



Meeting note

Project name	Solar Projects Multi-party meeting: Gate Burton Solar Project, West Burton Solar Project, Cottam Solar Project and Tillbridge Solar Project
File reference	N/A
Status	Final
Author	The Planning Inspectorate
Date	30 September 2022
Meeting with	<i>Applicants:</i> Low Carbon (LC), Island Green Power (IGP) and Tribus Energy (TE) <i>Local Authorities:</i> Bassetlaw District Council (BDC), Lincolnshire County Council (LCC), Nottinghamshire County Council (NCC) and West Lindsey District Council (WLDC)
Venue	Microsoft Teams
Meeting objectives	To understand key current and likely issues associated with the grouping of proposed solar projects, so as to inform how the proposals will be examined.
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Purpose of Meeting

The multi-party meeting was arranged for the purpose of open discussions between the Applicants for Cottam and West Burton Solar (Island Green Power), Gate Burton (Low Carbon) and Tillbridge (Tribus Energy) projects and the four local authorities (LAs) in which the projects were proposed: Bassetlaw District Council, Lincolnshire County Council, Nottingham Council and West Lindsey.

The meeting was held to allow the parties involved in the projects to consider the likely issues, given the geographical and chronological closeness of the projects and the impacts on the relevant organisations. Pinsent Masons had submitted advanced thoughts which were circulated to all attendees and is attached as an Annex to this note.

Expected submission dates

The Gate Burton submission is currently expected to be the end of January 2023. The Cottam DCO submission is currently expected to be week three of November 2022, however if the submission is delayed it would move to the first week in January 2023. The West Burton DCO

submission is currently expected to be early January 2023 unless the Cottam submission is delayed, then this will be pushed back to late January 2023. Tillbridge's scoping report is currently anticipated to be submitted on 30 September 2022 with submission expected to be approximately Q3 2023.

The Inspectorate reminded the Applicants that any changes to expected submission dates should be promptly communicated to the Inspectorate.

Key issues arising from engagement to date

Local Authorities

BCC reported that they have had regular contact and meetings with the Applicants, who have been transparent and employed high levels of engagement. It considers the impacts to relate to agricultural land, landscape and visual impact and heritage.

LCC highlighted that the number of projects, solar farms and others, proposed in the county putting pressure on resources was a big issue and a concern to councillors. Also, issues were the loss of agricultural land, particularly the quantity of it and Best and Most Versatile (BMV) land, landscape and archaeology and clarification around carbon reduction were their key concerns, particularly in relation to cumulative effects. It commented that it has not yet seen designs for the battery energy storage.

IGP stated that details regarding the design of the battery energy storage will be provided soon. They explained that there are options remaining for the location of battery storage at the West Burton and Cottam sites due to the constant progression in technology. The ES will assess the worst case of the options. LC is not planning to use limits of deviation, including vertical deviation, as it considers that the red line boundary provides sufficient flexibility.

NCC stated that a Planning Performance Agreement (PPA) has been completed to resource the work and it has had a good level of engagement with the Applicants through monthly meetings. Their key concerns were around potential local areas of flood risk, landscape and visual impacts and loss of agricultural land.

WLDC highlighted a high level of engagement with the Applicants.

However, overlap in the programmes of the proposed projects has put pressure on resources and has led to consultation fatigue and confusion within their constituency.

The LAs key concerns are around cumulative effects.

Applicants

There is a small amount of Crown land within both the Cottam Solar Project and West Burton Solar Project, which is the same area as identified for Gate Burton, at the River Trent. None of the projects have Bona Vacantia land.

IGP stated that further consultation was undertaken for the cable routes and relevant land surveys have been undertaken. Preferred cable routes have been agreed; this will consist of

a joint corridor for the three transmission cables. Collaborations between IGP, TE and LC have been ongoing.

LC explained that compulsory purchase rights are included only as a back-up in the DCO. The Applicant has good relationships with landowners along the cable route; landowners have given voluntary access for surveys along the route.

TE has exclusivity agreements with all but one of the landowners. Due to the project being at an earlier stage, there is currently a wider corridor on the cable route than the other projects and the Applicant has just started engagement with the other Applicants. TE is considering two routes across the River Trent with one route across the Torksey Viaduct. TE is keen to look at how impacts can be minimised through collaborative construction and installation. The Applicant will discuss with IGP how the Cottam cable route will interact with the Tillbridge site to minimise impact.

Local Authority Timing and Resourcing Constraints

BDC advised that, since West Burton 4 has been removed from the red line boundary, another review of timing and resourcing will be undertaken. Since only the cable route will be within the administrative boundary now, it is anticipated that this will take pressure of timing and resources.

LCC requires assistance with timetabling from the Inspectorate due to the number of schemes proposed in the area are anticipated to be submitted in late 2022 and early 2023. The council is anticipating resourcing and engagement issues due to this. While the council has been provided additional budget, they are forecasting issues with hiring required additional staff who are in high demand across the industry currently. The council confirmed that they have approximately 11 PPA's in place across the Applicants. The council advised the Inspectorate that the Relevant Representation and local impact stages need to go through a formal committee which adds further pressure to resourcing.

NCC advised that the removal of West Burton 4 from the red line boundary will significantly reduce pressure on resourcing for Nottinghamshire County Council. The council supports proposals from the Applicants to work together on a common evidence basis and collaborating across multiple projects where possible.

WLDC advised that timing and resourcing are considerable concerns for the m. While the council is bringing in external consultants to help support resourcing, there are numerous NSIPs proposed within the council's authority area. The council would like to progress the draft PPAs that are currently in place with the Applicants. The council requested help with programming. The Inspectorate advised that the LA should provide their timetabling needs so that clashes could be avoided where practicably possible.

Consideration of Any Previous Experience of Overlapping Examinations

Pinsent Masons, legal representatives for all four applications, confirmed that they have had experience with overlapping Examinations. They highlighted that the use of virtual hearings has been invaluable in reducing travel time and potential clashes, however, they noted that attendance to events has suffered since virtual hearings have become more common, as

stakeholders are not engaging as consistently as they were with physical events. The Inspectorate confirmed that a virtual hearing holds the same weight as a physical hearing and should be attended as usual.

Pinsent Masons suggested that a hearing that covers cumulative impact would be helpful for those stakeholders that wish to only engage in that topic, although clarity would need to be made as to which project is under examination.

Pinsent Masons also highlighted the advantage of coordination between LAs and action groups, which would allow a small number of speakers during events, rather than having multiple speakers covering the same topics.

Pinsent Mason and LAs agreed on the advantages of having a familiar ExA across the hearings for different projects, to provide stakeholders some assurance. The Inspectorate highlighted concerns that this may lead to certain issues that have been raised during previous projects, for previous hearings, not being raised for later projects.

AOB

IGP confirmed the removal of the West Burton 4 site from the red line boundary. WLDC queried whether this will have implications for a January submission and whether further public consultation/redesigns required.

The Inspectorate advised that it is for the Applicant to decide if further consultation is required and that this will need explaining within the Consultation Report. The Inspectorate advised that the Planning Act Pre-application guidance (found on the National Infrastructure website), particularly paragraphs 68 to 77, provides further detail to this.

IGP stated that it is likely they will conduct a targeted consultation on relocating the battery storage. However, if this did go ahead, it would be conducted soon and therefore would not impact the overall timeline.

Next Steps Leading to Submissions

The Inspectorate confirmed that the LAs will be contacted by email two weeks ahead of any submission regarding Adequacy of Consultation Requests (AoCR). AoC responses are required within two weeks of request. A redacted version of the consultation report will be provided to LAs at submission for this purpose.

The Applicants are to provide the GIS shape file 10 working days before submission. The Inspectorate advised that Advice note 7, section 7 should be followed.

Pinsent Masons - Gate Burton Energy Park, Cottam Solar Project & West Burton Solar Project joint submission to the Planning Inspectorate – Suggested DCO Examination Management

Topic	Suggestion	Rationale
Applicants as Interested Parties	Each applicant registers as Interested Parties (“IPs”) for the other two DCO Applications. The Relevant Representation (“RR”) would provide all required information to register and state that the IP is an applicant for an adjacent project and confirm the expected/actual date of submission of its DCO application and the main expected interactions between the projects.	By registering as an IP, each applicant will be kept informed of updates in respect of the other DCO Applications and the Examining Authority (“ExA”) may ask questions directly of them. The RRs do not need to be detailed, but sufficient for the appointed ExA to understand the interface between the projects. We can prepare a template RR for each applicant team to populate, ensuring consistency.
Applicants’ approach to written submissions to Examination	The Applicants to work collaboratively and where possible make joint written submissions when responding to questions in each Examination. This to take the form of a joint written representation or Statement of Common Ground (“SoCG”).	This will ensure the responses are aligned, the same information is submitted into each examination and the risk for inconsistency is reduced.
Examinations	Save as set out in the following rows, the DCO Applications are examined separately, rather than co-joined.	To ensure IPs are clear on which application they are responding to and emphasise that the DCO Applications relate to separate projects, promoted by independent applicants.
	In the context of the national need for energy, security of supply, Project Speed, and how quickly solar can be deployed post consent, it will be important to ensure one application does not experience delay as a consequence of the timetabling of the others. To that end, the examinations should run concurrently. However, the examination timetables will need to be developed with consideration given for IP resourcing. For example, deadlines and hearings for one application should not be on the same day as for another, unless they are common hearings (see	This should ease pressure on IPs’ resource. Also, the IPs are likely to be the same for all three DCO Applications and interested in the timetable for them – they will wish to plan their availability and resource accordingly and be sure that the ExA for each application is aware of timetabling issues raised.

	<p>below). A blend of actual and virtual hearings may also help the IPs manage resource.</p>	
	<p>We consider there is potential for a common Issue Specific Hearing on cumulative impact assessment (“CEA”), i.e. all three applications considered on the same day, by an Inspector common to all three examinations (see row below).</p>	<p>This should ease pressure on IPs’ resource and ensure that all cumulative impacts are, and are seen to be, considered together, based on accurate and consistent evidence for each project.</p>
	<p>We consider there is potential for common Open Floor Hearing(s) (“OFH”), i.e. all three applications considered on the same day, by one or more Inspectors (see row below) for those persons who wish to make oral representations that relate to all three projects.</p>	<p>This should ease pressure on IPs’ resource, through reducing the need for multiple hearings at which the IP will have to raise the same issues. For example, there could be one whole day of OFH and two evening OFHs in total, rather than two OFHs per application.</p>
	<p>We consider there is potential for the ExAs to coordinate/align written questions for each Examination, perhaps the same generic questions of each applicant in part 1, and project specific questions in part 2. For example, the ExAs’ are likely to raise related questions applicable to all three applications regarding application of national and local planning policies or assessment methodology (e.g. future baseline).</p>	<p>This should ease pressure on IPs’ resource by preparing one set of answers and reduce documentation, making it less onerous to respond to for all involved in the Examination.</p>
	<p>We consider there is potential for a common set of written questions to be directed to all three applicants in respect of a shared section of cable corridor. It may also be beneficial to have a common ISH in relation to this shared section of corridor, attended by all three applicants and IPs interested in this aspect of the three projects.</p>	<p>The DCO Applications will include a shared section of export cable corridor, i.e. the three cable corridors will merge for a distance of about 7km. Within that section each DCO Application will seek powers to lay only those ducts and cables associated with the authorised development in that DCO, but over the same area of land. Each DCO will also include protective provisions for the benefit of the other projects. This approach reflects the collaboration between the three applicants and steps being taken to accommodate shared construction areas, avoid physical constraints, and mitigate impacts on archaeological and ecological receptors. It would seem logical for this aspect of the three projects to be examined so that the same questions are directed at all three applicants and one common ISH is held in respect of the same. This approach should mitigate the potential for duplication and help conserve IPs’ resources.</p>

<p>ExAs</p>	<p>We recommend each examination should have an ExA comprised of two Inspectors, with one being common across all three DCO Applications.</p>	<p>This would:</p> <ul style="list-style-type: none"> (i) ensure all matters relevant to all of the DCO Applications are considered; (ii) ensure at least one Inspector is responsible for the cumulative effects assessment across the DCO Applications, which limits the scope for inconsistent information to be considered in the CEA for each DCO Application; (iii) reduce scope for error and the risk of judicial review; and (iv) two common Inspectors would add resilience to the Examinations.
	<p>An ExA panel of two Inspectors per DCO Application is sufficient.</p>	<p>We do not consider a panel of three Inspectors is warranted for any of the projects because:</p> <ul style="list-style-type: none"> (a) they are not complex (solar being the least complex of energy generation NSIPs); (b) the issues/impacts likely to be considered are common to all solar generating stations, regardless of scale, will be familiar to Inspectors, and there is nothing novel about the DCO Applications; (c) whilst based on the consultation responses, we anticipate a significant number of relevant representations, we expect those to be repetitive in substance, i.e. raising the same issues and impacts considered for other solar generation stations; and (d) even if the number of relevant representations is high, experience of other solar NSIPs suggests that engagement in the examination and hearings will be limited.