



Department for
Energy Security
& Net Zero

3-8 Whitehall Place
London
SW1A 2AW
www.gov.uk/desz

To:

Our Ref: EN010132

West Burton Solar Project Limited
Alison Olivia Brownlow and Rodger Andrew Brownlow
EDF Energy (Thermal Generation) Limited
Emma and Nicholas Hill
Neil Elliot
Network Rail Infrastructure Limited
Northern Powergrid Yorkshire PLC
Parochial Church Council of the Parish of Stow-with-Sturton
SNED Ltd
SNSE Ltd
SNSEM Ltd
The Canal and River Trust
Uniper UK Limited
Natural England
Lincolnshire County Council
Nottinghamshire County Council
West Lindsey District Council
Bassetlaw District Council
Environment Agency

15 October 2024

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by West Burton Solar Project Limited (“the Applicant”) for an Order granting Development Consent for the proposed West Burton Solar Project.

REQUEST FOR INFORMATION

1. Following the completion of the Examination on 8 May 2024, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 8 August 2024. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.

2. There are matters on which the Secretary of State would be grateful if the **Applicant, Alison Olivia Brownlow and Rodger Andrew Brownlow, EDF Energy (Thermal Generation) Limited, Emma and Nicholas Hill, Neil Elliot, Network Rail Infrastructure Limited, Northern Powergrid Yorkshire PLC, Parochial Church Council of the Parish of Stow-with-Sturton, SNED Ltd, SNSE Ltd, SNSEM Ltd, The Canal and River Trust, Uniper UK Limited, Natural England, Lincolnshire County Council, Nottinghamshire County Council, West Lindsey District Council, Bassetlaw District Council** and the **Environment Agency** could provide updates or information as appropriate.

Compulsory Acquisition and Land Use Matters

3. **Alison Olivia Brownlow and Rodger Andrew Brownlow, and the Applicant,** are invited to update as to whether Voluntary Land Agreement(s) have been agreed and whether the objection can be withdrawn.
4. **EDF Energy (Thermal Generation) Limited, and the Applicant,** are invited to update as to whether Voluntary Property Agreement(s) and Protective Provisions at Schedule 16, Part 18 of the DCO have been agreed and whether the objection can be withdrawn. Please also confirm the correct cross-referencing at Part 18 paragraph 239(5).
5. **Emma and Nicholas Hill, and the Applicant,** are invited to update as to whether Voluntary Land Agreement(s) have been agreed and whether the objection can be withdrawn.
6. **Neil Elliot, and the Applicant,** are invited to update as to whether Voluntary Land Agreement(s) have been agreed and whether the objection can now be withdrawn.
7. **Network Rail Infrastructure Limited, and the Applicant,** are invited to update as to whether a Framework Agreement has been agreed and whether the objection can be withdrawn.
8. **Northern Powergrid Yorkshire PLC, and the Applicant,** are invited to confirm whether the objection can be withdrawn.
9. **Parochial Church Council of the Parish of Stow-with-Sturton, and the Applicant,** are invited to confirm whether the objection can be withdrawn.
10. **SNED Ltd, SNSE Ltd and SNSEM Ltd, and the Applicant,** are invited to update as to whether a Cooperation Agreement has been agreed.
11. **The Canal and River Trust, and the Applicant,** are invited to confirm whether the objection can be withdrawn.
12. **Uniper UK Limited, and the Applicant,** are invited to update as to whether Protective Provisions at Schedule 16, Part 14 of the DCO have been agreed and whether the objection can be withdrawn.

Electro-Magnetic Fields (“EMF”) Impact Risk Assessment

13. **Natural England** is invited to comment on whether it is satisfied with the methodology and conclusions of the Applicant’s ‘Risk Assessment of EMF Impacts on Fish’ at Appendix 1 of Applicant Response to Written Representations Part 1 [REP3-034].

EMF Monitoring in Outline Operational Environment Management Plan (“oOEMP”)

14. The Secretary of State notes the programme of monitoring included in the oOEMP to corroborate the potential impacts of EMF on fish as assessed in the Applicant’s ‘Risk Assessment of EMF Impacts on Fish’, with results to be relayed to the Environment Agency on a regular basis.

15. **The Applicant** is requested to revise Table 3.3 in the oOEMP to ensure that the programme of EMF monitoring is approved by the Environment Agency in consultation with Natural England. **Natural England** is invited to confirm if they are content with this request.

16. **The Applicant** is requested to revise the oOEMP to provide for results of the surveys to also be relayed to Natural England on a regular basis for the purposes of informing best practice and assessments of EMF impacts on fish in the future.

17. The Secretary of State also notes that the oOEMP states, “*It is not intended for this programme to confer any requirement for remediation or mitigation in the event of adverse effects are detected as a result of the monitoring.*” For the purposes of the Habitats Regulations the Secretary of State is the ‘competent authority’ and as such it is for him to determine the need for any mitigation if adverse effects are found. **The Applicant** is therefore requested to revise the oOEMP to remove this statement.

Review of Likely Significant Effects at 60 Years (“RLSE”)

18. The Secretary of State notes that the Applicant produced the RLSE at Deadline 1 of the Examination. In parts, the RLSE appears to contain information relating to the Cottam Solar Project rather than the West Burton Solar Project. **The Applicant** is required to revise the RLSE to ensure that it covers the likely significant effects at 60 years for each topic heading for the West Burton Solar Project.

Outline Landscape and Ecological Management Plan (“OLEMP”)

19. The Secretary of State notes that the oLEMP does not currently contain sufficient detail as to the aftercare period and actions to be taken where specific habitats fail to establish or reach the intended condition. **The Applicant** is requested to revise the oLEMP to include details of the management actions required for the aftercare

period and in the event of specific habitats failing to establish or reaching their intended condition.

Outline Decommissioning Statement (“ODS”)

20. The Secretary of State notes that the ODS does not currently contain sufficient detail as to the avoidance and mitigation measures to be taken to preserve archaeological and heritage assets. The Secretary of State also notes that it does not currently contain sufficient detail as to the avoidance and mitigation measures to be taken to conserve trees, woodland, and hedgerows. Furthermore, the Ground Conditions section should be amended so that it outlines specific measures that constitute 'good practice' that will minimise the risk of decommissioning contaminations. The Ecology section should also provide more detail on specific measures that will be implemented as part of the 'standard management measures'. Additionally, Table 3.1 should be amended to include the topic of Archaeology. **The Applicant** is requested to revise the ODS to cover the actions as outlined above.

Requirement 22, Long Term Flood Risk Assessment

21. The Applicant, **Lincolnshire County Council, Nottinghamshire County Council, West Lindsey District Council, Bassetlaw District Council** and the **Environment Agency** are requested to comment on the following amendment to Requirement 22:

22.—(1) No submission seeking the discharge of requirements 5, 7, 8, 10, 11, or 14 may be made to the relevant planning authorities and no part of the authorised development may commence until an updated flood risk assessment of the flood risk arising from the river Trent in respect of the continued operation of Work Nos. 1 to 3 for 60 years from the date of final commissioning has been submitted to and approved by the Environment Agency.

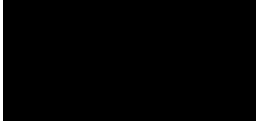
Responses

22. **Responses to the requested information should be submitted by email only to: westburtonsolarproject@planninginspectorate.gov.uk by 23.59 on 29 October 2024.**

23. Responses will be published on the West Burton Solar Project project page of the National Infrastructure Planning website as soon as possible after 29 October 2024: [West Burton Solar Project - Project information \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/projects/nip/west-burton-solar-project)

24. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the West Burton Solar Project or any part of the project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully,



John Wheadon
Head of Energy Infrastructure Planning Delivery
Energy Infrastructure Planning