



To:

Our Ref: EN010133

Cottam Solar Project Limited
Natural England
Historic England
West Lindsey District Council
Bassetlaw District Council
National Grid Electricity Transmission (“NGET”)
NGET (East Midlands) PLC
Northern Powergrid
Network Rail
EDF
Uniper
LNT Aviation Limited
Lincolnshire County Council
Nottinghamshire County Council

19 July 2024

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Cottam Solar Project Limited (“the Applicant”) for an Order granting Development Consent for the proposed Cottam Solar Project (“the Proposed Development”).

REQUEST FOR INFORMATION

1. Following the completion of the Examination on 05 March 2024 the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 05 June 2024. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.
2. There are issues on which the Secretary of State would be grateful if the interested parties identified in **bold** could provide updates or information as appropriate.

Electro-Magnetic Fields (“EMF”) Impact Risk Assessment

3. **Natural England** is invited to comment on whether it is satisfied with the methodology and conclusions of the Applicant’s ‘Risk Assessment of EMF Impacts on Fish’ under the Appendix to the Written Summary of the Applicant’s Oral

Submissions and Responses at Issue Specific Hearing 3 and Responses to Action Points [REP3-034].

EMF Monitoring in Outline Operational Environment Management Plan (“oOEMP”)

4. The Secretary of State notes the programme of monitoring included in the oOEMP to corroborate the potential impacts of EMF on fish as assessed in the Applicant’s Risk Assessment of EMF Impacts on Fish, with results to be relayed to the Environment Agency on a regular basis.
5. **The Applicant** is requested to revise the oOEMP to provide for results of the surveys to also be relayed to Natural England on a regular basis for the purposes of informing best practice and assessments of EMF impacts on fish in the future. **Natural England** are invited to confirm if they are content with this request.
6. The Secretary of State also notes that the oOEMP states, “*It is not intended for this programme to confer any requirement for remediation or mitigation in the event of adverse effects are detected as a result of the monitoring.*” For the purposes of the Habitats Regulations the Secretary of State is the ‘competent authority’ and as such it is for him to determine the need for any mitigation if adverse effects are found. **The Applicant** is therefore requested to revise the oOEMP to remove this statement.

Biodiversity Net Gain (“BNG”)

7. The Applicant has seemingly presented two different and incompatible BNG commitments, which the Secretary of State requests clarity on.
8. DCO Requirement 9(2) states that “*the biodiversity net gain strategy must include details of how the strategy will secure a minimum of 76.8% biodiversity net gain in habitat units, a minimum of 56.1% biodiversity net gain in hedgerow units and a minimum of 10% biodiversity net gain in river units*”.
9. The BNG Report states that “*the proposed development will result in a significant Net Gain for biodiversity, with 96.09% gains provided in habitat, 70.22% gains in hedgerow and 10.69% gains in river units*”.
10. **The Applicant** is requested to clarify whether the BNG Report commitment (i.e., 96.09%, 70.22%, 10.69%) is the target commitment or superseded by the DCO commitment.

Habitat Management and Aftercare

11. The Secretary of State notes that the Outline Landscape and Ecological Management Plan (“oLEMP”) does not currently contain sufficient detail as to the aftercare period and actions to be taken where specific habitats fail to establish or reach the intended condition. **The Applicant** is requested to revise the oLEMP to include details of the management actions required for the aftercare period and in the event of specific habitats failing to establish or reaching their intended condition.

Outline Decommissioning Statement

12. The Secretary of State notes that the Outline Decommissioning Statement does not currently contain sufficient detail as to the avoidance and mitigation measures to be taken to preserve archaeological and heritage assets. The Secretary of State also notes that it also does not currently contain sufficient detail as to the avoidance and mitigation measures to be taken to conserve trees, woodland, and hedgerows. **The Applicant** is requested to revise the Outline Decommissioning Statement to cover the actions as outlined above.

Protective Provisions

13. The Secretary of State requires updates on outstanding protective provisions with various Statutory Undertakers.

14. **NGET, Northern Powergrid, NGET (East Midlands) PLC, Network Rail, EDF, and Uniper** are asked to provide updates on their respective protective provisions for inclusion in the DCO and whether these have been officially agreed with the Applicant.

15. **LNT Aviation Limited** are also asked to provide an update on their respective protective provision for inclusion in the DCO in relation to Blyton Park Driving Centre, and whether this has been officially agreed with the Applicant.

Thorpe in Fallows Scheduled Monument

16. **The Applicant** is requested to revise the design of the Proposed Development to remove solar arrays on land between the Thorpe in Fallows Scheduled Monument (1016978) and the former historic east-west boundary recorded on the 1886 25-inch Ordnance Survey map, approximately along the line of grid points: SK90976 80920, SK91149 80944, SK91330 80904 and SK91351 80909. The former historic east-west boundary must also be reinstated as a hedgerow with the inclusion of appropriate native tree species. **Historic England** and **West Lindsey District Council** are invited to confirm if they are content with this request.

Requirement 12 (Archaeology) / Without Prejudice Written Scheme of Investigation

17. **The Applicant, Lincolnshire County Council, Nottinghamshire County Council, and Historic England** are requested to comment on any concerns on the following amendment to Requirement 12:

“(1) The authorised development must be implemented in accordance with a revised final WPWSI which is to be approved by the relevant Planning Authorities

(2) No development may commence until an overarching Archaeological Mitigation Strategy, which must be in accordance with the revised final WPSWI, has been submitted to and approved by the relevant Planning Authorities

(3) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase may start, until a supporting Written Scheme of Investigation for that phase (which must accord with the revised final WPWSI) has been submitted to and approved in writing by the relevant Planning Authorities

(4) *The approved scheme must identify—*

(a) *areas where archaeological work is required; and*

(b) *the measures to be taken to protect, record or preserve any significant archaeological remains that may be found (i.e. preservation in situ, preservation by record or mix of these elements).*

(5) *Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive ground works may take place only in accordance with the approved Written Scheme of Investigation and any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to the relevant Planning Authority.”*

LNT Aviation Limited

18. The Secretary of State invites **LNT Aviation Limited** to comment on the revised oCTMP [REP5-016] in relation to whether it addresses the concerns raised by it at ISH3 as to the impact of the Proposed Development on access routes to Blyton Park Driving Centre, particularly the concerns about the potential consequent impact on the viability of the business.

Discharge of Requirements

19. The Secretary of State notes that during examination there was a disagreement as to the approval timescales for the discharge of requirements, with West Lindsey District Council [REP6-011] suggesting that 16 weeks would be appropriate considering the number of applications for NSIP developments coming forward in Lincolnshire and the additional pressure this would create.

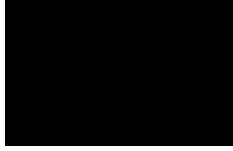
20. The **Applicant, Lincolnshire County Council, Nottinghamshire County Council, West Lindsey District Council, and Bassetlaw District Council** are asked for their final position on a realistic and proportionate timescale for the discharge of requirements.

21. Responses to the requested information should be submitted by email **only** to cottamsolarproject@planninginspectorate.gov.uk **by 23:59 on 06 August 2024.**

22. Responses will be published on the Cottam Solar Project page of the National Infrastructure Planning website: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010133> as soon as possible after **06 August 2024.**

23. This letter is without prejudice to the Secretary of State’s consideration of whether to grant or withhold development consent for the Cottam Solar Project or any part of the project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully,



John Wheadon

Head of Energy Infrastructure Planning

On behalf of the Secretary of State for Energy Security and Net Zero