



Guildhall
Marshall's Yard
Gainsborough
Lincolnshire DN21 2NA

Telephone 01427 676676
Web www.west-lindsey.gov.uk

Your contact for this matter is:
Russell Clarkson
Russell.clarkson@west-lindsey.gov.uk
01427 676641

06/08/2024

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

Dear Mr Wheadon,

Your Ref: EN010133

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

Thank you for your letter dated 19 July 2024 requesting further information in relation to the above application for an Order granting Development Consent in relation to the proposed Cottam Solar Project.

This letter provides a response to the matters directed to West Lindsey District Council (WLDC).

Thorpe in Fallows Scheduled Monument

WLDC notes the request made to the applicant 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. WLDC have been invited to confirm if they are content with this request. The position taken by WLDC was that removing solar panels and associated infrastructure back to the historic northern boundary would be required to ensure the impacts upon the Scheduled Monument were acceptable.

Upon request, the Applicant has provided WLDC with an updated work plan (Ref: P2981_LPR_ZZ_ON_DR_Z_0064) (dated 23/07/2024) drawing removing solar panels from the area concerned. It is understood that Historic England have also received and reviewed this amended drawing and has confirmed that it addresses their concerns with regard to impacts on the scheduled monument.

WLDC welcomes this amendment and agrees with Historic England in that it addresses the principal objections. There are, however, some further clarification that would be helpful in order to fully understand the nature of the proposed changes:

It is noted that the amended work plan supplied to WLDC is annotated for Works 1a(iv) (electrical and communications cabling connecting Work No. 1A(iii) to Work No. 4A) and Work No. 7A (variety of works including fencing/boundary treatments, security and lighting, landscaping and biodiversity mitigation, maintenance of existing and creation of new internal access tracks, footpath diversions, earthworks, sustainable drainage system ponds and general drainage, acoustic barriers, electricity and telecommunications connections and temporary construction/decommissioning laydown areas).

In the absence of an updated indicative site layout plan, it is not clear what development is likely still to be proposed in the area where solar panels have been removed. Such works would include earthworks and fencing. WLDC would welcome clarification of why these works appear to still be retained to be authorised within the defined area of particular sensitivity with regard to the setting of the Scheduled Monument.

Work No. 7A provides for a wide range of development that isn't as yet defined and WLDC would be grateful for clarity to ensure that the impacts on the setting of the Scheduled Monument are clear.

WLDC would also welcome confirmation as to what other application documents will be updated to reflect the amendment, particularly those documents to be 'Certified' and form the basis of DCO 'requirements' (e.g. the Outline LEMP).

Should the amended documents be submitted, WLC formally requests the opportunity to consider and review the submissions and thereafter provide a further response in writing. WLDC request that clear timescales for the submissions are provided, such that sufficient time is afforded for all Interested Parties to adequately consider the information and provide a full written response thereafter.

Discharge of Requirements

WLDC maintains its position and reasoning expressed during the examination of the Application.

Many of the proposed DCO 'requirements' oblige the submission of significant technical information that will require careful assessment by the approving authorities (of which WLDC holds that role for the majority of the 'requirements'). Many of the details to be submitted will require consultation with technical consultees (including statutory bodies) in order to make an informed decision in the public interest.

The suggested 16-week period made by WLDC is based upon the subsequent approval of details pursuant to 'requirements' relating to development subject to Environmental Impact Assessment (EIA). WLDC has identified the 'requirements' where it would be fair and proportionate in the interests of 'good planning' to benefit from a 16-week period; namely draft DCO 'requirement' 5 which reserves a significant amount of project details for subsequent approval.

A key practical driver for the suggested approval periods is the cumulative situation with other NSIP solar projects that WLDC may find itself required to deal with subsequent approvals for. Cottam constitutes one of five potential solar NSIP projects that, if all granted development consent, could come forward for implementation on similar timelines. This would rationally result in multiple developers seeking to secure approval of

'requirements' on similar timeframes, which would significantly compromise the ability of WLDC to consult with statutory bodies, assess and determine such details.

We consider that, to have nationally significant infrastructure projects of the same infrastructure type, in such close proximity, and operating to similar timescales for commencement, is a somewhat unique situation which requires recognition and careful consideration.

WLDC has noted the ExA's recommendation report for the Gate Burton Energy Park, which states at paragraph 7.4.20: *"The other schemes are not approved and I must consider the matters before me. On this basis I am firmly of the view ten weeks is a reasonable and appropriate period."* WLDC's view is that this judgement on the appropriateness of a 10-week period is a 'baseline' where there was only one single set of DCO requirements to determine. That is no longer the case in consideration of the Cottam DCO. It therefore follows that if the Cottam Solar Project is granted development consents, a necessarily longer determination period is required.

Following approval of the Gate Burton Solar Project DCO, this already places the responsibility upon WLDC to assess eleven different requirements (subject to a deemed consent), of which the vast majority are pre-commencement requirements. Whilst the DCO requires works to commence within 5 years, the developer has previously indicated a start as early as early 2025, suggesting applications to discharge requirements will be made within a narrow window.

The Cottam Draft DCO (rev G) proposes a similar burden – in the event consent is granted as drafted in the dDCO, WLDC will have responsibility for a further twelve requirements, the majority of which are again, pre-commencement requirements. The ES envisaged that works would commence "at the earliest, in Q4 2024" (EIA paragraph 4.6.1) suggesting once more that a narrow window is proposed and that overlap with the Gate Burton Project is likely.

The DCO 'requirements' are important stages in the delivery process of NSIP projects and require care and attention to ensure that impacts on the environment and communities are minimised. WLDC do not consider them to be a 'fait accompli' exercise that places no burden or obligations upon itself as the host authority. WLDC does not consider ensuring adequate timescales to assess and approval technical details relating to major infrastructure projects to be an unreasonable request.

WLDC would contend that the suggested timescale is not done so as to avoid progressing the approval of 'requirements' as efficiently as possible. The suggested timescales would, in WLDC's view, enable more efficient approach to working with consultees and applicants to enable any issues to be resolved within a proportionate approval period. WLDC therefore maintains its position that the suggested approval periods are realistic and proportionate.

Yours sincerely,

Russell Clarkson
Development Management Team Manager
On behalf of West Lindsey District Council

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