

Submission ID: 37348

NKDC submissions at Deadline 3 include our Oral Submission Summaries and responses to the ExA's Action Points from ISH2, 3 and 4.

## Springwell Solar Farm – Written Submission of Oral Case to ISH2 from North Kesteven District Council (ID 20054501)

Agenda Item	Comments
Item 1 – Welcome	n/a
Item 2 – Purpose of the ISH	n/a
Item 3 – Landscape and Visual	
<b>Landscape Character</b>  <b>3.1 The Applicant and Local Authorities will be asked questions related to whether the Proposed Development either alone or in combination with other developments would lead to large scale solar becoming a defining characteristic of the relevant Landscape Character Areas, Landscape Character Type and National Character Area.</b>	<p><b>Submissions made by Oliver Brown, AAH Consultants on behalf of NKDC</b></p> <p>In regards to the Springwell scheme alone, we are in agreement with the applicants' findings within the LVIA of significant adverse landscape effects at a local level. Our position is that at a local character level, the Springwell Solar Scheme will become a key landscape characteristic. At a larger character scale, while the scheme will undoubtedly alter the land use of a large area, the effect will diminish to that at a local level and is unlikely to be significant.</p> <p>Cumulatively, the mass and scale of several NSIP scale energy projects combined with Springwell has the potential to lead to adverse effects on landscape character over an extensive area across multiple published character areas. The landscape character of the Lincolnshire region will be altered over the operational period through an extensive area of land use change, and introduction of energy infrastructure in an area that is predominantly of agricultural character and land use; solar development is not identified within current published character assessments. While it is not suggested that agriculture will not remain as a defining characteristic, over a short period of time large scale solar will undoubtedly become a widespread characteristic in the region. Subsequently, we judge that solar development would be a key characteristic in any updates to published character assessments from local to national scale.</p>

However, given the absence of a unified, county-wide landscape character baseline across Lincolnshire, this presents a challenge when assessing cumulative effects over a strategic county-wide scale to consider all these energy projects. Therefore, an approach we are promoting is to extract common landscape attributes of the area from the multiple character area assessments that cover the region, enabling a reasoned, evidence-led baseline, and subsequently assessment, of cumulative landscape effects across the wider county area. For example, across Lincolnshire:

- the Land Use is predominantly arable agriculture;
- Field Patterns are predominantly medium to large-scale;
- the Topography has a predominantly flat to gently undulating landform;
- Perceptual Qualities are predominantly quiet and with a rural character and high levels of tranquillity;
- the Settlement Pattern is generally dispersed villages and market towns;
- Vegetation & Tree patterns are generally open with sparse or isolated tree cover;
- and regarding Views & Openness, there is generally a strong sense of openness, big skies, and expansive views.

Therefore, across the region, based on these shared characteristics large scale solar development and new energy infrastructure would create cumulative change of the landscape character through an extensive land use change, directly affecting the perceived openness, and rural tranquillity. We judge large scale solar, battery and energy infrastructure will subsequently be a distinctive key characteristic across the region as a whole.

This would also be an issue when experienced sequentially for visual receptors travelling through the wider landscape and experiencing these schemes across potentially several kilometres, albeit with gaps between the schemes. However, repeated views and presence of large scale solar would undoubtedly increase the susceptibility of receptors to changes in view through visual fatigue in which viewers experience a diminishing capacity to absorb or tolerate repeated

	<p>or similar visual stimuli (solar development) along routes, eroding the rural landscape character and increasing a broader perception of landscape industrialisation. GLVIA3 defines types of cumulative visual effect as either: Combined (in same view) or Sequential. Table 7.1 of GLVIA3, regarding Sequential Cumulative visual effects states: <i>“Sequential: Occurs when the observer has to move to another viewpoint to see the same or different developments. Sequential effects may be assessed for travel along regularly used routes such as major roads or popular paths”</i></p> <p>We judge that the sequential effects (adverse) would be felt throughout the area, with PROW users, that are more susceptible to changes in their view, moving slowly and often engaging with the landscape attentively; travel along these PROW presents successive experience with solar infrastructure, creating a sequential visual effect. PROW users travelling along several rights of way have been identified within the applicants LVIA as having significant adverse visual effects at year 10.</p> <p>If users of these routes had previously, or would subsequently, travel on rights of way or other linear routes with views of other solar schemes (as identified in the LVIAs associated with these projects) the implication is that users would likely experience sequential visual effects across two or more schemes, even at Year 10 when mitigation should have matured. Combined with receptors traveling long distances along road corridors in the region with views of the scheme, this can form a coherent visual narrative: a rural area increasingly defined by clustered energy-infrastructure development.</p>
<p><b>3.2 The Applicant and Local Authorities will be asked questions relating to the impact on landscape character in Year 10 of operation at Springwell East.</b></p>	<p><b>Submissions made by Oliver Brown, AAH Consultants on behalf of NKDC</b></p> <p>In summary, we agree with a moderate adverse assessment for LCA 11 (which covers Springwell East) made within the applicants LVIA, but it is our judgement this would be a Significant residual adverse effect; still being a direct, large scale land use change across all fields in which above ground infrastructure is proposed. This would be an addition of new elements that will replace a key element of this landscape, influencing character, being a major addition, albeit affecting a relatively localised area of the LCA. Based on the assumptions within the ES of the overall scheme consisting of 1.5 million Solar PV modules to deliver approximately 800MW across the scheme (assuming Springwell East accounts for only a quarter of that) which would be a</p>

	conservative estimate, this would equate to over 350,000 panels generating up to 200MW in Springwell East alone, which would still be classed as a very large scale solar scheme and well above the current threshold to be considered an NSIP.
<b>3.3 The Applicant will be asked questions relating to the vegetation removal parameters (Figures 3.11A to 3.11F) [REP1-027] and how landscape and visual impacts will be accounted for in finalising the location of vegetation removal.</b>	n/a
<b>Visual Impact and Design</b>  <b>3.4 The Applicant will be asked about the design process that is secured in the draft Development Consent Order and control documents.</b>	n/a
<b>3.5 North Kesteven District Council will be asked to expand on its concerns relating to the visual impact of highways components.</b>	<p><b>Submissions made by Oliver Brown, AAH Consultants on behalf of NKDC</b></p> <p>Under <b>Agenda Item 3.5</b>, in regard to concerns relating to the visual impact of highways components, localised removal of vegetation is identified in the assessment of landscape effects; however, at the time of writing our LVIA review it was unclear whether this included vegetation works on the wider highways network, and what this would entail. We have subsequently discussed this with the applicant at a recent meeting prior to the hearing, and they have now clarified the vegetation loss in the wider landscape, which takes account of anticipated highways and construction works including internal tracks, cable routes and the grid connection corridors. The location of vegetation removal is indicated by the Vegetation Removal Parameters</p>

	<p>presented in Appendix 2 of the oLEMP [REP1-064] and these same figures are included as Figures 3.11A-3.11F of ES Volume 2, Figures, Chapter 3 [REP1-027].</p> <p>Should the DCO be granted consent, detailed LEMP(s) will be produced for the Proposed Development in accordance with the DCO Requirement in Schedule 2 of the draft DCO [REP1-006]. The LEMP(s) would require approval by the relevant planning authority prior to commencement of construction and would be required to be substantially in accordance with the framework set out in the OLEMP [REP1-064], including the Green Infrastructure Parameters presented in Appendix 1 and Vegetation Removal Parameters presented in Appendix 2.</p>
<b>3.6 The Applicant will be asked questions relating to the impact of glint and glare prior to Year 10 of operation and the visual impact of any temporary mitigation prior to the establishment of screening planting.</b>	n/a
<b>Item 4 – Cultural Heritage</b>	
<b>Archaeology</b>  <b>4.1 The Applicant, Local Authorities and Historic England will be asked to provide an update to the ExA on discussions that have taken place since examination Deadline 2 regarding further work to be undertaken by the Applicant on the</b>	The Council defers to the views of LCC on this matter.

archaeological desk-based assessment [REP1-038].	
<b>4.2 The Applicant, Local Authorities and Historic England will be asked questions relating to the wording of Requirement 11 in the draft Development Consent Order [REP1-006].</b>	The Council defers to the views of LCC on this matter.
<p><b>Above Ground Heritage Assets</b></p> <p><b>4.3 The Applicant and Local Authorities will be asked questions relating to the impact of the Proposed Development on the setting of above ground heritage assets, including:</b></p> <ul style="list-style-type: none"> <li><b>- Whether the surrounding landscape contributes to the setting of the Scopwick and Blankney Conservation Areas.</b></li> <li><b>- Effects on listed farmhouses and Scopwick Mill.</b></li> </ul>	<p><b>Submissions made by Matt Bentley, Conservation Officer on behalf of NKDC</b></p> <p>NKDC confirmed that the only designated heritage assets still under discussion are Thompsons Bottom Farm and Scopwick Mill.</p> <p><b>Scopwick Mill:</b> NKDC explained that the solar array would be located 450m to the south of Scopwick Mill. Due to the scale of the mill there will be a visual relationship between the mill and the solar array even though it will be some distance away. The Council agrees with the LVIA that there will be an adverse impact on the listed mill, the disagreement with the applicant stems from the degree of impact on the setting and significance of the listed mill. The Council considers that the level of intervisibility will affect the setting and therefore the special interest of the listed mill. The level of impact is significant enough to have warranted further assessment in the ES. The Council will provide further comment on the explanation of effects on this asset due to be submitted by the applicant under Action Point 7 at Deadline 3.</p> <p><b>Thompsons Bottom Farmhouse:</b> NKDC explained that further information was submitted by the applicant mostly considering the impacts on the setting to the south of the farm as the façade of the listed farmhouse directly addresses the south. However, the whole farm complex is listed. There is an independently listed barn with a number of curtilage listed structures.</p>

<p><b>- Effects on non-designated farmsteads both individually and in relation to their collective value.</b></p>	<p>The Council's concern is mostly related to the impact on the setting including movement between Thompsons Bottom farm and the A15. That is open landscape with little enclosure. The embedded mitigation includes an area of woodland which will enclose the farm buildings when approaching from the A15 and change the landscape significantly. This will change the setting of the listed building and its special interest. The Council agrees with the LVIA that there will be an adverse impact on the listed farmhouse, the disagreement with the applicant stems from the level of impact and whether it should have been scoped in for further assessment. The Council considers that potentially, the level of impact would have led to bespoke mitigation rather than embedded mitigation. The Council will provide further comment on the explanation of effects on this asset due to be submitted by the applicant under Action Point 7 at Deadline 3.</p>
<p><b>Item 5 – Noise and Vibration</b></p> <p><b>5.1 The Applicant will be asked questions relating to impacts associated with Horizontal Directional Drilling in the construction phase.</b></p>	<p>n/a</p>
<p><b>5.2 The Applicant will be asked questions relating to noise impacts and the experience of users of public rights of way during both the construction and operation phases.</b></p>	<p>n/a</p>
<p><b>Item 6 - Procedural Decisions, Review of Actions and Next Steps</b></p>	<p>n/a</p>
<p><b>Item 7 - Close</b></p>	<p>n/a</p>



<b>ACTION POINTS FOR NKDC:</b>	
<b>3. Applicant and LPAs to discuss materials and colours set out in the Design Commitments</b>	The Council and the applicant have met to discuss the likely proposed materials and colours of the acoustic, boundary and glint and glare fencing. The applicant will submit amendments to the Design Commitments and oLEMP at Deadline 3 which the Council will comment on.

## Springwell Solar Farm – Written Submission of Oral case to ISH3 from North Kesteven District Council (ID 20054501)

Agenda Item	Comments
Item 1 – Welcome	n/a
Item 2 – Purpose of the ISH	n/a
<b>Item 3 – Cumulative Effects</b>  <b>3.1 The inter-relationship report [REP1-068] and its adequacy will be discussed, having regard to the concerns raised by Lincolnshire County Council (LCC).</b>	NKDC defer to LCC in response to this matter.
<b>3.2 The Applicant will be asked if there is any update on discussions with the promoters of Leoda Solar Farm and the Navenby Battery Storage (BESS) Project?</b>	<b>Submissions made by Shemuel Sheik of Counsel on behalf of NKDC</b>  The Council confirmed that no Committee date had been set for the determination of the Navenby BESS planning application.
<b>3.3 The Local Authorities will be asked whether they have any general comments on the revised Cumulative Effects Assessment</b>	<b>Submissions made by Shemuel Sheik of Counsel on behalf of NKDC</b>  The Council has no specific comments on the revised ES Cumulative Effects Chapter. The Council supports the comments made by LCC at the hearing.

<p><b>[REP2-009] provided by the Applicant at Deadline 2.</b></p>	
<p><b>Item 4 – Air Quality, inc BESS</b></p> <p><b>4.1 The Applicant and the UK Health Security Agency will be asked whether the Secretary of State could be satisfied that there is a strong likelihood that July 2025 there would not be any significant adverse effects on human health in the absence of atmospheric dispersion modelling. The Applicant will also be asked why the existing Plume Assessment does not consider the effects of smoke or particles created by a fire, nor does it consider the effects of projectiles or other debris released by an explosion.</b></p>	<p>n/a</p>
<p><b>4.2 Whether the Emergency Response Plan can be drafted before detailed design will be discussed with the Applicant and Local Authorities. Further, the</b></p>	<p><b>Submissions made by Shemuel Sheik of Counsel on behalf of NKDC</b></p> <p>The Council defers the views of Lincolnshire Fire and Rescue Service for a response on this matter.</p> <p>NKDC expressed its wish to be a consultee on Requirement 7 in respect of the Battery Safety Management Plan as it relates to potential effects on sensitive receptors including residential</p>

<p><b>Protective Provisions for Lincolnshire Fire and Rescue Service and the financial contribution sought will also be discussed with the Applicant and LCC.</b></p>	<p>amenity and as the choice of battery type has not yet been decided. This was agreed by the applicant.</p> <p>The ExA will already be aware that the Council's view is that the choice of battery type is a matter which the Council wishes the ExA to consider as set out in paragraph 25.18 of the Council's Local Impact Report [REP1-102].</p>
<p><b>Item 5 – Climate Change</b></p> <p><b>5.1 The assumptions within the Climate Change Assessment that there would be no replacement of solar panels during the lifetime of the Proposed Development and the distances that might be travelled to waste management facilities will be discussed with the Applicant and Local Authorities.</b></p>	<p><b>Submissions made by Shemuel Sheik of Counsel on behalf of NKDC</b></p> <p>The Council supports LCCS view on planning for waste recycling and planning for future waste management facilities within the Minerals and Waste Local Plan which is currently under preparation.</p> <p>The Council will review the applicant's legal submission (to be submitted at Deadline 3) that a requirement restricting the replacement of solar panels to 5% does not meet the test of reasonableness.</p> <p>The Council submitted that the definition of "maintain" within the draft DCO, whilst it does not allow the wholesale replacement of solar panels, would allow for up to 99% of all solar panels to be replaced without restriction. The Council notes the constriction under Article 5(3) of the dDCO which does not authorise the carrying out of works which are likely to give rise to any materially new or materially different effects that have not been assessed in the ES.</p> <p>This response is also provided under Action Point 5 in the table below.</p>
<p><b>5.2 Matters associated with the Applicant's Climate Technical Note and comparison against other technologies rather than</b></p>	<p>NKDC advised that it would deal with this matter under Written Representations. This is provided under Action Point 6 and 7 in the table below.</p> <p>The Council would prefer consideration of a more realistic comparison by first carrying out multiple comparisons with different technologies (both renewable and fossil fuel based) to evidence the</p>

<p><b>Combined Cycle Gas Turbine will be discussed with the Applicant and Local Authorities. Whether there is a need for ongoing monitoring of emissions data and renewable energy generation figures will also be discussed.</b></p>	<p>justification for the choice of comparison technology rather than the selection of a single technology without providing the comparative context of why that has been chosen in a transparent way against other technologies. The 40-year lifespan of the proposal should be considered when carrying out a comparative assessment especially given that technology is advancing so quickly in this area.</p> <p>The Council notes that the Technical Note on Climate Change now includes, at Table 2, a comparison of the proposed development with a range of other technologies which the Council considers acceptable.</p> <p>NKDC recommends that ongoing, publicly available emissions/generation data is published annually to encourage transparency of the development. With the number of solar farm proposals hosted within the area, in the interests of transparency, local authorities and communities should be able to understand and be made aware of the impacts (negative and positive) that are the result of an NSIP development. The positive impacts (without prejudice to the Council's overall position) in this case being publicly available data on energy generation and GHG reduction.</p>
<p><b>Item 6 – Land, Soil and Groundwater</b></p> <p><b>6.1 The Applicant will be asked for an update on discussions with Natural England on its outstanding concerns, particularly in relation to: construction compounds and access tracks; permanent loss of</b></p>	<p>n/a</p>

<b>BMV land to green infrastructure; and soil handling.</b>	
<b>6.2 The Environmental Statement's consideration of temporary uses such as: satellite collector compounds, BESS and Springwell substation, main collector compound, green infrastructure and the community growing area will be discussed with the Applicant and Local Authorities.</b>	<p><b>Submissions made by Sam Franklin, Landscape on behalf of NKDC</b></p> <p>NKDC submitted that there was a distinction between land to be used for temporary purposes from that which is effectively to be permanently sealed under hardstanding (for example, substation, BESS satellite collector compounds, main collector compound). This is considered to be a permanent loss from agricultural use which has not been assessed as such in the ES and should be weighed in the planning balance.</p> <p>Other NSIP solar farm projects where land to be sealed under hardstanding has been taken as a permanent loss of agricultural land are: Heckington Fen (determined), Beacon Fen (at examination), Mallard Pass (determined), Gate Burton (determined), Cottam (determined).</p> <p>See the Council's response to Action Point 9 below for full references to the solar farms where a similar approach has been taken.</p> <p>The Council also has some uncertainty about the community growing area and green infrastructure in Field Tb2 which are described as temporary uses unlike the green infrastructure which is described as a permanent loss of agricultural land. The Council considers that these uses ought to be treated as a permanent loss of agricultural land in the interests of consistency.</p>
<b>6.3 The Applicant and Local Authorities will be asked about soil management and mitigation, particularly the potential for sheep grazing. Whether food production is a matter for</b>	<p><b>Submissions made by Sam Franklin, Landscape on behalf of NKDC</b></p> <p>NKDC pointed out that there was a contradiction by the applicant in terms of the desire to achieve conservation grazing in ES Chapter paragraph 11.8.16 [APP-051] and the oLEMP paragraph 6.1.21 [APP-142] which only states that it is preferred. There is no means of delivery set out in the application.</p>

<p><b>consideration in the planning balance will also be discussed with the Applicant and Local Authorities.</b></p>	<p>The Council considers that the soils across the proposed development are not currently in poor health nor suffer from the effects of surface water run-off (as evidenced in oSMP paragraph 2.2.4 [REP1-042]). The proposed provision of ecological grassland beneath the solar panels is required to prevent any adverse effects from the rapid run-off of rainfall from the solar arrays which could lead to soil erosion (oSMP 4.1.1 [REP1-042]); rather than to address any existing vulnerability of the existing soil types. The benefit proposed by the development is therefore only there to offset the impact of the development itself.</p> <p>As there is no guarantee of grazing as a means of managing the grassland below the solar panels, there will be a significant loss of agricultural land for 40 years as a result of the solar farm and the contribution that agriculture makes towards economic activity within North Kesteven and more widely across the County. The latter is recognised in paragraph 187(b) of the NPPF. The provision of conservation grazing beneath the solar panels would offer some continuation of agricultural use on the agricultural land including BMV land. It should be provided in line with best practice guidance by the BRE: <a href="#">NSC -Guid Agricultural-good-practice-for-SFs_0914.pdf</a></p> <p>The Council considers that a Requirement to ensure that conservation grazing is provided would give more certainty that the land could continue in agricultural use both during operation and at the end of the decommissioning. We note that the applicant disagrees with the Council's views.</p> <p>The Council concurs with the views set out by LCC on the planning policy applicable to food production, noting that WMS 2024 has not been revoked.</p>
<p><b>6.4 The Applicant and the Environment Agency will be asked questions about the approach to unexpected contamination and whether changes made to the</b></p>	<p>n/a</p>

<p><b>Outline Construction Environment Management Plan [REP1-060] by the Applicant at Deadline 1 should form a new requirement within the Draft Development Consent Order.</b></p>	
<p><b>6.5 The Environment Agency and Local Authorities will be asked whether they consider leaving cables in the ground during decommissioning an acceptable approach.</b></p>	<p><b>Submissions made by Sam Franklin, Landscape on behalf of NKDC</b></p> <p>Sam Franklin's advice on behalf of NKDC is limited to soils and agricultural land rather than contamination. He considers that it would be acceptable to leave cables buried in the ground during decommissioning to prevent further disturbance to soils providing that the cables are sufficiently deep to allow agricultural operations to proceed.</p>
<p><b>6.6 Matters associated with the management of firewater during a thermal runaway event at the BESS and the emergency response plan will be discussed with the Applicant and the Environmental Agency.</b></p>	<p>n/a</p>
<p><b>Item 7 – Biodiversity</b></p> <p><b>7.1 Following the response from the Applicant to Deadline 1 submissions [REP2-023] North Kesteven District Council (NKDC)</b></p>	<p><b>Submissions made by David Broughton, AECOM on behalf of NKDC</b></p> <p>David Broughton, on behalf of NKDC, confirmed that the applicant had provided a detailed response at Deadline 1. The Council agrees with the applicant on the proposed steps to be taken.</p>



<p><b>will be asked to comment on whether it considers adequate steps have been taken by the Applicant to avoid or proactively minimise impacts on Local Wildlife Sites and Hedgerows.</b></p>	
<p><b>7.2 It will be discussed with the Applicant and NKDC whether the information provided by the Applicant on the mitigation approach for scarce arable flora demonstrates that it is certain to preserve and improve the conservation status of these species.</b></p>	<p><b>Submissions made by David Broughton, AECOM on behalf of NKDC</b></p> <p>David Broughton, on behalf of NKDC, expressed concerns regards certain fields where 6m wide arable flora was proposed.</p> <p>The Council notes that there are still two outstanding areas: a. the plans could be clearer in the oLEMP and b. more detail on the management regime between the grassland and the scarce arable margins could be provided. The Council will comment further on the information that the applicant agreed to provide at Deadline 3.</p>
<p><b>7.3 It will be discussed with the Applicant and NKDC whether it has been demonstrated that post-development habitats are adequate to maintain the conservation status of ground nesting bird species and whether a specific strategy/ specification is a reasonable requirement.</b></p>	<p><b>Submissions made by David Broughton, AECOM on behalf of NKDC</b></p> <p>David Broughton, on behalf of NKDC, confirmed that the impacts on ground nesting birds could be covered in the oLEMP. The Council maintains a concern over where 102ha of habitat is to be provided as it is not clear in plan form within the oLEMP. The Council will comment further on the improved plans that the applicant agreed to provide at Deadline 3.</p>

<p><b>7.4 The Biodiversity Net Gain (BNG) assessment and level of BNG secured within the dDCO will be discussed with the Applicant and Local Authorities.</b></p>	<p><b>Submissions made by David Broughton, AECOM on behalf of NKDC</b></p> <p>David Broughton, on behalf of NKDC, confirmed that the Council had made comments on the BNG calculation noting that the applicant will address the points and provide updated BNG information at Deadline 3.</p>
<p><b>7.5 The Applicant and Local Authorities will be asked for further detail about the proposed establishment of an Ecological Steering Group including the purpose, duration and scope of it.</b></p>	<p>NKDC concur with the comments made by LCC on the establishment of an Ecological Steering Group.</p> <p>Following ISH3, the applicant has indicated that they wish to deal with the issue of a BNG monitoring fee as part of an Ecological Steering Group s106 payment rather than as a freestanding fee. A meeting has been arranged for 13 August 2025 with the applicant to discuss the proposed terms of draft s106. At present, until the meeting is held, it is unclear to the Council as to how the Steering Group would function and be resourced in respect of BNG monitoring. The Council considers it important that the robustness of BNG monitoring is achieved to ensure that the provision set out in draft Requirement 8 is to be achieved in practice.</p> <p>REP1-065 (the Outline Landscape and Ecology Management Plan (OLEMP)) references monitoring and at paragraph 7.2.2 confirms that the overall monitoring period of 40 years exceeds the 30-year timeline for mandatory biodiversity net gain. Paragraph 7.2.3 then confirms that once the 30-year commitment for habitats created to deliver BNG has ceased the management plan and monitoring requirements will be reviewed for the remaining 10 years of the operational life of the Proposed Development.</p>

	<p>Through their proposal to specify a fixed minima BNG % (above 10%) across all three habitat types, the applicant is seeking to secure a higher weighting in the overall planning balance (consistent with the Heckington Fen decision). However this then relies upon those commitments, and any adjusted weight as may be apportioned in the recommendation and decision, being robustly reflected through subsequent implementation and monitoring and where in the case of the latter there will remain an expectation that the North Kesteven District Council (as relevant planning authority in the case of BNG monitoring) is appropriately resourced in the discharge of those duties; consistent with regulation 122 of the amended CIL Regulations.</p> <p>The Council has already provided an estimate of the BNG monitoring fee based upon the applicant's working proposals and through applying its adopted charging schedule and monitoring fee overview (see <a href="http://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023/supplementary-planning-documents-guidance-notes/biodiversity-net-gain-bng-supporting-documents">www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023/supplementary-planning-documents-guidance-notes/biodiversity-net-gain-bng-supporting-documents</a>).</p> <p>Consistent with the amended CIL Regulations our proposal, which the applicant has declined, would not exceed the estimated cost of monitoring this element of the proposed development over the lifetime of the obligation. Pending the outcome of the meeting referred to above we await the applicant's proposals as how they view the Steering Group as being resourced in respect of BNG monitoring and we anticipate making further submissions on this matter in due course.</p> <p>The Council will comment on the updated oLEMP and oOEMP that are due to be submitted at Deadline 3 which will contain further information about BNG monitoring.</p>
<p><b>Item 8 – Population, inc Health and Well-being</b></p> <p><b>8.1 The impacts on tourism associated with residual effects</b></p>	<p><b>Submissions made by Harry Attrill, Economic Development Officer at NKDC</b></p> <p>The Council expressed concerns about impacts on the Stepping Out Walks and Spires and Steeples Trail as a result of the landscape impacts of the solar farm. There could be potential cumulative adverse impacts across the District considering the attractiveness of North Kesteven as a walking</p>

<p><b>on users of the PRow and stepping out network will be discussed with the Applicant and Local Authorities.</b></p>	<p>destination. The impacts would be also on local residents. The scale of solar development proposed in Lincolnshire is unprecedented therefore the Council agrees that the effects cannot be fully known. The Council currently collects data on the use of the walking routes and could measure the level of displacement onto other routes. It also holds data on visitor spend and value.</p> <p>The Council has provided further information in respect of Action Point 14 below.</p>
<p><b>8.2 The impacts on health and well-being and opportunities for enhancement will be discussed with the Applicant and Local Authorities.</b></p>	<p>n/a</p>
<p><b>Item 9 – Other Matters, inc Waste</b></p> <p><b>9.1 The Applicant will be asked to explain what they propose to do if the anticipated development of private sector PV panel recycling facilities does not occur in time to process the quantities of waste generated by the Proposed Development</b></p>	<p>NKDC defer to LCC on this matter.</p>
<p><b>9.2 Following the response from the Applicant to Deadline 1 submissions [REP2-023] LCC will be asked to comment on whether it has any outstanding concerns</b></p>	<p>NKDC defer to LCC on this matter.</p>

relating to mineral resource safeguarding.	
<p><b>9.3 The Applicant and Local Authorities will be asked whether decommissioning and the funding for this is suitably secured in the dDCO.</b></p>	<p><b>Submissions made by Shemuel Sheik of Counsel on behalf of NKDC</b></p> <p>The Council consider that funding for decommissioning is not suitably addressed within the draft DCO. The Council notes that the submitted Funding Statement, while it may be adequate for compulsory acquisition purposes, does not include evidence for funding of decommissioning. The scheme thus does not provide sufficient security that decommissioning could be funded by the applicant. Consequently, the Council would support an additional Requirement requiring provision for funding for decommissioning both as a result of an extended period of outage and at the end of the lifespan of the development.</p> <p>The Council would draw the ExA's attention to two NSIP examples:</p> <p><b>Helios Renewable Energy Project (under Recommendation):</b> p37 of the draft DCO, Requirement 5(3) includes provision for notification to the local planning authority that the undertaker has put in place the requisite decommissioning security. This was required as the Funding Statement did not include provision for decommissioning funding.</p> <p>Requirement 5(3) states 'No later than year 15 of operation the undertaker must notify the local planning authority that the undertaker has put in place the requisite decommissioning security in the form as required by the landowners.'</p> <p><a href="#">EN010140-001078-3.1 Draft Development Consent Order (Clean).pdf</a></p> <p><b>Oaklands Farm Solar Park (determined):</b> p8 paragraph 4.22 of the SOS's decision letter states that 'The Applicant stated a fund was not necessary since Requirement 22 of the dDCO secured decommissioning of the site, was legally enforceable, and was consistent with recent precedent. The Applicant considered its funding statement as part of the application demonstrated it had</p>

	<p>sufficient funds to construct, operate and decommission the Proposed Development.’ This reinforces the Council’s argument provision is required in the Funding Statement to demonstrate that funding is available for construction, operation and decommissioning. If it is not demonstrated that all three phases are suitably covered, then it would be in public interest to ensure that it is covered in the draft DCO by way of an additional Requirement.</p> <p><a href="#">Decision Letter - Oaklands Farm Solar Park - 19.06.2025</a></p>
<b>Item 10 - Procedural Decisions, Review of Actions and Next Steps</b>	n/a
<b>Item 11 - Close</b>	n/a
<b>ACTION POINTS FOR NKDC:</b>	
<b>5. NKDC/LCC to provide comment on whether it is reasonable to include a requirement in the dDCO to restrict the replacement of panels to that assumed in the ES.</b>	<p>The Council will review the applicant’s legal submission that a requirement restricting the replacement of solar panels to 5% does not meet the test of reasonableness.</p> <p>The Council submitted that the definition of “maintain” within the draft DCO, whilst it does not allow the wholesale replacement of solar panels, would allow for up to 99% of all solar panels to be replaced without restriction. The Council notes the constriction under Article 5(3) of the dDCO which does not authorise the carrying out of works which are likely to give rise to any materially new or materially different effects that have not been assessed in the ES.</p>

<p><b>6. NKDC to confirm whether the Applicant's Technical Note on Climate Change at D2 overcomes its concerns regarding the baseline comparison against other technologies.</b></p>	<p>The Council notes that the Technical Note on Climate Change now includes, at Table 2, a comparison of the proposed development with a range of other technologies which the Council considers acceptable.</p>
<p><b>7. NKDC to confirm whether the SoS's consideration of Combined Cycle Gas Turbine (CCGT) in the East Yorkshire Solar Farm project (9 May 2025) alter the views of NKDC and LCC.</b></p>	<p>The Council notes that at paragraph 5.2.17 of the ExA Report into the East Yorkshire Solar Farm project, it states '<i>Comparisons with other low carbon technologies and the alternative scenario of continuing to operate the current combined cycle gas turbine (CCGT) generating facilities have been provided. The scheme would perform fairly well against other low carbon technologies and result in a very considerable reduction in carbon emissions compared with CCGT, even having regard to the carbon emissions generated by its construction, operation and decommissioning.</i>' This indicates that other technologies were considered by the applicant for comparative purposes.</p> <p>In the West Burton Solar Farm project, Table 7.25 of the ES Chapter on Climate Change [APP-045] indicates that the scheme was compared with other technologies alongside a CCGT thus providing a more realistic basis of comparison.</p> <p>The Council notes that the Technical Note on Climate Change now includes, at Table 2, a comparison of the proposed development with a range of other technologies which the Council considers acceptable.</p>
<p><b>9. To provide the details of other solar developments where the ExAs have found that D3 No. Party Action Deadline 'sealed over' land</b></p>	<p>Other NSIP solar farm projects where land has been judged to be sealed under hardstanding (as a result of access tracks, BESS, substation and other fixed equipment) has been taken as a permanent loss of agricultural land are set out below.</p>

<p><b>has been considered as a permanent impact.</b></p>	<p><b>Mallard Pass (determined)</b> – paragraph 12.4.19 of the ES Chapter 12: <a href="#">EN010127-000114-12 Land Use and Soils.pdf</a></p> <p><b>Gate Burton (determined)</b> – paragraphs 12.7.10, 12.8.8 and 12.10.2 of the ES Chapter 12: <a href="#">Gate Burton ES Chapter 12</a></p> <p><b>Heckington Fen (determined)</b> – paragraphs 3.6.40, 3.6.42, 3.6.64, 3.6.90, 3.6.94, 3.11.40 of the ExA report: <a href="#">EN010123-001106-Heckington Fen Solar Park Recommendation Report &amp; Errata Sheet.pdf</a></p> <p>Paragraph 4.42 of the SOS Decision Letter: <a href="#">EN010123-001129-Heckington Fen - Decision Letter &amp; HRA [signed - redacted] - 24 January 2025.pdf</a></p> <p><b>Cottam (determined)</b> – paragraph 3.8.15 of the ExA report: <a href="#">EN010133-001943-recommendation report - Master.pdf</a></p> <p><b>Beacon Fen (at examination)</b> – Table 14.1 p22), paragraphs 14.3.16, 14.13.19, 14.5.28, 14.8.5 and 14.13.19-20: <a href="#">EN010151-000099-6.2.14 Chapter 14 Soils and Agricultural Land.pdf</a></p> <p>The amount of BMV land to be permanently loss due to sealing over in these schemes is very small (Malland Pass – 0.5ha, Gate Burton 1.3ha, Heckington Fen 3ha, Cottam 4ha, Beacon Fen 8.88ha).</p> <p>By contrast, at Springwell Solar Farm the amounts of BMV land to be permanently lost as it would be sealed over under satellite collector compounds, Springwell substation/main collector compound and BESS would be more substantial at 21ha. This is in addition to the land to be used for a bund and community growing area, which could potentially be planted with trees and therefore considered permanent green infrastructure. This would amount to up to 31ha of BMV land. The BMV land to be lost to permanent green infrastructure, as acknowledged in the application, would be 77ha.</p>
----------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



	<p>Taken together, the overall potential loss of BMV land that would be permanently lost to fixed equipment and green infrastructure could be a substantial loss of BMV land at 129ha. This is a combination of physical sealing over and other loss through tree planting and vegetation. This significantly exceeds the IEMA guidance ('A New Perspective on Land and Soil in Environmental Impact Assessment' February 2022 – Table 3) which identifies that a loss of 20ha of BMV land would be a significant environmental impact.</p>
<p><b>14. Applicant and NKDC to hold further discussions in relation to the data used to assess tourism effects and monitoring measures that could be put in place to understand the impact on tourism related to the use of PRow and stepping out network.</b></p>	<p>The Council and the applicant are due to discuss this matter at a meeting on 13 August 2025.</p>

## Springwell Solar Farm – Written Submission of Oral case to ISH4 from North Kesteven District Council (ID 20054501)

Agenda Item	Comments
Item 1 – Welcome	n/a
Item 2 – Purpose of the ISH	n/a
<b>Item 3 – Grid Connection</b>  <b>3.1 The Applicant and Local Authorities will be asked about the agreed grid connection change request with National Grid and any implications it might have for the application and its supporting documents.</b>	<b>Submissions made by Shemuel Sheik of Counsel on behalf of NKDC</b>  NKDC confirmed that the change in the grid connection date better aligns with the suggested completion date for the National Grid Navenby Substation (NGNS). The Council's concern is not so much around the change in the published timescale for the delivery of the NGNS for the validity of the Environmental Statement but the linkages between the two projects and the potential for greater divergence should there be significant slippage in the NGNS delivery timetable. This is the subject of further submissions under item 3.4.
<b>3.2 Matters associated with delivery of the proposed Navenby substation and whether there are likely to be any potential reasons why the future planning application or delivery of powerlines might be refused, will be discussed with the Applicant and Local Authorities.</b>	<b>Submissions made by Shemuel Sheik of Counsel on behalf of NKDC</b>  The Council consider that it is a burden on the applicant arising from the requirement in NPS EN-1 paragraph 4.11.6, to address any potential reasons why a connection to the grid might not be possible. Our point is that, at this stage, any conclusions will be speculative since not even the EIA Scoping Opinion had been issued by the Council at the point at which the applicant made their submission. Until further details about the NGNS proposal are available, it is very difficult for the applicant to discharge that burden. At present, the Council does not consider that the applicant is able to say that there are no obvious reasons why a grid connection cannot be achieved. Ultimately, this will depend on the planning application for the NGNS being

	<p>submitted. The Council suggests that in order to satisfy the requirement of EN-1 paragraph 4.11.6, it will require more than a cumulative effects assessment and will depend on clear evidence that the application does not give rise to obvious reasons that it would be likely to be refused, for example.</p> <p>NKDC advised that the agreed decision date for the Council's Scoping Opinion to be issued is 8 August 2025. The Council issued its decision in line with this deadline and a copy of the Scoping Opinion and the Scoping Report is available on the Council's website at <a href="http://www.n-kesteven.gov.uk/planning-building/planning/planning-applications/planning-online">www.n-kesteven.gov.uk/planning-building/planning/planning-applications/planning-online</a> and by entering application reference 25/0669/EIASCO. The Council continues to consider that the assessment under EN-1 paragraph 4.11.6 still requires further analysis given the additional information that is now available.</p> <p>The Council pointed out that it has raised objections to the Springwell solar farm in its Written Representation and that it has described the environmental topics likely to be of relevance in its EIA Screening Opinion for the NGNS (ref:24/1080/EIASCR).</p>
<p><b>3.3 The Local Authorities will be asked what weight they would afford to the benefits of the Proposed Development if it was delivered after 2030.</b></p>	<p><b>Submissions made by Shemuel Sheik of Counsel on behalf of NKDC</b></p> <p>National Policy Statements EN-1 and EN-3 provide significant weight to low carbon infrastructure given their status as a critical national priority as part of the government's 2050 net zero ambitions. This is set out in paragraphs 3.2.6 to 3.2.8 of EN-1 which establishes that there is an urgent need for low carbon infrastructure and that this need should be ascribed substantial weight in the decision-making process. The Council does not disagree with EN-1 or EN-3 in respect of attributing significant weight to renewable energy schemes which deliver power by 2050.</p> <p>The Council is not suggesting that the development should be attributed less weight if it were to produce power after 2030. The Clean Power Action Plan 2030, however, means that if a grid</p>

	<p>connection and renewable power generation were to be achieved prior to 2030, this might provide separate additional benefit to the scheme to be weighted in the planning balance. The Council considers that as a result of the latest amendments to the submission the NGNS planning application (now early 2026), a pre-2030 connection to the Grid cannot be assumed since the timescale offers a reduced allowance for any potential delays to the determination process, for example, delays due to an appeal or judicial review. The statements in the ES regarding a pre-2030 connection should therefore be treated with a degree of caution due to these matters which lie outwith the control of the applicant.</p>
<p><b>3.4 The Applicant and Local Authorities will be asked further questions about whether there is a need for a requirement restricting the commencement of construction of the Proposed Development.</b></p>	<p><b>Submissions made by Shemuel Sheik of Counsel on behalf of NKDC</b></p> <p>The Council referred to legal precedent from a number of schemes:</p> <ul style="list-style-type: none"> <li>• Keadby 3 (determined) – DCO Requirement 33 is a requirement for evidence that environmental permits are in place for Work No1 (DCO p48, Requirement 33 via link: <a href="#">84322140.1</a>)</li> <li>• Viking CCS Pipeline (determined) – DCO Requirement 20 (p62, Requirement 20 via link: <a href="#">The Viking CCS Carbon Dioxide Pipeline Order 2025</a>)</li> <li>• Morgan and Morecambe Offshore Windfarm Transmission (examination) – DCO Article 3 (see REP3-010, the draft Development Consent Order (p12 Article 3) relating to the Morgan and Morecambe Offshore Wind Farms via link: <a href="#">EN020032-000718-Morgan and Morecambe Offshore Wind Farms Examination Library.pdf</a>)</li> </ul> <p>The Council considers that an article within the DCO as per the Morgan and Morecambe example would be the cleanest way of restricting consent for the Springwell solar farm to the consent for the NGNS. The Council does not consider that relying on commercial reality is sufficient and there needs to be a control within the DCO to restrict the consent coming forward and ensuring that it is contingent upon the NGNS being consented. If the commercial reality is</p>

	<p>such that the Springwell Solar Farm would not come forward unless the NGNS was consented then this would not be an unreasonable provision.</p> <p>As currently proposed, and without any such control being in place through a Requirement, it would be possible for the developer to carry out site preparation works (such as hedgerow and tree removal) prior to consent being granted for the NGNS which would be at limited commercial cost, but which may have significant environmental effects. The Council would wish to avoid such a situation in the interests of ecological, landscape and visual interests. In such a situation, there would no tangible benefits as no electricity production would have occurred to offset against this potential harm.</p> <p>The Council suggested that there may be the need for a phasing requirement with trigger points to align the two phases of the solar farm to the delivery of the NGNS, however, this would be reliant on the applicant and National Grid to provide further detail on their respective timescales and delivery plans.</p>
<p><b>Item 4 – Traffic and Transport, inc Public Rights of Way</b></p> <p><b>4.1 National Highways will be asked for an update of its consideration of Abnormal Load Movements on the Strategic Road Network.</b></p>	n/a
<p><b>4.2 The new mitigation measures proposed by the Applicant at the A15/ B1202 Junction at Deadline 1 will be discussed with the Applicant and Lincolnshire County Council.</b></p>	n/a

<b>Further, the Applicant will be asked whether this could result in more traffic on other roads and have any implications for the existing assessment.</b>	
<b>4.3 The Stage 1 Road Safety Audits [REP1-075] provided by the Applicant at Deadline 1 for the Gorse Hill Lane &amp; Temple Road/B1191 A15 junctions will be discussed with the Applicant and Lincolnshire County Council.</b>	n/a
<b>4.4 The Applicant and the Local Authorities will be asked whether the additional wording put within the Outline Construction Traffic Management Plan that requires Lincolnshire County Council to agree any street works should be included in the dDCO itself.</b>	n/a
<b>4.5 Network Rail will be asked to provide an update on its position with regard to the Proposed Development.</b>	n/a

<p><b>4.6 In relation to cumulative effects, the Applicant will be asked why an updated assessment that included estimated traffic movements from the proposed Navenby substation was not undertaken as agreed at Issue Specific Hearing 1</b></p>	<p>n/a</p>
<p><b>4.7 The Applicant's proposed changes to Sheet 10 of the Streets, Rights of Way and Access Plans [REP1-004] and Illustrative Layout Plans &amp; Sections [REP1-005] and whether they should be considered as a change to the application will be discussed with the Applicant and Local Authorities.</b></p>	<p><b>Submissions made by Shemuel Sheik of Counsel on behalf of NKDC</b></p> <p>NKDC agree that the amendments are of such a minor nature and had been previously required by LCC in discussions with the applicant as to not require a change to the application.</p>
<p><b>4.8 Lincolnshire County Council's outstanding concerns in relation to Public Rights of Way will be discussed with the Applicant.</b></p>	<p>n/a</p>
<p><b>Item 5 – Water Environment</b></p> <p><b>5.1 Matters associated with the Sequential test for flood risk and whether there is an operational need</b></p>	<p>n/a</p>

<b>for solar panels to be located in flood zone 3b will be further discussed with the Applicant.</b>	
<b>5.2 The Applicant and Environment Agency will be asked questions about Part 2 Principal Powers – Article 6 sub-paragraph (d) of the draft Development Consent Order.</b>	n/a
<b>5.3 The Environment Agency will be asked whether it accepts the Applicant's view that a connection to a public sewer is not feasible.</b>	n/a
<b>5.4 The Applicant and Environment Agency will be asked for an update on discussions in relation to all current matters of disagreement.</b>	n/a
<b>Item 6 – Draft Development Consent Order</b>  <b>6.1 The Applicant and Local Authorities will be asked questions about Articles 40 and 41, associated with felling or lopping of trees and</b>	<b>Submissions made by Shemuel Sheik of Counsel on behalf of NKDC</b>  NKDC agree with the points made by LCC. The Council's concern is with regard to the wide ranging powers to fell or lop trees without notification to the relevant authority or a duty to replace them. The Council consider that provision of a schedule and map of the location of trees would be in accordance with the PINS advice note on drafting DCOs and would aid enforcement investigations if required. The Council considers that the introduction of Article 41 on a precautionary basis for the future is incompatible with Advice Note 15 as it would



<b>removal of hedgerows and trees subject to tree preservation orders.</b>	introduce a blanket power to lop, top and fell trees which may become protected in the future. It would be helpful if these could be listed in a schedule.
<b>6.2 Matters associated with the sought disapplication of the railway related legislation will be discussed with the Applicant and Network Rail.</b>	n/a
<b>6.3 The Applicant and Local Authorities will be asked questions about Schedule 16 – Procedure of Discharge of Requirements, particularly in relation to Paragraph 3(6)(a).</b>	<p><b>Submissions made by Shemuel Sheik of Counsel on behalf of NKDC</b></p> <p>NKDC suggest that the timescale in Schedule 16, 3(6)(a) is extended to 15 working days in the interests of consistency with other provisions in this paragraph. The Council confirmed that there would be no requirement to extend the overall provision beyond 20 working days or the overall time period of 10 weeks for determination.</p>
<b>6.4 The Applicant will be asked for an update on discussions with the Ministry of Defence in relation to the wording of some requirements and the addition of a new requirement in relation to electrical noise.</b>	n/a
<b>6.5 Whether the UK Health Security Agency should be added as a consultee for Requirement 7 will be discussed with the Applicant.</b>	The Council agreed to UKHSA being a consultee on Requirement 7.
<b>6.6 Matters associated with early decommissioning and a ‘force</b>	This matter was dealt with during ISH3 under Decommissioning. The Council is content with the wording inserted into the outline Operational Management Plan as it satisfies our concerns

<b>majeure event’ will be discussed with the Applicant and Local Authorities.</b>	about the early cessation of energy generation. The matter of the security of funding for decommissioning that was raised under ExAQ 9.3 (ISH3), however, still requires resolution.
<b>6.7 The Applicant will be asked further questions in relation to Part 2 Principal Powers – Article 6 and Part 6 Miscellaneous and General – Article 49 of the Draft Development Consent Order.</b>	n/a
<b>Item 7 - Procedural Decisions, Review of Actions and Next Steps</b>	n/a
<b>Item 8 - Close</b>	n/a
<b>ACTIONS POINTS FOR NKDC:</b>	
<b>1. Provide an update on the scoping opinion for the proposed National Grid Navenby Substation.</b>	NKDC can confirm that it issued an EIA Scoping Opinion (ref: 25/0699/EIASCO) in respect of the National Grid Navenby Substation which can be viewed on its website via the following link: <a href="#">25/0699/EIASCO   EIA Scoping Opinion Request for Navenby Substation (24/1080/EIASCRI)   Land Off Heath Lane Navenby Lincoln</a>
<b>9. Applicant/LCC/NKDC to provide an update on the ongoing discussions regarding the LPAs</b>	Discussions have been held between the applicant, LCC and NKCC on Articles 40 and 41 which concluded that the applicant will provide further information on this matter at Deadline 3.

<b>concerns regarding Articles 40 and 41 of the dDCO.</b>	
-----------------------------------------------------------	--