

Spring well NSIP - written submission of oral case made at the July hearings

Cumulative impact

It is disappointing that the applicants have made so little progress on the assessment of cumulative impacts, citing a lack of information regarding other planning applications. In line with accepted legal principles, the applicant should produce a "best guess" with uncertainties highlighted and an indication of "reasonable worst case".

Grid connection

Should the NG substation at Navenby not be built, the proposed solar farm would not be completed. Any work undertaken at that time (e.g. hardstanding for storage areas and internal roadways) could lead to the land being left in a brownfield condition. A robust mitigation should therefore be in place, including no commencement of work prior to a trigger point related to the construction of the substation.

Decommissioning

As the applicant is seeking consent for a finite duration, it is essential that decommissioning is secured. The applicant argues that the proposed legal obligations to undertake this are sufficient; they are not. It is accepted that the applicant intends to decommission the site properly but it is likely the operation will be sold on before decommissioning commences. It is well understood that major multinational entities operate capital intensive facilities for the early part of the asset life and then seek to sell on as they move to the latter part of their life. As a solar farm ages, organisations like EDF can be expected to review whether continued ownership is appropriate to meet their required rate of return on assets and satisfy their risk appetite; they will take account of factors such as the end of any guaranteed price at the expiry of the 20 year CfD period, tax changes, exchange rates etc. A recent example of this in Lincolnshire is the Lindsey oil refinery which was sold five years ago by Total to a far less financially robust company which is now in administration; the expectation is that there are insufficient funds for the clearance of the site. There are many cases where landowners have allowed others to use their land, for example to store waste prior to export, and the operator has become insolvent leaving the landowner with no means to pay for the clean-up and the local population suffering. Assurance must be given that funds will be available for decommissioning - typically by a guarantee bond or an escrow sinking fund. Failure to offer such security would be a material factor to take into account when assessing the planning balance.

Land & soil

Planning guidance makes clear that, wherever possible, developers should utilise brownfield, industrial, contaminated, or previously developed land for solar farms. Where the development of agricultural land is shown to be necessary, lower-quality land should be preferred to higher-quality land. A BMV classification that ignores irrigation, should not be the sole metric of higher quality land. For example, versatility is desirable but not essential. Although arguably not versatile, the heath may be of superior arable value because it is not prone to water logging. The applicant says the beneficial aspects of irrigation can be ignored and said this was removed from BMV classification in 1997. However, in the intervening 28 years, our understanding of climate change is that we will have drier summers so irrigation, even if not recognised in formal BMV classification, should be regarded as significant in assessing the productivity of agricultural land. It would be appropriate to ask the councils for a view on how much of the land proposed for the development can be considered lower quality.

Traffic

A consequence of not considering cumulative effects invalidates all the discussions that are taking place between the applicant and LCC highways about whether or not the road network is adequate. When the cumulative effects information is available, it will be necessary for LCC to consider supplementary evidence in relation to their local impact reports regarding the highways. This can be illustrated by just one specific example. At the issue specific hearing, the applicant acknowledged they have not considered the impact of their proposal on that A15 outside Green Man Farmhouse at the junction with Green Man Road. That location has a bad traffic record over the last three years (seven reported injury collisions there, plus numerous other non-injury collisions). The injury collisions are running at the rate of one every five months, which is quite significant. An assessment needs to be at this location of the cumulative impact of other schemes under construction at similar times (particularly the Navenby BESS, as all their construction traffic will be routed via this junction, and the Navenby Substation. Consideration should also be given to the displacements effect on the Green Man Road junction of the of the embargoes proposed for the B1202 junction.

It is also very important, that the proposed Construction Traffic Management Plan requires both LGVs and not just HGVs to follow the prescribed routes. Robust enforcement mechanisms are required. Routing prescribed in contracts is often ignored. One example is Harmston village with HGVs taking refuge from transfer station in the Boston area to the incinerator in North Hykeham. A contractual requirement that was entered into prohibited that route but it is flouted because there's no monitoring mechanism.

The applicant offers a helpline to which complaints could be made by the public but how does a resident know which energy site is associated with a HGV carrying aggregate, or even less a white van (traffic could be travelling to one of several solar sites plus other developments such as at RAF Digby)? There are monitoring solutions available. For example, each of the compounds could have an ANPR camera, plus ANPR cameras at the junctions leading to non-prescribed routes, that could provide evidence of compliance and, indeed, non-compliance that could lead to enforcement action. A robust monitoring and enforcement mechanism should be included in the DCO.

A final point, the applicant should be required to state what road closures, speed restrictions and temporary traffic lights are proposed during construction and to assess the impact on existing users in terms of additional time and mileage cost.