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Examining Authority
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Our Int. Party ref: 20036971
Your ref: EN010133

Date: 12 October 2023

By email:

CottamSolarProject@planninginspectorate.gov.uk

Order Granting Development Consent for the Cottam Solar Project (EN010133) – Deadline 1 submission – Written representations

Dear Sir

1.0 Introduction

1.1 On 23 March 2023 the Environment Agency made relevant representations to the proposal by Cottam Solar Project Limited to construct a solar farm with sites north-east and south-east of Gainsborough in West Lindsey.

1.2 These written representations provide an update to issues raised in our relevant representations where the applicant has responded, or we have further details to add.

2.0 Scope of these representations

2.1 These written representations contain an overview of the project issues, which fall within our remit. They are given without prejudice to any future detailed representations that we may make throughout the examination process. We may also have further representations to make if supplementary information becomes available in relation to the project.

3.0 Ecology and biodiversity

3.1 The concerns raised on ecology and biodiversity within our Relevant Representations have now been resolved and the draft Statement of Common Ground (SoCG) has been updated to reflect our current position.

3.2 However, an additional point has been raised with the applicant on the potential impact from the presence of electromagnetic fields (EMF) on ecology where the grid connection corridor proposes to go underneath the River Trent.

3.3 The Environmental Statement (ES) does not have any specific reference to EMF and suggests that “Operational phase effects on fish are anticipated to also be neutral.” (ES, Chapter 9: Ecology and Biodiversity, EN010133/APP/C6.2.9, page 100).

3.4 Given that the potential impact of EMF on ecology is an emerging issue and not assessed within the ES we would suggest a risk assessment is carried out, centred on the grid connection corridor to fully understand the risks during the operation of the proposed development.

3.5 As the potential impacts from EMF are dependent on the intensity of the emission, current type, cable characteristics, power transmitted and other surrounding environmental factors a risk assessment would evaluate whether the EMF associated with the proposed development is likely to have any impacts on fish.

3.6 Atlantic salmon *Salmo salar* (hereafter salmon), Sea Trout, European Eel, River Lamprey and Sea Lamprey all use the River Trent to complete migratory journeys. The Humber Special Area of Conservation (SAC) lists River Lamprey and Sea Lamprey, and we know that both species use the River Trent to spawn, laying their eggs in suitable gravels upstream of the proposed cable corridor. Research suggests that the strongest effects from EMF will most likely occur during the embryonic or larval stages of species settling on the bottom of the river (Gill and Desender, 2020¹). Additionally, the behavioural and physiological responses to EMF in salmon have the potential to impact long-distance migrations due to the increased sources of artificial EMF from renewable energy installations within riverine and marine environments (Gillson et al., 2022²). The extent of risks to juvenile Lamprey and migratory salmon from EMFs should be explored in a risk assessment to determine whether the risk from the project, or cumulative risk if the project is to share the cable crossing with other projects, is significant enough that it needs to be mitigated.

¹ Gill, A.B. and Desender, M. (2020) 2020 State of the Science Report, Chapter 5: Risk to Animals from Electromagnetic Fields Emitted by Electric Cables and Marine Renewable Energy Devices. <https://doi.org/10.2172/1633088>.

² Gillson, J.P., Bašić, T., Davison, P.I. et al. (2022) A review of marine stressors impacting Atlantic salmon *Salmo salar*, with an assessment of the major threats to English stocks. *Rev Fish Biol Fisheries* 32, 879–919. <https://doi.org/10.1007/s11160-022-09714-x>

3.7 The draft SoCG will be updated to reflect this matter as under discussion.

4.0 Hydrology, flood risk and drainage

4.1 All our comments raised under hydrology, flood risk and drainage have now been agreed and the SoCG will be updated to reflect our position.

4.2 The protective provisions (Schedule 16, Part 9) included within the draft Development Consent Order (dDCO) are mostly in a form which is acceptable to the Environment Agency. There are, however, some points we wish to discuss with the applicant ahead of agreeing to a final version.

5.0 Ground conditions and contamination

5.1 The concerns raised on ground conditions and contamination have now been resolved and the SoCG will be updated to reflect our agreed position.

6.0 Environmental permit

6.1 We would expect the final DCO text to reflect our comments on Article 6(1)(h) and read: “regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016, in respect of a flood risk activity permit only”. We are unable to agree to disapply regulation 12 in its entirety.

6.2 As referred to in paragraph 4.2 above, the disapplication of The Environmental Permitting (England and Wales) Regulations 2016 for flood risk activities will be subject to agreement regarding protective provisions.

7.0 Development consent order

Application and modification of statutory provisions

7.1 We have considered the disapplication of local legislation listed in Schedule 3 of the dDCO and can confirm we have no comments to make.

Requirements

7.2 We note that the applicant has agreed to amend the dDCO to list the Environment Agency as a named consultee for Schedule 2, Requirements 7 (1), 8, 13, 14(1) and 21 (1-4). This should secure appropriate consultation with the Environment Agency and we look forward to reviewing this wording in due course.

Schedule 17: Procedure for Discharge of Requirements

7.3 At Issue Specific Hearing (ISH) 1 on 06 September 2023 the applicant indicated that they intend to align the DCO wording with that of the Gate Burton Energy Park dDCO. Should that be the case, and the dDCO is updated to allow 20 working days for consultation on the discharge of requirements this would resolve our concerns on this matter.

Paragraph 4 (2)(c) – Appeals

7.4 We also maintain that Schedule 17, Paragraph 4 (Appeals), (2)(c) should be amended to allow representations to be submitted within 20 working days.

8.0 Statement of Common Ground

8.1 The Statement of Common Ground, drafted by the applicant, is currently being reviewed.

8.2 In light of the above (3.2), we have asked the applicant to add a section to the SoCG on potential impacts from the presence of EMF. We will continue to progress these discussions with the applicant ahead of submitting a signed copy into the examination.

9.0 Further representations

9.1 We reserve the right to add or amend these representations, including requests for DCO Requirements and protective provisions should further information be forthcoming during the course of the examination on issues within our remit.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on [REDACTED] [@environment-agency.gov.uk](mailto:[REDACTED]@environment-agency.gov.uk), LNplanning@environment-agency.gov.uk or [REDACTED]

Yours sincerely

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