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Energy Infrastructure Planning
Department for Energy, Security and Net Zero
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Our ref: AN/2022/132712
Your ref: EN010132

Date: 23 October 2024

By email:

WestBurtonSolarProject@planninginspectorate.gov.uk

Order Granting Development Consent for the West Burton Solar Project (EN010132) – Secretary of State’s questions October 2024.

Dear Mr Wheadon

I refer to the notification on behalf of the Secretary of State on the 15 October 2024 notifying us of some further questions.

We note the Environment Agency is referred to as being asked to comment on the following in relation to the long-term flood risk assessment:

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.

The Environment Agency’s response to this is we have no comments on the suggested wording and agree that a Flood Risk Assessment (FRA) must be submitted regarding the works which will extend the lifetime of the development beyond what has been assessed in the previous FRA.

We also note the Environment Agency is referred to in the wording on Electro-Magnetic Fields (“EMF”) Impact Risk Assessment which reads as follows:

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.

In response to this, whilst the Environment Agency has no comments to make (and note we have not been asked to comment), we do wish to confirm that the possibility of mitigation measures if adverse effects on fish are found would be good. However, our latest position is we are not insisting on this in connection with this solar scheme or others nearby and we do feel this matter should be dealt with consistently.

I hope this reply is of assistance. Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the details below.

Yours sincerely

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