

Our Ref: 22/00958/PREAPP
Officer: Daniel Galpin
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3rd August 2022

Dear Sir/Madam,

Gate Burton Energy Park – 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 August 5th 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 'Gate Burton Energy Park'.

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 scoping report contains the following chapters and I comment on them accordingly:

The Scheme

The site for built development is identified as 'Gate Burton Energy Park' which will connected to Cottam Power Station to the south-west in Bassetlaw on the opposite side of the River Trent and off 500MW of electricity to the grid. It is positive to see that a detailed description of the scheme, including the details of the scheme including key aspects of the scheme, the location and key environmental constraints. The general scheme makes a clear attempt to avoid key environmental designations in all respects, but this will be commented on more in the relevant sections of each project.

The details of the proposed cabling / associated structure and their locations are not yet known. This is fundamental when assessing the impact of the development. The cable route corridor is mostly situated within West Lindsey but there is a small portion of the development situated within Bassetlaw. However, given that the final cable route will only cover a very small area (in terms of its width) it is currently not possible to make specific comments in this respect. Broadly speaking, the cabling route should follow the least

sensitive route and avoid statutory and non-statutory designations wherever possible unless absolutely necessary. Appropriate mitigation should be considered where necessary.

The PEIR document has taken an important step forward in including a much more detailed description of the site but also describes individual aspects of the scheme. The scheme includes the main solar array, battery storage alongside ancillary infrastructure such as fencing and CCTV security measures. At 3.5 metres in height, the solar panels appear to be lower in height than the 'fixed panels' which have been considered for other schemes and stand at 4.5 metres in height. This lower height will inevitably help to reduce to the visual impact of the development which is one of the key considerations for the District.

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 proceeds 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 general approach of the PEIR is generally acceptable and represents a significant increase in detail on the EIA Scoping Report, which is to be expected. It is also promising to see that some of the concerns that were raised in our previous response have been addressed. Each chapter now appears to contain references which form the key evidence base for how the PEIR was prepared. Furthermore, mitigation is set out in each topic which is acceptable, although specific comments will be outlined below for each topic. This is particularly welcomed in the case of the Environment Act which outlines an obligation to secure a 10% Net Gain from new development although this is not expected to become mandatory until near the end of 2023.

The issue of cumulative impact also appears to have been covered in more detail. This will be one of the key considerations when the project moves into the examination phase. It should be noted at this stage that there is another NSIP (Tillbridge Solar Farm) that will also be located in West Lindsey that is several months behind and is at the earliest stages of public consultation. This information is now public, although it is anticipated that the developer may have been aware of the project for some time. Although it is acknowledged that it would not have been possible to comment on this matter in the PEIR, the ES should take into account this project when this proposal is submitted for examination. It is expected that the scale of the proposal will be similar to Cottam, West Burton and Gate Burton so careful consideration of the potential cumulative impacts in this respect is crucial.

It should be noted that the report takes an inconsistent approach to referencing the emerging Bassetlaw Local Plan. Some sections reference it and relevant policies and others don't. The emerging local plan should be referenced for all sections given the timescales envisaged for this proposal. However, it is welcomed that the ES will afford appropriate

weight to the policies within the emerging Bassetlaw Local Plan but a consistent approach should be taken on this matter.

The scheme is inconsistent in its application of the policies within the Bassetlaw Local Plan. Reference is made to Policies DM9, DM10 and DM12 which are all clearly relevant policies to the scheme. However, no reference has been given to Policies DM4 and DM8 of the Bassetlaw Core Strategy. These policies are critical in terms of the schemes potential impact in terms of design and the potential impact of the scheme on landscape character. Given the scale of the project, the lack of references to these policies is disappointing. The ES should make clear reference to these policies and afford them appropriate weight throughout the process.

There is a similar issue in respect to Neighbourhood Plans. The Sturton Ward Neighbourhood Plan (Review), adopted 11 November 2021, is absent from the list of relevant development plan documents. In addition, despite the Rampton and Woodbeck and Treswell and Cottam Neighbourhood Plan being referenced in the list of relevant documents, no relevant policies from either Neighbourhood Plan have been referenced. It is requested that the relevant policies in all of these plans are set out in the ES and afforded appropriate weight.

On balance, the PEIR is viewed more favourably but careful consideration should be given to the comments set out in each section of this response alongside the above comments.

Proposed Topics

Climate Change

There are no further comments to make in general at this stage, no significant concerns were raised in the original EIA Scoping Report and this section contains detail on emissions relating to all stages of the development proposes. For the avoidance of doubt, relevant Neighbourhood Plan Policies, as integral parts of the Development Plan, should be stated explicitly. Their current mention in paragraph 6.3.3 implies that they have not been afforded due consideration. These are as follows:

- Sturton Ward Neighbourhood Plan (Review): Policy 4 (Reducing the risk of flooding);

It is also acknowledged that the proposed development should be viewed in the context that it will reduce total carbon emissions in excess of 100,000 tonnes per annum.

Cultural Heritage

The following Neighbourhood Plan policies / supporting studies are of relevance to this theme, and should be referenced explicitly:

- Rampton & Woodbeck Neighbourhood Plan: Policy 6 (Heritage Assets in Rampton and Woodbeck)
- Rampton & Woodbeck Neighbourhood Plan: Character Assessment
- Sturton Ward Neighbourhood Plan (Review): Policy 6 (Protecting the historical environment)
- Sturton Ward Neighbourhood Plan (Review): Design Code
- Treswell & Cottam Neighbourhood Plan: Policy 2 (Design Principles)
- Treswell & Cottam Neighbourhood Plan: Character Assessment

Conservation

Please see the comments from the Council's Conservation Officer below:

'The Gate Burton project is mostly within Lincolnshire. However, the cabling and links to the existing grid would be in Bassetlaw, close to the former Power Station site at Cottam.

During the previous consultation, Conservation and our Archaeologist requested further details of the precise route of the cabling, and surveys of those routes, so a fuller understanding of the impact on archaeological sites could be gained. It appears that this work is still ongoing, so Conservation has no additional comments to make at this stage.'

Until a final cable route is known, it is not possible to make precise comments on the potential impacts of the cable route. Consideration should therefore also be given to our comments to the original EIA Scoping Report. There is also no reference to Policy DM8 of the Bassetlaw Core Strategy and Section 16 of the NPPF has also only be referenced once. It is accepted that this section is detailed and does outline the potential impacts but a more detailed planning policy assessment when the final ES is submitted would be welcomed.

Archaeology

Please see enclosed response from the Lincolnshire County Council's Archaeologist:

"The Gate Burton PEIR addresses Cultural Heritage in Chapter 7. 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 the main site.

We are pleased by the progress which has been made and by our mutual engagement with finding a reasonable approach to undertaking sufficient archaeological field evaluation, the results of which will inform a fit for purpose mitigation strategy to deal with the impact of this proposed development.

We are pleased to see the approach as laid out in Sections 7.1.5, 7.4.1 and 7.4.2 and look forward to the reports being produced and circulated in a timely fashion.

Section 7.5.4 states that 'Where the Grid Connection Route is located beyond the 1km study area, a 500m study area has been applied from the boundary of the Grid Connection Route (refer to PEI Report Volume 2: Figures 7-5 and 7-8). This 500m study area is considered appropriate to the works due to the linear nature of the connector.' The study area should be at least 1km to maximize the potential for known archaeology to inform the archaeological potential of the development area.

The section 7.6.1 on sources does not include Portable Antiquities Scheme (PAS) data which is required.

Section 7.6.4 says there is an assessment of LiDAR and air photographs, but the final report is not yet available. This report is now completed, including the proposed corridor routes, and is very well done.

Section 7.6.5: The geophysical survey for the Solar and Energy Storage Park is now completed and we await the results of the geophysical survey along the connection route which is on-going.

Section 7.8 Future Baseline states:

7.8.1 The future baseline scenarios are set out in Chapter 5: EIA Methodology. It is considered there will be no change to the future baseline for cultural heritage.

7.8.2 The baseline details as presented above (including changes to settings of the assets) are not anticipated to change in the absence of the Scheme.

The future baseline will change following the results of the geophysical survey and trial trench evaluation along the corridor route.

Sections 7.9.2 and 7.9.3 deal with permanent construction impacts on the Historic Environment, regarding earthworks excavation in the case of any historic earthworks which may be damaged or destroyed during construction these will need to be subject to a programme of recording prior to any works whatsoever and a programme of restoration following completion of the works.

Regarding section 7.9.7 which lists the potential decommissioning impacts on the Historic Environment, thought will need to be given to both embedded methodology and practical on-site solutions, for example fencing to ensure there is no potential compaction or tracking across any preserved in situ archaeological areas across the site.

Regarding section 7.10 and Table 7-4, we are pleased to see good examples of embedded mitigation measures to lessen Historic Environment impacts.

Section 7.10.4 states that 'It is anticipated that it will be possible to mitigate the Scheme's impacts upon the buried archaeological resource through a staged programme of archaeological investigation and recording undertaken as additional mitigation'. While we are pleased to hear that archaeological mitigation through a staged archaeological programme of investigation and recording will be undertaken however this should not be referred to as 'additional' mitigation, it is a core aspect of effective archaeological mitigation strategy.

We are generally pleased with the reasonable and competent approach to assessment, evaluation and proposed mitigation of the Cultural Heritage in response to this development. We look forward to the development of a reasonable mitigation programme strategy to include the corridor routes, which will need to be submitted with the DCO application."

There are no further comments specific comments to make at this stage.

Ecology and Biodiversity

8.3: Planning Policy Context and Guidance

The following Neighbourhood Plan policies are of relevance to this theme, and should be referenced explicitly:

- Rampton & Woodbeck Neighbourhood Plan Policy 10 (The protection of the Parish landscape);
- Sturton Ward Neighbourhood Plan (Review) Policies 2a (Protecting the landscape character, significant green gaps and key views) and 2b (Enhancing biodiversity);

Please see the response from the Nottinghamshire Wildlife Trust:

"The Solar and Energy Storage Park is in Lincolnshire and so our comments will focus on the grid connection route within Nottinghamshire. The Grid Connection Route passes 50m to

the north of Cottam and 300m east of Rampton to connect with Cottam Power Station. We are aware that several routes for the grid connection were considered and Corridor C1 has been selected as the preferred option. The PEI report states that 'Corridor C1 was identified as providing the best balance of minimising impacts on the environment and the local community whilst meeting the technical and constructability feasibility requirements'. It is disappointing therefore, to be informed that there will be a loss and fragmentation of habitat within Cow Pasture Lane Drains Local Wildlife Site (LWS 2/470), albeit on a temporary basis, due to the site being within the footprint of the Grid Connection Route. 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 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. There should, therefore, be a presumption against development activity within sites of county biodiversity value. No reference is made to the mitigation hierarchy in relation to the LWS and so it is not clear whether consideration was given to an alternative route to avoid negative impacts on the LWS. LWS receive protection within the NPPF (2021) and the Draft Bassetlaw Local Plan. We note that there is an intention to survey the LWS during 2022 to establish the habitat composition within the footprint of the Scheme. We would expect the whole of the LWS to be surveyed, not just the development footprint, to assess its overall condition. Where avoidance is not possible then it may be justifiable that impacts proceed if accompanied by sufficient mitigation, compensation and aftercare.

We note that the exact route and construction methods to be used are yet to be defined. We would expect every effort to be made to ensure impacts on the LWS are minimal by implementing suitable methods of working that would not directly impact upon habitats within the LWS. Once defined, measures to remove or reduce impacts on the LWS should be included within the CEMP submitted with the ES as part of the DCO submission. Following installation of the cable the working area should be restored to a high standard. The survey of Cow Pasture Lane Drains should be used to identify areas where the applicant and their ecologist can implement additional habitat management work to ensure Biodiversity Net Gain (BNG). Cabling operations should be carried out according to a PMW or Ecological Method Statement in the presence of an Ecological Clerk of Works to supervise and advise during the process to avoid direct impacts upon protected and notable species.'"

Lighting, even during construction phase, has the potential to impact on ecology and given the fact that there are still unknowns in respect of the location and design of this proposal it is considered that lighting should remain in the EIA and its effect on ecology should form part of this chapter.

The commitment to a Net Gain is welcomed but given the scale of the development, it would have been beneficial to see at least some indicative indications as to the level of Net Gain that may be possible to secure. Smaller schemes have been able to achieve levels of Net Gain up to 80% and this is also potentially the case with other NSIP schemes. It is however acknowledged that the standard requirement is 10%.

Water Environment

The following Neighbourhood Plan policies are of relevance to this theme, and should be referenced explicitly:

- Sturton Ward Neighbourhood Plan (Review): Policy 4 (Reducing the risk of flooding),

It is positive to see that the majority of the development site will be situated outside of Flood Zones 2 and 3. However, it is noted that some of the site will be located in Flood Zone 2 with the Grid Connection Route being situated in Flood Zone 3. Due to the way solar development is designed, it does not considerably increase the risk of flooding. Due to the completed cabling route being underground and proposed mitigation returning the ground levels to their original baseline (alongside seeding to reduce potential runoff) this is considered to be broadly acceptable.

Landscape and Visual Amenity

As above, the following Neighbourhood Plan policies / supporting studies are of relevance to this theme, and should be referenced explicitly:

- Rampton & Woodbeck Neighbourhood Plan: Character Assessment
- Rampton & Woodbeck Neighbourhood Plan: Policy 10 (The Protection of the Parish Landscape)
- Sturton Ward Neighbourhood Plan (Review): Design Code
- Sturton Ward Neighbourhood Plan (Review): Policy 2a (Protecting the landscape character, significant green gaps and key views)
- Treswell & Cottam Neighbourhood Plan: Character Assessment
- Treswell & Cottam Neighbourhood Plan: Policy 2 (Design principles)

This is one of the key considerations for the District. However again it is not yet known the form of the proposed cabling and therefore it is difficult to assess the methodology.

Once the details are known early discussions are recommended with both District's to set out how the landscape and visual assessment chapter will be developed and the proposed viewpoints should be agreed with the local authorities prior to commencement of the ES.

Although it is welcome that the emerging Bassetlaw Local Plan (2020-37) has been referenced, no specific policies have been referenced in relation to landscape and visual amenity. No reference has been made at all in Chapter 8, although it is just the cabling route that directly impacts the District, the lack of a direct reference is disappointing.

Noise and Vibration

Please see below the comments from our Environmental Health Officer:

"I am satisfied that the Preliminary Environmental Impact Report identifies the likely risks from noise and vibration together with the type of receptor likely to be at risk. I am also satisfied that the PEIR sets out appropriate methodologies for assessing the likely impact on those noise and vibration sensitive receptors and commits to minimise such disturbance. The majority of this project is to be situated outside the boundaries of Bassetlaw District Council, with only the cable connection corridor situated within the District. As the final cabling corridors have not yet been finalised, it is not possible to comment on any likely impact from noise and vibration on Bassetlaw residents and businesses, and I would, of course, wish to see further noise and vibration assessments once these corridors have been

finalised. As this scheme is to be installed in relatively close proximity to other major solar schemes, which will also need to connect to the national grid at Cottam, I would request developers liaise and agree to share cabling corridors wherever possible."

Socio Economic and Land Use

It is anticipated that there will be some minor-moderate benefits in terms of employment during the construction period but this is not expected to be significant during the operation of the site.

Transport and Access

There are no further comments to be made at this stage regarding transport and access. Please refer to our original comments in relation to transport and access and Public Rights of Way in the original EIA Scoping Report.

Human Health and Wellbeing

The PEIR predicts that potential impacts with respect to human health and wellbeing are generally not expected to be significant during the construction phase and would be negligible during the operation of the site. There are no further comments to make in this respect.

It is anticipated that there might be some minor adverse impacts during the construction period but this is expected to be temporary. Comments received from Nottinghamshire County Council's Rights of Way Officer to the original EIA Scoping Report should therefore be taken into account.

Environmental Topics including:

Air quality
Glint and glare
Ground conditions
Major accidents/disasters
Telecommunications, television reception, utilities
Waste

There are no further comments to make in respect to these topics.

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 August 5th, 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



John Krawczyk
Development Team Manager

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Archaeological Advice

The Coal Authority Response

Bassetlaw Conservation Manager Response

Nottinghamshire County Council Highway Officer's response

Bassetlaw Environmental Health Response

Nottinghamshire Wildlife Response