

**Tillbridge Solar Project
EN010142**

**Volume 9
Statement of Common Ground
with Lincolnshire County Council**

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The Infrastructure Planning (Examination Procedure) Rules 2010

April~~February~~ 2025
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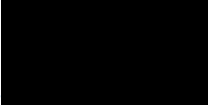
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Statement of Common Ground

This Statement of Common Ground has been prepared and agreed by Tillbridge Solar LimitedProject and Lincolnshire County Council.

██████████. Director on behalf of Tillbridge Solar Limited

Date:.....25/03/2025.....

Signed:..... 

██████████. Head of Planning on behalf of Lincolnshire County Council

Date:.....25/03/25.....

Signed: 

1. Introduction

1.1 Purpose of this Document

1.1.1 This Statement of Common Ground (SoCG) has been prepared to support the application ("the Application") for the Tillbridge Solar Project ("the Scheme") made by Tillbridge Solar Limited ("the Applicant"). The Application was submitted to the Secretary of State for Energy Security and Net Zero ("the Secretary of State") for a Development Consent Order (DCO) ("the Order") under section 37 of the Planning Act 2008 ("PA 2008") and was accepted for examination on 8 May 2024.

1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate's website at <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010142/documents>.

1.1.3 SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination. This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties and where matters are under discussion or where agreement has not been reached.

~~1.1.3~~1.1.4 This SoCG has been progressed during the pre-examination and examination period and this version is now the final version, showing the final position between the Parties. ~~will be progressed during the pre-examination and examination periods to reach a final position between the Parties and to clarify if any issues remain unresolved. This SoCG will be revised and updated as appropriate and/or required by the ExA at relevant examination deadlines.~~

~~1.1.4~~1.1.5 This document has been updated at Deadline ~~65~~ to reflect ongoing engagement with Lincolnshire County Council (LCC). The document references have not been updated from the original submission. For the most up-to-date documents, the reader should access these through the **Guide to the Application [EN010142/APP/1.2(Rev087)]** and Schedule 13 of the **draft DCO [EN010142/APP/3.1(Rev076)]**.

1.2 Parties to this Statement of Common Ground

1.2.1 This SoCG has been prepared between (1) the Applicant and (2) Lincolnshire County Council (jointly referred to as the Parties).

1.2.2 The Applicant is a joint venture between Tribus Clean Energy Limited and Recurrent Energy, a subsidiary of Canadian Solar, who are both experienced developers of renewable energy projects.

1.2.3 Lincolnshire County Council (LCC) is a host local authority. The Principal Site and part of the Cable Route Corridor is located within Lincolnshire. LCC is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

(Ref. 1) and so has been consulted during the preparation of the Application and following its acceptance.

1.2.4 Collectively, the Applicant and LCC are referred to as ‘the parties’.

1.3 The Scheme

1.3.1 The Order, if granted, would authorise the Applicant to construct, operate (including maintenance), and decommission ground-mounted solar photovoltaic (PV) arrays. The Scheme will also include associated development to support the solar PV arrays.

1.3.2 The Scheme is made up of the Principal Site, the Cable Route Corridor and works to the existing National Grid Cottam Substation. The Principal Site comprises the solar PV arrays, electrical substations, grid balancing infrastructure, cabling and areas for landscaping and ecological enhancement.

1.3.3 The associated development element of the Scheme includes but is not limited to access provision; a Battery Energy Storage System (BESS), to support the operation of the ground mounted solar PV arrays; the development of on-site substations; underground cabling between the different areas of solar PV arrays; and areas of landscaping and biodiversity enhancement.

1.3.4 The Scheme also includes a 400kV underground Cable Route Corridor of approximately 18.5km in length connecting the Principal Site to the National Electricity Transmission System (NETS) at the existing National Grid Cottam Substation. The Scheme will export and import electricity to the NETS.

1.4 Terminology

1.4.1 Section 3 summarises the issues that are ‘agreed’, ‘not agreed’ or are ‘under discussion’.

1.4.2 These terms are used as follows:

- a. “Agreed” indicates where the issue has been resolved;
- b. “Under discussion” indicates where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties;
- c. “Not Agreed” indicates a final position where the Parties have agreed to disagree.

2. Record of Engagement

2.1.1 A summary of all meetings and correspondence that has taken place between the Parties in relation to the Application is outlined in [Table 1](#)~~Table~~[4](#). This includes email correspondence between the Parties to discuss sharing of information, arrangement of meetings and where appropriate to

comment on draft documentation. [Table 1](#) reflects the key meetings and emails of note.

Table 1: Record of Engagement

Date	Form of Correspondence and attendees	Key topics discussed and key outcomes
13 June 2022	Meeting (Teams with Head of Planning)	Introduction to the Applicant and overview of proposals and current activities including approach to engagement and context of the Scheme.
6 July 2022	Meeting (Teams with Head of Planning)	Following introductory meetings with planning officers' further briefings were held with members to introduce them to the Applicant and the Scheme.
20 October 2022	In person site visit (AECOM and LCC's landscape architect)	Visit to discuss and agree viewpoints for the purpose of the LVIA with LCC landscape consultant and the Scheme's landscape architect.
21 October 2022	Meeting (Teams with Head of Planning)	<ul style="list-style-type: none"> • Update on Environmental Impact Assessment (EIA) Scoping Report; • Technical queries following receipt of the EIA Scoping Opinion and leading up to statutory consultation; and • Communications update following collaboration workshops; subsequent engagement with neighbourhood planning team.
8 November 2022	Meeting (Teams with Head of Planning)	<ul style="list-style-type: none"> • Scheme update, including response to EIA Scoping Opinion; • Presentation of Applicant's approach to engagement in draft Statement of Community Consultation (SoCC); and • Discussion of Cable Route Corridor and potential for co-location with other Schemes.
22 November 2022	Meeting (Teams) (AAH planning, landscape and environmental consultants appointed by LCC)	Technical Note issued to LCC with respect to viewpoints.
28 November 2022	Meeting (Teams with LCC Historic Environment Officers)	Introduction to the Scheme, discussion of deliverables and timeframes, extent of study areas, fieldwork update on the geophysical survey and expectations for trench evaluation.

Date	Form of Correspondence and attendees	Key topics discussed and key outcomes
9 December 2022	Email (Lincolnshire Highway Authority)	Introduction email setting out the scope of the Scheme and seeking a meeting to agree on: <ul style="list-style-type: none"> • Access and routing strategy for the Scheme; • The scope and methodology for the transport deliverables; • The Study Area for the collision review; • Framework Construction Traffic Management Plan (CTMP) requirements; and • Cumulative schemes to be included as part of the assessment.
13 December 2022	Meeting (Teams with Head of Planning)	<ul style="list-style-type: none"> • Scheme update on EIA Scoping Opinion; • Wider engagement with LCC on technical disciplines and agreeing ways of working; and • Introduction to principles in draft SoCC, including presentation and seeking initial comments from LCC.
20 December 2022	Email to Head of Planning	Email from the Applicant to provide a copy of the draft SoCC ahead of formal s47(2) consultation, inviting officers to informally provide any comments on the content and detail set out therein.
19 January 2023	Meeting (Teams) (Lincolnshire Highway Authority)	<ul style="list-style-type: none"> • Introductory presentation setting out the Scheme; • Discussion of trip generation, staff distribution and site access arrangements; • Discussion of HGV routing and proposed approach; • Discussion of traffic surveys and collision Study Area; • Discussion of cumulative effects and potential overlap of construction with other Schemes; • Discussion of PRoW management; • Discussion of permissive paths and potential inclusion within the Scheme; • Discussion of shared Cable Route Corridor and confirmation that the Applicant had start to collaborate with other developers; and • Discussion of Cable Route Corridor access.
13 February 2023	Letter to Head of Planning	Letter from the Applicant including a copy for the draft SoCC for formal consultation, requesting comments back within 28 days.
15 February 2023 to 6 March 2023	Ongoing correspondence / engagement (AAH consultants and Applicant's landscape architects	<ul style="list-style-type: none"> • Discussion on baseline Winter photography and viewpoints of Principal Site to be included within the ES; and • Summary of agreed viewpoints and rationale.

Date	Form of Correspondence and attendees	Key topics discussed and key outcomes
	appointed by LCC)	
6 March 2023	Technical Note (AAH consultants and Applicants landscape architects appointed by LCC)	Dialogue on viewpoints to feed into the ES.
14 March 2023	Meeting (Teams with Head of Planning)	<ul style="list-style-type: none"> • LCC informal feedback on SoCC and Applicant's regard to comments; • Ongoing stakeholder engagement, including with parish councils and '7000 acres' community group; • LCC engagement with PINS regarding cumulative impacts/joint examination of schemes; and • Upcoming statutory consultation and briefings with Host authority members.
21 March 2023	Meeting (Teams with LCC Historic Environment Officers)	Meeting to discuss approach for trial trench evaluation for the Principal Site and geoarchaeology scope. Agreement for Written Scheme of Investigation (WSI) submissions and sign-off agreed. Approach for monitoring site visits agreed and weekly reporting agreed.
4 April 2023	Email to Head of Planning	Email from the Applicant notifying LCC that the date for the Section 42 Statutory Consultation period had been amended.
11 May 2023	Meeting (Teams with Head of Planning)	<ul style="list-style-type: none"> • Feedback following face-to-face briefing in Lincoln; • Discussion of PEI Report and key issues for statutory consultation; and • Discussion of wider issues, including status of other solar schemes, status of RAF Scampton.
25 May 2023	Email to Head of Planning	Email from the Applicant issuing LCC a copy of the final SoCC and section 47 notice, along with a table setting out the issues raised by host authorities in response to the draft SoCC consultation, and the regard had to those responses by the Applicant in developing the final SoCC.
12 June 2023	Email to LCC Historic Environment Officers	Email setting out revised approach for fieldwork in relation to the Cable Route Corridor.

Date	Form of Correspondence and attendees	Key topics discussed and key outcomes
13 June 2023	Meeting (Teams) (LCC - Minerals Authority)	<p>Meeting to agree on scope and approach to minerals safeguarding areas given that Scheme will be time limited and the works to the Cable Route Corridor are underground.</p> <p>Agreement between parties that a Minerals Safeguarding Report was not required and that a proportionate assessment of the potential impact of the Scheme upon minerals safeguarding areas could be dealt with as part of the planning statement.</p> <p>All agreed of the need to consider existing mineral sites with respect to the indicative layout of the Scheme.</p>
13 June 2023	Meeting (Teams with Head of Planning)	<ul style="list-style-type: none"> • Update on statutory consultation; and • Discussion around project specific issues including cumulative impacts and minerals and waste.
8 August 2023	Meeting (Teams with County Archaeologist)	<ul style="list-style-type: none"> • Update on programme and trial trenching (TT) activities including identification of areas of high archaeological potential within the Principal Site. • Agreement that areas of preservation would be for the duration of the Scheme. • Agreement that fencing would be required to protect the archaeological exclusion zones. • Agreement to engage stakeholders with a Framework Archaeological Mitigation Strategy (AMS). • Agreement that the Cable Route Corridor could be subject to trench evaluation post DCO submission. • Agreement to share the TT reports with stakeholders ahead of submission to inform the AMS. • Arrangement of site visit with Historic England to discuss potential impacts upon heritage assets.
8 August 2023	Meeting (Teams with County Archaeologist)	<ul style="list-style-type: none"> • Presentation of the findings of the PEI Report assessments and trial trenching works completed. • Discussion of further work to be completed, buffer zones, mitigation strategies and programme going forward to the ES assessments.
21 August 2023	Email (LCC landscape consultant)	Adjustments to viewpoints and photomontage locations for the Principal Site.
21 August 2023 and 21 August 2024	Email (AAH consultants and Applicant's landscape architect)	Continued dialogue with respect to viewpoints along the Cable Route Corridor.

Date	Form of Correspondence and attendees	Key topics discussed and key outcomes
12 September 2023	Meeting (Teams with Head of Planning)	<ul style="list-style-type: none"> • Updates on Applicant's programme and discussion with PINS; status of other solar schemes. • Discussion of targeted statutory consultation and nature of changes following statutory consultation. • Wider stakeholder engagement with LCC technical officers e.g. landscape.
21 September 2023	Technical Note (AAH consultants and Applicant's landscape architect)	Agreement on representative views and photomontage locations for Principal Site and Cable Route Corridor and confirmation of methodology.
13 October 2023	Meetings (Teams with Head of Planning)	Ongoing stakeholder engagement with wider bodies, such as Historic England and Natural England. Applicant's ongoing regard to consultation responses, including changes to indicative site layout plan. Further detail on targeted statutory consultation.
10 November 2023	Email to Head of Planning	Email from the Applicant to outline a draft version of the targeted consultation methodology, detailing the changes and proposed length of the consultation period.
22 November 2023	Meeting (Teams with Head of Planning)	<ul style="list-style-type: none"> • Explanation and agreement of targeted consultation methodology and nature of changes; • Updates on how the Scheme has responded to feedback from statutory consultation; and • Programme update.
11 December 2023	Letter to Head of Planning	Covering letter and targeted consultation materials from the Applicant to LCC ahead of the start of the targeted consultation period.
13 December 2023	Email to Head of Planning	Electronic copy of covering letter and consultation material from the Applicant to LCC.
14 December 2023	Meeting (Teams) (Lincolnshire Highway Authority)	<ul style="list-style-type: none"> • Meeting to discuss Cable Route Corridor access and construction strategy. • Explanation temporary access locations, design parameters, temporary compounds, Abnormal Indivisible Loads (AILs). • Discussion of shared corridor with other developers and its design iteration.
22 February 2024	Meeting (Teams with Head of Planning)	<ul style="list-style-type: none"> • Discussion of latest proposals for Scheme ahead of DCO application submission; • Briefing of Scheme updates ahead of publication of Community Newsletter; and

Date	Form of Correspondence and attendees	Key topics discussed and key outcomes
		<ul style="list-style-type: none"> • Updates related to other solar schemes.
28 March 2024	Email to Head of Planning	Email from the Applicant to LCC advising of a delay in the submission of the Application.
7 August 2024	Meeting (Teams with Head of Planning)	<ul style="list-style-type: none"> • General update on the current stage of the Scheme pre-examination; • Discussion on issues raised within Lincolnshire's Relevant Representation; • Introductory conversations surrounding SoCG; and • Introduction to the proposed Change Request.
16 August 2024	Email to Head of Planning	Email from the Applicant providing LCC with Change Request Consultation Brochure ahead of the beginning of consultation on proposed changes to the Scheme following acceptance of the Application.
2 October 2024	Meeting (Teams with Head of Planning)	<ul style="list-style-type: none"> • Update on the submission of the Change Request; • Update on Procedural Deadline A and the Rule 6 Draft Timetable; and • Introduction to SoCGs and next steps towards the examination.
15 October 2024	Meeting (Face-to-face with Head of Planning)	To discuss draft DCO with specific focus on Articles 8 to 16 and Schedule 2 (requirements).
6 December 2024	Meeting (Teams with LCC Historic Environment Officers)	To discuss the design and mitigation in relation to the historic farmsteads and historic landscape character.
9 January 2025	Email received from the Head of Planning	Attaching tracked change version of draft SoCG submitted at D1 confirming the need to update the SoCG with respect to landscape and heritage matters.
27 January 2025	Email received from the Head of Planning	Attaching tracked change version of draft SoCG submitted at D1 with respect to landscape and visual matters.
3 February 2025	Meeting (Teams with Head of Planning)	Meeting to discuss dDCO drafting
20 February 2025	Meeting (Teams with Head of Planning)	Meeting to discuss LCC D4 responses to feed into updated SoCG.

Date	Form of Correspondence and attendees	Key topics discussed and key outcomes
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<u>14 March 2025</u>	<u>Meeting (Teams with Head of Planning</u>	<u>Meeting to discuss LCC D5 responses to feed into final SoCG</u>
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3. Areas of Discussion between the Parties

3.1.1 [Table 2](#) below details the areas of discussion and matters that are agreed, under discussion and not agreed between the Parties.

Table 2 Areas of Discussion with Lincolnshire County Council (LCC)

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
1. Scheme Description						
1.1	Scheme Description	Chapter 3: Scheme Description of the ES [AS-053]	The Site and Scheme description set out in Chapter 3: Scheme Description of the ES [AS-053] is accurate and agreed.	This position is agreed.	Agreed	Resolved
2. Cumulative Schemes						
2.1	Cumulative developments	Figure 18-1: Cumulative Developments and Appendix 18-1: List of Cumulative Developments of the ES [APP-124]	The Applicant discussed the cumulative developments with LCC as part of the regular catch-up meetings and sent the list of cumulative developments via email. No issues were raised by LCC.	This position is agreed.	Agreed	Resolved
3. General Planning Matters						
3.1	PA 2008	Planning Statement [AS-029]	<p>The Application is to be determined under Section 104 of the PA 2008 where national policy statement has effect.</p> <p>This means that in the case of the Scheme, in accordance with NPS EN-1 (Ref. 2), there is an urgent need for the development and that substantial weight should be given to this in decision making.</p> <p>In accordance with paragraph 4.1.3 of NPS EN-1 (Ref. 2) given the urgent need that there is a presumption in favour of granting consent. The Application is a CNP Scheme and the need case will outweigh residual effects in all but the most exceptional cases.</p>	This position is agreed.	Agreed	Resolved
3.2	Planning policy context in decision-making	Planning Statement [AS-029]	The Applicant states that since the Scheme needs to be considered under Section 104 of the PA 2008 (Ref. 3) that in assessing the merits of the Application it must be considered in accordance with the relevant national policy statement (NPS EN-1 (Ref. 2), NPS EN-3 (Ref. 4) and NPS EN-5 (Ref. 5)) this being of primary	<p>LCC agrees that in order to be granted a DCO pursuant to Section 104 of the 2008 Act regard must be had to any other matters which the Secretary of State thinks are both important and relevant to that decision.</p> <p>LCC agrees that the Lincolnshire Minerals and Waste Local Plan (2016), Central Lincolnshire Local Plan (2023)</p>	Not Agreed	Unresolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>importance, but regard must also be had to any local impact report and any other important and relevant matters. In this case (LCC), it is agreed that the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (adopted June 2016) (Ref. 6), the Lincolnshire Minerals and Waste Local Plan: Site locations (adopted December 2017) (Ref. 7).</p> <p>The Applicant agrees that the Written Ministerial Statement (15 May 2024) is an important and relevant consideration. However, it does not introduce any new policy requirements and only emphasises elements of the 2024 NPSs (as confirmed by the Secretary of State in recent decisions, including the granting of development consent for the West Burton Solar Project (24 January 2025)). The WMS has extremely limited, if any weight specifically in relation to food production, particularly given the recent changes to the NPPF, which remove the one part of the NPPF which referenced food production and which is referenced in the 2024 WMS.</p>	<p>the National Planning Policy Framework (December 2024) cited Neighbourhood Plans and the Written Ministerial Statement (2024) constitute important and relevant matters are matters that need to be given consideration pursuant to Section 104 of the 2008 Act.</p> <p>The updated NPPF remains an ‘important and relevant’ matter for the purpose of determination under section 104 of the PA 2008. The NPPF should be given significant weight as national planning policy The updated NPPF notably removed footnote 63 that supported policy at Section 15 “<i>Conserving and enhancing the natural environment</i>” with regard to the availability of land for food production. To understand the context of the removal of footnote 63, to the “<i>Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation</i>” (12/12/2024). The Government response to question 82 (the removal of footnote 63) states that the reason for proposing the removal of the text was because it was unclear whether it “<i>provided material benefit, especially as it gives no indication of how local authorities were to assess and weigh the availability of agricultural land when making planning decisions</i>”. As many representation echoed these concerns, the footnote has been removed. The Government, however, go on to state that national policy remains clear that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The removal of the text in footnote 63 does not change this commitment. LCC position is that the removal of footnote 63 does not change the policy context for the determination of the Tillbridge Solar Project. The Government remains clear in that food security is important for our national security, and where the significant development of agricultural land is necessary, poorer quality land should be preferred to those of a higher quality.</p>		
3.3	Compliance with local planning policy	Planning Statement [AS-029]	The Applicant has identified the planning policy documents listed in Table 1 of Appendix B of the Planning Statement [REP3-027] as being relevant and important in relation to the area of the Application within LCC.	LCC agree that the planning policy documents listed in Table 1 of Appendix B of the Planning Statement [REP3-027] are relevant and important to the determination of this Application.	Agreed	Resolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
3.4	Development consent granted for the Gate Burton Energy Park and the Cottam Solar Project	Gate Burton Energy Park ExA Recommendation Report and SoS decision [EN010131] and the Cottam Solar Project ExA Recommendation Report and SoS decision [EN010133] and the West Burton Solar Project [EN010132] .	Development consent was granted for the Gate Burton Energy Park on 12 July 2024, and for the Cottam Solar Project on the 5 September 2024, and for the West Burton Solar Project on 24 January 2025 . The ExA appointed to examine the Tillbridge Solar Project and the Secretary of State in reaching a decision should have regard to the decision on these Schemes as important and relevant in relation to the decision on the Tillbridge Solar Project.	LCC has referred to the Gate Burton Energy Park having been development consent in its Relevant Representation (RR165) thereby it is assumed that LCC agrees that this and the decision on the Cottam Solar Project is important and relevant pursuant to section 104 of the PA 2008.	Agreed	Resolved
3.5	Planning Balance	Section 7 of the Planning Statement [AS-029] Applicants Written Summary of Applicants Oral Submissions at ISH3 [REP4-049] Applicants Written Summary of Applicants Oral Submissions at ISH2 [REP4-045] Applicant's Comments on Interested Parties' Submissions to First Written Questions at Deadline 3 [REP4-048] Framework LEMP [EN010142/APP/7.17(Rev05)] BNG Report [AS-063]	The Applicant considers that the following planning balance should be applied to the Scheme: Positive Impacts and Benefits d. Climate Change – substantial positive weight. e. Ecology – significant positive weight. f. Minimum 10% BNG – moderate positive weight. g. Provision of permissive paths – moderate positive weight. h. Employment generation – moderate positive weight. i. Socio-economics and land use – moderate positive weight. j. Soils and agriculture – moderate positive weight. Neutral Impacts k. Air Quality – limited weight. l. Water Environment – limited weight. m. Human Health – limited weight. n. Noise and Vibration – limited weight. o. Transport and access – limited weight.	LCC considers that on the whole, the Scheme could deliver positive results for ecology and BNG if the proposed measures are delivered. LCC states that the 10% BNG figure set out in the Framework LEMP [EN010142/APP/7.17(Rev05)] should be weighed into the planning balance rather than the higher percentage figures set out in the BNG Report [AS-063] . LCC does not agree that in terms of soils and agriculture that moderate positive weight should be afforded in the planning balance, due to impacts on socioeconomics and loss of tenant farmer employment. LCC does not agree that for other Environmental Topics in particular waste that this will have a neutral impact and this should be a negative impact in relation to waste. <u>Any further comments will be included in LCC's final response to EXQ3.1.1 and closing statement so LCC have nothing further to add in this document.</u>	Not Agreed	Unresolved w

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>p. Other Environmental Topics – limited weight.</p> <p>Negative Impacts</p> <p>q. Significant residual effects with respect to severance/pedestrian delay/non-motorised amenity on the B1241, North Fleets Road – limited negative weight.</p> <p>r. Landscape and visual amenity – moderate negative weight.</p> <p>s. Cultural heritage – moderate negative weight.</p> <p>t. Loss of best and most versatile land – limited negative weight.</p> <p>u. Cumulative Impacts – moderate negative weight.</p> <p>The Applicant has provided its response to comments raised by LCC in relation to BNG in the Applicants Written Summary of Applicants Oral Submissions at ISH3 [REP44-049], in relation to soils and agriculture in the Applicants Written Summary of Applicants Oral Submissions at ISH2 [REP4-045] and in relation to waste in the Applicant’s Comments on Interested Parties’ Submissions to First Written Questions at Deadline 3 [REP4-048] submitted at Deadline 4.</p> <p>The detailed design will need to deliver BNG in substantial accordance with the Framework LEMP (which in itself is secured through requirement 7 of the draft DCO [EN010142/APP/3.1](Rev06)], and the current plans for the Scheme, as illustrated by the Indicative Landscape Masterplan [EN010142/APP/7.19(Rev06)]. The Applicant amended the Framework LEMP submitted at Deadline 4 to clarify the wording and securing mechanisms associated with this commitment. The revisions should increase the positive</p>			

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>weight associated with BNG in the planning balance from moderate to significant positive weight.</p> <p>The Applicant does not agree with LCC on those matters listed above.</p>			
3.6	Balancing residual landscape and visual effects	<p>Section 7 of the Planning Statement [REP3-027]</p> <p>The Applicant's Comments on Interested Parties' Submissions to First Written Questions at Deadline 3 [REP4-048]</p>	<p>The Applicant's Comments on Interested Parties' Submissions to First Written Questions at Deadline 3 [REP4-048] on pages 4 to 14 responds to how NPS should be applied and the extent and nature of impacts from the Scheme triggering exceptional circumstances.</p> <p>The Applicant's position is that the Scheme's benefits, in particular its contribution to the urgent need for low carbon generation, outweigh and justify the localised and visual significant residual effects. This is in the context of section 5.10 of EN-1 (Ref. 2), which requires application of the mitigation hierarchy and despite its application, anticipates that large scale energy infrastructure is very likely to have some significant adverse effects of this nature.</p> <p>The Applicant's view is that the adverse landscape and visual effects are outweighed at this stage, including when considered cumulatively, and there is not necessarily a need to apply the CNP presumption as a result.</p> <p>The Scheme is in accordance with section 104 subsection (3) and (7) of the PA 2008 (Ref. 3) being in accordance with NPS EN-1 (Ref. 2) and 3 and not resulting in adverse impacts being outweighed by its benefits.</p>	<p>The level of cumulative impact of this project and the 3 other consented projects in this small geographical area which the Council has identified in its Local Impact Report would impose such a magnitude of change to a rural agricultural landscape character of landscape and visual effects from the baseline position to such an extent that even when balancing a CNP need case this is outweighed by the disbenefits that have been identified on the landscape.</p>	Not Agreed	Unresolved w
3.7	Application of the Critical National Priority (CNP) presumption	<p>Planning Statement [REP3-027]</p> <p>The Applicant's Comments on Interested Parties' Submissions to First Written Questions at Deadline 3 [REP4-048]</p>	<p>The Applicant's Comments on Interested Parties' Submissions to First Written Questions at Deadline 3 [REP4-048] on pages 12 to 14, without prejudice to the position set out above, addresses the CNP presumption.</p>	<p>Section 104 of the 2008 Planning Act requires that an application must comply with a relevant NPS and that the application must be determined in accordance with the NPS unless inter alia the adverse impacts of the proposed development outweigh its benefits. NPS EN1-1 paragraph 4.17 notes that a need case will outweigh the residual affects in all but exceptional cases. It also states that for projects that qualify as CNP</p>	Not Agreed	Unresolved w

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>The types of impact on locally designated landscapes and views from the Scheme including cumulatively, are clearly not of a scale or in any way comparable with the residual effects contemplated within paragraph 4.2.17 of NPS EN-1 (Ref. 2). The CNP presumption applies “<i>in all but the most exceptional circumstances</i>”, and the Applicant’s position is that the residual harm associated with the Scheme is far from the types of effects that may be in the realm of exceptional circumstances, let alone “the most” exceptional circumstances.</p> <p>The Applicant considers that positive decisions have been made by the Secretary of State on the Cottam Solar Project Order 2024, the Gate Burton Energy Park Order 2024, and the West Burton Solar Project Order 2025, all of which considered the same cumulative impacts as Tillbridge Solar evidences that these residual effects have not been considered by the Secretary of State to meet the exceptional circumstances test.</p>	<p>infrastructure it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. The Council confirms that the Tillbridge Solar Project qualifies as a CNP type development.</p> <p>However the cumulative impact of the Tillbridge Solar Project with the other three consented projects in this modest geographical area is considered by the Council together to be exceptional. The magnitude of landscape character change for a period of at least 60 years is significant, adverse and exceptional in planning policy terms.</p> <p>These 4 large solar NSIPs in the same geographical area covering nearly 3,000 hectares with panels, BESS and ancillary infrastructure is unprecedented and therefore in the Council view meets the test of most exceptional circumstances the Secretary of State should balance in determining this application. Great weight should be given by the Secretary of State to this point.</p>		
4. Alternatives and Design Evolution						
4.1	Site Selection	Chapter 4: Alternatives and Design Evolution of the ES [APP-035]	The methodology used in the site selection process as detailed in Chapter 4: Alternatives and Design Evolution of the ES [APP-035] is appropriate for the Scheme.	LCC agree the methodology set out in Chapter 4: Alternatives and Design Evolution of the ES [APP-035] and used in the site selection process is appropriate for the Scheme.	Agreed	Resolved
5. Legislation and Planning Policy						
5.1	Legislation and Planning Policy	Environmental Statement [APP-037 to APP-050] and AS-006 Planning Statement [AS-029]	<p>The ES [APP-037 to APP-050] and [AS-006] has identified all relevant application legislation, national and local policy that relate to county matters pertaining to the following assessments undertaken as part of the Environmental Impact Assessment (EIA) of the Scheme:</p> <ol style="list-style-type: none">a. Chapter 7: Climate Change [APP-038];2. Chapter 8: Cultural Heritage [APP-039];3. Chapter 9: Ecology and Nature Conservation [APP-040];4. Chapter 10: Water Environment [APP-041];	LCC agree that the ES [APP-037 to APP-048] and Planning Statement [AS-029] has identified all relevant applicable legislation, national and local policy pertaining to the assessments undertaken as part of the EIA and in relation to the appraisal of the Scheme against its accordance with national planning policy and other relevant and important matters for all topics other than Climate Change	Agreed	Resolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>5. Chapter 11: Human Health [APP-042];</p> <p>6. Chapter 12: Landscape and Visual Amenity [APP-043];</p> <p>7. Chapter 14: Socioeconomics and Land Use [APP-045];</p> <p>8. Chapter 15: Soils and Agriculture [APP-046];</p> <p>9. Chapter 16: Transport and Access [APP-047];</p> <p>10. Chapter 17: Other Environmental Topics [APP-048];</p> <p>11. Chapter 18: Cumulative Effects and Interactions [APP-049].</p> <p>The Planning Statement [AS-029] has also identified all relevant application legislation, national and local policy that relates to county matters.</p>			
5.2	Climate Change	<p>Applicant's Comments on Interested Parties' Submissions to First Written Questions at Deadline 3[REP4-048]</p> <p>Chapter 7: Climate Change of the ES [APP-038].</p>	<p>The Applicant's Comments on Interested Parties' Submissions to First Written Questions at Deadline 3 [REP4-048] contains its position on climate change submitted at Deadline 4 in response to Q1.3.10 and set out in Table 2-1 on pages 14-15.</p> <p>The Applicant refers to Table 7-8 of Chapter 7: Climate Change of the ES [APP-038], where the Applicant's position is set out on land selection and the overall benefit of the Scheme in terms of its substantial contribution to the achievement of net zero. Similar projects have demonstrated a significant improvement in lifetime Greenhouse Gas (GHG) emissions for solar installations when compared to traditional fossil fuel energy sources. Additionally, diversifying the electricity grid will only benefit energy security. While site selection was initially driven from an established point of connection to the national grid (following the identification of the east of England as a suitable region within which to search for a site given irradiation levels and topography), the Applicant has considered many factors in determining the site ultimately</p>	<p>The Council's views on climate change and GHG emissions are those set out in its written response WR [REP2-012] rather than what is stated in paragraph 7.17 of the LIR.</p> <p><u>Whilst Finch was not directly on this point, it is LCC view, the reasoning of the Supreme Court if applied in this context would be sufficient to cast doubt upon the correctness of the IEMA Guidance and therefore the Applicant's position on this issue. In Finch, the Court was clear that the fact that GHG emissions are a global issue does not mean that they are not capable of assessment in relation to a single project and not just on projects involving fossil fuels' LCC view is , there is arguably no reason why a list of connected projects could not be drawn up upon sensible parameters and the clustering of solar schemes in Lincolnshire would form a sensible list for such an assessment, particularly given this is the list of projects considered for other cumulative effects.</u></p>	Not Agreed	UnresolvedLow

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>selected for the Scheme including environmental and planning considerations and designations. Consideration has also been given to minimise the use of any Best and Most Versatile Land (grade 1, 2 or 3a). This has been minimised where possible within the Scheme.</p> <p>The focus of the Finch case (Ref. 10) is on ‘inevitable’ consequences and effects, in this case arguing that the downstream refinement and combustion of oil is an ‘inevitable’ effect of extracting oil at the site. The Applicant does not believe this test applies to the Scheme and lost food production here, it is not ‘inevitable’ that food will have to be imported as a result of the Scheme, particularly when considering the position of the UK government and policy on food security.</p> <p>The Secretary of State determined in respect of Gate Burton Energy Park [EN010131], Cottam Solar Project [EN010133] and the West Burton Solar Project [EN0101032] that the cumulative loss of land to food production, which includes the Scheme, would be minor and would not impact on food security. Therefore, it is not necessary to undertake a GHG assessment of importing food as part of this assessment.</p> <p>The Finch case makes no judgement on and does not consider the need to assess related or geographically proximate projects cumulatively when undertaking GHG assessments, so the IEMA guidance (Ref. 11) and Applicant’s position remains that it is not necessary to consider the Scheme alongside other solar farms in Lincolnshire. However, the Applicant notes that if a cumulative assessment of the solar schemes in Lincolnshire was to be considered, they all play a role in decarbonising the grid in line with the UK’s net zero targets and would achieve a significant beneficial cumulative impact on GHG emissions compared to the baseline where the projects do not go ahead.</p>			

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p><u>In response to ExQ3.3.1 in the Applicant's Responses to ExA Third Written Questions [EN010142/APP/9.40], it confirms that the Finch judgement refers to the downstream GHG emissions that may occur as a result of a proposed development. This is particularly relevant for developments that intend to supply fuel for traditional fossil-fuelled energy generation infrastructure.</u></p> <p><u>As explained within the Applicant's Response to Examining Authority's First Written Questions [REP3-062] in response to Q1.3.6, the beneficial indirect downstream effects of the Scheme in terms of reduction in greenhouse gas emissions have been considered in the 'future baseline' analysis within Chapter 7: Climate Change of the ES [APP-038], where the effects of displacing higher-carbon energy production with renewable energy generation such as solar, are examined. This approach of assessing benefits is consistent with the position taken in Finch. This case reiterated the need for the relevant planning authority to consider the beneficial indirect effects of a project on the climate, as well as adverse effects, as a material planning consideration: "<i>Just as beneficial indirect effects of a project on climate - for example, the "green" energy that would be generated by a project to develop a wind farm or solar farm - are clearly a relevant matter for the planning authority to consider, so corresponding adverse effects are also a material planning consideration</i>" (page 150).As the Scheme generates low carbon energy on site from its solar PV installations, there are negligible resultant downstream emissions from the use of the energy generated by the Scheme.</u></p> <p><u>The beneficial indirect downstream effects of the Scheme have been considered in the 'future baseline' analysis within the Climate Change Chapter [APP-038] of the ES, where the effects of displacing higher-carbon energy production are examined.</u></p>			

6. Study Area Definition and Extents

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
6.1	Study area definition and extents	Environmental Statement [APP-037 to APP-050].	The study areas adopted by the Applicant within the chapters of the Environmental Statement outlined in section 5 reflect current best practice and standards. The geographical extents of the adopted study areas are appropriate to identify the likely direct and indirect effects of the Scheme on sensitive features and receptors.	LCC agree that the study areas and geographical extents of these set out within the chapters of the Environmental Statement outlined in section 5 are appropriate to identify the likely direct and indirect effects of the Scheme on sensitive features and receptors.	Agreed	Resolved
7. Application of Expert and Professional Judgement						
7.1	Application of professional Judgement	Environmental Statement [APP-037 to APP-050].	The identification of likely significant effects on sensitive features and receptors has been informed by professional judgement and the views of the relevant technical specialists, where necessary. The application of professional judgement by specialists within the environmental topic assessments outlined section 5 and set out in the respective technical chapters of the ES [APP-037 to APP-050] are appropriate and robust.	LCC agree the application of professional judgement by specialists within the chapters of the Environmental Statement outlined in section 5 are appropriate and robust.	Agreed	Resolved
8. Assessment Methodology						
8.1	Methodology	Environmental Statement [APP-037 to APP-050].	The assessment methodology adopted within the chapters of the Environmental Statement outlined in section 5 have been derived from the information obtained through consultation with stakeholders, by reviewing relevant guidance and studies and undertaken in accordance with best practice. The assessment methodology is sound and robust and therefore acceptable.	LCC largely agree the assessment methodology adopted within the chapters of the Environmental Statement outlined in section 5. is acceptable. Those areas remaining under discussion are set out under individual topics.	Agreed	Resolved
9. Baseline						
9.1	Baseline	Environmental Statement [APP-037 to APP-050].	The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders including the local authorities. The scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in the technical chapters of the ES [APP-037 to APP-050].	LCC agree the scope, coverage and timing of surveys undertaken are appropriate and in line with best practice.	Agreed	Resolved
10. Cultural Heritage – Non-designated farmsteads and Archaeology						

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
10.1	Assessment of Impacts and Effects	<p>Chapter 8: Cultural Heritage of the ES [APP-039]</p> <p>Appendix 8-2 of the ES [APP-059]</p> <p>Applicant's Responses to Relevant Representations [REP1-028].</p> <p>Applicant's Response to Examining Authority's First Written Questions [REP3-062]</p>	<p>The assessment of impacts and effects- set out in Chapter 8: Cultural Heritage of the ES [APP-039] are acceptable confirming no significant effects.</p> <p>The Relevant Representations from LCC [RR-165] noted that LCC welcomed the approach and methodology set out in the DBA (Appendix 8-2 of the ES [APP-059]), stating they "Agree with much of the assessment for built heritage set out in the ES. This includes the decision to scope several farmsteads from the DBA to the ES." The Applicant provided detailed responses to the comments received in LCC's Relevant Representation [RR-165] on non-designated historic farmsteads at pages 89 to 99 of the Applicant's Responses to Relevant Representations [REP1-028].</p> <p>The Applicant met with LCC's historic environment officers on 6 December 2024 to further discuss comments on historic farmsteads and explained to LCC that the Applicant has considered the contribution of historic farmsteads as part of the historic landscape assessment. Further details on the historic landscape assessment were provided in response to Question 1.7.5 within Applicant's Response to Examining Authority's First Written Questions [REP3-062] (pages 49-51)</p>	<p>LCC does not currently agree with the Applicant's conclusions regarding the impact on the historic environment, specifically, historic farmsteads and landscape. While the applicant has included farmsteads within the historic landscape characterisation assessment, this does not replace the need for a cumulative impact assessment on historic farmsteads as a group of heritage assets.</p> <p>The Lincolnshire Farmstead and Landscape Statements (Historic England, 2015) confirm that historic farmsteads contribute collectively to the rural character of Lincolnshire, particularly in the National Character Areas where the site is located. These farmsteads are key indicators of landscape change, with circa 55% retaining more than half of their historic form. The applicant has assessed harm to farmsteads individually but has not considered how multiple farmsteads, collectively impacted, could erode historic legibility.</p> <p>The Applicant currently considers historic farmsteads to be of "low" or "very low" value, meaning that even where the magnitude of impact is assessed as high, the resulting effect is considered minor or negligible. This conclusion assumes all historic farmsteads are of low value and does not reflect their wider role in shaping Lincolnshire's historic landscape.</p> <p>LCC also maintains that it is not just the farm buildings themselves but also their setting that contributes to their character and significance. The relationship between farmsteads, surrounding field systems, and enclosure patterns is fundamental to their historic value. The Applicant does not sufficiently consider how land use change and new infrastructure may erode the ability to appreciate these farmsteads as part of a historic rural system.</p> <p>LCC considers that a specific cumulative impact assessment on historic farmsteads and their setting is still required. This should identify the collective contribution of farmsteads to the historic landscape rather than treating them as isolated structures, assess how the scheme impacts this network of farmsteads and their settings, and provide clear justification for the conclusion that cumulative harm is "not significant." Without this, the</p>	Under Discussion Not Agreed	Medium Unresolved Low

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
				applicant's assessment does not fully evaluate the scale of potential harm to the historic environment.		
10.2	Torksey Viking Winter Camp	Appendix E of the Applicant's Response to ExA Second Written Questions [(REP5-032)] draft DCO [EN010142/APP/3.1 (Rev 07)]	<p>The Applicant provided a comprehensive response to this matter within Appendix E of the Applicant's Response to ExA Second Written Questions in response to Q2.7.6 [(REP5-032)].</p> <p>The Applicant maintains its position that the Scheme would result in less than substantial harm to the significance of the Winter Camp of the Viking Great Army at Torksey. The works would impact a relatively small section of the overall archaeological site, such that it would not be 'substantial' having regard to the scale of the harm with the majority of the Winter Camp of the Viking Great Army at Torksey remaining preserved and intact, not impacted by the Scheme, and experiencing no loss or change.</p> <p>An AMS has been agreed between both parties, including agreement to additional mitigation through archaeological excavation and recording in relation to the Winter Camp of the Viking Great Army at Torksey and procedures for unexpected discoveries secured through requirement 11 of the draft DCO [EN010142/APP/3.1 (Rev 07)].</p>	<p>The Applicant's assessment is based on the information available but archaeology always has the potential for unexpected discoveries, which is true of any development. There are however measures in place to deal with unexpected discoveries in a manner appropriate to their significance.</p> <p>LCC maintains their position that there is potential for significant archaeology to be found but are content that the measures in place would appropriately mitigate the potential developmental impact.</p>	Agreed	Resolved
10.32	Archaeological Mitigation Strategy	Archaeological Mitigation Strategy [REP1-025]	<p>The Applicant considered the comments provided by LCC and NCC and the revised draft Archaeological Mitigation Strategy (AMS) appropriately prior to its submission at Deadline 1. The AMS [REP1-025] therefore incorporates the comments received from LCC and NCC.</p> <p><u>The AMS has been agreed between both parties and both parties agree that appropriate mitigation measures are in place.</u></p>	<p>Following consultation by the Applicant in September 2024 LCC provided comments (also with NCC) to the Applicant on the draft AMS which the Council understand have been captured in the latest version of the AMS [REP1-025].</p> <p>LCC agrees with the revised AMS [REP1-025].</p> <p><u>LCC agrees that there is appropriate mitigation measures in place to respond to unexpected discoveries in relation to the Torksey Viking Winter Camp.</u></p>	Agreed	Resolved

11. Socio-Economics

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
11.1	Assessment of Impacts and Effects	<p>Chapter 14: Socio-Economics and Land Use of the ES [APP-045] and Chapter 15: Soils and Agriculture of the ES [APP-046]</p> <p>Framework Soil Management Plan [EN010142/APP/7.12(Rev02)].</p> <p>Draft DCO [EN010142/APP/3.1(Rev06)]</p> <p>Written Summary of Applicant's Oral Submissions at the ISH3 [REP4-049]</p>	<p>The assessment findings with respect to socio-economics and soil and agriculture specifically in relation to agricultural land confirm that impacts and effects are not significant.</p> <p>Chapter 14: Socio-economics and Land Use of the ES [APP-045] confirms that the loss of land in agricultural production as a result of the Scheme equates to 0.25% in Lincolnshire. The Scheme presents reversible impacts on land use for agricultural production and represents a very small proportion of land in Lincolnshire.</p> <p>Chapter 15: Soils and Agriculture of the ES [APP-046] confirms that during construction and operation, there will be a temporary curtailment of arable production within the Principal Site. However, the agricultural land resource will not be lost or degraded. There will be suspension of agricultural land during the operational period, but the impact will not be significant. The soil resource during the operation of the Scheme will improve with the fallow period enhancing the functional capacity of the soil resource for future arable production. In addition, during operation, the land can include grazing by livestock.</p> <p>A Framework Soil Management Plan (FSMP) is submitted alongside the DCO application [EN010142/APP/7.12(Rev02)]. The aim of this document is to indicate measures for the preservation of the soil resource within the Order limits, avoiding both the loss of soil material and the loss of soil functional capacity. The detailed SMP will be secured by requirement 18 of the draft DCO [EN010142/APP/3.1(Rev06)] and will need to be substantially in accordance with the Framework SMP [EN010142/APP/7.12(Rev02)]. This provides a control mechanism to ensure the protection of agricultural land quality and soil resource within the Order limits.</p> <p>In terms of the Cable Route Corridor, the works will be temporary with a negligible and not</p>	<p>LCC in its Relevant Representation response (RR-165) confirmed that it does not agree with the impact of the Scheme upon agricultural land and impacts on food production. It is stated that for a project of this scale there is an impact given that the land will be tied up for 60 years. LCC states that the loss of such a large area of land would normally be considered as significant at a District level, even though the use is 'temporary'.</p> <p>The updated NPPF remains an 'important and relevant' matter for the purpose of determination under section 104 of the PA 2008. The NPPF should be given significant weight as national planning policy. The updated NPPF notably removed footnote 63 that supported policy at Section 15 "Conserving and enhancing the natural environment" with regard to the availability of land for food production. To understand the context of the removal of footnote 63, to the "Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation" (12/12/2024). The Government response to question 82 (the removal of footnote 63) states that the reason for proposing the removal of the text was because it was unclear whether it "provided material benefit, especially as it gives no indication of how local authorities were to assess and weigh the availability of agricultural land when making planning decisions". As many representation echoed these concerns, the footnote has been removed. The Government, however, go on to state that national policy remains clear that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The removal of the text in footnote 63 does not change this commitment. LCC position is that the removal of footnote 63 does not change the policy context for the determination of the Tillbridge Solar Project. The Government remains clear in that food security is important for our national security, and where the significant development of agricultural land is necessary, poorer quality land should be preferred to those of a higher quality.</p>	Not Agreed	Unresolved Low

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>significant effect on agricultural land quality. A soil resource assessment will be carried out, once detailed design has defined the cable route, to inform the detailed Soil Management Plan. The SMP will be secured by requirement 18 of the draft DCO [EN010142/APP/3.1(Rev06)] and will need to be substantially in accordance with the Framework SMP [[EN010142/APP/7.12(Rev02)].</p> <p>In addition to the above, the decision to grant development consent for the Cottam Solar Project [EN010133] is important and relevant. Paragraphs 4.74 and 4.75 of the Secretary of State’s decision states:</p> <p><i>“The Secretary of State agrees that the Proposed Development would revert back to agricultural use once the operational time-period has expired and agrees with the ExA that any effects would be temporary and reversible. The Secretary of State acknowledges however, that whilst these losses e.g., in arable food production would be temporary it would be for a prolonged period of time, and the cumulative effects over 60 years would heighten such losses. The ExA consider that for these reasons, the Proposed Development would not meet the requirements of the NPPF in this regard, which the Secretary of State agrees with. However, the Secretary of State agrees with the ExA that this should be classed as “little negative weight” rather than “significant negative weight” in recognition of the point that, whilst the use of arable farmland exceeds NPPF guidance, it is in line with the 2024 NPS.</i></p> <p><i>The Secretary of State concludes that as the losses to agricultural and BMV land brought about by the Proposed Development would be temporary and reversible, he agrees with the ExA and ascribes little negative weight in the planning balance.”</i></p>			

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			Further, the Applicant's Responses to Written Submissions at Deadline 4 [EN010142/APP/9.36] on pages 16 to 18 and 32 to 33 and the Written Summary of Applicant's Oral Submissions at the ISH3 [REP4-049] (post hearing note) sets out how the revised NPPF (December 2024) (Ref. 12) could affect the consideration of the Scheme with the NPPF capable as being important and relevant in decision making. This is set out on pages 33 to 35. In this response, the Applicant sets out that the Secretary of State should not take into account the loss of food production with this no longer being a material consideration with respect to applying the overall planning balance. The availability of agricultural land used for food production should no longer be considered and falls firmly outside of the remit of decision making. The temporary cessation of use from agriculture, which may have included some food production, does not weigh negatively in the planning balance.			
12. Landscape and Visual						
12.1	Methodology, assessment outcomes and Residential Visual Amenity Assessment (RVAA)	Chapter 12: Landscape and Visual of the ES [REP4-013] Written Summary of Applicants Oral Submission to ISH3 [REP4-049] Planning Statement [REP3-027]	<p>The assessment of impacts and effects in Chapter 12: Landscape and Visual of the ES [REP4-013] conclude that with the exception of the effects on LLCA 3A Till Vale, significant adverse landscape effects predicted at year 1 of operation are anticipated to reduce to a level that is not significant by year 15 of operation, following the establishment of the landscape mitigation and enhancement. In addition, significant visual effects at year 1 on the majority of Viewpoints will also decrease to not significant at year 15, with the exception of viewpoints 7, 9 and 13.</p> <p>The substantial benefits and need for the Scheme as set out in Section 5 of the Planning Statement [REP3-027], including the delivery of CNP Infrastructure to contribute towards meeting national energy objectives outweigh the residual landscape effects when applying the planning balancing exercise to the Scheme.</p>	<p>LCC confirm they have no issues with the methodology used for the Applicants LVIA in Chapter 12: Landscape and Visual of the ES [REP4-013].</p> <p>LCC confirm their agreement with the outcomes of the Applicant's assessment in Chapter 12: Landscape and Visual of the ES [REP4-013] except for in relation to Viewpoints 2b, 4 and 20,</p> <p>LCC are comfortable with the absence of an RVAA and satisfied that significant effects have been identified as part of the assessment but wish to note that there are still significant residual effects on properties.</p>	Agreed	Resolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			The Applicant has not undertaken an RVAA, and has justified this approach within Chapter 12: Landscape and Visual of the ES [REP4-013] as well as in the Applicants Written Summary of Applicants Oral Submission to ISH3 [REP4-049] at item 3b on page 9 and 10.			
12.2	Assessment of Impacts and Effects	Chapter 12: Landscape and Visual of the ES [REP4-013] Applicant's Responses to Relevant Representations [REP1-028] Joint Report on the Interrelationship with other Nationally Significant Infrastructure Projects [REP3-031] Applicant's Response to Local Impact Reports [REP3-061]	The Applicant provided a broad response on pages 104-105 of the Applicant's Responses to Relevant Representations [REP1-028] and with specific reference to the Joint Report on the Interrelationship with other Nationally Significant Infrastructure Projects [REP3-031] , as well as the Applicant's Response to Local Impact Reports [REP3-061] . The Applicant considers that the assessment of significant residual landscape effects on Local Landscape Character LLCA 3A Till Vale at all stages (including Year 15) encapsulates elements such as the change in land use, openness, tranquillity and agricultural characteristics across the Principal Site. The Applicant also restates that whilst significant visual effects will arise for several representative viewpoints, these will be reduced by mitigation such that at Year 15 these will relate mainly to locations on the Cliff. Furthermore, the Applicant considers that the whilst the significant landscape effect on LLCA 3A is primarily associated with physical changes to defined elements or characteristics of the landscape, landscape effects will also result in perceptual or aesthetic change. As such, the Applicant considers that these will also encompass the more localised, limited changes that may arise through glimpses of the Scheme (e.g. through or between established mitigation) and/or a general awareness of the presence of the solar infrastructure.	By reason of its mass and scale, the Scheme would lead to significant adverse effects on landscape character and visual amenity. The Development has the potential to transform the local landscape by altering its character on a large scale. This landscape change also has the potential to affect wider landscape character, by replacing large areas of agricultural or rural land with solar development, affecting the current openness, tranquillity and agricultural character that are identified as defining characteristics of the area.	Not Agreed	Low
12.3	Assessment of Landscape Effects	Chapter 12: Landscape and Visual of the ES [REP4-013]	The assessment of impacts and effects in Chapter 12: Landscape and Visual of the ES [REP4-013] concludes that significant adverse landscape effects will arise for LLCA 3A Till Vale at Year 15 (summer) of operation, the point	LCC maintain that the Scheme will bring about significant landscape effects, even when mitigation planting has fully established. This is predominantly through a change of land use, from agriculture to a large scale solar development, across an extensive area. This also has	Agreed	Resolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>where it is considered that mitigation is sufficiently established.</p> <p>The Applicant accepts that significant adverse landscape effects on areas of the Cliff AGLV (LLCA 2B, Lincoln Cliff – Harpswell and LLCA 2C Lincoln Cliff – Open Farmland), but that these would reduce to non-significant at Year 15 when vegetation is established.</p> <p>No direct effects will arise for LLCA 2B, for which effects are a largely a result of the higher sensitivity landscape baseline and the perceptual influence of the Scheme outside the LLCA, which will be substantially screened by Year 15 when effects will not be significant.</p> <p>Direct adverse effects for LLCA 2C will arise only from works relating to the upgrade and use of the track to Access 4 from Middle Street during the construction stage; and then limited only to the presence and occasional use of the track during the operation stage, at which point these should also be considered against beneficial direct landscape effects that arise from the implementation of biodiversity zones such as more species-rich grassland on the slope of the Cliff itself.</p> <p>Indirect effects, through the influence of the Scheme on views from the Cliff, will arise. However, it is not considered that these perceptual changes, which would be visible from a relatively limited number of publicly accessible locations and/or sensitive receptors relative to the wider extent of LLCA 2C, will in themselves be sufficient to offset the very localised direct impacts and thus result in significant landscape effects overall. Furthermore, where an absence of mitigation allows views at Year 15 from LLCA associated with the Cliff, perceptual qualities such as openness, expansive skies and long-range views will not change.</p>	<p>potential indirect effects from a perceptual change to the surrounding area, including from within the adjacent AGLV.</p> <p>The applicants LVIA identifies significant landscape effects, which includes significant adverse landscape effects on areas of the Cliff AGLV within or adjacent to the site (LLCA 2B, Lincoln Cliff – Harpswell and LLCA 2C Lincoln Cliff – Open Farmland) and also directly across the majority of the site extents (LLCA 3A Till Vale – Open Farmland).</p>		
12.4	Assessment of Visual Effects	Chapter 12: Landscape and Visual of the ES [REP4-013]	The Applicant acknowledges that Viewpoints 2b and 20 are foreshortened by proposed mitigation planting but maintained that the	LCC maintain that the Scheme will bring about significant visual effects.	Not Agreed	Unresolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
		Applicant's Responses to Local Impact Reports [REP3-061]	presence of hedgerows is in keeping with the character of the area when travelling west along Common Lane, while loss of view is not a significant effect when accounting for the sensitivity and susceptibility of receptors on that route. Regarding Viewpoint 4, the Applicant recognises that there is a loss of an expansive view, but again this will be mitigated by extensive sections of planting, which is in keeping with the hedgerow planting already in place. Further, as there is no footway, this was an unlikely recreational route and therefore the loss of this view, particularly at year 15 once mitigation planting has been established, will not be significant.	<p>The Applicants LVIA identifies significant visual effects at the construction, operation (year 1), and operation (year 15) phases. The views and visual receptors with significant effects are typically those with close range views of the development, however views from the elevated land of the Lincoln Cliff also have significant adverse effects due to the extent of solar development within the extensive and often panoramic view. These elevated views have been assessed as still having significant residual affects at year 15 with established planting.</p> <p>LCC disagree with the LVIA findings of the following viewpoints (presented in Figures 12-13 and 12-14); the assessment presented within the LVIA underplays the Magnitude of visual effect, and subsequently Significance of effect:</p> <p>Viewpoint 2b: The current view is open and across open fields, which is a characteristic of this landscape character area. While we agree the magnitude of visual effect at construction and operation will be high, we disagree that this would drop to low at year 15 with the introduction of screen planting. The planting, while connecting vegetation along the carriageway, will alter the view by completely screening and foreshortening the existing view. We judge this to be a medium magnitude of Visual Effect, and subsequently this would likely increase the level of visual effect and significance.</p> <p>Viewpoint 4: The current view is an open panorama across an agricultural landscape, which is a characteristic of this landscape character area. The Development will result in large scale change to this view firstly with construction activity and then at operation with views of panels and structures. This will be experienced along several sections of the B1398, at a scale not present in the existing landscape, and we would judge the magnitude of visual effect at construction and operation year 1 will be high. This is identified on page 14 of Appendix 12-6, which states: "<i>the massing of panels, alongside the BESS and Solar Stations, will introduce a more industrial, functional character to the view, with the largely unvarying, grey panel colours contrasting with the</i></p>		

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
				<p><i>baseline browns and greens of winter field patterns”</i>. The development is conspicuous in an extensive part of the view.</p> <p>Viewpoint 20: The current view is open and across open fields, which is a characteristic of this landscape character area. While we agree the magnitude of visual effect at construction and operation will be high, we disagree that this would drop to low at year 15 with the introduction of screen planting. The planting, while connecting vegetation along the carriageway, will alter the view by completely screening and foreshortening the existing view. We judge this to be a medium magnitude of visual effect, and subsequently this would likely increase the level of visual effect and significance.</p> <p>Based on the applicant's LVIA methodology (Appendix 12-2: LVIA Methodology; Document Reference: EN010142/APP/6.2), and baseline assessment, LCC's judgement for the three identified viewpoints is as follows:</p> <p>Viewpoints 2b: The Sensitivity of viewpoints (or receptors represented by this view) at all phases is judged by the LVIA author as being Medium (pg 8 of Appendix 12-6). LCCs position is that the residual (yr 15) Magnitude of Change from receptors at this viewpoint is aligned with a judgement of Medium. Therefore, based on <i>Table 1-9: Classification of Effects Matrix</i> within <i>Appendix 12-2:</i> <u>Medium Sensitivity</u> <u>X</u> <u>Medium Magnitude of Change</u> <u>=</u> <u>Moderate Level of Effect</u> <u>=</u> <u>Residual Significant Effect for Viewpoint 2b</u></p> <p>Viewpoint 4: The Sensitivity of viewpoint (or receptors represented by this view) at all phases is judged by the LVIA author as being Medium (pg13 of Appendix 12-6). LCCs position is that the residual (yr 15) Magnitude of Change from receptors at this viewpoint is aligned with a judgement of Medium. Therefore, based on <i>Table 1-9: Classification of Effects Matrix</i> within <i>Appendix 12-2:</i> <u>Medium Sensitivity</u> <u>X</u></p>		

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
				<u>Medium Magnitude of Change</u> = <u>Moderate Level of Effect</u> = <u>Residual Significant Effect for Viewpoint 4</u> <u>Viewpoint 20: The Sensitivity of viewpoints (or receptors represented by this view) at all phases is judged by the LVIA author as being Low (pg 51 of Appendix 12-6). LCCs position is that the residual (yr 15) Magnitude of Change from receptors at this viewpoint is aligned with a judgement of Medium. Therefore, based on Table 1-9: Classification of Effects Matrix within Appendix 12-2: Low Sensitivity</u> X <u>Medium Magnitude of Change</u> = <u>Minor Level of Effect</u> = <u>Residual Not Significant Effect for Viewpoint 20</u>		
12.5	Assessment of Sequential Visual Effects	Chapter 12: Landscape and Visual of the ES [REP4-013] Chapter 18: Cumulative Effects and Interactions [EN010142/APP/6.1(Rev03)]. Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 3 (ISH3) [REP4-049]	<p>The assessment of impacts and effects in Chapter 12: Landscape and Visual of the ES [REP4-013] concludes that significant visual effects will arise for several representative viewpoints that are located along the A631 and Common Lane, the two linear east-west routes adjacent to areas of the Principal Site within which panels are proposed. These significant visual effects reflect the sequential views that will arise from the Scheme in isolation but reducing to non-significant at Year 15 when mitigation planting is established.</p> <p>With reference to cumulative sequential views, the Applicant refers to the Post-hearing note provided on pages 15 and 16 of the Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 3 (ISH3) [REP4-049], which provides a summary of the Applicant's view of likely sequential cumulative views in relation to other solar DCO schemes, including the spatial relationship and sensitivity of these east-west routes. Representative viewpoints for which significant effects in relation to sequential views are stated in Chapter 18:</p>	LCC maintain that visual receptors travelling through the landscape along roads and public rights of way will experience frequent sequential views of solar development. This will be exacerbated when assessed cumulatively and frequent sequential views of solar development is likely from along sections of these linear routes, heightening the susceptibility of the receptor to changes in view, and therefore likely the overall sensitivity, and also increasing the likely effect.	Not Agreed	Low

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>Cumulative Effects and Interactions [EN010142/APP/6.1(Rev03)].</p> <p>Whilst the Applicant acknowledges the nature of the views of the Scheme from these two linear routes, it considers that the susceptibility of receptors using the A631 and for the section of Common Lane furthest from Harpswell and Heapham to be at the lower range, based on the examples stated in paragraphs 6.32 and 6.33 in Guidelines for Landscape and Visual Impact Assessment. The Applicant acknowledges that that effects will be greater along such routes, but this would be more through magnitude of change than sensitivity, whereby the latter is derived from susceptibility.</p>			
12.6	Landscape and Visual Mitigation	<p>Chapter 12: Landscape and Visual of the ES [REP4-013]</p> <p>Figure 12-14 of the ES [APP-187]</p>	<p>The Applicant has acknowledged the balance to be struck in terms of intentional screening of the Scheme against loss of views and open characteristics within Chapter 12: Landscape and Visual of the ES [REP4-013]. This includes along the road network through the Principal Site, although away from these and areas around residential properties (such as the proposed woodland north of Kexby Road), the Applicant has sought to limit new hedgerows and woodland belts to the boundaries of existing field margins, such that benefits are oriented more to habitat connectivity and green infrastructure corridors.</p> <p>The effect of an existing 2m high hedge is demonstrated in the representative viewpoint 17 (Figure 12-14 of the ES [APP-187]) (Common Lane), where the this is considered sufficient to screen the solar infrastructure, even during the winter months. Hedges of a similar character are present along Willingham Road and Fillingham Lane, a parallel route to the south, such that there is precedent for these features along rural east-west routes. The Applicant maintains that whilst there will be a change in character for receptors along such routes, this is would not be so great as to result in a significant visual effect. Such changes should also be considered</p>	<p>LCC accept that planting can be an effective way to screen and integrate development proposals, however this planting needs to be carried out in a way that is sensitive to the existing landscape character, or meet any aims of a published character assessment to improve or introduce new planting to an area. The local area has a relatively open character, and planting to simply screen could have detrimental impacts.</p> <p>The PROW and local road network in the study area enjoy an open aspect across some of the landscape, for example along the Cliff at the eastern scheme extents where there are extensive long-range views south across the Site (as illustrated on VP4 within the applicants LVIA) or along the A631 (VP1 within the applicants LVIA) along the northern extents. Therefore, care needs to be taken to prevent the loss of this character through an overbearing set of mitigation proposals.</p> <p>It is noted that appropriate development offsets and careful design will go some way to address the matter raised. However, the establishment of hedges which are proposed to be maintained at a minimum of 2.5m and up to 3.5m in height (as outlined in the applicants Framework Landscape and Ecological Management Plan) is a concern due to introducing large landscape elements and in places screening currently open views. The submitted visualisations VP2b and VP20 within the</p>	Not Agreed	UnresolvedLow

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>against the baseline context of these routes, whereby the Applicant considers that the open character is derived in part from the functional, intensive character of the farmland where more valued features such as hedges have been removed.</p> <p>Perceptual changes that may arise through the loss of openness in a more general sense are reflected in the Applicant's significant landscape effect on LLCA 3A, as described in Chapter 12: Landscape and Visual of the ES [REP4-013].</p>	<p>applicants LVIA are examples of where the development clearly foreshortens the open view. While planting is shown to screen the development, the view is ultimately changed by the mitigation planting which could be perceived within the visualisations as not being as high as proposed (2.5 to 3.5m). The introduction of panels into these close-range views will clearly foreshorten views resulting in adverse effects, and we maintain that by establishing planting in front of the development would not automatically reduce the significance of an adverse effect: the baseline view is still changed for the worse.</p>		
13. Other Environmental Topics – Waste and Battery Safety						
13.1	Communicating with residents	Framework BSMP [REP4-026]	<p>The Framework BSMP [REP4-026] sets out measures to ensure that risks associated with BESS are avoided or mitigated, and it is secured by Requirement 6(1)and (3) of the draft DCO [EN010142/APP/3.1(Rov06)], which requires that the detail of the Framework BSMP [REP4-026] is approved by the Local Planning Authority in consultation with West Lindsey District Council, Lincolnshire Fire and Rescue Service (“LFRS”), Nottinghamshire Fire and Rescue Service and the Environment Agency.</p> <p>As part of the Framework BSMP [REP4-026] an Emergency Response Plan would be prepared in conjunction with LFRS, which would include a Scheme-specific approach to communicate to neighbouring residents about incidents where necessary.</p> <p><u>The Applicant has shared the latest indicative site and BESS-Solar Station Compound access plans with LFRS, the design principles for which are incorporated within the Framework Battery Safety Management Plan [REP4-026]. The Applicant met with LFR on 13 March 2025 to ensure that all LFR access requirements are accommodated, and all parties can sign off the indicative plans. There are no remaining matters of discussion to resolve with the LFRS. All matters regarding the Framework Battery Safety Management Plan [REP4-026] are agreed with LFRS.</u></p>	<p>LFRS at ISH2 confirmed that the Framework BSMP [REP4-026] was in accordance with the NFCC Grid Scale Battery Energy Storage System Planning – Guidance for FRS. LFRS confirmed that they did not have an objection to the Applicant's approach to battery safety.</p> <p><u>LFRS can confirm that following a further meeting with the Applicant on the 13 March 2025, that it is satisfied with the indicative BESS plans and agrees that there are no further issues to resolve in relation to the FBSMP [REP4-026].</u></p>	Agreed	Resolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
13.2	Assessment of Impacts and Effects and Mitigation	<p>Chapter 17: Other Environmental Topics of the ES [APP-048] and Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev03)].</p> <p>Applicant's Relevant Representation Report [REP1-028]</p> <p>Framework OEMP [REP4-022]</p> <p>Framework DEMP [EN010142/APP/7.10(Rev03)]</p>	<p>The assessment findings set out in Chapter 17: Other Environmental Topics of the ES [APP-048] in relation to waste confirm that effects from waste during construction, operation or decommissioning will not be significant.</p> <p>The Applicant has prepared a Waste Quantitative Cumulative Assessment Topic Paper which forms Appendix A to the Applicant's Relevant Representation Report [REP1-028] submitted at Deadline 1 into examination. This is based on an approach used for the equivalent assessment completed during the Gate Burton Energy Park [EN010131] examination. This assessment confirms that under an absolute worst case scenario (assuming zero recycling/recovery) that cumulative impacts would be significant. However, under the realistic worst case (70% recovery), cumulative impacts would not be significant.</p> <p>The Framework OEMP [REP4-022] was also updated and submitted at Deadline 1 to include a commitment to 70% waste recovery (diversion from landfill) for "non-hazardous construction and demolition waste". Solar panels are considered to be included in this target. 70% has been selected as this aligns with the national target (outlined in The Waste (England and Wales) Regulations 201).</p> <p>The Applicant notes that the scenario of no waste management facilities being available across the whole of England and East Midlands for recycling waste streams from the Scheme is unrealistic and considers the 70% recovery from landfill being the realistic worst-case scenario. However, the Applicant agrees that waste management will be kept under review throughout operation and decommissioning. This will be documented as part of periodic reviews of the OEMP throughout operation, as</p>	<p>Recycling (particularly PV panels)</p> <p>Capacity of recycling facilities at decommissioning – LCC remain concerned about the Applicant's optimism that (ES Ch17, 17.8.55) "<i>the market (for solar panel recycling) will have expanded to meet demand as solar PV installations increase</i>". Also ties in with LCC comments regarding the WPA's role in enabling that capacity, the cumulative impacts of multiple proposed solar farms, and their assumption (e.g. ES Ch17, 17.8.10b re Study Areas) that it would be economically viable to transport panels for recycling anywhere in the UK.</p> <p>We agree with the Applicant's desire to recycle (or ideally reuse) PV panels where possible, and that LCC will plan for suitable capacity at waste management facilities as part of the overall assessed need. However, as the actual provision of such capacity depends on developers building them, it cannot be guaranteed. Thus, we welcome the Applicant's commitment to keep their waste management arrangements under review going forwards.</p> <p>Operational waste – The revised Framework OEMP commits to the OWMP containing the details LCC asked for (see item 3 below) in terms of waste quantities, type and fate at each stage of the project, including during the operational phase. It will be necessary to check this when the OWMP is produced. The above (item a) still applies regarding recycling capacity during the operational phase, particularly cumulatively with other projects.</p> <p>We are happy with the proposed contents of the OWMP but will need to review and comment on the contents when it has been produced.</p> <p>Landfill</p> <p>Landfill diversion rate – Whilst their Framework OEMP commits to 70%, it specifies "non-hazardous construction and demolition waste". In light of LCC concerns over PV panels, please could the following be clarified whether they intend PV panels to be included in this 70% minimum diversion from landfill. Also, why is their target</p>	Under Discussion ResolvedAgreed	MediumAgreed Resolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>set out within Section 2.7 and Table 3-16 of the Framework OEMP [REP4-022], and before decommissioning commences in the Decommissioning Resource Management Plan (DRMP), as set out within Section 2.10 and Table 3-15 of the Framework DEMP [EN010142/APP/7.10(Rev03)].</p> <p>LCC as waste local planning authority has a duty to plan for waste management to meet the future needs of the County. The statutory waste management local plan will provide the strategic planning context to identify how the County will meet its future needs and how this might be delivered through the identification of new sites for recycling and disposal. The Applicant, through the Framework OEMP and DEMP sets out how waste will be monitored, managed, and mitigated during operation and decommissioning of the Scheme and secured through requirements forming part of the DCO. These controls set out a suitable waste management strategy which applies the waste hierarchy including measures for recycling during the lifetime of the Scheme, including decommissioning.</p> <p>The Applicant acknowledges a request by LCC for a separate requirement to secure a waste management strategy. The Applicant does not consider that a separate requirement is necessary, but suggests an amendment to the wording of requirement 13 securing the Operational Environmental Management Plan as follows:</p> <p>Operational environmental management plan</p> <p>13.—(1) Prior to the date of final commissioning for any part of the authorised development, an operational environmental management plan for that part must be submitted to and approved by the relevant planning authority or, where the part falls within the administrative area of multiple relevant planning authorities, each of the</p>	<p>70% when their own ES (Ch17, 17.8.12b) refers to “good practice landfill diversion rate of 90%”?</p> <p>We welcome the Applicant’s clarification that PV panels are included in their anticipated rate of 70% diversion from landfill. However, we would prefer that the Applicant specifically commits to a “<i>good practice landfill diversion rate of 90%</i>” as per their own ES (Ch17, 17.8.12b).</p> <p>Landfill capacity – LCC will need to monitor their OWMP (as per item 3 below), and any ongoing revisions of it, to assess any impact on available capacity. We are happy with the proposed contents of the OWMP but will need to review and comment on the contents when it has been produced.</p> <p>Waste Management Strategy/Plan</p> <p>Whilst not committing to this in name, in their revised Framework OEMP the Applicant has copied LCC list of required info into what they say will be included in their OWMP. However, please could they clarify that:</p> <ul style="list-style-type: none">• 1. The OWMP will be updated as necessary during the lifetime of the project – e.g. in response to whether suitable recycling facilities appear or not.• We welcome the Applicant’s clarification that the OEMP, and presumably the associated OWMP, will be regularly reviewed throughout operation.• 2. They will provide up front, and keep updated, similar information regarding the decommissioning phase.• We welcome the Applicant’s clarification that a DRMP will be produced, but we need clarification as to what is meant by “<i>before decommissioning commences</i>” as it is crucial that this is prepared with sufficient lead-in time to allow LCC to review and comment. <p>• To draft a separate requirement that requires a waste management plan to be submitted to LCC to consider and discharge rather than as currently captured within Requirement 13.</p>		

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>relevant planning authorities, in consultation with the relevant highway authority, the relevant waste authority, the Environment Agency and where the part falls within its administrative area, Lincolnshire County Council.</p> <p>(2) The operational environmental management plan must be substantially in accordance with the framework operational environmental management plan and must include a waste management strategy that has been submitted to and approved by the relevant waste planning authority.</p> <p>(3) The operational environmental management plan must be implemented as approved and maintained throughout the operation of the relevant parts of the authorised development to which the plan relates.</p> <p>The above aligns with the made Order for the recently approved West Burton Solar Project.</p>			
13.3	Waste Management Strategy	Draft DCO [EN010142/APP/3.1(Rcv07)]	The Applicant has amended Section 1: Interpretation of Schedule 2: Requirements of the draft DCO [EN010142/APP/3.1(Rcv07)] to ensure that LCC is the discharging authority with respect to the waste management strategy that will form part of the OEMP, as secured by Requirement 13 (FOEMP).	LCC confirm that with the inclusion of a separate requirement that a waste management strategy is submitted to LCC as relevant planning authority to discharge this requirement this matter is now resolved.	Under discussionAgreed	MediumResolved
14. Cumulative Effects and Interactions						
14.1	Commitments for joint working during construction	Joint Report on the Interrelationship with other National Infrastructure Projects [REP3-031] Framework LEMP [EN010142/APP/7.17(Rcv05)] Framework CTMP [EN010142/APP/7.11(Rcv05)] Framework CEMP [EN010142/APP/7.8(Rcv03)]	While it is acknowledged that the Joint Report on Interrelationships between NSIPs [REP3-031] is not secured by a DCO requirement, it is considered this is not appropriate given it relates to a range of matters which fall outside of the ambit of the DCO, including in respect of the other Schemes over which no one DCO has control. The Applicant still considers it reflects a best practice engagement by the Applicant and the neighbouring schemes to work collaboratively to minimise effects on local communities. It should be noted that the Application submission includes an updated version of the Joint Report on Interrelationships between NSIPs [REP3-031]	LCC does not consider that the Joint Report on interrelationships to constitute a mitigation document that secures co-ordinated working practices between the four projects in this geographical area. It does not include firm commitments, it is not part of the proposed DCO documents and therefore it is not an enforceable document that is secured through a DCO requirement or certified document and is not subject to a legal agreement between the three developers promoting schemes in the area covered by the report.	Under discussionAgreed	MediumResolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
		Draft DCO [EN010142/APP/3.1(Rev06)]	<p>submitted at Deadline 3. This will be further updated during examination to ensure that any new NSIPs are considered should these emerge or that the stage of applications already included in the report is updated.</p> <p>In addition to the above, the Applicant notes that the Framework LEMP [EN010142/APP/7.17(Rev05)], Framework CTMP [EN010142/APP/7.11(Rev05)] and Framework CEMP [EN010142/APP/7.8(Rev03)] contain commitments that the Scheme will regularly liaise with the other solar developers to ensure plans are co-ordinated during the construction period as it relates to the Cable Route Corridor. These documents are secured by the requirements 7, 12 and 14 within the draft DCO [EN010142/APP/3.1(Rev06)]. The Applicant also notes that LCC as either relevant planning authority or a consultee will need to approve these management plans in accordance with the relevant requirements in the DCO prior to construction.</p>			
14.2	Assessment of Landscape and Visual Impacts and Effects	Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev03)] .	<p>Cumulative effects and interactions between the Scheme and other solar DCOs are assessed in Section 18.13 of Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev03)] The Scheme and other solar DCOs have worked collaboratively during design development and environmental assessments, including identification of a shared Cable Route Corridor to minimise the extent of impacts, sharing baseline environment information and identification of shared mitigation measures. Consideration has also been given as to how habitat creations link with other proposed developments and more widely across the landscape to ensure any benefits are aligned. Further information on cumulative effects, mitigation and the approach taken to coordinate with the other solar DCOs is provided in the Joint Report on the Interrelationship with other NSIPs [REP3-031].</p>	<p>The cumulative landscape and visual effects of the Scheme will bring about significant cumulative landscape and visual effects, particularly when assessed alongside the consented Cottam, West Burton and Gate Burton schemes. The mass and scale of these projects combined would lead to adverse effects on landscape character and visual amenity over an extensive area. The landscape character of the local, and potentially regional area, may be completely altered over the operational period, particularly when experienced sequentially for visual receptors travelling through the landscape and experiencing these schemes across potentially several kilometres.</p>	Not Agreed	UnresolvedLow

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>The assessment for Cumulative Effects related to landscape and visual amenity set out in Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev03)] concludes that significant adverse landscape and visual cumulative effects will arise with the Cottam Solar Project, predominantly from the presence of solar infrastructure to areas both north and south of the Scheme, and in elevated representative viewpoints along the Middle Street. However, these effects should be considered in the context of long-term green infrastructure benefits. Significant cumulative effects have also been determined for the representative viewpoint along Kexby Road due to combined views with Glentworth oil well development and along the Cable Route Corridor, during the construction of the four solar DCOs. However, these effects are considered to be temporary.</p> <p>It should be noted that development consent was recently granted for the Gate Burton Energy Park (12 July 2024), the Cottam Solar Project on (5 September 2024) and the West Burton Solar Project (24 January 2025). All projects are located within the Zone of Theoretical Visibility of the Scheme. The Secretary of State concluded that the cumulative effects of these projects in combination with each other and Tillbridge lead to moderate adverse landscape and visual effects. The Secretary of State, in deciding to grant development consent for all projects, concluded that the landscape harms, including cumulatively with other solar projects in the area, were clearly outweighed by the substantial weight to be attached to the critical and urgent need to deliver low-carbon and renewable energy. These recent decisions are important and relevant in assessing the merits of the Scheme.</p>			
14.3	Assessment of Soils and Agriculture and	Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev03)].	Section 18.13 of Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev03)] sets out the Applicant's assessment of cumulative effects.	LCC raises concerns regarding the cumulative impact of the Scheme upon the loss of agricultural land for food production.	Not Agreed	UnresolvedLe w

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
	Socio-Economic Impacts and Effects	Joint Report on the Interrelationship with other Nationally Significant Infrastructure Projects [REP3-031]. Applicant's Response to Relevant Representations [REP1-001] Responses to ExAs First Written Questions (ExQ1) [REP3-071]	<p>Further information on cumulative effects, mitigation and the approach taken to coordinate with the other solar DCOs is provided in the Joint Report on the Interrelationship with other Nationally Significant Infrastructure Projects [REP3-031].</p> <p>The assessment findings set out in Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev03)] is acceptable. Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev03)] assesses the loss of agricultural land in combination with all cumulative solar schemes (Gate Burton Energy Park, West Burton Solar Project and the Cottam Solar Project and others set out in Table 18-22. This confirms that in combination with all cumulative solar developments that there is still not a significant effect on agricultural production as a result of the schemes. The area of agricultural land that would be temporarily taken out agricultural use across all four schemes would be 2.2% of agricultural land in Lincolnshire.</p> <p>The Applicant has also prepared a report setting out the cumulative effects of solar projects on BMV land within Lincolnshire. This is located at Appendix B of the Applicant's Response to Relevant Representations [REP1-001] which is submitted at Deadline 1. This report further concludes that the potential permanent loss of BMV land in Lincolnshire as a result of solar DCO projects would be 0.8%, and would be 0.27% as a result of ground mounted solar TCPA projects. This amounts to only 0.9% of all BMV land within Lincolnshire permanently lost to solar projects within Lincolnshire.</p> <p>The Secretary of State in his recent decisions for Gate Burton Energy Park [EN010131] and Cottam Solar Project [EN010133] recognised the local concerns on the loss of productive agricultural land but concluded that, on a cumulative basis alongside the other solar</p>	LCC raise concerns that the Scheme will tie up the land for up to 60 years. LCC state the loss of such a large area of land would normally be considered as significant at District level, even though the use is assessed to be 'temporary' by the Applicant.		

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>projects (including the Tillbridge Solar Project), that the cumulative assessments forming part of each application have suitably considered cumulative effects. The Secretary of State at paragraph 4.178 of the Gate Burton Energy Park decision states that the “<i>cumulative loss of BMV land in Lincolnshire due to NSIP solar projects amounts to 0.83% of the total BMV land with a further 0.21% loss to TCPA solar projects. The Secretary of State considers that this is only around 1% of the total BMV land in Lincolnshire, further noting that the land will be lost for a temporary, albeit long-term period and that the land can be returned upon decommissioning of development to its original state. The Secretary of State places great importance on BMV land but is satisfied that the siting of the Proposed Development on BMV land has been justified.</i>”</p> <p>The ExA in its recommendation report on Gate Burton, which the Secretary of State agreed with, also confirmed at paragraph 3.11.114 that:</p> <p><i>“Whilst I appreciate the concerns of many IPs and the concerns expressed there is no meaningful assessment of the extent of lost production.”</i></p> <p>The Tillbridge Solar Project, through its site selection process sought to minimise impacts upon BMV land and through design iteration of the Scheme, has further minimised impacts. The siting of the Scheme on BMV land is justified and the loss of agricultural land and therefore potential food production would be temporary and reversible allowing the Principal Site to be brought back into agricultural use following decommissioning.</p> <p>The 58% self-sufficient figure is based on economic value at the farm gate. Further detail is given in the most recent UK Food Security Report from Defra (2021) (Ref. 8) that notes that UK grain production is approximately equivalent to UK grain consumption (p96). The same is also true of UK production and consumption of</p>			

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>meat, milk and eggs (p99). This therefore demonstrates that the UK is self-sufficient producing as much food as is consumed.</p> <p>The NPPF February 2025 (Ref. 12) has amended the footnote (now 65) removing the need to consider the availability of agricultural land for food production. The amendment to the now footnote 65 excludes the consideration of food production as an important and relevant policy test. Whilst it is acknowledged that Written Material Statement may be material in decision making, it is clear that the publication of the NPPF (February 2025) is government policy and supersedes the 15 May 2024 Written Ministerial Statement issued by the former Secretary of State for Energy Security and Net Zero.</p> <p>As noted by Natural England in their response to Q1.12.5 of the ExA first written questions (Responses to ExAs First Written Questions (ExQ1) [REP3-071]) that a solar farm such as the Scheme differs from permanent built development which would involve the sealing of the soil and permanent loss of agricultural land. The consent sought for the Scheme is temporary and following decommissioning the land will be available for other agricultural activities e.g. arable production, if desired. The Applicant also notes that the arable area payment system of farm support that the UK began transitioning out of in 2005, 10% of arable land was ‘set aside’ with no productive or economic use permitted. This land remained ‘agricultural land’ throughout the ‘set aside’ period without any agricultural activities being undertaken.</p> <p>The Applicant does not agree with LCC on this matter.</p>			
15. Biodiversity Net Gain						
15.1		Biodiversity Net Gain Report [AS-062]	The detailed design will need to deliver BNG in substantial accordance with the Framework LEMP [EN010142/APP/7.17(Rev05)] (which in itself is secured through requirement 7 of the draft DCO [EN010142/APP/3.1(Rev06)] and	<p>Given the scale and nature of the proposed development LCC will expect the project to deliver significantly more than 10% Biodiversity Net Gain (BNG).</p> <p>LCC accepts that at present the delivery of BNG is not a mandatory requirement for NSIPs. However, this is</p>	Not Agreed	Unresolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
		Draft DCO [EN010142/APP/3.1(Rev076)]	the current plans for the Scheme, as illustrated by the Indicative Landscape Masterplan [EN010142/APP/7.17(Rev05)]. The Applicant amended the Framework LEMP submitted at Deadline 4 to clarify the wording and securing mechanisms associated with this commitment.	expected to become mandatory from November 2025 and emerging best practice amongst most NSIP developments is to seek to deliver BNG in advance of the statutory requirement to do so. In addition to this, Section 4.6 of Overarching National Policy Statement for Energy (EN-1) (17 January 2024) states: “Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible.		
		Framework LEMP [EN010142/APP/7.17(Rev05)]				
		Framework CEMP [EN010142/APP/7.8(Rev03)]	As set out in the Biodiversity Net Gain Report [AS-062] the trading rules within the Metric are not satisfied for the ‘Medium’ distinctiveness habitats of ‘Cropland – Arable field margins cultivated annually’ and ‘Individual trees – Rural tree’. Despite the trading rules not being strictly passed, qualitatively, it is deemed that the increased provision of proposed ‘Grassland – Other neutral grassland’ and ‘Woodland and forest – Other woodland; broadleaved’ provide similar functional benefits to ‘Cropland – Arable field margins cultivated annually’ and ‘Individual trees – Rural tree’. Therefore, the failure in ‘Medium’ distinctiveness habitats is acceptable in this case. It is not deemed suitable to retain/create the ‘Cropland – Arable field margins cultivated annually’ when the Principal Site will be converted to a grassland / solar array mix and a margin habitat of ‘Grassland – Other neutral grassland’ is more suitable to this habitat composition. This would also not meet the objectives of the Scheme to deliver a solar energy project, if having to retain arable land to achieve the trading rules, which would miss an opportunity to provide renewable energy and offset greenhouse gas emissions from alternative energy sources.	The Environment Act 2021 introduced a strengthened ‘biodiversity duty’ which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity. LCC is of the opinion that including a Requirement for the delivery of BNG by this development is consistent with this duty.		
		LCC Local Impact Report [REP1A-001]		LCC considers that, if successfully established and properly managed, increased provision of other neutral grassland and broadleaved woodland habitat are suitable replacements for the loss of arable field margins and individual rural trees. LCC therefore considers that it is acceptable to deviate from the Biodiversity Metric Trading rules in relation to the loss of arable field margins and individual rural trees in this case.		
			The Applicant noted LCC’s request for the creation of an Ecological Steering Group in its Local Impact Report [REP1A-001]. The Framework Landscape and Ecological Management Plan [EN010142/APP/7.17(Rev05)] was updated to include this and submitted at Deadline 4.	LCC notes and welcomes the Applicant’s commitment to establishing an Ecological Steering Group made at 6.6.3 in [REP4-028].		
15.2	<u>Ecological Steering Group</u>	<u>Framework Landscape and Ecological Management Plan [REP5-21]</u>	<u>The Applicant noted LCC’s request for the creation of an Ecological Steering Group in its Local Impact Report [REP1A-001]. The Framework Landscape and Ecological</u>	<u>LCC notes and welcomes the Applicant’s commitment to establishing an Ecological Steering Group made at paragraph 6.6.3 of the Framework Landscape and Ecological Management Plan [REP5-21].</u>	<u>Agreed</u>	<u>Resolved</u>

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<u>Management Plan [REP5-21] was updated to include this and submitted at Deadline 4.</u>			
16. Other matters						
16.1	Land drains	Framework SMP [EN010142/APP/7.12(Rev02)] Framework CEMP [EN010142/APP/7.8(Rev03)]	<p>The Applicant wishes to highlight that Table 3-5 of the Framework CEMP [EN010142/APP/7.8(Rev03)] already references mitigation measures in relation to land drains and states that “<i>A temporary drainage system will be developed to prevent runoff contaminated with fine particulates from entering surface water drains without treatment. This will include identifying all land drains and water features in the Order limits and ensuring that they are adequately protected using drain covers, sand or pea gravel bags (the latter being more appropriate in or near watercourses), earth bunds, temporary lagoons, tanks, geotextile silt fences, straw bales, silt screens, and silt mats etc., or proprietary treatment (e.g. lamella clarifiers or flocculation if absolutely necessary and with the appropriate approvals from the Environment Agency) and road sweepers or wheel washes on entry and exit to the Site</i>”.</p> <p>Further, Table 3-5 also sets out that “<i>The Principal Contractor will coordinate drainage surveys to establish the existing drainage position including any related field drainage that may be affected by the Scheme and these will be marked where encountered. The Principal Contractor shall record the location, condition and characteristics (e.g. depth of installation, pipe type and diameter) of drains cut or disturbed by construction of the Scheme. Any field drainage affected by the Scheme shall be either reinstated or diverted to secondary channels if reasonably practicable. Landowners and occupiers shall be informed, through the Environment Manager of the design and timing of drainage works required during construction and following completion of the Works, including, where relevant, in relation to pipe layout, falls, dimensions and outfalls.</i>”</p>	At ISH2, LCC raised the issue of potential damage to pre-existing drains on the land of the Principal Site as a result of piling into the ground during construction and deconstruction. LCC would like to see reference to impacts on drainage apparatus included in the Framework SMP [EN010142/APP/7.12(Rev02)] .	Agreed	Resolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			The Framework CEMP [EN010142/APP/7.8(Rev03)] is secured by requirement 12 of the draft DCO [EN010142/APP/3.1(Rev06)] and an update is therefore not required for the Framework SMP [EN010142/APP/7.12(Rev02)] .			
16.2	Glentworth K oil site buffer	Outline Design Principles Statement [EN010142/APP/7.4(Rev04)]	The Outline Design Principles Statement [EN010142/APP/7.4(Rev04)] was updated at Deadline 3 to include a 30-metre buffer zone from BESS to the Glentworth K Oil Site, as well as the extant planning permission for an extension to the oil site, in order to manage any safety risks.	LCC are supportive of the application of the buffer to both areas as discussed at ISH3.	Agreed	Resolved
17. draft Development Consent Order						
17.1	Articles 8 to 16	Draft DCO [EN010142/APP/3.1(Rev06)] Framework Construction Traffic Management Plan [EN010142/APP.7.11(Rev05)]	<p>It is agreed that the Draft DCO [EN010142/APP/3.1(Rev06)] largely aligns with the DCO as made for the Gate Burton Energy Park. It is confirmed that as per Article 8(3) of the Draft DCO [EN010142/APP/3.1(Rev06)] given Tillbridge Solar Limited is not the street authority within the Order limits, the provisions of sections 54 – 106 of the New Roads and Street Works Act 1991 in respect of the various approvals required from LCC as the street authority for works within the highway will be required.</p> <p>Following the meeting held prior to the ISH1 on the Draft DCO [EN010142/APP/3.1(Rev06)] on the 15 October 2024 with LCC, the Applicant amended the Framework Construction Traffic Management Plan [EN010142/APP.7.11(Rev05)] (FCTMP) at Deadline 1. The FCTMP now includes provisions providing that prior to the carrying out of any works to the public highway pursuant to Articles 8, 9, 10 and 11 of the draft DCO [EN010142/APP/3.1(Rev06)], the detailed design of such works must be submitted to the highway authority for approval (either as part of the CTMP or separately). A new Article 8A was also added to the draft DCO [EN010142/APP/3.1(Rev06)] at Deadline 4 to manage the alignment of these provisions with</p>	<p>LCC states in its Relevant Representation Report (RR-165) that the Draft DCO seems to be very similar to the DCO which was approved for Gate Burton in July 2024 by the Secretary of State. It is considered the wording in Articles 8 to 16 is intended to give the developer similar rights as a standard Statutory Undertaker (e.g. Anglian water or British Gas) and therefore they would still be required to follow the Council's Permitting Scheme to obtain consents prior to working in the highway.</p> <p>LCC in a meeting prior to the ISH1 on the Draft DCO [EN010142/APP/3.1(Rev06)] on the 15 October 2024 sought clarification on the technical approval process for alterations to the highway and how this is to be secured.</p> <p>As of the meeting between LCC and Tillbridge held following ISH2 and ISH3 on the draft DCO [EN010142/APP/3.1(Rev06)] on 3 February 2025, LCC confirmed the new drafting in the draft DCO and FCTMP [EN010142/APP.7.11(Rev05)] addressed these matters.</p>	Agreed	Resolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>the Council's permitting scheme. These provisions together aligns with the Council's permitting scheme in respect of confirming the detailed design, while still enabling certainty for the Scheme that these works will proceed. The FCTMP also agrees to pay LCC for the technical approval process.</p> <p>The Final CTMP is secured by requirement 14 attached to the Draft DCO [EN010142/APP/3.1(Rev06)] and which must be substantially in accordance with the FCTMP [EN010142/APP.7.11(Rev05)].</p>			
17.2	Schedule 2 (Requirements 7 (LEMP), 8 (BNG), 11 (Archaeology), 12 (CEMP) and 13 (OEMP)).	Draft DCO [EN010142/APP/3.1(Rev06)]	<p>The Applicant included LCC as a consultee for requirements 7, 8, 12 and 13 as of the version of the draft DCO [EN010142/APP/3.1(Rev06)] submitted for Deadline 4.</p> <p>The Applicant confirms that the wording set out in LCC's comment in relation to Requirement 11 – Archaeology, is what is already written into the draft DCO [EN010142/APP/3.1(Rev06)] with the amendments to this Requirement submitted at Deadline 1.</p>	<p>LCC recognises the jurisdiction of West Lindsey District Council as the relevant local planning authority and wishes to be included as a consultee on requirements 7, 8, 12 and 13 given LCC's strategic, county-wide overview in relation to ecology and biodiversity.</p> <p>The Tillbridge proposed DCO wording is exactly the same as Gate Burton DCO archaeology requirement wording and that is welcome as that is what the Council wishes to achieve. The Applicant has removed the proposed exclusions including habitat creation they had in an earlier version of proposed wording.</p> <p>The Gate Burton wording is the model for those NSIPs where they've done enough evaluation, and the Mallard Pass one (also used for Cottam) is the one where they haven't undertaken enough with a section requiring a trenching WSI and that the results be used to inform the (final) WSI.</p> <p>The Applicant has undertaken a lot of trenching and there are just a few areas where there's a bit outstanding to be done. The developer is good and updates the Council as necessary. The Council is content that the outstanding trenching can be included in the WSI so the Gate Burton wording is what the Council would like to see as set out below</p> <p>Archaeology 11.—(1) The authorised development must be implemented in accordance with the archaeological mitigation strategy. (2) No part of the</p>	Agreed	Resolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
				<p>authorised development may commence until a written scheme of archaeological investigation (which must accord with the archaeological mitigation strategy) for that part has been submitted to and approved by the relevant planning authority. (3) For the purposes of sub-paragraph (1), “commence” includes any permitted preliminary works. (4) Any archaeological works or watching brief must be carried out in accordance with the approved scheme.</p> <p>As of the meeting between LCC and the Applicant held following ISH2 and ISH3 on the draft DCO [EN010142/APP/3.1(Rev06)] on 3 February 2025, LCC confirmed the new drafting in the Requirements 7, 8, 11, 12 and 13 addressed its requests.</p>		
<u>17.3</u>	<u>Requirement 13 (Operational Environmental Management Plan)</u>	<u>Draft DCO [EN010142/APP/3.1(Rev07)]</u>	<p><u>The Applicant agrees to include a separate requirement in the DCO with respect to the Waste Management Plan. The draft DCO [EN010142/APP/3.1(Rev07)] now includes a requirement that no part of the authorised development may commence until an Operational Waste Management Plan (OWMP) has been submitted to and approved by the relevant planning authority, and that the OWMS must be substantially in accordance with the relevant parts of the Framework Operation Environmental Management Plan, and must be implemented and approved and maintained throughout the operation of the Scheme.</u></p> <p><u>The Applicant has also amended the definition in Schedule 2 of the draft DCO [EN010142/APP/3.1(Rev07)] to reflect this new requirement. The Applicant has also included this requirement to the list requirements for the payment of fees in Schedule 17 of the draft DCO [EN010142/APP/3.1(Rev07)]. In response to comments by LCC with respect to being the discharging authority to approve the waste management strategy to be incorporated within the Operational Environmental Management Plan, the Applicant has amended Section 1: Interpretation of Article 3: Schedule 12: Requirements of the draft DCO [EN010142/APP/3.1(Rev07)] to ensure that LCC</u></p>	<u>LCC agree that a separate requirement is to be included in the DCO with respect to the Waste Management Plan.</u>	<u>Under Discussion</u>	<u>Resolved Medium</u>

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			as waste planning authority approves the waste management strategy forming part of the OEMP.			
17.43	Requirement 17 (Noise)	<p>Draft DCO [EN010142/APP/3.1(Rev06)]</p> <p>Chapter 13: Noise and Vibration of the ES [AS-006]</p> <ul style="list-style-type: none">Applicant's Response to Examining Authority's First Written Questions [REP3-062]Framework OEMP [EN010142/APP/7.9(Rev03)]	<p>Requirement 17 of the draft DCO [EN010142/APP/3.1(Rev06)] ensures that Work No. 1, 2 and 3 will not commence until an operational noise assessment to ensure noise rating levels are complied with has been submitted and approved by the local authority.</p> <p>The Applicant explained at ISH3 how Requirement 17 would be enforced confirming that while measured baseline sound data, collected at several locations over a week at various times during the day and night, contextualises the significance of the operational noise levels reported in Chapter 13: Noise and Vibration of the ES [AS-006] and set out at Table 13-17, compliance with Requirement 17 would have to be achieved through noise modelling. This is because, as outlined in the Applicant's Response to Examining Authority's First Written Questions [REP3-062], ExQ 1.10.11, compliance with Requirement 17 would need to be agreed with the relevant planning authority prior to construction work commencing.</p> <p>Once detailed design of the Scheme had been finalised a further operational noise assessment would be undertaken again to confirm that the levels in the ES chapter are not exceeded by the detailed design.</p> <p>The Applicant has updated the Framework OEMP [EN010142/APP/7.9(Rev03)] at Deadline 4 to confirm that monitoring will be undertaken during the operation of the Scheme to identify any changes in sound pitches or volume early. This ensures that plant noise at sensitive receptors throughout the operational lifetime of the Scheme is not materially worse than the levels presented in the ES. The results of such monitoring will be submitted to the relevant planning authority for review. Where this review indicates plant noise levels generated by the Scheme have materially increased, the</p>	<p>During the discussion on noise at ISH3, LCC raised questions alongside the Examining Authority and WLDC as to the controls in place on operational noise generated by the Scheme, and whether Requirement 17 as currently drafted was sufficient to control operational noise.</p> <p>As of the meeting between LCC and Tillbridge held following ISH2 and ISH3 on the draft DCO [EN010142/APP/3.1(Rev06)] on 3 February 2025, LCC confirmed the new drafting in Requirement 17 of the draft DCO [EN010142/APP/3.1(Rev06)] <u>submitted at Deadline 5</u> and the additional monitoring and operational restrictions added to the FOEMP [EN010142/APP/7.9(Rev03)] addressed its concerns in respect of operational noise controls.</p> <p>LCC has noted the Applicant's rationale for not proposing to monitor noise effects at receptors. The Applicant now proposes to provide sound emission data from the installed plant during the operational lifetime. As such, there would appear to be no reason why <i>this</i> proposal should not form part of requirement 17 to ensure that none of the monitored emission values exceed those assessed within the ES for the lifetime of the development as this would merely formalise the Applicant's current intentions.</p> <p><u>LCC confirmed in an email on 20 March 2025 that they are now comfortable with this.</u></p>	Under Discussion	<u>Resolved</u> <u>Medium</u>

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p>undertaker and relevant planning authority will liaise in respect of any further maintenance or mitigation required to reduce levels at receptors back to those presented in the ES.</p> <p>Following ISH3, the Applicant has also updated Requirement 17 included in an updated version of the dDCO [EN010142/APP/3.1(Rev06)] submitted at Deadline 4 to more clearly reference the Operational Noise Assessment figures set out in Table 13-17 of Chapter 13 of the ES [AS-006].</p> <p>The Applicant's Response to ExQ2.10.2 and ExQ2.10.3 in the ExA Second Written Questions [EN010142/APP/9.35] on page 56 and 57 sets out why it is more appropriate to control noise monitoring at source with this embedded within the Framework OEMP [REP4-022] and secured through Requirement 13 of the draft DCO [EN010142/APP/3.1 (Rev06)]. The Applicant does not consider there is any justification for operational noise monitoring to be added as a separate requirement (instead of controlled within the Framework OEMP) when it has been accepted by LCC and the other parties that it is appropriate for all other monitoring for Scheme effects (including construction noise effects) is managed via management plans, and particularly when the ES does not identify the likelihood of any significant noise effects during the operational period.</p> <p>The Applicant considers there is value in both ensuring detailed design and plant selection is required to be designed to specific sound levels (as per Requirement 17) and that these are validated throughout the life of the Scheme through regular monitoring (as per the Framework OEMP [REP4-022], secured by Requirement 13). This approach ensures that reliance is not placed either just on modelling utilised at detailed design / plant selection, nor on monitoring during the life of the Scheme.</p>			

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution
			<p><u>The requirement for controlling noise monitoring at source is embedded within Table 3-8 of the Framework OEMP [EN010142/APP/7.9(Rev04)], which is secured through Requirement 13 of the draft DCO [EN010142/APP/3.1(Rev07)]. This includes the requirement 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 taken, where required. As such, the commitment for regular operational noise monitoring is already secured through Requirement 13, and a separate addition to Requirement 17 is not necessary given it would duplicate the existing commitment.</u></p> <p><u>Further, the Framework OEMP [EN010142/APP/7.9(Rev04)] has been updated and submitted at Deadline 6 to provide a more precise and definitive solution to be secured in an event where noise levels exceed those set out in Chapter 13: Noise and Vibration of the ES [AS-006] (including a more precise definition of 'regular monitoring'). This has been shared with LCC ahead of Deadline 6 for comment.</u></p>			
17.54	Articles	Draft DCO [EN010142/APP/3.1(Rev06)]	LCC in a meeting prior to the ISH1 on the Draft DCO [EN010142/APP/3.1(Rev06)] on the 15 October 2024 did not raise any issues with Articles other than those under Part 3 (Streets) – Articles 8 to 16. On this basis, it is assumed that all other Articles are agreed.	LCC in a meeting prior to the ISH1 on the Draft DCO [EN010142/APP/3.1(Rev06)] on the 15 October 2024 did not raise any issues with other Articles other than those under Part 3 (Streets) – Articles 8 to 16.	Agreed	Resolved
17.65	Schedules	Draft DCO [EN010142/APP/3.1(Rev06)]	<p>LCC in a meeting prior to the ISH1 on the Draft DCO [EN010142/APP/3.1(Rev06)] on the 15 October 2024 did not raise any concerns with respect to the Schedules 1 to 16 of the Draft DCO [EN010142/APP/3.1(Rev06)], other than in respect of the requirements outlined in row 16.2 and 16.3 above. It is therefore assumed that these are agreed.</p> <p>The Applicant does not agree that Requirement 11 (Archaeology) should sit within the first list of requirements in terms of fees. This would not be</p>	<p>LCC in a meeting prior to the ISH1 on the Draft DCO [EN010142/APP/3.1(Rev06)] on the 15 October 2024 did not raise any concerns with respect to the Schedules 1 to 16 of the Draft DCO [EN010142/APP/3.1(Rev06)], other than in respect of the requirements outlined in row 15.2 above.</p> <p>LCC note that in relation to Schedule 17–Procedures for Discharge of Requirements, the updated fee schedule at paragraph 5 should include in the first list of requirements subject to the highest fee category for Requirement 11 Archaeology. It also seeks that the timeframes for the</p>	Under discussion Agreed	Medium Resolved

Ref.	Subject	Relevant Application Document	Applicant Position	LCC Position	Status	Likelihood of Resolution														
			<p>proportionate and would be inconsistent with the made Orders for both the Cottam and West Burton Solar Projects where the archaeology fee falls under ‘any other requirement’ not listed as a first application under (a).</p> <p>In reflection of discussions with WLDC and LCC and the recent decision by the Secretary of State in West Burton Solar Project Order 2025, Schedule 17, Section 2, paragraph 1 of the draft DCO [EN010142/APP/3.1(Rev06)] has been updated to state that when an application is made to the relevant planning authority for approval of details relating to requirements that it will need to be determined within ten weeks. It is noted that this time period is agreed with LCC, and aligns with the decisions in both the West Burton Solar Project Order 2025 and Gate Burton Energy Park Order 2024.</p>	<p>relevant planning authority to give notice to the undertaker of its decision on the application for the discharge of requirements per paragraph 2 of Schedule 17 should be amended from eight to ten weeks. The table below shows the discharging period for recently granted NSIPs in Lincolnshire. <u>LCC agrees with the updated draft DCO [EN010142/APP/3.1(Rev07)] and the Applicant’s revision to Schedule 17 to incorporate a 10 week determination period for the discharge of details submitted in relation to requirements.</u></p> <table><tr><th>NSIP</th><th>Discharge of Requirement timeframe</th></tr><tr><td>Mallard Pass Solar Project (July 2024)</td><td>10 Weeks (70 days)</td></tr><tr><td>Cottam Solar Project (September 2024)</td><td>13 Weeks (91 days)</td></tr><tr><td>Boston Alternative Energy Facility (July 2023)</td><td>8 Weeks (56 days)</td></tr><tr><td>Gate Burton Energy Park (July 2024)</td><td>10 Weeks (70 days)</td></tr><tr><td>West Burton Solar Project (January 2025)</td><td>10 Weeks (70 days)</td></tr><tr><td>Heckington Fen Solar Park (January 2025)</td><td>10 Weeks (70 days)</td></tr></table>	NSIP	Discharge of Requirement timeframe	Mallard Pass Solar Project (July 2024)	10 Weeks (70 days)	Cottam Solar Project (September 2024)	13 Weeks (91 days)	Boston Alternative Energy Facility (July 2023)	8 Weeks (56 days)	Gate Burton Energy Park (July 2024)	10 Weeks (70 days)	West Burton Solar Project (January 2025)	10 Weeks (70 days)	Heckington Fen Solar Park (January 2025)	10 Weeks (70 days)		
NSIP	Discharge of Requirement timeframe																			
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<u>17.76</u>	<u>Article 47, Schedule 17, Section 5 (Fees)</u>	<u>Draft DCO [EN010142/APP/3.1(Rev07)]</u>	<p><u>The Applicant does not agree that Requirement 11 (Archaeology) should sit within the first list of requirements in terms of fees. This would not be proportionate and would be inconsistent with the made Orders for both the Cottam and West Burton Solar Projects where the archaeology fee falls under ‘any other requirement’ not listed as a first application under (a).</u></p>	<p><u>LCC note that in relation to Schedule 17 -Procedures for Discharge of Requirements, the updated fee schedule at paragraph 5 should include in the first list of requirements subject to the highest fee category for Requirement 11 Archaeology.</u></p>	<p><u>Not Agreed/Disagree</u></p>	<p><u>Unresolved/With</u></p>														

4. References

- Ref. 1 Stationary Office (2009). The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Accessed on 16/10/2024 at <https://www.legislation.gov.uk/ukxi/2009/2264/contents/made>
- Ref. 2 Department for Energy Security & Net Zero. (2023). Overarching National Policy Statement for Energy (EN-1). Accessed on 16/10/2024 at <https://assets.publishing.service.gov.uk/media/65bbfdbc709fe1000f637052/overarching-nps-for-energy-en1.pdf>
- Ref. 3 Stationary Office (2008). Planning Act 2008. Accessed on 16/10/2024 at <https://www.legislation.gov.uk/ukpga/2008/29/contents>
- Ref. 4 Department for Energy Security & Net Zero. (2023). National Policy Statement for Renewable Energy Infrastructure (EN-3). Accessed on 04/10/2024 at <https://assets.publishing.service.gov.uk/media/65a7889996a5ec000d731aba/nps-renewable-energy-infrastructure-en3.pdf>
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