

West Burton Solar Project

The Applicant's Cover Letter for Responses to the Secretary of State's Request for Information

Prepared by: Lanpro Services
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The Infrastructure Planning (Examination Procedure) Rules 2010



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Secretary of State for Energy Security and Net Zero
Department for Energy Security and Net Zero
3-8 Whitehall Place
London

17 October 2024

Dear Secretary of State,

West Burton Solar Project – Submissions to the Secretary of State
Application Ref: EN010132

This letter sets out the documents which are submitted by West Burton Solar Project Limited ('the Applicant') in response to the Request for Information ('RfI') dated 19 September 2024 made by the Secretary of State for Energy Security and Net Zero ('the SoS'). The Applicant's response to the specific points raised in the RfI is set out in **WB8.1.45 The Applicant's Response to the Secretary of State's Request for Information [DEC/WB8.1.45]**. The Applicant has amended the relevant plans and documents, as requested, to remove solar panels from within the setting ('the Deer Park') of the Medieval Bishop's Palace and Deer Park, Stow Park Scheduled Monument. However, this is without prejudice to the Applicant's position that the presence of solar panels in the Deer Park amounts to less than substantial harm to the setting of the Scheduled Monument and the benefits of the Scheme outweigh the harm.

The Applicant would like to reiterate its position on solar panels being constructed within the Deer Park as set out in the **WB8.2.10 Stow Park Cultural Heritage Position Statement [REP5-027]** and **WB8.1.42 The Applicant's Closing Statements [REP7-018]**.

Summary of the Applicant's Assessment

The Applicant's assessment has found that the Scheme would cause less than substantial harm (at the upper end) to the Scheduled Monument. The introduction of solar panels would not cause direct physical harm to the three isolated elements of Scheduled Monument as there is no proposed intervention to the fabric of any of the sections of the Scheduled Monument that would result in its permanent loss either wholly or in part. Any harm would be only that caused to the significance of the monument that is derived from its setting (i.e. would be indirect). This would occur through the placement of panels within land that was formerly occupied by the

medieval deer park. However, as a result of post-medieval and modern agricultural activity and the introduction of the railway and former MOD storage facility, there are no defining deer park features remaining which has denuded the contribution that setting provides to the significance of the Scheduled Monument. The boundaries of the Deer Park were only defined through continuous dialogue and negotiation between the Applicant and Historic England as the listing does not define those boundaries. This lack of clarity on the extent of the Deer Park adds to how the Scheduled Monument is interpreted.

The layout of the Scheme means that the legibility of the landscape would be unaltered. This is an important factor in the consideration of the temporary and reversible nature of the Scheme and any harm to the significance as a result of changes in the setting of the Scheduled Monument. As such any harm caused to the significance of the Scheduled Monument that is derived from its setting would be reversed following decommissioning of the Scheme.

The Applicant would like to direct the SoS to photos of the Deer Park which can be found in Appendix A and can also be found in Section 5 of **WB6.3.13.5 Environmental Statement – Appendix 13.5 Heritage Statement [APP-117]**, specifically photographs 125, 126, 127, 128, 129, 130 and 131. This may assist the SoS in understanding the existing setting of the Scheduled Monument and whether the SoS agrees with Historic England's position on the level of harm. The photographs and plan in Appendix A show the extent of permanent built form and infrastructure that already exists in the Deer Park which in summary consists of:

- 4 ponds/reservoirs for the farm (3 of which are around the dairy farm)
- 3 separate sets of farm buildings comprising:
 - main farm which is south west 8 buildings
 - dairy farm south east 9 buildings
 - 5 barns in the north alongside the railway line
- MOD fuel storage area (disused), including approximately 7 acres of earthworks, hardstanding, security fencing and 5 buildings
- 630m of overhead line on wooden poles
- 1km of high voltage overhead lines with steel pylons
- 2km of dual track railway line
 - The northern half has a man made embankment of circa several metres in height above the surrounding land, including a brick and concrete built bridge with 3.4m clearance for farm access under the track
 - The southern half is in a cutting several metres deep with a concrete bridge over for farm access.
- The area to the south adjoining the railway is a storage area for hay etc with some modern earthworks

The Applicant considers that the Secretary of State should take the following points into account when considering whether the benefits of the Scheme outweigh the harm or when considering exceptionality:

- The Scheme is critical national priority infrastructure in accordance with section 4.2 of NPS EN-1 (November 2023) which is an important and relevant matter. Paragraph 4.2.16 states that *"the Secretary of State will take as the starting point for decision-making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances"*. The list of tests referred to in paragraph 4.2.17 includes *"where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional"*.
- The removal of the Deer Park from the Scheme would equate to a loss of approximately 104MWp which is 20% of the installed capacity, and therefore would result in a significant reduction in the generating capacity of the Scheme.
- With an estimated generating capacity of 480MW and a connection date in 2028, the Scheme plays a significant role in helping the UK transition to an affordable and secure carbon-free electricity system by 2035. A reduction of greater than 100MWp in the installed capacity of this Scheme would require this amount of generation to be consented and constructed elsewhere pre-2030 to meet current targets – this is the equivalent of an additional NSIP, or two additional 49.9MW sites consented under the Town and Country Planning Act 1990 (TCPA), all of which may have their own environmental impacts.
- Paragraph 2.19.25 of NPS EN3 recognises the importance of maximising existing grid infrastructure. The Scheme utilises existing grid infrastructure at West Burton Power Station and there is no guarantee that another NSIP or multiple TCPA applications would be able to use this grid infrastructure.
- The boundaries of the Deer Park are not defined in the official listing for the Scheduled Monument. The extent of the Deer Park as the setting for the Scheduled Monument has only been agreed via negotiation between Historic England and the Applicant based on historic mapping as set out in the Stow Park Cultural Heritage Position Statement [REP5-027]. The lack of clarity of its extent provides further evidence to undermine the contribution the setting provides to the significance of the Scheduled Monument and the legibility of the Deer Park in the landscape.

The Applicant considers that the benefits provided by the Scheme are significant, clear and compelling, outweighing the temporary and reversible harm. It remains the Applicant's position that solar panels within the Deer Park should remain within the Scheme.

Other Matters

In addition to the information requested in the SoS letter dated 19 September 2024, a second Request for Information from the SoS dated 15 October 2024 was issued. As part of the second RfI, updates were requested to the Outline Landscape and Ecological Management

Plan (oLEMP). The Applicant has included that information within this submission which are listed below.

Habitat Management and Aftercare

In respect of the SoS's request to West Burton Solar Project as set out in paragraph 19 of the 15 October RfI, the Applicant has updated the Outline Landscape and Ecological Management Plan ("oLEMP") [DEC/WB7.3_F] within the relevant habitat sections to provide additional information on the management actions required for the aftercare period and in the event of specific habitats failing to establish or reaching their intended condition (new and revised paragraphs 4.2.12, 4.2.13, 4.3.13, 4.3.15 to 4.3.17, 4.3.20 to 4.3.23, 4.3.32, 4.3.35 to 4.3.37, 4.4.11, 4.4.14 to 4.4.17, 4.5.11, 4.5.14 to 4.5.16, 4.6.15, 4.6.23, 4.6.30, 4.7.14, 4.7.22, 4.9.19 and additional lines on Condition Monitoring in Appendix B). These updates are consistent with the updates to the oLEMP submitted to the Secretary of State in respect of the Cottam Solar Project.

The Applicant would like to highlight that the updated oLEMP submitted with this submission includes changes relating to both the removal of the Deer Park and further amendments relating to habitat management and aftercare. The Deer Park amendments are only required if the SoS is minded to grant the DCO without solar panels in the Deer Park. Therefore, in response to the second RFI, the Applicant will be submitting an updated oLEMP which just includes the habitat management and aftercare updates so that the SoS has versions of the oLEMP that relate to the Scheme with and without solar panels in the Deer Park.

Submitted Documents

Note: For revised documents, clean and tracked changes versions of each are submitted when appropriate

Ref or plan/ drawing number	Document Title
Plans and Drawings	
DEC/WB2.2_E	Land Plan (Revision E)
DEC/WB2.3_F	Works Plan (Revision F)
Draft Development Consent Order	
DEC/WB3.1_I	Draft Development Consent Order (Revision I)
Compulsory Acquisition Information	
DEC/WB4.1_D	Statement of Reasons (Revision D)
DEC/WB4.3_G	Book of Reference (Revision G)
Environmental Statement Appendices	
DEC/WB6.3.9.12_A	ES Appendix 9.12 Biodiversity Net Gain Report (Revision A)

DEC/WB6.4.8.18.3_B	Figure 8.18.3 Landscape and Ecological Mitigation and Enhancement Measures West Burton 3 (Revision B)
Other Documents	
DEC/WB7.3_F	Outline Landscape and Ecological Mitigation Plan (Revision F)
Examination Submissions	
Core Submissions	
DEC/WB8.1.8_G	Schedule of Changes (Revision G)
DEC/WB8.1.44	The Applicant's Cover Letter for Request for Information Submission
DEC/WB8.1.45	The Applicant's Response to the Secretary of State's Request for Information

The Applicant considers that the above, and supporting submissions, satisfactorily provide the additional information as requested by the SoS in their letter of 19 September 2024.

Please do not hesitate to contact us using the details provided below if you have any questions.

Yours sincerely,



Eve Browning

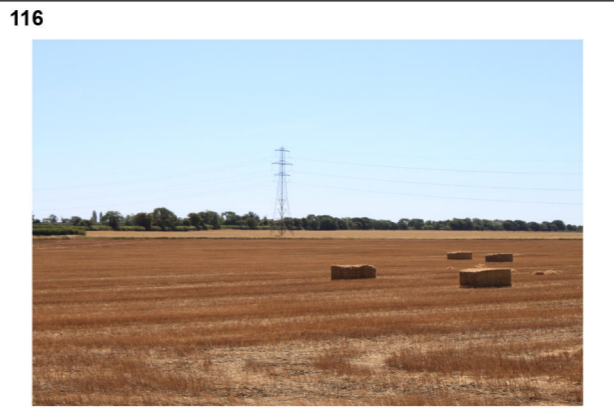
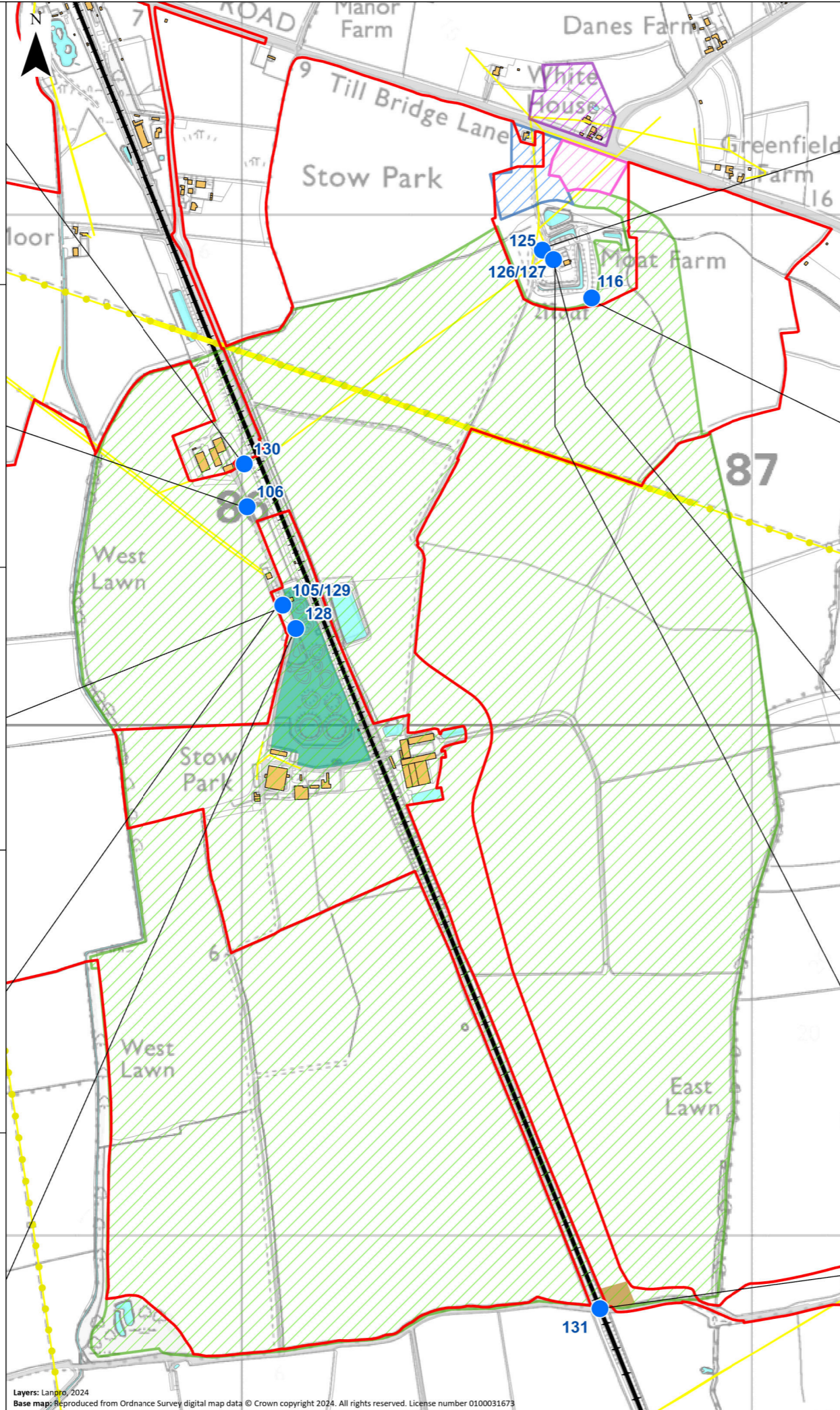
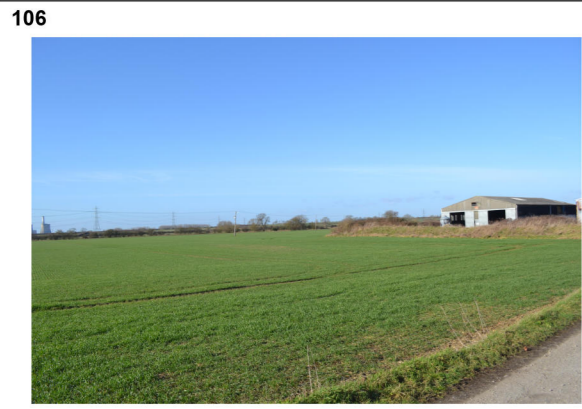
West Burton Solar Project Ltd.



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Appendix A: Stow Park Deer Park Photographs

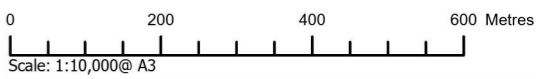


Key

- Order Limits
- Stow Park Deer Park
- Area of Medieval / Post Medieval Cropmarks
- Stow Deserted Medieval Village
- Possible Early Medieval Settlement
- Heritage Statement Photo Location
- Building
- Pond / Reservoir
- + Railway
- High Voltage Overhead Electricity Line
- Low Voltage Overhead Electricity Line
- Bunded Agricultural Storage Area
- MoD Petroleum Storage Depot

Photo captions

- 105 - View west towards the more diminutive hedge along the north-western boundary of the former deer park (from the western edge of the MoD Petroleum Storage Depot).
- 106 - View north-west towards hedge along the north-western boundary of the former deer park and the depot/farm buildings adjacent to the railway line.
- 116 - View south-west from the southern edge of the scheduled area surrounding the Bishop's Palace towards the eastern park pale running along the horizon.
- 125 - View east across the central area of the site of the Bishop's Palace now occupied by hardstanding and derelict buildings associated with Moat Farm.
- 126 - View south-east towards the farm building associated with Moat Farm within the site of the Bishop's Palace.
- 127 - View south across the hardstanding associated with Moat Farm which occupies the central area of the site of the Bishop's Palace.
- 128 - View north-west from the access road adjacent to the MoD Petroleum Storage Depot.
- 129 - View south-east from the access road adjacent to the MoD Petroleum Storage Depot.
- 130 - View west towards the former depot in the north-western area of the former deer park.
- 131 - View north-west along the railway line from the southern boundary of the former deer park.



APFP Regulation: 5(2)(q)	Application Doc No. WBX.XX
Ref: P2983_LPR_ZZ_ON_DR_Z_0301	Date: 18/10/2024
Drawn by: AZ	Checked by: AJ

Location of Heritage Statement Photos

WEST BURTON SOLAR PROJECT

Layers: Lanpro, 2024
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