

**7000Acres Written Representation**

**Deadline 3A, 28<sup>th</sup> January 2024**

**Response to the Cottam Solar Project, Change Request Application**

**Document Reference: CR1/C9.1**

## **Executive Summary**

The Change Request Application for the Cottam Solar Project has further negative impacts on the landscape character and visual amenity of the area and surrounding landscape.

The 7000 Acres Group is concerned that the Applicant has not fully assessed the harms associated with the proposed change to the additional development.

The following areas for discussion cover certain issues where questions are left unanswered, and statements are questioned.

**Engagement & Consultation.** The engagement has not been adequate for AP's & IP's and residents. Public consultation needs to be carried out. The validity that this Change Request to the Application is due to recent Stakeholder discussions is questioned. These proposed Changes are due to failure in consulting in the first instance with the Stakeholders. We argue that fair and reasonable participation will not be afforded if Hearings are held virtually.

**Materiality.** We agree with the Applicant that Changes are material changes to the Application.

**Planning & Policy Issues.** The 7000 Acres Group considers that the Applicants Change Request is not in line with NPS EN1.

**Compulsory Acquisition.** The updated Book of Reference is not user friendly and so the additional affected residents and compulsory acquisitions are not readily available to Interested Parties. The information provided is not sufficient for access to material.

**Environmental Impacts.** Evidence is provided of the use and enjoyment of the PRoWs.

**Landscape and Visual Impacts.** The Applicants findings show that the Change Application will have a significant adverse impact on the landscape and heritage assets.

**Mental health and wellbeing.** The positive impact of landscape and green space on mental health and wellbeing is explored in this report. Loss of these benefits has a harmful effect. The Change Request to the Application proposes to infringe further on the use of Public Rights of Ways (PRoW's).

## Contents

1. Introduction.....	4
2. Scope .....	4
3. Locations of the Changes to Cottam Solar Project .....	5
4. Engagement & Consultation.....	6
Materiality.....	8
Planning & Policy Issues.....	8
Compulsory Acquisition.....	9
5. Environmental Impacts .....	10
Archaeological Receptors .....	16
7. Mental health and wellbeing.....	17
8. Conclusions.....	18
Bibliography.....	19

## **1. Introduction**

- 1.1 The 7000 Acres Group is a collection of residents and community groups against the vast solar industrialisation of the countryside. Many of our members will be directly and adversely affected by the change to the Application.
- 1.2 The collective opposition to the proposal from members has provided the 7000 Acres Group with a mandate to represent their views.

## **2. Scope**

- 2.1 The purpose of this written representation is to provide the Examining Authority with the perspective of residents and users of the countryside in and around the area of the Change Request Application for the proposed development of the Cottam Solar Project and to express the concerns our members have in relation to the additional land proposed for compulsory acquisition, further loss of landscape character and amenity along with negative impacts on wildlife and heritage assets.

The contents of this document highlight certain issues; further elements may be added in subsequent written representations as more information comes to light through the Examination process.

- 2.2 The issues raised in this written representation will cover aspects regarding:

Engagement and Consultation

Planning and Policy, Materiality and Compulsory Acquisition

Landscape and Visual Impacts and Receptors

Heritage Receptors

Health & Wellbeing

### **3. Locations of the Changes to Cottam Solar Project**

- 3.1 The proposal for additional land suggested by the Applicant is land immediately south of Torksey Ferry Road, Rampton for works to construct and operate the 400kv cable and associated development (Change 1).
- 3.2 Also, additional land is required to the east and west along Torksey Ferry Road and land north of Torksey Ferry Road to accommodate access during construction and during operation (Change 2).
- 3.3 Further extensions to the Order Limits are required along the A156 High Street, Marton (Change 3) and to the east of Stone Pit Lane (Change 5) and at West Farm, Normanby by Stow (Change 4) a change to the cable route and Order Limits is requested.
- 3.4 In the Applicants report; Cottam Solar Project Change Application and Consultation Report, Document ref: CR1/C9.2 (PINS ref: EN10133), the size of the additional land required is not evident in published documentation.

The 7000 Acres Group requires that the Applicant provides the size of the land required in the additional areas. The understanding of the size of extra land required is important when considering the Applicants additional need for further Compulsory Acquisition of private and public land.

- 3.5 The Byway Open to All Traffic (BOAT) that runs along Torksey Ferry Road (BOAT13) and BOAT 12 and Footpath 20 (which run north-south direction) to the south of Torksey Ferry Road will be affected by the proposed works. The BOAT 13 will be closed (in part) during construction. The true extent of disruption to Byways and Footpaths is not clear.

The 7000 Acres Group requests that more clarity is provided for residents and our members to understand the impact on their daily lives and walks in the area.

## **4. Engagement & Consultation**

- 4.1 The Applicant has stated that it *'has been engaging with EDF, Uniper and NGET throughout the application process in coordination with the applicants for Gate Burton Energy Park and Tillbridge Solar Project'* and continues to cite meetings held after August 2023. (Cottam Solar Project Change Application and Consultation Report, December 2023 Ref: CR1/C9.2, 4.3.1).

The 7000 Acres group considers that this statement highlights that consultation has not been carried out, as if it were the case, the Change Application would not be necessary. It is an obvious element to this Nationally Significant Infrastructure Project that establishing the correct corridor route and connection point is a fundamental design element and therefore, should have been secured and scrutinised in the first instance.

Likewise, the details of the draft Bassetlaw Local Plan, showing the Cottam Power Station site as a 'Priority Regeneration Area' would equally have been known about by the Applicant prior to the submission of the Application. Also, redevelopment of the site by EDF is common knowledge. The 7000 Acres Group contacted the Mr Powell, Head of Thermal Generation at EDF, August 2022 to establish whether any Company or Solar representatives thereof, had approached EDF to enquire about utilising the brownfield site for their solar proposals, he wrote that;

*'There is still no sale agreed at Cottam and we have had no approach for land by any solar companies.'* (August 2022)

This statement suggests that the Applicant has failed to fully engage with these parties, the result of which is the Change Application before the Examining Authority at present.

- 4.2 It is apparent that the Applicant is carrying out a highly targeted consultation which is not open to the public. No consultation events with the local communities have been carried out. This omission in the consultation of residents has meant that locals are not fully aware of the implications of the proposed change to the Application and so are not informed to enable comments, feedback or submissions to be provided for the Examining Authority.

With the proposed extra land falling outside the existing boundaries of the Order Limits, any representations made at the original consultation events by the Applicant are now not fully detailed. It is only reasonable to expect further adequate public consultation which informs residents of the new impacts along Torksey Ferry Road and the surrounding area.

Also, due to the existing Application being in Examination for the Cottam Solar Project, this additional element and extra Examination deadlines, adds to and compounds consultation fatigue and causes confusion which in turns impacts on the quality of submissions to the ExA by interested and affected parties.

The 7000 Acres Group advocates that public consultation for the proposed change to the CSP be carried out as soon as possible. This will enable understanding of the new proposed elements to the CSP. Such public events and/or activities, would then equate to the fair and meaningful engagement with stakeholders for the Scheme.

Notwithstanding, the 7000 Acres Group consider that the consultation for this Change Request to date to be wholly inadequate and not fit for purpose.

Furthermore, as the NSIP Regime is one that is front loaded, (the Applicant refines and evolves the design of the scheme before submitting the Application to the Planning Inspectorate), the Change Application is not in accordance with this principle. It is also understood that the Examination is the means to refine the draft DCO and not to change the fundamentals of the Application, namely in this instance, the boundary limits of the scheme and connection point to the National Grid.

- 4.3 The 7000 Acres Group argues that fair and reasonable participation will not be afforded if Hearings are held virtually. This approach to Hearings, means that the Examination process is being seen to be done but fair and reasonable engagement with interested parties is not being met. For this region and its residents, virtual hearings are exclusionary. As previously stated in Relevant and Written Representations, the socio-demographics and economics of the area preclude and prejudice participation by such means. Also, there is poor and intermittent internet connectivity in the rural area. These virtual events will not enable

public participation and as such are not reasonable or fair and not in accordance with the principles of natural justice.

### **Materiality**

- 4.3 The 7000 Acres Group understand that material or non-material changes to a DCO is not anticipated during an Examination and that any such changes which may affect materiality or non-materiality are anticipated in guidance after a DCO has been granted. Therefore, this Change Application is not reflective of the normal process and can be argued that it is a symptom of inadequate consultation.

The 7000 Acres Group agrees with the Applicant *'that the proposed changes are material'* (Cottam Solar Project Change Application and Consultation Report, December 2023 Ref: CR1/C9.2, 3.7.1). We also note that the Examining Authority also views the proposed changes to be material.

### **Planning & Policy Issues**

- 4.4 The 7000 Acres Group considers that the Applicants Change Request is not in line with NPS EN1. At paragraph 4.5.2 of this NPS where, *"good design is also a means by which policy objectives in the NPS can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies can help mitigate adverse impacts"*. The proposed changes introduce additional significant adverse effects as highlighted by the Applicant's Supporting Environmental Information Report: Change Application December 2023, sections 3.4, Landscape and Visual Effects & section 5, Conclusions.

Therefore, to increase harmful effects is not a measure of good design.

By proposing extensions to the Order Limits, the Applicant is maximising impacts on landscape and visual receptors and increasing the proposed amount of compulsory acquisition.



## **Compulsory Acquisitions**

- 4.5 The Examining Authority has stated that The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 - Regulations 4 to 9 apply.

Under Regulations 7, 8, 9: there are provisions for the Applicant to notify and publicise the acceptance of the change request application, providing an opportunity for relevant representations to be made and for the Applicant to certify compliance with those obligations.

The opportunity for residents to make relevant representations has been very limited in time and confused as IP's and AP's already believe they are registered and have made representations for the CSP. This confusion prevents and inhibits further relevant representations being made by affected residents. This confusion is also compounded by the Gate Burton Scheme also submitting a Change Application in this area.

The Applicant has provided an updated Book of Reference, however, it is very difficult to ascertain all the affected plots as the additions to The Book of Reference have not been illustrated separately from the original for all IP's, AP's and the public to view.

The 7000 Acres group requests that the Applicant clearly shows the additional plots of land independent of the original Book of Reference.

- 5.5 Another relevant matter relates to the claimed benefits or need of large-scale ground mounted solar industrialised zones in the UK. We argue that the CSP and Changes thereto are not in the nations' best interests and as such the Applicant does not make a compelling case and so compulsory acquisition rights should not be afforded.

This element of the 7000 Acres Group representations has previously been submitted to the Examining Authority and so will not be listed here; however, comments can be submitted again if the Examining Authority so wishes.

## **5. Environmental Impacts**

### **Landscape & Visual Receptors**

5.1 The West Lindsey area is a rural district with a largely agricultural landscape. The region grows significant quantities of high-quality arable crops for the nation. The area is described as ‘a relatively expansive landscape, characterised by long views and dramatic skies’, (West Lindsey Landscape Character Assessment (1999)). This appraisal, although written some twenty-four years ago, largely still stands the test of time and illustrates the unique landscape qualities of this area, which in themselves are timeless. The immediate and wider rural landscape is highly valued by residents and users. The locality is distinctive and has a sense of place.

During a site visit to Torksey Ferry Road, these qualities were evident, with open wide views over arable fields, well established hedgerows and hedgerow trees and varied wildlife habitats. The Public Right of Way was in regular use by walkers, car drivers, dog walkers and horse riders (albeit on a damp Autumnal afternoon, 24/10/23) and the evidence of badger setts were clear along the ditch bank.

The following photographs capture and evidence the landscape characteristics highlighted.



The above photograph is looking east along Torksey Ferry Road, showing white van on the road in the distance. A PRow sign is visible on the left of the image.



The above photograph is looking along Torksey Ferry Road in an easterly direction. A large access point for a badger sett is visible in the right had bank to the ditch.



We met a local resident riding along Torksey Ferry Road. The resident advised she is an owner of a livery stable in the area that they use the PRoW's on a constant basis to exercise horses from her yard. The resident also advised that she has regularly and clearly advised the Applicant's representatives not to place advertisements along the road as the Applicant's activities and the papers blowing in the wind and littering the PRoW 'spook' the horses. The resident went onto say that this disturbance of the horses by the Applicant is a danger to the rider, the horse and anyone in the area around the horse.

This testimony illustrates that the compulsory acquisition of Torksey Ferry Road by the Applicant will have significant impact and effect.

The images below show dog walkers and a horse rider in the distance, along Torksey Ferry Road, looking in a westerly direction towards the village of Rampton.



The well-maintained ditch, verges and hedges are visible. These areas provide vital habitats for wildlife.

It is noted that the Applicant has indicated they will upgrade the surface of the road. It is worth advising that any runoff into the ditch from a hard surface will have a detrimental effect on water quality and thus wildlife and amphibians and fish. The Applicant confirms this assertion at 3.6.17 of the Supporting Environmental Information Report: Change Application December 2023 where they add, *'Upgrades to Torksey Ferry Road, A156 High Street, Marton and / or Stone Pit Lane and the cable installation have the potential to cause water quality deterioration in Seymour Drain and other surrounding drains during construction given its close proximity to the works. This might include pollution relating to deposition or spillage of soils, sediment, oils, fuels, or other construction chemicals, or through uncontrolled site runoff, or break out of drilling fluids when crossing watercourses using non-intrusive techniques.'*

They go on to state that these detrimental effects can be managed following best practice measures. However, IP's, AP's and our members have no guarantees that such best practice measures will be followed, implemented and monitored by the Applicant and their contractors and or agents.

It is also noted that the Applicant has stated that '*temporary removal of existing vegetation comprising roadside hedgerows where present and localised changes to the landform to facilitate the cable installation*' will be carried out (Supporting Environmental Information Report: Change Application December 2023, 3.4.5). This approach contrasts with the Gate Burton Change Application as they state that no hedgerows or hedgerow trees are to be removed in relation to the Change Request. Therefore, this marked difference in approach illustrates a lack of consultation with other developers and as such will undermine any coherent landscape strategy for the area. Sound maintenance and management of the vegetation and road surface will have to be included in any updates to the Environmental Statement. The 7000 Acres Group, along with residents are concerned about the short- and long-term damage caused by the Applicant to the landscape and setting of this PRoW.

The next image is looking in a westerly direction along Torksey Ferry Road, towards the village of Rampton (in the distance). The well-maintained hedgerows and ditch indicated care is taken by landowners to protect and enhance landscape and visual quality in the area. There is a 'natural' beauty and 'sense of place' to the setting even on a damp autumnal afternoon.



5.2 In the Supporting Environmental Information (SEI) Report, at 5.1.2 the Applicant states that *'no new residual significant impacts have been identified for all topics except Landscape and Visual Impact.'* Therefore, it is evident that the landscape and enjoyment of it by residents will be harmed by the Change Application.

Also, the impact of increased traffic and construction traffic on the rural lanes in the immediate area will cause further disruption and detrimental harm to landscape character, visual and heritage receptors and wildlife.

It is considered by the 7000 Acres Group that the capacity for landscape character change in the area is minimal due to the agricultural and open nature of landscape. As such any material change in the landscape constitutes a notable change in the character.

## **Archaeological Receptors**

5.3 There is a Scheduled Monument around the Change Application. The Monument Fleet Plantation Moated Site (NHLE 1008594) is located directly adjacent to the southeastern extent of the extended Order limits boundary. This Scheduled Monument is of local historic and national value. The Applicant states in the Supporting Environmental Information Report: Change Application December 2023 at 3.9.5 that *'the Scheduled Monument Fleet Plantation Moated Site (NHLE 1008594) is located directly adjacent to the south-eastern extent of the extended Order limits boundary and consequently its setting could be affected during groundworks in the Change 1 area.'*

Furthermore, there is a non-designated heritage asset recorded on the Historic Environment Record (HER) which is located within the extended Order limits and comprises a field boundary at Rampton (MNT6166) located south of Torksey Ferry Road .

Also, the Applicant recognises at 3.9.4 of the above report that;

*'All of the hedgerows within the Change 1 area are deemed to be 'Historically Important' under the terms of the Hedgerow Regulations (1997), due to their being an integral part of a field system pre-dating the Enclosure Acts (meaning an Enclosure Act mentioned in the Short Titles Act; the earliest of these was made in 1845), as depicted on a map held at the County Records Office (in this instance, the Rampton tithe map of 1839).'*

At Changes 2, 4 & 5, all hedgerows are also recognised as historically important.

They add at 3.9.6; *'There is the potential for previously unrecorded archaeological remains to survive within the extended Order limits.'*

With the above findings in mind, it is apparent that the proposed Change Application will have significant adverse effects on landscape and historical features in the area and as such the overall negative impact of the Cottam Solar Project is increased by this Change Application.



## 7. Mental health and wellbeing

- 7.1 Spatial Planning for Health: An evidence resource for planning and designing healthier places.

The above review states that ‘there is a very significant and strong body of evidence linking contact and exposure to the natural environment with improved health and wellbeing. For the purpose of this review, the natural and sustainable environment is comprised of neighbourhood ecosystems and the resulting co-benefits between the environment and health. Protecting the natural environment is essential to sustaining human civilization’ (PHE, Spatial Planning for Health 2017, pg. 38 (Ref 4)).

- 7.2 In a response to the Department of Health and Social Care, 7 July 2022, the Landscape Institute (LI) ‘make the case that landscape and green infrastructure have a key part to play in supporting better mental health outcomes for communities everywhere’.

- 7.3 In regard to the Change Request of the Application for the Cottam Solar Project the LI’s relevant statements to Government are that the:

‘access to green spaces and nature is a demonstrably effective tool to manage and prevent poor mental health, as well as to promote physical health and wellbeing’;

‘Green social prescribing is a welcome addition to the NHS approach, and there is scope to develop NHS estates to support the roll-out of programmes and activities’.

- 7.4 These above statements highlight that access and enjoyment of green space, either active or passive have a positive effect on mental health and wellbeing. Green social prescribing is being promoted by DEFRA with the use of ‘walking schemes, dementia walks, community gardens, conservation volunteering, green gyms, and high-quality outdoor play areas’. The LI go on to say that, ‘creating spaces for recreation, connecting with others, and connecting with nature can play a significant role in supporting mental health. Making these spaces accessible and in close proximity to local communities.....is crucial’.

- 7.5 The PRoW's around the area of the Change Request to the Application will be detrimentally impacted with the loss of use and enjoyment by Residents. The Applicant uses the term 'temporary' in terms of closure of the PRoW's. This phrase is open ended.
- 7.6 This infringement on the health and social benefits people gain from the recreational value and use of PRoW's, means that people's mental and health and wellbeing will suffer.
- 7.7 Some members of the 7000 Acres Group have shared with us that they already feel anxious and worried about the prospect of these proposed solar developments and that their mental health and wellbeing has been harmed as a consequence. If the proposed Change Request to the Application goes ahead, the likelihood is that these harms or negative effects will be worsened.

## 8. Conclusions

- 8.1 This written representation has shown that the Applicant has not been committed to a fair and meaningful engagement with non-statutory consultees. As such, residents have already been excluded from participating in this extra element to the Examination.
- 8.2 The 7000 Acres Group considers the Change Request is **not** a discrete change and will result in significant environmental effects.
- 8.3 The Changes are **not** due to design evolution but illustrate that the Applicant and Stakeholders in question have not resolved fundamental design issues, such as the grid connection layout, in the first instance. The 7000 Acres Group argues that this is a failing.
- 8.4 We do not consider that a virtual hearing to examine the additional elements to the CSP an adequate or fair forum for IP's, AP's and residents to express their views due to the poor connectivity in the rural area and socio-economics and demographics in the region.
- 8.5 Impacts on PRoW's, landscape and visual receptors along with wildlife and wildlife habitats and heritage assets are considered by the 7000 Acres Group to be significant and will cause harm. Residents enjoy the beauty and recreation they are afforded along the PRoW's. The Applicant finds that the landscape and cultural assets in the area of the Change Application will be harmed.

- 8.6 Impacts on mental health and wellbeing will be detrimental.
- 8.7 Finally, the immediate area of the Change Request is much loved and enjoyed by users and the local community (as highlighted by the images included in this Written Representation). The members of our group regularly convey their dismay and disbelief that such environmental harms are possible for no real national benefit. The harms greatly outweigh any perceived benefits and as such we continue to argue our case before the Examining Authority.

## **Bibliography**

Cottam Solar Project EN010133: Change Request Notification, November 2023

Cottam Solar Project EN010133: Supporting Environmental Information Report - Change Application  
Document Reference: CR1/C9.3

Mental health and wellbeing plan Response from the Landscape Institute - Policy consultation  
response July 2022 for Department of Health and Social Care

Spatial Planning for Health: An evidence resource for planning and designing healthier places.