

**Tillbridge Solar Project
EN010142**

Volume 9

Applicant's Closing Statement
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The Infrastructure Planning (Examination Procedure) Rules 2010

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1. Introduction

1.1 Purpose of this document

- 1.1.1 This Closing Statement has been prepared by Tillbridge Solar Limited (the Applicant) to set out the Applicant's position on matters that remain outstanding at the conclusion of the Examination of the application for a Development Consent Order (DCO) to construct, operate, maintain and decommission the Tillbridge Solar Project (the Scheme).
- 1.1.2 This document provides a high level summary of the Applicant's position on key technical matters. The key matters are included because they are matters of disagreement between the Applicant and the local authorities and/or statutory bodies, or substantive matters which have drawn attention from the Examining Authority and/or Interested Parties during the Examination. The document does not introduce new material but provides clarity on the Applicant's final position on matters, by reference to the previous submissions it has made. This document is not intended to set out in full the Applicant's final position on each of the matters addressed; the references provided are relied upon for this purpose.
- 1.1.3 This document provides signposting to the Applicant's submissions which have been made over the course of the Examination to assist the Examining Authority and Interested Parties in accessing submissions the Applicant considers relevant to the technical matter(s) being discussed. The signposting is not intended to represent an exhaustive list of every submission on a given topic but draws attention to those the Applicant considers to be of most direct relevance.

1.2 The Scheme and the Application

- 1.2.1 The Scheme will comprise the construction, operation (including maintenance), and decommissioning of ground-mounted solar photovoltaic (PV) arrays and associated development to support the solar PV arrays, including a Battery Energy Storage System (BESS). It is made up of the Principal Site, the Cable Route Corridor and works to the existing National Grid Cottam Substation. The Scheme is located approximately 5km to the east of Gainsborough and approximately 13km to the north of Lincoln.
- 1.2.2 The Scheme constitutes a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 (PA 2008). An application for a DCO for the Scheme (the Application) was submitted by the Applicant on 10 April 2024. The Application was accepted for examination on 8 May 2024.
- 1.2.3 The Applicant submitted a Change Request to modify the Order limits and refine internal site layouts and accesses. The Examining Authority (ExA) accepted the Change Request on 24 October 2024.
- 1.2.4 The likely environmental effects of the Scheme are assessed in the **Environmental Statement (ES) [APP-031 to APP-209, AS-006 to AS-025, REP3-006 to REP3-026, REP4-012 to REP4-019, REP5-012 to REP5-014]**

that accompanies the Application (including any further versions of these documents submitted at Deadline 6 or subsequently).

1.3 The Examination

1.3.1 The Examination of the Scheme opened on 15 October 2024 and closes on 15 April 2025. Prior to and during the Examination, the Applicant has worked positively to address and resolve matters that have been raised by statutory consultees, interested parties and members of the public. At each Examination Deadline, the Applicant has provided comprehensive responses to submissions from Interested Parties.

1.3.2 The Applicant has agreed Statements of Common Ground with key stakeholders, with positions summarised in the **Statement of Commonality [EN010142/APP/9.4(Rev05)]**. At Deadline 6 the Applicant submitted final and signed versions of the following Statements of Common Ground:

- **Statement of Common Ground with Natural England [EN010142/APP/9.18(Rev02)]**
- **Statement of Common Ground with Environment Agency [EN010142/APP/9.16(Rev03)]**
- **Statement of Common Ground with Anglian Water [EN010142/APP/9.15(Rev01)]**
- **Statement of Common Ground with Trent Valley Internal Drainage Board [EN010142/APP/9.14(Rev01)]**
- **Statement of Common Ground with West Lindsey District Council [EN010142/APP/9.8(Rev04)]**
- **Statement of Common Ground with Lincolnshire County Council [EN010142/APP/9.9(Rev03)]**
- **Statement of Common Ground with Other Solar Developers [EN010142/APP/9.21(Rev01)]**

1.3.3 The following final Statements of Common Ground have also been submitted at Deadline 6, but have not been signed by the other parties:

- **Statement of Common Ground with Network Rail [EN010142/APP/9.25(Rev01)]**
- **Statement of Common Ground with 7000 Acres [EN010142/APP/9.37(Rev01)].**

1.3.4 The areas of agreement and disagreement between the Applicant and the various interested parties are set out in detail in the SoCGs. While the Applicant has been able to reach agreement with many of the interested parties on the majority of issues raised, there remain some points of disagreement which have not been possible to resolve during the Examination. The Applicant's position on these matters, as well as that of the relevant interested party, is set out in more detail in their respective SoCGs (including those SoCGs which have not been submitted as final and signed versions at Deadline 6).

- 1.3.5 In this document, the Applicant sets out its position on the key outstanding matters that have been raised by the Examining Authority and/or Interested Parties during the Examination, summarising and cross-referring to previous submissions made during the course of the Examination where appropriate.

2. Summary of key issues

Topic/Issue	Applicant's position	Cross references to examination library
Policy context, need and benefit		
Need	<p>Paragraphs 3.2.6 to 3.2.8 of National Policy Statement (NPS) EN-1 confirm that the Secretary of State (SoS) should assess all applications for development consent for the types of infrastructure covered by the NPS (including solar) on the basis that: 1. Need is established; 2. That the need is urgent; and 3. Substantial weight should be given to this need when considering applications for development consent.</p> <p>The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS (paragraph 3.2.8 NPS EN-1).</p> <p>Many of the submissions made by Interested Parties in the Examination go to the merits of the NPS, and to have regard to them would be directly in contradiction of NPS EN-1 (in particular the paragraphs cited above that make clear that the need is established and that there is no requirement to consider the contribution of individual projects). The determination of this Application is not the means by which to challenge the provisions of the NPS, and it is for this reason that the ExA and SoS are able to disregard such submissions pursuant to sections 87, 94 and 106 of the Planning Act 2008 during the examination of the Application and when determining the Application.</p> <p>Paragraph 4.2.6 EN-1 makes clear that the overarching need case and the substantial weight to be given to the need, is the starting point for all</p>	<p>Applicant's Response to Examining Authority's First Written Questions [REP3-062], Q1.1.28</p> <p>Applicant's Response to Examining Authority's Second Written Questions [REP5-032], Q2.1.19</p>

Topic/Issue	Applicant's position	Cross references to examination library
	<p>assessments of energy infrastructure applications. One of the key benefits of the Scheme is its contribution to the demonstrated urgent need for renewable energy generation. The “need” cannot be separated from the “benefit”. The substantial weight to be given to the need for the Scheme forms part of the overall planning balance, and the contribution to the urgent need should be afforded substantial positive weight in favour of the Scheme.</p>	
<p>The application of the Critical National Priority (CNP) policy and the planning balance</p>	<p>The Applicant's position is that the benefits of the Scheme outweigh its adverse effects. Without prejudice to that position, the Applicant has addressed the CNP presumption and how it should be applied, were the ExA or SoS to disagree with the Applicant as to the balancing exercise. Where there are residual adverse effects as part of that balancing exercise, that is where the CNP presumption becomes relevant.</p> <p>The CNP presumption and its application are found in NPS EN-1. Paragraph 4.2.7 confirms the CNP policy will be applied following normal consideration of the need case and impacts of the scheme and the application of the mitigation hierarchy. The Applicant has applied the mitigation hierarchy from site selection through to design of the Scheme and additional measures included in management plans. The design development of the Scheme has followed the mitigation hierarchy, and all residual effects have been reduced as far as practicable.</p> <p>The CNP policy will be relevant to any residual effects identified. Paragraph 4.2.15 states that where residual impacts (non-HRA and non-MCZ) remain after the mitigation hierarchy has been applied, these residual impacts are “unlikely to outweigh the urgent need” for the type of infrastructure that includes the Scheme. That is the presumption. It goes on to say that “in all but the most</p>	<p><i>Specifically in relation to the application of the CNP presumption and that “the most exceptional circumstances” exception is not applicable:</i></p> <p>Applicant's Comments on Interested Parties Submission to First Written Questions at Deadline 3 [REP4-048], pages 4 to 14 (in relation to Q1.1.9 and 1.1.10)</p> <p>Applicant's Response to Examining Authority's Second Written Questions [REP5-032], Q 2.1.3</p> <p><i>Application of the mitigation hierarchy:</i></p> <p>Applicant's Response to Examining Authority's Second</p>

Topic/Issue	Applicant's position	Cross references to examination library
	<p>exceptional circumstances" it is unlikely that consent will be refused on the basis of these residual impacts.</p> <p>Paragraph 4.2.15 lists some exceptions to the presumption of consent relating to unacceptable risks to things such as public safety, defence, flooding. None of these apply in the case of the Scheme.</p> <p>Paragraph 4.2.16 then says, as a result the SoS will take as a starting point for decision making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances. Paragraph 4.2.17 goes on to list some of those situations where the starting point should be that the CNP infrastructure has met required tests. By starting point, it means that the decision maker starts from the position that the tests are met unless there is clear evidence to support coming to a contrary view. The list comprises areas or receptors with the highest level of protection. Paragraph 4.2.17 provides that even for these areas, which have national importance and the highest status of protection, and where exceptional circumstances are required to be demonstrated, the "<i>Secretary of State will take as a starting point that CNP Infrastructure will meet</i>" that test of amounting to exceptional circumstances.</p> <p>The nature of the impacts from the Scheme (including cumulatively and including, for example, landscape and cultural heritage effects), are very clearly not of a scale or in any way comparable with the residual effects contemplated within paragraph 4.2.17 of EN-1.</p> <p>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</p>	<p>Written Questions [REP5-032], Q 2.1.7 and Appendix B</p> <p>Chapter 4: Alternatives and Design Evolution of the ES [APP-035] in relation in particular to site selection.</p> <p><i>Generally in relation to the planning balance:</i></p> <p>Applicant's Response to Examining Authority's Second Written Questions [REP5-032], Q 2.1.19</p> <p>Statement of Common Ground with West Lindsey District Council [EN010142/APP/9.8(Rev04)], pages 10 to 20 (including application of s104)</p> <p>Statement of Common Ground with Lincolnshire County Council [EN010142/APP/9.9(Rev03)], pages 11 to 16</p>

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	<p>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>Unlike many solar DCOs in the process of seeking development consent, this is a scheme that has a real prospect of generating renewable energy by 2030 (with a grid connection date of August 2028), contributing to the Government’s goals in this respect. If anything, by not applying the presumption in line with EN-1, this poses an unacceptable risk to the achievement of net zero.</p> <p>The Applicant has addressed the CNP presumption in detail specifically with respect to cumulative landscape effects, and sets out a further specific response on cumulative effects below. However, the submissions made by the Applicant throughout Examination have general application to any residual adverse effects that the ExA or SoS consider are not outweighed by the substantial need for the Scheme and the other benefits it would deliver (ahead of applying the CNP presumption).</p> <p>With respect specifically to points raised by WLDC in the SoCG, the Applicant has set out its position in terms of the approach to balancing the Scheme’s benefits and adverse impacts under section 104 of the Planning Act 2008 as follows.</p> <p>S104(2) and 104(3) of the PA 2008 require the Secretary of State to have regard to, and to decide the application in accordance with the relevant designated NPS, except to the extent that one or more of subsections (4) to (8) apply. In deciding the application, the SoS must also have regard to the other matters listed in s104(2), in addition to the relevant NPS.</p>	

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	<p>The Applicant's position is that the Scheme meets the urgent need as demonstrated in NPS EN-1 and in accordance with EN-1 substantial weight should be given to that contribution. The Applicant also notes the presumption in favour of granting consent and that the Scheme is the type of infrastructure to which the CNP policy applies. The Scheme is compliant with the policies in the relevant NPS. There are no specific or relevant policies set out within NPS EN-1, EN-3 or EN-5 which indicate that consent should be refused. The Applicant has demonstrated throughout Sections 6 (Appraisal) and 7 (Decision Making and Planning Balance) of its Planning Statement [REP3-027] that the substantial and significant benefits of the Scheme clearly and decisively outweigh its limited and localised residual adverse impacts with a clear and compelling case for the granting of development consent having been made. The balancing exercise undertaken when deciding the application pursuant to s104(2) and (3) has regard to the Local Impact Reports and other important and relevant matters – which is also consistent with the requirements of NPS EN-1 itself (see paragraph 1.1.3 and following, and paragraph 4.1.5 and following).</p> <p>Section 104(7) of the PA 2008 applies if the SoS is satisfied that the adverse impact of the proposed scheme would outweigh its benefits. The Applicant's position is that the adverse impacts do not outweigh the Scheme's benefits and accordingly, the exception in 104(7) (along with the other exceptions in subsections 104(4) to 104(8)) of PA 2008 is not engaged.</p> <p>To the extent there is a suggestion that consent for the Scheme should be refused as a result of a different balancing exercise pursuant to s104(7), the Applicant strongly disagrees with this. It is important to note that the NPS policies are relevant to the balancing exercise in s104(7), as they provide guidance or a framework within which various factors are to be balanced against</p>	

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	<p>each other. The balancing test in s104(7) is not undertaken in a national policy vacuum. NPS EN-1 provides direction in relation to the contribution of the scheme to the established urgent need as well as directions on the weight to be given in the context of other impacts.</p> <p>The exercise required by section 104(7) and the application of the weight to be given to various factors pursuant to the NPS policies, are not two separate exercises. Section 104(7) is not a disapplication of the NPS. It is a section that provides important flexibility to the decision maker. It does not require that the contents of any relevant national policy statement must be put out of mind and assumed not to exist. The balance of benefits and dis-benefits can only properly be measured by taking full account of the Government's national policies relevant to the development in question, including any presumptions in relation to need (as well as other matters covered by s104(2)). To do otherwise would be to set aside the national policy that is put at the heart of the PA 2008 and to ignore a relevant consideration: section 104(2)(a) of the PA 2008 which requires a decision maker as a matter of law to take relevant NPSs into account.</p>	
<p>Maximising grid connection, efficient use of land, overplanting</p>	<p>The Scheme's design is aimed at enabling the grid connection to be maximised across the lifetime of the Scheme and ensuring that in maximising the grid connection, land is used efficiently.</p> <p>As a result, the Scheme maximises the renewable energy yield for the grid connection offer as well as making an efficient and effective use of land. The inclusion of BESS and overplanting are additional benefits, aimed at enhancing the Scheme's efficiency by reducing conversion losses and maximising the utilisation of available solar energy.</p>	<p>Applicant's Response to Examining Authority's First Written Questions [REP3-062], Q 1.1.18 and 1.1.20</p> <p>Applicant's Response to Examining Authority's Second Written Questions [REP5-032], Q2.1.15 and 2.1.16</p>

Topic/Issue	Applicant's position	Cross references to examination library
	<p>The overplanting ratio for the Scheme is reasonable and ensures that the benefits of overplanting, which is supported by NPS EN-3, are maximised. The level of overplanting is justified and uses a reasonable amount of land (within the 2-4 acre / MW guideline outlined in NPS EN-3), which maximises the renewable energy yield for the grid connection offer.</p> <p>The Applicant has set out its position on these points in detail at the references provided.</p>	<p>Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 (ISH1) [REP1-046], pages 6 to 8 and Appendix B, in particular sections 5, 6 and 8</p> <p>Applicant's Written Summary of Oral Submissions at ISH2 [REP4-045], pages 22 to 27</p>
Battery Energy Storage Systems (BESS) (in terms of both DC-coupled/associated development and fire safety)		
Associated Development	<p>The BESS on the Principal Site is one of the features of the Scheme captured as "associated development", as enabled by Section 115 of the Planning Act 2008. Within the dedicated Appendix provided in [REP1-046], the Applicant comprehensively outlined the ways in which the BESS clearly meets the core principles to be taken into account by the Secretary of State in determining whether development can be considered as associated development, as per the <i>Planning Act 2008: Guidance on associated development applications for major infrastructure projects</i> (April 2013) (Ref 1-1) published by the Department for Communities and Local Government (DCLG). This aligns with the policy direction in NPS EN-3, which at paragraphs 2.10.16 and 2.10.49 identifies energy storage as a typical example of associated development for solar farms, and paragraphs 3.3.4 – 3.3.7 in NPS EN-1 recognise and support the role that storage has in sitting alongside and being ancillary to the primary generating station to provide increased flexibility and improved efficiencies to supply electricity to the grid when demand is higher.</p>	<p>Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 [REP1-046], pages 8 to 10 and Appendix B.</p> <p>Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 [REP4-045], pages 16 to 19.</p> <p>Applicant's Response to Examining Authority's First Written Questions [REP3-062], Q1.1.22 and 1.1.23</p>

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	<p>Specifically, the Applicant maintains that:</p> <ul style="list-style-type: none"> • The BESS is directly related to the principal development of the solar PV generating station, by complementing and supporting the intermittent generation of the solar PV panels and therefore increasing its efficiency. This relationship is emphasised by the DC-coupled design of the BESS, which results in a need for the BESS to be distributed across the Principal Site and co-located with the solar stations, and for direct storage of energy from the Solar PV panels (without conversions between AC and DC). In providing grid balancing services to the National Grid, the BESS would also operate to support and address the impacts of the growing contribution from intermittent generation to the grid, including from the Scheme. • The BESS is subordinate to the solar PV principal development, as its primary function, and reason for being included in the Scheme, is to store and manage the energy generated by the solar panels. Again, this is supported by the decision to utilise a DC-coupled design. There is no requirement in the NPS, the <i>Guidance</i> or other Solar PV DCO decisions which have consented BESS as associated development to date which provides that the Applicant must demonstrate the BESS would support the solar PV operation for a greater proportion of time than for any other use. Any grid-balancing provided by the BESS would be subject to operation of the National Grid outside of the Applicant's control, and would support the principles outlined in the NPS. • While the BESS may provide some additional revenue to the Scheme by providing grid balancing services, this use is not the only reason the BESS is necessary, which is the relevant test in the <i>Guidance</i>. There is 	<p>Applicant's Response to Written Submissions at Deadline 2 [REP3-063], page 34.</p>

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	<p>not a prohibition on cross-subsidisation by associated development, but rather on that being the only purpose of the associated development. This has been accepted by previous decisions, including the Examining Authority's recommendation report for the Gate Burton Energy Park Order 2024, and the Examining Authority's recommendation report and the Secretary of State's decision letter for the West Burton Solar Project Order 2025.</p> <ul style="list-style-type: none"> • The BESS is proportionate to the nature and scale of the solar PV, as it is sized to align directly with the 500MW solar PV capacity. Furthermore, the co-located BESS and Solar Stations would utilise only 3% of the land within the Solar PV Site. • Inclusion of BESS as associated development to solar PV generating stations is typical of solar PV DCOs. There are now several orders made by the SoS which consent BESS as associated development. These Orders do not seek to minimise or restrict the operation of that BESS to just direct charging from the solar PV, or to only undertake grid-balancing for a certain proportion of their operation. Such decisions are important and relevant to the SoS's decision on this Application. 	
DC-coupled design	<p>The Scheme applies a DC-coupled design for BESS. This means energy is sent directly to the BESS from the Solar PV on site, without conversions between AC and DC. Instead, that conversion occurs when energy is sent offsite to the National Grid by the BESS (or imported from the National Grid). These conversions result in energy "clipping" losses, and so the DC-coupled design stores energy directly from the Solar PV, avoiding such clipping losses. DC-coupled BESS are also therefore co-located directly next to solar stations and</p>	<p>Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 [REP1-046], Appendix B.</p> <p>Outline Design Principles Statement [REP4-020]</p>

Topic/Issue	Applicant's position	Cross references to examination library
	<p>the solar PV fields across the Site, as opposed to in one centrally located BESS Area.</p> <p>In response to concerns raised by the Examining Authority as to the management and securing of the DC-Coupled design, the Applicant made further revisions to the relevant design principles in the Outline Design Principles Statement [REP4-020] to provide assurance that:</p> <ul style="list-style-type: none"> • The BESS will be DC-coupled. • Individual BESS enclosures will be co-located with Solar Stations as BESS-Solar Station Compounds. These BESS-Solar Station Compounds may comprise multiple BESS enclosures. The total area of any BESS-Solar Station Compound in any one location cannot be greater than 212 x 30m. This precludes BESS enclosures being co-located together in larger areas than these maximum extents. • The BESS and Solar Stations must be co-located together in BESS-Solar Station Compounds, along with fire-safety infrastructure. Solar Stations, by design, must be located close to the solar PV fields, as they include the relevant equipment for the operation of those panels, and location at greater distances from fields would require excessive and expensive cabling across the site to account for any distance. 	<p>Written Summary of Applicant's Oral Submissions at ISH3 [REP4-049], page 17 and Appendix A</p> <p>Applicant's Response to Examining Authority's Second Written Questions [REP5-032], ExQ2.1.14</p> <p>Figure 3-2: Indicative BESS and Solar Station Layout of the ES [APP-129]</p> <p>Framework Battery Safety Management Plan [REP4-027]</p>
Fire Safety	<p>The Applicant recognises that a common concern about BESS is the risk of their failure, and the implication of any BESS Fires on local environments and communities.</p>	<p>Applicant's Response to Written Submissions at Deadline 2 [REP3-063], pages 35 to 38.</p>

Topic/Issue	Applicant's position	Cross references to examination library
	<p>The Applicant has thoroughly assessed this risk, proposed and secured several design approaches to reduce this risk, and provided a suite of management measures (in consultation with local Fire and Rescue services) to be applied should the very unlikely occurrence of a BESS Fire break out. These are predominantly applied through the relevant BESS controls in the Outline Design Principles Statement [REP4-020] and the Framework Battery Safety Management Plan (BSMP) [REP4-027], and the corresponding draft DCO requirements which secure these.</p> <p>The Applicant has provided several rounds of supplementary written submissions explaining these measures through the course of examination, including:</p> <ul style="list-style-type: none"> • Further data on the very low likelihood of BESS incidents arising from modern BESS units and BESS area designs. This has included explanation of how this, in combination with the Indicative Principal Site Layout Plan [EN010142/APP/6.3(Rev02)] and design principles results in no realistic risk to neighbouring homes and receptors should a BESS fire occur. • Explanation of the capacity, function and pollution controls of the on-site water storage and drainage systems for firefighting, and its comprehensive compliance with both the NFCC <i>Grid Scale Battery Energy Storage System Planning – Guidance for FRS</i> (Ref 1-2) and the inputs of the Lincolnshire Fire and Rescue Service. • Updates to the Outline Design Principles Statement and FBSMP to further strengthen the fire-safety management controls in place. 	<p>Outline Design Principles Statement [REP4-020]</p> <p>Framework Battery Safety Management Plan [REP4-027]</p> <p>Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 (ISH2) [REP4-045], pages 6 to 9.</p> <p>Applicant's Response to Written Submissions at Deadline 4 [REP5-033], pages 47 to 51.</p> <p>Applicant's Response to Examining Authority's Third Written Questions [EN010142/APP/9.40]</p> <p>draft DCO [EN010142/APP/3.1(Rev07)]</p> <p>Statement of Common Ground between the Applicant and Lincolnshire County Council [EN010142/APP/9.9(Rev03)].</p>

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	<p>The Applicant is confident that the battery design and management proposed for the Scheme reflects best practice and appropriately manages any risk of fire. The Framework BSMP [REP4-027] has been agreed with the Lincolnshire Fire and Rescue Service (LFRS), who confirmed at Issue Specific Hearing 2 that they are satisfied that the Framework BSMP is in alignment with the NFCC Guidance and that they did not have an objection to the Applicant's approach to battery safety. LFRS also subsequently confirmed following a meeting held on 13 March 2025, that it was satisfied with the indicative BESS plans and agreed that there were no further issues to resolve in relation to the FBSMP [REP4-027]. This position is captured within the final and signed Statement of Common Ground between the Applicant and Lincolnshire Country Council [EN010142/APP/9.9(Rev03)]. Appropriate protective provisions have also been included within Schedule 15, Part 8 of the draft DCO [EN010142/APP/3.1(Rev07)] which appropriately manage the funding of the LFRS in necessary site familiarisation to ensure they are prepared should a BESS incident occur.</p>	
Landscape and visual amenity		
Residual landscape and visual effects	<p>The Applicant has applied the mitigation hierarchy from site selection through to design of the Scheme, developing a range of measures to avoid, reduce, or mitigate the landscape and visual impacts of the Scheme which are established and secured through the Framework LEMP [EN010142/APP/7.17(Rev06)] and Framework CEMP [REP5-015].</p> <p>All residual effects have been reduced as far as practicable, with the assessment set out in Chapter 12: Landscape and Visual Amenity of the ES</p>	<p>Chapter 12: Landscape and Visual Amenity of the ES [REP3-014]</p> <p>Framework Landscape and Ecological Management Plan [EN010142/APP/7.17(Rev06)]</p> <p>Applicant's Response to Local Impact Reports [REP3-061],</p>

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	<p>[REP3-014] concluding that only a small number of residual landscape and visual effects remain significant at Year 15, as follows:</p> <ul style="list-style-type: none"> • Landscape impact on LLCA 3A: Till Vale Open Farmland; and visual impact on VP7 B1398 Middle Street, Glentworth Cliff, VP9 Kexby Road, west of Glentworth Grange: junction with bridleway Gltw/85/1 and VP13 Public Footpath (Hems/787/2), Millfield, Hemswell. • Cumulative effects relating to landscape impacts on LLCA 3A Till Vale Open Farmland; and relating to visual impacts on VP7 B1398 Middle Street, Glentworth Cliff and VP13 Public Footpath (Hems/787/2), Millfield, Hemswell. <p>Both LCC and WLDC agree with the Applicant's methodology for the assessment of landscape and visual effects, as confirmed in response to a question from the ExA at Issue Specific Hearing 3 and subsequent written submissions (REP4-051 and REP4-043 respectively). The outstanding areas of disagreement relate to a limited number of conclusions regarding the nature and extent of residual effects, and the weight to be accorded to those effects in the planning balance. These issues, as well as the Applicant's response and position, are set out in more detail in the Statement of Common Ground with Lincolnshire County Council [EN010142/APP/9.9(Rev03)] and the Statement of Common Ground with West Lindsey District Council [EN010142/APP/9.8(Rev04)].</p> <p>In summary, it is the Applicant's position that the residual landscape and visual effects of the Scheme are localised and relatively limited in nature, relating to three viewpoints and one local landscape character area only. The Scheme is consistent with section 5.10 of NPS EN-1, which expressly recognises that even</p>	<p>pages 13 to 20, 58 to 59, 71 to 83, and Appendix A</p> <p>Applicant's Response to Examining Authority's First Written Questions [REP3-062], Q1.9.1 to 1.9.21</p> <p>Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 3 (ISH3) [REP4-049], pages 12 to 20</p> <p>Section 10 of Applicant's Response to Examining Authority's Second Written Questions [REP5-032], Q2.1.3, 2.9.1 to 2.9.12</p> <p>Section 9 of Applicant's Response to Examining Authority's Third Written Questions [EN010142/APP/9.40], Q3.9.1 to 3.9.5</p> <p>Statement of Common Ground with West Lindsey District Council</p>

Topic/Issue	Applicant's position	Cross references to examination library
	<p>with careful design and appropriate mitigation, the scale of energy NSIPs is such that they will often be visible across a large area, and virtually all will have adverse effects on the landscape. In determining an application, the Secretary of State must consider whether these effects are outweighed by the benefits of the project.</p> <p>The Applicant maintains that the localised residual effects of the Scheme on landscape and visual receptors are clearly outweighed by the substantial public benefits of the Scheme. The benefits of the Scheme are very substantial (in terms of its contribution to the demonstrated urgent need for low carbon generation) and significant (in terms of ecology and nature conservation) at both a national, regional and local level, leading to an overwhelming balance in favour of granting development consent. In terms of section 104(7) of the Planning Act 2008 (Ref 1-3), the benefits of the Scheme clearly and decisively outweigh its limited and localised adverse landscape and visual impacts.</p> <p>In light of the above, there is no need to apply the presumption in favour of CNP infrastructure under NPS EN-1 in order for the Scheme's benefits to be considered to outweigh its residual landscape and visual impacts. In any event, if the CNP presumption is applied, this only acts to further strengthen the Applicant's case, as set out above in relation to "<i>The application of the Critical National Priority policy</i>".</p>	<p>[EN010142/APP/9.8(Rev04)], pages 20 to 21</p> <p>Statement of Common Ground with Lincolnshire County Council [EN010142/APP/9.9(Rev03)], pages 25 to 31</p>
Agriculture and soils		
Agricultural land classification (ALC)	The siting of the Scheme on a limited area of Best and Most Versatile (BMV) agricultural land is justified and necessary in accordance with section 5.11 of NPS EN-1.	Chapter 15: Soils and Agriculture of the ES [APP-046]

Topic/Issue	Applicant's position	Cross references to examination library
	<p>Agricultural land quality was a key consideration in the Applicant's site selection process. Per paragraph 5.11.12 of EN-1, the Applicant has, through its site selection process, sought to minimise impacts upon BMV agricultural land, and through design iteration of the Scheme has further reduced impacts. This process involved excluding Grade 1 and 2 land from consideration and then undertaking an ALC survey of the Principal Site to ascertain the split between Grade 3a and 3b land. The Applicant also considered the availability of brownfield land for the Scheme, the largest area of which was the former Cottam Power Station site. No sites were suitable for the development of large scale solar. In the case of the former Cottam Power Station, as a strategic site safeguarded for future mixed-use redevelopment, solar development would be contrary to the Development Plan and would prejudice its future redevelopment being detrimental to wider regeneration objectives of the district (Bassetlaw).</p> <p>As a result of the comprehensive and robust siting process undertaken by the Applicant, the Scheme is located primarily on lower quality agricultural land, in accordance with paragraph 5.11.34 of EN-1, with the majority of the Scheme being on land not classed as BMV land. Taking into account the reductions to the Order limits following the ExA's acceptance of the Change Request on 24 October 2024, for the Principal Site:</p> <ul style="list-style-type: none"> 95.5% of the land used is non-BMV land. This consists of 85.6% Grade 3b land (non-BMV) and 9.9% classified non-agricultural land. The remaining land, which comprises 4.5% (60.3ha) of BMV land, consists of 3.8% (51.1ha) Grade 3a BMV land and 0.7% (9.2ha) Grade 2 BMV land. 	<p>Statement of Common Ground with Natural England [EN010142/APP/9.18(Rev02)]</p> <p>Applicant's Response to Examining Authority's First Written Questions [REP3-062], Q1.12.1 to 1.12.6</p> <p>Applicant's Response to Written Submissions at Deadline 1 [REP2-007], pages 21 to 23</p> <p>Applicant's Response to Written Submissions at Deadline 2 [REP3-063], pages 28 to 32</p> <p>Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 (ISH2) [REP4-045], pages 9 to 16.</p> <p>Applicant's Response to Examining Authority's Second Written Questions [REP5-032], Q2.12.1</p> <p>Applicant's Response to Examining Authority's Third Written Questions</p>

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	<ul style="list-style-type: none"> The 4.5% of BMV land within the Principal Site comprises nine small, isolated parcels of BMV land. These parcels do not follow field boundaries and generally form isolated pockets across the Principal Site. <p>The vast majority of the agricultural land within the Order limits will be able to be returned to its previous agricultural use following decommissioning of the Scheme, with the Framework Soil Management Plan (SMP) [EN010142/APP/7.12(Rev02)] requiring the preservation of soil resource to avoid loss of soil material and functional capacity for supporting agricultural production. As secured under Requirement 18 of the draft DCO [EN010142/APP/3.1(Rev07)], a detailed SMP will be prepared by the Applicant and approved by the local planning authorities, which must be in substantial accordance with the Framework SMP. A Decommissioning Environmental Management Plan (DEMP) will also be prepared and approved, which will include measures requiring the removal of all solar infrastructure, hard standing and access tracks followed by the reinstatement of stripped and stored topsoil to restore agricultural land to its previous ALC grade. This is secured by Requirement 20 of the draft DCO [EN010142/APP/3.1(Rev07)], which requires the final DEMP to be substantially in accordance with the Framework DEMP [REP5-017].</p> <p>The only potential permanent removal of land from agricultural use would be from proposed woodland planting (which has the potential to be permanent, subject to landowner decisions following decommissioning). However, this only amounts to 0.07% of the BMV land within the Order limits, which is not considered to be significant, and additionally the woodland planting will provide ecological benefits.</p>	<p>[EN010142/APP/9.40], Q3.12.1 to 3.12.2</p>

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	<p>In terms of impacts on food production, with the removal of the text on the availability of agricultural land used for food production from former Footnote 62 (now superseded by Footnote 65) of the NPPF, there is no longer a need to consider food production in land use planning terms. The applicable policy tests are therefore those set out in section 5.11 of NPS EN-1, namely whether the use of agricultural land is justified and necessary, and whether the loss of BMV land has been minimised through site selection. As set out above, the Applicant considers that these tests have clearly been met in this case. Notwithstanding the removal of consideration of food production from the NPPF, even if this were a relevant policy consideration, the Applicant maintains that the impacts of the Scheme on food production will not be significant as the land within the Order limits forms less than 0.25% of agricultural land available in Lincolnshire and in any event the proposed use is long-term temporary and reversible.</p>	
Cumulative impacts		
Construction traffic	<p>The cumulative impact of the Scheme in combination with other nearby solar DCOs on local traffic during the construction period has been raised by the ExA, and a number of Interested Parties, during the Examination. West Lindsey District Council in particular have raised concerns about the coordination and management of cumulative construction traffic between the solar DCOs, and sought greater controls be included in respect of such coordination.</p> <p>The Applicant is confident that any cumulative traffic impacts can be managed. There are several controls within the management plans for the Scheme, as well as external approval processes which ensure this, including:</p> <ul style="list-style-type: none"> • The Framework Construction Traffic Management Plan (CTMP) [REP5-019] includes consideration and management for cumulative 	<p>Chapter 16: Transport and Access of the ES [APP-047]</p> <p>Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev04)]</p> <p>Applicant's Response to Examining Authority's First Written Questions [REP3-062], at Q1.1.14 and section 13.</p>

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	<p>effects. For example sections 7.1, 7.2 and 8.5 include specific provisions to require engagement with local authorities in respect of the timing of works and their sequencing between projects. The relevant planning authorities are required to review and approve the final plans prior to construction commencing, and in doing so could require the Applicant and other solar developers to add further mitigation for any residual cumulative effects.</p> <ul style="list-style-type: none"> • A Joint CTMP has also been proposed to be drafted post-consent between the Scheme and the other solar DCOs to manage and mitigate cumulative effects, once further details are known on project timeframes and detailed design for the shared Cable Route Corridor. This is set out as a commitment within the Framework CTMP [REP5-019]. Requirement 14 of the draft DCO [EN010142/APP/3.1(Rev07)] requires the final CTMP has to be in accordance with the FCTMP submitted as part of the Application. • Further information is also provided within the Joint Report on the Interrelationship with other National Infrastructure projects [EN010142/APP/7.6(Rev02)]. While it is acknowledged that this report is not secured by a DCO requirement, the Applicant set out in detail why it would be legally inappropriate to do so in the Applicant's Comments on Interested Parties Submissions to the First Written Questions at Deadline 3 [REP4-048] at Q1.13.12. • Local highway authorities are able to manage cumulative effects through their permitting schemes for street works and traffic management. A primary purpose of these schemes is for highways authorities to be able to sequence traffic works within their broader area. The draft DCO 	<p>Applicant's Comments on Interested Parties Submissions to the First Written Questions at Deadline 3 [REP4-048].</p> <p>Framework Construction Traffic Management Plan Part 1 of 2 [REP5-019]</p> <p>Figure 18-5: Transport Cumulative Traffic Routes of the ES [REP5-014]</p> <p>Applicant's Response to Examining Authority's Second Written Questions [REP5-032] at section 4.</p> <p>Statement of Common Ground with West Lindsey District Council [EN010142/APP/9.8(Rev04)]</p> <p>Joint Report on the Interrelationship with other National Infrastructure projects [EN010142/APP/7.6(Rev02)]</p>

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	<p>confirms (in drafting that has been agreed with the Councils) that the local highway authorities' permit schemes remain applicable.</p> <p>Section 18.17 of Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rov04)] addresses the likely in combination effects and cumulative effects of the Scheme on transport and access. This concluded that even in the very unlikely scenario that all four solar DCOs in the Lincolnshire area are constructed at the same time, the cumulative increase in traffic flows on School Lane, Cow Lane, Fillingham Lane, the B1241, Headstead Bank and Cottam Road is slight adverse (not significant), and the effect on all other road links is neutral (not significant).</p> <p>The Applicant therefore considers there is no justified reason to require further controls to manage cumulative traffic impacts than those already set out above.</p>	
Health and wellbeing (mental health)	<p>The potential impact of the Scheme on the mental health and wellbeing of surrounding communities, both in isolation and cumulatively with other nearby solar DCOs, has been raised by a number of interested parties and the ExA during the course of the Examination.</p> <p>As set out in Chapter 11: Human Health of the ES [APP-042], the assessment takes a holistic approach to health and considers a wide range of health determinants which are relevant to quality of life and amenity. The assessment considers elements of the Scheme which could affect mental health (for example changes in landscape and visual amenity, noise, access to open space and employment) as well as physical health (for example associated with air pollution). Section 11.8 of Chapter 11: Human Health of the ES [APP-042] concludes that no significant adverse effects are identified with regards to human health, including in respect of changes in landscape and visual amenity,</p>	<p>Chapter 11: Human Health of the ES [APP-042]</p> <p>Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rov04)]</p> <p>Applicant's Response to Examining Authority's First Written Questions [REP3-062], Q1.8.1</p> <p>Written Summary of Applicant's Oral Submissions at the Issue</p>

Topic/Issue	Applicant's position	Cross references to examination library
	<p>noise, access to open space and employment, air pollution and access to healthcare facilities, during construction, operation or decommissioning.</p> <p>The measures included in the Applicant's documents to minimise and manage effects upon health and well-being include the Community Liaison Group (secured by Requirement 4 of the draft DCO); management of PRowS (Framework PRowMP [REP3-041], secured by Requirement 16 of the draft DCO), provision of Permissive Path (secured by Requirement 15 of the draft DCO); operational noise levels to meet those set out in Table 13-17 of Chapter 13: Noise and Vibration of the ES [AS-007] (Requirement 17 of the draft DCO); Framework Construction Traffic Management Plan [REP5-020] (secured by Requirement 15 of the draft DCO); Framework Battery Safety Management Plan [REP4-026] (secured by Requirement 6 of the draft DCO); Framework Construction Environmental Management Plan [REP5-015] (secured by Requirement 12); and Framework Operational Environmental Management Plan [EN01042/APP/7.9(Rev04)] (secured by Requirement 13 of the draft DCO).</p> <p>In terms of cumulative impacts with other nearby solar DCOs, any effects during the construction phase will be temporary and short term and will be mitigated by the measures set out in the various management plans secured as under the draft DCO [EN010142/APP/3.1(Rev07)], alongside the measures taken by other projects in their own management plans, which are secured by each of the other projects' DCOs. Additionally, coordination with these other projects will ensure that cumulative health impacts are addressed in a structured and evidence-based manner. Overall, the impact of the Scheme on human health, on its own and cumulatively with other developments is considered to be not significant.</p>	<p>Specific Hearing 3 (ISH3) [REP4-049], pages 4 to 7</p> <p>Applicant's Response to Written Submissions at Deadline 4 [REP5-033], pages 26 to 29</p>

Topic/Issue	Applicant's position	Cross references to examination library
	<p>The Applicant has undertaken a comprehensive and robust Environmental Impact Assessment (EIA) so that any likely significant effects of the Scheme, including on mental health and wellbeing, both in isolation and cumulatively with other solar developments, have been identified and appropriately mitigated or avoided. The assessment set out at Chapter 11: Human Health of the ES [APP-042] is centred around a holistic approach to health, defining it in line with that used by World Health Organisation (WHO) Europe, as a “<i>state of complete physical, mental and social wellbeing not merely the absence of disease or infirmity</i>”. The IEMA guidance (Ref 1-4) and the Wales Health Impact Support Unit (WHIASU): Health Impact Assessment: A Practical Guide (Ref 1-5), both use this definition with these sources comprising the recognised methods and guidance currently in use for EIA and DCO development. Drawing on this definition, as well as considering impacts on physical health, impacts and outcomes in respect of mental wellbeing, quality of life and amenity are all taken into account and assessed. Some impacts considered in the assessment have more direct relevance to mental health and wellbeing, in the context of the Scheme, such as changes in landscape and visual amenity, changes in noise, access to open space and access to employment opportunities. However, it is the Applicant's position that all impacts considered in the assessment have direct or indirect relevance to mental health and wellbeing, given the holistic approach followed that aligns with the definition above.</p> <p>This approach to the assessment of human health impacts was identified and scoped in the EIA Scoping Report [APP-051], which was also the subject of consultation with the relevant statutory bodies and confirmed (having regard to consultee responses) in the EIA Scoping Opinion [APP-052]. This confirmed scoped approach is in conformity with the NHS England HUDU Rapid HIA Toolkit (2019) (Ref 1-6), IEMA guidance and WHIASU guidance. The overall process followed in the assessment of effects on human health and wellbeing in</p>	

Topic/Issue	Applicant's position	Cross references to examination library
	<p>Chapter 11: Human Health of the ES [APP-042] is equivalent in detail and rigour to that undertaken for the assessment of all other effects within the ES. This is on the basis of it having been through a scoping process, relevant guidance followed, with potential impacts identified and statutory consultation on findings has been undertaken.</p> <p>A number of consented energy DCOs have undertaken an assessment of effects on human health using a similar methodology to that adopted by the Applicant. Some examples of this include the Longfield Solar Farm [EN010118], East Anglia ONE North Offshore Wind Farm [EN010077] and the nearby Gate Burton Energy Park [EN010131], Cottam Solar Project [EN010133] and West Burton Solar Project [EN010132]. In respect of endorsement of this approach, the Applicant notes that:</p> <ul style="list-style-type: none"> • The ExA in the Recommendation Report for the Gate Burton Energy Park [EN010131] confirmed at paragraph 3.7.49 that: <i>"I am [therefore] satisfied that the assessment undertaken does address the likely significant effects that would arise in relation to human health and wellbeing"</i>. • In the ExA's report on West Burton Solar Project, the EA concluded in relation to health and wellbeing at paragraphs 5.2.60 and 5.2.61 that: <i>"In terms of human health and wellbeing effects overall, the ExA has noted that when the Proposed Development is considered both alone and cumulatively, there would be residual moderate adverse effects in relation to long distance recreational routes for the construction phase. [...] Overall, the Applicant's consideration of health impacts is consistent with the provisions of the 2011 and 2024 NPS, as well as relevant development plan policy."</i> 	

Topic/Issue	Applicant's position	Cross references to examination library
	<ul style="list-style-type: none"> ExA for the Cottam Solar Project, in relation to the assessment of cumulative impacts, concluded at paragraph 3.13.30 of their recommendation report that: <i>"We are satisfied that the Applicant has adequately assessed the likely significant effects of the Proposed Development cumulatively with other planned development and that the Environmental Statement includes sufficient information on how the effects of the proposal would combine and interact with the effects of other development during construction, operation and decommissioning. Accordingly, we are satisfied that the requirements of the EIA Regulations, 2011 NPS EN-1 and 2024 NPS EN-1 are met."</i> <p>Gate Burton Energy Park, Cottam Solar Project and West Burton Solar Project are all within the same or overlapping local authority areas to the Scheme and the assessments have therefore been sensitive to similar policy and baseline conditions in scoping and undertaking their respective assessments.</p> <p>It is the Applicant's position that it has appropriately considered the cumulative and interrelated effects of the Scheme, and there is no basis to conclude that significant adverse effects on health will arise.</p>	
Noise	<p>At various points in the Examination, including most recently in their Statement of Common Ground [EN010142/APP/9.8(Rev04)] at point 12.5, WLDC have raised concerns about potential cumulative noise effects generated by the Scheme as the basis for further controls on noise and a <i>"firm and enforceable commitment"</i> to joint working between developers to minimise impacts.</p> <p>Paragraphs 18.14.3 – 18.14.12 of Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev04)] discuss the potential cumulative construction noise effects from the four Solar schemes. Primarily, this relates to the Cable Route Corridor as the area of overlap between the four</p>	<p>Chapter 13: Noise and Vibration of the ES [AS-008]</p> <p>Applicant's Response to Examining Authority's First Written Questions [REP3-062] at section 10.</p> <p>Written Summary of Applicant's Oral Submissions at the Issue</p>

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	<p>schemes, rather than the Principal Site. A conservative worst-case scenario was applied which assumed all four projects would construct their cable route corridor in the same 24–36-month period, with all noisy works occurring at the Order limit boundaries closest to receptors. Despite these conservative assumptions, with the mitigation included within the Framework CEMP [REP5-015] in place, including the provisions it includes to encourage coordination between developers of the four schemes, both cumulative construction plant and traffic noise were assessed to be not significant.</p> <p>In respect of operational noise, paragraphs 18.14.13 and 18.14.14 of Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev04)] confirm there is no noticeable operational cumulative noise effect due to the significant distances between each of the four operational solar areas, and the underground cable route corridor. There would be only one receptor with a possibility of cumulative noise with another of the solar schemes, being R14 (Glentworth Grange / Kexby Road). However, the assessment found that any increase would be less than 3dB and therefore be imperceptible to human receptors.</p> <p>Despite this, the Applicant has proposed robust mitigation measures so as to ensure any operational noise is appropriately managed. The provisions contained within Table 3-8 of the Framework OEMP [EN010142/APP/7.9(Rev04)], such as the reporting of monitored plant noise to the relevant planning authority, will then help identify whether there is an issue to be addressed in terms of the Scheme infrastructure. Where this review indicates plant noise levels generated by the Scheme have materially increased, the undertaker and relevant planning authority will liaise in respect of any further</p>	<p>Specific Hearing 3 (ISH3) [REP4-049] at pages 20-23.</p> <p>Applicant's Response to Examining Authority's Second Written Questions [REP5-032] at section 11.</p> <p>Applicant's Response to Written Submissions at Deadline 4 [REP5-033] at pages 21– 23.</p> <p>Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev04)]</p> <p>Framework CEMP [REP5-015]</p> <p>Statement of Common Ground with West Lindsey District Council [EN010142/APP/9.8(Rev04)]</p> <p>Statement of Common Ground with Lincolnshire County Council [EN010142/APP/9.9(Rev03)], pages 45 to 46.</p>

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	<p>maintenance or mitigation required to reduce levels at receptors back to those presented in the ES.</p> <p>The Applicant considers the controls within the Framework OEMP [EN010142/APP/7.9(Rev04)] and Framework CEMP [REP5-015], as secured by the draft DCO are sufficiently robust so as to control the very low levels of cumulative noise identified for the Scheme. As at Deadline 6 the noise controls proposed by the Applicant have been agreed with LCC and WLDC, as recorded in the respective SoCGs.</p>	
Landscape and Visual	<p>Both interested parties, and the Examining Authority, have also raised questions about landscape and visual effects of the Scheme in combination with other consented solar DCOs within the Lincolnshire area. Lincolnshire County Council and West Lindsey District Council have further raised concerns that the extent of these cumulative landscape and visual effects would trigger the “<i>exceptional circumstances</i>” referred to at paragraph 4.2.15 of the NPS EN-1 for which it is justified to set aside the critical national priority for renewable energy projects and refuse consent.</p> <p>The Applicant does not agree the cumulative landscape and visual effects trigger this exception. As set out within the Joint Report on the Interrelationship with other National Infrastructure projects [EN010142/APP/7.6(Rev02)], 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.</p>	<p>Chapter 12: Landscape and Visual Amenity of the ES [REP3-014]</p> <p>Framework Landscape and Ecological Management Plan [EN010142/APP/7.17(Rev06)]</p> <p>Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev04)]</p> <p>Joint Report on the Interrelationship with other National Infrastructure projects [EN010142/APP/7.6(Rev02)]</p> <p>Statement of Common Ground with West Lindsey District</p>

Topic/Issue	Applicant's position	Cross references to examination library
	<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(Rev04)] 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. Otherwise, the landscape and visual effects are as outlined above in respect of the direct residual effects of the Tillbridge Scheme alone.</p> <p>It should be noted that development consent was 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 three projects are located within the Zone of Theoretical Visibility of the Scheme. The Secretary of State concluded that the cumulative effects of the Gate Burton, Cottam and West Burton projects, in combination with each other and Tillbridge, lead to moderate adverse landscape effects and material harm to landscape character but that there are no significant adverse cumulative effects on visual receptors. The Secretary of State, in deciding to grant development consent for these 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. The Secretary of State clearly did not consider the exceptional</p>	<p>Council [EN010142/APP/9.8(Rev04)]</p> <p>Statement of Common Ground with Lincolnshire County Council [EN010142/APP/9.9(Rev03)]</p>

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	<p>circumstances test was triggered by these cumulative impacts. These decisions are important and relevant in assessing the merits of the Scheme.</p>	
BMV	<p>The Examining Authority and interested parties have also raised questions about the cumulative impacts of the Scheme and other solar DCOs in the Lincolnshire region on agricultural land, food production and particularly BMV land. West Lindsey District Council and Lincolnshire County Council in particular consider such impacts should be given significant negative weight in the planning balance for the Scheme.</p> <p>The Applicant does not consider that the local authorities have provided evidence to rebut the conclusion on agricultural land impacts in Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev04)]. This assesses the loss of agricultural land in combination with all cumulative solar schemes as set out in Table 18-22. This confirms that cumulative effects during construction, operation and decommissioning are not significant. The area of agricultural land that would be temporarily taken out of agricultural use across all four schemes would be 2.2% of agricultural land in Lincolnshire. 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]. 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 ExA in its recommendation report on Gate Burton Energy Park [EN010131], which the Secretary of State agreed with in his decision letter, confirmed at paragraph 3.11.114 that: "<i>Whilst I appreciate the concerns of many IPs and the</i></p>	<p>Chapter 18: Cumulative Effects and Interactions of the ES [EN010142/APP/6.1(Rev04)]</p> <p>Applicant's Response to Relevant Representations [REP1-001] at Appendix B.</p> <p>Statement of Common Ground with West Lindsey District Council [EN010142/APP/9.8(Rev04)]</p> <p>Statement of Common Ground with Lincolnshire County Council [EN010142/APP/9.9(Rev03)]</p>

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	<p><i>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 a limited extent of 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. As such the Applicant does not consider that cumulative impacts on BMV and agricultural land generally justify significant negative weight to be awarded against the Scheme in the planning balance.</p>	
Compulsory Acquisition		
<p>Nicholas Hill and Emma Hill (noting that issues in examination have generally been raised by Mr Nicholas Hill)</p>	<p>The Applicant has demonstrated that the land falling within Plot 19-09 as shown on Sheet 19 of 24 of the Land and Crown Plans [AS-040] is required for the development to which the DCO relates and that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the draft DCO [EN010142/APP/3.1(Rev07)]. The public benefits from the compulsory acquisition will outweigh the private loss suffered by those whose land is to be acquired.</p> <p>The Applicant has sought to reach voluntary agreement on this matter since May 2023 as set out within the Schedule of Negotiations and Powers Sought [EN010142/APP/4.4(Rev05)]. The powers sought by the Applicant in respect of Plot 19-09 satisfy the conditions set out in s122 and s123 of the PA 2008. The Applicant sets out this case in full in Section 5 of the Statement of Reasons [REP2-022]. Further, this position has been ratified by the Secretary of State</p>	<p>Statement of Reasons [REP2-022]</p> <p>Applicant's Response to Relevant Representations [REP1-028] (page 235 to 237).</p> <p>Written Summary of the Applicant's Oral Submissions at Compulsory Acquisition Hearing 1 [REP4-047]</p>

Topic/Issue	Applicant's position	Cross references to examination library
	<p>three times previously in relation to the same land for other solar developments (namely Gate Burton Energy Park, Cottam Solar Project and West Burton Solar Project) whose cable route corridors overlap with the Scheme at this location.</p> <p>To the extent that the landowner has rights to develop this land to construct farm buildings (through previously granted full planning permission and prior approvals and/or permitted development rights), the Order limits for the Scheme (and for the other three solar developments) are sufficient to provide four trenchless crossings under the A156 High Street. All schemes can be implemented and coexist with the proposed cable for the Scheme and the cables associated with the other solar developments within the shared Cable Route Corridor. There is no robust evidence before the ExA demonstrating that the Scheme will have an unacceptable impact on the viability of the farming business at this location. In any event, arguments relating to this matter go to compensation which is outside the scope of this Examination.</p>	<p>Applicant's Responses to ExA Second Written Questions (pages 74 to 77) [REP5-032]</p>
Crown Estate	<p>The Applicant is engaged in discussions with the Crown Estate's solicitors regarding obtaining the necessary consents for the works required for the Scheme on Crown owned land. The table below (which the Applicant has provided to the Crown Estate's solicitors) sets out the Articles in the draft DCO [EN010142/APP/3.1(Rev07)] which the Applicant would like to be subject to s135(2) consent along with justification for the request. The Applicant remains hopeful that consent pursuant to s135 will be provided before the close of the examination, and will continue to update the ExA and/or Secretary of State regarding progress of these discussions.</p> <p><u>Applicant's proposal for articles to be subject to s.135(2) consent:</u></p>	<p>Land and Crown Land Plans [AS-040]</p> <p>Statement of Reasons [REP2-022]</p>

Topic/Issue	Applicant's position			Cross references to examination library
	Article Number	Article Summary	Reason	
	3	<i>Development consent etc. granted by this Order</i>	<i>The Applicant requires Crown consent for the authorised development within plot 20-11, namely the laying of a cable across the River Trent which will connect the principal site to the Cottam substation.</i>	
	4	<i>Operation of generating station</i>	<i>The Applicant requires Crown consent for the use and operation within plot 20-11 of the generation station comprised in the authorised development to transmit and distribute electricity from the principal site to the Cottam substation across the Crown land when operational.</i>	
	5	<i>Power to maintain the authorised development</i>	<i>The Applicant requires Crown consent to allow it to maintain the authorised development within plot 20-11, namely maintaining the cable across the River Trent which will connect the principal site to the Cottam substation.</i>	
	17	<i>Discharge of water</i>	<i>The Applicant requires Crown consent for plot 20-11 to use any watercourse or any drain for the drainage of water for the purposes of the authorised development or in connection with the authorised development and lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse or drain as the Applicant may need to drain into the River Trent and lay down, take up and alter pipes in order to lay the cable connecting the principal site to the Cottam substation.</i>	
	20	<i>Authority to survey and investigate the land</i>	<i>The Applicant requires Crown consent for plot 20-11 in order to carry out monitoring or surveys in respect of the authorised development to allow it to lay the cable connecting the principal site to the Cottam substation across the River Trent.</i>	
	30	<i>Temporary use of land for constructing</i>	<i>The Applicant requires Crown consent for plot 20-11 for the temporary use of land for constructing the authorised development, namely constructing the cable across the</i>	

Topic/Issue	Applicant's position	Cross references to examination library															
	<table border="1"> <tr> <td></td><td><i>the authorised development</i></td><td><i>River Trent which will connect the principal site to the Cottam substation.</i></td></tr> <tr> <td>31</td><td><i>Temporary use of land for maintaining the authorised development</i></td><td><i>The Applicant requires Crown consent for plot 20-11 for the temporary use of land for constructing the authorised development, namely the maintenance of the cable across the River Trent which will connect the principal site to the Cottam substation.</i></td></tr> <tr> <td>39</td><td><i>Felling or lopping of trees and removal of hedgerows</i></td><td><i>The Applicant requires Crown consent for plot 20-11 to allow for the removal of vegetation where necessary to avoid interference with the construction, maintenance or operation of the authorised development; the removal of a danger(s) to persons using the authorised development; or to allow for decommissioning of the authorised development.</i></td></tr> <tr> <td>44</td><td><i>Protective provisions</i></td><td><i>The Applicant requires Crown consent for the protective provisions included in the development consent order to have effect over plot 20-11.</i></td></tr> <tr> <td>50</td><td><i>Crown rights</i></td><td><i>This Article expressly limits the development consent order without the Crown's consent.</i></td></tr> </table> <p>The draft DCO [EN010142/APP/3.1(Rev07)] includes the necessary drafting ensuring appropriate protection for the interest of the Crown Estate within the Order limits.</p>		<i>the authorised development</i>	<i>River Trent which will connect the principal site to the Cottam substation.</i>	31	<i>Temporary use of land for maintaining the authorised development</i>	<i>The Applicant requires Crown consent for plot 20-11 for the temporary use of land for constructing the authorised development, namely the maintenance of the cable across the River Trent which will connect the principal site to the Cottam substation.</i>	39	<i>Felling or lopping of trees and removal of hedgerows</i>	<i>The Applicant requires Crown consent for plot 20-11 to allow for the removal of vegetation where necessary to avoid interference with the construction, maintenance or operation of the authorised development; the removal of a danger(s) to persons using the authorised development; or to allow for decommissioning of the authorised development.</i>	44	<i>Protective provisions</i>	<i>The Applicant requires Crown consent for the protective provisions included in the development consent order to have effect over plot 20-11.</i>	50	<i>Crown rights</i>	<i>This Article expressly limits the development consent order without the Crown's consent.</i>	
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DCO Drafting																	
Protective Provisions	<p>As of Deadline 6, the following protective provisions have been agreed with the relevant bodies and the versions in the draft DCO submitted at Deadline 6 represent the final form of bespoke protective provisions:</p> <ul style="list-style-type: none"> Part 4 - The Canal & River Trust; 	draft DCO [EN010142/APP/3.1(Rev07)]															

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	<ul style="list-style-type: none"> • Part 5 – Cottam Solar Project Limited; • Part 6 – Gate Burton Energy Park Limited; • Part 7 – West Burton Solar Project Limited; • Part 8 – Lincolnshire Fire and Rescue; • Part 9 – Cadent Gas Limited; • Part 10 – The Environment Agency; • Part 11 – Northern Power Grid (Yorkshire) PLC; • Part 12 – Protection of Railway Interests (Network Rail); • Part 13 – Anglian Water Services Limited as water undertaker; • Part 14 – Uniper; • Part 15 – Exolum Pipeline System; and • Part 16 – EDF Energy. <p>The remaining protective provisions included within the draft DCO represent the latest point that negotiations have reached with each party, and therefore are not agreed. These therefore reflect the preferred drafting at this time of the Applicant rather than the relevant statutory undertaker. However, it is noted that negotiations on these remaining parts are in final stages and the large majority of the drafting within the parts are agreed. Specific comments on the status of negotiations for protective provisions with the remaining statutory undertakers is as follows:</p> <ul style="list-style-type: none"> • Part 17 – National Grid Electricity Transmission Plc (NGET) <ul style="list-style-type: none"> ○ The Applicant received the latest round of comments on the draft protective provisions from NGET in the afternoon of 31 March 2025. The Applicant has reviewed these and asked a clarifying query of NGET in the morning of 1 April 2025, relating to new drafting NGET has proposed in respect of its North Humber to 	

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	<p>High Marnham project. It is the Applicant's position that the additional drafting sought by NGET is not required given there is no spatial overlap between the North Humber to High Marnham project and the Tillbridge Solar Project, such that there will be no overlapping assets for which protective provisions are required to be in place for.</p> <ul style="list-style-type: none"> ○ Provided NGET respond to this query swiftly within this week, the Applicant considers the remaining points between the parties are minor, and could be resolved and provided prior to the close of examination, at Deadline 7. ○ However, in the interim the Applicant has included its preferred form of protective provisions within the version of the draft DCO provided at Deadline 6. The large majority of these protective provisions are agreed, with the main substantive differences being in respect of the North Humber to High Marnham matter noted above, and minor areas of amendment relating to alignment with the parties' separate agreement. The Applicant therefore requests that the Secretary of State prefer the wording it has included within the Order, should final agreed protective provisions not be able to be presented. The Applicant will make any further submissions in this respect at Deadline 7 of the Examination, should the anticipated agreement not be reached. <ul style="list-style-type: none"> ● Part 18 – National Grid Electricity Distribution Plc (NGED) <ul style="list-style-type: none"> ○ As acknowledged in previous updates, the Applicant notes that NGED did not provide a relevant representation on the Application, nor has it otherwise engaged in this Examination. However, NGED confirmed to the Applicant on 24 March 2025 	

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	<p>that it required bespoke protective provisions for the Scheme, and the parties subsequently began discussions.</p> <ul style="list-style-type: none"> ○ The parties have agreed to use the protective provisions agreed for the benefit of NGED in the West Burton Solar Project 2025 as the basis for protective provisions on Tillbridge, given the only assets held by NGED within the Order limits for the Scheme fall within the Cable Route Corridor as it leads into National Grid Cottam Substation. The parties have agreed to use the protective provisions agreed for the benefit of NGED in the West Burton Solar Project 2025 as the basis for protective provisions on Tillbridge, given the only assets held by NGED within the Order limits for the Scheme fall within the Cable Route Corridor as it leads into National Grid Cottam Substation. As such these assets would experience the same impacts as for West Burton and the other Lincolnshire solar schemes from the shared cable route in this area. ○ NGED has however sought different wording for paragraph 286(3) in respect of the management of third party claims or demands on 28 March 2025. The Applicant continues to prefer the drafting included within the NGED protective provisions in the West Burton Solar Project Order, as it ensures approval by the Applicant of any settlement or compromise made on such demands, which is appropriate given the Applicant will ultimately be liable for these claims. The Applicant also considers it is appropriate for the approach to align between the four Lincolnshire solar projects, given the works in the vicinity of NGED assets may be undertaken by any of the four undertakers per Article 36(3) of the draft DCO. The inclusion of aligned provisions for the management of third party claims is therefore 	

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	<p>appropriate given if such a claim is to arise it will likely arise for all four projects, and therefore any response will need to be aligned between the four projects. The Applicant therefore requests that the Secretary of State prefer the wording it has included for paragraph 286(3) within the Order.</p> <ul style="list-style-type: none"> • Part 19 – Trent Valley Internal Drainage Board (TVIDB) <ul style="list-style-type: none"> ○ The Applicant received the latest round of comments from TVIDB on the afternoon of 31 March 2025. The Applicant is in the process of reviewing these and preparing a final version of the protective provisions between the two parties for final review by TVIDB and agreement. ○ From an initial review of the comments, the Applicant considers the remaining points between the parties are minor, and could be resolved and provided prior to the close of examination, at Deadline 7. ○ However, in the interim the Applicant has included its preferred form of protective provisions within the version of the draft DCO provided at Deadline 6. Should the parties not come to agreement on the remaining matters between them, the Applicant requests that the Secretary of State prefer the wording it has included within the Order, and the Applicant will make submissions on these points at Deadline 7 if necessary. <p>It is not anticipated that there will be any other bespoke protective provisions required other than those listed above.</p>	

3. References

- Ref 1-1 Department for Communities and Local Government. Planning Act 2008, Guidance on associated development applications for major infrastructure projects. April 2013. Available at:
https://assets.publishing.service.gov.uk/media/5a7b5f04ed915d3ed9063f36/Planning_Act_2008_-_Guidance_on_associated_development_applications_for_major_infrastructure_projects.pdf
- Ref 1-2 National Fire Chiefs Council. Grid Scale Battery Energy Storage System planning – Guidance for FRS. November 2022. Available at: <https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf>
- Ref 1-3 His Majesty's Stationary Office (HMSO) (2008) Planning Act 2008. Available at:
<https://www.legislation.gov.uk/ukpga/2008/29/contents> [Accessed 09/09/2024]
- Ref 1-4 Institute of Environmental Management and Assessment (IEMA) Guide to: Determining Significance For Human Health In Environmental Impact Assessment. November 2022. Available at: <https://www.iema.net/media/yljb2nbs/iema-eia-guide-to-determining-significance-for-human-health-nov-2022.pdf>
- Ref 1-5 Public Health Wales. Health Impact Assessment: A practical guide. Available at: <https://phwwhocc.co.uk/wp-content/uploads/2020/07/Health-Impact-Assessment-A-Practical-guide.pdf>
- Ref 1-6 National Health Service. HUDU Planning for Health. Rapid Health Impact Assessment Tool. October 2019. Available at: <https://www.healthyurbandevelopment.nhs.uk/wp-content/uploads/2019/10/HUDU-Rapid-HIA-Tool-October-2019.pdf>