

**Application by Tillbridge Solar Project Limited for an Order Granting Development Consent for Tillbridge Solar Project
The Examining Authority's second written questions and requests for information (ExQ2)
Issued on 04 February 2025**

WEST LINDSEY DISTRICT COUNCIL

Answers to Examining Authority's Questions (ExQ2)

Tillbridge Solar Project (EN010142)

Deadline 5

Date: 25th February 2025

Preamble:

This document provides the response of West Lindsey District Council (WLDC) to the Examining Authority's questions.

Abbreviations used:

AP	Affected Person	ES	Environmental Statement
Art	Article	EqIA	Equality Impact Assessment
ALA 1981	Acquisition of Land Act 1981	ExA	Examining authority
ALC	Agricultural Land Classification	ha	Hectare
BDC	Bassetlaw District Council	HSE	Health and Safety Executive
BMV	Best and Most Versatile land	HDD	Horizontal Directional Drilling
BoR	Book of Reference	IAQM	Institute of Air Quality Management
BESS	Battery Energy Storage System	IDB	Internal Drainage Board
CA	Compulsory Acquisition	IEMA	Institute of Environmental Management Association
CCG	Clinical Commissioning Group	IP	Interested Party
CDMP	Construction Dust Management Plan	LA	Local authority
CEMP	Construction Environmental Management Plan	LIA	Local Impact Area
CTMP	Construction Traffic Management Plan	LVIA	Landscape and Visual Impact Assessment
CLLP	Central Lincolnshire Local Plan	LCC	Lincolnshire County Council
CPO	Compulsory purchase order	LIR	Local Impact Report
DAS	Design and Access Statement	MP	Model Provision (in the MP Order)
dDCO	Draft DCO	MP Order	The Infrastructure Planning (Model Provisions) Order 2009
dNPS	Draft National Policy Statement	MWh	MegaWatt Hour
dML	Deemed Marine Licence	NE	Natural England
EM	Explanatory Memorandum	NPPF	National Planning Policy Framework
EMF	Electro Magnetic Field	NCC	Nottinghamshire County Council
ERP	Emergency Response Plan	NPS	National Policy Statement

NSIP	Nationally Significant Infrastructure Project	SI	Statutory Instrument
OBSSMP	Outline Battery Storage Safety Management Plan	SoR	Statement of Reasons
OCEMP	Outline Construction Environmental Management Plan	SoS	Secretary of State
OEMP	Operational Environmental Management Plan	STEP	Spherical Tokamak for Energy Production fusion project
OLEMP	Outline Landscape and Ecological Management Plan	TP	Temporary Possession
OSMP	Outline Soil Management Plan	UKAEA	The UK Atomic Energy Authority
OPROWMP	Outline Public Right of Way Management Plan	USI	Unaccompanied Site Inspection
PA2008	The Planning Act 2008	UKHSA	United Kingdom Health Security Agency
PEIR	Preliminary Environmental Impact Report	WLDC	West Lindsay District Council
PPG	Planning Practice Guidance	WR	Written Representation
PROW	Public Right of Way	WSI	Written Scheme of Investigation
RR	Relevant Representation	ZTV	Zone of Theoretical Visibility

EXQ2 1.	Question to:	Question	WLDC Response
General and cross-topic questions			
Q2.1.1	WLDC	<p>Central Lincolnshire Local Plan (2023) Policies</p> <p>Could West Lindsey District Council (WLDC) please respond to the applicant's response to Q1.1.4 [REP3-062], which relates to the relevance of various development plan and other policies?</p>	<p>The purpose of WLDC setting out the range of policies in the LIR is to provide the ExA and the SoS with an understanding of the local policy context in the district. They collectively provide a picture of the District in terms of areas of value to be protected as well as the growth to be delivered over the plan period.</p> <p>Policies S2, S28, S29 and S31 provide the context for housing and economic growth in the District. This provides a context for the development to take place concurrently with the solar NSIP applications, none of which are recognised in the adopted development plan.</p> <p>With regard to Policy S17, WLDC disagrees with the response provided by the Applicant. The policy relates to the protection of 'Carbon Sinks', which does not solely relate to 'peat soils' as stated by the applicant. It also encompasses the protection of features such as woodland, trees, scrub, open habitats and farmland, rivers, and wetland habitats.</p> <p>Policy S43 'Sustainable Rural Tourism' is a positive policy that seeks to deliver high quality sustainable visitor facilities and visitor accommodation, recognising the contribution it makes to the local economy, local communities and visitors. The supporting text to Policy S43 (paras. 7.21-7.2.8) provide context to the role of tourism in the West Lindsey District and underpin the purpose of Policy S43 in recognising and delivering high quality tourist facilities. Whilst the Tillbridge Solar Project is not a type a development that would be delivered through Policy S43, WLDCs concerns regarding its impacts on tourism that are supported by the policy.</p>

EXQ2	Question to:	Question	WLDC Response
Q2.1.5	WLDC	<p>Planning Balance</p> <p>WLDCs response to Q1.1.10 [REP3-067] states in part (referring to paragraph 4.1.7 of NPS EN-1):</p> <p><i>'It further states that, for projects that qualify as CNP infrastructure, it is likely that the need case will outweigh the residual effects in all but the 'most exceptional' cases. With regard to the cumulative impact of the Tillbridge Solar Project with the other three solar NSIP projects either consented or awaiting decision, WLDC considers these impacts to be 'exceptional'. The magnitude of landscape character change for a period of 60 years is significant and adverse in planning policy terms.'</i></p> <p>Is WLDC suggesting that the effects identified at table 0-1 of its LIR [REP1A-005] amount to 'exceptional' impacts within the terms of NPS EN-1 paragraph 4.1.7?</p>	<p>WLDCs position is that the cumulative impacts form the key consideration on the determination of the acceptability of the Tillbridge Solar Project. The scale of the cumulative impacts are unique and falls within the definition of 'exceptional'.</p> <p>The situation in West Lindsey, with four NSIP scale projects being located adjacent to each other, is unprecedented. To WLDCs knowledge, there is no other DCO decision that has had to consider such cumulative impacts (during construction, operation, maintenance and decommissioning) that will be experienced for at least 60 years. The area affected by the four projects will cause significant adverse harm to the landscape character of the district. Residents and people visiting or travelling through the District using its principal highways will experience a solar farm landscape.</p> <p>The eradication of the existing landscape character over such a large area of the District is 'exceptional' and WLDCs view is that it must be considered so when assessing the scheme against policy.</p> <p>Table 0-1 of the WLDC LIR and Appendix A attached to its response to ExQ1 Q1.1.5 set out the range of impacts for consideration as part of the examination and decision making. The LIR does not serve to calibrate or rank these impacts; it brings to the attention of the ExA and Secretary of State a range of impacts and whether they are positive or negative.</p> <p>WLDCs position is that the Tillbridge Solar Project falls within the definition of 'exceptional' in the context of NPS EN-1 para. 4.1.7 due to its cumulative impacts with three other NSIP solar projects. The key cumulative impacts being those upon landscape character, visual effects, and construction and maintenance activities.</p>
2. Biodiversity and ecology			
Q2.2.1	Applicant, WLDC, LCC	<p>Ground Nesting Birds</p> <p>What is the potential for change to ground nesting bird populations arising from the construction phase and</p>	<p>Following clarifications from the Applicant in written representations, verbally at ISHs and through ongoing SoCG discussions, the clarifications requested by WLDC have now been provided. No objections on these grounds are made.</p>

EXQ2	Question to:	Question	WLDC Response
		operational phase of the development? How will these populations change over time and also how will species dependant on these populations such as birds of prey change as a result?	
Q2.2.2	Applicant, WLDC, LCC, Natural England	Species Increase Post construction and during the operational phase the enclosed and protected nature of the site might give rise to population growth of a variety of species as has been noted at other significant sites of change from agriculture to a managed biodiversity site. What are the risks presented to the community by this potential growth and how does the Applicant propose to manage it to avoid it becoming a nuisance such as pests, or risk, such as collision with traffic?	Following clarifications from the Applicant in written representations, verbally at ISHs and through ongoing SoCG discussions, the clarifications requested by WLDC have now been provided. No objections on these grounds are made.
5. Cumulative and in-combination effects			
Q2.5.1	WLDC	Cumulative Construction Period In responding to Q1.1.6 [REP3-067] WLDC provides justification to support its assertion that cumulative construction could last for ten years. However, the response also states: <i>'To confirm, WLDC does not object to the cumulative</i>	WLDC position relates to the need to consider the potential cumulative construction as part of the planning balance. The ES serves as a supporting document to the decision making process. It applies standards or agreed methodologies to provide a report on the likely significant environmental effects. The manner in which the Applicant has carried out its cumulative assessment reflects a typical approach; that is considering the impacts that would occur (in EIA terms) should all projects be constructed together, or in a back-to-back sequence. What is missing from this assessment is the scenario explained by WLDC where project construction is, in effect, 'staggered' so that activities are experienced over a longer

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		<p><i>assessment in the Tillbridge ES'.</i></p> <p>How can this be the case when the assessment of cumulative effects contained within the ES [REP4- 015] is based on two scenarios, with the longest comprising a cumulative construction period of 5 years?</p>	<p>period of time than that assessed. In raising no objections to the ES, WLDC is acknowledging that the Applicant's assessment reflects that of the scoping process and typical practice. WLDC has not sought to overtly criticise the assessment on these grounds, but has made representations to alert the ExA and SoS to a further scenario where the construction period for all projects could be longer than assessed. This potential scenario should be considered as part of the planning balance when assessing the acceptability of impacts on local communities and environments and/or whether all attempts to minimise these impacts have been made at the very least.</p> <p>With regard to residential amenity specifically, a focussed Residential Amenity Assessment applying established policy tests to impacts (which could sit outside of the ES) would have provided more helpful and contextual information upon which to base a decision.</p> <p>WLDC therefore retains its concern that the cumulative impacts of the four NSIP projects during construction and operation result in unacceptable impacts on the environment and communities. The situation is unique and the tipping point at which a decision maker could expect communities to accept harm has been breached.</p>
10. Noise and vibration			
Q2.10.2	Applicant, LCC, WLDC and 7000 Acres	<p>Requirement 17</p> <p>In its written summary of oral submissions at ISH3 [REP4-049] the applicant states in part:</p> <p><i>'Dr Muirhead, for the applicant responded to questions of clarification from the ExA, WLDC and LCC as to whether ongoing monitoring could be deployed once components were constructed and operational. He noted that this poses difficulties as such real-time monitoring can be inaccurate, due to the</i></p>	<p>WLDC maintains concerns regarding the approach to noise monitoring and the practical enforcement of Requirement 17 in the event of noise complaints.</p> <p>The purpose of 'requirement' 17 is to ensure the protection of residents at their properties from operational noise from the Tillbridge Solar Farm. The noise limits sets out in Table 13-17 in Chapter 13 of the ES set the noise levels that are not to be exceeded at specific 'control' properties. It is these noise levels that require monitoring and investigation in the event a complaint is made from a resident. To measure noise against these levels, it appears rational to carry out measurements at the individual properties (the 'receptor') as opposed to, or in addition to, the source.</p> <p>Moreover, as WLDC understands, the 'source' noise levels are based upon the specification design for the infrastructure as applied to a model used to inform the noise assessment in the ES. If these measurements are to be adopted as the basis of controlling noise experienced by local residents, WLDC is concerned that there is a risk that they may not reflect the 'real' noise being experienced at those properties. Reliance</p>

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		<p><i>interference of background noise levels, particularly when monitoring at receptors some distance from plant (as opposed to monitoring at source). On this basis, the approach of using modelled data from final specifications (or monitored data at source from routine maintenance) is considered to be more accurate.'</i></p> <p>The ExA would like the applicant, LCC, WLDC and 7000 Acres to provide representations on the acceptability of a modification to requirement 17, which required noise monitoring at source? Particularly taking into account that the main problem with noise monitoring cited by the applicant relates to monitoring from receptors.</p>	<p>upon design specification and modelling as opposed to an empirical 'in the field' measurement would not take account of the level of noise being experienced by a receptor. When measuring compliance with noise levels at a property, measuring noise at that property would be a rational requirement.</p> <p>In practice, the process will be initiated by a complaint by a property owner and measurements must be taken to establish, firstly, if the noise levels at that property are within acceptable limits. If not, then the source of the exceedance must be identified by measuring background (all projects turned off) and then turning on the nearest project to verify the source of the noise exceedance.</p> <p>This issue becomes of even higher importance when considering the cumulative position where noise from, for example, two solar farm projects are contributing to an exceedance of noise levels at a property. In order to ascertain which project is causing the 'harm', the only approach is to turn off the noise sources in total and in a combination.</p> <p>Such a situation is acknowledged by onshore wind farm developers and applied in their practice. Development Consent Orders made under the PA2008 (and those consented under the Town and Country Planning Act 1990) in relation to onshore wind farm projects have standard text included in the 'requirements'/conditions. These requirements provide for the turning off of the infrastructure to establish the baseline noise as well as measuring the source.</p> <p>As an example, the Clocaenog Forest Wind Farm Order 2014, include at 'requirement' 30-35 ('Noise') that:</p> <p><i>31. Within 21 days from the receipt of a written request from the relevant planning authority and following a complaint to the relevant planning authority from the occupant of a dwelling which lawfully existed or had planning permission at the date this Order came into force, the undertaker must, at its own expense, employ an independent consultant approved by the relevant planning authority to assess the level of noise immissions from the authorised development at the complainant's property following the procedures described in the Noise Guidance in Part 4.</i></p> <p><i>32. The undertaker must, if directed by the relevant planning authority, switch off any of the wind turbines in order to assess compliance with the noise limits.</i></p>

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			<p>33. <i>The undertaker must provide to the relevant planning authority the independent consultant's assessment and conclusions regarding the noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information must be provided within 3 months of the date of the written request of the relevant planning authority unless otherwise extended in writing by the relevant planning authority.</i></p> <p>35-(1) <i>No authorised development may commence until an assessment demonstrating that noise from the electrical substation on the site would not exceed a level of 30 dB LAeq at the 40 nearest residential property has been submitted to and approved in writing by the relevant planning authority.</i></p> <p>(2) <i>The substation is to be constructed in accordance with the approved assessment. Values of the LA90,10min noise statistic shall be measured at the complainant's property using a sound level meter of EN 60651/BS EN 60804 Type 1, or EN 61672 Class 1 quality (or the replacement thereof) set to measure using a fast time A-weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This shall be calibrated in accordance with the procedure specified in BS 4142:1997 (or its replacement). These measurements shall be made in such a way that the requirements of paragraph 3 shall also be satisfied</i></p> <p>Such a mechanism as the example set out above would enable a clear methodology to carry out a robust proper assessment of the noise source against the background and what is experienced at residential properties.</p>
Q2.10.3	Applicant, LCC, WLDC and 7000 Acres	<p>Requirement 17</p> <p>In its written summary of oral submissions at ISH3 [REP4-049] the applicant states in part:</p> <p><i>'The applicant has updated table 3-8 of the Framework OEMP</i> <i>[EN010142/APP/7.9(Rev03)]</i></p>	<p>WLDC remain unclear about the rationale of the approach and does not have confidence that the amenity of residents will be protected.</p> <p>The Applicant's position is that monitoring should take place at the 'source' to measure compliance with noise levels based upon the equipment/plant specifications used in the assessment model.</p>

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		<p><i>to clarify that results of the sound monitoring of plant during the operational lifetime of the Scheme, carried out during regular maintenance checks, would be submitted to the relevant planning authority for review and further action where required. This would act as evidence that the operational noise from the Scheme would not exceed throughout its lifetime. In other words, that the data that informed the operational noise assessment, completed at the detailed design stage to comply with Requirement 17, remained valid. The applicant understands from initial discussions that this amendment is likely to be acceptable to LCC.'</i></p> <p>The ExA would like the applicant, LCC, WLDC and 7000 Acres to provide a response to confirm the acceptability of incorporating this approach into Requirement 17 such that it is controlled and implemented effectively? At present requirement 17 only ensures that the proposed development is designed to operate at the noise levels set out in the ES, with no requirement for it to operate in</p>	<p>This approach relies upon the accuracy of the specifications and that the model will be wholly 'true' when the scheme is operational. This allows no ability to consider the actual noise levels from the source and what noise levels are being experienced as receptors.</p> <p>The key planning purpose of Requirement 17 is to protect amenity for residents at their properties (the 'receptors'). WLDC does not see why monitoring cannot be carried out at properties (or at an agreed proxy location in the event that property owners refuse access to carry out monitoring).</p> <p>The rationale of the Applicant is to seek to control the noise levels experienced at a receptor by monitoring at the source on the basis that this approach validates the approach to the assessment that identified those noise levels. Whilst this is a normal approach to producing a noise model to set those limits at each property, the purpose of a 'requirement' is to control the limits at those properties only. This naturally leads to measuring at those properties (receptors) to demonstrate compliance. The Applicant's approach would only be valid if there were absolute confidence that the specification data and model fully represent the conditions to be experienced on the ground entirely, and even then logic prevails that the noise levels at properties must also be recorded to ensure compliance with Requirement 17.</p> <p>WLDCs understanding is that the Applicant's approach is to control noise and deliver mitigation through the OEMP. In practice, this means that investigation of noise complaints against the noise levels controlled by Requirement 17 will be addressed through enforcement of the OEMP. WLDC considers this approach to lack clarity and precision, and requires the OEMP to be able to respond to any breaches of the noise levels controlled by Requirement 17. As written, WLDC does not consider that the fOEMP provides sufficient detail with regard to the process of noise monitoring to be undertaken following complaints and how they would be remedied in the event that a complaint was justified.</p> <p>WLDCs position on the fOEMP Table 3-8 (REP4-023) with regard to controlling operational noise levels is set out further below:</p> <p>Requirement 13 requires the submission of an OEMP for the approval by the relevant planning authority. It must 'substantially in accordance' with the framework operational environmental management plan. The OEMP must be implemented as approved and maintained throughout the operation of the authorised developments.</p>

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		<p>accordance with the same details. The ExA is concerned that the applicant is placing far too much reliance on the modelling and proposed mitigation measures being accurate and effective, respectively?</p>	<p>WLC notes that Requirement 13 is a 'single' approval process. The OEMP is 'approved' before commissioning and there are no mechanisms for further review or amendment. There is therefore no scope to revisit and amend the OEMP following specific noise complaints.</p> <p>The fOEMP sets out controls for noise and vibration at Table 3-8 of Chapter 13 of the ES. The mitigation relates to design (specification/location of infrastructure). Monitoring states that staff will carry out 'regular monitoring', identifying changes in sound pitches or volume and carry out maintenance.</p> <p>WLDC is concerned that there are no details as to what 'regular' monitoring means in practice and how it will be undertaken. It does not set out or otherwise require that the results of the monitoring will be shared with WLDC. It states that the responsibility will be for the operator to determine whether the changes in noise levels are harmful or not. It makes no provision for any oversight by any other body.</p> <p>It is also not understood how judgements as to whether noise levels at receptors are being exceeded can be determined without knowing the actual levels that those properties are experiencing. If the 'design' specification and sound levels at source are as stated in the ES, but the noise levels at properties are being exceeded in practice, there is no obligation on the operator to mitigate those impacts. WLDC considers this situation unacceptable. There must be a mechanism to measure the noise levels at properties (receptors) and, regardless of the design specification stated in the ES, the operator must be obliged to implement a solution to reduce that harm to an acceptable level.</p> <p>The fOEMP states that these measures will <i>'ensure that plant noise at sensitive receptors ...is not materially worse than the levels presented in the ES'</i>. WLDC does not agree with this level of confidence. The current approach to mitigation allows for a situation where noise limits at receptors are being exceeded, but the operator is able to point to the 'design' specification being as proposed and no further remedy is required.</p> <p>WLDC also has concerns on the statement of 'not materially worse than'. Requirement 17 controls operational noise to the specific levels set out in Table 13-17. There is therefore no discretion to make a judgement as to whether the noise levels are 'materially worse'. To do so would suggest that the noise limits in Table 13-7 can be exceeded, which would be unacceptable.</p>

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			<p>Where the monitoring indicates an increase in noise levels, the fOEMP states that the undertaker and relevant planning authority will liaise in respect of any further maintenance or mitigations required to reduce levels at receptors back to those presented the ES. The Applicant states that further details are to be confirmed in the detailed OEMP(s).</p> <p>Leaving this matter open to discussion is not considered appropriate. WLDC wishes to see a clear process/methodology set out in fOEMP and/or a Requirement itself that is founded on the basis of mitigating the harm as quickly as possible. The current wording is dependent upon the operator monitoring at source, deciding at their own discretion as to whether noise levels are being 'materially' exceeded at sensitive properties (on the basis of noise at source not that being experienced by a resident) and only then seeking to engage with WLDC to determine the next course of action. This process is inadequate to ensure the noise levels specified in Table 13-17 are not exceeded and, in circumstances where they are exceeded, that a remedy can be applied swiftly before then identifying if there is a more fundamental issue at the noise source.</p> <p>WLDC consider it unacceptable to not have clarity and precision regarding how noise limits at sensitive properties will not be breached at the DCO decision making stage. Stating that the details will be presented later is unsatisfactory as, if the applicant considers this to be a matter than can readily be controlled, then WLDC would expect these details to be provided in the application and draft documents.</p> <p>On the basis that the fOEMP is the enforceable mechanism to ensure compliance with noise levels required to not be exceeded through Requirement 17, WLDC has the following further comments:</p> <ul style="list-style-type: none"> • WLDC understood that the purpose of Requirement 17 was to ensure that noise levels set out in Table 13-17 are not breached. If breaches are reported by property owners, enforcement would be undertaken against Requirement 17 and not the OEMP. • Notwithstanding that approach, the OEMP also does not provide any firm mechanism that sets out the process to be followed in the event of a complaint being made by a property owner. The current approach does not directly address the noise being experienced at source and does not specify the remedy

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			<p>options that would be applied beyond simply turning back to the scheme design/specification.</p> <ul style="list-style-type: none"> • This leaves a situation where, should the scheme design and modelling not be wholly accurate and properties experience an exceedance of their noise levels, there are no further obligation on the operator to mitigate that impact provided the scheme design is implemented as stated. In short, if the ES assessment turns out to be wrong in practice, there is little requirement for the operator to take any further actions to adhere to the noise levels. <p>With regard to monitoring and resolving cumulative noise impacts:</p> <ul style="list-style-type: none"> • Neither Requirement 17 or Requirement 13 (the fOEMP) provide any process or methodology to address exceedances of noise levels at properties as a consequence of noise sources from more than one solar farm. • WLDC wishes to see a clear methodology identified during examination (either within a 'Requirement' or a document to be referenced by a 'Requirement'. • As example would be property reference R14 (residential property), which will experience cumulative noise impacts with the consented Cottam Solar Project. <p>A further issue for the Tillbridge project relates to how it relates to the Cottam Solar Project and the scope of its DCO. Requirement 16 of that DCO only requires the operator to implement the mitigation measures set out in the supporting ES. The effect of this control approach is that the Cottam Solar Project is not required to meet any specific noise limits at specific properties. As a consequence, it can operate at higher levels than those predicted in the ES.</p> <p>WLDCs concern is therefore, for properties that will experience cumulative impacts from both projects, Cottam is able to operate with noise levels that are higher than has been used in the cumulative assessment in the Tillbridge ES. If this consequently results in the noise levels stated in the Tillbridge ES Table 13-17 being exceeded, it will fall upon Tillbridge to provide the remedy regardless of which project is the largest contributor to that exceedance.</p> <p>If this is the case, it highlights the importance of the Tillbridge DCO to set out clearly and precisely how noise complaints will be dealt with (including monitoring at source) and that the burden of lowering those levels sits with Tillbridge.</p>

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			<p>For information, the Cottam Solar Project operational noise 'Requirement' is set out below.</p> <p><i>Operational noise</i> 16.—(1) No part of Work Nos. 1 to 4 may commence until an operational noise assessment containing details of how the design of that numbered work has incorporated the operational mitigation measures set out in Section 15.6 of Chapter 15 of the environmental statement for that part has been submitted to and approved by each relevant planning authority.</p> <p>(2) The design as described in the operational noise assessment must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</p> <p>WLDC therefore remains concerned that the process to be used to resolve noise complaints is not clear and, if followed, may not resolve breached of limits at properties.</p> <p>WLDC has been in discussions with the applicant through the SoCG process and will continue to do so to try and reach an agreed position.</p>
Q2.10.4	Applicant, LCC and WLDC	<p>Construction noise WLDCs summary of oral submissions at ISH3 [REP3-067] states in part: <i>'The requirement to identify a clear and efficient mechanism through DCO 'requirements' to deal with noise complaints is even more important to protect residential amenity due to the provisions of Article 7 of the dDCO, which provides the applicant with defence against claims of statutory</i></p>	<p>The suggested wording relating to the process for investigating noise complaints set out in the response to question 2.10.2 above is equally applicable to construction noise.</p> <p>A clear process that compels the developer to follow a methodology and reporting to establish noise levels being experienced at properties is required to ensure a consistent and efficient approach to complain investigation and resolution.</p> <p>With regard to Article 7 of the dDCO 'Defence to proceedings in respect of statutory nuisance', the Article could be amended to enable residents to make statutory nuisance claims to provide residents with this mechanism to resolve noise nuisance impacts.</p>

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		<p><i>nuisance. With this mechanism removed, local residents do not have the ability to resolve matters through the Environment Protection Act 1990, and it therefore falls to the DCO 'requirements' to ensure impacts can be remedied swiftly.'</i></p> <p>Could the applicant provide a response and indicate how this matter could be addressed through a requirement or other provision contained within the dDCO? Furthermore, could WLDC and LCC provide any suggested solution/wording to be contained within the DCO?</p>	
13. Transport and access			
Q2.13.5	WLDC	<p>FCTMP</p> <p>The applicant's response to Q1.13.12 [REP3-062] is noted. However, many of these comments appear to relate to other projects. It is understood that the Council has concerns with regard to the need for a co-ordinated approach to construction. WLDCs response refers to the need for 'designation of a single co-ordinator to manage construction traffic for each project.' However, in practice does the Council consider that this can be achieved and</p>	<p>WLDC has raised this issue during the examinations of the other solar NSIP projects. The Applicants' responses have been directed towards the Joint Report on Interrelationships between Nationally Significant Infrastructure Projects (JRI) as evidence that collaboration will occur during the construction phase.</p> <p>As previously submitted, the JRI does not constitute an enforceable commitment to collaborative working. It is not required to be delivered through a DCO 'requirement' and does not constitute a 'Certified Document'.</p> <p>As a consequence there remains a vacuum and uncommitted approach to joint working between the developers to minimise cumulative impacts on communities and the environment during the construction phase.</p> <p>There remains an option to secure the effecting mitigation of cumulative construction traffic through the developers for the Tillbridge Solar Project, Gate Burton Energy Park, Cottam Solar Project and West Burton Solar Project could enter into a Unilateral</p>

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		enforced bearing in mind the content of the CTMPs and DCOs for other consented projects (Gate Burton, Cottam and West Burton)?	Undertaking pursuant to section 106 of the Town and Country Planning Act 1990 to secure a co-ordinated approach to construction traffic. This could be used to commit the parties to the JRI and respective Construction Traffic Management Plans. As the developers already proclaim to have a collaborative relationship through the JRI, there could be potential to execute a UU to give the JRI a binding and enforceable standing.

EXQ2	Question to:	Question	WLDC Response
Q2.13.8	WLDC	<p>Potentially Sensitive Receptors</p> <p>Paragraph 9.11 of WLDCs LIR [REP1A-005] asserts that no data is provided regarding the potentially sensitive receptors within the Study Area. Could the Council please expand on this point and explain whether it is alluding to anything in particular when it refers to 'sensitive receptors'?</p>	<p>Comments contained within paragraph 9.11 of WLDCs LIR relate to driver delay during construction and seeks confirmation regarding the consideration of potentially sensitive receptors within the Study Area.</p> <p>The 'sensitive receptors' referred to by WLDC relate to those identified in the IEMA Guidance for Environmental Assessment of Traffic and Movement (2023) (IEMA Guidance). The IEMA Guidance defines 'Affected parties/sensitive receptors' as the following user groups (para. 1.28)</p> <ul style="list-style-type: none"> • Non-motorised users • Public rights of way users • Motorists and freight vehicles • Public transport • Emergency services <p>The Applicant's ES, Chapter 16 (para. 16.4.61-16.4.67), describes the approach for 'Sensitivity of Receptors' for driver delay severance and road safety, however does not set out who the receptors specifically are and what sensitivity has been attributed to them. Table 16-19 sets out 'sensitivity' to the receptor as defined by a highway location, but does not explain how that is arrived at with regard to the IEMA Guidance para.1.28 list.</p> <p>This matter is of particular importance due to the specific character of the West Lindsey District with regard to how the highways are used. As discussed during the ISHs, there is not an extensive network of public rights of way in the form of public footpaths and bridleways for non-motorised traffic and recreation. This results in local communities using the highways used by vehicular traffic for recreation and non-motorised travel modes. As a consequence, there are limited alternatives for those users when roads are subject to controls during construction, and the impact of additional traffic causing fear, reduced amenity and severance.</p> <p>Understanding how sensitivity has been attributed in light of the specific characteristics of West Lindsey is important to validate the assessed impacts.</p>

Q2.13.9	WLDC	<p>WLDC LIR</p> <p>Please could the Council provide a response to the applicant's responses to the WLDC LIR [REP3-061] in relation to Transport and Access?</p>	<p>WLDC provide a response below to each response made by the Applicant in REP3-061.</p> <p>Summary: The comments of the Applicant are noted.</p> <p>Driver delay: construction WLDCs concern related to providing clarity on the identification of 'sensitive receptors' and the subsequent sensitivity attributed to them. This has been set out in WLDCs response to Q2.13.8 above. The Applicant's response does not specifically answer the question raised by WLDC and repeats statements from the ES.</p> <p>Construction: severance This matter again relates to the identification of 'sensitive receptors' with regard to severance for pedestrians causing delay, and non-motorised user amenity. The Applicant's response direct the reader to the ES chapter only. WLDCs concern relates to the sensitivity of people using the highway network for recreation and non-motorised traffic in their day-to-day lives, and how the Applicant has had regard to that in their assessment.</p> <p>Construction: fear and intimidation WLDCs concern again links to matters described above and in Q2.13.8.</p> <p>Construction: proposed mitigation The Applicant agrees with WLDC that there is a significant adverse effect on the B1241 (ATC23) on a route that passes a primary school. The Applicant appears to agree that no mitigation has been proposed on the basis that the impact will be short term and temporary. WLDC maintains its view that the Applicant should have considered further mitigation due to the proximity to a primary school and does not agree that relying on short term impacts to avoid doing so represents a responsible approach to construction.</p> <p>Construction: cumulative The Applicant's comments are noted. WLDC agree that the fPRoW Management Plan is the appropriate mechanism to control these impacts.</p>
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EXQ2	Question to:	Question	WLDC Response
			<p>Requirement 14 – construction traffic management plan</p> <p>WLDC note the Applicant's comments. The area of disagreement relates to the absence of an enforceable approach to implement a collaborative and co-ordinated construction traffic management plan with other cumulative projects.</p>