultural land	Loss of farms and food security	Farmers will disappear. Once they have gone, we will be reliant on other countries for our staple food and completely vulnerable to price and supply.	Please refer to the Applicant's responses to comments SOI-01 and SOI-02 in WB8.1.19 Response to Written presentations at Deadline 1 Part 3 [REP3-036] .

7000 Acres - Reply to West Burton ExA First Questions: Supplementary material covering detail of evolving NPS landscape [REP3-050]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
7A-01	National Policy Statements	National Policy Statements	<p>Within ExA Q1, the Examining Authority has set out a number of questions in relation to the revised and current National Policy Statements. This WR aims to describe the current position with regard to NPS documents, their evolution and current status, particularly with regard to the ExA's questions:</p> <ul style="list-style-type: none"> • <i>Q1.1.1 Do any parties other have any comments on the potential effect of changes in the November 2023 versions of the revised draft Energy NPS on matters related to this application, compared to the March 2023 versions of the Energy NPS?</i> • <i>Q1.1.2 Noting that NPS EN-3 for Renewable Energy does not refer to solar, the Applicant is asked to please explain why they consider this to be important and relevant to the determination of the Proposed Development</i> • <i>Q1.8.1 Design Principles</i> • <i>Q1.9.4 Statement of Need, since the Applicant prepared its Statement of</i> 	<p>Please refer to the Applicant's response to questions 1.1.1, 1.1.2, 1.8.1, 1.9.4 and 1.9.8 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>The Applicant has set out a planning policy appraisal of the Scheme's compliance with the main up to date policy requirements that are considered relevant to the proposals in WB7.5_B Planning Statement Revision B [EX4/WB7.5_B] and this covers both the 2011 and 2023 versions of the NPS's.</p>

			<p><i>Need [APP-320], the Government published its response to the consultation comments on the dNPS, updated the dNPS documents and published its blueprint for the future of energy in the UK 'Powering Up Britain'. The Applicant and all IPs are invited to comment on the implications of these documents on the Applicant's needs case.</i></p> <ul style="list-style-type: none"> • <i>Q1.9.7 With reference to paragraph 3.3.58 of dNPS EN-1, which states that "The need for all these types of infrastructure is established by this NPS and is urgent", please can 7000 Acres (or other IPs) explain the statement that "while there is a clear case for solar playing a role in decarbonisation, there is no clear case for extensive displacement of farmland through the installation of large-scale ground-mounted solar farms".</i> • <i>Q1.9.8 Policy case for further development of large-scale ground mounted solar</i> <p>7000 Acres also wishes to comment on the Secretary of State's Statement made on 25</p>	
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			<p>March 2015 and how it compares to the updated EN-3. In our comments we will show the similarities between these two documents and how they demonstrate a consistency in Government Policy. In addition, we believe it is helpful to comment on other documents, and a request for information made by the Secretary of State on 14 December 2023.</p>	
7A-02	Government Policy and Position	Need	<p>The Secretary of State for Communities and Local Government stated on 25 March 2015: <i>"Last year, the Coalition Government published a comprehensive solar photovoltaic strategy setting out our ambitions for the technology as an important part of the United Kingdom's energy mix. In doing so, the strategy underlines the importance of focusing growth on domestic and commercial roof space and previously developed land."</i></p> <p>This statement is consistent with the Skidmore Review (Skidmore Review paragraph 2661) that calls for a "rooftop revolution".</p> <p>So in citing the use of domestic and rooftop solar the Government is presenting a long standing and consistent policy. The Secretary of State's Statement then said:</p> <p><i>"Meeting our energy goals should not be used to justify the wrong development in the wrong</i></p>	<p>The SoS CLG Statement of March 2015 was made some four years prior to the Climate Change Act 2019 which committed the UK to following a path to zero emissions by 2050.</p> <p>Figure 7.1 of 7.11 Statement of Need [APP-320] shows that future UK solar capacity forecasts have increased year on year since 2012. And that the UK's Net Zero commitment has, since 2020, coincided with a further increase in solar capacity.</p> <p>The Applicant therefore proposes that little weight is attached to the CLG statement which was made nearly 9 years ago.</p> <p>The Applicant's response to question 1.9.1 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] outlines the Applicant's view on the weight to be attributed to recent Government policy and publications.</p>

			<p><i>location and this includes the unnecessary use of high-quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality”.</i></p> <p>These principles are consistent with the National Planning Policy Framework (updated 5 September 2023) that sets out three requirements:</p> <p><i>“An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.”</i></p> <p><i>“A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be</i></p>	<p>Appendix C of the WB7.5_B Planning Statement Revision B [EX4/WB7.5_B] outlines the policies the Applicant considers are relevant to the Scheme and section 5.5 of this document outlines the weight to be attributed to the NPPF.</p>
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			<p><i>provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being;"</i></p> <p><i>"An environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."</i></p>	
7A-03	National Policy Statements	National Policy Statements	<p>The suite of NPS are currently at the point of change-over, with the a new suite of NPS due to come "into force in early 2024".</p> <p>It is also worth noting that the Electricity Networks Commissioner report (June 2023) has called for a number of improvements in the coordination and planning of electrical infrastructure projects and has recommended that "the Energy NPS should be updated again urgently after the current round of changes that are currently in consultation, to reflect the recommendations in this report". There is potential, therefore that the currently</p>	<p>The November 2023 NPSs' were designated on 17th January 2024.</p> <p>NPS EN-3 (November 2023) reiterates the target of 70GW of ground and rooftop solar deployment by 2035.</p>

			proposed NPS documents are refreshed quickly, following their publication.	
7A-04	National Policy Statements	Climate Change	While the current suite of NPS will be replaced this year, it is worth noting they were published in 2011, three years after the 2008 Climate Change Act came into force. The documents make little reference to solar. EN-1, the Overarching Policy envisages large scale renewable energy generation from wind (offshore / onshore), Biomass, EfW, Wave and Tidal, citing the UK's abundant national resources in these areas – notably, this does not include solar. Solar is only mentioned once, to highlight the need for back-up capacity to manage intermittent generation.	<p>Please refer to the Applicant's response to question 1.1.1 in 8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>Section 5.4 of the Planning Statement WB7.5_B Planning Statement Revision B [EX4/WB7.5_B] outlines how solar development can achieve the policy objectives in the 2011 NPS EN-1 and EN-3. Further, the November 2023 version of EN-1, clearly states that solar plays a key role in the Government strategy for Net Zero: see, for example, paragraphs 3.3.20, 3.3.21 and 3.3.60.</p>
7A-05	National Policy Statements	Best and Most Versatile Agricultural Land	With regard to land use, the NPS EN-1 (5.10.8) requires that Applicants "should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations". It is clear that the Applicant has not considered the wider implications of uncontrolled, extensive land use for solar putting additional pressure on	<p>The paragraph quoted is from the 2011 version of EN-1 which is not included in the November 2023 version of NPS EN-1.. The relevant sections of the November 2023 version of EN-1 are paragraphs 5.11.12, 5.11.34 and paragraphs 2.10.30, 2.10.31, 2.10.73-92 and 2.10-107-2.10.126 of NPS EN-3 (November 2023). The Applicant's position on agriculture is set out in Section 6.7 in WB7.5_B Planning Statement Revision B [EX4/WB7.5_B] and the overall assessment of the Scheme as a whole is set out in Sections 6 and 7 in WB7.5_B Planning Statement Revision B [EX4/WB7.5_B].</p>

			land use, which must meet other decarbonisation and sustainability 5 demands, such as food security, direct decarbonisation measures or growing biofuels.	
7A-06	National Policy Statements	Best and Most Versatile Agricultural Land	The current NPS EN-1 also advises that the Inspector should give little weight to the loss of poor quality land (including 3b), "except... in areas... where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy." Notwithstanding the unusually high proportion of land that has been assessed as 3b, it is clear that within the area of West Lindsey in which the West Burton Solar Project is proposed, there is a demonstrable link between agriculture, the environment and the local economy, therefore the exception should apply.	Please refer to the Applicant's response to question 1.2.4 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] . The quoted extract from NPS EN-1 (2011) is not included in the November 2023 version of the NPS EN-1.
7A-07	National Policy Statements	EN-3	Within NPS EN-3, National Policy Statement for Renewable Energy Infrastructure, solar is not mentioned in 82 pages of guidance, whereas, onshore wind, offshore wind, biomass, waste combustion, wave and tidal are all covered.	In the November 2023 version of NPS EN-3, Section 2.10 relates to solar photovoltaic generation. Section 5.4 of the WB7.5_B Planning Statement Revision B [EX4/WB7.5_B] outlines the reasons why the November 2023 version of NPS EN-3 should be given more weight than the 2011 version.

				The Applicant's appraisal of the Scheme in the context of the NPS EN-3 (November 2023) is set out in WB7.5_B Planning Statement Revision B [EX4/WB7.5_B]
7A-08	National Policy Statements	EN-1	<p>Within the emerging NPS EN-1, Section 1.6 clarifies the arrangements for handling the transition between the 2011 suite and the suite due to come in force in 2024. Section 1.6.2 states that "for any application accepted for examination before designation of the 2023 amendments, the 2011 suite of NPSs should have effect", although Section 1.6.4 goes on to stat that "any emerging draft NPSs (or those designated but not yet having effect) are potentially capable of being important and relevant considerations in the decision-making process".</p> <p>Therefore, for the West Burton, Cottam and Gate Burton schemes, the 2011 suite would be deemed to apply, in which solar does not feature in the landscape of the NPS. The status of the emerging NPS suite is of having the potential to be important considerations and are therefore described below.</p>	Please refer to the Applicant's response to questions 1.1.1 and 1.1.3 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] .

7A-09	National Policy Statements	EN-1	<p>“Emerging” NPS EN-1</p> <p>The NPS suite has been through two drafts, in September 2021 and in March 2023, both associated with consultation rounds. The Consultation Response, as well as the versions to be adopted were published in November 2023.</p> <p>Overall, the NPS reflects the current situation of transition and uncertainty with regard to decarbonisation, in particular the need for co-ordination of energy policy and planning (as widely called for in reports reviewing UK progress towards decarbonisation, (see Section 8 of 7000Acres WR REP1A-026 “The role of Solar in Energy Provision and Decarbonisation”), noting within the NPS that the “Government has committed to producing a Strategic Spatial Energy Plan (SSEP), to bridge the gap between government policy and infrastructure development plans”. The document also notes that many technologies that will be essential to decarbonisation are in their infancy, e.g. how technologies “to provide storage over longer periods of low wind and solar output (e.g. days, weeks or months)... are not yet available at scale”, or will require further action to develop business</p>	<p>Please refer to the Applicant's response to GC-01, ENE-01 and ENE-09 in this document.</p> <p>The Applicant has responded to “Section 8 of 7000Acres WR REP1A-026 “The role of Solar in Energy Provision and Decarbonisation”)” and “curtailment (Section 2.1.3 of 7000Acres WR REP1A-026 “The role of Solar in Energy Provision and Decarbonisation”)” in section 2.17 of WB8.1.18 Response to Written Representation at Deadline 1 Part 2 [REP3-035].</p>
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			<p>models to incentivise their deployment, e.g. as with Carbon Capture Use and Storage (CCUS) or low carbon hydrogen production.</p> <p>The NPS also describes the holistic nature of sustainable development, as being “relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the well-being of the environment, society and the economy, for both current and future generations”.</p> <p>Specifically, regarding electricity, the NPS states that “the larger the margin, the more resilient the system”, but that “a balance must be struck between a margin which ensures a reliable supply of electricity and building unnecessary additional capacity which increases the overall costs of the system”. This underlines the need for overall co-ordination, particularly where the underlying favourable economics could easily deliver an excess of generation capacity associated with specific technologies, and thereby exacerbating issues of inefficiency through curtailment (Section 2.1.3 of 7000Acres WR REP1A-026 “The role of Solar in Energy Provision and Decarbonisation”).</p>	
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			<p>The NPS describes a list of known generation technologies within the scope of the document, and following consultation feedback, has evolved the definition of “a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure”, where low carbon infrastructure is defined as “for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion...”. This is an evolution of the dNPS (March 2023), which defined the CNP only “for the provision of nationally significant new offshore wind infrastructure (and supporting onshore and offshore network infrastructure)”.</p> <p>This very recent change, following a very close margin of feedback (with 35 in agreement with the March proposed draft definition of CNP, and 39 in disagreement). It is worth noting that this is from a total of 157 responses, 61 of which were from the categories “Business / Trade Association” or “Commercial Organisation”. Many of the names of these organisations are redacted from the consultation feedback report, but of the named respondents, many were bodies with interests in solar development, e.g. Solar</p>	
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			<p>Energy UK, Eden Renewables, EDF and Scottish Power Renewables.</p> <p>The result of this is that there appears to be no particular emphasis within the NPS on any one technology over another, even though it is a matter of fact that not all technologies are able to contribute to decarbonisation in equal measure. For instance, offshore wind is foreseen by National Grid to produce over 70% of the UK's electricity by 2050, which is presumably why it was singled out in the original definition of CNP in the March 2023 draft NPS. The result is that the definition of CNP is rendered effectively meaningless within the NPS, as there is no differentiation between technologies, despite their differing contributions.</p> <p>Although the NPS therefore, at one level, equates such diverse contributors as offshore wind, solar, wave and geothermal, apparently without regard for their potential to contribute towards the energy mix and decarbonisation, in weighing impacts and benefits, the Secretary of State is directed to "take into account its potential benefits including its contribution to meeting the need for energy infrastructure". This allows the SoS</p>	
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			to consider the contribution such technologies can make.	
7A-10	National Policy Statements	Good Design	<p>The emerging NPS also reinforces two long-standing requirements of planning, namely, applying principles of “good design” and the consideration of alternatives to a proposed development.</p> <p>“Good design” includes how infrastructure “relates to the landscape it sits within” and that “applying good design to energy projects should produce sustainable infrastructure sensitive to place, including... efficient in the use of natural resources, including land-use”. The scale of the West Burton project and height of panels, in comparison to the local landscape and villages, demonstrates a design that lacks sensitivity to place.</p> <p>Allied to land use, is the subject of the use of agricultural land. The NPS states “Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality” (this principle of a “hierarchy” of preferred land use is further expanded in emerging NPS EN-3). In the case of West Burton, the Applicant has focused entirely on the quality of agricultural land, not</p>	<p>The Applicant's appraisal of the Scheme in the context of this policy is set out in WB7.5_B Planning Statement Revision B [EX4/WB7.5_B].</p> <p>The layout of the Sites has been informed by a series of design parameters and include offset distances as a result of needing to balance the functionality of the Scheme against environmental considerations (see paragraph 8.6.21 of 6.2.8 ES Chapter 8 Landscape and Visual Impact Assessment [APP-046] (LVIA)). Paragraph 8.3.10 of the LVIA notes the [Secretary of State's] need to “<i>judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project</i>”. The LVIA also sets out details of the offsets that are proposed around sensitive receptors such as settlement edges, individual residential properties, PRoW and transport routes (see section 8.11) which aim to assist in the integration and dispersion of the Scheme across the landscape.</p> <p>Please also refer to the Applicant's responses to comments 7A-087 and 7A-095 in WB8.1.18 Response to Written Representation at Deadline 1 Part 2 [REP3-035].</p>

			<p>demonstrated necessity to use agricultural land.</p> <p>Also, within "Good Design", the NPS notes the importance of "the functionality of an object – including fitness for purpose and sustainability". Section 2 of 7000Acres WR REP1A-026 ("The role of Solar in Energy Provision and Decarbonisation") describes the constraints around the functional contribution solar can make to energy and decarbonisation, which are limited to the point where the benefits do not outweigh the harms arising from ground mounted solar installation at such a large scale.</p> <p>From the NPS, in decision-making, the Secretary of State "should be satisfied that the applicant has considered both functionality (including fitness for purpose and sustainability) and aesthetics including its contribution to the quality of the area in which it would be located, any potential amenity benefits, and visual impacts on the landscape".</p>	<p>The Applicant has responded to "Section 2 of 7000Acres WR REP1A-026 ("The role of Solar in Energy Provision and Decarbonisation")" in section 2.17 of WB8.1.18 Response to Written Representation at Deadline 1 Part 2 [REP3-035].</p>
7A-11	National Policy Statements	Consideration of Alternatives	<p>With regard to alternatives the NPS states that the "decision making process of the existence (or alleged existence) of alternatives to the proposed development is, in the first instance,</p>	<p>Please refer to response 7A-28 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050].</p>

			<p>a matter of law". The NPS recommends that the "Secretary of State should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change, and other environmental benefits) in the same timescale as the proposed development".</p> <p>In the case of West Burton, the Applicant has created an extremely narrow envelope of alternatives, starting with grid connection access, then seeking to secure sufficient volume of land to maximise use of the grid connection. On that basis, the discussion of alternative sites by the applicant is superficial, in that rooftop solutions, or use of brownfield sites were never genuine considerations. On the other hand, in order to decarbonise effectively, even without retrofitting solar to existing rooftops, the capacity of West Burton could be deployed each year by making use of new-build domestic rooftops, thereby providing a much more rapid deployment of the same capacity, with fewer adverse impacts than the West Burton scheme.</p>	<p>As outlined in section 5.5 of 6.2.5 Environmental Statement - Chapter 5 Alternatives and Design Evolution [APP-043], the consideration of alternative sites involved five steps. A viable grid connection and land size were only two of the four factors that were considered as part of the first step of this five step process. These factors are instrumental in site selection and therefore are appropriate to be carried out in the first step of this process.</p> <p>The Applicant disagrees with the assertion that rooftop and brownfield sites were not genuinely considered and refers to table 5.1 and section 5.5 of 6.2.5 Environmental Statement - Chapter 5 Alternatives and Design Evolution [APP-043].</p>
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7A-12	National Policy Statements	Landscape and Visual Impact	<p>The NPS also describes the impacts on landscape, stating that effects “arise not only from the sensitivity of the landscape but also the nature and magnitude of change proposed by the development”, noting that “the scale of energy projects means that they will often be visible across a very wide area”. The Secretary of State should judge “whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project”. The combination of the colossal scale of ground mounted solar projects such as West Burton as well as the height of panels, is not sensitive to the landscape.</p> <p>Related to landscape is the provision of green infrastructure and open space to meet the need of local communities, which are seen as having a vital role in promoting healthy living. Development of a scale that dwarfs the surrounding communities removes such amenity.</p>	<p>The nature and magnitude of change resulting from the Scheme and the disposition of the Site as dispersed parcels of land (as opposed to one large tract of land), means that the visibility will not arise across a wide area. The proposed mitigation will also help with the assimilation of the Scheme into the landscape.</p> <p>Please refer to the 6.2.8 ES Chapter 8 Landscape and Visual Impact Assessment LVIA [APP-046] (LVIA) specifically Table 8.21 which sets out the strategic approach to the landscape design parameters that have been adopted in the process of developing the environmental masterplan and associated landscape mitigation measures. These measures are particularly suited to a series of separate sites for the following reasons.</p> <p>Visual Buffers in Low-Lying Areas: The low-lying areas between the separate Sites are effective as visual buffers on a horizontal plane. This likely helps in reducing the visual impacts of the panels.</p> <p>Existing Vegetation Network: The intermediary areas between the separate Sites boast a strong network of existing vegetation providing structural benefits to the landscape. The existing vegetation also acts as a backdrop for the panels and helps them integrate, particularly in views towards the horizon.</p>
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				<p>Watercourse Integration: The watercourses are noted as distinct features in the landscape, and careful use of scattered tree and shrub planting helps reinforce their presence in a generous open context while setting panels back.</p> <p>New Planting and Green Infrastructure: A key policy objective is the incorporation of new planting and green infrastructure in all landscape mitigation measures. The receiving landscape is designed to allow space for such green infrastructure between areas.</p> <p>Open Character and Celebration of the Landscape: The areas between the separate Sites provide open character. Whilst this may not be a requirement in all locations, the character of these areas can be celebrated, emphasizing the importance of preserving these unique landscape qualities.</p> <p>Buffering of Public Rights of Way: Public rights of way are buffered, maintaining accessibility while minimising the impact of the panels along these routes.</p> <p>Scope for extended appreciation of the landscape: The areas between the Sites also provide scope for extended enjoyment of the landscape in these areas either through interpretation, access or exponentially.</p>
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				<p>Retaining and Enhancing Time Depth: The time depth within the landscape involves considering historical and cultural aspects such as the setting of settlements and the views of churches. The receiving landscape between the Sites provides scope to preserve and enhance the time depth of the landscape.</p> <p>Mitigation, including offsets and planting, has been proposed to address and minimise adverse effects on the character of the landscape. This is in line with the agreed methodology and the hierarchy of approach advocated by the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition and was agreed with LCC at the series of workshops, as set out in 6.3.8.4 ES Appendix 8.4 Consultation [APP-075].</p> <p>The proposed mitigation measures to address landscape and visual impacts, which includes enhancing green infrastructure, are set out in 7.3_D Outline Landscape and Ecological Management Plan Revision D [EX4/WB7.3_D] (LEMP), Landscape and Ecology Mitigation and Enhancement Plans (Figures 8.18.1_A to 8.18.3_A) [REP1-026, REP1-028, REP1-030]. The LEMP is secured by Requirement 7 of Schedule 2 of 3.1_E Draft Development Consent Order Revision E [EN010132/EX4/WB3.1_E].</p>
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7A-13	National Policy Statements	EN-3	<p>“Emerging” NPS EN-3</p> <p>EN-3 does not consider roof top solar as it is only relevant for 50+MW schemes. EN3 2.10.17 states that a typical 50MW solar scheme will cover 125 to 200 acres. It notes that the size might vary significantly with some being larger or smaller. It also states that size will vary as technology improves, implying that a smaller area will be required for a given generating capacity.</p>	The Applicant notes this comment. Please refer to response for comment DS-01 below.
7A-14	National Policy Statements	EN-3	<p>The West Burton NSIP Applicant only requires the scale of agricultural land as it has chosen to aggregate over a million solar panels into a single scheme. EN-3 does not support a solar industrial scheme over ten times the 200 acres stated. Furthermore, it does not support six schemes, each ten times the size of those envisaged in EN3, being co-located in a single farming region, blighting over 15,000 acres of productive farming land. Both the Ministerial Statement and EN-3 do not anticipate, or support, a scheme the size of the West Burton NSIP and the other five local schemes.</p>	Please refer to the Applicant's response to question 1.1.20 to WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038], 6.3.5.1 ES Appendix 5.1 Site Selection Assessment Revision A [AS-004] and Site Selection Assessment Revision A [AS-004]
7A-15	National Policy Statements	EN-3	<p>In addition, there is a clearly implied hierarchy in the list of land that should be used for ground mounted solar. Section 2.10.29 states: “applicants should, where possible, utilise</p>	Please refer to the Applicant's response to question 1.1.20 to WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038], 6.2.5ES Chapter 5 Alternatives and Design Evolution [APP-043] and Site

			<p>previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible."</p>	<p>Selection Assessment Revision A [AS-004]. These documents set out the 5 staged approach to the site selection approach the Applicant took. As a result, paragraph 3.3.22 of [AS-004] states that the Scheme maximises the utilisation of low grade, non best and most versatile (BMV) agricultural land with 73.76% of the land being classified as non BMV land.</p> <p>During the site selection process, the use of rooftop and brownfield sites are considered: see, for example, table 5.1 and section 5.5 of 6.2.5 Environmental Statement - Chapter 5 Alternatives and Design Evolution [APP-043].</p>
7A-16			<p>EN 3 2.10.31 supports the point that although good quality agricultural land may be used, it should not be the predominate source of land: <i>"It is recognised that at this scale, it is likely that applicants' developments may use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land."</i></p> <p>The wording is clear therefore, in that agricultural land should be used after these other land classes have been explored, and only where use of agricultural land has been shown to be necessary. The Applicant has failed to identify any previously developed land, brownfield land, contaminated land or</p>	<p>Please refer to the Applicant's response to comment 7A-15 above in this document.</p>

			industrial land for any of its proposed development, and the Applicant has failed to make any case that using agricultural land at this scale is at all necessary.	
7A-17	National Policy Statements	Scale of development	As an aside, there is a clear anomaly in the treatment of different generating technologies within the NPS, by considering "capacity", without consideration of the yield it can deliver. For offshore wind, it is required to have a capacity of >100MW to be considered a nationally significant electricity generating station. With a load-factor of over 50%, the likely yield of such a plant will be >50MW on average over a year. By contrast, the threshold for a solar farm is 50MW. With a load factor of 10%, the threshold to be nationally significant effectively falls to an average of 5MW.	The Scheme is automatically deemed nationally significant due to its size (i.e being a generating station with a capacity of > 50MW) in accordance with Section 15 (2) of the Planning Act 2008.
7A-18	National Policy Statements	Energy Storage	Battery Energy Storage System EN-3 does not refer to battery storage. EN-1 3.3.29 states that the Infrastructure Planning (Electricity Storage Facilities) Order 202043 removed all forms of electricity storage, other than pumped hydroelectric storage, from the definition of nationally significant energy generating stations under the Planning Act 2008. Following the 3 rd Reading of the Energy	Chapter 11 of the Statement of Need [APP-320] describes the importance of flexible assets as part of the UK's future low-carbon electricity system, and BESS are an important part of that system. The Applicant refers to its response to question 1.1.12 in 8.1.21 Applicant Response to ExA First Written Questions [REP3-038] , which explains how the BESS constitutes associated development of the Scheme and

			<p>Bill 2023, a BESS will be required to have an industrial installation permit. Therefore, from a regulatory point of view it will be a different site to the main solar array.</p> <p>7000Acres believes that the West Burton BESS should not be considered under this NSIP application as it is a separate scheme outside the NSIP regime and will be regulated as a separate site to the main solar generating station.</p>	<p>therefore can be granted development consent as part of this application.</p>
7A-19	National Policy Statements	Other DCO Examinations	<p>On 14th December 2023 the Secretary of State for Energy Security and Net Zero issued a request for information from the Applicant and Natural England regarding the Sunnica Solar NSIP2. The request for information included the following questions:</p> <p><i>"Landscape/visual impacts</i></p> <p><i>3) With reference to NPS EN-1 paragraph 5.9.8, the Applicant is asked to: i) provide any updates to its position on the mitigation provided for landscape and visual impacts.</i></p> <p><i>ii) with the aim of minimising harm to the landscape and visual effects as far as reasonably possible, advise whether their work concluded that the proposed mitigation was the best</i></p>	<p>The references made are in relation to the Sunnica Energy Farm which is a separate Development Consent Order application to West Burton. An issue raised on one DCO application is not automatically transferable to another as LVIA impacts are specific to the location of the development. .</p>

			<p><i>available or if any further mitigation could reasonably be provided.</i></p> <p><i>4) With reference to draft NPS EN-3 paragraph 2.10.134, the Secretary of State notes that the Applicant's Glint and Glare assessment appears to have been carried out on the basis that anti reflective coating would be used. The Applicant should explain whether it has considered the use of anti-glare/anti-reflective coating on the proposed solar arrays and if so whether this should be secured by the DCO."</i></p> <p>Clearly the Secretary of State has concerns over the landscape and visual impacts of this Application, which like the West Burton NSIP is being proposed for installation on productive farming land. The Sunnica scheme differs from the West Burton scheme in 2 ways: firstly, Sunnica has solar panels limited to 2.5m in height³, not 4.5m in the case of West Burton; secondly, the Sunnica NSIP is not overlooked from higher ground, unlike the West Burton scheme.</p> <p>As the Secretary of State clearly has concerns over the landscape and visual impacts imposed by the Sunnica scheme, the West Burton scheme with 4.5m high PV panels is likely to raise even more serious concerns.</p>	
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7A-20	National Policy Statements	EN-3	<p>While the “Emerging” NPS suite is important and relevant, the existing NPS suite applies to the proposed West Burton solar development.</p> <p>The “Emerging” EN-3 is consistent with current Government Policy, as expressed in the Secretary of State’s Statement and other publications, such as the Skidmore Review, in stating that roof tops, brownfield site and poor-quality land must be the preferred location for solar generation.</p> <p>Neither the Ministerial Statement nor the current or “emerging” EN-3 provide support for a vast solar industrial complex ten times the size envisaged in the “emerging” EN-3. Furthermore, there is no policy that supports co-locating six vast solar industrial complexes in a rural farming region on productive soil. Imposing these developments on a farming region also goes against the policy stated in National Policy Planning Framework (updated 5 September 2023).</p>	<p>Please refer to the Applicant’s response to GC-01 and 7A-15 above in this document.</p> <p>Section 5.5 and Appendix C of WB7.5_B Planning Statement Revision B [EX4/WB7.5_B] outlines the weight to be attributed to the NPPF.</p>
7A-21	National Policy Statements	Other DCO Examinations	<p>The Secretary of State has expressed concerns over the landscape and visual impact of the Sunnica Solar NSIP that has PV panels 2.5m high. The West Burton scheme is likely to generate even more concerns as the PV panels are 4.5m high.</p>	<p>Please the response to 7A-19 above.</p>

7A-22	National Policy Statements	National Policy Statements	<p>There are urgent requirements to overhaul even the “Emerging” NPS, called for by the Electricity Networks Commissioner, to improve the coordination and planning of electricity infrastructure projects.</p> <p>Solar does not feature in the existing suite of NPS documents.</p> <p>The Existing NPS considers land use, as well as the context of agricultural practices and how they contribute to the character of the environment and local economy.</p> <p>The “Emerging” NPS acknowledges the risk of “unnecessary capacity” being built and the need for overall co-ordination in the approach.</p>	Please refer to the Applicant’s responses to comments GC-01 and 7A-03 in this document.
7A-23	National Policy Statements	Critical National Priority	A definition of “Critical National Priority” has evolved through the development of the NPS, and a “watering down” of this definition has rendered it to be effectively meaningless in differentiating priorities.	Please refer to the Applicant’s response to comment GC-01 in this document.
7A-24	National Policy Statements	Good design	Consistent principles of “good design” remain, in terms of efficient use of natural resources, including land use, sensitivity to the landscape infrastructure sits within, as well as the functionality of the development. The West Burton project uses a significant area of land,	Please refer to the Applicant’s response to comment 7A-10 in this document.

			is not sensitive to the landscape and can only provide limited benefits in terms of energy and decarbonisation – as has been set out in 7000Acres WR REP1A-026.	
7A-25	National Policy Statements	Alternatives	<p>The NPS also continues to require alternatives to be considered in terms of whether there is a realistic prospect of an alternative delivering the same capacity, within the same timescale. In fact, there are other ways of deploying such capacity of solar power, without having such impacts through using large-scale ground mounted solar, e.g through rooftops.</p> <p>The emerging NPS suite calls for efficient “use of natural resources, including land-use”, and provides a clear hierarchy for the types of land to be used, and that the need to use agricultural must be demonstrated, before considering Agricultural Land Classification. The Applicant has focused solely on ALC.</p> <p>Finally, there is no NPS that supports an industrial BESS to be located on productive farming land. EN-1 specifically excludes battery storage from the NSIP system, so it should be considered separately under the Infrastructure Planning (Electricity Storage Facilities) Order 202043.</p>	<p>Please refer to the Applicant's responses to questions 1.1.12 and 1.1.20 to WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038], 6.2.5 Environmental Statement – Chapter 5 Alternatives and Design Evolution [APP-043], 6.3.5.1 ES Appendix 5.1 Site Selection Assessment Revision A [AS-004].</p>

P A Mitchell [REP3-053 and REP3-054] [\[Link\]](#) [\[LINK\]](#)

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
PM-01	Hydrology and Flood Risk	Flooding	The hotter and drier summers and warmer, wetter winters are resulting in increased rainfall with ensuing flooding. Those of us who have been and are affected by several recent flooding events and as shown in the January 2024 flooding images included in Attachment A to this submission, deem it reckless to place 7,000,000 solar panels and associated hardware on agricultural land from the cumulative and industrial scale solar projects of West Burton Solar, Cottam Solar, Gate Burton Solar and Tillbridge Solar.	Please see the Applicant's response to comment WAT-04 in this document. Whilst it is acknowledged that climate change will bring increase severity and frequency of storms, the Scheme will not cause a detrimental impact over the none developed state.
PM-02	Hydrology and Flood Risk	Flooding	<i>10 Hydrology, Flood Risk and Drainage Environmental Statement Chapter 10: Hydrology, Flood Risk and Drainage March 2023</i> Produced in March 2023 the words 'The affect will be 'Negligible' is overly used by the Applicant throughout the above report and many areas of their project	Please see the Applicant's response to question WAT-04 in this document. Whilst it is acknowledged that climate change will bring increase severity and frequency of storms, the proposed scheme will not cause a detrimental impact over the none developed state. 'Negligible' is used in the Environmental Statement [APP-038 to APP-044, APP-046 to APP-060, REP1-012, REP1-073, REP1-

			documentation submitted to the Examining Authority. 'Negligible' is a serious understatement and Hydrology, Flood Risk and Drainage should be revisited as there have been 7 (seven) severe storms since September 2023 in the UK necessitating the issue of flood warnings and flood alerts. This flooding has caused havoc, destruction and misery across the UK and involved flooding within the proposed West Burton and Cottam Solar site areas from Storm Babet in October 2023 and Storm Henk in the past few days with severe and widespread flooding predominantly Gloucestershire, Nottinghamshire and Lincolnshire including, again, the agricultural / farmland of the West Burton 2 site looking from Viewpoint 20.	074, REP3-010] as part of the methodology for determining impact magnitude and significance of effect of the impacts of the Scheme.
PM-03	Hydrology and Flood Risk	Flooding	Notwithstanding historic flooding of the West Burton Solar and Cottam Solar sites well before the River Trent burst its banks in the year 2000, flooding again followed after storms in 2019. Photographic evidence has previously been submitted to the Planning Inspectorate Examining	The Applicant notes this comment.

			Authority including that for Storm Babet in October 2023.	
PM-04	Hydrology and Flood Risk	Flooding	<p>This week Storm Henk led to extensive flooding in the first week of January 2024 (further images attached) when the tidal River Trent burst its banks across agricultural / farmland / roads and other areas in Nottinghamshire and Lincolnshire flooding homes and premises and culminating in many road closures:- the arterial A156 Marton to Gainsborough closed at Marton village where the arterial A1500 joins the A156, the A156 across the Trent Bridge Gainsborough to Beckingham leading to the A1M closed at Beckingham/Retford roundabout, the arterial A57 at Dunholme Bridge on the outskirts of Saxilby (West Burton 2 and 3), the flooding of Torksey Lock near Brampton (West Burton 2) and extensive flooding of Lincoln City Centre (Brayford Wharf) for the second time in four months with many other roads in the area also closed through flooding. The disruption and mental stress of affected parties is incalculable. The road closures and diversions added 40 extra miles to my journey at the weekend. These closures</p>	The Applicant notes this comment.

			were taking place while I was driving as the flood water was rapidly moving across the above routes and side roads.	
PM-05	Hydrology and Flood Risk	Flooding	At today's date it still has not been possible to re-open the Trent Bridge at Gainsborough. These are major routes and are causing huge disruption to motorists. See flood images attached in ATTACHMENT A following Storm Henk January 2023.	The Applicant notes this comment.
PM-06	Hydrology and Flood Risk	Flooding	<p>The following are extracts from Delta-Simons report contained in the above document from page 24 although I could raise other matters in respect of the report I question the choice of site by the Applicant bearing in mind all of the following including any inaccuracies of the geological mapping.</p> <p>Quote Page 2 - Scheme, Location and Description - The proposed Cable Route crosses several watercourses and land drains. Over its length the cable route passes under a total of 30 watercourses including 28 Ordinary Watercourses as well as the River Trent and the River Till.</p> <p>Page 3 - Hydrology - Given the scale of the scheme there are numerous</p>	The Applicant acknowledges that these are extracts from the quoted report. The Applicant followed a 5 stage assessment methodology in selecting the Site, which included the consideration of flooding, as outlined in 6.2.5ES Chapter 5 Alternatives and Design Evolution [APP-043] and Site Selection Assessment Revision A [AS-004] .

			<p>watercourses that flow within and adjacent to it.</p> <p>Page 3 - Geology - The geological mapping is available at a scale of 1:50,000 and as such may not be accurate on a Site-specific basis.</p> <p>Page 4 - Groundwater Levels and Flow Direction - The available BGS borehole information indicated the presence of shallow water (<2.00 m bgl) adjacent to the River Trent and to the north west. Groundwater is likely to be deeper cross the southern area of the Site between West Burton 1 and 3.</p> <p>However, drainage ditches are present across the area, as such, perched groundwater may be present.</p> <p>Groundwater is expected to flow locally towards drainage channels and regionally towards the River Trent or River Till.</p>	
PM-07	Hydrology and Flood Risk	Flooding	<p>Unquote</p> <p>Drainage ditches in the 30 affected communities, as we have seen again in recent months, have been unable to cope with excessive volumes of water leading again to flooding of the agricultural</p>	<p>Please see the Applicant's response to comment WAT-04 in this document. Whilst it is acknowledged that climate change will bring increase severity and frequency of storms, the Scheme will not cause a detrimental impact over the none developed state.</p>

		<p>/farmland of the proposed West Burton and Cottam Solar projects as the River Till has burst its banks. Local roads in the affected communities were also flooded and impassable. See illustration below:</p> <p>The comments also contained on page 24 of the Water Framework Report Operational Phase Increase in Permanent Permeable Area produced by Delta Simons for the Applicant are from a report that appears to be 10 years old, published on 1 May 2013 by Cook and McCuen. A model of a solar farm was used to simulate the pre and post-panel conditions. The Cook and McCuen report stated if the ground cover under the panels is gravel or bare ground, owing to design decisions or through lack of maintenance, the peak discharge may increase significantly with storm-water management needed. In addition, the kinetic energy of the flow that drains from the panels was found to be greater than that of the rainfall, which could cause erosion at the base of the panels. Climate conditions have changed considerably since the Report in 2013 and therefore the frequency of storms / excessive</p>	<p>With regards to Cook and McCuen the date of their report is irrelevant to their findings. The goal of their study was to determine the hydrologic effects of solar farms and examine whether or not storm-water management is needed to control runoff volumes and rates. A range of rainfall rates were utilised in their research and for the 'Storm Magnitude' the following is stated:</p> <p><i>'The peak discharge and the time to peak did not change significantly. These results reflect runoff from a good grass cover condition and indicated that the general conclusion of very minimal impacts was the same for different storm magnitudes'.</i></p> <p>For 'Storm Duration' the following is stated:</p> <p><i>'The peak discharge and the time-to-peak did not differ significantly between the two conditions. The trends in the hydrologic response of the solar farm did not vary with storm duration.' The report concludes that: 'The addition of solar panels over a grassy field does not have much of an effect on the volume of runoff, the peak discharge, nor the time to peak. With each analysis, the runoff volume increased slightly but not enough to require storm-water management facilities'.</i></p>
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			<p>rainfall on the ground could detrimentally change the ability of any mitigating ground flora to survive and any compaction of the land further creates ideal flooding conditions. We see the green shoots of growing crops on farmland locally perishing through being submerged under floodwater and the subsequent waterlogging of the ground and the death of their roots.</p>	<p>Therefore the intensity and durations of storms was not found to have a significant impact on surface water runoff.</p> <p>Cook and McCuen continue to recommend that the vegetation cover beneath the panels is well maintained or that a buffer strip be placed after the most down gradient row of panels.</p> <p>Appropriate seeded vegetation will be provided below and between rows of the solar panels to act as a level spreader/energy dissipater to promote low erosivity sheet flow during operation of the solar farm.</p> <p>The grassland will not only grow between array gaps, but it includes all ground under the arrays as well. Point 3 of paragraph 10.8.1 within WB6.2.10 ES Chapter 10_Hydrology, Flood Risk and Drainage [APP-048] includes provision for suitable planting (such as a wildflower or grass mix) to ensure that the underlying ground cover is strengthened and is therefore unlikely to generate surface water runoff rates beyond the baseline scenario.</p> <p>The WB7.3_D Outline Landscape and Ecological Management Plan Revision D [EX4/WB7.3_D] sets out a framework for the planting, management and monitoring of landscaping and</p>
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				<p>ecological mitigation and enhancement habitats. The final LEMP will be prepared post-consent once the detailed design is prepared. This is secured by Schedule 2 Requirement 7 in WB3.1_E Draft Development Consent Order Revision E [EN010132/EX4/WB3.1_E]. This will be required for the lifetime of the Scheme.</p> <p>Within WB6.3.19.2_A Environmental Statement Appendix 19.2 Outline Soil Management Plan Revision A [REP3-016] sets out the principles of how the soil resource will be preserved through the construction, operation and decommissioning which includes the prevention of soil compaction. The delivery of this is secured through Schedule 2 Requirement 19 of 3.1_E Draft Development Consent Order Revision E [EX4/WB3.1_E]</p>
PM-08	Hydrology and Flood Risk	Flooding	<p>Impacts on surface hydrology of large scale solar parks have not been comprehensively addressed in literature, but there has been some study and modelling exercises undertaken for example in the case of Cook and McCuen above and Springer Link report of 9 August 2023. As a result of some study and modelling exercises there is growing concern over the impact of land use</p>	<p>Please see the Applicant's response to PM-07 above in this document.</p> <p>The study which it is believed is being referenced is 'Modelling Stormwater Runoff Changes Induced by Ground Mounted Photovoltaic Solar Parks: A Conceptualization in EPA-SWMM Aurora Gullotta, Tagele Mossie Aschale, David J. Peres, Guido Sciuto and Antonino Cancelliere.'</p> <p>The study focuses on the potential methodology for undertaking hydraulic modelling of Ground</p>

			<p>changes on storm water runoff from the construction of large-scale solar power plants and the potential increment of flow peak and volume discharge and the impact on the environment. An American study and modelling exercise, by a different company in America, Springer Link, of storm water runoff over the longer term from 3 different sizes of photovoltaic installations on 3 different soil types determined that when the surface roughness of the solar park ground is decreased through compaction rainwater run-off peak flow increases in the order of 6 - 35% as compared to the pre-installation scenario</p>	<p>Mounted Photovoltaic Solar Parks. Whilst the study does conclude that solar parks can result in a peak flow increase in the order of 6–35% as compared to the pre-installation scenario this is as a result of an arbitrary reduction of the surface roughness surface in corridors and under-panel areas. The study also concludes that, <i>'Globally, no significant increments of the peak flow and of the total runoff volume from the solar park as compared to the reference catchment were observed in all the 135 simulations for short-term condition. This result is in line with modelling and experimental findings of previous studies (Cook and McCuen 2013; Wang and Gao 2023).'</i></p> <p>Therefore, the report concludes that where there is a reduction of the roughness surface, increased surface water runoff rates and volumes can occur. This is in line with the conclusions of the Sections 4.0 Soil Management and 5.0 Drainage Strategy within 6.3.10.1 Environmental Statement - Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report. The risk of decreased soil roughness will be mitigated through the measures identified in the answer to PM-07 ensuring the ground is improved, roughness maintained and therefore there will be no increase in surface water runoff rates and volumes.</p>
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PM-09	Ground Conditions	Soil compaction	Q. How does the Applicant propose to prevent compaction of the soil on a solar site of such magnitude throughout the duration of the scheme, particularly when service vehicles will be entering the site for maintenance and panel inspection and to prevent the site from flooding under excessive storm-water condition ? ie those that we have been suffering from in recent times and since the seven storms from October 2023 as presently we see the land is saturated from these storms.	WB6.3.19.2_A Environmental Statement Appendix 19.2 Outline Soil Management Plan Revision A [REP3-016] sets out the principles of how the soil resource will be preserved through the construction, operation and decommissioning which includes the prevention of soil compaction. The delivery of this is secured through Schedule 2 Requirement 19 of 3.1_E Draft Development Consent Order Revision E [EX4/WB3.1_E]
PM-10	Ground Conditions	Soil compaction	q. Should compaction occur for whatever reason what action does the Applicant intend to adopt to remedy this?	Please see the Applicant's response to PM-09 above in this document.
PM-11	Ecology and Biodiversity	Ground conditions	Q. What action does the Applicant intend to adopt to remedy failing flora in excessively wet conditions ?	The monitoring of newly created habitats is set out in WB7.3_D Outline Landscape and Ecological Management Plan Revision D [EX4/WB7.3_D] (OLEMP), which is secured by Schedule 2 Requirement 7 in WB3.1_E Draft Development Consent Order Revision E [EX4/WB3.1_E] . This will be required for the lifetime of the Scheme. The OLEMP states that any plants and trees which are found to be dying, damaged or diseased following planting will be replaced for the first 5 years of the Scheme. The OLEMP also includes specific remedial action for particular species.

PM-12	Hydrology and Flood Risk	Run-off	Q. A further concern from the impact of solar panels on the environment is the potential for rainwater run-off from such panels to cause pollution. The run-off can contain chemicals and other pollutants that can harm the environment 2 . (Springer Link 9 August 2023).	With regards to surface water run-off please see the Applicant's response to comment WAT-04 in this document. The proposed solar panels will not lead to an increase in contaminant load in the environment. The risk to the environment including controlled waters from run-off, leaching and migration has been assessed in WB6.2.11 Chapter 11 – Ground Conditions and Contamination [APP-049] .
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David Swayne [REP3-055]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
DS-01	National Policy Statement	Site Size	The emerging policies describe a typical solar farm as 250 acres but the one proposed is ten times that size. The scale of the proposal is clearly more than that envisaged by policy makers and that fact should be considered during this process. The proposal should not be approved because of its excessive size.	In the November 2023 version of EN-3 in paragraph 2.10.17 states " <i>A typical 50MW solar farm will consist of around 100,000 to 150,000 panels and cover between 125 to 200 acres. However, this will vary significantly depending on the site, with some being larger and some being smaller.</i> " The size listed in the NPS relates to a typical 50MW site area and not suggesting that a typical solar farm is that size. The Applicant also refers to its response to comment 7A-14 above in this document.
DS-02	Solar Technology	Inefficiency of solar	Solar is an inefficient way to generate power – it supplies peak energy at times that it is not required. The developer's	Please refer to the Applicant's response to comments 7A-092, 7A-108 -to 7A-111 and 7A-

			<p>solution is to store energy using battery technology and release it when the demand is there, however this comes at a cost because the batteries will not last the lifetime of the project and need to be replaced three to four times during the forecast life of the project. Batteries that are suitable for this use are created in ways that are not good for the environment and are far from being carbon neutral. There is also a risk to the local population in the event of a fire in the battery storage unit. Such an event would release noxious chemicals and be difficult to extinguish. The government's net zero commitment would be better met by a series of smaller solar farms, mixed with other forms of energy generation, such as tidal, wind, hydro and nuclear. The government has not been proactive enough in its investment of the past decade and has fallen behind in its nuclear power generation plans. It cannot plug the gap with solar because of its inefficiencies.</p>	<p>159 in WB8.1.18 Response to Written Representations at Deadline 1 Part 2 [REP3-035] and the Applicant's responses to comments GEN-05 and ALT-02 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036].</p>
DS-03	Ecology and Biodiversity	Biodiversity Net Gain	<p>I am not a spokesperson for 7000 Acres, however: The paper Potential ecological impacts of ground-mounted photovoltaic solar panels by BSG ecology concludes that "in 2014... the ecological impacts of ground mounted solar panels in the UK were relatively limited. Five years on, the evidence base has not increased significantly (particularly with regard to UK studies)...". Whilst developers claim biodiversity net gain, there is little evidence to support that this is being achieved. The https://community.rspb.org.uk/ourwork/b/science/posts/bird-use-on-solar-farms-final-results concludes that "There is huge</p>	<p>Please refer to response 7A-45 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050] and the Applicant's responses to comments ECO-02 above in this document.</p>

		<p>potential for solar farms to replace the grassland lost due to the intensification of farming in the later part of the twentieth century. Solar farms have demonstrated their value in the farmed landscape with little evidence to suggest that solar farms are having a negative impact on farmland birds. While it is positive that birds are using solar farms at a similar level to arable, pasture and meadows. Changes to management such as mowing later in the year and leaving margins to set seed where possible would benefit both stakeholders and nature."</p> <p>"However, it must be remembered that the primary function of the solar farm is to produce low carbon electricity, rather than being nature reserves. Consequently, management to increase a sites biodiversity value could increase costs by encouraging large flocks of birds to nest in and forage within the site. Solar farms need careful management to ensure that the fragile state of our farmland birds is not made worse and with the suitable management systems in place for each site and, with time solar farms can be a place in which both its value to biodiversity is increased and management costs are reduced."</p> <p>Unfortunately the developers make claims that are not substantiated by research and whilst the papers state that it is possible for biodiversity net gain, this isn't what is being observed in sites of ground-mounted solar PV.</p>	
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Helen Mitchell [REP3-056]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
HM-01	Hydrology and Flood Risk	Flooding	<p>West Burton flooding</p> <p>In response to Examiners Question 1.15.9 Flooding I have attached a number of photos of flooding from the last few days and weeks.</p> <p>I think these speak for themselves. The A156 has been closed on and off from 2nd January 2024, which is the main commuter road between Gainsborough and Lincoln. This road was also flooded 2019.</p> <p>Diversions take you via villages Kexby, Willingham, Stow, Sturton and Saxilby which has increased traffic on this rural route at rush hour times.</p> <p>Dunham bridge has severe flooding and has been closed since the 5th January 2024, remains closed today, 9th January, and is not looking likely to open any time soon.</p> <p>Fields and houses either side of the river are underwater.</p> <p>Trent bridge at Gainsborough has been closed since the 6th January and remains closed due to the rising level of the River Trent and water across the road to Beckingham. The Trent is tidal so the levels rise and fall, but there is</p>	<p>The Applicant accepts that there are areas of the Site at risk of surface water and fluvial flooding however, as outlined in WB6.2.10 ES Chapter 10 Hydrology, Flood Risk and Drainage [APP-048], the risk is assessed as acceptable following the inclusion of embedded mitigation measures.</p> <p>The mitigation measures to address hydrology, flood risk and drainage are set out in Table 3.4 of the WB7.1_BC Outline Construction Environmental Management Plan Revision C [EN010132/EX4/7.1_C], which is secured by Requirement 13 of the WB3.1_D Draft Development Consent Order Revision E [EX4/WB3.1_E].</p> <p>. Please also see the Applicant's response to comment WAT-04 in this document.</p>

			<p>significant flooding across a vast area of land as you can see in the photos.</p> <p>These bridges are the two main crossings over the River Trent in this area. To cross at other points would mean travelling to Newark or Scunthorpe, and both alternative routes add between 40 and 50 miles to a journey.</p> <p>We rely heavily on these two bridges, for work, school, and generally travelling across the Lincolnshire / Nottinghamshire border. I have included a map which shows all the locations where photos have been taken, and the road closures at Beckingham to Gainsborough and the A57 at Dunham on Trent.</p> <p>The Foss Dyke is a branch off the River Trent which goes all the way to Lincoln and causes the Brayford Wharf to flood into pubs, restaurants and other businesses. The images attached are from storm Babet and Henk. The Foss Dyke has repeatedly burst its banks in the village of Saxilby over the last few months coming very close to houses. It also joins with the River Till which has repeatedly flooded fields and roads on either side in the last few months.</p> <p>The disruption to the River Trent for cable routes and the vast amount of land which will</p>	
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			be covered in solar panels will surely have a detrimental effect on an this area, which is already so susceptible to flooding.	
HM-02	Hydrology and Flood Risk	Flooding	Further to my previous submission on the flooding, I have just seen this post on social media from Nottinghamshire County Council in response to people asking if Trent bridge and the A631 (also named The Flood Road) is open. They stated at 3.56pm on 9th January 2024, that is "It is closed currently due to the amount of surface water still present in the subsoil rather than on the road itself. If the road was reopened currently, the vibrations caused by vehicles could potentially cause damage to the carriageway and the bridges."	The Applicant notes the comment.

Julian Plews [REP3-057]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
JP-01	The Scheme	General	I do not propose to comment on all the questions raised by the ExA but believe that they highlight the very serious question of the necessity and viability of the proposed project and also show that the applicant has not fully answered many of the concerns of Ips and has not shown the need for this project. Therefore I comment on the general	The Applicant notes the comment.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			points that I believe are important (though many of these are covered by the ExA).	
JP-02	Cumulative Impact	Loss of agricultural land	The West Burton Solar proposal, at over 2,000 acres, combined with the other 3 proposals have a cumulative effect of 10,000 acres of farmland lost and the industrialisation of the area as a whole.	Please refer to the Applicant's response to GEN-01 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .
JP-03	Agricultural Land	Food Security	Food security is now a big issue and the government is changing its stance, wanting more productive farmland, not less (see the Government Food Strategy document June 2022). Over the previous 40 years we have gone from producing 78% of our own food down to 64% and the cost of importing food is increasing all the time. To lose 10,000 acres (in total) of good arable land is ridiculous. Rishi Sunak says those fields should be bulging with "fantastic produce" and we must "not lose swathes of our best farmland to solar farms". Jeremy Hunt is pushing to speed up planning permission for nuclear power plants and offshore wind to boost growth and bring down energy bills. In the UK, solar panels produce on average around 11% of their rated output – and they produce most of that power on sunny, summer days when	Please refer to the Applicant's responses to SOI-01, SOI-02 and ALT-02 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			we least need it and even then if it is too hot they become less efficient. When demand is at its highest, on winter evenings, they produce nothing at all.	
JP-04	Alternative Energy Sources	Nuclear	The government has just approved Sizewell C . Nuclear is the only form of reliable, low carbon electricity generation which has been proven at scale and returns more than 100 times as much power as a solar site of the same size. This will increase civil nuclear power to up to 24GW by 2050 – 3 times more than now and representing up to 25% of projected electricity demand. The United Kingdom has been estimated to have over a third of Europe's total offshore wind resource, which is equivalent to three times the electricity needs of the nation at current rates of electricity consumption (In 2010 peak winter demand was 59.3 GW,[52] in summer it drops to about 45 GW). The government has committed to a major expansion of offshore capacity to 50 GW by 2030. By 2023, the UK had over 11 thousand wind turbines with a total installed capacity of 30 gigawatts (GW): 15 GW onshore and 15 GW offshore. New research published 13 th February2023	Please see response to TA-04 below in this document.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			by Renewable UK's Energy Pulse data analysts shows that the UK's pipeline of offshore wind projects at all stages of development now stands at 99.8GW across 130 projects – an increase of 14GW over the past 12 months. This includes 13.7GW of fully operational capacity and a further 13.6GW under construction or with support secured for a route to market. Dogger Banks A, B and C which are active/being constructed will produce 3.6GW of electricity alone. We do not need this solar project. This does not take into account the new STEP project at West Burton and the electricity that will (perhaps) be produced there.	
JP-05	Alternatives	Brownfield land	Solar farms should be located on brownfield sites, not greenfield, and solar panels be compulsory on all new build commercial and residential buildings.	Please refer to the Applicant's response to ALT-01 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .
JP-06	Socio-economic	Agricultural jobs	Solar farms will destroy agricultural jobs, skills and livelihoods and create very few new skilled jobs or replace livelihoods. Most of the equipment is likely to be manufactured in China and non-local labour used in construction. It is likely there will be a net reduction in employment, in an area with	Please refer to the Applicant's response to STR-01, STR-02, STR-04, and PRI-01 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			relatively few opportunities. There will not be any economic benefit to the communities affected.	
JP-07	The Scheme	Impact of construction and decommissioning	No matter what precautions and assurances, it will not be possible to deliver and install millions of solar panels, pour thousands of tonnes of concrete, as well as containers with batteries and switchgear, all surrounded by miles of fencing, without damaging habitat. And this construction would take up to 4 years to complete. Also it is my understanding (from The Times) that the life span of solar panels is about 20 years so they will need replacing at least twice and the old ones will need recycling (by who?) or just scrapped (where?). And what is the carbon footprint of the production/transportation and installation of these solar panels especially as the majority will come from China (which is heavily dependent on fossil fuels for production). It's all very well saying that the electricity produced in the UK is green but not if more carbon gasses have been emitted elsewhere than are saved in the UK.	<p>Please refer to the Applicant's responses to ECO-01 and WAS-01 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036].</p> <p>The Applicant also refers to its response to comment 7A-50 in WB8.1.2 The Applicant's Responses to Relevant Representations [REP1-050] and its response to question 1.9.10 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>6.2.7_A Environmental Statement - Chapter 7 Climate Change Revision A [REP1-012] contains a detailed assessment of carbon emissions during the construction phase.</p> <p>Please refer to the Applicant's response to PRI-03 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036].</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
JP-08	Transport	Construction traffic	Much of the construction traffic will still be using single track country lanes which are already in a poor condition. It also raises concerns over the risks to pedestrians, cyclists, horses, wildlife and other traffic.	Please refer to the Applicant's responses to TRA-01 and TRA-02 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .
JP-09	Cumulative impact	Landscape Visual Impact	The cumulative scale of the development is unprecedented, and the impact of such a development would change the character and nature of the area for more than 60 years, such a change has the potential to have a significant detrimental impact on the general health and wellbeing of residents. On this site alone there would be 2,000 acres of solar panels which would change the landscape totally and would destroy the scenic beauty of the area.	Please refer to the Applicant's response to GEN-01 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .
JP-10	Agricultural Land	Decommissioning	Does anyone really believe that after 60 years the fields will be viable as agricultural food producing land – how can the applicant guarantee that the land will be as fertile as it is now and how will this be achieved? Why has a continued management plan has not been secured beyond the initial 5 years when vegetation planting is anticipated to mature	The Applicant's response to the restoration of the land to arable use please refer to the Applicant's response to question 1.2.18 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] . The WB7.3_D Outline Landscape and Ecological Management Plan Revision D [EX4/WB7.3_D] sets out a framework for the planting, management and monitoring of landscaping and ecological mitigation

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			at year 15 of operation and who will be responsible for this on an ongoing basis?	and enhancement habitats. The final LEMP will be prepared post-consent once the detailed design is prepared. This is secured by Schedule 2 Requirement 7 in WB3.1_E Draft Development Consent Order Revision E [EX4/WB3.1_E] . This will be required for the lifetime of the Scheme.
JP-10	Statutory Nuisance	Statutory Nuisance	Why does the applicant wish to remove of the ability for local residents etc to seek Statutory Nuisance redress?	Please refer to paragraph 4.2.18 of 3.2 Explanatory Memorandum Revision C [EX4/WB3.2_C] and the Applicant's response to question 1.5.8 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] .
JP-11	Socio-economics	Human Health	Why has a HIA not been undertaken and submitted?	Please refer to the Applicant's response to HW-01 above and ES Addendum 21.1 Human Health and Wellbeing Effects [EN010132/EX4/WB8.4.21.1] .
JP-12	Agricultural Land	Agricultural Land Classification	We have yet to see the Agricultural land classification survey (and be satisfied that it has been carried out independently) and would note that information submitted initially regarding land classification has already been amended.	The Agricultural Land Classification Report has been submitted with the DCO and can be found in 6.3.19.1 Environmental Statement Appendix 19.1 Agricultural Land Quality, Soil Resources and Farming Circumstances Report [APP-137] . There have been no changes made to this document since its submission at the start of the Examination.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
JP-13	Cable	Other DCO	The application from the developer with regard to a request for works to construct and operate the underground cable and associated development represents an extension of the order limits to the south of Torksey Ferry Road (adjacent to Cottam power station) and west along Torksey Ferry Road. This also includes land to the north of Torksey Ferry Road. This is an important access road to the river Trent and is used for recreation such as walking and horse riding. This will be yet another part of the development that encroaches on wildlife. The area is great for bird and wildlife watching with hedgerows, woodland and badger setts. This further highlights the Developer's unprofessional approach to the planning process and regard to rural communities.	The land referred to in this comment does not form part of the Order Limits of this Scheme.

Nick Hill [REP3-058] [\[Link\]](#)

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
NH-01	The Scheme	Cable Route	Hill Agriculture is a first generation farm that has invested heavily in 23 acres at nearby Fenton and bought 15 acres at Marton by auction were we live .we had no prior	The value for the land provided by the landowner is considerably higher than the value of the land assessed by the Applicant, and the landowner has not provided evidence for the value they are requesting. An

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>knowledge of cable routes, nothing showed on the land search or the legal pack .Our agricultural business is operating. We desperately need a farm yard to carry out and grow our business we gained planning permission for two agricultural buildings an entrance and yard this will get us started although to make our business work we will definitely need to expand and put more buildings up etc if not our business will fail. West Burton, Cottam, Gate Burton Energy Park and Tillbridge are all proposing putting cables were our new farm yard has gained planning permission it will simply not be possible to expand our agricultural business .Is it not a human right for us Hill Agriculture to make a living and not go out of business because of these schemes.</p>	<p>independent third-party valuation of the land will be undertaken to include in a set of Heads of Terms and the Applicant will provide the values derived from this exercise to the landowner.</p> <p>The Applicant's agent has also advised the landowner to appoint their own land agent who can help them with the DCO process and negotiations, however, it is the Applicant's understanding that the landowners remain reluctant to do this. The Applicant's agent will continue to try to engage with the landowner to reach an agreement.</p> <p>The Applicant has worked with the other solar schemes to devise an engineering solution so that the four project cable circuits can be laid without impacting upon the existing planning consent for two agricultural barns. Please refer to Land South of Marton Grid Connection Options Report [REP2-009]. There are no other developments in the planning system relating to this land.</p>

Roy Clegg [REP3-059] [\[Link\]](#)

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
RC-01	Ecology and Biodiversity	EMF	<p>I refer to my previous WR on the Impact of EMF on Marine Life, Flora and Fauna, and Biodiversity in the West Burton Solar Project and would further add the following representations.</p> <p>The developer has chosen to comment on human life and has not made any consideration of the significant impact of EMF on marine life, flora and fauna with wildlife, and biodiversity, where all the later are intrinsically linked to each other.</p>	<p>A Risk Assessment of the potential impacts of EMF on fish associated with the cable route crossing of the River Trent has been undertaken, and has been submitted at Deadline 3. Please see Appendix 1 to the Applicant's 8.1.17 Response to Written Representations at Deadline 1 Part 1 [REP3-034].</p>
RC-02	Ecology and Biodiversity	EMF	<p>A myriad of cable runs in the project resulting in connections carrying up to 400Kv to transport electricity from the solar panels to the National Grid using transformers, inverters etc., all of which transmit EMF's.</p> <p>The WR shows that the magnetic fields created on the development site will be significantly stronger, and the effect of EMF will be distanced further away by at least 7 metres.</p> <p>A magnetic field measuring 57.5 milligauss immediately beside a 230 kilovolt transmission line measures just 7.1 milligauss at 100 feet,</p>	<p>Please see response to RC-01 above.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>and 1.8 milligauss at 200 feet, according to the World Health Organization in 2010.</p> <p>An Electromagnetic Field is a circular vector field that radiates out centrally from its stronger central core with a magnetic influence on moving electric charges, electric currents, and magnetic materials. The electromagnetic fields will not be mitigated or stopped by covering over or burying. in effect the EMF will at its core be distanced 2.9 metres and have an effective band width across the River Trent calculated at 12 metres.</p> <p>The diagram below shows the effect of EMF field strength set against underground and overhead cables and lateral core and illustrates the maximum values expected at the examined route sections during maximum operating conditions of a typical 400kV power line.</p> <p>The effect of EMF will be significantly impacted by any additional power line cable crossings of the River Trent and other watercourses.</p>	
RC-03	Ecology and Biodiversity	EMF	The Impact of EMF on Marine Life, Flora and Fauna and BioDiversity are well researched,	Please see response to RC-01 above.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>documented and detailed in the WR's submitted previously.</p> <p>The Water Framework Directive, the IUCN Red List, the OSPAR, the European Eel Regulations (100/2007), the Eels(England and Wales) Regulations, the Canal Rivers Trust and the Notts Biological & Geological Records Centre list threatened, endangered and protected marine species including the Allis Shad, Brook Lamprey, Bullhead, Common / European Sturgeon, Crucian Carp, Eel, River Lamprey, Sea Lamprey, Smelt, Spined Loach, Twaite Shad, White Clawed Crayfish, Brown Trout and the Atlantic Salmon all found in the Rivers Trent and Till.</p> <p>Many species of flora and fauna, because of unique physiologies and habitats, are sensitive to exogenous EMF in ways that surpass human reactivity, are highly variable, largely unseen, and a possible contributing factor in species extinctions.</p> <p>EMF has an adverse effect on orientation, migration, food finding, reproduction, mating, nest and den building, territorial maintenance, defence, vitality, longevity and survivorship itself. Wildlife loss is often unseen and</p>	

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>undocumented until tipping points are reached.</p> <p>So how do you mitigate and provide protection to the environment?</p> <p>By using overhead cable lines for water crossings and other buried large power lines on site.</p> <p>Is the Developer, Examiner and the Secretary of State satisfied that there is no risk to any protected species from the effect of EMF and its features because of this and other similar Project?</p>	
RC-04	Energy Storage	Fire Safety	<p>COMAH</p> <p>There are growing concerns about the use of Lithium-ion batteries in large scale applications, especially as Battery Energy Storage Systems (BESS) linked to renewable energy projects and grid energy storage. These concerns arise from the simple consideration that large quantities of energy are being stored, which if released uncontrollably in fault situations could cause major damage to health, life, property and the environment.</p>	<p>The COMAH Regulations relate to the storage of 'dangerous substances' and the requirement to ensure that all necessary measures are taken to prevent major accidents involving dangerous substances, and to limit the consequences to people and the environment of any major accidents which do occur. The applicability of the COMAH Regulations is dependent on the substances being stored at the Sites (including the BESS Site) and in what quantities. It is unclear at this point whether the COMAH Regulations will apply to the design and operation of the BESS. Should it become clear that the COMAH Regulations do apply, then they will be complied with either before the commencement of construction</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>BESS are not currently regarded by HSE as regulated under the COMAH. The reason the COMAH regulations should apply is the scale of evolution of toxic or inflammable gases that will arise in BESS "fires".</p> <p>Applicability of the COMAH (Control of Major Accident Hazard) Regulations 2015 The governing criteria for application of the COMAH Regulations [17] are: 1. The presence of hazardous materials, or their generation, "if control of the process is lost." 2. The quantity of such hazardous materials present or that could be potentially generated.</p> <p>The COMAH regulations (2015): COMAH regulates establishments with quantities of dangerous substances (categorised as toxic, flammable or environmentally damaging) that are present above defined thresholds. The substances do not need to be present in normal operation. If dangerous substances could be generated "if control of the process is lost", the likely quantity generated thereby must be considered. If the mass of dangerous substances that could be generated in loss of control exceeds the COMAH thresholds, the Regulations apply.</p>	<p>or operation of the BESS, as is required. For example, if the COMAH Regulations do apply, then a notification of the dangerous substances stored at the site will be made to the competent authority (jointly the Health and Safety Executive and Environment Agency in this case) before construction commences, and a major accident prevention policy will be prepared before construction or site operations commence.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>There is no doubt that hazardous substances such Hydrogen Fluoride (an Acute Toxic controlled by COMAH) would be generated in a BESS accident (i.e., in "battery fires"). Similarly highly Inflammable Gases (also controlled by COMAH) would be evolved even if the atmosphere remained oxygen-free. Depending on the size of the "establishment" these could be produced in sufficient quantities to be in the scope of COMAH.</p>	
RC-05	Energy Storage	Fire Safety	<p>Application to grid-scale BESS: The Regulations refer to "a dangerous substance which it is reasonable to foresee may be generated during loss of control of the processes". Both Flammable Gases (P2) and Acute Toxics (H1 and H2) are certainly "reasonable to foresee" in thermal runaway incidents which are now well-documented.</p> <p>The evolution of regulated, named and categorised hazardous substances from Li-ion battery cells in thermal runaway is also well-documented. A "worst credible accident" would have to consider that the entire inventory of Li-ion cells would be destroyed in a single BESS cabin at least. Cabin-to-cabin propagation should also be considered.</p>	<p>The COMAH Regulations relate to the storage of 'dangerous substances' and the requirement to ensure that all necessary measures are taken to prevent major accidents involving dangerous substances, and to limit the consequences to people and the environment of any major accidents which do occur. The applicability of the COMAH Regulations is dependent on the substances being stored at the Sites (including the BESS Site) and in what quantities. It is unclear at this point whether the COMAH Regulations will apply to the design and operation of the BESS. Should it become clear that the COMAH Regulations do apply, then they will be complied with either before the commencement of construction or operation of the BESS, as is required. For example, if the COMAH Regulations do apply, then a notification of the dangerous substances stored at the site will be</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>The Regulations apply to the entire "establishment", controlled by a single operator. Whilst the individual BESS compounds at Sunnica might be regarded as separate establishments, it is less reasonable that individual BESS cabins should be regarded as separate "establishments".</p> <p>They are separate "installations" but "establishment" means the entire area under control of an "operator". Only if the most stringent safeguards were in place to ensure that the disastrous consequences of cabin-to-cabin propagation of "battery fires" could not conceivably occur, could it be argued that dangerous substances, exceeding the COMAH thresholds in quantity, were not "reasonable to foresee being generated during loss of control of the process". It is believed the COMAH regulations apply to BESS and that the approach of HSE is wrong and will the ExA recognise the importance of the responses from the HSE.</p>	<p>made to the competent authority (jointly the Health and Safety Executive and Environment Agency in this case) before construction commences, and a major accident prevention policy will be prepared before construction or site operations commence.</p>

Tracy Adderley [REP3-061]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
TA-01	The Scheme	General	I do not propose to comment on all the questions raised by the ExA but believe that they highlight the very serious question of the necessity and viability of the proposed project and also show that the applicant has not fully answered many of the concerns of Ips and has not shown the need for this project. Therefore I comment on the general points that I believe are important (though many of these are covered by the ExA).	The Applicant notes the comment.
TA-02	The Scheme	Landscape and Visual Impact	The West Burton Solar proposal, at over 2,000 acres, combined with the other 3 proposals have a cumulative effect of 10,000 acres of farmland lost and the industrialisation of the area as a whole.	Please refer to the Applicant's response to GEN-01 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .
TA-03	Agricultural Land	Food Security	10,000 acres of farmland lost and the industrialisation of the area as a whole. Food security is now a big issue and the government is changing its stance, wanting more productive farmland, not less (see the Government Food Strategy document June 2022). Over the previous 40 years we have gone from producing 78% of our own food down to 64% and the cost of importing food is increasing all the time. To lose 10,000 acres (in total) of good arable land is ridiculous. Rishi	Please see the Applicant's response to comment JP-03 in this document and the Applicant's response to SOI-02 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>Sunak says those fields should be bulging with "fantastic produce" and we must "not lose swathes of our best farmland to solar farms". Jeremy Hunt is pushing to speed up planning permission for nuclear power plants and offshore wind to boost growth and bring down energy bills. In the UK, solar panels produce on average around 11% of their rated output - and they produce most of that power on sunny, summer days when we least need it and even then if it is too hot they become less efficient. When demand is at its highest, on winter evenings, they produce nothing at all.</p>	
TA-04	Alternative Energy Sources	Nuclear	<p>The government has just approved Sizewell C . Nuclear is the only form of reliable, low carbon electricity generation which has been proven at scale and returns more than 100 times as much power as a solar site of the same size. This will increase civil nuclear power to up to 24GW by 2050 – 3 times more than now and representing up to 25% of projected electricity demand. The United Kingdom has been estimated to have over a third of Europe's total offshore wind resource, which is equivalent to three times the electricity needs of the nation at current rates of electricity consumption (In</p>	<p>Government's Civil Nuclear Roadmap, published in 2024, reiterates that Government is "Seeking to reach FID on Sizewell C (SZC) before the end of this Parliament" - so while SZC has secured its Development Consent Order, it is not yet a fully funded project.</p> <p>Figure 5.4 of 7.11 Statement of Need [APP-320] shows that capacity from current and committed new nuclear projects (at the time of writing: only Hinkley Point C) will reduce from now until 2030. Without a significant and immediate drive from government to commit to further nuclear projects, nuclear capacity will remain lower than current levels until at least 2035, which is when Sizewell C may come online (as is explained more fully in the</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>2010 peak winter demand was 59.3 GW,[52] in summer it drops to about 45 GW). The government has committed to a major expansion of offshore capacity to 50 GW by 2030. By 2023, the UK had over 11 thousand wind turbines with a total installed capacity of 30 gigawatts (GW): 15 GW onshore and 15 GW offshore. New research published 13th February 2023 by Renewable UK's Energy Pulse data analysts shows that the UK's pipeline of offshore wind projects at all stages of development now stands at 99.8GW across 130 projects – an increase of 14GW over the past 12 months. This includes 13.7GW of fully operational capacity and a further 13.6GW under construction or with support secured for a route to market. Dogger Banks A, B and C which are active/being constructed will produce 3.6GW of electricity alone. We do not need this solar project. This does not take into account the new STEP project at West Burton and the electricity that will (perhaps) be produced there.</p>	<p>remainder of this Section). Therefore, although nuclear will play an important role in the generation of low carbon electricity through the 2020s, the contribution it will make to achieving Net Zero will be lower in each year from 2024 until at least the mid 2030s than the contribution it currently makes. This gap must be made up and the Scheme is part of the solution to closing that gap.</p> <p>In relation to Hinkley Point C power station, the Applicant notes that the developer announced in January 2024, that the construction plan (which started in 2016) was again delayed. Instead of an initial 10 year build plan, resulting in the commissioning of the station in 2026, the first unit (only half of the capacity is now forecast to be operational some time between 2029 and 2031.</p> <p>Figure 7.2 of 7.11 Statement of Need [APP-320] shows the massive increase in capacity of all low-carbon technologies required to support a net-zero consistent future energy system, and (as noted in response to 1.1.11 above) the CCC in March 2023, described the risks associated with increasing required build rates across all technologies. p16 of 8.1.6 Written Summary of the Applicant's Oral Submissions & Responses to Actions at Issue Specific Hearing 1 (ISH1) [REP1-052] describes</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
				<p>that only 30-40% of projects on National Grid's registers make it to fruition.</p> <p>STEP is targeting a single demonstration project to be delivered in 2040.</p> <p>None of the projects listed in this response are valid alternatives for the Scheme, because (a) some may not deliver; (b) those that do deliver may not do so in time to meet the urgency of the need for low-carbon generation; and (c) those that do deliver, are likely to be needed as well as, rather than instead of, the Scheme.</p>
TA-05	Alternatives	Brownfield and rooftops	Solar farms should be located on brownfield sites, not greenfield, and solar panels be compulsory on all new build commercial and residential buildings.	Please refer to the Applicant's response to ALT-01 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .
TA-06	Socio-economics	Employment and jobs	Solar farms will destroy agricultural jobs, skills and livelihoods and create very few new skilled jobs or replace livelihoods. Most of the equipment is likely to be manufactured in China and non-local labour used in construction. It is likely there will be a net reduction in employment, in an area with relatively few opportunities. There will not be	Please refer to the Applicant's response to STR-01 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			any economic benefit to the communities affected.	
TA-07	The Scheme	Climate Change	No matter what precautions and assurances, it will not be possible to deliver and install millions of solar panels, pour thousands of tonnes of concrete, as well as containers with batteries and switchgear, all surrounded by miles of fencing, without damaging habitat. And this construction would take up to 4 years to complete. Also, it is my understanding (from The Times) that the life span of solar panels is about 20 years so they will need replacing at least twice and the old ones will need recycling (by who?) or just scrapped (where?). And what is the carbon footprint of the production/transportation and installation of these solar panels especially as the majority will come from China (which is heavily dependent on fossil fuels for production). It's all very well saying that the electricity produced in the UK is green but not if more carbon gasses have been emitted elsewhere than are saved in the UK.	<p>Regarding the impact on local biodiversity and wildlife, please refer to the Applicant's response to ECO-01 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036].</p> <p>Regarding the life span of solar panels, the Applicant refers to its responses made to Q1.9.10 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].</p> <p>Regarding environmental impacts of the manufacturing of solar PV panels, please refer to the Applicant's response to PRI-03 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036].</p>
TA-08	Transport	Construction traffic	Much of the construction traffic will still be using single track country lanes which are already in a poor condition. It also raises	Please refer to the Applicant's response to TRA-01 in WB8.1.19 The Applicant's Response to Written

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			concerns over the risks to pedestrians, cyclists, horses, wildlife and other traffic.	Representations and Other Submission at Deadline 1: Part 3 [REP3-036].
TA-09	Cumulative	Landscape and Visual Impact	The cumulative scale of the development is unprecedented, and the impact of such a development would change the character and nature of the area for more than 60 years, such a change has the potential to have a significant detrimental impact on the general health and wellbeing of residents.	Please refer to the Applicant's response to GEN-01 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036].
TA-10	Cumulative	Landscape and Visual Impact	On this site alone there would be 2,000 acres of solar panels which would change the landscape totally and would destroy the scenic beauty of the area.	Please refer to the Applicant's response to GEN-01 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036].
TA-11	Land Use	Loss of Agricultural Land	Does anyone really believe that after 60 years the fields will be viable as agricultural food producing land – how can the applicant guarantee that the land will be as fertile as it is now and how will this be achieved?	For the Applicant's response to the restoration of the land to arable use please refer to the Applicant's response to question 1.2.18 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038].
TA-12	Landscape	Landscape Management	Why has a continued management plan has not been secured beyond the initial 5 years when vegetation planting is anticipated to mature at year 15 of operation and who will be responsible for this on an ongoing basis?	The WB7.3_D Outline Landscape and Ecological Management Plan Revision D [EN010132/EX4/WB7.3_D] sets out a framework for the planting, management and monitoring of landscaping and ecological mitigation and enhancement habitats.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
				The final LEMP will be prepared post-consent once the detailed design is prepared. This is secured by Schedule 2 Requirement 7 in WB3.1_E Draft Development Consent Order Revision E [EN010132/EX4/WB3.1_E] . This will be required for the lifetime of the Scheme.
TA-13	General	Statutory Nuisance	Why does the applicant wish to remove of the ability for local residents etc to seek Statutory Nuisance redress?	Please refer to paragraph 4.2.18 of 3.2 Explanatory Memorandum Revision C [EX4/WB3.2_C] and the Applicant's response to question 1.5.8 in WB8.1.21 Applicant Response to ExA First Written Questions [REP3-038] .
TA-14	Socio-Economics	Health Impact	Why has a HIA not been undertaken and submitted?	Please refer to the Applicant's response to 1.6.2 above.
TA-15	Soils and Agriculture	Agricultural Land Grade	We have yet to see the Agricultural land classification survey (and be satisfied that it has been carried out independently) and would note that information submitted initially regarding land classification has already been amended.	Please refer to the Applicants response to comment JP-12. The Agricultural Land Classification Report has been submitted with the DCO and can be found in 6.3.19.1 Environmental Statement Appendix 19.1 Agricultural Land Quality, Soil Resources and Farming Circumstances Report [APP-137] . There have been no changes made to this document since its submission at the start of the Examination.
TA-16	Cable Route	Construction	The application from the developer with regard to a request for works to construct and operate the underground cable and associated	This relates to the Cottam Solar Project.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>development represents an extension of the order limits to the south of Torksey Ferry Road (adjacent to Cottam power station) and west along Torksey Ferry Road. This also includes land to the north of Torksey Ferry Road. This is an important access road to the river Trent and is used for recreation such as walking and horse riding. This will be yet another part of the development that encroaches on wildlife. The area is great for bird and wildlife watching with hedgerows, woodland and badger setts. This further highlights the Developer's unprofessional approach to the planning process and regard to rural communities.</p> <p>I strongly urge that this proposal be rejected</p>	

Richard Gill [AS-058]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
RG-01	General	The Scheme	<p>I am writing to express significant concerns regarding the proposed large-scale solar panel development on thousands of acres of farmland. This initiative, while commendable in its aim to contribute to renewable energy generation, raises crucial questions about its environmental impact, particularly regarding</p>	<p>The Applicant notes this comment.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			atmospheric heating and its effect on local residents.	
RG-02	Climate Change	Micro climate	Research published in Nature (https://www.nature.com/articles/srep35070) has shown that solar farms in desert regions can cause a 4- 5 degrees Celsius increase in local air temperatures. This effect, termed the "solar farm heat island effect," is a critical environmental consideration. Moreover, it's plausible to believe that this heating effect could be more pronounced in areas where solar panels replace vegetation, which naturally cools the environment through processes like evapotranspiration.	<p>The article cited acknowledges there is conflicting scientific consensus as to whether the effects of panels result in localised heating or cooling.</p> <p>The studies undertaken are also not representative of UK climate conditions and are representative of more extreme environments (for example, the Nature study referred to in the submission was conducted in Arizona, USA). It is therefore not considered likely that there would be any significant localised heating effects as a result of the scheme.</p>
RG-03	Climate Change	Change in Temperatures	<p>Given these findings, it is imperative that the developers provide comprehensive evidence to address the following concerns:</p> <p>Extent of Atmospheric Heating: What are the projected increases in local air temperatures due to the proposed solar farm, especially considering the replacement of vegetative land cover? Detailed climatic impact assessments should be conducted to understand the extent of this heating effect.</p>	<p>See above response.</p> <p>It is expected that any changes in air temperature will be very localised, typically to the air above the panels, and will not impact local residents.</p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>Impact on Local Residents: How will this increase in temperature affect the local residents and ecosystem? It is vital to evaluate the potential health and environmental implications of higher local temperatures, especially during the summer months.</p> <p>Balance of CO2 Reductions vs. Heating Effect: Does the expected reduction in CO2 emissions from the solar farm justify the potential increase in local air temperatures? It is essential to weigh the benefits of CO2 reduction against the possible adverse effects of atmospheric heating</p>	

Sue Bingham [AS-060]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
SB-01	General	DCO Process	I attended the open floor hearing on the above date and was very angry and distressed at the lack of feedback and ability to question any information with the Applicant always having the last word. It seems like a David and Goliath struggle and we the rural communities do not have an advocate against the armies of	The Applicant notes the comment.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			the Applicants. I was extremely despondent on Thursday but having thought deeply about it all over the weekend, this is my further response.	
SB-02	General	The Scheme	<p>I still cannot see that any sane person could think these schemes will provide sufficient power against the balance sheet of the cost to the environment from the import of coal manufactured goods, the construction process, the loss of and impact on the local environment and wildlife and the damage to local communities. If I had any doubt that it could help to save our precious planet I would not be protesting. As I have repeatedly stated, this is about profit not clean energy.</p> <p>The Prime Minister has been quoted this weekend as saying 'I will not let Lincolnshire be covered in solar panels'. In which case, what are we doing here?</p>	The Applicant notes the comment.
SB-03	National Planning Policy	Agricultural Land	The Working Ministerial Statement of 25th March 2015 still applies I believe? As I'm sure you know the content of this I won't repeat it all except to quote 'protecting the global environment is not an excuse to trash the local environment'. I would further dispute that it is	The Applicant has set out a planning policy appraisal of the Scheme's compliance with the main policy requirements that are considered relevant to the proposals in WB7.5_B Planning Statement Revision B [EN010132/EX4/WB7.5_B] .

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			even protecting the global environment, merely exporting the problem, as China uses a coal powered manufacturing base.	The recently adopted energy National Policy Statements (dated November 2023) represent the latest position of the Government on planning policy related to renewable energy developments at this scale. The Written Ministerial Statement was written in relation to decision making under the Town and Country Planning Act and not at NSIP scale, therefore the weight to be given to this is reduced.
SB-04	Cumulative Development	Impact on Communities	Cleve Hill in Kent is I believe, currently the largest solar industrial plant in the country at around 1000 acres. These four projects within a 10km radius will be over 10,000 acres! That is entirely unreasonable to inflict upon a rural area and quiet communities. They have been cynically split into four to bamboozle any local opposition and to make it quite impossible for any normal person to keep track of.	The Applicant respectfully disagrees with the Interested Party's comment and considers the approach taken and subsequent conclusions regarding assessing the impacts of the Scheme alongside the proposed Cottam, Gate Burton and Tillbridge Solar proposals would not result in significant adverse effects on landscape character and visual amenity over an extensive area.
SB-05	Battery Safety	Fire Risk and Pollution Spread	Professor Sir David Melville CBE, who works for NASA , has said that the Battery and safety management plan at Cleve Hill is totally inadequate. There is a battery storage area planned very close to our village of Willingham by Stow. I would have thought that a reservoir would be needed for the amount of water necessary in the event of a thermal runaway fire . I know from farming experience how	Please refer to the Applicant's responses OEM-01, OEM-02 and OEM-03 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			dangerous field fires can be and how quickly they spread. What provision and manpower is being considered for this situation?	
SB-06	General	General	Mr Philips, solicitor for several of the Applicants, stated that we should hang our heads in shame for purchasing goods from China when it suits us. It most certainly does not suit us now but has been allowed to happen by our government being complicit in destroying our own manufacturing bases . Why are Chinese goods cheaper I wonder! We need a National conversation about our further links with an increasingly belligerent country	The Applicant notes the comment.
SB-07	Land Use	Biodiversity and Ecology	Mr Philips also mentioned golf courses as taking up the same amount of land as solar will do soon. The difference being that golf courses still allow wildlife and flora to flourish and allow many people the benefit of open green spaces to enjoy	Please refer to the Applicant's responses ECO-01 and ECO-02 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036] .
SB-08	Land Use	Food Security, Damage to ecosystems and	A few more of Mr Philips' misconceptions: Lincolnshire is historically a food producing region not power - that is the other side of the River Trent in Nottinghamshire. Farmers do indeed receive subsidies for environmental	Please refer to the Applicant's responses ECO-01 and ECO-02 in relation to ecological enhancements and SOI-03 in relation to land restoration in WB8.1.19 The Applicant's Response to Written Representations

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
		restoration of the land	protection areas on which they do not produce food. These are necessary because of the increasing pressure on land as a finite resource which is causing decline in flora and fauna around the globe. It does not damage the land and it can be returned quickly to agriculture if necessary unlike an industrial landscape of solar panels. These suppositions show that a London lawyer knows nothing of our rural environments and communities.	and Other Submission at Deadline 1: Part 3 [REP3-036]. The Applicant notes the other comments.
SB-09	Alternatives	Rooftop	Solar has a place in an energy plan; that place is on rooftops, new buildings, warehouse and brownfield sites. Not here in Lincolnshire on top of quiet rural areas and communities. I truly hope that the Planning Inspectorate will be our advocate. We desperately deserve and need one.	Please refer to the Applicant's response to ALT-01 in WB8.1.19 The Applicant's Response to Written Representations and Other Submission at Deadline 1: Part 3 [REP3-036].

Mark Wardle [AS-061]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
MW-01	General	DCO Process	I wish to reiterate my previous objections against the proposed development. I wish to make you aware of the difficulties to make any objections to the development. I speak to a lot	The Applicant notes the comment.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			<p>of local residents and update them about what is going with the planning process as much as I can. Unfortunately, I hear the same complaints every time about how difficult and confusing the process is when trying to make any objections against the development. As you can appreciate rural communities have a large percentage of elderly residents with no access or understanding of the internet so they are unable to make any form of formal representation to your good selves, so unfortunately their voices are going unheard. I believe the developers professional planning representatives are well aware of this issue and this has given them an unassailable advantage in perusing their objectives. This point I am making is also relevant to all the other solar developments planned for this area</p>	

Neil Elliott [AS-063]

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
NE-01	The Scheme	Consultation and Design	Island Green Representative stated at this meeting that the negotiations between the Company and myself had broken down.	Please refer to the response to comment NE-02 below.

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			However, they only mentioned the cable route pathways through my farm fields. However, one of the main reasons that I am very concerned about is that the solar panels and inverters are proposed to be located far too close to the family dwelling.	
NE-02	Human Health	EMF	I am E M F sensitive, as raised with Island Green previously. Therefore, if a person is E M F sensitive then they should not live near solar panels at all for their health risks. I experience extreme headaches, nausea and dizziness.	<p>Please refer to the Applicants response to comment SE-03 in The Applicants Responses to Relevant Representation [REP1-050] which provides a direct response to the same comment. The Applicant's position regarding EMF has not changed since the above response was provided to the Party and is further set out in Section 21.2 of 6.2.21 Environmental Statement – Chapter 21- Other Environmental Matters [APP-059]. The Applicants corresponded with the Party during the Section 42 consultation on this matter. The Applicant emailed the Party on the 2 September 2022, stating the following:</p> <p><i>“Looking at our preliminary site layout plans, we can confirm the panels will be at least 70 metres from your property and at least 50 metres from your curtilage. As part of our scoping work, we undertook an electromagnetic fields assessment. The conclusions of the assessment were that the electrical equipment would not generate high enough electromagnetic fields to require further investigation work or mitigation. Levels of electromagnetic</i></p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
				<p><i>radiation are all predicted to be well below the 1998 International Commission on the Non-Ionising Radiation Protection (ICNIRP) reference levels at all surrounding locations where, if exceeded, further investigation into impacts to human health is warranted. We understand your concerns about the potential visual impacts of the proposals. As part of Preliminary Environmental Information Report (PEIR) the project team have undertaken a full Landscape and Visual Impact Assessment (LVIA). The full details of our LVIA can be found in chapter 8 of West Burton PEIR online here. To minimise the visual impact of our proposals as much as possible features such as and hedgerows, trees and ditches will be protected and enhanced where possible. Our secondary mitigation measures will also look to achieve the retention of all trees and hedgerows across the site in addition to a scheme of planting. These measures are currently being developed in addition to the layouts for each Site. These measures will look to add inherent value to the landscape character and visual amenity of the site and its environment and to exceed planning policy expectations. Regarding the proposals potential effect on property prices, we understand that this is a very important issue to the local community, as was conveyed in the feedback that we received during both phases of our consultation process. As far as we are aware, there is no empirical research or evidence that suggests solar farms affect property values.</i></p>

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
				<i>As such, we do not expect this to happen. However, our first principle is to ensure that we design a project which minimises effects on residential properties to an acceptable level, thereby mitigating any potential effect on property value. "</i>
NE-03	The Scheme	Design	When Island Green attended a meeting at my property last year, a multiple of points were raised and discussed. At this meeting the Company stated they would move the solar panels and inverters further away from the dwellinghouse.	An on-site meeting was held between the Applicant and Mr. Elliott on 23 March 2023. There was discussion regarding the panel and inverter distances from the landowner's property but it was not proposed that the layout of the Scheme would be altered.
NE-04	The Scheme	Consultation and Design	I have not received a written response, as promised by Island Green. All I am receiving are repeated emails from their Agents to want me to sign the Head of Terms Contract. Furthermore, no matters have satisfactorily been resolved by writing. I stated that I would not sign this Contract UNTIL Island Green gave written clarification as stated above.	The Applicant's position remains that if the setback distance to the property were to be increased the removal of more panels would not make a significant difference to the amenity experienced within and outside of the property, but would have a significant impact on the Scheme's generation capacity. Therefore, as a result of this the Applicant is not proposing making any changes to the layout or landscaping. Mr. Elliott is not currently willing to enter into a voluntary agreement regarding the cable route crossing his land. However, the Applicant remains willing to do so.
NE-05	The Scheme	Landscape	Then their un-satisfactory response stated that they would just grow the hedging higher!!	Please refer to the Applicants response to comment SE-01 in The Applicants Responses to Relevant

Reference	Theme	Issue	Summary of Issue Raised	Applicant's Response
			I consider that this an un-satisfactory answer to this issue. I do not accept this will satisfactorily address this issue.	Representation [REP1-050] and response to comment NE-03 and NE-04.
NE-06	Hydrology and Flood Risk	Drainage	With Island Green the issues of the land drainage system in the farm fields was discussed at length. My overwhelming concern is that, after the cables are installed under my farmland, that if there is resulting damage to the land drainage systems, which are a vital part to my farming of the fields. That I am given written directions that the Company will return and rectify the damage, at no cost to myself, for the future years. So I can continue to successfully work the farmland for the future of our family farming business.	<p>Impacts on land drains during construction will be mitigated through the measures set out in Table 3.4 in 7.1_C Outline Construction Environmental Management Plan Revision C [EN010132/EX4/WB7.1_C] and Table 3.4 in 7.14_C Outline Operational Environmental Management Plan Revision C [EN010132/EX4/WB7.14_C].</p> <p>The voluntary property agreement sent to Mr. Elliott contains information regarding cable route construction methodology and land drainage, and states 'Post construction remedial drainage works will be undertaken to return the land drainage to a similar or better condition than pre works'.</p>

Appendix A – Marine Management Organisation Comments on draft Deemed Marine Licence

4 Exempt Activities and the Requirement for a Deemed Marine Licence

4.1.1 The grid connection cable will be laid below the River Trent using Horizontal Directional Drilling (HDD) (being Work Nos. 5A and 5B; the Applicant assumes that the reference to Work No. 4 (works at the National Grid substation) is a legacy from the Marine Management Organisation's submissions in the Examination of the Gate Burton Energy Park).

4.1.2 The Marine Management Organisation (MMO) has submitted that, in consequence of article 4(1) of the Marine Licensing (Exempted Activities) Order 2011 (the 2011 Order), a marine licence is not needed for an activity that is an exempt activity. The exempt activities are set out in Part 3 of the 2011 Order, and only article 35 is of relevance.

4.1.3 Article 35(1) of the 2011 Order provides that “works activity carried on wholly under the sea bed in connection with the construction or operation of a bored tunnel” are exempt activities. This is subject to two conditions: first that notice of the intention to carry on the activity is given to the MMO before it commences; and secondly that the activity must not significantly adversely affect any part of the environment of the UK marine area or the living resources it supports.

4.1.4 However, the MMO has also published statutory guidance on Marine Licensing Exempted Activities (30 May 2019; Ref. 1). This guidance is intended to assist in the interpretation of the 2011 Order, including how the MMO will (or may) apply the 2011 Order for the purposes of enforcement.

4.1.5 The Applicant notes that the Guidance contradicts the 2011 Order in relation to bored tunnels, stating:

“This exemption does not apply to: [...]”

- *the construction of the tunnel does not significantly adversely affect the environment of the UK marine area or the living resources that it supports”.*

4.1.6 The section on ‘cables, pipelines, oil and gas and carbon capture storage’ adds further to this lack of clarity. Section 7.1 relates to the areas of the MMO’s jurisdiction where a marine licence will and will not be required for an ‘exempt cable’. No marine licence is required to lay an ‘exempt cable’ outside English inshore waters; however, within English inshore waters (which includes tidal rivers) a marine licence is required. The guidance advises expressly that:

“An ‘exempt cable’ is a cable used for the transfer of data or electricity from one place to another (this does not include cables used to export electricity generated by a renewable energy array to a substation on land).”

- 4.1.7 The Applicant is cautious as the Guidance is stated to apply to the laying of cables, whilst the 2011 Order, at article 34, provides only for emergency inspection and repair works to cables and pipelines. No other exemptions for cables are included within the 2011 Order, and the guidance expressly states both that cables used to export electricity from a renewable energy array (such as the solar array sites) to a substation on land (such as that at Cottam Power Station) are not exempt, and that a marine licence is required for the laying of new cables (whether or not they are exempt) within English inshore waters.
- 4.1.8 The Applicant is further mindful that grid connection cables laid for an offshore wind farm are installed by HDD, and for the extent of the inshore region, will be entirely below the sea bed. The Applicant submits that, were the MMO's interpretation of the 'bored tunnel' exemption applied to offshore wind projects in the same way as in its submissions on this Scheme, no marine licence would be required for the installation of the cable from the turbine array to landfall. This is clearly not the case.
- 4.1.9 Accordingly, the Applicant is not confident that any 'bored tunnel' exemption applies in this case, and that the exemption is not overridden by the tunnel being used for the laying of the grid connection cable.
- 4.1.10 Notwithstanding the above, the 'bored tunnel' exemption also requires all activities to be below the sea bed (which includes tidal rivers, such as the River Trent in the location of the cable crossing). All HDD activities come with an inherent risk of 'breakout', where sediment and/or drilling muds from the drilling are released into watercourses. Should such an event occur, the 'bored tunnel' exemption would not apply as the work would no longer be wholly under the sea bed. The Technical Note on Horizontal Directional Drilling and Cabling under the River Trent **[EX4/WB8.2.8]** provides further information about the potential for the proposed HDD activities to interact with the River Trent, rendering the 'bored tunnel' exemption inapplicable.
- 4.1.11 Environmental Statement Chapter 9: Ecology and Biodiversity **[APP-047]** addresses the risks associated with HDD and provides for mitigation in paragraphs 9.8.187 to 9.7.201. The measures to minimise the risks associated with HDD include careful siting of the entry and exit pits, suitable depth control, and visual monitoring by an Ecological Clerk of Works. These measures are secured in the outline Ecological Protection and Mitigation Strategy **[APP-326]**, with Section 8 setting out the precautionary approach to HDD works. If sediment is released during HDD, drilling may need to temporarily cease and specialist advice obtained in order to help contain sediments, including through the use of silt traps. This work would not be below the sea bed and would not be within the 'bored tunnel' exemption.
- 4.1.12 The risk of issues with HDD is minimised through extensive pre-planning and surveys, but it can never be reduced to zero. A Deemed Marine Licence (DML) has therefore been included within the Order to provide certainty that the activity of laying the grid connection cable will be lawful, and to ensure that, if an issue does occur during the HDD installation, the Applicant will be able to undertake the

necessary interventions without delay, minimising any pollution of sediment into the River Trent.

4.1.13 The MMO has suggested that, in the event it became necessary to undertake works that require a marine licence, an application should be made directly to the MMO at that time. The use of the deemed marine licence is provided for by section 149A of the Planning Act 2008, and is considered to be appropriate in the circumstances of the Scheme because:

- the Applicant would need to apply for a marine licence pursuant to the Marine and Coastal Access Act 2009 prior to construction in any event, to licence the HDD works and any interventions necessary;
- making a separate application places an unnecessary administrative burden on the Applicant and creates uncertainty, contrary to the 'one stop shop' intention of the DCO regime;
- there are no statutory timescales for the MMO to determine a marine licence application, and guidance states that the MMO aims to make a decision on most applications within 13 weeks. In practice, this can take significantly longer, as demonstrated in the examples that follow:

Application	Application submission date	Initial decision date	Timescale
ABP Lowestoft- Commercial Road (MLA/2021/00190/1)	16 April 2021	3 November 2021	28 weeks
West Sussex County Council (MLA/2023/00110)	10 March 2023	17 November 2023	36 weeks
Southern Water Services Limited (MLA/2022/00560)	20 December 2022	14 November 2023	47 weeks
Diamond Transmission Corporation Limited (MLA/2022/00488/1)	4 November 2022	16 June 2023	32 weeks

4.1.14 This uncertainty of timescales associated with the marine licensing process is inconsistent with a key benefit of the DCO regime in providing such certainty. It is also noted that DMLs are regularly included within DCOs, without having to

unnecessarily rely on a separate and sequential licensing process. The Cleve Hill Solar Farm Order 2020 includes a DML for flood defence works which could have been applied for separately, but was more efficiently included within the DCO. The Applicant notes that, in relation to that scheme, the MMO suggested that a DML should be included, rather than relying on statutory exemptions benefitting the Environment Agency. As set out in paragraph 4.132 of the Secretary of State's decision letter (Ref. 2) for that project:

"The Marine Management Organisation suggested that a deemed Marine Licence would be the most appropriate way to deal with those parts of the proposed Development – the flood defences – that extended below the Mean High Water Mark rather than pursuing an option transferring existing Marine Licence exemptions held by the Environment Agency to the Applicant"

- 4.1.15 The Applicant also notes that, in the Statement of Common Ground between the MMO and the Cleve Hill undertaker (Ref. 3), it was agreed that *"The MMO does, support at Part 6, 29(sic) of the dDCO the inclusion of a deemed marine licence under the 2009 Act."* In that same document (see page 3), the MMO confirmed *"The MMO agrees with the content of the draft DML conditions"*. It is noted that the DML conditions proposed by the Applicant mirror the DML conditions granted as part of the Cleve Hill DCO and the Applicant does not consider there is good reason that a different approach to licensing should be taken here. The DML is, in fact, the best and most appropriate precedent as it precisely deals with a situation where the activities that are subject to the licence potentially (and, in the view of the MMO, do) benefit from an exemption.
- 4.1.16 It is the Applicant's position that a marine licence will be required before the grid connection cable works can be commenced, and that the inclusion of a DML within the draft DCO is therefore necessary and preferable, and indeed anticipated by the Planning Act 2008 (PA08).
- 4.1.17 Were a DML not included, the Scheme could be subject to indefinite delays, contrary to the Government commitment, set out in its July 2023 consultation on operational reforms to the NSIP consenting process, to make the NSIP consenting process *"better, faster, greener, fairer and more resilient by 2025"*, with *"operational reform to support a faster consenting process"* being the first of three reform areas.

5 The Scheme in Context

- 5.1.1 The Scheme is one of four NSIP-scale solar schemes that are proposed to share the cable corridor in the location where it passes below the River Trent. Of these Schemes, the Tillbridge Solar Project is due to be submitted to the Planning Inspectorate shortly; Cottam Solar Project is currently in Examination, and the Examination for the Gate Burton Energy Park closed on 4 January 2024.
- 5.1.2 The approach taken by each of these projects and the Scheme is to ensure that, to the greatest extent possible, the Orders, requirements and approaches are

consistent with each other. This reduces the administrative burden on local authorities, and ensures that there are greater opportunities for efficiencies in the construction phase. Key amongst these opportunities is the use of the shared cable route corridor, which will enable all of the projects to reduce the cumulative impacts that would be experienced with four, separate operations to cross the River Trent.

- 5.1.3 It therefore follows that, to ensure that the opportunities presented by the shared cable route corridor can be realised, all of the projects should have the benefit of a DML, and these DMLs should be on broadly equivalent terms so that each can be complied with by, as the case may be, a single contractor.
- 5.1.4 The Examining Authority on Gate Burton issued a procedural decision on 8 November 2022 to request further information on the DML, the need for the DML, the impacts on the development if the Applicant were to instead apply for a standard Marine Licence, and requesting the MMO provide comments.
- 5.1.5 In its response to that procedural decision, the MMO confirmed that the time to make a decision on an application for a Marine Licence does vary, and that the MMO "is unable to predict whether a marine licence application will reach a positive determination". Further, it was unable to predict whether or not Article 35 of the 2011 Order would apply in the future, suggesting that the applicant could apply for a standard marine licence if the exemption no longer applied.
- 5.1.6 It is clear that the approach suggested by the MMO is inconsistent with the wider approach in the PA08, where consents are included within the Order so that a developer can, on the making of the Order, undertake detailed design confident that the proposed development can be implemented. In view of the unavoidable need for the grid connection cables to cross the River Trent, not granting a DML within the Order would result in significant uncertainty over whether the Scheme could be implemented.
- 5.1.7 The responses to the procedural decision on Gate Burton were submitted on 20 November 2023, with the Examining Authority on the Gate Burton project due to provide a commentary on the draft Development Consent Order (if required) on 1 December 2023. The Examining Authority did not issue any commentary on the draft Development Consent Order (which included a DML in the same form as the Scheme), strongly indicating that the concerns around the requirement for, and form of, the DML had been satisfied.
- 5.1.8 Accordingly, there is a strong policy impetus to retain the DML within the draft DCO for the Scheme, so that the benefits of the shared cable route corridor can be realised and a consistent approach taken for all of the projects, ultimately reducing the administrative burden on the MMO who would otherwise have to consider applications for Marine Licences for one or more Schemes, and be under pressure to ensure that the deemed and standard Marine Licences for the shared corridor were consistent and mutually applicable. The Applicant does not consider this to be a satisfactory outcome for any party, including the MMO.

6 The Deemed Marine Licence as part of the Development Consent Order

6.1 Interaction with Article 35 – Consent to Transfer the Benefit of the Order

6.1.1 The MMO has made detailed submissions in section 3 of **[REP3-047]** to the effect that the DML should be excluded from the scope of article 35, and that the MMO should be the only party with the power to authorise the transfer of a marine licence, deemed or otherwise.

6.1.2 In its first paragraph, the MMO submits that all provisions of section 72 of the Marine and Coastal Management Act 2009 (2009 Act) should apply to the DML. Section 72 provides for the variation, suspension, revocation and transfer of a marine licence, and the MMO's concern relates to transfers.

6.1.3 The Applicant notes that the MMO's Guidance on NSIPs (Ref. 4) does not include the transfer of DMLs within the list of activities that the MMO is responsible for when a DCO containing a DML is granted. The Guidance states:

"If a development consent order (DCO) is granted, this may include provision deeming a marine licence to have been issued under Part 4 of the Marine and Coastal Access Act 2009. The MMO is responsible for enforcing, post-consent monitoring, varying, suspending, and revoking any deemed marine licence(s) as part of the DCO."

6.1.4 This Guidance is consistent with the DCO regime intending to provide a single, unified regime for the implementation of nationally significant infrastructure projects. It would be unusual for the Secretary of State to be able to transfer the benefit of all parts of a DCO *except for* a DML. The Applicant notes that this suggestion would both fragment the DCO and fetter the Secretary of State's discretion.

6.1.5 In respect of the ability to enforce the DML, this is not affected by the Order, or the marine licence being deemed. The Applicant acknowledges the submissions of the MMO about consistency with licences that are issued independently. The Applicant refers to paragraphs 4.1.14 and 4.1.15, above, which confirm that the precedent used for the DML is the Cleve Hill Solar Park Order 2020. That DML was both requested by the MMO, despite the understanding that an exemption applied, and the form of the licence was agreed with the MMO. It is the Applicant's view that, notwithstanding that the Cleve Hill marine licence is deemed, it is equivalent to one that has been independently issued by the MMO due to the involvement of the MMO and agreement of the terms of that DML. The draft DML is therefore fully compliance with PINS Advice Note Eleven, Annex B.

6.1.6 In respect of the MMO's concern that a transfer of the DML could be made without an application being made to the MMO for this, the Applicant considers that suitable protection for the MMO is included within the draft DCO. In particular,

whilst the MMO does not directly consider the merits of any proposed transfer, article 35(4) requires the Secretary of State to consult with the MMO on the transfer of the DML. This ensures that the MMO remains involved in any transfer, and is able to advise the Secretary of State on the merits of the transfer.

- 6.1.7 The Applicant also disagrees that this approach is in anyway novel, noting that equivalents to article 35(4) have been included in every DCO since 2020 that includes a DML, except for the Great Yarmouth Third River Crossing Development Consent Order.⁹
- 6.1.8 The MMO is further protected as the power to transfer a DML does not include any power to vary its terms. This is recognised by the MMO in the paragraphs entitled "Power to vary the licence following a transfer" within [REP3-047]. The concern, set out in these paragraphs, that the DML would need to be updated to reflect the transfer is unfounded. Article 35(2) confirms that, where a transfer has been made, "references in this Order to the undertaker ... are to include references to the transferee or lessee". The DML defines 'licence holder' as including 'the undertaker', meaning that no amendment is necessary for the DML to refer to the transferee.
- 6.1.9 Similarly, where the benefit of the Order is granted to a lessee for an agreed period, the MMO's concern, set out in the paragraph entitled "Transfer and lease of a marine licence", that the 2009 Act does not provide any mechanism for licences to be leased or revert to the original licence holder does not arise. The identify of 'undertaker' for the purposes of the DML will simply be the lessee for the duration of the agreed period, with no changes required to the licence. Furthermore, in the following paragraph entitled "Article 35(1)(b) use of the term 'grant'", the MMO appears to conflate the grant of the benefit of the Order for an agreed period with the grant of a new licence. The operation of article 35 does not create or grant any new licence; the existing DML would simply be transferred to the lessee for the duration of the agreed period under article 35(1)(b), without variation.
- 6.1.10 The Applicant confirms that article 35 does not affect the ability of the MMO to enforce a DML, and refers to the MMO's guidance on this matter which confirms the same (see paragraph 6.1.3, above).
- 6.1.11 Accordingly, reserving the decision to transfer the benefit of the Order, which may include the DML, to the Secretary of State does not in any way affect the MMO's regulatory and enforcement powers. This approach is widely precedented, and ensures that the inclusion of a DML, as anticipated by s149A of the PA08, does not undermine the purposes of the NSIP consenting regime.

⁹ In the Great Yarmouth Order, there is no requirement for the Secretary of State to consult any party before consenting to the transfer of the benefit of the Order, including the DML.

6.2 Exclusion of the Licence from Arbitration

6.2.1 The Applicant submits that the draft DCO adequately provides that the arbitration provision does not apply to the DML. In order to ensure consistency between projects, the dDCO for the Scheme was updated in Revision A [REP1-008] to include in article 42(2), the following drafting:

(2) Any matter for which the consent or approval of the Secretary of State or the Marine Management Organisation is required under any provision of this Order is not subject to arbitration.

6.2.2 This drafting has precedent in the Hornsea Four Offshore Wind Farm Order 2023, the Boston Alternative Energy Facility Order 2023, and the Sizewell C (Nuclear Generating Station) Order 2022, and was specifically requested by the Examining Authority during the Examination of the Cottam Solar Project¹⁰. The Applicant is therefore satisfied that appropriate drafting is included within the draft DCO to address the MMO's concerns around arbitration.

7 The Deemed Marine Licence

7.1 Licensable Activities and Procedure; Conditions

7.1.1 The Applicant acknowledges the MMO's submissions that a DML cannot be granted to cover a 'hypothetical situation' where the works 'may not fall within an exemption under the 2011 Order'. However, this contradicts the approach taken on the Cleve Hill Solar Park Order 2020 where a DML was suggested by the MMO in precisely this circumstance (see paragraph 4.1.14). The MMO Guidance on marine licencing of NSIPs (Ref. 4) also does not suggest that there is any impediment to a DML being granted on a precautionary basis.

7.1.2 The Applicant also considers that the detail of the licenced activities is appropriate, reflecting the description of Work Nos. 5A and 5B in the draft DCO. These Work Nos. will be subject to detailed design post-consent, which must be within the *Rochdale Envelope* of the Environmental Statement – that is, the assessed worst-case scenario. The DML does not operate in isolation, but must be considered in the wider context of the DCO, the Certified Documents, and the Requirements found in Schedule 2 to the draft DCO.

7.1.3 As set out in paragraph 4.1.15, the DML included in the dDCO is based on that in the Cleve Hill Solar Park Order 2020. The conditions of that DML were agreed with the MMO, as confirmed by the statement of common ground from that project. The Applicant submits that the level of detail in the Cleve Hill precedent reflects that the activities were likely to be exempt, and therefore did not warrant the administrative

¹⁰ This request was made within question 1.1.13 of the Examining Authority's first written questions in the Examination for the Cottam Solar Project.

and technical burden of identifying detailed conditions that would be, in all likelihood, not applicable.

- 7.1.4 The Applicant seeks to follow this approach, and considers the level of detail in the DML to be entirely compatible with the MMO's primary position, namely that no licence is required for any of the proposed activities.

7.2 Response to the MMO's Without Prejudice Comments on the draft DCO and DML

- 7.2.1 Please see the table on the following pages, for the Applicant's response to the MMO's without prejudice comments.

- 7.2.2 The Applicant has sought to include the MMO's proposed changes where possible, and has done so proactively following the MMO's submission of without prejudice comments on the similarly drafted DML in the Gate Burton Scheme. The Applicant maintains that it is important that a DML is included within the DCO, and is grateful to the MMO for providing comments.

Table A1: Marine Management Organisation Comments on draft Deemed Marine Licence (MMO-018) [REP3-047]

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
Part 1 Licensed Marine Activities			
(1) Interpretation	Add provision	"condition" means a condition in Part 2 of this licence;	Agreed; amendment was included in Revision C of the draft DCO [REP3-007]
(1) Interpretation	Add provision	"enforcement officer" means a person authorised to carry out enforcement duties under Chapter 3 of Part 4 (marine licensing) of the 2009 Act;	Agreed; amendment was included in Revision C of the draft DCO [REP3-007]
(1) Interpretation	"licence holder" means the undertaker and any agent, contractor or sub- contractor acting on its behalf;	The MMO request that this is deleted.	The Applicant considers this deletion to be less beneficial to the MMO. The Applicant's definition includes not just the undertaker, but also agents, contractors or sub-contractors acting on its behalf, ensuring that it is clear who has the benefit of the licence and who it may be enforced against. This is consistent with conditions 9(1) and 9(2) (notifications and inspections), which require notice of the undertaker's agents, contractors or sub-contractors to be served on the MMO. Therefore, read together, a definition including these parties and conditions 9(1) and 9(2) improves clarity and enforceability.
(1) Interpretation	"MMO" means the Marine Management Agency, the body created under the 2009	"Marine Management Organisation" or "MMO" means the body created under	Agreed; amendment was included in Revision C of the draft DCO [REP3-007]

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
	Act which is responsible for the monitoring and enforcement of this licence;	the 2009 Act which is responsible for the monitoring and enforcement of this licence or any successor in function;	
(2) Addresses for notices	(1)(a) Marine Management Organisation Marine Licensing Lancaster House Newcastle Business Park Newcastle upon Tyne NE4 7YH info@marinemanagement.org.uk Tel: 0300 123 1032;	Marine Management Organisation Marine Licensing Team Lancaster House Hampshire Court Newcastle Business Park Newcastle upon Tyne NE4 7YH info@marinemanagement.org.uk Tel: 0300 123 1032	Agreed; Revision C of the draft DCO [REP3-007] with the exception of 'Hampshire Court' which is included in Revision E of the draft DCO provided at Deadline 4.
(2) Addresses for notices	(1)(b) Marine Management Organisation Beverley Office Room 13, Ground Floor Crosskill House Mill Lane Beverley HU17 9JB Email: beverley@marinemanagement.org.uk	(1)(b) Marine Management Organisation Beverley Office First Floor Crosskill House Mill Lane Beverley HU17 9JB Email: beverley@marinemanagement.org.uk	Agreed. This address was removed from Revision C of the draft DCO [REP3-007] in response to the comments made in the Gate Burton Solar Project Examination. This change is included in Revision E of the draft DCO, provided at Deadline 4.

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
	Phone: 0208 026 0519	Phone: 0208 026 0519	
(3) Details of licensed marine activities	3.(1) Subject to the licence conditions, this licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) (licensable marine activities) of the 2009 Act which— (a) form part of, or are related to, the authorised development; and (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 of the 2009 Act.	As set out above in Section 5 this should set out clearly the activities as defined in S.66 of the 2009 Act.	The Applicant considers the licensed activities are clearly defined in paragraph 3 of Part 1 of the DML, the form and content of which is based on Part 1 of the Cleve Hill Solar Farm Order 2020. This approach is taken in the Boston Alternative Energy Facility Order 2023 and the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, and is therefore both a precedented and current approach to DMLs. Please also refer to the Applicant's submissions in section 7.1.
(3) Details of licensed marine activities	Add provision	MMO request it is made clear in this section how long the licence will last.	It is not standard practice to time limit DMLs and paragraph 3(3) of Part 1 is clear that the licence applies to construction, operation and maintenance and decommissioning of Work Nos. 5A and 5B. The Applicant notes that the approach of providing a DML for the lifetime of the development (covering construction, operation and maintenance, and decommissioning) is well precedented, including most recently

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
			on the Hornsea Four Offshore Wind Farm Order 2023.
(3) Details of licensed marine activities	5. The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 Act apply to this licence except that the provisions of section 72(7) relating to the transfer of the licence only apply to a transfer not falling within article 35 (consent to transfer the benefit of the Order).	This provision needs to be removed, along with the other sections of Article 5 of the DCO - See Section 5.	Please refer to the Applicant's submissions in section 6.1 in respect of article 35 of the draft DCO. The Applicant considers this provision to be necessary and justified, as the Order makes clear provision for the transfer of the DML with consents of the Secretary of State in consultation with the MMO.
(3) Details of licensed marine activities	6. With respect to any condition which requires the licensed activities to be carried out in accordance with the plans, protocols or statements approved under this Schedule, the approved details, plan or project are taken to include any amendments that may subsequently be approved in writing by the MMO.	MMO requests that the following is added: <i>"subsequent to the first approval of those plans, protocols or statements provided it has been demonstrated to the satisfaction of the MMO that the subject matter of the relevant amendments do not give rise to any materially new or materially different environmental effects to those assessed in the environmental information."</i>	The Applicant does not object to the principle of this provision, but considers it to be unnecessary. Paragraph 7 of Part 1 of the DML requires any amendments or variations to be in accordance with the principles and assessments in the environmental statement and not give rise to new or materially different environmental effects.
(3) Details of licensed marine activities	7. Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the	MMO requests that this is updated to state: <i>"...satisfaction of the MMO that the subject matter of the relevant amendments do not give rise to any materially new or materially different environmental effects to those assessed in the environmental information."</i>	Agreed; amendment was included in Revision C of the draft DCO [REP3-007] . The term "environmental information" is not used in the draft DCO/DML and the appropriate term is the environmental statement.

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
	satisfaction of the relevant planning authority or that other person that the subject matter of the agreement sought is unlikely to give risk to any materially new or materially different environmental effects from those assessed in the environmental statement.		
Part 2 Conditions			
Design parameters	Add provision	Measurements and values provided in relation to the licensable activities should be worst case scenario. Details should be of maximum value. Approximations must be avoided.	The licensable activities are described in paragraph 3 of Part 1, the form and content of which is based on Part 1 of the Cleve Hill Solar Farm Order 2020. The Applicant notes that the Concept Design Parameters and Principles [REP3-020] contains the parameters for each Work No. that are commensurate with the worst-case assessments in the Environmental Statement, and to which the Scheme must adhere. The Applicant does not consider it necessary or desirable to duplicate this information in the DML, and notes that the reference to the Work Nos. 5A and 5B operate to incorporate the Rochdale Envelope of worst-case assessment into the authorised activities.

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
Title	Notifications regarding licensed activities	Notifications and inspections	Agreed; amendment was included in Revision C of the draft DCO [REP3-007]
Notifications and inspections	8. The licence holder must inform the MMO in writing of the commencement of the first licensed activity at least 24 hours prior to such commencement.	8. The undertaker must inform the MMO at both addresses of Paragraph 2, in writing of the commencement of the first licensed activity at least five days prior to such commencement.	<p>The Applicant amended 24 hours to five days in Revision C of the draft DCO [REP3-007]. The second address has been reinstated in Revision E of the draft DCO, provided at Deadline 4 [EX4/WB3.1_E]. It is not necessary to specify that the MMO must be informed 'at both addresses' as paragraph 2 confirms that notices must be sent to the first <i>and</i> second address.</p> <p>The Applicant would, however, be grateful if the MMO could confirm if electronic notice only is acceptable, or if a hard-copy letter will always be required.</p>
Notifications and inspections	<p>9.—(1) The licence holder must inform the MMO of the name and function of any agent or contractor appointed to engage in any licensed activity not less than 24 hours before the commencement of the licensed activity in question.</p> <p>(2) Any changes to details supplied under sub-paragraph (1) must be notified to the MMO in writing prior to the agent, contractor or vessel engaging in the licensed activity in question.</p>	<p>The following suggestions are for changes to improve clarity but note also change to 24 hours' notice before carrying out activity, rather than a week after appointment:-</p> <p>9.(1) The undertaker must provide the name, address and function of any agent, contractor or subcontractor that will carry out any licenced activity listed in this license on behalf of the undertaker to the MMO in writing no less</p>	The Applicant is content with the stylistic changes proposed by the MMO, and these amendments were included in Revision C of the draft DCO [REP3-007]

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
	<p>(3) Only those persons notified to the MMO in accordance with this condition are permitted to carry out a licensed activity.</p>	<p>than 24 hours before the agent, contractor or subcontractor carries out any licensed activity; and</p> <p>(2) Any changes to the name and function of the specified agent, contractor or subcontractor that will carry out the specified licenced activities must be notified to the MMO in writing prior to the agent, contractor or subcontractor carrying out the licensed activity.</p> <p>(3) Only those persons notified to the MMO in accordance with paragraph (1) or (2) are permitted to carry out the licensed activities.</p>	
<p>Notifications and inspections</p>	<p>10. The licence holder must ensure that a copy of this Schedule has been read and understood by any agents and contractors that will be carrying out any licensed activity on behalf of the licence holder, as notified to the MMO under condition 9.</p>	<p>10.(1) The undertaker must ensure that—</p> <p>(a) a copy of this licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to all agents and contractors notified to the MMO in accordance with condition 9;</p> <p>(b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) above must confirm</p>	<p>The Applicant is content with the stylistic amendments contained in 10(1)(a), but considers 10(1)(b) to be unworkable as the MMO would have to receive a notification from every agent and contractor employed in relation to the licensable activities. So far as the Applicant is aware there is no process or precedent for this and it is unclear how the MMO expects this to operate in practice. Given the licence and provision</p>

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
		receipt of this licence in writing to the MMO.	will bind the undertaker then it is considered unnecessary. The amendment in 10(1)(a) was included in Revision C of the draft DCO [REP3-007]
Notifications and inspections	11. Copies of this Schedule must be made available for inspection at the following locations— (a) the licence holder's registered office; and (b) during the construction of the authorised development only, at any site office which has been provided for the purposes of the construction or maintenance or decommissioning of the authorised development.	11. Copies of this licence must also be available for inspection at the following locations— (a) the undertaker's registered address; and (b) any site office located at or adjacent to the construction site and used by the undertaker or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits.	The Applicant is content with the stylistic changes proposed by the MMO, and this text was included in Revision C of the draft DCO [REP3-007] .
Notifications and inspections	Add provision	12. The documents referred to in sub-paragraph (11)(a) must be available for inspection by an authorised enforcement officer at the locations set out in sub-paragraph (11)(b) above.	Agreed. This text was included as condition 11(2) in Revision C of the draft DCO [REP3-007] .
Notifications and inspections	Add provision	13. The undertaker must provide access, and if necessary appropriate transportation, to the construction site or any other associated works to facilitate any inspection that the MMO considers necessary to inspect the works	Agreed. This text has been included in Revision C of the draft DCO [REP3-007] as Condition 12, with an amendment to refer to 'authorised development' in place of 'authorised scheme'.

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
		during construction, operation and decommissioning of the authorised scheme.	
Pollution prevention	12. The licence holder must— (a) not discharge waste concrete slurry or wash water from concrete, or cement into the marine environment, and where practicable, site concrete and cement mixing and washing areas at least 10 metres away from the marine environment and any surface water drain to minimise the risk of run off entering the marine environment;	12. The undertaker must— (a) ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas should be contained and at least 10 metres away from the marine environment and any surface water drain to prevent run off entering the water through the freeing ports.	The Applicant considers that these changes are unnecessary and the original drafting, which is preceded in the Cleve Hill Solar Farm Order 2020, is preferred.
Pollution prevention	(b) store, handle, transport and use fuels, lubricants, chemicals and other substances so as to prevent releases into the marine environment, including bunding or storage of 110% of the total volume of all reservoirs and containers;	No updates required	Noted
Pollution prevention	(c) report any spill of oil, fuel or chemicals into the marine area to the MMO Marine Pollution Response Team (by telephone, within office hours on 0300 200 2024, or outside office hours on 07770 977 825, and at all times, if no response to calls to those numbers, on 0345 051 8486 or via email	No updates required	Noted

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
	using dispersants@marinemanagement.org.uk within 12 hours of the spill occurring;		
Pollution prevention	(d) store all waste in designated areas that are isolated from surface water drains and open water and are bunded;	No updates required	Noted
Pollution prevention	(e) use suitable protective sheeting to prevent dust, debris (including paints and solvents) and rebounded or windblown concrete from entering the water environment, and rebounded material must be cleared away before the sheeting is removed;	No updates required	Noted
Pollution prevention	(f) ensure that any coatings and any treatments are suitable for use in the marine environment and are used in accordance with either guidelines approved by the Health and Safety Executive of the Environment Agency;	(f) The undertaker must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines;	Agreed. This amendment was included in Revision C of the draft DCO [REP3-007] .
Pollution prevention	(g) not use priority substances and polluting chemicals listed under the Environmental Quality Standards Directive during works.	No updates required	Noted

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
Pre-construction plans and documentation	Add provision	<p>(1) The licensed activities or any part of those activities must not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO—</p> <p>(a) A design plan - the detail required is dependent on the activities required.</p> <p>(b) A construction programme to include details of—</p> <p>(i) the proposed construction start date;</p> <p>(ii) proposed timings for mobilisation of plant delivery of materials and installation works;</p> <p>(iii) an indicative written construction programme for activities including maintenance and decommissioning</p>	<p>These changes are agreed, however the proposed drafting of (a) is insufficiently specific. This provision was included in Revision C of the draft DCO [REP3-007], with (a) updated to read:</p> <p>(a) a design plan detailing the proposed location, parameters and arrangement of the licensed activities;</p>
Post-construction	13. The licence holder must remove all temporary structures, waste and debris associated with the licensed activities within 6 weeks following completion of the final construction activity.	13. The undertaker must remove all temporary structures, waste and debris associated with the licensed activities within 6 weeks following completion of the final construction activity.	The suggested wording is the same as the drafting in the DML.
Post-construction	Add provision	1) The undertaker must submit a close out report to the MMO of the date of completion of construction. The close	Agreed. This amendment was included in Revision C of the draft DCO [REP3-007] as Conditions 15(2) and 15(3).

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
		<p>out report must confirm the date of completion of construction.</p> <p>(2) Following completion of construction, no further construction activities can be undertaken under this licence.</p>	
Maintenance	<p>14.—(1) Unless otherwise agreed by the MMO, the maintenance activities may not commence until a maintenance plan has been approved in writing by the MMO.</p> <p>(2) The maintenance plan must be submitted at least 6 weeks prior to the commencement of any maintenance activity, and must include details of the maintenance activities required including location, duration, timings, methodology and materials to be used.</p> <p>(3) Maintenance activities must be undertaken in accordance with the agreed plan.</p>	<p>The MMO requests this is updated to the following condition - these activities must be clearly stated within Part 1, Paragraph 3.</p> <p>14.—(1) Unless otherwise agreed by the MMO, the maintenance activities may not commence until a maintenance plan has been approved in writing by the MMO.</p> <p>(2) The maintenance plan must be submitted at least 13 weeks prior to the commencement of any maintenance activity, and must include details of the maintenance activities required including location, duration, timings, methodology and materials to be used.</p> <p>(3) Maintenance activities must be undertaken in accordance with the agreed plan.</p>	<p>The Applicant considers that it is appropriate that the same time period should be applied consistently across the draft Order, being ten weeks in Requirement 21 and for the discharge of requirements in Schedule 17. This change has been made in the draft DCO Revision E [EX4/WB3.1]</p>
Decommissioning	<p>15.—(1) Unless otherwise agreed by the MMO, the decommissioning activities may</p>	<p>15.—(1) Unless otherwise agreed by the MMO, the decommissioning activities</p>	<p>The Applicant considers that it is appropriate that the same time period</p>

DML Section	Current Wording	Without Prejudice Comments	Applicant's Response
	<p>not commence until a decommissioning plan has been approved in writing by the MMO.</p> <p>(2) The decommissioning plan must be submitted at least 6 weeks prior to the commencement of any decommissioning activity, and must include details of the decommissioning activities required including location, duration, timings, methodology and materials to be used.</p> <p>(3) Decommissioning activities must be undertaken in accordance with the agreed plan.</p>	<p>may not commence until a decommissioning plan has been approved in writing by the MMO.</p> <p>(2) The decommissioning plan must be submitted at least 13 weeks prior to the commencement of any decommissioning activity, and must include details of the decommissioning activities required including location, duration, timings, methodology and materials to be used.</p> <p>(3) Decommissioning activities must be undertaken in accordance with the agreed plan.</p>	<p>should be applied consistently across the draft Order, being ten weeks in Requirement 21 and for the discharge of requirements in Schedule 17. This change has been made in the draft DCO Revision E [EX4/WB3.1]</p>

8 References

- Ref. 1 MMO (2019) Statutory Guidance: Marine Licensing Exempted Activities. Available at: <https://www.gov.uk/government/publications/marine-licensing-exempted-activities/marine-licensing-exempted-activities--2#cables-pipelines-oil-and-gas-and-carbon-capture-storage>
- Ref. 2 Department for Business, Energy & Industrial Strategy (2020) Application for the Cleve Hill Solar Park Order, Secretary of State Decision Letter. Available at <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010085/EN010085-001956-200528%20EN010085%20CHSP%20Secretary%20of%20State's%20Decision%20Letter.pdf>
- Ref. 3 Cleve Hill Solar Park Ltd (2019) Progressed Statement of Common Ground between Cleve Hill Solar Park Ltd and the Marine Management Organisation. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010085/EN010085-000907-Cleve%20Hill%20LTD%20-%20AS%20-%20MMO%20SOCG%20July%202019.pdf>

Ref. 4 MMO (2023) Marine Licencing: Nationally Significant Infrastructure Projects. Available at:
<https://www.gov.uk/government/collections/marine-licensing-nationally-significant-infrastructure-projects>