

Our Ref: 22/00957/PREAPP  
Officer: Daniel Galpin  
Email: [planning@bassetlaw.gov.uk](mailto:planning@bassetlaw.gov.uk)

27<sup>th</sup> July 2022

Dear Sir/Madam,

**Cottam 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 27<sup>th</sup> 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 Cottam 1, 2 and 3 which will connect to Cottam Power Station and offer 600 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.

The vast majority of the project will be situated within West Lindsey but the cable route is within the administrative boundary of Bassetlaw District Council and Nottinghamshire County Council. The updated PEIR notes that the selected design option is 'Tracking Panels' which have a greater height than 'Fixed Panels' which have a maximum height of around 4.5 metres as opposed to 3.5 metres. 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**

It is encouraging that the ES will contain a chapter that will consider alternative sites. Given that the site for the main development has already been selected, it would have been preferable if some consideration had already been given to this. This is especially important as by the time the proposal proceed to submission, there is essentially no scope for alterations. That being said, it is promising that the broad methodology has been set out for establishing the selected site. The most preferable option would be for the chapter within the ES to fully justify why other potential sites were less preferable on balance.

### **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 on balance 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. There will inevitably be some issues for consideration in some of the sections and it is hoped that these comments will be taken into account when the DCO is finally submitted, likely later this year.

The PEIR is also more viewed more favourably in its approach to considering relevant policies and mitigation. Each section (with the exception of the policies outlined above) is more structured and sequential in its approach and sets out in much greater detail the proposed mitigation for the development.

### **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**

Please see attached comments from Nottinghamshire Wildlife Trust. The most relevant section of their response is quoted below:

*'Local Wildlife Sites (LWS) are a local, non-statutory designation, that sits below (but complements) the national suite of statutorily designated Sites of Special Scientific Interest (SSSIs). They are of substantive value for the conservation of biodiversity and are home to rare and scarce species or represent the best surviving examples of habitats that were once widespread and typical of the Nottinghamshire landscape. Collectively, these sites form an essential ecological network and act as wildlife corridors and steppingstones, allowing species to migrate and disperse between sites. The continued existence of these sites is vital to safeguard wildlife from the pressures of development, intensive agriculture, and climate change. The LWS network is comprehensive (meaning that every site which qualifies as a LWS is designated as one), whereas SSSIs are representative of the best sites in an area, such that that not all sites which meet the SSSI selection criteria have been, or will be, designated as a SSSI. Because of this, a number of LWS would potentially qualify as SSSIs, meaning that LWS are best described as sites that are of at least county-level importance for their flora and/or fauna. We acknowledge that neglect and/or inappropriate management can result in LWS being in unfavourable condition, but NWT is constantly seeking opportunities to support LWS owners to manage/restore their sites. There should, therefore, be a*

*presumption against routing cables through sites of county biodiversity value. Wherever possible LWS should be avoided. Where this is not possible then it may be justifiable that impacts proceed if accompanied by sufficient mitigation, compensation and aftercare. We are of the opinion that the mitigation hierarchy should be applied.'*

The commitment to a 'significant Net Gain' is welcomed. 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%.

It is positive to see that reference has been made to the mitigation hierarchy which is outlined in the response from the Nottinghamshire Wildlife Trust. There are no concerns regarding the updated assessment of the cable routing and the approach outlined for surveys refinement of the cable routing is satisfactory. Reference to 'Biodiversity 2020' has been included in the PEIR which is welcomed.

Lighting, even during construction phase, has the potential to impact on ecology. It is positive to see that this has been addressed in the assessment of potential impacts.

### **Hydrology, Flood Risk and Drainage**

No reference has been made in the PEIR to Policies ST52 Flood Risk and Drainage and ST53 Protecting Water Quality and Management. This is regrettable given the original EIA Scoping Report made reference to these policies. Further detail on flood impacts and drainage solutions would be welcome. The Level 2 Strategic Flood Risk Assessment in June 2021 concluded that the Cottam Priority Regeneration Area was found to be highly susceptible to groundwater flooding. Whilst it is acknowledged that this proposal may not have the same impact on flood risk as mixed use regeneration, such issues should be given due consideration in the planning process.

Solar farms typically do not result in a significant increase in impermeable ground so the impacts are generally acceptable. There is significant reference to aspects of the development site being located within Flood Zone 3. This should be fully assessed within the ES. The proposed cable route should avoid Flood Zones 2 and 3 wherever possible but it is acknowledged that the impact of cable routing on flood risk would likely not be significant. The main issue would be ensuring the cabling infrastructure is appropriately design should flooding occur but this is not considered to be a material planning consideration so we have no further comments in this respect.

### **Ground Conditions and Contamination**

Again it is acknowledged that the cabling element in this regard is less advanced. There are no further comments to make at this stage.

### **Minerals**

The safeguarding of minerals is given local and national importance in the Section 17 of the NPPF (facilitating the sustainable use of minerals) and the Policy SP7 of the Nottinghamshire County Council Minerals Local Plan. It is recommended that ongoing consultation is done with the County Planning Authorities at Nottinghamshire County Council and Lincolnshire County Council to properly determine whether this approach it acceptable. Given that Bassetlaw will only include the cabling it is very possible that there will be no

mineral safeguarding consideration as the final routing of cables will only include a very small section of the search area for potential cable routes.

Please see the response from The Coal Authority, this reads as follows:

*'I have checked the site location plan against the information held by the Coal Authority and can confirm that the proposed development site is located outside of the defined coalfield.*

*Accordingly, the Coal Authority has no specific detailed comments / observations to make and there is no requirement for the Local Planning Authority to consult us on any future application for this site.'*

## **Archaeology**

Please find below the response 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.*

## **Built Heritage**

It is difficult to make further comments apart from those that were made in response to the EIA Scoping Report at this stage as the final cabling route is not yet fully known. As a general point, the cabling route should take the least historically and environmentally sensitive route unless unavoidable and should include the necessary mitigation where appropriate.

## **Transport and Access**

There are no further comments with respects to transport and access.

## **Noise and Vibration**

Given the fact that the details of the design and location of the proposed cabling is not yet fully established it is considered that ground vibration or noise should be fully assessed within the relevant chapter with the ES (it is positive to see that these effects have been scoped in). Generally, the potential impacts of the project seem acceptable with more significant activity taking place at distances further away from the nearest sensitive receptors.

The PEIR acknowledges that there are still significant gaps in the information provided including cumulative effects, residual effects, operational noise, and construction traffic noise. However, we acknowledge that any impacts are highly unlikely to be permanent once the construction works are completed.

## **Glint and Glare**

No comment to make on this topic, the District is pleased to see that it is scoped into the ES.

### **Electromagnetic Fields**

Human health is a material consideration and the District consider that this should be scoped into the ES.

### **Lighting**

It is agreed that this does not have to be a standalone chapter; however it will need to be addressed in other relevant chapters such as biodiversity, transport etc. Whilst it is agreed as well that the impacts will likely not be significant and temporary, the potential impacts should be fully explored within the relevant sections of the ES.

### **Major Accidents and Disasters**

The approach to this topic is agreed.

### **Air Quality**

There are no further comments to make at this stage.

### **Socio-Economics, Tourism, Recreation and Human Health**

It is acknowledged that the project will bring considerable benefits as well as potential harms, the broad approach in terms of impacts and proposed mitigation is agreed. There are no further comments to make at this stage.

### **Agricultural Circumstances**

It is considered that this is an important issue for the relevant Districts, especially when considering these proposals cumulatively with other similar proposals. The potential impact on agricultural land should be fully assessed within the ES and appropriate mitigation put in place where necessary.

### **Waste**

Please refer to our original response to the EIA Scoping report. There are no further comments to make at this stage.

### **Telecommunications, Utilities and Television Receptors**

The proposed approach to this chapter is agreed.

### **Summary**

This letter forms the basis of our response to the PEIR (phase two statutory consultation). It should be noted that although we appreciate that the response deadline is July 27<sup>th</sup>, 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,

A handwritten signature in black ink, appearing to read 'J. Through', written in a cursive style.

Development Team Manager

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Archaeological Advice

Nottinghamshire County Council Highway Officer's response

Coal Authority response

Nottinghamshire Wildlife Trust response