

# Cottam Solar Project

## Written Summary of the Applicant's Oral Submissions & Responses at Issue Specific Hearing 4 and Responses to Action Points

Prepared by: Pinsent Masons LLP  
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## **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 4 and Responses to Action Points**

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#	ExA Question / Item for discussion	Applicant's response
<b>Agenda Item 1 - Welcome, opening remarks and introductions</b>		
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>• Tara Sethi, EIA Director at Lanpro (planning and EIA consultants for the Applicant)</li> <li>• Wendy Wright, Landscape and Visual Impact consultant at Lanpro</li> <li>• Tristan Wilson, Senior Heritage consultant at Lanpro</li> <li>• Alice James, Archaeological 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>• Daniel Clampin, Climate Change consultant at Bureau Veritas UK</li> <li>• Robert Roughan, Transport Consultant at Transport Planning Associates</li> </ul> <p><u>Lincolnshire County Council</u></p> <ul style="list-style-type: none"> <li>• Neil McBride, Head of Planning</li> <li>• Stephanie Hall, Counsel, Kings Chambers</li> <li>• Oliver Brown, AAH Landscape</li> </ul> <p><u>West Lindsey District Council</u></p> <ul style="list-style-type: none"> <li>• Shemuel Sheikh, Counsel, Kings Chambers</li> <li>• Russell Clarkson, Development Manager</li> <li>• Alex Blake, Associate Director, Atkins</li> </ul> <p><u>Nottinghamshire County Council</u></p> <ul style="list-style-type: none"> <li>• Stephen Pointer, Planning Policy Manager</li> </ul>

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		<p>7,000 Acres</p> <ul style="list-style-type: none"> <li>• Jamie Allen, Chairman</li> <li>• Mark Prior</li> </ul> <p>Local residents</p> <ul style="list-style-type: none"> <li>• Simon Skelton</li> </ul> <p>LNT Group (owners of Blyton Park Driving Centre)</p> <ul style="list-style-type: none"> <li>• Alastair Wood, planning and development manager of LNT Group</li> <li>• Alan Mugglestone, Manager of Blyton Driving Centre</li> </ul>
Agenda Item 2 - The purpose of the hearing and how it will be conducted		
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 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> <li>• all comments, questions and answers are to be directed to the ExA and not directly to any other party.</li> </ul>	
Agenda Item 3 - The approach to cumulative effects		
3	The ExA will invite the Applicant to provide an overview of:	The ExA asked the Applicant to provide an overview of the matters listed in the agenda relating to its cumulative assessment of the Scheme and other local projects.

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	<ul style="list-style-type: none"> <li>its overall approach to cumulative effects including the methodology used;</li> <li>a summary of the other projects included in the assessments;</li> <li>the likely significant cumulative effects it has identified; and</li> <li>a summary of any updates to the content of its Report on the Interrelationship with other Nationally Significant Infrastructure Projects.</li> </ul> <p>Note: The Host Authorities will be asked to confirm whether they consider an appropriate level of detail has been considered for the other plans and projects and/or identify other plans or projects or information they consider is necessary.</p>	<p>Ms Sethi provided the following summary:</p> <p>The Applicant has set out the cumulative effects methodology in ES Chapter 2: EIA Process and Methodology [APP-037] in section 2.5. The Long List of Cumulative Schemes is included at Appendix 2.3 of the ES [APP-065]. This list has informed the short list presented within each technical chapter of this ES, which for each technical discipline is topic specific, and based on their own methodology and justification, including: the scale of the other developments; the developments that fall within the zone of influence (ZOI) of each environmental aspect; and if there is the potential for any temporal overlap between the Scheme and other developments.</p> <p>In each ES chapter, there is a section that sets out the cumulative effects identified, and Chapter 23 Summary of Significant Effects of the ES [REP2-010] sets out the summary of residual significant cumulative effects identified.</p> <p>As part of this, the Applicant has considered other NSIPs. Notable projects included in the assessment are West Burton Solar Project (in Examination), Gate Burton Energy Park (in Examination) and Tillbridge Solar (which is at PEIR stage, expected to be submitted in Q1 2024).</p> <p>A Joint Report on Interrelationships has been prepared by the Applicant [REP2-036] and sets out the relationship of this Scheme with other local NSIPs. An updated version of the document will be submitted at Deadline 3. This is a "live" document and will be further updated during the Examination process. For example, it will be updated once the DCO application for the Tillbridge project has been submitted and accepted, and to take account of any further information available in respect of other proposed solar NSIPs in Lincolnshire and Nottinghamshire.</p> <p><i>Post hearing note: An updated version of the Joint Report on Interrelationships has been submitted at Deadline 3 [EX3/C8.1.8_B].</i></p> <p>Ms Sethi confirmed that the new NSIP solar schemes that are now in the public domain, and which were added into the Joint Report on Interrelationships at Deadline 2 are:</p> <p>One Earth Solar Project Great North Road Solar Project Steeple Renewable Project</p> <p>The scoping reports for these projects are now being reviewed and any necessary updates will be made to the Interrelationships report for Deadline 3.</p> <p>The Applicant notes that Mr Sheikh on behalf of WLDC and Ms Hall on behalf of LCC agreed with the list of projects identified by the Applicant, and both noted that the list will be subject to ongoing review. Mr Pointer on behalf of NCC concurred.</p>
<b>Agenda Item 4 – Main discussion points</b>		
4	<ul style="list-style-type: none"> <li>Whether there are any changes to the information on other projects;</li> </ul>	<p>In response to the ExA asking whether there are any changes to the information on other projects, Ms Brodrick responded that there will be an update to the Joint Report on Interrelationships [REP2-036] to include the three projects mentioned by Ms Sethi.</p> <p>She noted the Applicant was also aware of a non-NSIP project that was referred to by WLDC in their written responses, a solar project on land at Stow Park, which submitted a screening request to the local planning authority in June 2023 and has been deemed EIA</p>

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	<ul style="list-style-type: none"> <li>Climate change – the Applicant will be asked to explain how it has reached the conclusion for a major beneficial cumulative effect;</li> <li>Historic Environment – the Applicant will be asked to explain its position by way of the cumulative effects on designated assets as viewed from Lincoln Edge;</li> <li>Agriculture and Soils – the Applicant will be asked to clarify why the revised ES Chapter did not update the cumulative effects;</li> <li>Transport – the Applicant will be asked about the consideration of other routes used by the other schemes and in relation to the Grid Connection Route, and a Joint Traffic Construction Management Plan;</li> <li>Other Environmental Matters – Human Health – the Applicant will be asked about impacts on Public Rights of Way and the evidence used in relation to human health receptors; and</li> <li>WDLC will be asked to expand on its position as set out in its written submissions and in particular why it considers further information on various combinations of potential projects are necessary to inform decision making.</li> </ul>	<p>development. As far as the Applicant is aware, there has been no request for a scoping opinion or a planning application submitted, so the information in the public domain is limited. The Applicant is in discussions with the developer for this project, although we are not aware of when an application will be submitted.</p> <p><i>Post hearing note: The Applicant is now aware that a request for a scoping opinion for the solar project on land at Stow Park was submitted on 6 December 2023. The scoping report is being reviewed by the Applicant. A preliminary view in respect of cultural heritage is that no changes to significant cumulative effects have been identified for the Scheme.</i></p> <p>Ms Brodrick added, in respect of Tillbridge, that the latest information is that the DCO application will be submitted in Q1 2024, which could be after the close of this Examination, but whilst the West Burton Solar Project is still in examination. If this is the case, the Joint Report on Interrelationships will be updated and submitted into the West Burton examination. Ms Brodrick noted that it would be for the Secretary of State (SoS) to request an updated version of the Joint Report on Interrelationships at the decision stage for the Scheme.</p> <p>The ExA asked for an update on this position for the final deadline, and Ms Brodrick confirmed this would be actioned.</p> <p>In response to a question from Mr Sheikh regarding whether the Gate Burton Energy Park developer would remain involved in the Joint Report on Interrelationships after the close of that examination in January 2024, Ms Brodrick confirmed that the Joint Report on Interrelationships would remain a joint document even after the Gate Burton Energy Park examination (and others) have closed. However, it would be for that applicant to submit, or the SoS to ask for, an updated version of the Joint Report on Interrelationships during the decision making phase.</p> <p><u>Climate change</u></p> <p>The ExA asked the Applicant to explain how it has reached the conclusion for a major beneficial cumulative effect on climate change, which is different to the conclusions for the Gate Burton and Tillbridge schemes which have identified no significant cumulative effect on climate change.</p> <p>Mr Clampin provided the following summary:</p> <p>The Institute of Environmental Management &amp; Assessment (IEMA) guidance document, "Assessing Greenhouse Gas Emissions and Evaluating their Significance" has been used to inform the significance of effect.</p> <p>Page 26 of this guidance states "A project that causes GHG emissions to be avoided or removed from the atmosphere has a beneficial effect that is significant". It uses the example of renewable energy displacing a non-renewable energy source. He noted that the assessment will consider the local impact when considering the effect, but will also be considered on a national scale given the context of GHG emissions.</p> <p>The IEMA guidance gives the following advice on considering cumulative GHG emissions:</p> <p><i>"The contextualisation of GHG emissions... should incorporate by its nature the cumulative contributions of other GHG sources which make up that context. Where the contextualisation is geographically – or sector-bounded (e.g. involves contextualising emissions within a local</i></p>

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		<p><i>authority scale carbon budget, or a sector level net zero carbon roadmap), then the consideration of cumulative contributions to that context will be within that boundary"</i></p> <p>In the context of this Scheme, the Applicant considered the other local solar farms, and from this concluded there would be a significant beneficial effect cumulatively.</p> <p>In response to the ExA asking whether the difference in conclusion was down to methodology or application of professional judgement, Mr Clampin responded that the difference was down to professional judgement and interpretation of the IEMA guidance.</p> <p>Ms Brodrick added that discussions are ongoing between the topic leads between Gate Burton and Cottam as part of the Joint Report on Interrelationships. Where there are differences, the topic leads are considering the differences and assessing whether they could be more closely aligned. Ms Brodrick added, in response to the ExA asking whether the climate change chapter of the ES would be updated as a result of this, the Applicant considered it would be more appropriate to update the Joint Report on Interrelationships given the ES chapter was prepared at a particular point in time.</p> <p>In response to the ExA, Ms Brodrick noted that the latest version of the Joint Report on Interrelationships would be submitted at Deadline 3, a few days before the final Gate Burton deadline. In respect of the more general point made by Mr Sheikh about the environmental statements for each scheme (ES) and the need to update the chapters to align with the Joint Report on Interrelationships, she noted that each ES had been undertaken separately and the professional judgement of the various topic authors had been applied in isolation. She added that there is no requirement for the ES to be in alignment across projects. WLDC will have to read each of the ESs, and consider the different professional judgement that has been applied in each scheme. The Applicant does not consider that these differences undermine the adequacy of the ES. She noted that this applies to the assessment of cumulative effects by each project.</p> <p>The ExA noted that he would expect to see more explanation of where the application of professional judgement has led to very different conclusions being reached on certain topics, notably climate change where it is based on the same underlying information. Ms Brodrick responded that the Joint Report on Interrelationships is dealing with a wide range of topics and considering the cumulative effects as they apply to each separate project. She also confirmed that the Applicant would take away an action to discuss the differences in the climate change assessment with the consultants for Gate Burton and Tillbridge and would provide an update in the next iteration of the Joint Report on Interrelationships.</p> <p><i>Post-hearing update: Further detail is set out in the updated version of the Joint Report on Interrelationships has been submitted at Deadline 3 [EX3/C8.1.8_B]</i></p> <p>Both WLDC and 7,000 Acres then provided submissions relating to the differences between the ES assessments for the Scheme and other local NSIPs. In response, Ms Brodrick rejected Mr Prior's assertion that the ES is inadequate because there are differences between the Cottam ES and the Gate Burton ES. She noted that the Gate Burton Energy Park ES concludes that alone, that scheme would have significant beneficial effects for climate change. The Applicant is referring to a difference in the conclusions on cumulative effects, which is covered in the Joint Report on Interrelationships and that is where there is a difference in the application of professional judgement. Ms Brodrick confirmed that the Applicant is therefore not talking about a wide difference in opinion underlying the whole assessments for both projects, it is purely in relation to cumulative effects as between</p>

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		<p>the projects. She also noted that, on request from the ExA, the developers have tried to provide as much information as possible on the interrelationships between the schemes. Typically, other developments would not provide this level of detail on how different projects interact, this information was therefore being provided in addition to what is required under the EIA Regulations 2017 in respect of cumulative effects.</p> <p><u>Landscape and Visual Impact / Historic Environment</u></p> <p>The ExA then noted that significant cumulative effects have been concluded for both landscape and visual impacts, and further noted that updates were made at Deadline 2 to Chapter 8 Landscape and Visual Impact [REP2-008]. Ms Wright responded by describing how the cumulative and in combination assessment had been undertaken, and described the process through which anomalies in Chapter 8 had been corrected. She explained that the Explanatory Note on Landscape and Visual Impact Submissions [REP2-054] sets out an explanation of each of the changes, noting that for 4 receptors, the effect significance has changed as there is no longer proposed to be panels in field 21, causing this change. She concluded that the effect significance for cumulative effects has not changed.</p> <p>The ExA identified a discrepancy between the Joint Report on Interrelationships and the updates made to the LVIA information at Deadline 2 in relation to LVIA cumulative effects. Ms Brodrick added that this is because the Joint Report on Interrelationships submitted at Deadline 2 was the version submitted for the Gate Burton Energy Park deadline the day before. The Deadline 3 version of the Joint Report on Interrelationships will be updated to align with the Deadline 2 LVIA information. The ExA requested a note be produced if there is this discrepancy between documents in the future, to explain the position.</p> <p>LCC noted they would comment in writing on the LVIA updates.</p> <p><i>Post hearing note: An updated version of the Joint Report on Interrelationships has been submitted at Deadline 3 [EX3/C8.1.8_B]</i></p> <p>The ExA asked the Applicant to explain its position by way of the cumulative effects on designated assets as viewed from Lincoln Edge, and if cumulative effects from the other NSIPs have been considered in making this assessment.</p> <p>Mr Wilson responded that four designated heritage assets on Lincoln Cliff (Edge) were assessed to have the potential to experience visual effects in ES Chapter 13 Cultural Heritage [APP-048]. It was assessed within this document that there was the potential for up to moderate adverse cumulative impacts as a worst case with the West Burton Solar Project on the Roman Villa west of Scampton (NHLE 1005041) depending upon the effectiveness of the landscape mitigation. He added that any additional cumulative impacts with the Tillbridge Solar Scheme would be likely to be negligible. No significant cumulative impacts were identified for other heritage assets. Mr Wilson added that no objections has been raised by Historic England in respect of this approach.</p> <p>In response to the ExA asking whether there were likely to be other changes, Mr Wilson confirmed it was the intention to review the cumulative effects again, as part of the Joint Report on Interrelationships submitted for Deadline 3.</p> <p><i>Post hearing note: An updated version of the Joint Report on Interrelationships has been submitted at Deadline 3 [EX3/C8.1.8_B] which contains further details on cultural heritage.</i></p> <p><u>Agriculture and Soils</u></p>



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		<p>In response to the ExA's question asking the Applicant to clarify why the revised ES Chapter for Soils and Agriculture [REP1-010] did not update the cumulative effects section, Mr Baird responded that paragraph 19.11.5 of the chapter notes that all six cumulative sites will be temporary and decommissioned with no permanent loss of the agricultural land resource. The residual effect of each of these six sites on the agricultural land resource is therefore predicted to be negligible, as for the Scheme alone. This impact assessment will not be changed by the release of ALC site survey data.</p> <p>The updates to the ES chapter did not include updates to the cumulative chapter for sites now in the public domain, as these have been and will continue to be addressed in the Joint Report on Interrelationships as and when data on the cumulative sites is released. The purpose of the update to Chapter 19 was to address NE comments on ALC grades and correct an error.</p> <p>In response to the ExA asking whether the Joint Report on Interrelationships was the most up to date regarding cumulative effects on soils and agriculture, Ms Brodrick confirmed this was correct. She noted that it was decided not to update the ES chapters to update the cumulative effects position, rather to keep this information in the Joint Report on Interrelationships. She noted that the updates made to Chapter 19 described above were to correct other errors that did not relate to any updates to the cumulative assessment, and noted that there was no change to the conclusions on cumulative effects following a review of the other projects in the Joint Report on Interrelationships.</p> <p>In response to the ExA questioning whether this approach would mean that the Joint Report on Interrelationships was more up to date than the ES chapters themselves, Ms Brodrick further noted that the SoS would have to read the Joint Report on Interrelationships, and then consider the cumulative effects assessment for the Scheme, with the former containing the most up to date information. She noted that the Applicant would consider updating each chapter only if there had been a change to the conclusion of effect significance. She added that it would not be normal practice to iteratively update the ES chapters when more information became available or where information was no longer up to date. She suggested the Applicant could provide an overriding summary to the SoS of any relevant changes and a summary of the approach taken at the final examination deadline.</p> <p>In response to the WLDC's concerns that the Joint Report on Interrelationships is not a certified document, Ms Brodrick noted that Joint Report on Interrelationships just summarises information in the ES chapters. The conclusions in the ES will be updated to address findings of any materially new or different significant effects compared to what was originally captured in the chapters when they were submitted with the DCO application. If these conclusions are up to date, then there is no need for the Joint Report on Interrelationships to also be a certified document.</p> <p><u>Transport</u></p> <p>The ExA referred to WLDC's comments in its written submissions regarding cumulative construction activities at Transport Access (TA) 6 and TA7, and asked WLDC to explain its position. Mr Blake requested a mechanism in the Construction Traffic Management Plan [REP2-016] to aid in coordination of construction activities across projects.</p> <p>Ms Brodrick responded that section 5.4 of the Joint Report on Interrelationships [REP2-036] contains a number of paragraphs related to mitigation that will be put in place if the projects are constructed at the same time, noting that the potential construction period overlaps for the projects are not yet known. It was therefore not considered at this stage to be appropriate to set out any more detail in the outline plan due to the number of potential variables. She noted that the Outline CTMP for Gate Burton Energy Park contains wording about coordinated working and a potential joint CTMP if required, and similar wording will be added to the Scheme's Outline</p>

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		<p>CTMP. The final plan will need to be approved by the relevant planning authority, it is therefore envisaged that any discussions about coordinated working and impacts will be had prior to discharge of Requirement 15. She also noted that the Applicant is willing to consider any wording that WLDC would like to include in the Outline CTMP, and the Applicant notes that Mr Blake confirmed this would be set out in writing.</p> <p><i>Post hearing note: The Outline CTMP has been updated for Deadline 3 [C6.3.14.2_C] to include information about the potential production of a joint CTMP, depending on when the construction periods for each project take place.</i></p> <p>The ExA asked the Applicant to explain the changes that had been made relating to accesses. Ms Brodrick responded that there has been a discussion about trying to align access points across the projects, particularly in relation to the Shared Cable Route Corridor, which has been noted in the Applicant's Change Request Notification [REP2-109]. She added that some of the changes to the Joint Report on Interrelationships relate to the moving of access points within the Order Limits to align with other projects, and that some will be dealt with in the Change Application.</p> <p>Mr Prior noted the potential for human health impacts of up to 6 years of construction traffic on local roads. Ms Brodrick responded that, as set out in ES Chapter 2: EIA Process and Methodology [APP-037], the cumulative assessment considers two different cumulative construction scenarios – all of the projects constructing the Shared Cable Route Corridor simultaneously, and all projects being constructed sequentially, so the Applicant considers the ES has fully assessed both scenarios.</p> <p>The ExA asked the Applicant to explain how a conclusion of low significance of construction effects has been reached and referred to p.68 of Appendix 14.1 Transport Assessment Revision A [REP2-014].</p> <p>Mr Roughan responded by describing the assessment undertaken, noting the generally low usage of the construction routes by non-motorised users of the roads. This was assessed as a temporary and minor, not significant, effect. He further noted that the construction routes for the schemes are spread out through the network, and as such the cumulative effects are considered to be low. No changes are expected having regard to the Tillbridge scheme, and Mr Roughan noted that he had reached this conclusion having reviewed the most recent Tillbridge information available publicly.</p> <p><u><i>Other Environmental Matters – Human Health</i></u></p> <p>In respect of human health, the ExA asked the Applicant to explain the impact on Public Rights of Way (PRoW) and the evidence used in relation to human health receptors, particularly the impact on the Trent Valley Way in paragraph 21.5.4 of Chapter 21: Other Environmental Matters [APP-056].</p> <p>Ms Rejzek responded that in ES Chapter 18 Socio Economics Tourism and Recreation [APP-053] has considered access to and use of all public rights of way shown on the PRoW Plan [REP2-002] as a determinant of health and wellbeing within the population of the Local Impact Area. The desirability of PRoW routes as a result of the Scheme has been considered in the assessment of the impact on recreational use of these routes. All impacts are assessed as long-term for the operational lifetime of the Scheme and consider to be a “worst-case in respect of the desirability of these routes during operation. The assessment identifies:</p> <ul style="list-style-type: none"> <li>▪ Up to a moderate-minor adverse effect on PRoW that will have immediate visual impacts from the Scheme during construction and operation (see Tables 18.15 and 18.20);</li> </ul>

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		<ul style="list-style-type: none"> <li>▪ Up to a moderate-minor adverse effect on long-distance recreation routes that will have distant visual impacts from the Scheme during construction and operation (see Tables 18.15 and 18.20); and</li> <li>▪ A moderate-minor beneficial effect to recreational route use in the locality of Stow around the introduction of the permissive path (see paragraph 18.7.108).</li> </ul> <p>All PRowS and long-distance routes are to remain open throughout the operational lifetime of the Scheme and as such accessibility to these routes is not impacted by the Scheme. She also noted that impacts on waterways have been assessed in relation to the visual impacts resulting from the Scheme.</p> <p>The ExA asked why the effects from the Lincoln Edge had not been assessed as having the same level of significance as the effects on the Trent Valley Way and asked for further information on the evidence used to justify the conclusions set out in paragraph 21.5.42 of Chapter 21 [APP-056].</p> <p>It was agreed that both points would be dealt with in the ExA's second written questions.</p> <p>In response to Mr Prior's submissions relating to the assessment of impacts on users of PRowS across the area, Ms Brodrick responded that, as set out in ES Chapter 21: other Environmental Matters [APP-056] (a signposting document given a separate health chapter was scoped out), the LVIA has considered transport receptors in the assessment of the Scheme alone and cumulatively. The Transport Assessment [REP2-014] has done the same for PRowS. She rejected the assertion that the Applicant has "downplayed" the impacts of the Scheme and stated that the impacts have been assessed across the ES and this assessment is comprehensive.</p> <p>The ExA asked that all of the information on human health be drawn together, to which Ms Brodrick responded that this has been done in Chapter 21. She agreed the Applicant would take it away as an action to see whether there was an effective way of presenting the information.</p> <p><i>Post hearing note: The Applicant will provide a standalone summary document which draws together the information on human health for Deadline 4.</i></p> <p>In response to comments made from Mr Sheikh on behalf of WLDC relating to the adequacy of the cumulative assessment and the Secretary of State's consideration of this project in addition to others, Ms Brodrick made the point that the SoS would be making the decision having regard to EN-1 and EN-3 (published November 2023 versions) as important and relevant matters, which notes that all renewable energy schemes are projects of critical national priority. She noted the decisions for the projects are currently staggered, and the SoS will be making the decision on the Scheme having regard to the information available at the time. It is for the SoS to request additional information, but for the Applicant, the purpose of the ES is to assess the reasonable worst case scenario which is all projects being consented.</p> <p>In response to further submissions from Mr Sheikh, Ms Brodrick noted that the point at which the cumulative effects of different solar schemes in the area becomes unacceptable in the planning balance is for the SoS to decide. For the purposes of this application, Ms Brodrick reiterated that the Applicant has assessed the worst case scenario in respect of cumulative effects which is all of the projects coming forward.</p>

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		<p>The ExA asked for the position of WLDC and the Applicant in relation to cumulative effects to be documented in the SoCG between the parties.</p> <p><i>Post hearing note: An updated draft SoCG between WLDC and the Applicant has been submitted at Deadline 3 [EX3/C8.3.3_A].</i></p>
Agenda Item 5 – IPs who have registered to speak in advance will be invited to make representations on the assessment of cumulative effects and may be asked to respond to questions from the ExA.		
5		The ExA invited further comments from Interested Parties relating to cumulative effects. No further comments were made.
Agenda Item 6 – Other matters		
6		<p>Ms Brodrick asked if the ExA might want to use the time available to cover the question relating to hedgerows from ISH2. Ms Wright described the Outline Landscape and Ecological Management Plan (O-LEMP) [REP2-026] and the plans appended to it, showing the proposed indicative hedgerow removals. She noted that the proposed hedgerow removals relate to temporary removals for access and abnormal indivisible roads only. There are also some minor removals within the solar sites which will be removed for the operational life of the Scheme. These removals are shown on the Hedgerow Removal Plans appended to the O-LEMP and the Landscape and Ecological Enhancement Plans [REP-024 to REP-034].</p> <p>The ExA then noted that the powers in the DCO for the Applicant to remove hedgerows would be considered in greater detail in ISH5 on the draft DCO. Ms Brodrick responded that the drafting of Article 38(4) provides that the Applicant has powers to remove hedgerows but only to the extent set out in the LEMP which would be approved by the relevant planning authority.</p> <p><i>Post hearing note: Please see the Written Summary of the Applicant's Oral Submissions at the Issue Specific Hearing (ISH5) held on 8th December 2023 [EX3/C8.1.26] for further details on the powers in the DCO relating to hedgerows.</i></p>
Agenda Item 7 - Close		
7		No further submissions were made.