

ONE EARTH SOLAR FARM
EN010159

WEST LINDSEY DISTRICT COUNCIL

WLDC RESPONSES TO ExA's THIRD WRITTEN QUESTIONS

Question Number	Question	WLDC Response
Q5.0.1	<p>Application of the Mitigation Hierarchy</p> <p>In undertaking an application through the Planning Act, which is recognised as EIA development, both the EIA Regulations and the NPS expect the applicant to undertake a consideration of alternatives having followed the mitigation hierarchy.</p> <p>In light of the ongoing debate with regard to the suitability of the sequential test. Can all parties present the evidence they would wish the ExA to consider in deciding how the mitigation hierarchy has been applied to avoid, reduce, mitigate or compensate for any adverse impacts.</p>	<p>WLDC do not consider that the mitigation hierarchy has been applied in relation to One Earth Solar Farm.</p> <p>Specifically in relation to flood risk, it has not been demonstrated adequately to WLDC that the applicant has sought to avoid the areas of flood zone 2 and flood zone 3 which are within the DCO order limits and which are proposed for development.</p> <p>It has also not been demonstrated adequately to WLDC that the applicant has sought to reduce the amount of development proposed in flood zone 2 and flood zone 3, within the DCO order limits. As can be seen from the figure 13.11 in the applicants Appendix 7.2 Flood Risk Assessment (FRA) & Drainage Strategy (Rev 4) [REP5-028] well over half of the order limits within the WLDC area sit within the 1 in 100 year flood extent. The illustrative masterplan [APP-018] indicates that virtually the full extent of the area identified as being within flood zone 2 and flood zone 3 would be developed with solar panels and associated infrastructure.</p>

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		<p>WLDC has requested the applicant demonstrate beyond doubt that there are no other reasonably available sites within flood zone 1 which could be used. To that end WLDC has requested that a table showing the hectareage of the other assessed “AP” sites that is in flood zone 1. It is WLDC’s view that whilst some of the AP sites can be ruled out due to being in flood zone 2 or flood zone 3, there could be enough land in one or more of these sites that remains within flood zone 1 and is reasonably available to offset the loss of land within the order limits that is within flood zone 3.</p> <p>Whilst such land may not provide a contiguous site with the current order limits, it may provide an additional site that would be viable, when combined with the extent of the land which sits in flood zone 1, and which is contained within those current order limits.</p> <p>With regard to mitigation, the proposals are now subject to Requirement 22 as set out in the draft Development Consent Order. Under this Requirement the applicant has committed to the provision of an updated flood risk assessment, post consent. WLDC understand that the applicant has also committed to removal of any lower panels which may have the potential to be underwater during flood periods.</p> <p>WLDC question the efficiency and viability of the proposal if solar panel arrays in the flood zone area are to be reduced in this way. WLDC also question the visual impact of such a scenario.</p> <p>With regards compensation, in the Written summary of the Applicant’s submissions at Issue Specific Hearing 3 [REP5-071], in particular, the applicant’s response to agenda item 5, Flood risk item (i), that final extents of compensation “is a matter that needs to be confirmed at detailed design stage.</p>

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		<p>Paragraph 5.8.36 of NPS EN-1 states that, in determining an application for development consent, the Secretary of State should be satisfied that where relevant, inter alia :</p> <ul style="list-style-type: none"> • <i>in flood risk areas the project is designed and constructed to remain safe and operational during its lifetime, without increasing flood risk elsewhere (subject to the exceptions set out in paragraph 5.8.42).</i> <p>Paragraph 5.8.42 states that the “Secretary of State may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable and safe level”.</p> <p>It is not clear to WLDC that this requirement has been met.</p>
Q10.5.1	<p>Timeline for Discharging Requirements</p> <p>Can each authority advise if you are now content with the time period for the discharge of requirements</p>	<p>At paragraph 4.110 of his decision letter on the Cottam Solar Project, the Secretary of State concluded, after careful consideration, that a discharge period of 13 weeks would be most appropriate to account for the number of applications coming forward in Lincolnshire, whilst seeking to avoid delays to the progress of the Proposed Development. WLDC wish to see the same 13 week period applied for the One Earth Solar Farm project.</p>
Q16.0.1	<p>Noise Limits</p> <p>Are the Councils content with the change to the dDCO with regards to the noise limits for the proposed development?</p>	<p>WLDC have reviewed the Written summary of the Applicant’s submissions at Issue Specific Hearing 3 [REP5-071], in particular, the applicant’s response to agenda item 4(vi).</p> <p>A post hearing note against agenda item 4(vi) states that “<i>the Applicant confirms that Requirement 16 has been amended to clarify the noise limits that will be applied by reference to the Outline Design Parameters</i>”.</p> <p>WLDC has reviewed the noise limits set out in the outline design parameters on pages 6, 8 and 10. WLDC confirm that these noise limits are acceptable, given the lack of specific receptors in WLDC. However, we would defer to neighbouring</p>

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		authorities with respect to effects on receptors in their administrative areas.