

Department for Energy Security &
Net Zero
3-8 Whitehall Place
London SW1A 2AW

Yr Ref EN010133
Via email only
cottamsolarproject@planninginspectorate.gov.uk

6 August 2024

Neil McBride
Head of Planning
Planning Services
Lincolnshire County Council
County Offices
Newland
Lincoln, LN1 1YL
Email : [\[REDACTED\]@lincolnshire.gov.uk](mailto: [REDACTED]@lincolnshire.gov.uk)
Tel: [\[REDACTED\]](tel: [REDACTED])

Dear Sir

**PLANNING ACT 2008 AND THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010**

**APPLICATION BY COTTAM SOLAR PROJECT LIMITED FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE PROPOSED COTTAM SOLAR PROJECT**

I refer to your letter dated 19th July 2024 seeking further information in respect of the above project. Paragraph 17 of your letter seeks the Council's views on an amendment to draft Requirement 12 (Archaeology).

The suggested wording has been discussed with Nottinghamshire County Council and both Council's consider the updated wording is still somewhat confusing and do not agree to it. Also it is noted that the evaluation trenching was not completed as part of the usual pre-application assessment process and this will need to be addressed before a final mitigation strategy is submitted and agreed.

The Without Prejudice Written Scheme of Investigation referenced in the amended requirement wording is not fit for purpose and should be dropped in its entirety in favour of an agreed 'archaeological mitigation strategy' which will later be supplemented by detailed Written Schemes of Investigation (WSIs) for each phase of work. These by necessity cannot be described as 'without prejudice'.

It is the Council's view that the amended wording still presents difficulties as it would lead to significant problems for post consent implementation of the scheme, for example the

inclusion of ‘*must be substantially in accordance with the without prejudice written scheme of investigation*’. The Council’s view is The Without Prejudice Written Scheme of Investigation is not appropriate and the use of the phrase ‘without prejudice’ should not be included in a DCO requirement. The term ‘substantially in accordance’ leaves scope for disagreement as to what ‘substantially’ means and can be interpreted differently by both sides leading to tensions.

Set out below is an alternative wording that the Council considers is more appropriate and in is line with the Archaeological Requirement incorporated into the DCO for Mallards Pass which the Secretary of State approved on 12 July 2024.

(1) No development may commence until an Archaeological Mitigation ~~Scheme~~ Strategy has been submitted and approved by the relevant Planning Authorities, such approval to be in consultation with Historic England. This shall include:

(a) a scheme for additional trial trenching which has been submitted to and approved by the relevant planning authorities, in consultation with Historic England;

(b) additional trial trenching has been carried out in accordance with the scheme approved under sub-paragraph (a); and

(c) updates are made to the Archaeological Mitigation Strategy to account for the results of the additional trial trenching carried out and the updated Archaeological Mitigation Strategy is submitted to and approved in writing by both relevant planning authorities and Historic England.

(2) The authorised development must be carried out in accordance with the updated Archaeological Mitigation Strategy approved under sub-paragraph 1(c).

(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-Mitigation Strategy) has been submitted to and approved in writing by the relevant Planning Authorities

(4) The approved scheme must identify—

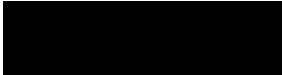
(a) areas where archaeological work is required; and

(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.”

In respect of paragraph 19 the Council share the concern of West Lindsey District Council regarding the number of NSIPs that continue to emerge in Lincolnshire which has now reached 22 and continues to grow in number and complexity. The sheer volume of these projects does put pressure on the Council's modest resources and therefore additional time to assess the details submitted to discharge the requirements would be welcome. However, the Council recognise that this has to be proportionate to the requirements of the developer as well and therefore continues to submit that a **10 week** discharge period would be a reasonable compromise.

Yours faithfully

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Neil McBride, Head of Planning