

**Comments on the draft Development Consent Order - Application
by Cottam Solar Project Ltd**

20 August 2023

1. Introduction

7000 Acres is an interested party in the DCO Examination for the Cottam Solar Project and three additional solar NSIPs in the local area. We represent a large number of concerned residents. We oppose this and the other three solar NSIPs because of the irreparable harm to the traditional local economy, communities, and landscape.

This is a summary submission provided for the Issue Specific Hearing planned for 6 September 2023 concerning the draft Development Consent Order (dDCO). 7000 Acres reserves the right to make further representations at the Issue Specific Hearing.

Many of the issues we have identified in the dDCO relate to the lack of evidence presented by the Applicant, both at this stage of the process and earlier during the public consultations. The Applicant's EIA is byzantine, in many areas it lacks tangible evidence and frequently draws flawed conclusions. Furthermore, during open days the Applicant stated that if they received Consent, they would sell-on the project. Therefore, the dDCO must be robust to ensure that Application minimises damage to the local community and the environment.

A few brief examples of our numerous concerns are provided below, further evidence will be provided by 7000 Acres in our Written Representations.

2. Generating Capacity

The dDCO does not cap the generating capacity of the Cottam NSIP. 7000Acres believes that the generating capacity must be capped so that improvements in technology can be used to reduce the considerable impact of this scheme, and the other 3 solar NSIPs, on the local environment.

3. Battery Storage System

3.1 Battery Safety Management

Requirement 6.(1) states:

“Work Nos. 2 and 3 must not commence until a battery storage safety management plan has been submitted to and approved by the relevant planning authority.

(2) The battery storage safety management plan must be substantially in accordance with the outline battery storage safety management plan.”

The word “*substantially*” must be removed. This is a safety plan and so must be complied with in full.

The LPA is unlikely to have the specialist knowledge to approve the plan. Lincolnshire Fire and Rescue and the Environment Agency must be consulted as a BESS thermal runaway would be a major incident and result in substantial amounts of polluted firewater being present on the site.

3.2 Associated Development

The dDCO identifies a Battery Energy Storage System (BESS). There is insufficient evidence for the Examining Authority to conclude that the BESS would be Associated Development or an aim in itself. As the Applicant has adopted a Rochdale Envelope, there is limited information available about the BESS. Amongst other things the following details are unclear:

- Any indications as to the total power of the BESS (rated in megawatts)
- Any indications as to the storage capacity and duration of storage (rated in megawatt hours)
- Sufficient evidence regarding the network and how the PV cells will be connected to the BESS

- Any explanation over the energy balancing role of the BESS and energy import from the National Grid. These features are discussed in publicity material but not in the dDCO, so will they be a feature of the BESS?

It is currently unclear if the BESS is Associated Development or could be viewed as an aim in itself. This latter point would apply if the BESS was used to import and trade energy with the National Grid. As a solar farm has a limited operating envelope, using the BESS to trade power outside the limited operating envelope of the PV cells should be viewed as a separate development.

7000Acres will provide evidence in our Written Representations that the BESS has the potential to provide a substantial additional income to the solar park operator, when the solar panels are not generating. As the Consent will be for operating a “generating station”, revenue operations when the scheme is not capable of generating power should be viewed as a separate system and consent for a BESS sought through the Infrastructure Planning (Electricity Storage Facilities) Order 2020.

It is unclear on the relationship between the generating and storage capability of the project. In particular why this project requires such a large BESS to be co-located with the PV panels, and if actually required, why it is not located remotely on a brownfield site, such as co-located with the grid connection?

It is noted that the dDCO does not limit the upper limit of the storage capacity of the BESS. This is at variance with previous schemes. For example, the Little Crow scheme limited the power of the BESS in the DCO to 90 MW (Appendix 4 – Schedule 1, definition of Works 2A and 2B6). If the Applicant provides sufficient evidence for the Examining Authority to conclude the BESS is associated development, then the storage capacity should be limited to ensure it is *“proportionate to the nature and scale of the principal development”*.

7000 Acres propose that the dDCO could limit the BESS in the following ways:

- Power - “The BESS within the scheme shall not exceed [XXX] MW of power output as calculated by the sum of the stated power output on any included battery cells.”

- Capacity – “The BESS within the scheme shall not exceed [XXX] MWh of capacity as calculated by the sum of the stated capacity on any included battery cells.”
- Use - “The BESS within the scheme shall only be charged using power generated by the principal development constituted by Schedule 1 Work No. 1.”
- The land available for Schedule 1 Work No 2 could be constrained in area and volume.

7000 Acres has a number of additional concerns regarding the BESS that will be addressed in Written Representations.

4. Landscape and Ecological Management Plan

Requirement 7. (2) states:

The landscape and ecological management plan must be substantially in accordance with the outline landscape and ecological management plan.

The word “substantially” should be removed. As a general point, the Applicant frequently uses the word “*substantially*” in the dDCO. This implies that some elements of a requirement are optional and at the whim of the Applicant.

5. Felling or lopping of trees and removal of hedgerows

Requirements 38 and 39 state:

“38.—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised development or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from—”

“39.—(1) The undertaker may fell or lop any tree that is subject to a tree preservation order within or overhanging land within the Order limits or cut back its roots, if it reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or

interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development.”

The current wording of the dDCO would allow the Applicant to remove all hedgerows and trees they believe to be necessary without any checks and balances.

In the opinion of 7000 Acres, the dDCO should be revised to state that any lopping, pruning, felling or removal of hedgerows, trees or shrubs should be in accordance with the Landscape and Ecological Management Plan.

6. Decommissioning

As with other aspects of this application, the Examining Authority (and local residents) are deprived of evidence regarding decommissioning. No general framework for decommissioning is provided, or criteria against which successful decommissioning can be tested. There is no evidence that agricultural land will be returned to its original state.

6.1 Period of Operation

The dDCO does not stipulate an operational period for the solar farm and so it is not clear when the solar farm is likely to cease operations, and so it cannot be confirmed the land use is “temporary”. The Applicant’s PEIR states an operational period of “*approximately 40 years*”. 7000Acres does not agree that 40 years is “*temporary*”; our view is supported by the Planning Inspector for the Lullington solar farm (The Planning Inspectorate, 2023):

“Whilst the 40-year period may allow for the restoration of the soil structure and reduce the problems associated with nitrates usage, it appears to me, as it has done to other Inspectors at appeals cited by the Council, that 40 years would indeed constitute a generational change.”

The dDCO should limit the operational period to the lifespan of the original solar panels, i.e. circa 25 years.

6.2 Commencement of Decommissioning

Requirement 21. (1) states:

“Within 12 months of the date that the undertaker decides to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority for that part a decommissioning plan for approval.”

Decommissioning should commence as soon as the development is no longer producing energy, or at the end of the consent period, whichever is sooner. This must not be left at the discretion of the Operator, who might choose to never decommission the scheme.

6.3 Decommissioning Bond

As the Applicant openly stated they will sell-on the project if their Application is successful, a Decommissioning Bond must be provided to ensure there are sufficient funds to decommission the scheme should the Applicant (or future operator) be financially unable to do so at the point required.

7. Noise, Glare and Emission Requirements

7000 Acres requests the Examining Authority to consider placing limits on noise, glare and emissions in the dDCO. This is due to the size of this project and the nearby three other solar NSIPs of a similar size. As the individual and cumulative effect of these schemes will be detrimental to residents’ physical and mental health, we consider it appropriate to place these limitations on the Applicant.

8. Work Nos

The Work Nos do not limit the height of structures, such as solar PV panels. Other documentation identifies solar PV panels 4.5 metres high, which is excessive and

totally unacceptable to the local community. The maximum height of the solar PV panels must be identified in the dDCO and limited to a height that has minimal local impact, such as a typical Lincolnshire hedge height of 2m.

Signed

On behalf of 7000 Acres

www.7000acres.co.uk