

**Application by One Earth Solar Farm Limited for an order granting development consent for the One Earth Solar Farm Project**

**Issue Specific Hearing 3 (ISH) dealing with matters relating to environmental matters**

**Written summary of the oral submissions of West Lindsey District Council**

**4. The draft Development Consent Order**

Agenda item	WLDC Response
(i) The ExA will seek to understand progress on the development of protective provisions, and respective parties' views in the event they are not agreed by the time the examination closes	WLDC did not speak to this point.
(ii) The ExA will lead a discussion on Article 6 and seek views on the appropriateness of the disapplication of permits	WLDC did not speak to this point.
(iii) The ExA will explore progress on the drafting of Requirement 22 and the interrelationship with the revised wording of the outline design parameter for the PV panels	WLDC queried whether, if the revised flood risk assessment indicated that this would be required, removing panels at lower levels on the photo voltaic arrays would compromise the efficiency and viability of the proposed Scheme.
(iv) The ExA will lead a discussion on the wording in respect of the payment of fees for the discharge of requirements and how the issue of inflation over the operational time of the project has been addressed	WLDC sought clarity on inflation in relation to fees, in particular for discharge of Requirements related to the decommissioning phase. Suitable clarity that inflation would be applied was provided by the applicant.
(v) The ExA will lead a discussion on the appropriateness of having a restriction on the extent of the operational land or restriction of permitted development rights by	WLDC would refer to the submission made by the Council at Deadline 4 [REP4-060] in relation to the concern association with restricting permitted development rights on buildings only, which would leave the way open for the possibility of other potentially

Agenda item	WLDC Response
way of an additional requirement (23) a revised Article, or other alternative	significant development within the red line boundary, such as substation plant or machinery, or additional solar panels or BESS.
(vi) The ExA will lead a discussion on the reference to acoustic fence or barriers as defined in the dDCO to seek to get a full understanding of the mitigation proposed	WLDC did not speak to this point.
(vii) The ExA will invite discussion from IPs on whether there are any other outstanding matters in respect of the dDCO not already covered?	WLDC did not speak to this point.

## 5. Hydrology, Flood Risk, Water Resources and the application of the sequential test

Agenda item	WLDC Response
Hydrology	
(i) The ExA will seek clarification from the applicant, Environment Agency and LCC and NCC as LLFA on the assessment of water run-off and the suitability of the proposed mitigation measures	WLDC did not speak to this point.
(ii) The ExA will seek guidance from the EA and Anglian Water on the Water Management Plan.	WLDC did not speak to this point.
Flood Risk	
(i) The ExA will seek views from the LLFAs and the EA on the overall potential flood risk from the proposed development, the modelling carried out within the FRA, and the conclusions that have been reached.	WLDC did not speak to this point.

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Water Resources	
(i) The ExA will seek clarification from the applicant Environment Agency and Anglian Water on the progress and outcome of the WRA.	WLDC did not speak to this point.
Sequential Test	
(i) The ExA will seek views from the applicant, councils and the EA on the approach taken to the sequential test and its compliance with national policy, including any implications from the recently updated PPG.	<p>WLDC directed the Examining Authority to the detail within the WLDC responses to Examining Authority second written questions [REP4-059], particularly the response to WQ12.0.5.</p> <p>As set out in the Planning Practice Guidance on flood risk and coastal change, the aim of the sequential test “is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk” (Paragraph: 023 Reference ID: 7-023-20220825).</p> <p>The applicant says 46% of site is FZ1, therefore “reasonably available” alternatives are only required for the remaining 54% of the site.</p> <p>In the Sequential Test Addendum [REP3-069] AP16 has been identified as “predominantly within Flood Zones 2 and 3” (paragraph 4.2.4) whereas the plans in Appendix B would appear to indicate only around half of the site area is in such zones. Likewise in Appendix A, site Alternative AP17 is identified as being “wholly within Flood Zones 1”, when the accompanying mapping would appear to indicate the site is partially within flood zones 2 and 3.</p> <p>We note that the Examining Authority asked the Applicant to provide further information about AP16. However, WLDC still</p>

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	consider that for the sake of clarity the Applicant should provide a table setting out, for each of the AP sites considered, the area (in hectares) located within each of flood zones 1, 2 and 3. This would then allow the decision maker to see a fair comparison as to the extent of land at a lower risk of flooding within the other sites considered.
Exceptions Test	
(i) The ExA will seek views from the applicant, councils and the EA on the approach taken to the exception test and its compliance with national policy including any implications from the recently updated PPG.	<p>The exception test has two limbs. The first, in relation to whether the development will provide wider sustainability benefits to the community that outweigh flood risk is one for the Examining Authority and the Secretary of State to weigh in the balance.</p> <p>The second is that <i>“the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”</i>. In the view of WLDC the applicant has yet to demonstrate that the development will be safe for its lifetime and that it won’t increase flood risk elsewhere.</p>

## 6. Transport

Agenda item	WLDC Response
(i) The ExA will seek views from the applicant and National Highways on the proposed AIL routes.	WLDC did not speak to this point.
(ii) The ExA will seek an update on the latest position in respect of the proposed access points from the applicant and Nottinghamshire County Council	WLDC did not speak to this point.

## 7. Landscape and Visual Amenity

Agenda item	WLDC Response
(i) The ExA will seek views from the applicant and the councils upon the approach to minimising the visual effect of the proposed development and the suitability of the assessment and the application of the mitigation hierarchy as expected from NPS EN-1 paragraph 4.1.5.	As set out in the WLDC written summary or oral submissions to Issue Specific Hearing 1 [REP3-097], point 3(i), WLDC consider that the cumulative sequential view along the A1133 and the A156 should be considered in the assessment. People travelling on the road networks around Gainsborough and north and west of Lincoln are likely to encounter multiple solar NSIPs. Whilst the applicant has addressed such impacts for OESF [REP4-051, response D3R10], this wider cumulative impact has not been addressed by the applicant to date.
(ii) The ExA will explore the suitability of the siting of the eastern substation and the drafting of current parameters.	WLDC wish to see tighter parameters drafted in respect of the location of the eastern substation, narrowing its potential location, for visual impact reasons, to the eastern half of the area identified for Work number 3 on works plans sheets 14 and 15 (revision 2) [REP2-007].

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	<p>WLDC are concerned that leaving the issue until the submission of detailed design in respect of DCO Requirement 5 will not provide the ability for WLDC to direct the development to a more appropriate location on the site, within the DCO parameters.</p>
<p>(iii) The ExA will explore the mitigation proposed along the A1133 and A57 and how this achieves a sustainable development through construction, subsequent operation and decommissioning.</p>	
<p>The ExA will explore the findings of the Glint and Glare assessment.</p>	<p>WLDC note that the Supplementary Glint and Glare Assessment [REP4-054] indicated a reduction in glint and glare mitigation fencing from 1511m to 240m, with the reduction mostly along the A1133. However, this still leaves a 240m, 4m high fence, albeit set back 10m from the road. This will be prominent, incongruous and discordant and WLDC question whether this is appropriate in such a location. However, WLDC will await the result of the further glint and glare assessment requested by the Examining Authority at the Issue Specific Hearing.</p> <p>Although not part of WLDC oral submission, it is not clear to WLDC whether the details of the glint and glare fencing would be included in the Requirement 5 Detailed design submission.</p>

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## WLDC Response

The ExA will seek to understand the apparent conflict with the design for the access adjacent to the reservoir and the effect on existing vegetation.

WLDC welcomed the commitment to retention of the hedge at this location. WLDC requests that commitment should be included in the Outline Landscape and Ecology Management Plan.

**Post ISH note:** The applicant has confirmed that there are no works proposed for the extent of the track other than at the bell mouth.

If works are planned to the access, the 5m offset set out in the CEMP [REP4-022], table

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## WLDC Response

3.4, will not be possible. WLDC requests that conformation that no works are planned is included in the Landscape and Environment Management Plan to be submitted as part of Requirement 8.

## 8. Cumulative effects

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### WLDC Response

- (i) The ExA will explore parties positions in respect of the list of the projects that are now included within the cumulative assessment, and the relative positions in respect of the suitability in informing the overall ES on cumulative assessment?

WLDC did not speak to this point. However, the list of projects is considered suitable by WLDC.

- (ii) The ExA will explore with parties their respective positions with regard to the cumulative assessment of effects on BMV and landscape.

WLDC expressed the view that the cumulative assessment set out in the Inter-project Effects with other NSIP and Major Development Schemes (Rev 1) report [REP4-050] doesn't address sequential views for motorists on the A1133 and the A156. A motorist or passenger may not dwell long on a particular element as it passes, but on most routes to and from the main towns in the district, such as Gainsborough, much of a journey will be made up in passing NSIP solar schemes. These will be there for decades to come.

Paragraph 3.3.4 of REP4-050 states that BMV use in Lincolnshire across the cumulative projects is 6.54% or 6915.77ha. The same paragraph also states that "A change in land use in the range

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## WLDC Response

0.05% to 5.0% is considered to be 'normal', although this assertion is unsourced.

However, if a change in land use of up to 5.0% is "normal" then the cumulative at county level of 6.54% is above the "normal" range, or 'abnormal'.

It should also be noted that while the other NSIPs in Lincolnshire would result in a BMV loss of 257.64ha, One Earth Solar Farm on its own would result in a loss of BMV of 128ha BMV, which is half as much again as the NSIPs in Lincolnshire.

WLDC noted that when considering the worst case construction timelines as set out in Figure 3 in REP4-050, it would appear from a review of the other solar NSIP project transport assessments and chapters that they will all be using parts of the A57 and undertaking works on other roads in the area, potentially at the same or similar, consecutive, times, prolonging effects on travellers.