

Our Ref: 22/00932/PREAPP
Officer: Daniel Galpin
Email: planning@bassetlaw.gov.uk

26th July 2022

Dear Sir/Madam,

West Burton Solar Project – Phase Two – Preliminary Environmental Information Report (PEIR) – Local Planning Authority Response

I refer to your phase two consultation period which runs for six weeks and expires on July 27th 2022. Although no statutory response has been sought, it has been seen as best practice to produce a formal response regarding the proposed development titled West Burton Solar Project.

The District Council understands that it is the intention to submit the finalised DCO application to the Planning Inspectorate (PINS) in the final quarter of 2022. This response represents a combination of our assessment of the phase two proposal, alongside some of the responses we have received from our internal consultation on the PEIR report. Where a response has not been received from a relevant consultees, the response forms our best assessment of the updated proposal. In addition, where a consultee has not responded but previously responded to the EIA Scoping request, it is requested that any comments made at the previous stage are taken into consideration going forward, if they have not been already at this stage.

The submitted report contains the following chapters and I comment on them accordingly for you to take into consideration:

The Scheme

The sites for built development and are identified as West Burton 1, 2, 3 and 4 which will connect to West Burton Power Station and offer 480 MW of electricity to the grid. It is positive to see that a description of each of the sites has been included and sets out the key constraints as this will set the basis for the final ES.

It is noted that the exact type of solar panels is not yet decided and that the options have been separated into 'Option A – Tracking panels' and 'Option B – Fixed panels'. Further assessment of the potential implications of the design should be considered and assessed in the ES when this option has been decided. The majority of the project will be situated in West Lindsey but West Burton 4 and the grid connection infrastructure and energy storage located within the administrative boundary of Bassetlaw District Council and Nottinghamshire County Council.

The updated PEIR report still appears to have not finalised whether 'Option A' or 'Option B' has been selected. There does not appear to be a substantial material difference in the

design of each of these options from a planning perspective. However, the greater height of the 'Tracking Panels' at 4.5 metres as opposed to 3.5 metres for the 'Fixed Panels'. The greater height of the former may have the possibility of more significant visual impacts (depending on the prevalence of panels at their maximum height). There are not any specific comments to make on the ancillary elements of the proposed development in a general sense. The site security, battery storage and other ancillary elements appear to be within standard measurements and are essential to support the operation of the proposed development.

Like any proposal, appropriate consideration should be given to the potential impacts of the proposed development against the relevant policies in the development plan alongside relevant material planning considerations.

It is difficult to make more precise comments about the cabling as the exact routing of the cables is not yet known. Once these details become clearer, it will be easier to make a better judgement on the constraints that will be most likely to be impacted. The route has since been narrowed, but it is difficult to make specific comments. Any route should look for the least sensitive route unless unavoidable and appropriate mitigation should be put in place where the impacts of the cable route are potentially significant. The narrow scale in terms of the final width of the cable routes will clearly reduce their potential harms.

Alternatives Considered

There are no further comments to be made at this stage as the main justification for this was set out in the original EIA Scoping Report. However, it is considered optimal that a full consideration of alternative sites should be provided prior to the submission of the ES, although it acknowledged that this to some extent is carried out through the initial stages of the proposal (even before the process enters the pre-application stage in some instances) in order to 'screen out' in order to find some of the least constrained parcels of land that are appropriate for solar development.

Consultation

There are no further comments at this stage. The Local Planning Authority worked closely with the applicant and agent by providing feedback during the drafting of the Statement of Community Consultation.

Comments on the general approach

The proposal appears to broadly outline all of the relevant legislation, national policy and local policy documents. Some policies such as DM4 of the Bassetlaw Core Strategy (Design and Character) and Policy 12 of the Sturton Ward Neighbourhood Plan (Energy efficiency, renewable energy and climate change) appear to have not been assessed. Policy DM4 is especially relevant when considering landscape, visual impacts and layout which is a critical consideration in the DCO process. It is positive that appropriate references have been made to specific policies in the NPPF. Section 14 of the NPPF clearly provides great weight to renewable energy development alongside the recent Energy Security Strategy.

More broadly, the PEIR is viewed favourably by the Local Planning Authority as it is much more substantial than the original EIA Scoping Report and appears to include greater assessment of the policies and enhanced mitigation. It is difficult to comment on certain aspects of the proposal at this stage as the final design of the solar panels has not yet been selected and the final cable route is not yet known.

Proposed Topics

Climate Change

Climate change (including the impact of the development itself) has been scoped into the PEIR which is welcomed by the Local Planning Authority. The chapter within the PEIR itself appears comprehensive and assesses key baselines. Although the development itself will inevitably produce some carbon emissions, especially during the construction and decommissioning phases, it is clear that these will be more than mitigated for by the provision of 480 MW of clean energy per annum. Nevertheless, efforts to reduce carbon emissions produced by the project should be carried forward.

Policy 12 of the Sturton Ward Neighbourhood Plan may also be relevant due to the presence of the cable route.

Landscape and Visual Amenity

It is positive to see that the PEIR has made references to policies that were missing in the original EIA Scoping Report such as paragraph 174 of the NPPF and policies within the Emerging Bassetlaw Local Plan (2020-2037) – these will carry progressively more weight as the Local Plan moves through examination which is likely to coincide with the submission of the DCO. Policy DM4 of the adopted Bassetlaw Core Strategy also appears to have not been included. This is our critical design and character policy which broadly mirrors critical policies within Section 12 of the NPPF.

This is one of the most important and sensitive considerations for the District. It should be made clear that any response received from Nottinghamshire County Council will form the basis for our comments and as such should be taken into account as well. This was the case for the EIA Scoping Report and this will continue to be the case going forward.

It is positive to see that the cumulative impacts alongside other large scale development has been considered. It is also positive that the LVIA as part of the ES will include other material considerations such as biodiversity and cultural heritage due to the interaction between these material considerations.

With regards to the cabling, it is more difficult to assess at this stage as the final route of the cabling is not yet known.

Ecology and Biodiversity

West Burton 4 borders a minor green corridor in the form of the Trent Valley Way (Policy ST39: Green and Blue Infrastructure). Furthermore, the proposed location of West Burton 4 is located within 2.5KM of the Sutton & Lound Gravel Pits SSSI, as well as the Chesterfield Canal SSSI. Local Wildlife Site designations can also be found over Chesterfield Canal (Site reference - 1/82), Lovers Lane – Clayworth (Site reference 2/464), Lancaster Lane Hedge – Clayworth (Site reference 2/465).

The need for 10% net gain is welcomed and this should be scoped into the assessment. The Environment Act 2021 promotes biodiversity net gain in new development, albeit from 2023. However, the NPPF recommends securing net gains now. Reflecting the principles of national planning policy and the emerging provisions of the Act we would strongly recommend that the proposal secures at least 10% net gain in biodiversity to ensure that the value of the development exceeds the pre-development on site habitat value by at least 10%. The fact that the PEIR outlined that the proposal is likely to provide a significant net gain is welcome, although this will need further consideration when the final calculation is provided as part of the DCO submission.

The assessment of primary ecological designations and protected species appears comprehensive. Although these policies are referenced in different sections of the PEIR, they appear absent from this chapter of the PEIR. It is reiterated that the relevant policies in Section 15 of the NPPF, Policy DM9 of the Bassetlaw Core Strategy, the Emerging Bassetlaw Local Plan and the Sturton Ward Neighbourhood Plan should be considered when the DCO is submitted.

Please find attached the response from the Nottinghamshire Wildlife Trust providing more detailed comments in relation to the development proposal for the site within Bassetlaw at West Burton 4.

Hydrology, Flood Risk and Drainage

Further detail on flood impacts and drainage solutions would be welcome especially in the context of the small rural settlements of Gringley on the Hill and Clayworth. It is noted that the original consultation response from the LLFA has been summarised in this section of the report. Although a lack of direct reference has been given to these settlements, it is acknowledged that the potential impacts with respect to this chapter are likely to be less significant than other material considerations. This chapter also contains significant information on mitigation which is welcomed by the Local Planning Authority.

Given the nature of the application for West Burton it does not appear to seek to significantly increase the impermeable area. More than 90% of the site is situated within Flood Zone 1 which is considered to be at a low risk of flooding.

However, the comments from Nottinghamshire's Flood Risk Management Officer:

'As previously noted, with West Burton 1, 2 and 3 being located outside the county boundary, and due to the nature of the proposals, the Flood Team has no comment to make on these. However it is noted that 'West Burton 4' is located next to Clayworth and that the Toft Dyke flows through the site.'

Given that Clayworth has previously suffered flooding and the concern around flooding in the area, in previous discussions with the applicant they have confirmed that they will be exploring the potential for Natural Flood Management (NFM) measures on the site. The use of NFM on the Toft Dyke and/or Tributaries could reduce the volume and rate at which flows reach Clayworth and therefore potentially reduce the frequency and/or extent of flooding.

The details given here, and on the website do not appear to make any reference to these, however the flood team would still welcome potential NFM works and be happy to continue discussions with the applicant on these.'

Given the Toft Dyke runs through the site and falls in the area the IDB cover, they may also wish to consult/communicate with the IDB.

Please also refer to our comments to the original EIA Scoping Report.

Ground Conditions and Contamination

It is considered that the information in this topic is acceptable, including the provision of a CEMP as part of the development proposal.

Minerals

The County Planning Authority at Nottinghamshire County Council has drawn attention to Policy SP7 in the emerging Minerals Local Plan due to the potential risk of mineral unnecessary mineral sterilisation. The County Planning Authority also drew attention to Adopted Minerals Local Plan March 2021 (Policy MP2c) and Policies Map Inset 4. Although the project is only for a temporary period, attention should be drawn to the Sturton le Steeple Quarry. Please find below the response from the County Planning Authority:

'There is an area of concern however. The northern cabling route option, the buffer zone for which, runs through or at least very close to the permitted sand and gravel site at Sturton Le Steeple quarry (1/46/06/00014/). This site is operated by TARMAC. As this site is not presently active, it may not have been picked up as part of the initial scoping exercise. NCC would draw attention to Adopted Minerals Local Plan March 2021 (Policy MP2c) and Policies Map Inset 4. [Adopted Minerals Local Plan | Nottinghamshire County Council](#).

Sturton le Steeple Quarry is an important source of sand and gravel and is a significant contributor to the resource landbank, as identified within the Adopted Nottinghamshire Minerals Local Plan March 2021.'

Please find below the response from the Coal Authority:

'I have checked the site location plan against our coal mining information and I can confirm that the northern part of the site (area to the south of Gringley on the Hill to the north of North Wheatley only) falls within the coalfield, however it is located outside the Development High Risk Area as defined by the Coal Authority. Accordingly, whilst coal mining activity may have taken place beneath this site, there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability for the redevelopment of this site.

Accordingly, there is no requirement for you to consult the Coal Authority on any formal planning application submitted at this site, however it is requested that if planning permission is approved, our Standing Advice is added to the Decision Notice.'

Archaeology

Please find below the comments from Lincolnshire County Council's Archaeologist:

'The Cottam PEIR addresses Cultural Heritage in Chapter 13. The bulk of the project is located within Lincolnshire, however the cable connection will run through Bassetlaw District connecting to the hub at the site of the former power station at Cottam. Consequently, this response concerns the proposals for the cable route and not main site.

In terms of progress with gathering baseline data on Cultural Heritage, the PEIR does not accurately reflect the current situation on the ground. Sufficient progress is being made with regard to on-going desk-based research and the geophysical survey is underway. Data from evaluation trenching will also be required to support the Environmental Statement (ES) along the entire cable corridor route and this has yet to be agreed. As it stands, my response to this PEIR reflects what has been presented within the document and also my concern particularly with the proposed mitigation approach which is fundamentally flawed.

The PEIR notes that the initial response to the scoping opinion has been supported by the Planning Inspectorate and that geophysics survey should be used to inform the design evolution of the route corridors. It further states that geophysical survey of the route corridors is underway and the results should be used to help inform the final routes.

The cable route corridor geophysics results will also need to form a significant element of the baseline data for the ES Chapter and inform the overall mitigation strategy.

On p359 in the 'Comment Addressed' column (Table 13.1), the applicant states 'Further assessment will be submitted alongside the ES as appropriate'. 'Appropriate' in this case will be the results of all evaluation including geophysics and trial trenching of the full length of the cable route corridor as well as the completed desk-based analysis.

On p361 the first 'Response' column states that 'trenching will focus on areas that have been assessed to have archaeological potential'. It has been consistently stated that trenching is also required across 'blank' areas where previous evaluation results have not established the archaeological potential.

Of significant concern is the reference to Appendices 13.1, 13.2 and 13.4 where these do not adequately address the comments raised for the Scoping Report. While I appreciate the gathering of baseline data is an ongoing process, a certain level of attainment is expected at each stage to inform the next. The data from the Desk-Based Assessment, LiDAR & AP Assessment and Geophysical Survey should be largely completed and combined prior to the trenched evaluation so trenches can be targeted where necessary.

Section 13.4.2 states that geophysical survey will be undertaken on the currently proposed cable routes and that HER information will be obtained for them. The full suite of evaluation is required for the full extent of the proposed development area including complete desk-based assessments with the required sources as quoted in the middle of p360 not just geophysical survey and HER data as currently stated. As mentioned previously, a programme of trial trenching along the cable routes is also required to ascertain the presence or absence of archaeology, to provide evidence to inform the route selection and to determine what mitigation will be required along the route.

Section 13.5.42 states that 'geophysical survey will be undertaken along the cable routes with appropriate desk-based research and bolstered by targeted trenching'. As above, full evaluation including comprehensive desk-based assessment and trenching of the 'blank' areas will be required to obtain baseline evidence across the full impact zone including the cable routes.

Regarding section 13.6.1 and the proposals for dealing with 'on-site archaeological remains' by 'mitigation by design'. This implies significant levels of 'preservation in situ' which is not possible in regard to the cable routes. Archaeological mitigation within the corridor routes is likely to require archaeological excavation and there is no reference in the document to the other standard archaeological mitigation response known as 'preservation by record' through archaeological investigation and recording (archaeological fieldwork).

Given the large scale of this development, a suitable mitigation programme which includes archaeological mitigation by archaeological fieldwork would be expected and I would expect this to be acknowledged and included in this document, certainly it must be included in the ES as it is essential as part of an effective, robust and reasonable mitigation strategy to deal with developmental impacts on archaeology.'

Heritage

Please find attached comments from the Council's Conservation Officer:

'Overview

The West Burton Solar Project includes proposals for 4 separate sites, 3 of which are in Lincolnshire (West Burton 1, 2 and 3) and 1 is in Bassetlaw (West Burton 4, located between Clayworth and Gringley on the Hill). During the phase 1 consultation, Conservation raised

concerns with the West Burton 4 site, and specifically its impact on the setting of a range of heritage assets in Clayworth and Gringley on the Hill.

Phase 2

Following the Phase 1 comments, I attended a consultation event with Lanpro to discuss how those concerns could be mitigated. The result of that discussion, and of consultations with other agencies, is that the West Burton 4 site has been significantly reduced, around its northern, western and southern boundaries. This has effectively seen a strip of fields around much of the perimeter removed from the scheme. It is evident from both site visits and the new photographic viewpoints survey that the majority of the proposed panels would not now be visible in a heritage context. The most notable part of Phase 1 was that a range of panels would be visible from the road between Clayworth and Gringley on the Hill, affecting the open countryside setting to both settlements. This is now no longer the case. Enhanced landscaping would also be provided in key locations around the perimeter.

The only above-ground heritage concern that remains is that some of the panels would be visible from the Chesterfield Canal tow path, to the south of Clayworth (see image VP72, page 674 of the PEIR Volume 2 Appendices). Whilst of concern, that has to be balanced against the public benefits of the proposal, which weigh heavily in favour of the scheme. In addition, those views would be some way in the distance and are only found from this isolated location within the Conservation Area.

It is evident that some panels would be visible from public vantage points, notably along the footpaths through the site. However, these impacts are considered to be of a general landscape nature, and would not affect the setting of any of the nearby heritage assets.

The proposal also provides more details of a battery facility adjacent to West Burton Power Station. Conservation has no concerns with that part of the scheme, as no above-ground heritage assets would be affected.'

Whilst it is acknowledged that a minor degree of harm will be caused as a result of the proposal, it is considered that this is outweighed by the considerable public benefits as a result of the proposal. This is when considered against the requirements of Policy DM8 of the Bassetlaw Core Strategy, Section 16 of the NPPF (specifically paragraph 202) and Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

Transport and Access

There are no further comments to be made in relation to the transport and access section of the PEIR. Please refer to our response to the EIA Scoping Report.

Please find attached, the response from Nottinghamshire County Council (Public Rights of Way):

'The Rights of Way Team welcome the provisions set out in the Preliminary Environmental Information Report for the protection and enhancement of the network of Public Rights of Way within the proposed development site. The focus is on both the physical installation of solar panels and the cabling corridor. Only one of the four solar panel sites are within the Nottinghamshire boundaries (West Burton 4) and all comments will relate to this site only.

The PEIR recognises some of the Public Rights of Way within and abutting the development site, namely the Trent Valley Way (Gringley on the Hill Footpath No.16 & Clayworth Footpath No.9) and Clayworth Bridleway No.7. Two other PROWs cross the landholding (Gringley on

the Hill Footpath No.5 & Clayworth Footpath No.11), although there does not currently appear to be plans to install equipment on this part of the proposed development site.

Consideration should be given to:

- *How these are affected by the solar installation, such as width and surface of PROW corridors within or adjacent to the site, views of the installations affecting amenity or the rural route, ensuring that views are still available;*
- *How PROW within the buffer zones will be affected visually, what methods will be employed to screen the sites from view, will the geography assist;*
- *Vehicular access – if PROW are used as access how will the public safety be managed (will this requires a temporary TRO), how is the surface to be managed to take the traffic, restoration and repair after installation and future maintenance for the duration of the development;*
- *Potential Increased connectivity of the PROW network is noted in para 4.4.8. Any plans will need to be shared at an early stage with PROW team for consideration. Will these be permissive routes for the duration of the site and removed on decommissioning or dedicated in perpetuity;*
- *Glint and glare – how is this being assessed with regard to walkers and equestrians. Although identified in para 16.1.1, no further consideration or assessment has been given.*

With regard to the cabling, with potentially up to twenty Public Rights of Way impacted, it would be difficult to comment until the specific route has been identified. Trenching underground cabling, requiring a 25m working corridor, would invariably affect PROW in the short term during the construction phase and it is requested that these closures, wherever practicable, are employed sensitively to optimise the connectivity of the wider PROW network and any works that affect the safe use of the PROW should be closed temporarily under a formal Traffic Regulation Orders (TRO), which is managed by Nottinghamshire County Council as Highway Authority.'

Noise and Vibration

With specific regard to vibration, it is accepted that the impact from vibration to the occupiers of neighbouring dwellings from the installation of the solar panels, (e.g. pile driving of the support posts) is unlikely to be significant, and will be very limited in duration. However, as the siting of the electrical transformers and battery storage facilities (which could take up to 24 months to complete), and the cabling routes have not yet been finalised, it is difficult to fully comment.

It is noted that additional mitigation is not required at this stage as the impacts are not expected to be significant. Although it is stated that this is explored in the ES, full justification should be given, should no additional mitigation be proposed.

Glint and Glare

Please see the response from the Public Rights of Way Officer above regarding potential impacts arising from Glint and Glare.

It should also be noted that Gamston Airport, sited to the south of Retford at approximately 11km to the south east of the West Burton 4 site, is within the 15km assessment area proposed within the Scoping Report and should, therefore, be considered in the Assessment.

Electromagnetic Fields

It is regrettable that the PEIR has stated that this has been ultimately scoped out of the ES. However, it is welcome that a technical report will be provided as part of the DCO submission to demonstrate that the relevant requirements have been met.

Light Pollution

This should be addressed within relevant chapters of the ES where there is a potential for significant effects.

Major Accidents and Disasters

No further comments are required at this stage.

Air Quality

The scope for this topic is agreed providing that mitigation measures are reported in the CEMP.

Socio-Economics, Tourism and Recreation and Human Health

No further comments are required at this stage.

Agricultural Circumstances

It is considered that this is an important issue for the District, especially when considering these proposals cumulatively with other similar proposals. It therefore should be fully considered in the ES. If this approach is not taken then it is crucial that it is addressed elsewhere in another topic.

Waste

Please refer to Nottinghamshire County Council's response.

Telecommunication, Utilities and TV Receptors

There are no further comments at this stage.

This forms a response from Bassetlaw District Council on the PEIR that was provided as part of the phase two consultation which expires on July 27th. It should be noted that although we appreciate that the response deadline is July 27th, should we receive any further responses from consultees, and we will forward them on for your records.

This letter was undertaken at officer level and is subject to change if further information and does not prejudice future comments.

Yours faithfully



Development Team Manager

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Response from BDC Conservation Officer

Response from Nottinghamshire Wildlife Trust

Response from Coal Authority

Response from Nottinghamshire County Council (various teams)

Response from Nottinghamshire County Council Highways