

**APPLICATION BY WEST BURTON SOLAR PROJECT LIMITED**

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**POST HEARING SUBMISSIONS**  
**ON BEHALF OF LINCOLNSHIRE COUNTY COUNCIL**  
**AT DL5**

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**Introduction**

1. Lincolnshire County Council (“LCC”) attended ISH 5 held virtually on Wednesday 13<sup>th</sup> March 2024. A summary of LCC’s oral representations for the hearing is set out below. This document is limited to addressing matters where there was an element of disagreement at the ISH, all other matters on the agenda were either agreed or LCC had no comments to make.

**Purpose of the ISH**

2. Mr McBride on behalf of LCC set out its disagreement of the decision to hold this ISH virtually, drawing the Examining Authority attention to the Council’s concerns and disappointment of this decision.. It seems to the Council that this is another example of the objective to progress the examination process quickly disregarding the opportunity for the host authorities and local communities to have the ability to hear the most critical topics of the examination in person choosing instead to use the much less desirable virtual format for the purposes of speed rather than quality examination of the issues.
3. From the very early stages of the expansion of the number of pre-application NSIPs in Lincolnshire and in particular this geographical area the Council highlighted its concerns about the process of hearing these applications in an silo way initially to the Planning Inspectorate and subsequently to the Examining Authority for each of the applications that have reached examination stage.
4. In the early stages of the dialogue with the Planning Inspectorate a meeting was held with case managers from the Planning Inspectorate, host authorities and the developers representatives. At this meeting the Council made it clear that given the unprecedented circumstances of the number of such applications in a small geographical area progressing at a similar timeline to examination that an innovative approach is necessary to examining the applications to ensure the cumulative impact of these application is looked at holistically..

5. Sadly despite initial positive indications from the Planning Inspectorate and the Cottam Examining Authority about how this could be done as we approach the conclusion of the third of the examinations in practice little progress has been made to address the Council's concerns. The decision to hold the hearing today in a virtual way compounds the Council's view that the process seems to be all about speed rather than ensuring those most affected by the proposed development can at least be present whilst the most critical topics are examined in an open floor hearing rather than this less than desirable virtual way. To provide further evidence of this the recently commenced Viking Carbon Capture Storage Examination (26 March 2024) between Immingham and Theddlethorpe (Lincolnshire) included a suggestion by the ExA to hold hearings virtually – this was opposed by all the host authorities and the developer due to concerns about the ability for local communities to become engaged when hearings are held virtually.
6. This examination heard at the preliminary meeting and other occasions from 7000 acres of the poor broadband connection in this area limiting the ability of their members and other local residents to hear and participate in a virtual hearing. In the view of the Council the decision to hold this hearing virtually gives the impression of the Examining Authority being dismissive about the consequences of a development of the scale and complexity involved that it cannot make the effort to hear the most critical parts of the examination in person. I am sure that is not the Examining Authorities intention but that is the perception it gives to the Council and local communities.
7. The other examinations have seen different approaches with the Cottam examination only giving a very brief amount of time to landscape matters due to the time constraints of the venue. Again, I am sure this was not intentional to limit the amount of time given to this topic. However, this seems at odds to the Council with the commitment given by the Planning Inspectorate and the Cottam Examining Authority that whilst it is not possible to hold joint sessions with other Examining Authorities every effort should be taken to ensure cumulative issues are considered in detail during each examination. This has been sadly lacking in both this examination and by the ExA for Cottam consequently not giving the Council or local communities the confidence that those initial commitments of how the examinations will be heard has proved to be the case in reality. At the other end of the spectrum for one of the venues that was used for the Gate Burton hearings, which was slightly distant from affected local communities, the Planning Inspectorate required a minibus was available 3 times a day to be used for any residents who wished to be transported to the venue to view the proceedings. Yet for this ISH it was decided to hold the session virtually depriving the representatives of 7000 acres from participating due to poor connectivity in the area. This shows an unacceptable level of inconstancy denying those from local

communities as well as some professionals who wished to participate today from being able to do so.

8. In addition this Examining Authority may or may not be aware of the unprecedented number of NSIPs being promoted in Lincolnshire at various stages of progression which currently stands at 22. In recent weeks the County has been subject to the consultation of a new overhead transmission line and associated substations which will comprise of 140 km of overhead lines across Lincolnshire. The perception from Councilors and local communities is that Lincolnshire is being seen as a soft target for developers wishing to progress energy infrastructure developments.
9. Whilst this may or may not be the case the Council considers that these communities and local residents deserve that every effort is made by those hearing the evidence for these applications to do so in appropriate forums so that if the decision is to grant consent than those communities can at least know that the evidence was heard and tested in the most appropriate way to give the confidence that the Secretary of State will have **all** the evidence in front of them to ensure the most appropriate decision is made.
10. In summary it is the Councils view that the decision to hold today's Issue Specific Hearing virtually does not give the Council confidence that if consent is ultimately granted every opportunity has been given to those local communities wishing to test the evidence to the level they are entitled to. Communities facing the significant change in landscape and impacts resulting from the scale of development before this examination deserve at least for the examination to take place in a way that they can be part of so as to give them the confidence to accept the decision whatever that may be.

### **Cultural Heritage**

11. Mr Adams, LCC's Senior Historic Environment Officer and Ms Allan Infrastructure Archaeologist attended ISH 5 and commented as follows:
12. In their view, there needs to be enough evaluation to inform the mitigation strategy, currently there is insufficient baseline evidence for 4/5<sup>ths</sup> of the redline boundary due to insufficient trenching.
13. The number and size of NSIPs in Lincolnshire and Nottinghamshire has grown very rapidly and as evaluation phases for NSIPs has progressed we do agree that there has been insufficient trenching which risks setting a dangerous precedent. Curators across the country are on a steep learning curve regarding the extent of the impact across these schemes as the specific impacts across the redline boundary are not included in the submission documents.

It's clear to us now that 1% or 2% trenching isn't sufficient to undertake an adequate assessment and this has informed the emerging regional guidance requiring 3 – 5% trenching.

14. Evaluation trenches need to cover known and suspected areas of archaeology and also the so-called “blank” areas because trenching will reveal archaeology which has not been identified by other evaluation techniques, for example burials do not show up in geophysical survey, and in cropmarks later activity may mask earlier surviving archaeology. We call evaluation trenching ‘ground-truthing’ because it's the only way of confirming the nature, date and significance of the buried archaeological remains.
15. In this landscape (for example for Cottam Solar Project) unexpected human remains were found and there was no indication of their presence from desk based information or geophysical survey results. The unexpected skeletons were serendipitously found as the trenching was targeting nearby features which were unrelated. These Saxon skeletons were found in a very delicate state just 20cm below the ground surface and the shallow depth of these individuals means they would have been crushed and destroyed by piling, by ground anchors, by trenches dug for cables, or by the compaction of machines during the development groundworks if they had not been accidentally discovered. There will be confirmation bias when you're only looking at where you already know things are, if these trenches had not been dug these individuals would not have been discovered and they would have been destroyed.
16. 79% of the redline boundary has not been evaluated by trenching and there will be as yet unknown surviving archaeology which will be damaged or destroyed by the development process. Archaeology not identified through evaluation trenching will be lost without mitigation, without recording, and without public benefit.
17. Developmental impact includes piling for hundreds of thousands of spikes or piles, cable trenching, associated infrastructure and mitigation measures such as scrapes and wildlife ponds. There is potential for compaction during construction and decommissioning. Through the lifetime of the scheme there will be refits which involve ripping out the old infrastructure and putting in new.
18. In archaeological terms as a profession we are coming to realise that solar schemes are at least as damaging to archaeology as residential developments.
19. Trenching fieldwork stopped in 2022 and we still don't have the final reports so we can't assess the significance of the archaeology which has so far been discovered. There was and still is time to undertake trenching across the redline boundary pre-determination to inform the ES and the site-specific mitigation strategy. Trenching is essential for mitigation, an

example is Heckington Fen, a Lincolnshire NSIP where majority of archaeological mitigation areas were identified by the trenching results.

20. In terms of project management and risk management the lack of investigation across almost 80% of the redline boundary defers a high level of risk to the developer in a post-consent situation of dealing with unexpected archaeology while the work programme has already commenced.

### **Landscape and visual**

21. Contrary to the Applicant's assessment, which identifies beneficial landscape effects on both landscape character areas and individual contributors to landscape character, Mr Brown on behalf of LCC has assessed the project as resulting in adverse impacts on landscape character. The Applicants assessment does not provide appropriate justification for assessing several beneficial landscape effects that have been judged would occur through the construction and operation of a large solar development.
22. Whilst establishing planting will add a positive element to this landscape and vegetation removal, as shown on the Hedgerow Removal Plans contained with Appendix C of the Outline Landscape and Ecological Management Plan, is relatively minimal, this is in the context of extensive change to land use over a large area, affecting the current sparsely settled and quiet agricultural character, which is currently unprecedented in the county in terms of scale. LCC has considered whether the secured mitigation balances out the change but concluded that the urbanising element in rural agricultural land is a definite, significant and adverse change. Mitigation planting goes some way to reduce this but the result is an adverse impact.
23. It is possible to calibrate these judgements to some extent – Gate Burton shares landscape character areas, including *Regional Scale LCT- 4a: Unwooded Vales* and this applicant recorded no benefits to landscape receptors in their report. Another way to calibrate is that if someone was sent to undertake an assessment of this LCA, how would the project, if constructed, impact that assessment? In our view, the scheme and solar development would become a defining feature in that landscape and in the LCA. This speaks to the change and the adverse nature of the effect.
24. Mr Brown outlined his concerns regarding cumulative landscape and visual effects: No residual adverse cumulative effects were identified within the applicants LVIA, and only a few adverse cumulative landscape effects were identified at the construction or operation (year 1) phases. Cumulatively, Mr Brown on behalf of LCC has assessed the project would bring about significant effects when assessed alongside the proposed Gate Burton, Cottam and Tillbridge

Solar schemes. The mass and scale of these projects combined would lead to adverse effects on landscape character and visual amenity over an extensive area. The landscape character of the local, and potentially regional area, may be completely altered, particularly when experienced sequentially travelling through the landscape: creating perception of an ‘energy landscape’ as opposed to rural or agricultural one at present. These sequential effects would be experienced by users of transport routes and PROW while through traveling through this landscape, where there is the potential to have frequent views of solar development, even if glimpsed, potentially over several kilometres of travel. While these views would not necessarily be from scenic routes or long distance or promoted PROW, the frequency and extent of views would undoubtedly increase the significance of effect.

#### **Landscape, Agriculture and Soils and Waste Cumulative effects**

25. No residual adverse cumulative effects were identified within the Applicants assessment, and only a few adverse cumulative landscape effects were identified. LCCs position is that the cumulative landscape and visual effects of the development would bring about significant landscape and visual effects when assessed alongside the proposed Gate Burton, Cottam and Tillbridge Solar schemes. The mass and scale of these projects combined would lead to adverse effects on landscape character and visual amenity over an extensive area. The landscape character of the local, and likely regional area, may be completely altered, particularly when experienced sequentially while travelling through the landscape.
26. In respect of agriculture and soils Mr McBride for the Council noted in response to the applicants evidence on agriculture and soils that this very much was a repeat of the evidence provided at ISH 4 in relation to this schemes impact on soils and agriculture. What is being asked today is to examine the cumulative impact of this scheme on agriculture and soils together and cumulatively with the other solar projects in Lincolnshire both DCOs and Town and Country Planning Act applications that are in the public domain. This has not been covered today and the Council would be grateful if this information can be provided to the examination to consider and assess before the close of the examination.
27. In respect of waste Mr McBride on behalf of the Council draw attention to the examination of the concerns regarding the amount of waste that could be created from this project and the other solar NSIP schemes during the operational and decommissioning stage. What has emerged from other examinations and this one is a failure rate of 0.4% of panels per year for the duration of the development. Depending on the exact number of panels for other schemes this has been calculated at a potential 5,000 panels reaching end of life each year and if this is multiplied by all the NSIP solar schemes in Lincolnshire already known about this could represent a figure of around 60,000 panels per year which is not an insignificant amount.

Therefore consideration as to how these redundant panels are to be sustainably disposed of needs to be addressed now and this is an issue that the Council is drawing to this and other Examining Authorities.

28. The Council's is grateful that further information was provided by the applicant at DL4 based on information provided to the Cottam examination but the Council has not yet had time to review this and provide feedback. This will be done in response to the ExAs 2<sup>nd</sup> round of questions for DL5 and also through the SOCG for DL6