



Cottam Solar Project

Summary Statement

EN-010133

West Lindsey District Council (20037171)

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1. Introduction

- 1.1. This document is submitted at Deadline 7 as West Lindsey District Council’s (WLDC) ‘Summary Statement’ regarding matters previously raised during the examination into the Cottam Solar Project Nationally Significant Infrastructure Project (NSIP).
- 1.2. The matters set out in this document represent those that, in the view of WLDC, have not been resolved.
- 1.3. Table 1 below provides a schedule of the key submissions made by WLDC to the examination.

Table 1-1 - Scheduled of submission made by WLDC

Submission	Deadline
Local Impact Report	D1
Written Representation	D1
Examining Authority’s First Written Questions - WLDC Responses	D2
Issue Specific Hearing 1: dDCO - Post Hearing Summary	D1
Issue Specific Hearing 2: Environmental Matters - Post-Hearing Summary	D3
Issue Specific Hearing 3: Environmental Matters - Post-Hearing Summary	D3
Issue Specific Hearing 4: Environmental Matters - Post-Hearing Summary	D3
Issue Specific Hearing 5: dDCO - Post Hearing Summary	D3
Examining Authority’s Second Written Questions	D4
WLDC Response to Applicant’s responses to ExQ2s & Flythrough	D5
Statement of Common Ground (submitted by the Applicant)	D5

2. Outstanding Matters

	Matter	WLDC position
1	Decision making	<p>The limited methodological approach applied to the assessment of the Cottam Solar Project with other projects (the cumulative assessment) results in there only being environmental information relating to the impact of the project on its own, or with all other projects together as a 'worst case'.</p> <p>WLDC has consistently requested that an assessment of the various combination of projects be carried out so that an understanding of the relative impacts can be obtained.</p> <p>Furthermore, such environmental information would, in the event that the Secretary of State determines the three NSIP applications currently in their examination phase at the same time and concludes that the cumulative impacts of all three projects are unacceptable, enable the consideration of whether the impacts of a combination of two projects would be acceptable.</p> <p>Based upon the environmental information before the Secretary of State, in the event that the three NSIP projects are determined at the same time, the only decisions that can be made are as follows:</p> <ul style="list-style-type: none"> • To grant consent for a single project only; or • To grant consent for all three projects; or • To refuse consent for all three projects. <p>Despite the frequent and consistent request for this information to be provided, it remains disappointing that this has not been addressed to allow such impacts to be assessed and to enable the decision maker to determine a combination of two projects if required.</p>
2	Policy Compliance	<p>National Policy Statements: EN-1 and EN-3</p> <p>The Cottam Solar Project application is to be determined under section 105 of the Planning Act 2008. The National Policy Statements (NPSs) EN-1 'Overarching National Policy Statement for energy' and EN-3 'National Policy Statement for Renewable Energy Infrastructure' (published November 2023) are the relevant NPSs for decision making under section 105 as an 'important and relevant' matter.</p>

	Matter	WLDC position
		<p>WLDC deems the scheme to fail to accord with the National Policy Statements EN-1 and EN-3</p> <p>The key matters of non-compliance are:</p> <ul style="list-style-type: none"> • Project site selection, design and non-efficient use of land. • Landscape visual effects • Landscape character effects • Insufficient information to ensure the co-ordination of construction impacts where two or more of the nearby NSIP applications. • Insufficient assessment of the impact of the project (in solus and cumulatively with other projects) on the wider impact of the loss of agricultural activity on the wider agricultural sector and supply chain. • Lack of guaranteed ‘availability’ of land for the production of food. • Impact upon a Scheduled Monument (‘less than substantial harm’ in planning policy terms).
3	Policy Compliance	<p>Central Lincolnshire Local Plan (2023) – the adopted statutory development plan</p> <p>WLDC maintains its judgement that the application fails to comply with the following Local Plan policies:</p> <p>S14 – Renewable energy: Disagree that landscape and visual impacts will be wholly mitigated by landscape planting. People will experience harmful visual effects of the project.</p> <p>S43 – Sustainable rural tourism: The impact during the construction phase (individually and cumulatively) on the availability of tourist accommodation in the district will cause significant harm and damage the strength of the tourism sector.</p> <p>S54 – Health and Wellbeing & Health Impact Assessment for Planning Applications: Guidance Note (updated April 2023) : An HIA has not been provided in accordance with policy S54.</p>

	Matter	WLDC position
4	Draft development consent order	<p>Article 7 – Statutory Nuisance</p> <p>The situation before the decision maker for this NSIP is very different to other projects that have benefited from the effective immunity from statutory nuisance claims. The potential cumulative impacts that may be experienced by local residents are unprecedented in that the construction and operation of several NSIP projects, located near to each other, could occur concurrently in this instance. Should harm arise, the practical remedy under the terms of DCO requirements for each project would be cumbersome and the identification of the source of the harm difficult to establish, making the ability to undertake effective enforcement difficult to navigate.</p> <p>Furthermore, the environmental assessment submitted in support of the Cottam Solar Project does not assess the various combinations of each project, and the likely contributions of each project to individual receptors is not known. Were such information available, the likely main contributor to noise levels experienced at properties would more readily be identified.</p> <p>The lack of ability to enforce promptly due to multiple noise sources from multiple projects leaves residents with the real potential to be exposed to noise nuisance. The ability for residents to seek alternative remedy through the statutory nuisance process would provide them with a reasonable additional option.</p> <p>WLDC sees no impediment to the applicant to provide local residents with the ability to seek remedy through the statutory nuisance process provided by the Environment Protection Act 1990.</p>
5	Draft development consent order	<p>Schedule 17</p> <p>WLDC maintains a strong objection to Schedule 16 as currently drafted.</p> <p>Schedule 16 currently provides for a 10 week determination period for all requirements and a deemed consent provision.</p> <p>The 10 week approval period currently required by Article 46.2 does not adequately reflect the usual timescale for EIA development which is 16 weeks. It is submitted this time period should apply given some of the requirements include the need to assess complex material (especially in respect of requirement 5 which is akin to a reserved matters application), may require the need to procure external expertise to review material, and there may be the requirement for approvals to be determined by WLDC committee(s) therefore requiring the alignment with meeting calendars and processes. It is noted that the Longfield DCO allowed a period of 10 weeks; however, discharge applications under this DCO are likely to be made concurrently with West Burton, Cottam and Tillbridge applications if they are granted consent. It is also noted that there is no mechanism in the dDCO restricting the</p>

Matter	WLDC position
	<p>number of discharge applications that could be simultaneously submitted. In this context a 16 week determination period is entirely reasonable. WLDC would consider the proposal for some requirements to be subject to a shorter determination period than others, where they are less complex and are not subject to consultation requirements. Subject to the submissions made above in respect of consultation requirements, WLDC consider that a provision should be added allowing agreements for a reasonable extension of time, with such an agreement not being unreasonably withheld, particularly if the relevant determining authority is required to consult other bodies.</p> <p>WLDC object to the deemed approval provision. The justification relied on the by the applicant is one of efficiency (Explanatory Memorandum at 6.16.1) do not cite any unique or specific reason why such a provision should be included. This is especially relevant whether other DCOs, including those cited in the Explanatory Memorandum itself, do not provide for deemed approval or only do so in relation to certain requirements, rather than all of them. Indeed, the Applicant describes the Schedule 16 process as 'bespoke' (Explanatory Memorandum at 6.16.1). Given the importance and significance of the substantive areas governed by the requirements WLDC submits that it is unacceptable for any of the requirements to be subject to deemed approval.</p> <p>The position proposed by WLDC remains as follows:</p> <p>Deemed consent</p> <p><u>WLDC maintains an objection to the deemed consent provision.</u></p> <p>Reasoning:</p> <p>Due to the scale and potential complexity of the details and their importance to ensure that mitigation for a large scale infrastructure project is assessed and implemented, it is wholly unacceptable to impose a deemed consent provision. Additionally, with the potential cumulative impact of having to process subsequent approvals for several similar projects, it is essential that WLDC has sufficient time to make well informed decisions in the public interest.</p> <p>The deemed consent provision also has an impact on WLDC's position with regard to the approval timescales discussed below.</p> <p>Approval timescales</p> <p><u>WLDC maintains an objection to the deemed consent provision.</u></p>

	Matter	WLDC position
		<p>Should there be no deemed consent provision, WLDC request that the following timescales be specified:</p> <p>Requirement 5 = 13 weeks Other Requirements = 10 weeks</p> <p>Should there a deemed consent provision be retained, WLDC request that the following timescales be specified:</p> <p>Requirement 5 = 16 weeks Other Requirements 13 weeks</p> <p>The timescales WLDC considers to be acceptable are influenced by whether a deemed consent provision is included in the DCO. If it is retained, a longer period of time is required to enable WLDC to fulfil its duties in the determination of subsequent applications that relate to EIA development.</p> <p>Consistent with the reasons that WLDC object to the deemed consent provision, it is essential that WLDC has reasonable time to interpret, assess, have regard to consultee representation, negotiate and formally determine complex and technical details that are required in order for the project to be acceptable.</p>
6	Lifespan of Development Consent Order	<p>It is not accepted that the assessed impacts will remain unchanged with a 50% increase in the assessed operational lifespan, by a further 20 years to a total of 60 years.</p> <p>The applicant has not carried out an adequate assessment of the likely impact of the extension of the project lifespan of 20 years. It is noted that the ES chapter 23 has been updated, but the table that forms that chapter neither carried out an assessment and its function is to summarise the topic specific ES chapters which has equally not been updated.</p> <p>The ES chapters, particularly chapter 8 LVIA, does not provide an explanation of how the judgements of have been reached. Such an approach fails to follow the GLVIA methodology, particularly in terms how the assessor has treated the assessment of the duration of affects, and what weight is given to reversibility of effects over an period in excess of half a century.</p> <p>The applicant has stated that approximately 24% of the solar arrays will require replacement within the proposed 60 year project lifespan. WLDC suggests that this could reasonably equate to some 100ha of solar panel being replaced under the premise of 'maintenance'. Such replacement activity could be deemed significant in its own right and therefore requires proper environmental</p>

	Matter	WLDC position
		<p>assessment. Furthermore, with 3 other NSIPs having been submitted or are about to be submitted nearby to the Cottam Solar Project, assuming these projects will also have the same solar panel replacement requirements, there could be approximately 400ha of solar panels being replaced in the locality at similar stages in the project lifespan. Such an area equates to the size of a further NSIP solar farm and has not been assessed as part of the EIA.</p> <p>The Secretary of State therefore does not have sufficient environmental information upon which to determine the application.</p>
7	<p>Joint Report on Interrelationships (JRI) between NSIPs.</p>	<p>The JRI is a helpful summary of the reported assessments, but it does not perform a function beyond that. It cannot be relied upon as a control document to deliver commitments or mitigation (or enforcement) as the commitments within it are not delivered through a DCO 'requirement'. The contents within it, such as the co-operation agreement, can be dissolved at any point as the applicants see fit, without recourse.</p> <p>Furthermore, the JRI is helpful in clearly demonstrating the variance in the conclusions reached in each Environmental Statement with regard to cumulative effects. This variance demonstrates that the three NSIP applications currently in examination phase, have cumulative assessments that for some impacts reach starkly different conclusions. This results in the Secretary of State being in a position where they have to themselves decide which assessment to prefer for the purposes of decision making. From before the applications were submitted, WLDC have requested that the approach to the consideration of the cumulative effects of these three, in effect parallel applications, are considered to ensure consistency and clarity. The current situation is that the Cottam Solar Project application has reached the close of its examination with these inconsistencies untested and unresolved.</p> <p>Due to the absence of a cumulative assessment there remains inadequate environmental information upon which to make a sound decision on the likely cumulative impacts with other projects awaiting determination and/or due to be submitted shortly.</p>
8	<p>Cumulative assessment</p>	<p>WLDC has consistently requested that an assessment of various combinations of projects to be carried out beyond a reliance upon a 'worst case' assessment of all projects taken together.</p> <p>The reasoning is that, in the event that all three of the current projects in examination (Cottam Solar Project, Gate Burton and West Burton Solar Project) are determined at the same time by the Secretary of State, the environmental information provided only allows for three decision options to be made:</p> <p>To grant consent for a single project only; or To grant consent for all three projects; or To refuse consent for all three projects.</p>

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		<p>The implications of this are that, when considering the projects cumulatively, the Secretary of State can only make an ‘all or nothing’ decision; either all of the projects are granted development consent or they are refused. We maintain that there is not sufficient information before the decision-maker for them to make a balanced and complete judgment as to whether a combination of two schemes may be more favourable than three for instance. Based upon the current approach, such a decision is unable to be made due to the lack of environmental assessment to demonstrate the comparative impacts between each combination to allow a reasoned judgement to be made.</p> <p>This matter was discussed during Issue Specific Hearing 4 for the examination of the Cottam Solar Project. The ExA understood the position of WLDC and requested this matter be included with the Statement of Common Ground between the applicant and WLDC.</p>
9	Cumulative Assessment	<p>Mitigation controls</p> <p>A key concern for WLDC will be, should the Cottam Solar Project be consented, the mechanisms that will mitigate and control the impacts of the scheme. These concerns will extend beyond mitigation for the application itself, to the cumulative impacts with other projects. Such impacts will be significant and experienced during the construction, operation and decommissioning stages.</p> <p>WLDC will also seek to ensure that all impacts on the environment and communities are mitigated and controlled and not solely those deemed significant in terms of the Environmental Impact Assessment. WLDC expect the applicant to deliver measures that mitigate all impacts to ensure that the overarching impact of the project is mitigated as far as possible.</p> <p>The key issues of concern are:</p> <ul style="list-style-type: none"> • The key concern for WLDC is how cumulative projects will be delivered in the event that two or more projects are being constructed at the same time. • There is no provision or mechanism in the DCO ‘control’ documents that sets out a conjoined approach to the implementation of construction activity, including the implementation of respective control docs (e.g. fCEMPs) across projects. • WLDC have requested that there should be mechanism in the framework documents that commit to the establishment of organisational principles such the appointment of a single co-ordinator that would serve as a single point of contact for third parties and would be responsible for ensuring work in implemented in a coherent manner.

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		<ul style="list-style-type: none"> • Such measures are required to ensure that it is clear which party is responsible for certain works at certain times so that, on enquiry, these parties can be readily identified. • Examples include construction noise, traffic (esp. AIL movements), impacts on mitigation already delivered (e.g. ecological mitigation delivered, but which may be affected by subsequent construction works associated with another project). • This above will be essential in the event of complaints from third parties and/or enforcement investigation where responsibilities will need to be established in an efficient manner. • A single approach to multi-project implementation is required.
10	Project site selection, alternatives and design	<p>WLDC considers the project layout to be contrary to policy and unacceptable.</p> <p>This is due to the project representing poor design, resulting in the highly inefficient use of land that delivers a project that has multiple ad-hoc areas of infrastructure (included associated development such as converter stations) and construction access points, cable lengths and internal access roads. The impacts is that the project exerts significant adverse impacts across a wide geographical area, affecting a wide range of communities and being experienced for a significant distance when travelling through the landscape.</p> <p>WLDC furthermore deem the project unacceptable as it represents a wholly inefficient use of land, resulting in the creating of wide ranging adverse impacts that extend beyond that of other solar project that provide similar public benefit.</p> <p>The failure of the project to demonstrate an inefficient use of land is contrary to NPS EN-3.</p>
11	Landscape and Visual	<p>Landscape Character</p> <p>The adverse impact on landscape character has been understated.</p> <p>The project results in an extensive change to land use over a larger geographical area (as a consequence of poor project design).</p> <p>The introduction of alien structures within the rural landscape character will result in an urbanising effect resulting in definite and adverse impacts/changes.</p> <p>It appears to WLDC that the assessment has been ‘sliced’ into separate sections for the purpose of the assessment, resulting in the cutting down of the project into smaller elements and Landscape Character Areas. This approach affects the assessed significance of the impact on Landscape Character as a result of the whole scheme when the disparate sections are put together.</p> <p>The impacts on a number of character areas (in solus and cumulatively with other projects) result will affect the Regional Landscape Areas as whole, not just local.</p>

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		<p>It is unclear how the applicant justifies only ‘negligible’ or ‘minor adverse’ in early years construction when impacts will be experienced over a wider area and it will take many years for mitigation to be established.</p> <p>It is disagreed that to have large, multiple dispersed sites across a very wide geographical area minimises impacts and results in a beneficial impact. The effect will be significant adverse landscape character impacts (changes to the existing baseline) across a very wide area that would be minimised through the adoption of good project design principles that avoid such disaggregation.</p> <p>The screening of the project through vegetation will not ameliorate the significant impact upon the character of the landscape and its defining fabric (large scale rural agricultural fields).</p> <p>The LVIA assessment has not been updated to provide an assessment of the increase of the project lifespan by 20 years (50%) and does not follow the GLVIA methodology as a consequence.</p> <p>WLDC disagrees with the applicant’s reliance upon the screening of the development to conclude that there are ‘beneficial’ impacts. The project will not be whole screened across its entirety and communities will experience adverse visual impacts sequentially across a wide geographical area.</p> <p>WLDC disagrees with the conclusions reached in the assessment.</p>
12	Landscape and Visual	<p>Visual effects</p> <p>It is disagreed that to have large, multiple dispersed sites across a very wide geographical area minimises impacts and results in a beneficial impact. The effect will be significant adverse landscape character impacts (changes to the existing baseline) across a very wide area that would be minimised through the adoption of good project design principles that avoid such disaggregation.</p> <p>The dispersal of several large solar sites across the landscape will have a significant visual effect for receptors experiencing the wider landscape (i.e. travelling through it). It increases the number of receptors affected and significantly increases the ZTV, capturing a wider scope of harmful impacts.</p>
13	Landscape and Visual	<p>LVIA cumulative effects</p> <p>The cumulative impacts of Cottam Solar Project with Gate Burton Energy Park, West Burton Solar Project and Tillbridge Solar Project are a key concern for WLDC. The scale of the projects, in isolation as well as cumulatively, will give rise to significant environmental impacts that will require scrutiny and assessment by WLDC and should be a key focus of the examination phase.</p> <p>The cumulative impacts of Cottam Solar Project with Gate Burton Energy Park and West Burton Solar Project are of particular importance as these projects are likely to be examined under the PA2008 concurrently. It is therefore essential that consistent</p>

Matter	WLDC position
	<p>information and evidence is presented at all three examinations to enable a fair and consistent recommendation (and decision) to be made.</p> <p>Tillbridge Solar Project is expected to be submitted in Q1 2024, with more detailed project information becoming public prior to the Cottam Solar Park being determined, including its 'acceptance' for examination. WLDCs view is that all current environmental information must be before a decision maker at the point a decision is made and the emergence of the Tillbridge Solar Project should be accounted for in cumulative assessments.</p> <p>Cumulative impacts of concern will relate to construction, operational and decommissioning impacts across a range of matters including, <i>inter alia</i>, landscape and visual effects, land use (loss of agricultural land), public access and recreation, noise, traffic and transport, cultural heritage and ecology.</p> <p>WLDC maintain significant concerns regarding the approach to cumulative assessment. The concern relates not to outcomes of the applied methodology of assessing the scenarios of cumulative projects together being constructed either all at the same time or in sequence, but that there is no assessment of the potential combinations between the projects.</p> <p>WLDC considers it essential that the combinations of each cumulative project are understood and assessed so that that ExA and the Secretary of State can reach sound conclusion on NSIPs that are all being examined at the same time and situated in the same locality.</p> <p>At present, the only cumulative scenario that can be considered for the purpose of decision making is one where all projects are consented. There is no assessment of how each combination of projects perform (e.g. 2 projects together)</p> <p>WLDC are concerned that, if all DCO applications are considered individually without proper regard to the cumulative impacts and/or only in a scenario where all cumulative projects are consented, they may all be considered acceptable as isolated schemes, but with no consideration of whether there is a 'tipping point' from acceptability into unacceptability. This approach to decision making is flawed as it would allow projects to progress that could have unacceptable cumulative impacts with each other.</p> <p>WLDC's strong view is that, in order for the decision maker to have adequate information before them to make a sound decision, a cumulative assessment that addresses the following combinations should be provided as a minimum:</p> <ul style="list-style-type: none"> • Cottam + Gate Burton • Cottam + West Burton • Cottam + Tillbridge

Matter	WLDC position
	<ul style="list-style-type: none"> • Cottam + Gate Burton + West Burton • Cottam + Gate Burton + Tillbridge • Cottam + West Burton + Tillbridge • Cottam + Gate Burton + West Burton + Tillbridge <p>Unless such assessments are carried out, there is no ability for the decision maker to determine whether a combination of two projects could be acceptable cumulatively; they could only consider the total cumulative impacts of all projects that form the assessment.</p> <p>Should the cumulative impacts of all projects be concluded to be unacceptable, WLDC is unclear about how the decision maker determines which project(s) influence that unacceptable conclusion the greatest. WLDC are therefore concerned about whether the decision maker is able to conclude a single DCO application is unacceptable based upon its cumulative impacts and, if the cumulative situation was concluded to be unacceptable, the current assessment does not allow for a decision where two of the project are considered to be acceptable.</p> <p>The reasoning behind WLDC's concern is triggered by the overlapping nature of cumulative projects, where by each ExA is assessing the single project in front of them only, but that none of the application are consented, and may be determined at the same time by the Secretary of State</p> <p>WLDC reiterated its request for an assessment of various combinations of projects to be carried out and not just a reliance upon a 'worst case' assessment of all projects taken together.</p> <p>WLDCs position is that, in the event that all three of the current projects in examination (Cottam, Gate Burton and West Burton) are determined at the same time by the Secretary of State, the environmental information provided only allows for three decision options to be made:</p> <ul style="list-style-type: none"> i. To grant consent for a single project only; or ii. To grant consent for all three projects; or iii. To refuse consent for all three projects.

	Matter	WLDC position
		<p>During Issue Specific Hearing 4 'Cumulative Effects' (06/12/2023) this position was fairly described as an 'all or nothing' scenario by the ExA, a definition to that WLDC considers appropriate.</p> <p>WLDC have consistently requested that the cumulative assessments for all projects assess the various combinations between them. Such an assessment would allow the decision maker, in the event that they find all three projects unacceptable, to consider whether two projects could be granted.</p> <p>Based upon the current approach, such a decision is unable to be made due to the lack of environmental assessment to demonstrate the comparative impacts between each combination to allow a reasoned judgement to be made.</p> <p>WLDC maintain objections to the cumulative assessment.</p>
14	Cultural Heritage	<p>The assessed impact of the project equates to 'less than substantial' impact upon the Thorpe Medieval village Scheduled Monument.</p> <p>Under their statutory duty, the SoS must give great weight to the asset's conservation where less than substantial harm is found. This harm can readily be addressed through minor amendments to the project (removal of solar panels as advised by Historic England) and therefore the public benefits do not outweigh the harm caused.</p> <p>The impact of the project of the Scheduled Monument is therefore unacceptable in both legislative and policy compliance terms.</p>
15	Socio-Economics and Land-Use	<p>WLDC questions the impacts on long-term indirect agricultural job losses. It is considered that the likelihood of jobs returning following a 40-60 year gap has not been adequately accounted for.</p> <p>The impact on the wider agricultural sector supply chain do not seem to have been accurately considered. This applies to the assessment of the Cottam Solar Project solely and cumulatively with other projects over the 40-60 year operational period. There is no level of certainty that jobs will simply return when the land use is restored when WLDC consider that the sector will have been materially harmed.</p> <p>The applicant has also not demonstrated that land within the Order Limits will be genuinely and reasonably be made available for use for the purpose of food production (as required by NPS EN-3 footnote 62). The applicant has stated that it 'could' be available</p>

	Matter	WLDC position
		<p>for the grazing of livestock, but there are no measures proposed to actively enable the land to be available. WLDCs view is that this requirement is necessary to meet the policy test and goes beyond merely a theoretical position that land 'could' be available.</p> <p>WLDC consider that the cumulative impacts of projects will have an unacceptable significant negative impact on tourism and socio-economics (agricultural sector). Lack of clarity in the assessment as to what the impacts with other projects will be.</p>
16	Temporal nature of impacts	<p>Temporary impacts / reversable impacts</p> <p>WLDC maintains that there is significant uncertainty on whether the land is able to be returned to agricultural use after the 60 year lifetime and this will result in loss of agricultural knowledge in the area.</p> <p>There cannot therefore be a reliance rely upon an assumption that the land will be restored to a comparable condition on over 60 years' time. The position of WLDC also goes beyond the physical soil conditions. The loss of commercial agricultural activity means the sector will be diminished and no guarantee that businesses would re-establish after such a long period.</p>
17	Transport and Access	<p>WLDC consider the design and layout of the project results in multiple access points and the use of more highways to construct and operate the project. The access points are a consequent of the scheme's design and layout, which WLDC considers unacceptable. The benefits of the project could be delivered with fewer such impacts had a better designed project been promoted.</p> <p>The current oCTMP [EX5/C6.3.14.2_F] does not provide sufficient detail to demonstrate how construction traffic will be co-ordinated and managed in the event two or more projects are being constructed concurrently.</p> <p>Until an approach to co-ordination is proposed The design and layout of the project results in multiple access points and the use of more highways to construct and operate the project. The access points are a consequent of the scheme's design and layout, which WLDC considers unacceptable. The benefits of the project could be delivered with fewer such impacts had a better designed project been promoted.</p> <p>WLDC consider the current oCTMP does not provide sufficient detail to demonstrate how construction traffic will be co-ordinated and managed in the event two or more projects are being constructed concurrently. Until an approach to co-ordination is proposed which also enables consideration of how to minimise cumulative traffic impacts further, the negative impact of traffic upon the amenity of communities remain unacceptable. The negative impact of traffic upon the amenity of communities remain unacceptable.</p>
18	Human Health and Wellbeing	<p>In order to comply with development plan policies, a Health Impact Report should have been submitted with the application.</p>

	Matter	WLDC position
		<p>The report is separate to the EIA, as its purpose goes beyond the scope of simply identifying 'likely significant' impacts, to the identification of all potential impact.</p> <p>A HIA would allow the assessor to be more qualitative in its assessment and seek to identify impacts that, although may not be 'significant' in EIA terms, will still be adverse impacts that every effort should be made to mitigate and taken into the overall planning balance.</p>
19	Noise and Vibration	<p>WLDC consider that whilst the outcomes of the EIA process are agreed, negative impacts as a consequence of noise and vibration will still be experienced. Even though below the EIA threshold of 'significant', the impacts must still be weighed as a negative in the planning balance.</p> <p>WLDC would have wished to see more details on the following provided:</p> <ul style="list-style-type: none"> • The co-ordinated management of noise and vibration (including dust) • Operational phase vibration effects have not been assessed despite being referenced in the Scoping Opinion. • No night-time construction is assessed – please clarify that no working will occur at night-time and explain how the cable construction that intersects the railway will be carried out during day-time hours. • Clarify the piling methodology to be used (is a percussive method to be used and will it be operated with a steady-state or start-up/run down conditions). • Please provide further details on the sound sources considered in the operational phase assessment. • Provide details of uncertainties in the assessment as required by BS4142. • Provide further details on the proposed acoustic louvres required to mitigate impacts.
20	Noise and Vibration	<p>Cumulative impacts</p> <p>Whilst it is noted that there is an intention to work collaboratively with Cottam, Tillbridge and West Burton on the cable corridor, there is no guarantee that the schemes will be constructed at the same time, this would mean that the water courses could be impacted several times.</p>

	Matter	WLDC position
		<p>The approach to joint construction with other projects are not adequately explained. The oCEMP recognises the issue but does not provide details of how developers will work together in practice.</p> <p>WLDC's position remains that, notwithstanding mitigation measures, there is a risk of impacts caused by cumulative activity that is currently uncoordinated or managed in a collaborative way.</p>
21	Soils and agriculture	<p>'Availability' of land for the production of food</p> <p>Footnote 62 of the NPPF states that "The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development".</p> <p>Compliance footnote 62 requires applications to demonstrate that land is genuinely and reasonably 'available' for food production to occur. This is a practical consideration, not a theoretical one, and requires opportunity for such agricultural activity to occur and not just a conclusion that land 'could' be used for such purposes without any measures to actively enable it.</p> <p>Whilst the land upon which the proposed development is able to be used for food production (livestock), this does not satisfy the policy test of 'availability'. The fact that the land 'could' be used for such purpose does not demonstrate that it will be 'available' as agricultural land available for food production during the operational lifetime of the development. Demonstrating availability would require a commitment from the applicant to show that the current landowner retains the rights to carry out agriculture activity and/or that such land would be available unfettered to a person(s) who wish to use the land for that purpose.</p> <p>Should the applicant retain sole control of the land upon which the project is located and not provide any intention or mechanism to enable shared agricultural use, it cannot be deemed to be 'available' for that purpose.</p>
22	Soils and Agriculture	<p>The assessment inadequately considers the baseline and subsequent assessment with regards to the impacts on the agri-food sector and the wider agricultural supply chain.</p>

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