

# Cottam Solar Project

## Written Summary of the Applicant's Oral Submissions & Responses at Issue Specific Hearing 2 and Responses to Action Points

Prepared by: Pinsent Masons LLP  
December 2023

PINS Reference: EN010133  
Document Reference: EX3/C8.1.21

The Infrastructure Planning (Examination Procedure) Rules 2010: 8(1)(c)





## Issue Sheet

Report Prepared for: Cottam Solar Project Ltd.  
Examination Deadline 3

### Written Summary of the Applicant's Oral Submissions & Responses at Issue Specific Hearing 2 and Responses to Action Points

Prepared by:

Pinsent Masons LLP

#	ExA Question / Item for discussion	Applicant's response
Agenda Item 1 - Welcome, opening remarks and introductions		
1	The Examining Authority (ExA) welcomed participants and read introductions and the public livestream and recording was started.	<p>The following parties introduced themselves:</p> <p><u>The Applicant</u></p> <ul style="list-style-type: none"> <li>• Claire Brodrick, Legal Director at Pinsent Masons LLP (solicitors for the Applicant)</li> <li>• Eve Browning, Senior Project Development Manager at Island Green Power</li> <li>• Tristan Wilson, Senior Heritage Consultant at Lanpro (planning and EIA consultants for the Applicant)</li> <li>• Alice James, Principle Historic Environment Consultant at Lanpro</li> <li>• Daniel Baird, Soils and Agriculture consultant at Daniel Baird Soil Consultancy Ltd (Mr Baird introduced himself at agenda item 3B)</li> <li>• Wendy Wright, Associate Director of Landscape Architecture at Lanpro (Ms Wright introduced herself at agenda item 3C)</li> <li>• Mark Topping, Director of Urban Design and Landscape Architecture at Lanpro (Mr Topping introduced himself at agenda item 3C)</li> </ul> <p><u>Lincolnshire County Council (LCC)</u></p> <ul style="list-style-type: none"> <li>• Stephanie Hall, Counsel, Kings Chambers</li> <li>• Neil McBride, Head of Planning</li> <li>• Martha Rees, Senior Solicitor</li> <li>• Oliver Brown, AHH Landscape (Landscape advisors for LCC)</li> <li>• Matthew Adams, Historic Environment Officer</li> </ul> <p><u>West Lindsey District Council (WLDC)</u></p> <ul style="list-style-type: none"> <li>• Shemuel Sheikh, Counsel, Kings Chambers</li> <li>• Russell Clarkson, Development Management Team Manager</li> <li>• Alex Blake, Associate Director, Atkins</li> </ul> <p><u>Nottinghamshire County Council (NCC)</u></p>

#	ExA Question / Item for discussion	Applicant's response
		<ul style="list-style-type: none"> <li>• Stephen Pointer, Planning Policy Manager</li> <li>• Ursilla Spence, Archaeology Lead</li> </ul> <p><u>7,000 Acres</u></p> <ul style="list-style-type: none"> <li>• Liz Garbutt</li> <li>• Jeff Summers</li> <li>• Tony Cork</li> </ul> <p><u>Local residents</u></p> <ul style="list-style-type: none"> <li>• Simon Skelton</li> </ul> <p><u>LNT Group (owners of Blyton Park Driving Centre)</u></p> <ul style="list-style-type: none"> <li>• Alastair Wood, Planning and Development Manager of LNT Group</li> <li>• Alan Mugglestone, Manager of Blyton Park Driving Centre</li> <li>• Phillip Raven</li> </ul>
<b>Agenda Item 2 - The purpose of the hearing and how it will be conducted</b>		
2	<p>The ExA introduced the hearing, including that:</p> <ul style="list-style-type: none"> <li>• the purpose of the hearing is for the ExA to further examine the environmental effects of the proposed development and related matters, and invite certain parties to make oral representations about them;</li> <li>• the hearing is subject to the powers of control of the ExA, as set out in the Planning Act 2008 and supporting legislation;</li> <li>• the ExA will invite parties to speak and will ask questions at relevant points on the agenda and when it otherwise considers necessary; and</li> </ul>	

#	ExA Question / Item for discussion	Applicant's response
	<ul style="list-style-type: none"> <li>all comments, questions and answers are to be directed to the ExA and not directly to any other party.</li> </ul>	
<b>Agenda Item 3 – Main Discussion Points</b>		
3A	<p><u>The Historic Environment</u></p> <ul style="list-style-type: none"> <li>The effect on the significance of Thorpe Medieval Settlement Scheduled Monument (SM), including the setting, boundaries, the proximity of the solar arrays and mitigation, as well as the most up to date position with Historic England [REP-065];</li> <li>The effect on the significance of 'Stow Abbey' SM/Listed Building, including direct effect(s) and mitigation;</li> <li>Whether the amount of trial trenching and evaluation that has been undertaken in relation to archaeological remains is sufficient and/or has been targeted to an acceptable degree, as well as the most up to date position with Lincolnshire County Council [REP-063];</li> <li>The potential for disturbance to archaeological remains, in particular during the construction phase; and</li> <li>The approach set out in the Archaeological Mitigation Written Scheme of Investigation [APP-131].</li> </ul>	<p><u>Thorpe Medieval Settlement Scheduled Monument (SM)</u></p> <p>The ExA asked the Applicant to explain the position of Historic England (HE) regarding the safeguarding of Thorpe Medieval Settlement Scheduled Monument (SM).</p> <p>Mr Wilson responded that discussions were undertaken at the pre-examination stage to identify any potential means by which reductions of the effect on the significance of the SM could be delivered. Information on these discussions is set out in the draft SoCG with HE [REP-065]. The proposed embedded mitigation, setting the panels back 50m from the SM, is set out in chapter 13 of the ES [APP-048]. He noted that HE and the Applicant have been in contact throughout the pre-examination phase.</p> <p>Mr Wilson summarised the context of the Thorpe Medieval Settlement SM, describing that the Heritage Statement (Appendix 13.5) [APP-125 to APP-128] contains details of the assessment that was carried out and subsequently informed the Environmental Statement (Chapter 13, Cultural Heritage [APP-048]). This was compliant with local and national legislation and guidance and was informed by the National Heritage List for England (NHLE) and the Historic Environment Records (HER).</p> <p>HE in its role as statutory consultee, provided a response to the Applicant's Scoping Report (Appendix 13.9 [APP-133]) which highlighted 9 assets and their settings for consideration, including Thorpe Medieval Settlement SM.</p> <p>As a result of thorough assessment, discussion with HE, and evolution of the design proposals, HE has confirmed that the Scheme appears to have largely addressed the setting of designated heritage assets and earthwork monuments of equivalent importance, apart from the Thorpe Medieval Settlement SM. This included all of the other assets Historic England drew attention to in their response to the Scoping Report. The significance of the Thorpe Medieval Settlement SM has been assessed in paras 3.2.15 - 3.2.19 of the Heritage Statement [APP-125].</p> <p>In response to the question from the ExA as to how the 50m buffer was arrived at, Mr Wilson responded that the Applicant believes that the setting of the SM relates to the surviving elements of the medieval landscape of the site to the north, particularly the field boundaries to the east and west of the field to the north which still represent the medieval field setting. The historical setting of the landscape also adds to the asset's significance. As such, the mitigation recommendation was to set back the panels 50m to the northern edge of the SM, and the planting of a field boundary immediately north of the SM. There were two reasons for this – firstly the buffer illustrates the distinct differences between the land occupied by the solar panels and the SM, and secondly it provides a strip of land demonstrating the former agricultural use of the field. However, there is still a residual adverse effect to the setting of the SM when this mitigation has been implemented, as the visual relationship between the field boundaries and SM will have changed.</p> <p>Mr Wilson noted that HE suggested the panels could be set back further to the north, running along the line of the former E-W field boundary. HE suggested re-instating this former, post-medieval field boundary would be appropriate mitigation. The Applicant appreciates HE's position, however, Mr Wilson explained that in his professional opinion the post-medieval field boundary is not</p>

#	ExA Question / Item for discussion	Applicant's response
		<p>representative of the medieval setting of the landscape, rather it is representative of a more modern, closed, field setting. As such, the Applicant respectfully disagrees with HE's position that the E-W field boundary makes a significant contribution to the significance of the SM. The aims of the mitigation proposed are to provide a clear delineation between the SM land and the solar land, as well as providing a strip of land that demonstrates the former agricultural use of the field. The Applicant is of the view that the proposed mitigation in the DCO application delivers this. Mr Wilson added that the Applicant considers that HE's mitigation would still impact the setting of and views to the SM. Both sets of mitigation proposed, therefore, would not be sufficient to reduce the residual adverse effects on the SM.</p> <p>Following decommissioning, HE's proposed reinstated field boundary would still obscure views to the East and West of the SM and will bisect the field to the north, whereas the Applicant's proposed field boundary will not bisect the field boundary, and will enable an appreciation of the medieval field system.</p> <p>In response to the ExA asking about the contribution to setting of the E-W field boundary proposed by HE, Mr Wilson responded that it is of limited significance as it is not representative of the medieval use of the land, which is the key element of significance of the SM.</p> <p>In response to the ExA asking how the solar arrays would relate to the E-W boundary proposed by HE, Mr Wilson responded that they would sit just north of boundary, but suggested the ExA seek clarification from HE on this particular point.</p> <p>In response to a question from the ExA asking the Applicant to explain the proposed boundary treatment and its impact to significance, Mr Wilson responded that it would take the form of a new hedgerow, and deferred to landscape colleagues to provide full details of the proposed hedgerow mix. He confirmed that it would have the effect of obscuring the solar panels, but it was the fact that there would be a field boundary, rather than its constituency, that was the important factor from a cultural heritage perspective.</p> <p><i>Post hearing note: Details of the hedgerow mix in this location can be found in section '4.3 Native Hedgerows and Hedgerow Trees' of the OLEMP [EX3/C7.3_D]. The mix itself is detailed within 'Table 1: Hedgerow species for planting within the scheme', within the same section.</i></p> <p>The ExA asked what impact the additional mitigation suggestion by HE would that have on generating capacity. Mr Wilson referred to ExQ 1.9.6 of the Applicant's Responses to ExA First Written Questions ExA [REP2-034] which stated that it would result in loss of approx. 4.725MW of capacity, based on the indicative layouts used to inform the ES, however, this is subject to further advances in technology improving capacity output.</p> <p><i>Stow Abbey SM/Listed Building</i></p> <p>In response to the ExA's question relating to effects to the Stow Abbey SM/Listed Building, Mr Wilson provided context for the SM. Both were assessed in Chapter 13 of the ES [APP-048] and the Heritage Statement [APP-125 to APP-128], which concluded that, due to the limited views to the site, there was a limited impact from the Scheme from a settings perspective. However, due to the potential for direct impact, they were considered in Chapter 13. The Applicant has identified the potential for impacts to the wall of the SM during construction due to the proximity of abnormal indivisible loads (AILs), rather than any impacts on burials beyond the wall. The mitigation proposed is a suitably qualified banksman to oversee AIL manoeuvres. This was acknowledged by HE as being acceptable, as set out in Historic England Answers to the ExA's First Written Questions [REP2-084], where they confirm that the</p>

#	ExA Question / Item for discussion	Applicant's response
		<p>proposed mitigation had the capacity to reduce the potential for an accidental wall strike. The Applicant therefore considers the mitigation is appropriate to manage any potential impacts.</p> <p>In response to the ExA requesting more information on the practical impact of the mitigation, Mr Wilson confirmed that the banksman would be suitably qualified, and there would be a toolbox talk to explain the SM's significance. He confirmed this will be secured through a movement management plan produced by the banksman. Ms Brodrick confirmed that the Construction Traffic Management Plan (CTMP) [REP2-016] refers to the deployment of banksmen, and the Applicant will update the CTMP for Deadline 3 to include a specific mention to this location. The CTMP is secured by Requirement 15 in Schedule 2 of the draft DCO.</p> <p><i>Post hearing note: An updated CTMP has been submitted at Deadline 3 [EX3/C6.3.14.2_D] and includes additional wording on this issue at paragraph 6.14.</i></p> <p>In response to the ExA's questions regarding trial trenching and the approach to safeguarding agricultural remains, Ms James described the array of assessment works undertaken, in line with the NPPF, NPS EN-1 and Policy S57 of the adopted Central Lincolnshire Local Plan 2023, as follows:</p> <ul style="list-style-type: none"> <li>• Desk-based assessments, see: Appendix 13.1 [APP-109]; and</li> <li>• Geo-archaeological desk-based assessment, see Appendix 13.3 [APP-123].</li> </ul> <p>These assessments pulled together all of the available data sources including the historic environment record, the portable antiquities scheme, historic landscape character, national record of historic environment, national heritage list for England, national mapping programme information, cartographic information and information from a range of site visits over different seasons.</p> <p>This was followed by non-intrusive evaluation, the results of which are set out in:</p> <ul style="list-style-type: none"> <li>• geophysical survey: Appendix 13.2 [APP-110 to 122]; and</li> <li>• air photo and LiDAR analysis: Appendix 13.4 [APP-124].</li> </ul> <p>The results of these assessments and surveys were layered together, combining the different techniques to identify locations of archaeological sites. Based on this information, the following intrusive evaluation was undertaken in the form of trial trenching, as set out in Appendix 13.6 [APP-129 to APP-130]:</p> <ul style="list-style-type: none"> <li>- Solar sites – a programme of informed evaluation trial trenching was undertaken targeting areas where archaeological remains had been identified based on non-intrusive evaluation and assessment and some blank areas to test the accuracy of the results of the non-intrusive evaluation and assessment (sample of trenching totalled 0.35%)</li> <li>- Shared cable route – both targeted and blanket trenching approach across all accessible areas (sample of trenching totalled 0.73%). She explained the difference in trenching size approach for the shared cable route relates to 3 factors: <ul style="list-style-type: none"> <li>1. The high level of impact that would be caused to the archaeological record as a result of the Scheme and cumulatively (noting the shared cable route corridor was proposed for up to three schemes);</li> </ul> </li> </ul>



#	ExA Question / Item for discussion	Applicant's response
		<p>2. The sensitivity for archaeological remains in land adjacent to the Trent Valley; and 3. The potential for alluvium / paleoenvironmental deposits (which might mask archaeological features and so not be detected by geophysical survey).</p> <p>Ms James considered that the approach for the shared cable route was appropriate to ensure that there could be confidence in the conclusions of the non-intrusive surveys and assessments.</p> <p>All of these data sets were then compared and the results of the trial trenching confirmed that the results of the non-intrusive surveys and assessments were very reliable in identifying the presence or absence of archaeological remains. In particular, the results of the geophysical surveys were proven to be good at identifying the extent of concentrations of archaeological remains. Ms James added that the trial trenching also provided vital information regarding the character of the archaeology together with its significance, preservation and depth. All of this information has been taken into account in developing the mitigation strategy. In summary, Ms James stated that the Applicant has sufficient information available to inform the design of the Scheme, the EIA and the proposed mitigation strategy.</p> <p>Ms James then described how the approach taken by the Applicant was consistent with policy 57 of the Central Lincoln Plan and referred to the following section of the Lincolnshire County Council Archaeology Handbook (P.39, paragraph 5.9)<sup>1</sup>:</p> <p><i>"If the non-intrusive evaluation techniques suggest a potential for archaeology but do not provide enough information about form, significance or rarity it may be necessary to carry out an archaeological field evaluation prior to the determination of the planning application... The emphasis will be on evaluating the likely impact of development upon the identified archaeological remains."</i></p> <p>In response to submissions made on behalf of LCC and NCC relating to the extent of trial trenching required to inform the EIA, Ms Brodrick referred to NPS EN-1 and EN-3 (November 2023 editions laid before parliament) which set out the policy tests for the level of assessment required for a nationally significant infrastructure project. Ms Brodrick referred specifically to paragraphs 5.9.10 – 5.9.12 of NPS EN-1 and 2.10.113 - 115 of EN-3 which state that:</p> <p><i>"...The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on their significance..."</i> [EN1, 5.9.10]</p> <p><i>"...the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation..."</i> [EN1, 5.9.11]</p> <p><i>"The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents..."</i> [EN1, 5.9.12]</p> <p><i>"...the applicant should submit an appropriate desk-based assessment and, where necessary, a field evaluation..."</i> [EN3, 2.10.113]</p>

<sup>1</sup> Lincolnshire County Council Archaeology Handbook, Revised 2019



#	ExA Question / Item for discussion	Applicant's response
		<p><i>"In some instances, field studies may include investigative work (and may include trial trenching beyond the boundary of the proposed site) to assess the impacts of any ground disturbance, such as proposed cabling, substation foundations or mounting supports for solar panels on archaeological assets." [EN3, 2.10.114]</i></p> <p><i>"The extent of investigative work should be proportionate to the sensitivity of, and extent of proposed ground disturbance in, the associated study area." [EN3-2.10.115]</i></p> <p>Ms James then responded to the points raised by LCC and NCC. In respect of the cable route corridor that runs between the solar array sites at Cottam 1, the geophysical survey was undertaken of a 100m corridor. It was also subject to photo and LiDAR analysis as well as the interpretation and desk-based assessments described earlier in the hearing.</p> <p>In respect of the burials in parcel G of the Cottam 1 site, these were initially identified as a result of the geophysical survey, which identified the presence of a series of ditches and therefore the potential for archaeological remains to be present. She noted it is common to find burials in association with other archaeological features, i.e. ditches. For example, a cemetery may have a boundary ditch running around it or they might be found next to the remains of a structure. Ms James confirmed that whilst the Applicant wasn't necessarily expecting to find burials in this location, it was expecting to find archaeology and that was the reason for locating trenches in this location.</p> <p>Ms James explained that the Applicant was not proposing to use ground anchors in the location of the burials. The Applicant had proposed to undertake open excavation to record the burials (i.e. excavate, record, analyse). Ms James then highlighted the benefits of the Scheme: the burials were found in poor condition, resulting primarily from plough activity, so the Scheme has provided the opportunity to protect the archaeological resource from agricultural activities as noted in paragraph 2.10.110 of EN3. She referred to the proposed mitigation for the area around the burials, which will both identify and protect any future finds. She also noted that an alternative to open excavation would be preservation in situ, so either way any burials would be protected.</p> <p>In response to a question from the ExA, Ms James explained that open excavation would take place prior to any piles being installed. The approach would be to strip the area identified through the areas identified in the geophysical surveys and trial trenching together with a 20m buffer, excavate it and lift any burials so that they can be sent for analysis. Once the area had been cleared of archaeology, construction works could commence.</p> <p>In response to a question from the ExA regarding areas within the Order limits that have not be subject to trial trenching, Ms James reiterated that the other forms of evaluation, explained earlier in the hearing, had taken place across the full site (the results of which had been validated by the trial trenching). Ms James noted that the only archaeology likely to be identified by trial trenching outside of the areas identified by the non-intrusive surveys as having potential archaeology were isolated pits or ditches. Ms James therefore considered there to be a very low potential for significant archaeological finds outside of the areas already identified through the non-intrusive surveys.</p>

#	ExA Question / Item for discussion	Applicant's response
		<p>Ms James also noted that the archaeological interest of isolated features is likely to be low with no mitigation required. She also highlighted the low impact of the solar pv piles on the archaeological record, in areas already disturbed by the current agricultural land use. Ms James confirmed that concrete feet have been suggested in areas where both non-intrusive and intrusive evaluation has been undertaken. Ms James referred to Cornwall Council's guidance on concrete feet, which are used in other regions. In response to further questioning from the ExA, she responded that, across the country, concrete feet have generally been accepted. Having regard to the features of the sites for the Scheme (including different variables such a geology, depth of archaeology and type of archaeology) and professional judgment and experience from working on other solar schemes, Ms James considered that the use of concrete feet is an acceptable design in this circumstance to safeguard and protect archaeology.</p> <p>Ms Brodrick described the level of work undertaken by the Applicant as part of its ongoing discussions with LCC and NCC including a review of over 300 solar farm planning applications under the Town and Country Planning Act 1990 from 2017 to 2022, including projects in Lincolnshire, to see what the approach has been across the industry in relation to trial trenching. None of the Lincolnshire projects (approximately 9) have undertaken any trial trenching, and in Nottinghamshire there were a number of projects where only geophysical surveys were requested and any trial trenching was less than what is being asked for in respect of the Scheme. Therefore, the Applicant's position is that the request from LCC and NCC for 3-5% trial trenching is not typical in this area nor generally across the country for this type of project. Ms Brodrick reiterated the test in the NPS for trial trenching to be proportionate to the extent of the proposed ground disturbance for the Scheme. No evidence has been put forward in writing by LCC or NCC to support the claim that this area is particularly different from other areas of the country where there are sensitive archaeological features that would necessitate a different approach being deemed proportionate for the Scheme. There had been an assertion by LCC that this area was "extraordinary", however, the Applicant's position is that it is not and there are plenty of other areas in the country with similar levels of sensitivity.</p> <p>In response to a question from the ExA on the percentage of trial trenching, Ms Brodrick noted that the research shows that more trial trenching has been undertaken for the Scheme compared to the majority of other similar projects. She noted that other NSIPs have offered to do more, but it is not considered proportionate for this Scheme. Ms Brodrick added that the appropriate test was to consider what is proportionate for the purposes of undertaking an environmental impact assessment in order to understand the significance of likely significant effects of the Scheme together with what is proportionate in order to put together the mitigation that is appropriate for this Scheme. The Applicant's position is that the level of assessment (including trial trenching) undertaken is sufficient and proportionate to inform, and provide confidence in, the conclusions in the ES and the proposals for mitigation in the Written Scheme of Investigation (WSI) [APP-131]. The Applicant does not therefore consider that there is a need for the level of trial trenching proposed by LCC and NCC in order to establish the adequacy and appropriateness of the mitigation measures. In response to further questions from the ExA on comparisons with other schemes, she added that detailed information could be provided in writing.</p> <p>Ms James added that for the Longfield Solar Farm Order 2023, 0.08% evaluation trial trenching was undertaken; Little Crow Solar Park Order 2022 undertook 0.47% trenching; Gate Burton undertook 1.09%; and Heckington Fen undertook 1.63% (noting that this was due to a different geological make up given location in the Fens).</p>

#	ExA Question / Item for discussion	Applicant's response
		<p><i>Post hearing note: It was stated in the hearing that the Applicant understood the percentage of evaluation trial trenching undertaken for the Gate Burton Solar Project was 1.16%. However, it has now been confirmed that the percentage undertaken was 1.09%, as stated in this written summary.</i></p> <p>Ms James added that the methods used to identify where and the extent of trial trenching took into account geology and any modern activities that have the potential to mask archaeological features. There are certain signs in terms of geophysics to look out for such as ridge and furrow suggesting the soils are magnetically conducive to a magnetic survey technique. Other infill features can also be identified. In respect of the data available for the Scheme, the majority of the areas does not include such geology or modern activities so there is a good contrast between the background readings and the those of the anomalies that we identify and then try and characterise as potentially being archaeological.</p> <p>Ms James reiterated that the Applicant's position is that there is a reliable set of data and an appropriate and proportionate amount of trial trenching has been undertaken to inform the DCO application.</p> <p><i>Post hearing note: Please see the Applicant's response to Action 1</i></p> <p>In response to a question relating to the mitigations set out in the WSI [APP-131], Ms James responded that the WSI sets out different options for mitigation depending on the perceived archaeological potential and type of impact, and then described these (e.g. strip, map and sample or watching brief), noting the low potential for finding significant assets in areas that have not already been identified. She also noted the proposals for informative trenching, with mitigation proposed in the WSI, in the event that assets are discovered.</p> <p>Ms James added that:</p> <ul style="list-style-type: none"> <li>- The archaeology in Lincolnshire and Nottinghamshire is no more special than archaeological deposits being found anywhere else in the country and therefore doesn't warrant a different approach to that being taken on other projects. The Applicant's approach is therefore proportionate; and</li> <li>- In terms of trial trenching as a prospecting technique, it is worth noting that even with the percentages suggested by LCC and NCC (3-5%), there would still be 95-97% of the sites that are not sampled. She also referred to the HE Advice Note 13 on mineral extraction<sup>2</sup> (a land use with greater impact than this Scheme) which highlights that "<i>evaluation trenching can be effective in finding large features, particularly linear and arching remains...in testing and examining features identified by [non-intrusive techniques] and establishing the date and state of preservation, and that it's a less reliable technique for identifying the presence of dispersed remains, irregularly laid out sites, small and clustered features such as post built buildings, pits, isolated burials, and lithic scatters</i>". The geophysical survey undertaken for the Scheme has already identified the large assets as confirmed by the trial trenching has been proved to be very reliable.</li> </ul>

<sup>2</sup> Historic England Advice Note 13 (20 January 2020).

#	ExA Question / Item for discussion	Applicant's response
		<p>The Applicant notes that Ms Hall and Mr Adams on behalf of LCC confirmed that the Council would respond in writing to the submissions made by the Applicant. The Applicant agreed to work with LCC and NCC on the content of the WSI and for the areas of agreement and disagreement to be set out in the next version of the SoCG.</p>
3B	<p><u>Agriculture and Soils</u></p> <ul style="list-style-type: none"> <li>• Written Ministerial Statement March 2015;</li> <li>• Accuracy of the ALC Survey [APP-145];</li> <li>• Explanation over the magnitude of change threshold [REP-10, Section 19.7];</li> <li>• The effective use of agricultural land during operation, including for what agricultural purpose(s);</li> <li>• The effect of the proposed cable route on soils, in particular the depth, soil management and impact on field drainage, and farming circumstances; and</li> <li>• Soil management, including the measures set out in the Outline Soil Management Plan [APP-146].</li> </ul>	<p>In response to the ExA question about the 2015 Written Ministerial Statement (WMS), Ms Brodrick explained that the WMS 2015 has not been formally withdrawn, however the Applicant considers it should be given limited weight, in light of the up to date government policy on site selection for solar projects and use of agricultural land being set out in EN-3 (November 2023). She noted the distinct difference between the WMS 2015 "most compelling evidence" test, and the current statements in EN-3 paragraph 2.10.29 which states that <i>"While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible."</i></p> <p>The Applicant's position is that government policy has moved on since the WMS, and therefore the WMS does need to be considered in the light of the more recent policy statements.</p> <p><i>Post hearing note: Please see the Applicant's response to Action 2 below.</i></p> <p>In response to the ExA's question relating to the use of climate data and ALC mapping, Mr Baird confirmed that the Applicant had used climate data to inform consideration of soil droughtiness and wetness limitations which are common on lowland arable land in England and Wales at different times of the year. He described how climactic data is used to assess these limitations, for example that soil droughtiness is a limitation during the growing seasons whereas soil wetness is a constraint on the farmer's ability to get onto the land at important times of the year such as spring and autumn for cultivation without damaging the soil (which further impedes drainage and is difficult, time consuming and expensive to remediate). The Applicant had used climate data in terms of rainfall and warmth during the growing season to assess these limitations in respect of the 6 ALC grades. Mr Baird considered that there is no need to re-calibrate where those limitations are within each of the ALC grades. For example, if a piece of land was graded 3B on drought and wetness (which is commonly the case) it would not be graded worse than an adjacent field which was only graded 3B based on one factor. He noted the anticipation that climate change will change rainfall and warmth conditions (with greater rainfall in winter, spring and autumn and greater warmth in summer), resulting in both heightened soil droughtiness and soil wetness limitations. He concluded that he saw no reason to reevaluate the climactic data in light of 7,000 Acres comments in writing as it is an objective climate data set that will change relatively uniformly across the whole of England and Wales and would therefore have no bearing on the index for grading sites.</p> <p>In response to a comment from Mr Cork of 7,000 Acres regarding whether the ALC data should be re-evaluated in light of climate change data, Mr Baird noted that the land is predominately limited by soil wetness, which limits getting onto the land to carry out arable work in the spring and autumn. For example, if a farmer were to take a plough onto land when it is in a moist and plastic condition it would need to use considerably more fuel and would cause ruts in the soil that would impede drainage causing crops to fail. Whilst some farmers may see an increased yield where they have managed to get the crop in, many farmers will not be able to successfully get the crop to take advantage of the increased growing season warmth.</p> <p>Mr Baird added that if updated climate data was used, there would be a widening of the gulf between the ALC grades, due to changes in rainfall and drought patterns. For example, the soil wetness limitation for Grade 3B would be harsher due to increased rainfall in</p>

#	ExA Question / Item for discussion	Applicant's response
		<p>spring, autumn and winter and soil droughtiness would be harsher due to less rainfall and greater warmth during the growing season. However, there would not be a change in grading, just a greater disparity between the limitations and challenges for the farmer as a result of such limitations within each of the grades.</p> <p>Ms Brodrick added that, as noted in Natural England's Deadline 2 Submission: responses to the ExA's First Written Questions [REP2-088] "<i>Natural England raise no concern regarding the applicant's ALC survey methodology</i>" and stated "... we do consider the ALC survey itself is satisfactory."</p> <p>In response to the ExA's question requesting the Applicant respond to comments made by 7,000 Acres in [REP1-105] regarding anomalies within the survey results, Mr Baird described the quantitative and qualitative nature of sampling of land to ascertain the ALC grade of land. Where there is a variation in the survey results and an outlier with a different grade has been identified, you make an assessment based on whether you consider it to be a determinable area of soils within the site at an assessment scale or a minor variation where it would be appropriate to smooth out into a single grade. For example, there may be an area of Grade 3A that has an erratic point of Grade 3B due to a very high stone content in the top soil in one location but it may not be appropriate to record that as an island or complete hectare of Grade 3B based on that single point. The same applies for a point of Grade 3A within an area of Grade 3B. The final assessment will depend on the surveyor's understanding of what is happening with the soil and the frequency of variations. He noted that within a field that is predominantly one grade of land, there may be pockets of different grades. However, within those data points, the Applicant has made an assessment of the actual limitations on land use from those gradings. He noted that 7,000 Acres had focussed on these pockets, and reached conclusions based on these, which was different to the Applicant's approach of making an informed assessment based on the overall sampling of different fields.</p> <p>The ExA requested an explanation of the magnitude of change threshold used in ES Chapter 19, Section 19.7 (particularly paragraph 19.7.7) [REP-010]. Mr Baird responded by noting that the IEMA guidance allows for the application of professional judgement, which is relevant when considering the 20ha fixed area threshold against the overall size of the Scheme. He noted this fixed threshold was determined having regard to much smaller developments such as housing or mixed use developments. He also noted there is no loss of any of the agricultural land resource as a result of the Scheme. The land will be returned to its current agricultural management options following decommissioning, and can remain in agricultural use throughout the operational life of the Scheme. Mr Baird added that the ALC Grade is not dependent on intensity of use or yield of the land. For example, when 10% of agricultural land was compulsorily set aside as part of area support payments for farms (meaning no grazing or cropping could take place), it remained agricultural land and its ALC grade was not affected by those restrictions. Mr Baird explained that the land used for the Scheme could be used for non-intensive agricultural uses during operation, such as sheep grazing.</p> <p>In response to the ExA asking whether the land would be used for grazing and how this was secured in the application, Mr Baird responded that it could be, noting it is common to see sheep in solar farms in the UK, but that there was no obligation for this to take place as part of the DCO application. He noted that a farmer was not obliged to crop a piece of land and a decision not to do so did not alter the land's status as agricultural land from a planning perspective. Mr Baird added that whilst the economics of managing grass growth may change during the operational life of the Scheme, he considered that grazing small livestock such as sheep would remain a viable and cost effective option.</p> <p>In response to the ExA asking to what extent the assessment of effects in the ES were based on the use of the land for grazing or other agricultural uses, Ms Brodrick noted that the ES has been prepared on the basis that the land would be available for sheep grazing. She noted that the Outline Landscape and Ecological Management Plan [REP2-026], paragraph 4.7.8, made allowance for</p>



#	ExA Question / Item for discussion	Applicant's response
		<p>this. She confirmed that there is a distinction between loss of agricultural land as a resource, and ongoing utilisation of land for agricultural processes. The land would remain agricultural land and retains its ALC grading during the operational life of the Scheme. In terms of planning policy, the land is agricultural land regardless of whether actually being used for any agricultural activity. The land will be available for use for sheep grazing, but this is not committed to in the DCO application.</p> <p>Mr Baird further confirmed that the assessment in Chapter 19 of the ES was not reliant on the ongoing use of the land for grazing to reach its conclusions on likely significant effects, rather it is a management tool during operation (to manage the growth of grass). He reiterated that the use of the land does not affect ALC grade, nor does the presence of a solar farm change the fact that the land is still agricultural land resource.</p> <p>Ms Brodrick highlighted EN-3, paragraph 2.10.32, which acknowledges the ongoing agricultural use to be a potential benefit of a Scheme, but reiterated that ongoing agricultural use is not a commitment of the Scheme.</p>
3C	<p><u>Landscape and Visual</u></p> <ul style="list-style-type: none"> <li>• Updates to the Chapter 8: LVIA;</li> <li>• Summary of Likely Significant Effects;</li> <li>• Good design;</li> <li>• Applicant's justification for assessing significant beneficial effects on landscape character areas; and</li> <li>• Proposed hedgerow removal.</li> </ul> <p>Note: The Host Authorities and other IPs will be given an opportunity to comment on the above and expand orally on their written submissions.</p>	<p>The ExA raised the following matters:</p> <ul style="list-style-type: none"> <li>- Is the Applicant able to provide a 3D "flyover" of the whole site to assist the Secretary of State for Deadline 4, including areas of overlap with the other local NSIPs? Ms Brodrick responded that some footage had already been prepared, but that the position would be confirmed in writing.</li> <li>- The ExA noted the Explanatory Note on the Landscape and Visual Impact Submissions [REP2-054] and asked whether the Applicant predicted making any further updates to the documentation. Ms Wright confirmed that no further updates were expected, and Ms Brodrick noted there may be updates to the Joint Report on Interrelationships [REP2-036], as and when more information on cumulative impacts is made available.</li> </ul> <p><i>Post hearing note: Please see the Applicant's response to Action 3 below.</i></p> <p>In response to the ExA requesting a summary of the effects on landscape character, Ms Wright summarised the finding of beneficial effects at the broad grained scale in respect of Unwooded vales and fine-grained scale receptors (noting that in some cases for the fine grained scale, both beneficial and adverse effects have been identified). She also noted the finding of adverse effects to landscape character resulting from the substations.</p> <p>She further noted the principles of good design incorporated into the OLEMP [REP2-026], including reviewing management prescriptions at year 15 of operation. She noted that the mitigation had considered Central Lincolnshire Local Plan policies on green infrastructure. She noted the design parameters set out in ES Chapter 8 Landscape and Visual Impact [REP2-008] at table 8.21, which have had regard to the key aspects of value within the landscape, and noted the use of landscape character assessments to design the Scheme and to design the mitigation. She noted that the assessment sheets set out this in further detail – see ES Appendix 8.2 Assessment of Potential Landscape Effects [REP-020] and ES Appendix 8.3 Assessment of Potential Visual Effects [REP2-012].</p> <p>In response to the ExA's question on whether there would be any significant effect of the panels at year 15, taking into account mitigation, Ms Wright described the different forms of mitigation proposed. She confirmed that there was no significant effect on</p>

#	ExA Question / Item for discussion	Applicant's response
		<p>landscape character relating from the panels themselves by year 15, as a result of the mitigation planting undertaken in year 1, as it will have matured by year 15.</p> <p>The ExA set out its understanding of the receptors experiencing significant adverse effects at the different years of assessment and asked the Applicant to confirm his understanding was correct. Ms Wright confirmed that in all cases it was correct, save that at construction year of assessment she noted there were 33 VPs experiencing significant adverse effects, rather than the 30 VPs that were quoted by the ExA. Ms Wright confirmed that the ExA was correct in saying, in broad terms, that the Applicant recognised in the Environmental Statement that there would be some significant long term temporary adverse effects on both landscape character and visual amenity.</p> <p><i>Post hearing note: Please see the Applicant's response to Action 4 below.</i></p> <p>The ExA noted the concerns raised in relation to the judgement of significant beneficial effects on landscape character. Ms Wright responded that there are 5 specific points to raise, and confirmed she would elaborate these points in writing:</p> <ol style="list-style-type: none"> <li>1. Landscape value</li> <li>2. The context of EN-5</li> <li>3. Use of GLIVA3</li> <li>4. Professional opinion and experience delivering large scale infrastructure projects</li> <li>5. Published landscape character assessments.</li> </ol> <p><i>Post hearing note: Please see the Applicant's response to Action 5 below.</i></p> <p>Ms Wright confirmed that the arrival at significant beneficial effects relates to measures incorporated as part of the Scheme to strengthen the existing characteristics of the landscape, and restoration of characteristics that may have been lost through agricultural use.</p> <p>Following a question from the ExA, Ms Brodrick confirmed that significant beneficial effects were not being relied on in the Planning Statement [REP2-028] as part of the planning balance, but added that this would be confirmed in writing.</p> <p><i>Post hearing note: Please see the Applicant's response to Action 6 below.</i></p> <p>The Applicant notes that Mr Brown set out the position on behalf of LCC, and confirmed that the Party would respond in writing. LCC considered that the effects at year 15 on landscape character would be significant adverse, and that the difference between LCC and the Applicant was one of the weighting of the significance of the positive impacts of mitigation. The ExA requested a joint statement identifying areas of disagreement.</p> <p><i>Post hearing note: Please see the Applicant's response to Action 7 below.</i></p>



#	ExA Question / Item for discussion	Applicant's response
		<p>In response to the comment made by Mr Skelton alleging inaccuracy of the photomontages, Mr Topping confirmed that a worst case scenario of 4.5m high panels had been used to produce the photomontages. He also described the significant quantum of beneficial features (relative to the baseline) being put into the landscape through planting (as set out in the OLEMP [REP2-026]), and noted the difference between the Scheme and the Gate Burton project in terms of landscape assessment and conclusions, given part of the Gate Burton site is in an Area of Great Landscape Value. Finally, he noted the BNG associated with the landscape enhancement, resulting in a net gain of 96.09% in habitat units, 10.69% in river units, and 70.22% in hedgerow units.</p> <p><i>Post hearing note: Please see the Applicant's response to Action 8 below.</i></p>
Agenda Item 4 - Other matters		
4		None raised.
Agenda Item 5 - Close		
5		N/A

List of actions for the Applicant following Issue Specific Hearing 2 (5 December 2023)

#	Action	Applicant's Response
1	Applicant to provide details of percentage of trial trenching undertaken for other solar planning applications.	Please see C8.2.10 Comparison of Archaeological Evaluation Investigations on Solar Schemes [EN010133/EX3/C8.2.10].
2	Applicant to confirm in writing the weight to be afforded to the WMS 2015 and the percentage of BMV land within the Order limits.	<p>The Written Ministerial Statement (WMS)<sup>3</sup> of March 2015 states that <i>"meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land"</i>. It goes on to state that <i>"where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference of a higher quality"</i> and <i>"any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence"</i>.</p> <p>The Government has issued a revision to the Draft National Policy Statements (NPSs) for energy infrastructure on 22 November 2023. This represents the latest Government position for new energy infrastructure and it is therefore considered that they supersede the WMS which should be given limited weight.</p> <p>Paragraph 2.10.29 of the Draft NPS-EN3<sup>4</sup> states that <i>"Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible. 'Best and Most Versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification"</i>.</p> <p>Paragraph 2.10.31 goes on to state that <i>"It is recognised that at this scale, it is likely that applicants' developments will use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land"</i>.</p> <p>The Applicant's site selection process set out within Appendix 5.1: Site Selection Assessment [APP-067] and within ES Chapter 5: Alternatives and Design Evolution [APP-040] took a sequential approach to the assessment of agricultural land seeking to find a suitable site on Grade 4, 5 and unclassified land before sites on Grade 3 land were considered. Paragraphs 2.1.23 to 2.1.32 of ES Appendix 5.1 Site Selection Assessment [APP-067] detail the consideration of brownfield land and roof tops and set out why these were discounted as unsuitable. The final Scheme includes only 4.1% BMV land as a result of this process and the reasons for the small amount of BMV land included are explained and justified within Table 5.9 of ES Chapter 5: Alternatives and Design Evolution [APP-040].</p> <p>The Scheme therefore complies with the requirements of Paragraph 2.10.29 and Paragraph 2.10.31 of the Draft NPS-EN3. It also meets the higher test set out in the 2015 WMS because clear and compelling evidence as to the need to include a small element of BMV land within the Scheme has been provided.</p>

<sup>3</sup> Planning Update, *Statement made on 25 March 2015*, Statement UIN HCWS488, Mr Eric Pickles, Secretary of State for Communities and Local Government (<https://questions-statements.parliament.uk/written-statements/detail/2015-03-25/HCWS488>)

<sup>4</sup> Department for Energy Security & Net Zero, *National Policy Statement for Renewable Energy Infrastructure (EN-3)*, November 2023 (<https://assets.publishing.service.gov.uk/media/655dc352d03a8d001207fe37/nps-renewable-energy-infrastructure-en3.pdf>)

#	Action	Applicant's Response
3	Applicant to consider whether drone footage of the Order limits can be submitted into the Examination.	The Applicant intends to commission drone footage and submit it at the next feasible Deadline.
4	Applicant to confirm number of viewpoints experiencing significant adverse effects during construction.	<p>There are 29 viewpoint receptors which are anticipated to experience significant adverse visual effects at the construction assessment phase, as well as 1 significant adverse cumulative visual effect for a viewpoint receptor (though that viewpoint, LCC-C-D, also experiences a significant effect individually), making a total of 30 significant adverse visual effects for viewpoint receptors at construction.</p> <p>The figure of 33 significant adverse effects cited by the Applicant at ISH2 refers to the number of viewpoint receptors which are anticipated to experience significant adverse effects at any phase of the Scheme that has been assessed (construction, operation year 1, operation year 15), excluding cumulative visual effects.</p> <p>For further details, please see the Supplementary Visual Effects Tables [REP2-052].</p>
5	Applicant to set out in writing its approach to the identification of significant beneficial effects on landscape character.	Please see Appendix 1 to this Written Summary.
6	Applicant to confirm whether significant beneficial effects on landscape character have been taken into account in the planning balance set out in the Planning Statement [REP2-028].	<p>Paragraph 8.6.2 of ES Chapter 8: Landscape and Visual Impact Revision A [REP2-008] sets out the additional mitigation measures (secondary mitigation) which seek to add inherent value to the landscape character and to exceed planning policy expectations.</p> <p>The Applicant can confirm that these landscape character benefits have not been included within Section 4 of the Planning Statement [REP2-028] which sets out the benefits of the Scheme to be attributed significant weight in the planning balance.</p> <p>Section 4.6 of the Planning Statement does, however, state the following:</p> <p><i>"4.6.1 In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, the Scheme will deliver other benefits, many of which will be delivered as a result of the Scheme's careful design. These include:</i></p> <p><i>4.6.2 A significant Net Gain for biodiversity, with 96.09% gains provided in habitat, 70.22% gains in hedgerow and 10.69% gains in river units, in line with local and national planning policies. Post development, the Sites will comprise the following proposed landscaping habitats: enhancement of existing hedgerows and ditches, native hedgerow with trees, native shrub planting, woodland planting, native scattered trees, long term meadow creation (partially panelled), flower rich pollinator mix, tall herb mix, tussock mix, set aside, diverse meadow mix, proposed wildlife ponds, and enhancement of existing ponds. See Biodiversity Net Gain Report [EN010133/EX1/C6.3.9.12_A] for the detailed assessment.</i></p> <p><i>4.6.3 A new permissive path from Stow village to Stow Pastures that will be in place during the operational phase of the Scheme, as shown as Work No. 11 on the Work Plans. This permissive path will contribute to the wider network of footpaths in the area and facilitate greater public access to the Countryside. The design and implementation of the permissive path is set out in the Outline LEMP [EN010133/EX2/7.3_B] and secured by a Requirement in the draft DCO."</i></p>

#	Action	Applicant's Response
7	Applicant and LCC to provide a joint statement regarding the weighting of the significance of the positive impacts of mitigation on landscape character.	<p>A meeting between the Applicant's landscape specialist consultants (Lanpro Services) and Lincolnshire County Council's landscape specialist consultants (AAH Planning Consultants) is being held on Thursday 4<sup>th</sup> January 2024.</p> <p>The following matters will be covered in that meeting:</p> <ol style="list-style-type: none"> <li>1) Where matters conclusions of significant beneficial effects are agreed;</li> <li>2) Where there are differences in agreement over the significant beneficial effect conclusions; and</li> <li>3) The reasons for the differences in agreement over of opinion regarding the findings of significant beneficial landscape effects.</li> </ol> <p>An update following this meeting will be provided at written response to matters 1-3 above will be provided at Cottam Deadline 4.</p>
8	Applicant to confirm the photomontages accurately show the maximum height (4.5m) of the solar panels.	Please see Appendix 2 to this Written Summary.

## Appendix 1 - Approach to the identification of significant beneficial effects on landscape character

The conclusions on beneficial effects within the LVIA are guided by five key factors or baseline considerations:

1. Landscape value;
2. The context of EN-5;
3. Use of GLVIA3;
4. Professional opinion and experience in delivering large scale infrastructure projects; and
5. Published landscape character assessments.

### Landscape Value

The baseline and assessment process within Chapter 8: Landscape and Visual Impact Assessment (the LVIA) [REP2-008] has considered the value of the landscape in the context of Landscape Institute Publication TGN 02/21 Assessing Landscape Value Outside National Designations. Please refer to ES Appendix 8.1 LVIA Methodology [APP-068], specifically Appendix 8.1.1 (Paras. 1.1.1, 1.1.40 and 1.1.41). The TGN notes (at para. 1.4.1) that:

*"Landscape offers multiple values, benefits and services and the way in which landscapes are valued by people is a dynamic process that can change over time. The landscape profession's understanding of landscape value is still evolving, particularly in the light of the nature and climate emergency."*

The guidance also notes (at para 2.1.1) that:

*"Assessments of landscape value (for landscapes which are outside, and not candidates for, national designation) may be required at different stages of the planning process, for example:*

*LPA's, applicants/appellants and others considering a site on which future development or other form of change is proposed, usually at the planning application or appeal stage"*.

### The context of EN-5

The baseline and assessment process within the LVIA has considered the delivery of landscape and ecological benefits in the context of national policy. Please refer to ES Chapter 8 Landscape and Visual Impact [REP2-008] (Paras. 8.3.2, 8.3.14, 8.3.15, 8.3.26, 8.3.27, 8.3.29, 8.3.37, 8.3.41, 8.3.46, 8.3.56, 8.3.60, 8.3.70, 8.4.1, 8.6.3, 8.7.17, 8.7.013, 8.7.125, 8.7.134, 8.7.162, 8.7.163, 8.7.234, 8.7.263, 8.8.3, 8.11.7, 8.11.16, 8.11.39, 8.11.47, 8.11.51, 8.11.55, 8.11.59, 8.11.62 and 8.11.67).

NPS EN-5 (2011 version – extant at the time of writing) sets out (para. 2.8.3) that:

*"Sometimes positive landscape benefits can arise through the reconfiguration or rationalising of existing electricity network infrastructure"*.

NPS EN-5 also sets out at paragraph 2.8.11 that:

*"Screening, comprising localised planting in the immediate vicinity of residential properties and principal viewpoints can also help screen or soften the effect of the line, reducing the visual impact from a particular receptor"*.

The LVIA has followed an iterative approach (Para. 1.1.4) to ensure the delivery of good design that takes account of the assessment findings. Extensive consultation (LVIA Section 8.2) has also taken place at a number of workshops with both Lincolnshire County Council and Nottinghamshire County Council (Appendix 8.4 Consultation [APP-076]). This good design gives consideration to blue and green infrastructure within the LVIA (Paras. 8.3.40, 8.3.41, 8.3.51, 8.3.61, 8.3.64, 8.3.65, 8.3.70, 8.3.79, 8.6.2, 8.6.3 and 8.8.3) and also biodiversity opportunity mapping (BOM) that is a follow on from the GI Study for Central Lincolnshire (2011) as set out within the LVIA (Paras. 8.3.80, 8.3.81 and 8.4.42). The BOM is a key component that has been taken account of in the Outline Landscape and Ecological Management Plan (OLEMP) [REP2-026] which is secured by Requirement 7 of Schedule 2 of the Draft Development Consent Order [REP2-004].

The LVIA also includes Table 8.21 that sets out the design parameters for the Scheme relevant to the assessment. These parameters include, for example, improvements to the existing hedgerow network, footpaths and views across the landscape. The LVIA includes a series of landscape and ecology mitigation and enhancement plans [REP-024 to REP-034], which are secured as part of the OLEMP [REP2-026]

### Use of GLVIA3

The Landscape Institute and Institute of Environmental Management and Assessment, *Guidelines for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition (GLVIA3)* recognises the potential for beneficial effects to landscape to arise as part of the design process stating (at para. 4.8) that:

*"Then, as the scheme is developed more fully, work continues to identify and describe the landscape and visual impacts that are likely to occur, to propose appropriate measures to avoid or reduce the adverse effects and, if possible and appropriate, to promote potential benefits. This may result in a modified scheme design, allowing further cycles of impact prediction and mitigation until nothing further can be done in the design stages"*

The delivery of benefits is set in the context of green infrastructure planning and biodiversity net gain (BNG) as being part of an iterative design process and set out within the LVIA (Para. 8.8.2)

The Scheme is expected to deliver a significant amount of biodiversity net gain, due to the reversion of arable to permanent grassland and ecological buffer zones, as described in the Biodiversity Net Gain Report [APP-089]. The biodiversity net gain will be delivered through the enhancement of existing habitats, as set out in the OLEMP [REP2-026] which is secured by Requirement 7 in Schedule 2 to the Draft Development Consent Order [REP2-004].



The Biodiversity Net Gain Report [APP-089] sets out (Paras. 6.1.3 to 6.1.5) that the Scheme will result in a significant net gain for biodiversity, with 96.09% gains provided in habitat, 70.22% gains in hedgerow creation and enhancement of existing hedgerows and 10.69% gains as a result of enhancement of existing ditches.

The OLEMP [REP2-026] sets out (Paras. 4.4.4 total areas across the Scheme. See Table 1 below:

Table 1: Cottam Net Gain for Biodiversity

Unit	Net Gain for Biodiversity across the Scheme
Proposed Woodland	0.4ha
New Hedgerows and Hedgerow Trees	20.5km
Native Scattered Trees	4.2ha
Native Shelterbelt/woodland	5.6ha
New Seeded Grassland within PV Arrays	800ha
Tussocky Grassland at Field Margins	91.8ha
Flower Rich Pollinator Seeding at Field Margins	78.6ha
Herb Rich Grassland	39ha
Wader scrapes and ponds	1.5ha
Floodplain meadow	21.4ha
Mixed scrub	19.2ha

Professional opinion and experience in delivering large scale infrastructure projects

The baseline and assessment process within the LVIA has considered the delivery of benefits and has reached the conclusion that there will be a number of beneficial effects for the local landscape character by operational year 15 of the Scheme, applying professional opinion and past experience. This experience includes the delivery of benefits on other large-scale infrastructure projects in open countryside locations.

The mitigation proposed as part of the Scheme is practicable and deliverable and is secured through Requirement 7 of the DCO [REP2-004]. The OLEMP also includes a commitment to review the management prescriptions established for the mitigation planting. The professional experience is also gained from experience at both county and district local authority level which involved being directly responsible for updates to landscape character assessments (both within designated and non-designated landscapes). This experience also includes the production of evidence base documents to support Local Landscape Designations and the production of a Green Infrastructure (GI) Guide. This GI Guide has received a national planning award for its application in the planning system in helping developers and applicants deliver GI benefits of projects in sensitive locations.

Published landscape character assessments

Landscape character at the regional level is identified within the LVIA (Section 8.5) by The East Midlands Landscape Partnership within the East Midlands Regional Landscape Character Assessment (April 2010).

Landscape character at the local level is identified within the LVIA (Section 8.5) by West Lindsey District Council within the West Lindsey District Character Assessment (August 1999).

The baseline work and assessment within the LVIA is based on these published landscape character assessments, which take account of forces for change that include the value, susceptibility and sensitivity of the landscape. Please refer to the detailed assessment sheets at ES Appendix 8.2 Potential Landscape Effects [REP-020]. Given these landscape character assessments were published in 1999 and 2010, they do not take account of the current position on climate change, the impetus for provision of renewable energy infrastructure and the capacity of the receiving landscape to integrate this latest change. The baseline work and assessment makes allowances for these factors in reaching conclusions on the sensitivity and the capacity of the landscape to adapt to climate change. Please refer to the detailed assessment sheets at ES Appendix 8.2 Potential Landscape Effects [REP-020]. These factors are dependent on the mitigation proposed as part of the Scheme to help improve the capacity of the receiving landscape to account for change in the provision of renewable energy infrastructure.

The benefits associated with this Scheme are derived from consideration of the factors within the published landscape character assessments as listed below and within ES Appendix 8.2 Revision A [REP2-020] and ES Appendix 8.3 Revision A [REP2-012]. The changes to the landscape have reduced (or limited) the condition, quality and value of the baseline landscape character such that its shape and the appearance is now different. The Scheme can address this difference through mitigation, enhancement and the proposed planting to help restore the fundamental structure that brings form, texture, topography and vegetation into the landscape scene.

- Loss of sense of place in the landscape.
- Farming incentives driving diversification and changes to farmsteads and their fields and villages and their fields.
- Farming economics leading to hedgerow removal and large-scale fields that influence the setting of villages and other buildings in the landscape.
- Full appreciation of views to a distant horizon is reduced, including long westward views to power stations on the River Trent which display vertical elements like power stations.
- The regular pattern of medium to large fields enclosed by hawthorn hedges that are not easily readable.
- Ditches in low-lying areas that are present but do not dominate the landscape as they should.
- The relatively high levels of woodland cover along outer fringes of parishes that are not connected to the outlying areas and where the extent of enclosure is not balanced transition.
- Productive arable and pastoral farmland, with evidence of increasing reversion to arable cropping that influence the shape of villages.
- Significant blocks of deciduous woodland, good hedgerows and hedgerow trees that create a relatively enclosed landscape that are not in balance with the open parts.

The LVIA (Para. 8.5.40) refers to how the Trent Vale Landscape Partnership Landscape Character Assessment explains that energy projects are 'overlaid' on the landscape within TVP Three: Industrial Restored Vale:

*'mineral extraction fundamentally changes the nature of the landscape in which it operates, whereas power production, with the exception of the footprint of the buildings and the cooling towers, is 'overlaid' on the landscape.*

The 'overlying' of the Scheme will allow the land use to continue and also deliver benefits to improve the condition, quality and value of the landscape. The scope for Green Infrastructure and Biodiversity Net Gain can be delivered within this framework of energy infrastructure and this will restore the fundamental structure of the landscape that has been changed in shape and appearance.



## Appendix 2 – The height of solar panels shown in photomontages

The Applicant has been asked to confirm the photomontages accurately show the maximum height (4.5m) of the solar panels.

MS Envision specialists in technical photography, GNSS surveying, Geomatics, 3D modelling, visualisations, AVRs, Verified Photomontages and geospatial analysis service, responsible for producing the photomontages, have confirmed that the rotating solar panel used in the Cottam 3D visualisations are 4.5m in height. Please refer to attached drawing and letter.

Please also refer to the following locations in the Environmental Statement where this information is set out:

Environmental Statement Chapter 4 Revision A: Scheme Description [REP-012]

Page 7, Table 4.1, Optionality Sought Within the Scheme: *“Whilst it is likely that the Scheme will utilise tracker solar panels, optionality is included within the application to be able to utilise fixed panels. Tracker panels have a maximum height parameter of 4.5 metres, whereas fixed panels are up to 3.5 metres. Landscape and Visual – The assessment considers the maximum height parameters of 4.5m.”*

Page 12, Para. 4.5.7: *“The maximum height of the highest part of the tracking solar PV modules at its greatest inclination will be 4.5m.”*

Page 13, Para. 4.5.8: *“For the purposes of the ES, the tracker panels have been assessed in Chapter 8 of the ES Landscape and Visual Impact Assessment [APP-043] as a worst-case scenario given their larger scale. Chapter 15 of the ES Noise [APP-050] assesses tracker panels given that fixed solar panels do not have any moving parts and therefore have no noise emission associated with them. Chapter 16 of the ES Glint and Glare considers both fixed and tracker panel options.”*

Environmental Statement Chapter 8 Revision A: Landscape and Visual Impact [REP2-008]

Page 158, Para. 8.6.17: *“Flexibility for either tracker or fixed panels have been built into the EIA. The tracking solar PV modules would be aligned in north-south rows and the fixed solar panels would be aligned in east-west rows. The maximum height of the highest part of the tracking solar PV modules and its greatest inclination would be 4.5m. The maximum height of the highest part of the tracking solar PV modules when horizontal will be 2.5m. The maximum height of the highest part of the fixed solar PV modules will be 3.5m. Foundations are most likely to be galvanised steel poles driven into the ground. These will either be piles rammed into a pre-drilled hole, or a pillar attaching to a steel ground screw.”*



14 December 2023

**Lanpro**

Stanley Harrison House  
The Chocolate Works  
Bishopthorpe Road  
York  
YO23 1DE

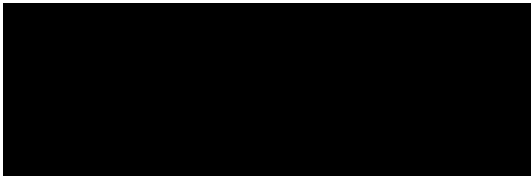
Dear Sirs

**Project Ref: Cottam 3D Model and Visualisations**

This note confirms that the rotating solar panel used in the Cottam 3D visualisations by MSE use the attached detail.

The overall maximum height of the rotating panel is 4.5 metres.

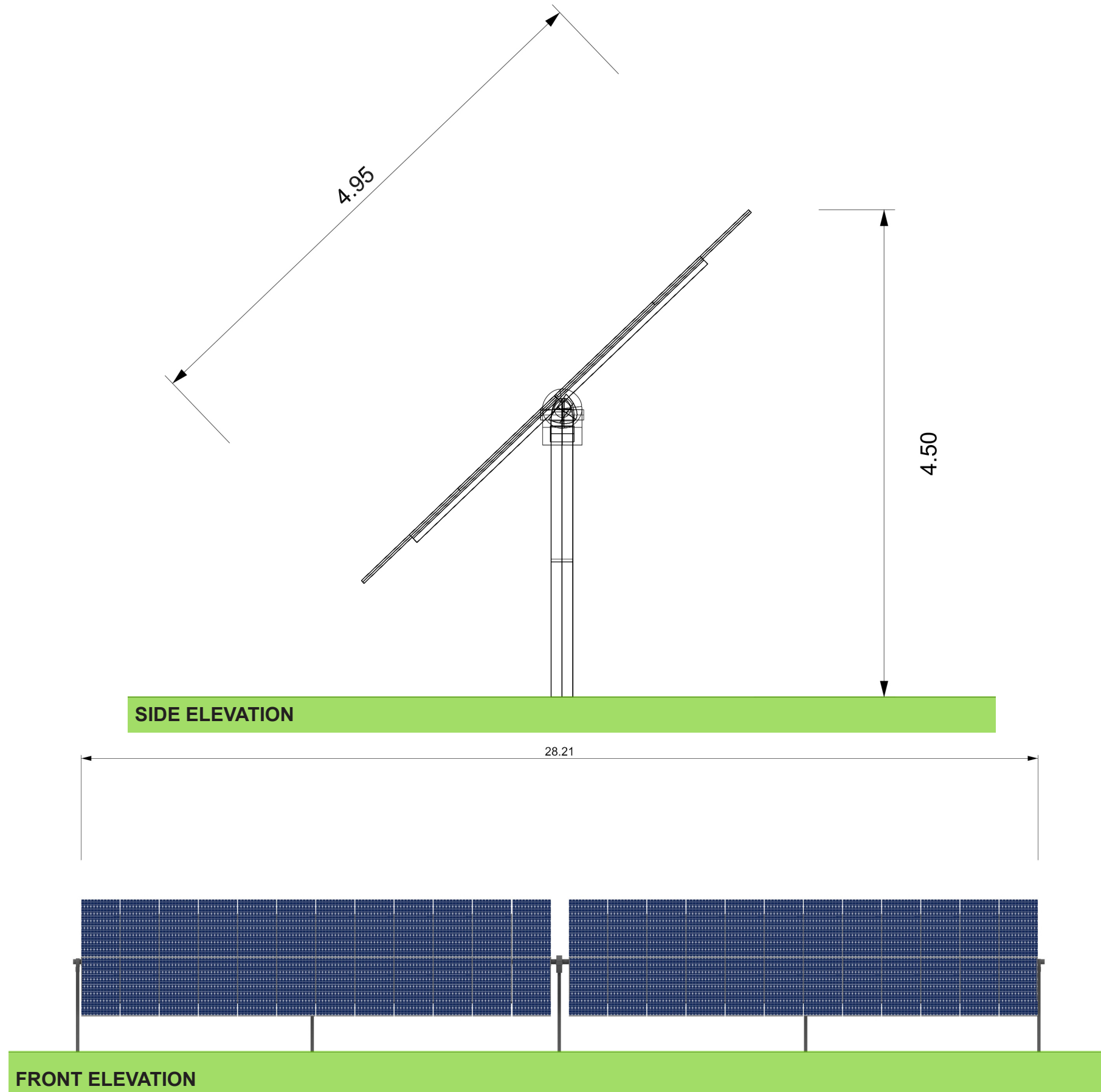
Yours faithfully



**M.A.Spence Principal**



# ROTATING PANELS DETAIL



Note: all measurements shown in metres