

Application by West Burton Solar Limited for an Order Granting Development Consent for the West Burton Solar Park : Lincolnshire County Council Deadline 7 submission - Summary statements from parties regarding matters that they have previously raised during the Examination and have not been resolved to their satisfaction

Landscape and Visual Impact

1. In summary the Council maintain the position that by reason of its mass and scale, the scheme would lead to adverse residual effects on landscape character and visual amenity. The scheme has the potential to transform the local landscape by altering the character on a large-scale: it also has the potential to affect the wider landscape at a regional scale, replacing large areas of agricultural or rural land with solar development, affecting the current sparsely settled and quiet agricultural character that are identified as key defining characteristics of the area.

2. While the Council acknowledge the establishing planting as part of the mitigation proposals of the scheme will add a positive element to this landscape, the planting is to mitigate the identified adverse effects, not to enhance the baseline landscape or improve the current visual amenity of the area. The Council has considered whether the secured mitigation balances out the change but concluded that the urbanising element of large scale solar on rural agricultural land is a definite and adverse change to the baseline. New planting will offset some of the adverse elements of the scheme, however the Council disagrees with the applicants' findings that the judged beneficial landscape effects overall would result. The Council judge there to be no beneficial landscape or visual effects through the development of the West Burton Solar Project.

3. Of particular concern are effects on **Land Use**, which is judged by the Council as having a residual Significant Adverse effect. Land Use is defined in table 8.1.15 of Appendix 8.1 of the ES as "*What land is used for, based on broad categories of functional land cover such as urban and industrial use and the different types of agriculture and forestry*", which is aligned with the definition provided within the *Guidelines for Landscape and Visual Impact Assessment* (GLVIA3) Glossary (PG 155). The scheme will bring about an extensive change on land use, and subsequently the open and rural character, creating a perception of landscape used for solar, in a rural landscape currently used for agriculture.

4. Several receptors have been identified in the applicants LVIA as having residual Significant Adverse visual effects, which the Council would expect through the development of a large scale solar farm in a rural location.

5. The cumulative landscape and visual effects of the scheme are also judged by the Council to bring about adverse 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 potentially regional area, may be completely altered, particularly when experienced sequentially while travelling through the landscape. Of particular concern are cumulative effects on **Land Use, Local Scale Landscape Character 2: Trent Valley, Local Scale Landscape Character 3: The Till Vale** and the **Regional Scale Landscape Character Type - 4a Unwooded Vales**, where the Council assess there will be residual Significant Adverse effects.

Soils and Agriculture

6. Turning to agricultural impacts the Council's position is that there is a clear conflict and tension with Central Lincolnshire Local Plan policies S14 and S67 and the Overarching National Policy Statements for Energy (EN-1) and Renewable Energy Infrastructure (EN-3), which came into force in January 2024, in relation to agricultural land impacts which needs to be factored into the planning balance.

7. It is noted paragraph 2.10.29 of the National Policy Statement for Renewable Energy Infrastructure (EN-3) which confirms that land type is not a determining factor, and the Council fully accept that agricultural land impacts are one of a number of material planning considerations that the Examining Authority needs to consider and weigh in the overall planning balance. The Council also notes that, during the course of the Examination, onshore and offshore electricity generation methods that do not involve fossil fuel combustion are now considered to be Critical National Priority (CNP) infrastructure by virtue of the January 2024 NPSs.

8. Nevertheless, taken collectively those policies remain clear and consistent in reiterating that only where the proposed use of any agricultural land over and above despoiled and brownfield land has been shown to be necessary, poorer quality land should be preferred to higher quality land. In addition, whilst dating from 2015, the Written Ministerial Statement referenced HCWS488 sets out that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence.

9. Paragraph 180 (b) of the December 2023 NPPF retains the same policy approach as its predecessor by advising that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of the best and most versatile agricultural land. The newly-introduced footnote 62, albeit in relation to planmaking, advises that the availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

10. The Council has worked positively with the applicant throughout the pre-application process. However, it remains the case that of the site around 26% is BMV which equates to 200 hectares (18ha Grade 1, 10 ha Grade 2 and 172 hectares Grade 3a) and upto 50% of the cable routes is classed as BMV land. With over 25% of the site area being BMV this is not an insignificant amount of land, the Council position is that any loss of BMV land for development of this nature is too much and as the Council's agricultural consultant Landscape has noted that much of the non BMV land will be Grades 3b (557 hectares), still considered to be 'moderate' quality and still productive land.

11. In the Council's view, the applicant has not proven that the need to develop BMV land (as distinct from the overall case set out in the applicant's Statement of Need) has been clearly established (CLLP policy S67, first bullet point), nor in relation to point 3 that the impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions.

12. Whilst consideration is given to 'alternatives' (including avoidance) in the context of land use the general premise is that there will not be any permanent loss of agricultural land, based on the applicant's contention that the proposal is temporary in nature with an operational lifespan of up to 60 years.

13 The Council's agricultural consultant, Landscape, also queried some of the applicant's suggestions in terms of the degree to which existing site drainage/irrigation conditions would be affected during the construction phase.

14 The applicant's overall analysis is that construction and operational effects, when assessed at a national level, are slight to moderate adverse in relation to the permanent sealing over of land and soil quality impacts during construction.

15. The Council's position is that the 'temporary' loss of 200ha of BMV land is significant in its own right and that 60 years represents a 'generational' change of land use. Whilst the Council accept that the applicant has applied for a 'temporary' 60-year permission, consistent with other solar NSIP schemes, in the Council's view there is somewhat of an inevitability that many of these proposals, including at West Burton , will be repowered. Indeed, paragraph 163 (c) of the NPPF notes in the case of applications for the repowering and life-extension of existing renewable sites that decision makers should 'give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable'.

Food Security

16. At a time when there are both food shortages across the globe and issues of food security, related to climate change and the weaponizing of food during the Ukraine conflict, the loss of productive farmland should be avoided, wherever possible. The NFU confirm that the UK is only 58% self-sufficient in food and the loss of this area of strong agricultural production is therefore significant. The NFU believes that productivity should increase on UK farms.

17. Much of the farmland in this area is arable and the loss to the local farming economy will be significant.

Food Security and Food Imports

18. Nearly half of what we eat in the UK comes from abroad, and two-thirds of that has in recent years come from the EU. The NFU confirm that UK self-sufficiency is only at 58%. With the recent war in Ukraine and the uncertainty of supply of core commodities such as wheat, there have been both supply issues and huge price fluctuations. This has refocussed attention on food security in the UK and the need to protect productive farmland from development and long-term decline.

"There are three cornerstones on which a prosperous farming sector must be built and which any government should use to underpin its farming policy. They are boosting productivity, protecting the environment, and managing volatility (source Minette Batters, NFU president). The country must "never take our food security for granted," she said.

19. The United Kingdom Food Security Report states:-

Food security is a complex and multi-faceted issue. It is structured around five principal 'themes', each addressing an important component of modern-day food security in the UK. They are as follows:

- *Global food availability, which describes supply and demand issues, trends and risk on a global scale, and how they may affect UK food supply;*
- *UK food supply, which looks at the UK's main sources of food at home and overseas;*
- *Supply chain resilience, which outlines the physical, economic, and human infrastructure that underlies the food supply chain, and that chain's vulnerabilities;*
- *Household-level food security, which deals with issues of affordability and access to food; and*
- *Food safety and consumer confidence, which details food crime and safety issues.*

20. The report notes that the biggest medium to long term risk to the UK's domestic production comes from climate change and other environmental pressures like soil degradation, water quality and

biodiversity. Wheat yields dropped by 40% in 2020 due to heavy rainfall and droughts at bad times in the growing season. This is an indicator of the effect that increasingly unreliable weather patterns may have on future production. When UK production is reduced, we are more dependent on imported commodities. The war in Ukraine has highlighted the vulnerabilities of such a strategy.

The United Kingdom Food Security Report notes:-

21. Domestic production faces a number of long-term and short-term risks, including soil degradation, drought and flooding, diseases, risks to fuel and fertiliser supplies, and changing labour markets. In the long term, climate change impacts are likely to have a negative effect on the proportion of high-grade arable farmland available in the UK.

The importance of agriculture and soils in Lincolnshire

22. Lincolnshire is home to 10 percent of English agricultural production. Its combination of climate, soil type and topography make the county ideal for a variety of crops. There are significant proportions of wheat, oilseed rape, sugar beet and potatoes, with the county producing 12 percent of England's arable crops.

23. Lincolnshire is also home to around 25% of the UK's vegetable production, and 21% of ornamental crop production. This high level of production is vital to the county's economy, generating a Gross Value Added of £446m in 2012. To preserve fresh produce and minimise supply chain distance, highly productive food hubs have built up in the south of the county. The importance of this sector for the local economy is reflected in the number of jobs it generates: if this food supply chain is included alongside food retail and catering in the county, the number of employees exceeds 100,000.

24. Supposed ongoing agricultural production through sheep grazing, is unlikely to generate much farming income and government support subsidies are prohibited once the panels are in place. Proposed and emerging solar farms locally and more widely across Lincolnshire both at the Nationally Significant Infrastructure scale and also those proposed pursuant to the Town and Country Planning Act only go to compound the loss of agricultural productivity and land. Recent scientific studies have shown that there are more efficient ways of sequestering CO₂ with non-tillage farming and rock dust on active farmland rather than using solar, companies such as Microsoft is pioneering this work in the UK. (<https://www.thetimes.co.uk/article/microsoft-funds-uk-climate-experiment-to-spread-crushed-rock-on-fields-6sjg5cwzz>).

Sheep Grazing Under Panels

25. Whilst 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 difficulties of rounding up sheep and handling them, together with finding sick or wounded animals amongst the panels, makes the graziers workload harder and more complex.

26. As such, the economics of moving sheep to and from the site will be more marginal. Examples of sheep farming do not charge much or anything for the grazing and this may make it sufficiently attractive for a local farmer or shepherd with a 'flying flock', where the landowner does not already have sheep.

27. Land in use for solar panels is generally ineligible for the normal agricultural subsidies, such as the Basic Payment Scheme (now being phased out) and the Environmental Land Management Scheme (ELMS). It does not prevent land from being managed in similar ways, but there will be no payments

available to farmers (eg graziers) for compliance and this could make farming less financially attractive going forward.

28. Whilst it is noted that the applicant has identified in relation to mitigation measures for BMV impacts; primarily by way of sheep grazing, and acknowledge that these are likely to be some of the more detailed proposals put forward in this regard at this stage of the PA2008 process. However, from the hearings and in subsequent written documents this sheep grazing alternative has not been secured in any meaningful way and therefore there is no certainty that this will happen so the Council contend that this can only be given minimum weight as a measure to secure the agricultural use of this land that for any realistic measure is for a permanent period.

29. In conclusion the Council's position is that mitigation by grazing does not in any event wholly overcome the generational change and adverse impact on BMV land arising from the proposed development and the effective loss of this significant BMV agricultural land is in direct conflict with policies of the Local Plan and conflicts with National Policy.

Cultural Heritage

30. The archaeological approach undertaken by the Applicant is not acceptable on any terms and it is failing to meet the requirements of NPPF paragraph 200.

31. The Council have consistently stated in responses on this scheme throughout the NSIP process, the Council needs sufficient evaluation in order to understand the archaeological potential and to provide sufficient baseline evidence including trenching results across the redline boundary to inform a reasonable appropriate mitigation strategy which should have been submitted with the DCO application.

32. While the desk based assessment was adequate the standard suite of archaeological evaluation includes trial trenching to ground-truth unknown and suspected archaeology from desk based evaluation and from geophysical survey and to investigate areas where previous evaluation techniques have not identified the surviving archaeological resource.

33. The Council cannot agree acceptable mitigation measures without appropriate levels of evaluation trenching, therefore it is essential that sufficient trenching across the redline boundary is undertaken early in the process to allow for a good understanding of the archaeological resource while recognising that even at this level of trial trenching significant amounts of archaeology will be lost.

34. The impact on the archaeological resource of this part of the Trent Valley floodplain is completely unacceptable based on the current level of evaluation, as unevaluated unknown surviving archaeology will be damaged and destroyed by this development without recording, without contributing to our knowledge and with a corresponding loss to public benefit.

35. Sufficient information on the archaeological potential is essential and must include evidential information on the depth, extent and significance of the archaeological deposits which will be impacted by the development. This information will inform a fit for purpose mitigation strategy which will identify what measures are to be taken to minimise or adequately record the impact of the proposal on archaeological remains.

36. This is in accordance with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 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))

Cumulative Impacts

37. The Council maintain significant concerns regarding the approach to cumulative assessment. The concern relates not to outcomes of the applied methodology of assessing the scenarios of cumulative projects together being constructed either all at the same time or in sequence, but that there is no assessment of the potential combinations between the projects. The Council considers it essential that the combinations of each cumulative project are understood and assessed so that the ExA and the Secretary of State can reach sound conclusion on NSIPs that are all being examined at the same time and situated in the same locality.

38. At present, the only cumulative scenario that can be considered for the purpose of decision making is one where all projects are consented. There is no assessment of how each combination of projects perform (e.g. 2 projects together). The Council are concerned that, if all DCO applications are considered individually without proper regard to the cumulative impacts and/or only in a scenario where all cumulative projects are consented, they may all be considered acceptable as isolated schemes, but with no consideration of whether there is a 'tipping point' from acceptability into unacceptability. This approach to decision making is flawed as it would allow projects to progress that could have unacceptable cumulative impacts with each other.

39. The Council contends that, in order for the decision maker to have adequate information before them to make a sound decision, a cumulative assessment that addresses the following combinations should be provided as a minimum:

- West Burton + Gate Burton
- West Burton + Cottam
- West Burton + Tillbridge
- West Burton+ Gate Burton + Cottam
- West Burton+ Gate Burton + Tillbridge
- West Burton + Cottam + Tillbridge; and
- west Burton + Gate Burton + Cottam + Tillbridge

40. Unless such assessments are carried out, there is no ability for the decision maker to determine whether a combination of two projects could be acceptable cumulatively; they could only consider the total cumulative impacts of all projects that form the assessment. Should the cumulative impacts of all projects be concluded to be unacceptable, the Council is unclear about how the decision maker determines which project(s) influence that unacceptable conclusion the greatest. The Council are therefore concerned about whether the decision maker is able to conclude a single DCO application is unacceptable based upon its cumulative impacts and, if the cumulative situation was concluded to be unacceptable, the current assessment does not allow for a decision where two of the project are considered to be acceptable.

41. The reasoning behind the Council's concern is triggered by the overlapping nature of cumulative projects, where by each ExA is assessing the single project in front of them only, but that none of the

applications are consented, and may be determined at the same time by the Secretary of State. The Council is concerned unless an assessment of various combinations of projects are carried out and not just a reliance upon a 'worst case' assessment of all projects taken together. The Council considers that, in the event that West Burton in examination, Cottam, and Gate Burton at recommendation stage are determined at the same time by the Secretary of State, the environmental information provided only allows for three decision options to be made:

42. To grant consent for a single project only; or ii. To grant consent for all three projects; or iii. To refuse consent for all three projects. During Issue Specific Hearing 4 'Cumulative Effects' for the Cottam examination (06/12/2023) this position was fairly described as an 'all or nothing' scenario by the ExA, a definition to that the Council agrees with. The Council agrees with WLDC it is essential that an cumulative assessments for all projects considering the various combinations between them is provided. Such an assessment would allow the decision maker, in the event that they find all three projects unacceptable, to consider whether two projects could be granted. Based upon the current approach, such a decision is unable to be made due to the lack of environmental assessment to demonstrate the comparative impacts between each combination to allow a reasoned judgement to be made.

43. In addition the Council have requested during the preliminary meeting, for each of the three applications that have reached examination stage, that the Examining Authority for each application should consider holding joint Issue Specific Hearings with other Examining Authorities to consider the cumulative impacts and could have requested a cumulative assessment for such a hearing that considers the various combinations of all the schemes to enable the decision maker to consider an alternative to the 'all or nothing scenario' that is the only option that is currently available to the decision maker.

44. Regrettably none of the Examining Authorities took up this suggestion to enable this matter to be given the attention that it deserves. From the outset of these projects one of the main concerns of the Council is how to assess the potential cumulative impacts of a number of these projects being granted, which has not be undertaken as suggested by the Council, and is consequently a significant unresolved issue that this examination has failed to address.

Closing Remarks

45. In conclusion the Council has set out the matters it considers that have not been addressed to its satisfaction in relation to landscape and visual, soils and agriculture, cultural heritage and cumulative impacts. In particular with reference to cultural heritage the Council draws the ExAs attention that the applicant has sought to disagree with the advice of this Council and Nottinghamshire County Council historic advisors with respect to the necessary amount of pre – determination investigation that should be undertaken to assess the potential for disturbance to heritage assets. If this was not a concern on its own the fact that the applicant also disputes the advice of Historic England in relation to the Historic Landscape this must surely demonstrate to the Examining Authority that advice of three acknowledged statutory advisors cannot be simply dismissed which is the applicant's stated position.

Consequently, the Council would invite the Examining Authority to disregard the assumptions made by the applicant and favour the advice provided by the Historic Advisors of this Council Nottinghamshire County Council and Historic England in relation to the impacts on known and unknown historic assets. Taking this into consideration with the identified unacceptable impacts on the landscape character and loss of BMV land as a result of this project on its own and combined

with the other projects locally and across Lincolnshire, when all these unacceptable impacts are all considered in the planning balance of the need for the scheme the only acceptable decision for the Secretary of State is to refuse this application for a Development Consent Order.