Application by Springwell Energy Farm Ltd for an order granted development consent for the Springwell Solar Farm

Written Representation

A report prepared by North Kesteven District Council

(ID 20054501)

Planning Inspectorate reference: EN01049

NKDC reference: 23/0254/NSIP

May 2025

Contents **Page No.**

1.0 Terms of Reference

1.1 This report comprises North Kesteven District Council's Written Representation (WR) in relation to the Springwell Solar Farm. The content of the WR is consistent with the themes and overall conclusions set out in the Council's Local Impact Report (LIR).

2.0 Scope, Purpose and Structure of the Written Representation

2.1 Following on from the positive, neutral and negative impacts of the development identified in the Council's LIR, this report has been prepared to highlight the ways in which the proposed development either aligns or conflicts with local and national policy based upon the applicant's submissions.

2.2 The Council's LIR contains information relating to the site planning history, the description of the proposals, the characteristics of the surrounding area and the overarching legislative and policy context relevant to the proposals including summaries of the relevant NPSs and relevant policies from the adopted Central Lincolnshire Local Plan (2023). It also sets out applicable local guidance and strategy adopted by the Council.

2.3 Consistent with the Council's LIR, this WR focusses on five specific topic areas where to a greater or lesser degrees in each case, there are particularly pronounced policy conflicts and tensions within both national and local policy and guidance or an absence of information (or departure from best practice assessment methodologies), or both; which the Council considers should be bought to the Examining Authority's (ExA) attention.

As stated at paragraph 26.5 of the Council's LIR, these are:

- Grid Connection
- Impacts on Best and Most Versatile (BMV) agricultural land
- Landscape and Visual Impact
- Cultural Heritage Impacts (above and below ground)
- Battery Energy Storage System and Fire Safety

The Council's LIR was debated by its Planning Committee on 1 April 2025 and who endorsed the submission of a WR framed around the above topic areas.

2.4 As set out in Table 26.1 of the Council's LIR, while it also identified 'negative' impacts in relation to ES topics relating to biodiversity (including Biodiversity Net Gain), population, traffic and transport, cumulative effects and force majeure events, the Council does not offer any additional comments here and would refer the ExA to our LIR for further information. The Council also set out 'positive' impacts in relation to climate change and 'neutral' impacts in relation to air quality, noise and vibration, population, traffic and transport, water and glint and glare. In respect of these topics, subject to the ExA taking account of statutory and other consultee comments where applicable, the Council is satisfied that in principle there are mitigation measures associated with these topic areas which are capable of resolution by the Requirements set out in Schedule 2 of the draft DCO. We will continue to engage with the applicant in relation to the wording of the Requirements.

2.5 The WR will also set out the Council's comments on the wording of the Requirements and Procedure for Discharge of Requirements as set out in Schedule 2 and 16 respectively of the draft DCO.

3.0 Grid Connection

3.1 The Council's LIR refers to the local impacts from the grid connection at Section 11, paragraphs 11.1-11.12.

3.2 The Springwell Solar Farm is reliant upon the National Grid constructing a new substation at Navenby (NGNS) to enable a point of connection to be made to the National Electricity Transmission System. Currently, this project is at an early stage with public consultation only having been carried out in September - October 2024. An EIA screening opinion has been obtained from the Council which concluded that the proposals were EIA development applying The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and therefore that an ES would be required for the project (15 October 2024). No scoping request has been made to the Council as yet however this is anticipated prior to mid-June 2025.

3.3 The National Grid website currently indicates that a planning application to the Council (under the Town and Country Planning Act 1990) will be submitted by July 2025 and determined by Spring 2026. In addition, National Grid have confirmed the need to carry out overhead line works under s37 of the Electricity Act 1989 which will be determined by the Secretary of State for Energy Security and Net Zero. It envisages that, subject to approval, construction would start by mid-late 2026. The construction of the four new pylons would take place by spring / summer 2028 and the substation construction would be completed by late 2029. This information is reiterated in the Grid Connection Statement at paragraph 4.4.3. Notwithstanding, the Council has been made aware by National Grid that these provisional timetables have slipped back and we would welcome confirmation of the latest proposed application timelines through the Grid's submissions into Deadline 1, given that they did not attend Issue Specific Hearing 1 to update on the status of the NGNS as expressly requested by the ExA.

3.4 The description of the solar farm project is clear that a connection will be made to connect the Springwell substation to the proposed NGNS. It is included in the principal components of the proposed development. It is also stated that the solar farm operator has secured a grid connection agreement with the National Energy System Operator (NESO) to provide connection dates in April 2028 and April 2030.

3.5 At Section 4.11, paragraph 4.11.7 of EN-1 advises that the connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct a generation plant such as a solar farm. It envisages that '*wherever reasonably possible, applications for new generating stations and related infrastructure should be contained in a single application to the Secretary of State or in separate applications submitted in tandem which have been prepared in an integrated way, as outlined in EN-5. This is particularly encouraged to ensure development of more co-ordinated transmission overall'* However, it also recognises

that this is not always possible and each element may be subject to a separate application.

3.6 In this respect EN-1 paragraph 4.11.8 states '*Where this is the case, the applicant should include information on the other elements*[160] *and explain the reasons for the separate application confirming that there are no obvious reasons for why other elements are likely to be refused*.' It goes onto warn that '*the applicant accepts the implicit risks involved in doing so and must ensure they provide sufficient information to comply with the EIA Regulations including the indirect, secondary, and cumulative effects, which will encompass information on grid connections*.'

3.7 The documents accompanying the DCO application, however, are less clear on whether the NGNS will be completed in time to meet the phased connection dates and in line with the construction timetable for the solar farm. Chapter 3 of the ES indicates that the construction of the solar farm would take place in phases from Q1 2027 to Q4 2030. By the end of 2028, Springwell West and the Springwell Substation Phase 1 would be complete, with Phase 2 and Springwell East and Central completed by Q4 2030. The Grid Connection Statement at paragraph 4.1.5, however, provides that the completion of the Springwell Substation would take place in Q3 2029 which requires reconciliation with the information in Chapter 3 of the ES.

3.8 It thus appears that Springwell West and the Springwell Substation Phase 1 could be completed at the end of 2028, in advance of the NGNS which would not be completed until the end of 2029. If these timescales are correct, this has significant implications for the deliverability and potential benefits of the solar farm and validity of the ES. The benefits of energy generation under this scheme cannot be realised without the provision of a point of connection to the electricity transmission network.

3.9 The Council has further concerns regards the potential impact of delays to the National Grid timetable with regard to the planning process. The Council has concerns that the NGNS is locally controversial, that a planning permission cannot be guaranteed and therefore (on a without prejudice basis) there is a need to account for timescales associated with the appeal process and any potential risk of legal challenge/JR. Whilst the developer may have secured a grid connection, the NGNS cannot be delivered until a planning permission first has been secured and post-decision conditions discharge been undertaken. As such the applicant should evidence that there are no obvious reasons why the NGNS application will not be refused (as per Section 4.11 EN-1). In the Council's view, this remains uncertain at this stage but we appreciate that the NGNS planning application process is at an early stage and will develop over the course of 2025. As above though, the Council is already aware of a degree of timetable slippage and we request that the Grid provide a written update of their latest working assumptions.

3.10 Any delays in grid connection would reduce the potential benefits of the solar farm providing renewable energy before the government's target date of 2030 under the Clean Power 2030 Action Plan (the Action Plan was published on 13 December 2024 and sets out a pathway to a clean power system) and thus may impact on the planning balance.

3.11 At ISH1, the ExA put an action point to the Council to confirm in its LIR on any changes in weight that should be afforded to the benefits of the scheme if the construction of the NGNS is delayed again. As the Council has finalised its LIR (approved by Planning Committee on 1 April 2025), it has not been able to do this but has set out its views below.

3.12 In response, the Council considers that if further delays to the planning process are encountered by the National Grid in achieving consent for the NGNS which impacts on the delivery of renewable energy by Springwell solar farm later than 2030, then it should not be afforded any extra weight in the planning balance than if it were to be provided before that date; accepting though the 'Critical National Priority' status of these proposals. This is because the date of 2030 would accord with the target set in the Clean Power 2030 Action Plan for UK to achieve renewable energy production.

3.13 In addition, the reliability of supporting evidence that is time limited, such as ecological surveys, will reduce and undermine the impacts assessed in the ES. It is acknowledged that under the terms of the draft DCO, the applicant will be required to provide a statement to confirm whether it is likely that the subject matter of requirement proposed to be discharged will give rise to any materially new or materially different environmental effects compared to those in the ES and if it will then it must be accompanied by information setting out what those effects are.

3.14 The Council suggests that the delivery of the NGNS and alignment with the construction of the solar farm is a crucial matter upon which the Examining Authority should satisfy itself given that this is an unprecedented situation and that the Springwell solar farm is reliant on somewhat scarce public information available from the National Grid at the point of preparing their DCO application. This information is largely limited to the National Grid's website content, however, the Council understands that some further detail may be made available in National Grid's EIA Scoping Report.

3.15 The Council considers that an additional Requirement should be provided to restrict the commencement of the Springwell solar farm until the NGNS has reached a meaningful point of construction that gives certainty to the provision of the substation within the anticipated timescales set out in the ES and to ensure alignment between the projects. The Council considers that National Grid should be requested to provide a suitable trigger point within the construction timeline for the NGNS whereby it would be known that the NGNS had reached a suitable stage of construction to provide for a high level of certainty that it is able provide a grid connection to the Springwell Solar Farm. This will assist in drafting a suitable Requirement to ensure that the solar farm is not constructed (or is constructed in phases with pre-agreed elements of work only) before a grid connection has been provided and that the construction programmes for the two projects may be aligned.

3.16 The Council would draw attention to the DCO for the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 which was made on 7 December 2022 (link to NSIP portal website: Keadby 3 Carbon Capture Power Station - Project information). This was similarly a DCO application, and where Requirement 33 makes provision that no part of the development should commence

until evidence had been provided that consents/licenses/permits under other legislation was in place. The Council suggests that this comprises a precedent on DCO applications under the Planning Act 2008 to restrict development until a consent has been granted under different legislation. The Council's request in this case is therefore consistent with the broad principles set out in R33 of the Keadby decision.

3.17 It is not clear whether a fall-back position can be provided should the NGNS be significantly delayed either as a result of the planning process or the construction process. It is acknowledged that the National Grid is obliged to provide a grid connection to prospective customers, however, it is not clear how this could be achieved in practice without a new application being required since the Springwell solar farm is designed around a fixed grid connection at Navenby. There is no 'option B' as far as the Council is aware. In addition, as stated in the Site Selection report, there are limited grid connections available with suitable capacity in Lincolnshire for a scheme of this scale.

4.0 Impacts on Best and Most Versatile (BMV) agricultural land

4.1 The Council's LIR sets out the relevant national and local planning policies. Central Lincolnshire Local Plan (CLLP) policies are summarised in Table 8.1. In respect of BMV agricultural land, the relevant paragraphs of EN-1 are set out in paragraphs 18.1-18.7 and relevant CLLP policies are set out at paragraphs 18.8-18.9. The Written Ministerial Statement (15 May 2024) is referred to at paragraph 18.10 of the Council's LIR.

4.2 The Council's LIR refers to the local impacts from development on BMV agricultural land at Section 18, paragraphs 18.11-18.26

4.3 The ES states that the soil across the site is mainly used for agriculture. In terms of the availability of non-BMV agricultural land, effects are considered to be not significant. There would be a significant beneficial effect on soil quality during the operational (including maintenance) phase, as the land will not experience the usual effects from intensive farming practices during this time. During decommissioning, effects on the use of BMV and non-BMV agricultural land are expected to be minimal and therefore considered to be not significant, as much of the land will be returned to the landowner for agricultural use.

4.4 The ES concludes that in terms of the availability of Non-Best and Most Versatile agricultural land, effects are considered to be not significant. The scheme has been designed to remove all fields comprising solely Grade 1 land (noting that some pockets of Grade 1 land within larger field parcels remain) and most of the Grade 2 land. The overall ALC findings show that 42.3% (541.2ha) of the whole site is assessed as BMV land. Ther ES states that there would be a significant beneficial effect on soil quality during the operational (including maintenance) phase, as the land will not experience the usual effects from intensive farming practices during this time. During decommissioning, effects on the use of BMV and non-BMV agricultural land are expected to be minimal and therefore considered to be not significant, as much of the land will be returned to the landowner for agricultural use.

4.5 The scale of the project and the amount of BMV land, makes the impact significant at both District and County level. Whilst the ES states that the area amounts to only 1% of the farmed area of Lincolnshire, the cumulative effect is significant for both the District and the County particularly as there are several other large solar and infrastructure schemes either proposed or approved across the wider area that contribute to this impact. For a project of this scale, there will be an impact as the project will tie up the land for 40 years. The loss of such a large area of land is considered as significant at District level, even though the use is considered to be 'temporary'. In addition to this temporary loss, there would be a considerable permanent loss of BMV land due to green infrastructure. Across Lincolnshire, the estimated proportion of BMV land is 71.2%. Whilst across North Kesteven, the proportion of BMV land is 67%, this still covers two-thirds of agricultural land and is well above the national average.

4.6 It is noted that Table 11.12 differentiates between uses that are temporary and permanent. The elements of the solar farm are categorised as temporary since they would be, if approved, subject to a temporary permission with a lifespan of 40 years. The permanent uses are those which would remain in place beyond the lifespan of the solar farm. This is acknowledged as typical for solar farm applications where a temporary permission is applied for. The amount of BMV land under solar PV panels would be 210.7ha (35.6% of the total area under solar PV panels).

4.7 In assessing the environmental impact on agricultural land, Table 11.7 of the ES describes 'permanent, irreversible loss of one or more soil functions or soil volumes (including permanent sealing or land quality downgrading), over an area of more than 20ha of soil related features (including effects from 'temporary developments')' as a major impact. Temporary developments can result in a permanent impact if resulting disturbance or land use change causes permanent damage to the soil. The Council notes that Examining Authorities on other solar projects have taken the view that such a loss of land is a permanent impact as it is virtually impossible to mitigate.

4.8 It is anticipated that BMV land used for satellite collector compounds, Springwell substation and main collector compound and BESS would be hard surfaced. This would result in up to 21ha of BMV land being permanently sealed. In addition, the land uses listed in Table 11.12 do not include construction compounds or access tracks which may be hard surfaced and thus may result in the further loss of BMV and non-BMV agricultural land.

4.9 The BMV land to be used for temporary green infrastructure in field Tb2 (through the formation of a bund to screen the substation and BESS) and community growing area appears to be a further permanent loss of BMV agricultural land. While the land to be used as temporary green infrastructure will not be permanently sealed, it would be covered by a 3-5m bund for the duration of the solar farm. The community growing area may or may not result in a loss of BMV agricultural land. Together they would account for the further loss of up to 31ha of BMV land.

4.10 The Council considers that permanent sealing or potential land quality downgrading of BMV land from 'temporary' uses should be assessed as a major adverse impact in the ES and weighed in the planning balance. In this context the Council highlights the

Institute of Environmental Management & Assessment (IEMA) Guide 'A New Perspective on Land and Soil in Environmental Impact Assessment' (February 2022) which notes that that soils in grades 1, 2 and Subgrade 3a are considered to be a receptor of 'Very High Sensitivity' and where the permanent loss, or reduction in quality, of more than 20ha of agricultural land due to development is of very high magnitude of impact.

4.11 There is some conflict between maintaining the land in agricultural production and improving biodiversity. Table 11.12 indicates that 77.1ha of BMV land will be permanently lost to green infrastructure which is considered to be a significant adverse impact. Whilst not incompatible, site-based issues, such as soil type(s) and local agricultural practices may create future problems. The green infrastructure areas particularly target the highest grades on agricultural land and any future restriction that might prevent its return to cultivation should be a consideration in the planning process. At least some of these areas are likely to be bound by BNG monitoring and habitat management obligations for the duration of operation and therefore will likely be incompatible with ongoing agricultural use. It cannot be assumed that green infrastructure implemented as a requirement of the DCO, whether a combination of soft landscaping or BNG (and assumed to be dual purpose in any case), could simply be removed and the land returned at the end of 40 years or any earlier energy generation cessation date. Some or all of those areas may have attained heightened ecological status in the intervening period either preventing or limiting the scope for wholesale removal.

4.12 Soil structure can be significantly damaged during the construction phase of the process. Much of this damage can be remedied post construction but not all and it is possible that long term drainage issues may occur on the site due to the construction.

4.13 Suitable soil management and restoration clauses would be needed in order to secure the land's quality at the end of the term. Whilst many of the damaging operations can be remedied using agricultural equipment, the layout of the panels and buried cables will often prohibit this during the life of the solar farm and as such remedies can only be completed at the end of the term when all infrastructure has been removed. If the soil is in substandard condition during the operation of the solar farm, carbon sequestration is reduced and infiltration of water can also be reduced, leading to localised standing water and the reduction in soil quality.

4.14 The ES states that upon decommissioning, the land beneath hard surfaced areas will be removed to a depth of 1m and restored using soils retained onsite or replaced with imported topsoil. This needs to be reconciled with the approach in the outline Soils Management Plan.

4.15 Finally, on a without prejudice basis the Council will also seek ongoing negotiations with the applicant into mitigation measures for BMV impacts; primarily by way of sheep grazing. We will seek to ensure that the mitigation efforts and outcomes are commensurate with the scale and proportion of impacts on BMV land relative to other solar NSIP projects in Lincolnshire. The Council's agricultural adviser, Landscope, comment that whilst sheep grazing between panels is possible, this area of

Lincolnshire is not known for such activity. We are therefore concerned as to the likelihood of this occurring.

4.16 The applicant's outline Operational Environmental Management Plan (APP-0143) contains only a brief commitment at paragraph 2.4.4 and at present there is no evidence of, or commitment to, securing a contract with a grazier. We would encourage the applicant to prepare mitigation measures with reference to the BRE document 'Agricultural Good Practice Guidance for Solar Farms'. The Council's overall position though is that mitigation by grazing does not in any event wholly overcome the generational change and adverse impact on BMV land arising from the land use change to solar energy generation.

5.0 Landscape and Visual Impact

5.1 The Council's LIR sets out the relevant national and local planning policies. CLLP policies are summarised in Table 8.1. In respect of landscape and visual impact, the relevant paragraphs of EN-1 and EN-3 are set out in paragraphs 17.1-17.4, relevant CLLP policies are set out at paragraphs 17.5-17.6 and relevant Scopwick and Kirkby Green Neighbourhood Plan (SKNP) policies are set out in paragraph 17.7-17.8.

5.2 Lincolnshire County Council has commissioned specialist advice from AAH consultants on the impacts of the solar farm on landscape and visual impacts in a shared arrangement with the District Council. The Council's written representation on landscape and visual impact is based on their comments. Revised comments from the Council's landscape consultants which include more detail in respect of the points made at ISH1 and in response to the ExQ1 questions are attached at Appendix A.

5.3 The Council's LIR refers to the local impacts from development on landscape and visual impact at Section 17, paragraphs 17.20-17.37.

5.4 **AAH comments on Landscape Impact:** the ES concludes that there will be the significant major/moderate adverse landscape effects across the whole site during construction and Operation Year 1. This will reduce to moderate adverse (not significant) at Springwell East at Operation Year 10 when mitigation will have been established but will remain significant major/moderate adverse at Springwell West and Central.

5.5 AAH note that professional judgement has been applied in reaching this assessment and a rationale provided (paragraph 10.9.193), however, they recommend that the conclusion that the impact on Springwell East is not significant (at operational year 10) is considered during the Examination.

5.6 In addition, AAH recommend that vegetation removal is limited along site boundaries or sight lines, or along construction access routes, due to its potential to change the character of the local landscape beyond the limits of the development. Tree and vegetation removal must be clarified through the examination process, and subsequently any works or removal of trees and hedgerows must be agreed prior to any works commencing.

5.7 **AAH comments on Visual Impact:** the ES baseline follows the LVIA methodology and considers the consultation undertaken at pre-application stage. A viewpoint analysis has been carried out on 40 assessment viewpoints. None have been identified as being of high sensitivity. Moderate Adverse (significant) visual effects at Operation Year 10 when mitigation has been established have been identified for PRoW between Blankney, Scopwick and Kirkby Green extending up to Blankney Walks Lane and the railway on the eastern site boundary (including several 'Stepping Out' walks) and the A15 . These residual visual effects have been identified as it is not possible to sufficiently screen views of the development, or in the case of the A15 where the mitigation itself may cause an adverse effect through screening open views.

5.8 Access, and the wider highways elements of the scheme, do not appear to be fully considered in the LVIA despite the potential for adverse effects on the views of the rural landscape including potential vegetation loss, urbanisation and reduction of visual amenity. Consequently, the visual effects during construction may be underestimated within the LVIA due to unconsidered impact of loss of vegetation. Clarification on this matter by the applicant should be provided.

5.9 In terms of cumulative impacts, National Grid Navenby Substation is identified as the primary project to potentially generate cumulative landscape or visual effects with Springwell Solar Farm. Subsequently significant cumulative effects are identified through extending the area of development, increasing the land use area changed from agricultural to energy infrastructure, and also visually through increasing the extent the two schemes may likely be visible by receptors.

5.10 There are potential opportunities for the applicants of each scheme to coordinate mitigation planting in the area around the National Grid Substation, which we would recommend are investigated further if possible. For example, this may include the extending of carriageway hedgerow planting further north along the western edge of the A15 (such as along field parcels Bcd024, Bcd027, Bcd031), which are in the Springwell Order Limits and would bring mitigation planting closer to potential visual receptors, likely further screening the proposed National Grid Substation.

5.11 **Residential Visual Amenity:** a Residential Visual Amenity Assessment (RVAA) has been provided with the ES focusing on private views and private visual amenity during the operation of the solar farm. The methodology relies on the Residential Visual Amenity Threshold (RVAT) being reached when further change to the visual amenity of individual properties is identified as 'having the greatest magnitude of change'. This is a higher bar than used within the 'visual impact' assessment of the ES. The RVAA was carried out in stages commencing with an initial review of larger number of properties, then focusing in detail on 18 properties.

5.12 Of these 18 properties, four properties are within 100m of any solar array. These are 1 & 2 Peacock Lodge Cottages, Scopwick Lowfield Farm and Sheffield House. The RVAA concludes that while there will be significant adverse visual effects from several properties, none would experience such an overbearing or dominating visual effect that it would render any property an unpleasant or unattractive place to live. As such, the RVAA concludes that none of these will reach the RVAT. The proposals were designed to move development further away from affected residential properties as

part of the design evolution (the nearest property is 70m from any solar arrays) and mitigation through landscape planting has been developed to reduce the visual effects on remaining residential properties.

5.13 Paragraph 10.9.58 of the ES states that 31 dwellings would experience significant visual effects during construction. Paragraph 10.9.363 of the ES states that at decommissioning, due to the establishment and growth of mitigation planting, only four properties would experience significant visual effects during decommissioning, namely Scopwick Low Field Farm, The Windmill and Scopwick Mill on Heath Road and Gorse Hill Farm.

5.14 Paragraph 10.9.198 of the ES concludes that residents of 25 dwellings would experience significant visual effects during Year 1 but in most cases these effects would reduce in magnitude due to the establishment of mitigation and by Year 10 would not be significant. It is considered that significant visual effects would remain at the Windmill on Heath Road reflecting the fact that views are available from elevated rooms within the converted windmill. Table 10.12 summarises the operational phase visual effects on residential properties.

5.15 There are some residential properties which lie close to the NGNS on the east of the A15 which may benefit from the additional hedgerow planting suggested at paragraph 17.28 of this report for visual screening purposes. These are Temple High Grange Cottages, Temple High Grange Farm and Corner Cottage.

5.16 The proposals include embedded mitigation measures which are reliant on additional planting to integrate and screen proposals, promote conservation and protection of the environment and encourage ecological and habitat diversity. The success of the landscape mitigation is highly dependent on the successful management and maintenance of the new planting, as well as the protection of existing trees and hedgerows (to BS:5837 Trees in Relation to Construction standard and any subsequent arboricultural method statements, as approved by the appropriate authority). This would include areas within the Order Limits but away from construction activity, such as storage areas for materials which may suffer from tracking by plant that would damage tree root protection areas. The Council would expect the management plan to be developed further beyond the initial 5-year period, particularly if landscape and visual effects are being assessed at 10 years. Any early planting should be included in the maintenance plan as the reduction in effects described in the LVIA are also based on the assumption that this too will have established as planned.

5.17 The landscape proposals are at a high level and it would be expected that if the project proceeds, much more detailed plans would need to be submitted and subsequently agreed by the appropriate authority prior to the commencement of any works. This should include detail of the areas of landscape mitigation, location and types of planting as well as number, density and specification. Detailed landscape proposals should be based on the mitigation illustrated in the oLEMP. As much of the landscape mitigation is based on additional hedgerow planting, the Council considers that new / replacement hedgerows should provide at least 5 different species with a planting

density of 5 per m 60-90cm whips with canes and spirals. These should be planted in 3 staggered rows in order to provide a wider / denser screening provision.

5.18 Monitoring of the proposals also requires further development to ensure that there is sufficient robustness to deal with the challenging climatic conditions when it comes to establishing new planting. The updating of the management plan every 5 years after the initial establishment will assist.

6.0 Cultural Heritage Impacts (above and below ground)

6.1 The Council's LIR sets out the relevant national and local planning policies. CLLP policies are summarised in Table 8.1. In respect of cultural heritage, the relevant paragraphs of EN-1 are set out in paragraphs 16.1-16.4, relevant CLLP policies are set out at paragraphs 16.5-16.6 and SKCP policies are set out at paragraph 16.7 of the Council's LIR.

6.2 The Council's LIR refers to the local impacts from development on cultural heritage in Section 16, paragraphs 16.8-16.27.

6.3 **Above Ground Heritage Assets:** Table 9.3 only proposes to retain the listed milepost on the A15 as an above ground sensitive receptor.

6.4 The Council has expressed ongoing concerns about the assessment of built heritage assets during Scoping and PEIR stages.

6.5 There is a lack of detailed analysis of individual assets, rather a broad-brush approach and de-scoping en-masse within groups. There is very limited information within the groups as to why individual heritage assets have been scoped out the analysis and why a 'grouped assessment' of the significance of effects has instead been applied. In addition, the proposals also have cumulative impacts, particularly the connectivity of the open rural landscape and broader visual and experiential effects on heritage assets. This is notable given the proximity to the Leoda Solar Farm and other proposed developments, alongside potential sequential visual impacts on historic landmarks. A detailed evaluation of these cumulative effects should be undertaken to ensure a robust understanding of the scheme's wider historic environment implications.

6.6 The ExA, as set out in the action points from ISH1 and ExQ1, requested the Council to provide information in its LIR on which above ground heritage assets should be scoped into the ES and why. As the Council has finalised its LIR (approved by Planning Committee on 1 April 2025), it has not been able to do this but has set out those heritage assets that should be scoped in below.

6.7 A number of Listed Buildings located within close proximity to the development have been scoped out and no evidence base has been provided. All are farmhouses which have been grouped together and descoped despite having clear impacts on both setting and special interest. The applicant has provided further information on these heritage assets relevant to the Council's position in the latest Statement of Common Ground (SOCG) to be submitted at Deadline 1 which has changed some of the Council's views.

6.8 The Listed Farmhouses comprise:

- Thompsons Bottom Farmhouse and outbuildings (LBEN 1254329/1254407) - The setting of Thompson's Bottom farm and outbuildings is adversely affected. The solar array is located in close proximity to the eastern elevations of the farm complex and has no bespoke mitigation considered. Historic England Advice note 3 – The Setting of Heritage Assets, describes how the approach to and from heritage assets are considerations of their setting. Currently the approach to Thompon's Bottom farm from the east is one of open agricultural fields and views, this will be replaced with a large solar array, with no proposed mitigation, demonstrating an acute impact which needs further assessment. No further details on this heritage asset were provided in the SOCG and the Council considers that it should be scoped into the ES.

- Temple Farmhouse (LBEN 1254328 and 1261359) – further details have been provided in the latest SOCG and we agree that this is can now be scoped out.

- Home Farmhouse (LBEN 1061825) - further details have been provided in the latest SOCG and we agree that this is can now be scoped out.

- Farmyard to the north of The Firs (LBEN 1280661) - further details have been provided in the latest SOCG and we agree that this is can now be scoped out.

6.9 This generalised approach fails to consider the impact on individual assets and appears to rely heavily on embedded mitigation.

6.10 In the case of Scopwick Mill (Grade II Listed), it is only 200m from the nearest solar array, yet despite the proximity and scale there is no detail on the specific mitigation proposals. The Council remains in disagreement with the applicant's assessment of Scopwick Mill as set out in the SOCG and considers that it should be scoped into the ES.

6.11 Table 9.2 in Chapter 9 of the ES appears to solely list receptors and descope them without any detailed analysis of the individual impacts on setting. There are probably a number of instances where this group approach is acceptable in the context of a 5km study area (particularly with regards village centres where there are enclosed views) but an understanding of individual significance is required of those buildings with greatest impact and the heritage assets need to be considered in greater detail.

6.12 The assessment considers the Council's Local List of non-designated heritage assets but whilst this is analysed in Appendix 9.1, it does not feature in Chapter 9. This required to demonstrate a full understanding of the built environment of the area around the site.

6.13 The Council considers that the following non-designated heritage assets should be scoped into the ES due to the proximity of the solar arrays and the impact on their settings:

- Slate House (MLI120942) - Surrounded by the proposed development, as are its associated buildings. Impact on setting not assessed. Located southeast of Ashby Lodge (MLI88323), itself also close to Thompson's Bottom Farm.

- Ashby Lodge (MLI88323) - Close proximity to both Slate House and Thompson's Bottom Farm. Part of a cluster of farmsteads where impacts on setting require further consideration.

- Rowston Top (The Maltings) (MLI120856) - Surrounded by the solar scheme and its approach. Much of its farmland and approaches taken up by the scheme. Possible historical association with Ashby Hall estate (i.e. may have been an estate farm). Its historical significance and relationship to Ashby Hall require further investigation.

- Glebe Farm (MLI120941) - Close to Rowston Top and Ashby Hall. Located northwest of Ashby Hall (Rowston Top is northeast). Relationship within the historic landscape and possible estate connections warrant consideration.

- Scopwick Lowfield Farm (MLI120841) (located above Kirkby Green) - Surrounded by the solar array, which alters views to and from the farm. Access roads from the south and north also impacted. Some views remain intact (notably two fields southeast between LF08 and LF11 within the order limits).

6.14 In summary, there continues to be a lack of consideration of individual assets and analysis of impacts on designated heritage assets within close appreciation of the site. The descoping is broad brush and provides no rationale or evidence base for the decisions. Stating that the assets will not be impacted is insufficient as it fails to consider the individual circumstances of the individual assets and how any mitigation can be best applied. There remains limited and insufficient information on mitigation and inconsistent application of what is being considered for additional mitigation.

6.15 There are clear demonstrable impacts on the heritage and built environment, and these have either been largely dismissed, or are reliant on a standard approach for mitigation, with no information provided regarding bespoke analysis and understanding of the heritage assets which may be impacted. Much of the proposal will lead to 'less than substantial harm' to the designated heritage asset and those impacts should be tested and understood to ensure the correct approach and mitigation has been applied.

6.16 **Below Ground Heritage Assets:** as described in paragraph 16.17 of its LIR, the Council has an arrangement with Lincolnshire County Council for the provision of archaeological advice on behalf of NKDC. LCC will be the relevant planning authority for the purposes of discharging draft Requirement 11 'Archaeology'.

6.17 At paragraphs 16.18-16.26 and in Appendix C of the LIR, the Council set out the significant concerns of LCC regarding the approach to evaluation of archaeology across the site undertaken by the applicant. In particular, this related to the evaluation of currently unknown archaeology and the insufficient amount of trial trenching undertaken prior to submission of the DCO as an essential means of finding and characterising the archaeology. LCC's Historic Environment (Infrastructure) Officer advised that between 3% and 5% of the site, with a contingency of 2%, should be sampled by trenching to get an understanding of archaeological potential.

6.18 At paragraph 16.25 of its LIR, the Council set out its view that the proposed Requirement 11 was not appropriate or fit for purpose. This reflects the advice of LCC who advise that the wording accepted at the Mallard Pass, Cottam and West Burton Solar Farms, all recently consented NSIPs within Lincolnshire, is included for Springwell, should the scheme be consented.

6.19 At Issue Specific Hearing 1 (ISH1), LCC explained that a more targeted approach to archaeological mitigation was now sought based on the provision of further details of the proposed development once the final design has been reached.

6.20 LCC recommend that there needs to be an appropriate mechanism for updating the outline Written Scheme of Investigation (oWSI) and the location and extent of trenching once detailed design has been progressed sufficiently to understand areas of impact. The trenching would need to be completed prior to the commencement of any ground works including site preparation or other works. Once the trenching has been completed, the results will be used to inform the final mitigation strategy and archaeological management plan, which will need to be overseen by an Archaeological Clerk of Works and approved by the relevant planning authority. Where the extent of any archaeological remains is unclear, mitigation areas will need to extend and cover any areas of unknown, unevaluated land.

6.21 LCC consider that the works undertaken to date is limited partly due to the lack of details available to understand the location of impacts arising from the scheme. Improvements can be made within the documentation submitted, particularly the Aerial Investigation Report.

6.22 From the above, LCC consider that there is considerable uncertainty over the extent of buried heritage assets due to the inadequate amount of trial trenching undertaken. There is a real possibility that remains of more than local/regional significance could be found. Consequently, given this uncertainty, it is not yet possible to understand or quantify the level of impact upon buried heritage significant within the Order limits.

6.23 The revised comments of LCC's Historic Environment (Infrastructure) Officer can be found in full in the LCC LIR once submitted.

7.0 Battery Energy Storage System and Fire Safety

7.1 The Council's LIR sets out the relevant national and local planning policies. CLLP policies are summarised in Table 8.1. In respect of battery storage and fire safety, EN-1, EN-3 and EN-5 are silent on this matter, however, there is guidance produced

by the Department for Energy Security and Net Zero and the National Fire Chiefs Council as set out in paragraph 25.7 of the Council's LIR. The relevant CLLP policies are set out at paragraphs 25.4-25.5 of the Council's LIR.

7.2 The Council's LIR refers to the local impacts from the battery energy storage system in Section 25, paragraphs 25.6-25.21.

7.3 The proposed BESS will be located adjacent to the Springwell substation on land off the A15 within Springwell West. It is located 440m from the nearest residential dwelling. The BESS would utilise a variant of Lithium-ion batteries. The Plume Assessment document explains that current technology market trends include a move from Lithium-Nickel-Manganese-Cobalt-Oxide (NMC) to Lithium Iron Phosphate (LFP) chemistries. The ES uses LFP cells by way of assessment. Research suggests that LFP cells have an advantage over other lithium-ion chemistries in relation to thermal and chemical stability, which improves battery safety, as well as having a higher charge/discharge cycle life.

7.4 Paragraph 3.7.4 of Chapter 3 of the ES states that it will be constructed in accordance with the National Fire Chief Council (NFCC) Grid Scale Battery Energy Storage System Planning Guidance. These guidance documents and standards, alongside the provisions designed into the BESS compound for safety purposes, are outlined in the outline Battery Safety Management Plan (oBSMP) e.g. adequate space between battery units. The ES states that where appropriate, water storage tanks will be included in the BESS compound to provide water supply for firefighting. Additional tanks will be used to store any used firefighting water which may be contaminated.

7.5 The ES is accompanied by a Plume Assessment. This document assesses the evaluation of three scenarios (which reflect the DESNZ guidance):

- The release of toxic gases without a fire event;
- A fire event, and
- An explosion from the ignition of gases.

7.6 The Plume Assessment concludes that under day-to-day operation there is a low risk of an incident, and in the event of an incident the credible hazards are understood and have been evaluated to demonstrate that the risk to the local population remains very low. An Emergency Response Plan (ERP) will be prepared.

7.7 The applicant has engaged with the Lincolnshire Fire and Rescue Service (LFRS) during the pre-application stage. It is noted that a draft Statement of Common Ground with LFRS has been submitted with the application.

7.8 As set out in their draft LIR, LCC have consulted with LFRS. LFRS have developed their own standing advice for BESS based on national guidance and require a programme of monitoring and risk assessment once the BESS has been established to ensure that it complies with the oBMSP and ERP. During the first year of operation, this will involve 21 days of work for LFRS and then two days in each subsequent year for the lifetime of the development.

7.9 LFRS have identified that the need for monitoring and assessment will enable:

- early engagement to ensure that the required standards are being complied with;
- to ensure the BESS is constructed to the correct standards with support from LFRS;
- early development of the ERP;
- familiarisation of the BESS for local fire crews and overview by LFRS;
- development of on-going maintenance and updating risk information; and
- assurance for local residents and communities that the BESS is being independently inspected and monitored to reduce the risk of a fire.

7.10 To enable LFRS to undertake the necessary monitoring to ensure that BESS is in accordance with the draft Requirement 7, they have requested a financial contribution to be provided via a Protective Provision within the DCO so the LFRS has sufficient resources in place to undertake monitoring of the BESS. The sum total requested over the operational period of the solar farm is £76,335. This approach has been agreed as part of the recently approved Gate Burton, West Burton, Cottam and Heckington Fen solar farm DCOs. Therefore, there is a precedent for this approach to be followed at the Springwell solar farm.

7.11 Notwithstanding the isolated location of the BESS relative to centres of population and noting a separation distance of over 400m to the closest residential property, the Council has strong concerns about the potential risk to human health arising from fire related accidents at BESS developments. For this reason, it supports the measures sought by LFRS (as summarised in the LCC Local Impact Report) including the payment of a financial contribution towards the independent monitoring of the BESS by LFRS.

7.12 However, at present, without any provision in the draft DCO of a payment mechanism to address LFR's site monitoring requirement there is a gap in the overall mitigation package; notwithstanding that LFR do not object to the proposals. Battery safety guidance published by the National Fire Chiefs Council sets out that applicants should specify their choice of NMC or LFP battery chemistry in developing emergency response/Battery Safety Management Plans.

7.13 The degree to which the Planning Act (2008) can compel what is essentially and ultimately a matter of customer choice is unclear. However, as above, with the suggestion that LFP cells have an advantage over other lithium-ion chemistries in relation to thermal and chemical stability, which improves battery safety, the Council's view is that the ExA should consider this matter through the examination.

7.14 Section 105 of the Planning Act (2008) requires SoS decisions to have regard both to 'any local impact report' and 'any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision'. The scope of material planning considerations is wide and must have a planning purpose that relates to the character and use of the land, and it must fairly and reasonably relate to the proposed development under consideration.

7.15 In that regard the Council's view is that the 'perception of harm' to public amenity, safety and wellbeing associated with an incident at the BESS is capable of being a

material planning consideration and we note that Defra plans to open a consultation on integrating grid-scale battery energy storage systems into the Environmental Permitting Regulations by June this year, in order to determine whether more robust regulatory and operational oversight is required. As such the Council consider that there is a need to agree the battery type proposed within the BESS as part of the requirement to agree the BSMP in view of the changing market trends and the need to minimise the impact on human health following any major accident or disaster, and the 'perception of harm' to public amenity, safety and wellbeing as a material planning consideration.

8.0 Early Decommissioning of the Solar Farm

8.1 In line with another solar farm decision in North Kesteven (Heckington Fen solar farm ref: EN010123), the Council suggests that provision is made for periods of extended outage. The Council has made reference to this at paragraph 25.23 of its LIR. Following further consideration, the Council recommends that the Outline Operational Management Plan (oOMP) is amended to include a section to deal with periods of extended outage. In line with the provision made within Heckington Fen solar farm oOMP, the Council suggests that such a provision would cover a situation whereby the development should stop generating electricity for a continuous period of 12 months for non-maintenance reasons and would enable the applicant to provide details on the steps it is taking to rectify the issue along with an expected timeframe for when generation is predicted to re-commence operation. The Council does not anticipate that the provision would be triggered by a force majeure event or if the outage occurred as a result of the National Grid undertaking any activities to the connection substation and/or transmission network. The Council would welcome discussions with the applicant on this matter.

9.0 Draft Development Consent Order

9.1 In addition to the comments provided above, in respect of the draft DCO, the Council wishes to raise the following points on a without prejudice basis:

a. Part 6 (Miscellaneous and General), Article 40 and 41

9.2 Article 40 is states that subject to paragraph (2) and article 41, the undertaker may fell or lop any tree or shrub near any part of the development for maintenance purposes as set out in the dDCO.

9.3 NKDC note that the government's guidance on drafting DCOs recommends, in respect of provisions in relation to hedgerows and protected trees, that a schedule of each are provided within the DCO. The Council considers that a similar approach should be taken in respect of non-protected trees and shrubs.

9.4 As such, NKDC consider that the developer should set out a schedule and provide a map of the location of the trees and shrubs to which this article relates. NKDC consider that this would assist the Council in its duties to investigate any breach of the DCO's provisions in the interests of expediency.

9.5 Article 41 is concerned with works to trees subject to a tree preservation order (TPO) that is within the Order limits and was made after November 2024. No TPOs have been made to date. No concerns are raised in respect of protected trees.

b. Schedule 2 Requirements

9.6 Requirement 1 Relevant Planning Authority – remove LCC from (vi) Requirement 18 (soil management plan), and replace with NKDC

9.7 Requirement 7 Battery Safety Management – add UKHSA as consultee given that the plume assessment will be resubmitted as a requirement of the outline Battery Safety Management Plan. The requirement requires a maintenance clause for consistency with other requirements.

9.8 Requirement 9 Landscape and Ecology Management Plan – the minimum biodiversity net gain should be updated to reflect the final BNG provisions that the proposals will achieve.

9.9 Requirement 14 Construction Traffic Management Plan – it is not necessary for NKDC to be a consultee.

9.10 Requirement 18 Soil Management Plan – change relevant planning authority to NKDC. The requirement requires a maintenance clause for consistency with other requirements.

9.11 Requirement 19 Decommissioning and restoration - as a matter of principle the Council considers that Requirement 19 ought to include a mechanism to secure early decommissioning if the solar farm ceases to generate energy on the basis that the benefits would cease but the harms would remain. This matter is referred to at paragraph 25.23 of the Council's LIR.

9.12 Proposed Additional Requirement – at paragraph 11.12 of its LIR and as summarised above, the Council has suggested that an additional requirement be introduced to ensure that the commencement of the Springwell solar farm is restricted until the NGNS has reached a meaningful point of construction, beyond simply the commencement of development, to ensure that its construction timetable aligns with that of the proposed NGNS.

c. **Schedule 16 Procedure for Discharging Requirements, Article 2(1)**

9.13 Further information and consultation (3) requires the relevant authority to notify the undertaker of any further information that is considered necessary or that is requested by the requirement consultee within 15 working days of receipt. (6)(a) requires that a requirement consultee should provide comments on an application to the relevant planning authority within 10 working days of receipt.

9.14 Due to the capacity and availability of consultees, the Council requests that (3) is extended to 20 working days and (6)(a) is extended to 15 working days, as a minimum in both cases. This request is in line with recent DCO decisions on Lincolnshire solar farms.

d. Schedule 16 Procedure for Discharging Requirements, Article 5 – Fees

9.15 The Council considers that the fee schedule should be updated to reflect the fees introduced in April 2025 and requests that a proportionate increase is reflected in the fees set out in Schedule 16 as follows:

5. (1) Where an application is made to the relevant planning authority for a discharge, a fee is to apply and must be paid to the relevant planning authority for each application.
(2) The fee payable for each application under sub-paragraph (1) is as follows—
(a) a fee of £2,578 for the first application for the discharge of each of the requirements 5, 7, 8, 10, 12, 13, 14, 18 and 19 – and in respect of the requested additional Requirement relating to the phasing/timings of works relative to the NGNS.
(b) a fee of £588 for each subsequent application for the discharge of each of the requirements listed in paragraph (a) and any application under requirement 5 in respect of the requirements listed in paragraph (a); and
(c) a fee of £298 for any application for the discharge of—
(i) any other requirements not listed in paragraph (a);
(ii) any application under requirement 4 in respect of requirements not listed in paragraph (a); and
(iii) any approval required by a document referred to by any requirement or a document approved pursuant to any requirement.

9.16 The Council would welcome discussions with the applicant to progress a s106 planning obligation to secure funding for BNG monitoring and, the skills and education package and to set up an ecology steering group. We note and welcome, again on a without prejudice basis, the applicant's commitment in principle to a skills and education financial contribution of £50,000 per year for the lifetime of the development.

9.17 The Council will also provide an indicative BNG monitoring fee based on the broad principles contained in the adopted Central Lincolnshire BNG monitoring fee schedule.

9.18 However, we will also continue to seek an increase in the amount of BNG to be delivered by this scheme and which ought to be significantly in excess of 10% mindful of precedent delivery elsewhere (see LIR paragraphs 14.46 to 14.49). On this basis the likely BNG monitoring fee can realistically only be clarified during later deadline submissions.

10. Conclusion

10.1 In conclusion, as per the Council's Planning Committee Report and Local Impact Report, the Council raises overall support for solar development in the context of the CLLP policies S14 'Renewable Energy' and S16 'Wider Energy Infrastructure' where ground based solar photovoltaic and association infrastructure / battery energy storage, including commercial large scale proposals are under a 'presumption in favour' of approval unless, amongst other things clear and demonstrable harm arises. However, given the concerns raised in relation to the five specific areas described above comprising grid connection, loss of BMV agricultural land, landscape and visual impact, cultural heritage and the battery energy storage system

and fire safety; the Council wish to raise an objection to the Springwell solar farm on those matters for the reasons set out in this representation.