

# West Burton Solar Project

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

Prepared by: Lanpro Services  
October 2024

PINS reference: EN010132

Document reference: DEC/WB8.1.46

The Infrastructure Planning (Examination Procedure) Rules 2010



West Burton Solar Project Limited  
Unit 25.7, Coda Studios  
189 Munster Road  
London  
SW6 6AW

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

29 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 second Request for Information ('RfI2') dated 15 October 2024 made by the Secretary of State for Energy Security and Net Zero ('the SoS').

**Submitted Documents**

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

Ref or plan/ drawing number	Document Title
Other Documents	
DEC/WB7.2_C	Outline Decommissioning Statement (Revision C)
DEC/WB7.3_G	Outline Landscape and Ecological Mitigation Plan (Revision G)
DEC/WB7.14_E	Outline Operational Environmental Management Plan (Revision E)
Examination Submissions	
DEC/WB8.1.8_H	Schedule of Changes (Revision H)
DEC/WB8.1.46	The Applicant's Cover Letter for Request for Information Submission
DEC/WB8.2.3_A	Review of Likely Significant Effects at 60 Years (Revision A)

## Response to Request for Information

### Compulsory Acquisition and Land Use Matters

The Applicant's response to the matters set out in paragraphs 3-12 of RfI2 are as follows:

- **Alison Olivia Brownlow and Rodger Andrew Brownlow**

Heads of terms were signed on 9 February 2024. Documents are being negotiated with the landowner's solicitor but are not yet agreed.

- **EDF Energy (Thermal Generation) Limited**

The terms of a voluntary agreement are almost agreed with the only outstanding item being the commercial term where the commercial values requested by EDF remain much higher than those offered by the Applicant.

- **Emma and Nicholas Hill**

The landowner will not accept professional representation from an independent third party. The landowner has also suggested that the Applicant changes its professional representation as he does not agree with the valuation provided. The Applicant continues to offer a voluntary agreement based on professional and standard valuation techniques.

- **Neil Elliot**

The Applicant remains willing to enter into a voluntary agreement, however the landowner's agent has confirmed that the landowner is still refusing to enter into a voluntary agreement.

- **Network Rail Infrastructure Limited**

Discussions are ongoing in respect of the property agreement and framework agreement. The protective provisions included in the draft DCO are agreed.

- **Northern Powergrid Yorkshire PLC**

The protective provisions included in the draft DCO are agreed and a side agreement has been completed with Northern Powergrid. The Applicant understands that this objection has been withdrawn.

- **Parochial Church Council of the Parish of Stow-with-Sturton**

The Applicant refers to references PCC-05 and PCC-06 in 8.1.2 Responses to Relevant Representations **[REP1-050]**. The Applicant does not consider that its powers within article 23 of draft Development Consent Order **[DEC/WB3.1\_I]** would operate to extinguish any chancel repair liability tied to the land that would be due to the Parochial Church Council. This is because the right to chancel repair contribution is not inconsistent with the exercise of rights granted by the DCO. There are therefore no implications to the right to Chancel Repair Liability as a result of the Scheme. In the unlikely event that this right was extinguished then compensation would be payable.

- **SNED Ltd, SNSE Ltd and SNSEM Ltd**

Negotiations are ongoing and SNSE and RES are engaging with the Applicant regarding a voluntary agreement. Discussions are ongoing with Aggregate Industries regarding the use of the access road during construction and the cable under the road. The amount of compensation is not currently agreed as the commercial point of value used by landowner and Applicant are very far apart.

- **The Canal and River Trust**

Discussions are ongoing with the Canal and River Trust regarding commercial terms.

- **Uniper UK Limited**

The protective provisions included in the draft DCO (Revision I) [DEC/WB3.1\_I] submitted with the Applicant's response to the first RfI have been agreed. The Applicant understands that this objection is now withdrawn.

#### Electro-Magnetic Field ("EMF") Impact Risk Assessment

In respect of the SoS's request as set out in paragraph 13 of the RfI2, the Applicant understands that Natural England has indicated that it is satisfied with the proposed approach in the EMF Impact Risk Assessment [REP3-034], based on the Natural England response [REP5-062] to question 2.3.5 of the Second Written Questions [PD-014]

The proposed minimum depth for the cable of 5m below the bottom of the riverbed was agreed with the Canal and River Trust, in line with the depth agreed for the Gate Burton Energy Park, in order to prevent risk of any scour exposing cable. This depth was then used for the EMF Impact Risk Assessment [REP3-034].

#### EMF Monitoring in Outline Operational Environment Management Plan ("oOEMP")

In response to the SoS's requests set out in paragraph 15 and 16 of the RfI2, the Applicant has updated the oOEMP [DEC/WB7.14\_E] to reflect the requested changes to EMF monitoring of fish in the River Trent. In direct response to paragraph 16, this includes updating Table 3.3 to include Natural England as a recipient of regular EMF monitoring survey result.

In direct response to paragraph 17, the Applicant has removed the statement "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" from Table 3.3 of the oOEMP.

#### Review of Likely Significant Effects at 60 Years ("RLSE")

In response to the SoS's request set out in paragraph 18 of the RfI2, the Applicant has reviewed the RLSE and made corrections to the 'Heritage' section of Table 1.1, as it incorrectly referenced the operational effects of Cottam Solar Project. The only correction relates to the 'Wording from ES' column. All other columns and information remain unchanged. No other changes are required to the assessment of the likely significant effects for up to a 60 year operational period, or the conclusions of this assessment, from the previous revision of the

RLSE. The Applicant has also taken the opportunity to update the references to the examination library.

#### Outline Landscape and Ecological Management Plan ("OLEMP")

In response to the SoS's requests set out in paragraph 19, the Applicant has updated the Outline Landscape and Ecological Management Plan ("oLEMP") **[DEC/WB7.3\_G]** 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 these changes relating to the aftercare period were also included in the updated oLEMP **[DEC/WB7.3\_F]**, submitted in response to the first Request for Information dated 19 September 2024, which relates to the removal of solar panels from the Deer Park. As such, the oLEMP provided in response to RfI2 makes these changes to Revision E of the oLEMP **[REP6-025]**, with panels retained within the Deer Park.

Accordingly, should the SoS be minded to grant development consent for the Scheme in a form that includes solar panels in the Deer Park, the version of the oLEMP to include in Schedule 13 of the DCO will be Revision G **[DEC/WB7.3\_G]**. However, should the SoS be minded to grant development consent in a form that removes the panels from the Deer Park, the version of the oLEMP to include in Schedule 13 will be Revision F **[DEC/WB7.3\_F]**.

#### Outline Decommissioning Statement ("ODS")

In response to the SoS's request as set out in paragraph 20 of the RfI2, the Applicant has updated the oDS **[DEC/WB7.2\_C]**. This consists of the following changes within Table 3.1: the provision of additional information on the avoidance and mitigation measures to be taken to preserve archaeological and heritage assets; and additional detail as to the avoidance and mitigation measures to be taken to conserve trees, woodland, and hedgerows.

#### Requirement 22, Long Term Flood Risk Assessment

In response to the SoS's request in paragraph 21 of the RfI2, the Applicant respectfully disagrees that there is a need to amend the proposed wording of requirement 22, and considers that the proposed drafting is likely to cause delays to the delivery of the Scheme that it believes are unintentional given the urgent need for renewable energy generation identified in National Policy Statement EN-1.

The proposed amendment would restrict the Applicant from applying to discharge any of the specified requirements, before the updated flood risk assessment (FRA) has been approved

by the Environment Agency. The requirements listed include requirement 7, relating to approval of the landscape and ecological management plan (LEMP) before any part of the authorised development is commenced. However, for the purposes of requirement 7 only, the definition of "commence" is expanded to include part (h) of the permitted preliminary works, relating to site clearance (see requirement 7(4)).

The effect of the proposed drafting for requirement 22 would therefore be to restrict the Applicant from seeking approval of a LEMP to cover preliminary site clearance works until the updated FRA has been approved. However, site clearance works are themselves likely to be seasonally restricted, for example to avoid environmental effects on nesting birds. This constraint on the Applicant being able to apply to discharge requirement 7 and obtain approval for a LEMP to apply to preliminary works, may cause knock-on delays of up to a year before necessary preparatory works could be carried out. Similarly, the inclusion of requirement 5 (detailed design approval) would limit the Applicant's ability to progress, at its own risk, the design of the Scheme in areas of lowest flood risk that are least likely to be affected by the findings of the updated FRA.

The Applicant submits that the purpose of requirement 22 is to ensure appropriate mitigation measures are identified and incorporated into the detailed design of the Scheme so that, once the authorised development is commenced, all parties can be satisfied that it will not be at risk of flooding in the future. It is the Applicant's position that this is achieved by the existing drafting that requires the updated FRA to be approved before the authorised development is commenced and requires the measures in the updated FRA to be implemented. The Applicant has not been able to identify a mischief that the revised drafting would remedy, but is concerned about the potential for the drafting to cause delays to the delivery of this critical national priority infrastructure.

In addition, the Applicant notes that the current drafting of this requirement, in Schedule 2 to the draft Development Consent Order **[DEC/WB3.1\_I]**, is consistent with requirement 22 of the Cottam Solar Project Development Consent Order. Both projects are required to submit and discharge the same information relating to the updated flood risk assessment based on 60 years. The projects are also seeking to share cable route infrastructure and reduce environmental effects by identifying opportunities to construct the schemes in tandem should final investment decisions and construction programmes allow. Maintaining consistent wording between the projects will provide consistency, avoid delay, and support efforts to minimise the environmental effects of both projects.

The Applicant considers that the above, and supporting submissions, satisfactorily provide the additional information as requested by the SoS in their letter of 15 October 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.



[info@westburtonsolar.co.uk](mailto:info@westburtonsolar.co.uk)